

Deposition of Bryan Pringle - August 24, 2011

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

BRYAN PRINGLE, an)
individual,)
)
Plaintiff,)
)
v.)
)
WILLIAM ADAMS, JR.;)
STACY FERGUSON; ALLAN)
PINEDA; and JAIME)
GOMEZ, all)
individually and)
collectively as the)
music group the Black)
Eyed Peas; DAVID)
GUETTA; FREDERICK)
RIESTERER; UMG)
RECORDINGS, INC.;)
INTERSCOPE RECORDS;)
EMI APRIL MUSIC,)
INC.; HEADPHONE)
JUNKIE PUBLISHING,)
LLC; WILL.I.AM MUSIC,)
LLC; JEEPNEY MUSIC,)
INC.; TAB MAGNETIC)
PUBLISHING; CHERRY)
RIVER MUSIC CO.;)
SQUARE RIVOLI)
PUBLISHING;)
RISTER EDITIONS;)
and SHAPIRO,)
BERNSTEIN & CO.,)
)
Defendants.)

**CERTIFIED
TRANSCRIPT**

Case No.
8:10-cv-01656-JST-RZ

VIDEOTAPED DEPOSITION OF
BRYAN PRINGLE
Wednesday, August 24, 2011

VICTORIA COURT REPORTING SERVICE, INC. (312) 443-1025

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1 Q. You mentioned David Guetta.

2 Can you tell me who he is, please?

3 A. I can tell you what I know

4 about him.

5 Q. Could you answer my question?

6 Could you please tell me who David Guetta is?

7 A. Well, you'd have to qualify

8 that question. That's a pretty open-ended

9 question. But the way I understand your

10 question is, I believe he is a DJ and a

11 songwriter. That's my understanding of what

12 he is.

13 Q. Have you ever met him?

14 A. Not personally, no.

15 Q. So you've never spoken to him?

16 A. You mean face-to-face?

17 Q. Any form of speaking to David

18 Guetta.

19 A. Not face-to-face is the way I

20 understand your question.

21 Q. So you haven't spoken to him

22 face-to-face. Have you spoken to him over

23 the telephone?

24 A. No.

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1 Q. Over any other electronic
2 means, computer?

3 A. Not that I recall.

4 Q. Have you ever spoken to him at
5 all, ever?

6 A. Do you mean anything like
7 correspondence letters or anything?

8 Q. Talking speaking first. We're
9 going to get to correspondence and letters.

10 A. Not that I'm aware, but I will
11 add this, that during a period of time from
12 roughly 1994, somewhere about, till about
13 1998, I sent out thousands of demo CD's and I
14 got hundreds of -- hundreds of responses, and
15 it's a possibility.

16 There was a lot of different
17 people that I spoke with, but I don't have a
18 specific recollection of speaking with Dave
19 Guetta, no.

20 Q. And Frederick Riesterer, have
21 you ever met him?

22 A. No, I haven't.

23 Q. Have you ever spoken to him?

24 A. No.

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1 Q. Have you ever communicated with
2 Mr. Riesterer in any way?

3 A. No. To be honest with you, I
4 have -- other than this, I was surprised that
5 he was one of the songwriters, so no, I don't
6 even -- I don't know who the guy is, to be
7 honest with you.

8 Q. And have you ever heard of the
9 music group the Black Eyed Peas before filing
10 this lawsuit?

11 A. Yes.

12 Q. Can you tell me what your
13 knowledge was of that group before you filed
14 the lawsuit?

15 A. They're a performing --
16 performing artist group on Interscope
17 Records. They make different musical songs.

18 Q. Any other knowledge of the
19 music group the Black Eyed Peas?

20 A. Do you want me to give my
21 opinion or perception of them, or --

22 Q. No. Just your knowledge of the
23 existence of their music.

24 A. I'm aware that they've been

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1 (End of readback.)

2 A. I don't recall. But just to
3 clarify, I believe it's called
4 beatportal.com, not beatport.

5 BY MS. CENAR:

6 Q. Okay. Do you recall what
7 computer you used when you were looking at
8 the beatport site?

9 A. No.

10 Q. Was it your personal computer?

11 MR. DICKIE: Objection, asked
12 and answered.

13 A. Ma'am, I've already told you
14 that I don't recall.

15 BY MS. CENAR:

16 Q. What computer did you use to do
17 your investigation of copyright infringement?

18 MR. DICKIE: Objection, assumes
19 facts.

20 A. I don't recall, but it most
21 likely would have probably been my personal
22 computer. But that's not to say that I
23 didn't go over somebody's house, one of my
24 friends' house. I can tell you for a fact

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1 that I do recall going over one of my
2 friend's houses and saying, "Look at this."

3 BY MS. CENAR:

4 Q. Okay. Well, let's talk about
5 the computer that -- the work that you did on
6 your own computer. Does that computer hard
7 drive still exist?

8 MR. DICKIE: Objection as to
9 time.

10 BY MS. CENAR:

11 Q. For the time period that you
12 were doing this investigation, February 2010.

13 A. I can assume that it does
14 exist.

15 Q. Where is it?

16 A. Western Digital.

17 Q. And what is Western Digital?

18 A. Western Digital is a computer
19 peripheral company. They manufacture hard
20 drives, one of which I had.

21 Q. So the hard drive that you used
22 for your investigation and visits to the
23 beatport site was on a hard drive that you
24 sent to Western Digital?

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1 A. I'm sorry, say that again. I
2 was -- my mind just went for a second.

3 MS. CENAR: That's okay.

4 Please read the question back for the
5 witness.

6 (The reporter read back the
7 following portion of the preceding
8 record.)

9 "QUESTION: So the hard drive
10 that you used for your investigation
11 and visits to the beatport site was on
12 a hard drive that you sent to Western
13 Digital?"

14 (End of readback.)

15 A. Possibly. Like I said, I don't
16 recall which specific computer, but most --
17 most likely it probably was one of the times.
18 I mean, I may have been there several times
19 on different computers.

20 BY MS. CENAR:

21 Q. How many computers do you own,
22 sir?

23 A. Well, I own one. Like I said
24 previously, a couple minutes ago, I do recall

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1 other computers like my friend, for instance,
2 that I went and showed him, "Hey, look at
3 this."

4 Q. I'm talking about your
5 computers, though.

6 A. My specific computer?

7 Q. Yeah.

8 A. I have one.

9 Q. Did you take the hard drive out
10 of your computer and send it to Western
11 Digital?

12 A. Yes, I did.

13 Q. Can you tell me when you did
14 that, sir?

15 A. That was sometime in 2011 after
16 it had failed. I believe it was roughly
17 around July, August.

18 Q. And prior to your taking the
19 hard drive out of your computer and sending
20 it to Western Digital in July or August
21 of 2011, how long were you using that
22 particular hard drive?

23 A. I believe it was the beginning
24 of 2011, roughly January. From what I recall

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1 at this time it was roughly around that time.

2 Q. So the hard drive that you used
3 in 2010, where is that hard drive?

4 A. Landfill? I don't know.

5 Q. What did you do with that hard
6 drive, sir, the one that you used in your
7 computer in 2010?

8 A. From -- I honestly don't
9 recall. I do recall that in 2010, as in
10 previous years, if there's a warranty
11 available through the manufacturer, I will
12 normally send it back and get another hard
13 drive.

14 However, I can only speculate.
15 I can say that it's been my pattern and
16 practice, because of the obsolescence of
17 technology, most likely that hard drive was
18 thrown away because of the speed was a slower
19 speed, it also had a slower -- lower cache,
20 and also I've slowly been moving from IDE
21 drives, which were previously SCSI drives, to
22 SATA, because I found that they're more
23 reliable.

24 So the answer to your question,

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1 short and simple, it's most likely in a
2 landfill but I can't say for sure.

3 Q. So the hard drive that you used
4 in 2010 is most likely in a landfill. Can
5 you tell me when you removed it from your
6 computer?

7 A. I couldn't tell you, but it
8 was -- I can speculate.

9 Q. Could you tell me when you
10 believe you removed it from your computer?

11 A. It would have been sometime
12 around 2011, the first part of it, when I
13 replaced the drive.

14 Q. Can you give me an approximate
15 time frame?

16 A. I believe that I just did, but
17 I'll give it to you again. I believe around
18 January '11, 2011, I'm sorry.

19 Q. So around January 11, 2011, you
20 removed your hard drive that you used during
21 the 2010 time period?

22 A. Not January -- let me correct
23 my previous statement. What I meant to say
24 was January 2011. I accidentally said 11

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1 before 2011 and I apologize.

2 Q. That's quite all right. So
3 sometime in January of 2011, you removed the
4 hard drive for your computer that you had
5 used in 2010. Is that correct?

6 A. I believe so, around that time
7 frame. I don't know if it was specifically
8 January 2011 or it was late December 2010 or
9 the first of February 2011. But in that
10 general time frame, from what I recall at
11 this time.

12 Q. And how long had you been using
13 that hard drive that you removed and
14 discarded in late December 2010 or early
15 January 2011?

16 A. You're talking about the hard
17 drive from 2010?

18 Q. Correct.

19 A. I don't recall.

20 Q. A year, two years?

21 A. I don't recall. And I can add
22 to that, just because I replace a hard drive
23 doesn't necessarily mean that I throw it out.
24 I have in the past kept hard drives in case

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1 one drive fails and maybe I can transfer
2 information there temporarily, or maybe I
3 would give it to somebody or something like
4 that.

5 Q. But this one you said is in a
6 landfill, most likely. Correct?

7 A. Yes. I mean, I can only
8 speculate. And my recollection doesn't go
9 back that far, but --

10 Q. We're talking January of 2011.
11 That's this year. Your recollection doesn't
12 go back that far?

13 A. No, it doesn't.

14 Q. Okay. So the hard drive --

15 A. Well, let me -- let me add to
16 that. My recollection for this specific
17 instance, if you're talking about my hard
18 drive, I don't have a recollection. There
19 are much more important issues for me.
20 That's not really an important issue for me
21 as far as when the specific date was that I
22 may have discarded a hard drive, just for
23 clarification.

24 Q. You may have discarded or did

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1 you discard the hard drive that you used in
2 2010?

3 A. Ma'am, I believe I've told you
4 several times that I don't recall what
5 exactly I did with it. It may have been
6 discarded, it may not have been discarded. I
7 may have given it to someone. It may be in a
8 landfill, it may not. But I don't recall
9 specifically.

10 Q. But you can agree with me that
11 you no longer possess the hard drive that you
12 used in 2010. Is that fair?

13 A. Yes.

14 Q. And is that the same hard drive
15 that you would have used in 2009?

16 MR. DICKIE: Objection, calls
17 for speculation.

18 A. I don't recall. It's too long
19 ago. My memory doesn't -- you're asking me
20 about hard drives. It's not something like I
21 have a list on my wall, "Okay," [clapping
22 hands], "I replaced this one in 2009 in
23 August." It's not really something that I
24 recall specifically.

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1 Q. Prior to throwing away your
2 hard drive that you used in 2010, did you
3 back it up?

4 A. Well, let me correct you,
5 because -- again, and I've said this many
6 times, I didn't say that I threw it away. I
7 said it was most likely discarded.

8 But prior to discarding or
9 relinquishing any hard drive from my personal
10 computer to a new hard drive, I always -- I
11 always will transfer what I think are
12 relevant files or files that are non-program
13 files or files that are not temporary data or
14 program-related files that are my personal
15 files, normally I will take those files and,
16 like I said previously, I may have drives on
17 occasion that were older drives that I use to
18 transfer that information there and then
19 bounce it back to the new drive before
20 discarding that drive.

21 Q. Could you answer my question,
22 though?

23 THE WITNESS: Could you repeat
24 the question? I'm sorry.

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1 MS. CENAR: Please read the
2 question back for the witness.

3 (The reporter read back the
4 following portion of the preceding
5 record.)

6 "QUESTION: Prior to throwing
7 away your hard drive that you used in
8 2010, did you back it up?"

9 (End of readback.)

10 A. I think I've answered that
11 question, but I'll answer it again to be more
12 specific. I don't understand what you say
13 when you say "back it up," but I do back up
14 certain files, as I explained in detail.

15 BY MS. CENAR:

16 Q. All right. You transferred
17 certain files that you deemed important. My
18 question was whether you have a backup copy
19 of the entire hard drive.

20 A. No.

21 Q. And you didn't do that before
22 you discarded that hard drive?

23 A. You're talking about the hard
24 drive from 2010?

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1 Q. Correct.

2 A. No, I did not make a full and
3 complete copy of the entire hard drive from
4 2010.

5 Q. Before you discarded it?

6 A. Well, as I've said multiple
7 times, I don't know if I discarded it. Like
8 I said, it's most likely in a landfill, but,
9 you know, I did not make a complete and
10 entire copy of that hard drive. But I
11 believe it probably is in a landfill.

12 Q. Do you have any full and
13 complete backup copies of any hard drive that
14 you used prior to 2010?

15 A. Yes.

16 Q. And where are those complete
17 backups?

18 A. I have -- I believe my attorney
19 has copies. I believe that the defense has
20 copies. Dave Gallant has copies.

21 Q. And when was that full and
22 complete backup made that your Mr. Gallant
23 has copies of?

24 A. Well, to clarify, he's got more

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1 to a cognitive decision and say "I believe
2 this is infringing," or are you talking about
3 when do I believe they started infringing?

4 Q. No, when you believe.

5 A. Around -- I believe it was
6 around 2010, February.

7 Q. For any -- any song of yours?

8 A. Well, it was -- the first song
9 that I discovered was "I Gotta Feeling"
10 because it was so obvious that the sample was
11 taken from my song, but it was a period of
12 time. Like, for instance, just recently,
13 "Where Them Girls At" wasn't released until
14 I guess May of 2011, so it was different
15 dates.

16 But the first -- the first time
17 was around February of 2010 that I said,
18 "Hey, I think there's a problem. I think
19 there's intentional, willful infringement."

20 Q. Had you -- have you ever spoken
21 to William Adams?

22 A. No.

23 Q. Have you ever met him?

24 A. No.

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1 Q. Have you ever had any e-mail
2 communications with him?

3 A. No.

4 Q. Have you ever had any written
5 communications with him?

6 A. I did send William Allan --
7 Adams a demo through Interscope, 2006,
8 roughly around that time frame.

9 And I also -- well, I couldn't
10 say specifically. That's the only time that
11 I recall sending specifically directly to
12 him, but it was through Interscope Records.

13 Q. Can you tell me what address
14 you sent it to?

15 A. I know it was in California. I
16 believe it was -- and this is just from what
17 I recall. I believe it's on Bur- -- Burbank
18 Drive? I don't recall it specifically. I
19 could look at the records that I have to
20 refresh that.

21 Q. What records do you have for
22 that mailing, sir?

23 A. Well, I believe my attorney has
24 records showing there is a -- what I'm

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1 I first heard that song that really came on
2 my screen, but prior to that, I mean, I knew
3 of him.

4 Q. Was there anything other than
5 hearing the song "Don't Phunk With My Heart"
6 that prompted you to specifically send a demo
7 to William Adams --

8 A. Yes.

9 Q. -- at Interscope?
10 What?

11 A. I'm dogmatic. If you're in the
12 music industry, you're getting a demo from
13 me, because that's the way I am. I send
14 thousands of demos. I would say I almost
15 harass people, and I've been doing that
16 consistently for a long time.

17 Q. So this specific mailing that
18 you recall sending to Mr. Adams was in 2006?

19 A. I believe it was somewhere
20 around that time, which is not to say that I
21 didn't send him multiple mailings. But the
22 specific one that I recollect was around
23 2006, 2007 time period.

24 Q. Did you have anything other

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1 that you say you put in an envelope and
2 mailed to William Adams, care of Interscope?

3 A. Well, no. I mean, if I sent
4 it, I don't have any more.

5 Q. So you don't have any duplicate
6 copy of that in your possession today?

7 A. No.

8 Q. And do you have any at your
9 home or any storage facility or anyplace that
10 you can think of?

11 A. A duplicate copy of that
12 specific CD?

13 Q. Yep.

14 A. No.

15 Q. And do you have a copy of the
16 actual letter that you say you put in the
17 mailing to Mr. Adams?

18 A. No.

19 Q. Do you have a copy of anything
20 that would reflect that this actual mailing
21 occurred?

22 A. Mailing receipt, U.S. Postal
23 Service.

24 Q. And does that have Mr. Adams'

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1 name on it?

2 A. No.

3 Q. Does it reflect what the
4 content of the mailing would be?

5 A. I don't understand that
6 question, but I think what you're asking me,
7 does it specifically say on the receipt "demo
8 CD" or something?

9 Q. On any record that you may
10 have, is there anything that you have that
11 reflects what you actually put in this
12 envelope that you say you mailed to Mr. Adams
13 in 2006?

14 A. I would say yes.

15 Q. What?

16 A. Well, the specific receipts
17 that I'm referring to have a weight and a ZIP
18 code and the weight of -- where you see the
19 multiple CD's that were sent, they all
20 correspond to if you would actually sit down
21 and weigh a letter and a CD, it would
22 correspond and I could produce that to say,
23 hey, these are the exact same weights, so --
24 and I'm just giving my opinion. I would say

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1 yes.

2 Q. Other than that receipt, do you
3 have any other document or anything else that
4 would tell us what was in the envelope?

5 A. No. It would just be personal
6 recollection.

7 Q. From 2006?

8 A. Yeah. 2006, 2007.

9 Q. So other than -- so was there
10 more than one mailing specifically to William
11 Adams?

12 MR. DICKIE: Objection, asked
13 and answered.

14 A. I object too, but I'll answer
15 that yes.

16 BY MS. CENAR:

17 Q. How many specific to William
18 Adams?

19 A. I couldn't answer that just
20 because -- I can only personally attest to
21 one that I know of, but I would have to say
22 yes because of my pattern and practice of
23 bombarding people.

24 So if you're getting one,

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1 you're probably going to get 10 or 20, so I
2 would say the answer to that is I believe
3 that there's more. I'm positive of it, but I
4 couldn't personally attest or provide any
5 information or evidence other than that one
6 mailing.

7 Q. Which is the 2006 one?

8 A. 2006, 2007. I'd have to
9 refresh my memory by looking at the actual
10 receipts.

11 Q. So other than the mailings that
12 you say you made to William Adams, have you
13 had any other form of communication with him?

14 A. You mean direct communication?

15 Q. Yes.

16 A. Because I flipped off the TV
17 once when he was on, but no. I felt that was
18 direct communication. For me it was
19 cathartic, but...

20 Q. Did you receive any
21 communication back from him that he actually
22 received any mailing that you sent?

23 A. He released an infringing song
24 called "I Gotta Feeling," so I would say yes.

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1 But if as I understand what you're asking me,
2 did he write me a letter or e-mail me or
3 phone call me, no.

4 Q. Did you receive anything from
5 Mr. Adams indicating that this package that
6 you sent was received by him?

7 A. Well, again, I would say
8 releasing a song with part of a sample from
9 one of your songs is an indication.

10 But as I understand your
11 question, I didn't receive any letters,
12 e-mails, telephone calls, Twitters, blogs,
13 nothing of that nature, so --

14 Q. Do you have any information as
15 to whether Mr. Adams accessed your music in
16 any other way other than your mailing?

17 A. Yes. He has a sample of part
18 of my song in "I Gotta Feeling."

19 Q. I understand your position on
20 that, but other than that, do you have any
21 information from any source that Mr. Adams
22 accessed your music in any other way?

23 A. Yes.

24 Q. How?

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1 A. Well, yes, because -- yes.

2 Q. And what is that?

3 A. Well, I've been sending music
4 to Interscope Records and I mean hundreds
5 of -- maybe even thousands of demo CD's for
6 over a decade and a half, and this is just my
7 personal opinion. Based upon the interviews
8 and the testimony I've seen from Mr. Adams in
9 interviews, my personal opinion is that
10 Mr. Adams is in effect an A&R rep, whether
11 official or unofficial, of Cherrytree
12 Records, I've seen an interview where he
13 specifically talks about signing Natalia
14 Kills, who by the way also, in my opinion,
15 loosely uses a sequence from "Take a Dive,"
16 although she changes the chords, and also
17 I've seen -- I've seen interviews where he
18 talks about signing other individuals.

19 So what I'm suggesting, and I
20 suggested in the petition, is that Mr. Adams
21 had access to all, any demos that came in,
22 whether through Cherrytree Records through
23 Martin Kierszenbaum, any of the other A&R
24 reps or any demos that came into Interscope

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1 the record to correct that. It wasn't 1999,
2 it was after 2001 to around 2003. It might
3 have been 2004.

4 BY MS. CENAR:

5 Q. So let me back up a little bit.
6 You are telling me that you received a letter
7 from Joachim Gaurraud?

8 A. Is that how you say his name?

9 Q. That's how I'm saying his name.

10 A. Okay. I'm just trying to
11 clarify. I don't want to insult the guy.

12 Q. Is that true or not?

13 A. That is true, but --

14 Q. All right. Do you still have a
15 copy of that letter?

16 A. No, I don't. But I wasn't
17 finished answering. What I'm alleging is and
18 what I'm asserting is it wasn't just a letter
19 from Joachim Gaurraud -- which is how I say
20 his name -- my understanding from what I
21 recall, it was a letter from Gum Productions,
22 Joachim Gaurraud and David Guetta. And no, I
23 do not have a copy of that letter.

24 Q. And you received that letter

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1 it.

2 And I did this a lot. This is
3 not just with Joachim Gaurraud and Dave
4 Guetta. This was something -- it was
5 standard, I didn't think much of it about --
6 I figure they'll play it in the club and I've
7 heard stuff of mine played in the clubs
8 and --

9 Q. My question was pretty basic
10 and pretty simple. Did they send you a
11 letter asking for you to send them specific
12 tracks?

13 A. I don't recall the exact -- the
14 specific what was written in a letter almost
15 10 years ago. That's my response.

16 Q. This was the 2001 to 2003 time
17 frame, that's your recollection?

18 A. Well, that's not what I said,
19 but it was roughly around 2001, 2004. That's
20 my recollection, but I don't specifically
21 recall who signed the letter, what exactly it
22 said, and if there was a specific request.

23 But I know that I sent that,
24 because they were DJ's, and I said this could

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1 be very cool to have DJ's in Paris playing my
2 stuff and also if you're a professional DJ,
3 they usually travel around and go to other
4 clubs. So I took it upon myself to send the
5 tracks.

6 But as far as what was
7 specifically said in the letter, I don't
8 know. And it might have been in French, too.
9 I mean --

10 Q. You read French?

11 A. I don't read French, but you
12 can go on the Internet, there are different
13 websites. You can put in the French words
14 and my brother Jeff reads French and he has
15 interpreted letters for me. It's possible he
16 interpreted that letter. He also speaks
17 German. I've gotten letters from Germany.
18 So no, I don't speak French but I do have
19 available to me the necessary tools to
20 interpret things.

21 Q. Where does Jeffrey Pringle,
22 your brother, live today?

23 A. I don't know the exact address,
24 but he lives somewhere -- I believe it's

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1 twang was written?

2 Q. Before that song was written,
3 yes, "Take a Dive" Dance Version with the
4 guitar twang.

5 A. I think there's some confusion.
6 You're talking about the guitar twang in
7 "Take a Dive."

8 Q. Yes.

9 A. That's not the song it was
10 originally created for.

11 Q. My question, though, was pretty
12 specific, so why don't you answer my
13 question.

14 A. Well, I don't know if you're
15 talking about the guitar -- you mentioned the
16 guitar twang specifically. Are you talking
17 about the guitar twang or the tape -- guitar
18 twang with the dance version?

19 Q. The song "Take a Dive" Dance
20 Version that has the guitar twang in it, was
21 it written with the guitar twang before you
22 traveled to France?

23 A. In 1999, yes.

24 Q. How much before you traveled to

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1 France was that song written?

2 A. "Take a Dive" was actually
3 started in 1996. There was multiple
4 versions. But if you're talking about the
5 specific version that's at question in this
6 litigation, well, at least one of the
7 versions, I don't recall exactly. It was
8 around 1998 or around 1999.

9 Q. And what caused you to write
10 the "Take a Dive" Dance Version that's at
11 issue in this case?

12 A. I don't really understand that
13 question.

14 Q. Well, all right. Let me back
15 up. Who was involved in creating the song
16 "Take a Dive" Dance Version?

17 A. Me.

18 Q. Was there anybody else
19 involved?

20 A. In the actual production of the
21 music, no, but the inspiration was inspired
22 by someone else.

23 Q. Who was it inspired by?

24 A. Amy Blanton.

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1 Q. Did you receive a handwritten
2 letter from Joachim Gaurraud?

3 A. That I don't recall. I mean,
4 that was like 2001, 2003. I don't recall.
5 As a matter of fact -- well, I don't recall
6 that.

7 Q. Do you recall receiving a
8 handwritten letter from David Guetta?

9 A. Well, no. The letter that
10 we're referring to, I don't recall if it was
11 typed or if it was handwritten.

12 Q. Do you -- are you familiar with
13 an individual, Fred Riesterer?

14 MR. DICKIE: Objection, asked
15 and answered.

16 THE WITNESS: Do you want me to
17 answer that?

18 MR. DICKIE: Yes. Yes, please.

19 A. Yes.

20 BY MS. CENAR:

21 Q. Who is he?

22 A. You want my opinion of who he
23 is?

24 Q. Who is he, sir?

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1 A. He's one of the defendants.

2 Q. All right. Beyond that, are
3 you familiar with him in any other way?

4 A. Yes. He's an individual who
5 has repeatedly, repeatedly infringed on my
6 music, and also I'm alleging he sampled part
7 of my song "Crush" into "If We Ever," and he
8 also has -- and this is my opinion -- has
9 stolen riffs from me into other songs such
10 as -- and my understanding is that he is, for
11 better or for worse, an employee of Dave
12 Guetta, who has also infringed.

13 So I would say that he's a
14 repeat infringer on at least my music, but I
15 believe that my understanding of it is he's a
16 defendant and he's also an "alleged" cutting
17 edge songwriter.

18 Q. Have you ever met him?

19 A. No.

20 Q. Have you ever had any written
21 communications with him?

22 A. No, I have not. I have
23 absolutely no idea who he is other than what
24 I've seen on the Internet.

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1 Q. Have you ever spoken to him on
2 the phone?

3 A. No.

4 Q. Have you ever exchanged any
5 e-mails?

6 A. No.

7 Q. Have you ever sent him any of
8 your demo CD's?

9 A. That's an arguable point. I've
10 sent -- I've sent music to Joachim Gaurraud,
11 who my understanding is is good friends with
12 Frederick Riesterer, so I would arguably say
13 that yes.

14 Q. And where did you get that
15 understanding from that they were good
16 friends?

17 MR. DICKIE: Objection, to the
18 extent any of the information comes
19 from lawyers, you need not disclose
20 any information that comes from your
21 lawyers.

22 A. I would have to go with that
23 would be a privileged conversation.

24 BY MS. CENAR:

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1 BY MS. CENAR:

2 Q. You only had one trip to
3 France. Is that right?

4 A. I may have went a second time.
5 I don't recall. But the one that I'm -- I
6 specifically recall, no, I didn't have any
7 contact directly with Mr. Riesterer.

8 Q. Did you have any contact
9 indirectly with Mr. Riesterer?

10 A. Well, what I've previously
11 stated. He could have gotten the music off
12 the Internet or from Joachim Gaurraud and
13 Dave Guetta. I believe he could have got it
14 from will.i.am, Sony/ATV, any of his other
15 contacts, Flo Rida. Other than that, no, I
16 don't have anything to add.

17 Q. So now David Guetta, did you
18 have any personal observations of David
19 Guetta accessing any of your music?

20 A. No.

21 Q. Did anybody tell you
22 specifically that David Guetta accessed any
23 of your music?

24 A. Not from -- I mean, from what

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1 specific -- of course I probably couldn't
2 pronounce them anyways.

3 Q. Did you visit with Joachim
4 Gaurraud when you were in France?

5 A. Not that I'm aware of, but that
6 doesn't mean that I didn't hand him a CD. I
7 mean, I don't specifically recall all the
8 people that I had contact with.

9 Q. Have you met Joachim Gaurraud
10 before?

11 MR. DICKIE: Objection, asked
12 and answered.

13 BY MS. CENAR:

14 Q. Personally?

15 A. I've already answered that
16 question. No.

17 Q. Have you?

18 THE WITNESS: Do you want to
19 take this one?

20 MR. DICKIE: No, go ahead.
21 Answer it again.

22 A. Not that I recall, but that
23 doesn't mean that I did not when I was there
24 in France.

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1 Q. What time frame did that occur?

2 A. Early to mid '90s, I believe.

3 Q. And Dekonstruktion Records, who
4 are they?

5 A. A defunct record label.

6 Q. When did they become defunct,
7 sir?

8 MR. DICKIE: Objection, lack of
9 foundation.

10 THE WITNESS: Do you want me to
11 answer that?

12 MR. DICKIE: Yes, if you can.

13 A. I don't recall, because I
14 had -- I severed ties with them. I found out
15 that they were -- they had a lot of artists
16 that were Satanists, and I didn't want to --
17 so I couldn't tell you, but I know they're
18 defunct and I know that they changed to
19 Empire Media at some point in time.

20 BY MS. CENAR:

21 Q. When did you sever ties with
22 them because they were involved in Satanism?

23 A. I don't recall specifically.

24 Q. Generally, time frame?

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1 A. 2002, maybe 2003, something of
2 that nature.

3 Q. Did they carry the song "Take a
4 Dive" Dance Version?

5 A. Yes, they did.

6 Q. And did they sell it?

7 A. Yes, they did.

8 Q. And how many sales did you make
9 of --

10 A. That I don't know. That was
11 one of the issues also is that Bob
12 Melendez -- well, at least my allegation is
13 he was embezzling money and there was a bunch
14 of other artists that made the same
15 allegations.

16 Q. Prior to filing the lawsuit,
17 what public source existed where a copy of
18 the song "Take a Dive" Dance Version could be
19 bought?

20 MR. DICKIE: Objection, lack of
21 foundation.

22 THE WITNESS: Do you want me to
23 answer that?

24 MR. DICKIE: To what you

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1 understand based on what you know, if
2 you can.

3 THE WITNESS: I'm sorry, could
4 you repeat the question?

5 (The reporter read back the
6 following portion of the preceding
7 record.)

8 "QUESTION: Prior to filing the
9 lawsuit, what public source existed
10 where a copy of the song 'Take a Dive'
11 Dance Version could be bought?"

12 (End of readback.)

13 A. I don't understand the
14 question. You're going to have to -- I don't
15 know what a "public version" or a public --
16 what was it again.

17 BY MS. CENAR:

18 Q. Public source.

19 A. Public source, I don't know
20 what that means.

21 Q. Where could one go to buy a
22 copy of the song "Take a Dive" Dance Version
23 prior to your filing the lawsuit?

24 A. MP3.com, GEMM.com, I believe

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1 broadjam.com. There's other websites that I
2 don't specifically recall.

3 Q. And did you actually make sales
4 of that specific song on any of those sites?

5 A. Yes, but I don't recall which
6 sites and I don't recall how many sales.

7 Q. How much money have you made
8 prior to the filing of this lawsuit for sales
9 of the song "Take a Dive" Dance Version?

10 A. I don't know. It couldn't --
11 less than a thousand.

12 Q. Less than a thousand songs or
13 less than a thousand dollars?

14 A. Less than a thousand dollars.

15 Q. And do you have any records to
16 show that the song "Take a Dive" Dance
17 Version was ever sold prior to 2009?

18 A. Not that I'm aware of.

19 Q. If you needed to know, where
20 would you look?

21 A. I'd have to go to the websites
22 that kept the records. I know that I earned
23 monies at MP3.com, but I don't have those
24 records.

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1 MR. DICKIE: Yes, if you know,
2 if you know.

3 A. It's defunct, but it used to be
4 based in Clearwater, Florida, I believe. I
5 know it was based in Florida.

6 BY MS. CENAR:

7 Q. And did you have a recording
8 agreement with them?

9 A. I had a non-exclusive
10 distribution agreement with them.

11 Q. And do you still have those
12 documents?

13 A. No. Not that I'm aware of, but
14 I could search. I'll look for it.

15 Q. And did you receive royalty
16 statements from them?

17 A. No, I did not.

18 Q. Did you receive any money from
19 them?

20 A. Yes, I did. Very minuscule
21 amounts.

22 Q. During what time frame, sir?

23 A. I don't recall. But like I
24 said earlier, there was -- there was a

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1 stated.

2 BY MS. CENAR:

3 Q. Can you tell me what places
4 "Take a Dive" Dance Version could have been
5 listened to?

6 A. Other than what I've already
7 stated, no. Then --

8 Oh, I'm sorry. I just thought
9 of something when we were talking about Bob
10 Melendez. Bob Melendez had -- he had online
11 radio stations and I believe he's also a DJ
12 at radio stations, at least that's what I
13 recall him representing, so it's possible
14 there was streaming online radio stations,
15 and he also -- he would hold concerts where
16 he would -- at dance studios and, you know,
17 different clubs where he would play the
18 music. That just came to me. So those are
19 additional sources.

20 Q. And that's where "Take a Dive"
21 Dance Version could be listened to?

22 A. Yes.

23 Q. All right. Do you have any
24 information that any of the defendants in

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1 this case actually went to those places and
2 listened to the song "Take a Dive" Dance
3 Version?

4 A. Not direct. Not directly. I'm
5 not aware of that.

6 Q. When you say "not directly," do
7 you have any indirect information that that
8 occurred?

9 A. Ma'am, they sampled part of my
10 song. They had to have listened to it.

11 Q. I understand that, but aside
12 from that, sir, do you have any
13 information --

14 A. I think that's compelling
15 enough, but no, I don't have any more
16 additional information.

17 Q. Are you familiar with a device
18 known as an ASR-10?

19 A. Model for an Ensoniq, yes.

20 Q. Can you tell me what it is?

21 A. It's a device for manipulating
22 recording music, creating music, sampling.
23 Also MIDI sequencing. It's basically a music
24 keyboard.

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1 please answer it.

2 A. Does it have the ability to
3 change, yeah, I guess so.

4 BY MS. CENAR:

5 Q. All right. Well, first let's
6 back up a little bit. An ASR-10 is an
7 advanced sampling recorder. Is that right?

8 A. It's a lot more than that, but
9 that's what A-S-R stands for. It stands for
10 advanced sampling recorder 10 because it's
11 got 10 tracks.

12 Q. And you had one from 1993 to
13 late 2000, correct?

14 A. Yes, until it was stolen.

15 Q. In fact, that was what you used
16 to create your music during that time period,
17 wasn't it?

18 A. That was one of the pieces of
19 equipment that I used. That wasn't the only
20 piece of equipment I used.

21 Q. And you said it was stolen in
22 late 2000. Is that correct?

23 A. I believe somewhere around that
24 time. I'd have to refresh my memory with the

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1 police report.

2 Q. And it was stolen out of a
3 storage locker or location? Is that right?

4 A. Yes.

5 Q. Why was it in storage?

6 A. Because I was stupid and I put
7 it in there briefly. I had it actually at
8 another location, a friend of mine, and his
9 wife -- his wife wanted it out of the house
10 along with my music equipment, so I had
11 nowhere -- it was temporarily there. I had
12 nowhere else to put it.

13 Q. Can you give me a general time
14 frame when you first put it in the storage
15 locker?

16 A. A few months prior to it being
17 stolen.

18 Q. And you said your wife --
19 somebody, your friend's wife wanted it out of
20 the house. Were you living with some people
21 at the time that you ultimately put it into
22 storage?

23 A. That I don't recall. I just --
24 I recall that there was -- I needed someplace

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1 Q. And why do you recall that?

2 A. Because I recall whenever my
3 equipment was stolen how incredibly angry
4 that I was because I had a lot of the
5 recordings and the songs that I had and had
6 been working on and planned on creating were
7 gone in an instant by some somebody who had
8 no clue what they were taking.

9 And I remember that I was
10 irritated because I had a lot of songs that I
11 was working on in 1999 and it was gone in an
12 instant because somebody decided to steal my
13 keyboard and the hard drive that went along
14 with it. It was a devastating blow, set me
15 back years.

16 Q. So the hard drive that was
17 taken along with the ASR-10 that was stolen,
18 what was on that hard drive?

19 A. Well, there was many hard
20 drives. It was instrumentation, MIDI
21 sequences, samples. I don't recall if they
22 stole my computer too, but there was a lot of
23 different drives and removable drives that
24 were taken and basically just (demonstrating)

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1 kind of wiped me out as far as the music
2 goes, as far as the backup of all my music.

3 Well...

4 Q. And didn't you have any of that
5 music stored anywhere else?

6 A. Yes, thank God (demonstrating).
7 I made backups of CD's and stored the image
8 of each drive, multiple images on CD-ROM's.
9 I don't think I had any DVD-ROM's at that
10 time.

11 Q. And where did you keep those?

12 A. I don't recall specifically,
13 but I do recall -- there were probably
14 multiple locations, but I had a large desk
15 that was probably -- and I think my attorney
16 has a picture of it. It's like -- well, no,
17 I'm sorry, he doesn't.

18 I had a corner desk that had
19 rolling file cabinets and when I moved to
20 Abilene, thank God I took those disks and
21 stuck them in one of the rolling file
22 cabinets. And this file -- these file
23 cabinets just -- you're probably going to ask
24 this question anyway, so I'll go ahead and

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1 recall.

2 BY MS. CENAR:

3 Q. Was the guitar twang part of
4 the remix items that you saw on beatport?

5 A. Yes.

6 Q. And that's based on your
7 personal review of those remixes?

8 A. Yes, but I will also concede
9 that guitar twang is available everywhere.

10 Q. What do you mean?

11 A. I mean, you can go online right
12 now, any one of you, and, in a remix version,
13 get access to that guitar twang. It's
14 everywhere. And even the remix versions I
15 got off of Amazon.com, they had that specific
16 version soloed out.

17 Q. What did you purchase off of
18 Amazon.com?

19 A. A bunch of different remixes of
20 "I Gotta Feeling" as well as other Black Eyed
21 Peas songs.

22 Q. And when you say it had
23 something isolated out, what are you talking
24 about?

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1 A. Well, I mean, there's a lot
2 of -- I hate to say cheesy, but a lot of
3 people that remix in licensed versions of "I
4 Gotta Feeling" lack creativity, and so there
5 are large portions of the remixes where all
6 they're playing is the (indicating) so, I
7 mean, it's some of the versions are just so
8 basic, the structure. They have large, you
9 know, 8-, 16-bar sequences with just the
10 guitar twang version playing.

11 Q. And these are remixes that are
12 done by people other than the Black Eyed
13 Peas?

14 A. Both by the Black Eyed Peas
15 and, from my understanding, people that were
16 at beatportal, the remixes, and also people
17 that license "I Gotta Feeling." That's what
18 I recall. There was a bunch of them. It
19 wasn't hard to find.

20 Q. When did you buy these?

21 A. I --

22 MR. DICKIE: Objection, I think
23 it's asked and answered but you can
24 answer again.

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1 on privilege grounds because they haven't
2 been provided to us. So you tell me.
3 What --

4 A. You'd have to talk with my
5 attorney. I mean, I don't --

6 Q. What portions of Black Eyed Pea
7 music that you obtained have you deleted from
8 your computer?

9 A. I didn't necessarily say I
10 deleted it. I said there was a portion of
11 the hard drive that was corrupted.

12 Q. And that's part of this hard
13 drive that was discarded?

14 MR. DICKIE: Objection.

15 A. I didn't say it was discarded.
16 I said -- I don't even know which hard drive
17 you're talking about. Which one are you
18 talking about?

19 BY MS. CENAR:

20 Q. I'm talking about the one that
21 would contain the music samples that you used
22 for your comparisons.

23 THE WITNESS: Do you want to
24 respond to that, Dean, or do you want

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1 me to?

2 MR. DICKIE: You can answer
3 that.

4 A. Can you repeat the question,
5 please? I'm sorry.

6 (Clarification requested by the
7 reporter.)

8 (The reporter read back the
9 following portion of the preceding
10 record.)

11 "QUESTION: I'm talking about
12 the one that would contain the music
13 samples that you used for your
14 comparisons."

15 (End of readback.)

16 A. Well, that might be one --
17 well, let's see here. Might be two hard
18 drives. It might be the one that I sent back
19 for warranty repair or replacement. It might
20 also have been one of the ones that was
21 discarded because I don't recall exactly when
22 I got those samples. So you're asking which
23 ones were deleted, I don't know.

24 BY MS. CENAR:

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1 contest entry form from beatportal.com.

2 THE WITNESS: Can you look that
3 up, Dean?

4 MR. DICKIE: Just answer the
5 question, please.

6 BY MS. CENAR:

7 Q. Mr. Pringle, did you obtain any
8 remix parts from my other source?

9 A. Well, what was the original
10 source? I don't understand what you're
11 saying. Any other source of what? What are
12 you trying to exclude? I don't understand
13 what you're saying. Any other source of
14 what?

15 Q. You testified that you obtained
16 remix parts from remixed versions of "I Gotta
17 Feeling."

18 MR. DICKIE: Objection, it
19 misstates his testimony.

20 BY MS. CENAR:

21 Q. Is that true or not?

22 THE WITNESS: Could you repeat
23 that again? I'm sorry.

24 (The reporter read back the

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1 following portion of the preceding
2 record.)

3 "QUESTION: You testified that
4 you obtained remix parts from remixed
5 versions of 'I Gotta Feeling.'"

6 (End of readback.)

7 A. Yes.

8 BY MS. CENAR:

9 Q. What sources did you obtain
10 those from?

11 A. I believe I've already answered
12 that. I obtained some of the remixed
13 versions from DJ's. I also obtained some
14 remix versions from Amazon.com and possibly
15 other places, but I don't recall exactly at
16 this time.

17 Q. Did you obtain any from any of
18 your friends?

19 A. I don't have any friends. I'm
20 just kidding.

21 No. That's almost true. No,
22 my friends, they don't listen to dance music.
23 I don't even listen to dance music anymore.
24 I make rock now. So, no.

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1 that I'm talking about?

2 A. Yes.

3 Q. Okay.

4 A. I think. You're talking about
5 the one that has the alleged guitar twang.
6 Is that what you're talking about, just so
7 we're on the same page?

8 Q. Yeah.

9 A. Okay.

10 Q. This is what you have alleged
11 in your complaint as being infringed by the
12 defendants.

13 A. Yes, okay. I understand what
14 you're referencing.

15 Q. Okay. Can you tell me who
16 besides yourself was involved in creating
17 that version?

18 MR. DICKIE: Objection, assumes
19 facts. And was asked and answered.

20 THE WITNESS: You want me to
21 answer that?

22 MR. DICKIE: Yes.

23 A. No one else but me.

24 BY MS. CENAR:

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1 Q. Was anyone else present when
2 you did that, made that creation?

3 A. That I don't know. I don't
4 recall there was anyone else present, but, I
5 mean, I've let friends and family members
6 listen to versions of songs, but I don't
7 recollect that that's the case in this
8 particular instance.

9 Q. Okay. I'm talking about this
10 particular song that's specifically at issue
11 in this case.

12 A. Yes.

13 Q. Is there anyone, any other
14 person besides yourself, that can corroborate
15 that you made this song on the particular
16 date, time and location that you're saying
17 you made it?

18 A. God. Other than that, no.

19 Q. Okay. Can you tell me what
20 country you were in when you made the "Take a
21 Dive" Dance Version?

22 A. United States of America.

23 Q. Okay. Can you tell me what
24 state you were in?

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1 Q. Can you tell me the specific
2 year that the "Take a Dive" Dance Version was
3 created?

4 MR. DICKIE: Objection, assumes
5 facts. And misstates his testimony.

6 THE WITNESS: Do you want me to
7 answer that?

8 MR. DICKIE: Yes, sir.

9 A. I'm sorry, can you please
10 repeat the question?

11 THE REPORTER: Shall I repeat
12 it?

13 MS. CENAR: Yes, please.

14 (The reporter read back the
15 following portion of the preceding
16 record.)

17 "QUESTION: Can you tell me the
18 specific year that the 'Take a Dive'
19 Dance Version was created?"

20 (End of readback.)

21 A. No, not specifically, but it
22 was around 1998, 1999.

23 BY MS. CENAR:

24 Q. Can you tell me a specific

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1 month that it was created?

2 A. No.

3 Q. Can you tell me a particular
4 season?

5 A. No.

6 Q. Can you tell me a particular
7 day, whether it was a weekend or midweek?

8 A. No.

9 Q. Can you tell me whether it was
10 a particular time, whether it was at day,
11 night?

12 A. It was Hammer time. No, I
13 don't specifically recall that.

14 Q. No recollection whatsoever?

15 MR. DICKIE: Objection,
16 misstates his testimony.

17 A. Well, I wouldn't say no
18 recollection whatsoever. The problem is that
19 when I create on the ASR-10, it was so labor
20 intensive and the technology was so old it
21 would be -- I would be sitting there for
22 maybe 20 hours at a time, so it might be
23 daytime and move into nighttime. So other
24 than that...

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1 BY MS. CENAR:

2 Q. But do you have a specific
3 recollection of how long it took you to do
4 this particular song, the "Take a Dive" Dance
5 Version?

6 A. No, but you might be able to
7 ask my ex-roommate, Rob Tindle, because he
8 was always banging (demonstrating), "Shut up
9 in there!"

10 Q. And can you spell his name,
11 please?

12 A. I believe his full name is
13 Robert, R-O-B-E-R-T, Dale, D-A-L-E,
14 T-I-N-D-L-E. His phone number is -- I have
15 no idea.

16 Q. Do you know where he's located?

17 A. I think he lives in Austin. He
18 has -- he's a veteran. He has -- I think the
19 last time I heard he was in a sanitarium.
20 He's probably out, though.

21 Q. I think you indicated before
22 lunch that you created the "Take a Dive"
23 Dance Version before you took your trip to
24 France?

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1 reconfigure things and you can mix it up, do
2 whatever you want to do.

3 BY MS. CENAR:

4 Q. Can you insert new stuff into a
5 preexisting song?

6 A. That's a good point. That's
7 a --

8 MR. DICKIE: Go ahead.

9 A. Possibly. And let me tell you,
10 let me explain that because you're going to
11 ask anyways.

12 The ASR-10, total RAM is
13 16 megabytes. I don't know if you guys are
14 aware of how much memory that is, but to
15 create an entire song, that's not a whole
16 heck of a lot of room left. So it would
17 depend on how much RAM was available after
18 making the song.

19 BY MS. CENAR:

20 Q. So are you able to insert
21 something new into a song after you remove
22 some other part?

23 A. Possibly. It depends.

24 Q. Well, did you do that in

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1 connection with making the "Take a Dive"
2 derivative and putting in the guitar twang?

3 A. Yes, I believe so. I believe I
4 had to change something because there was no
5 more room, and I believe -- I can't remember
6 what I changed.

7 When I create a lot of the
8 songs, I'll have -- more specifically, on the
9 drums, I had this drum set that I would build
10 up and there would be a lot of samples that
11 were irrelevant and I might have went back
12 and deleted some of those or I might have
13 changed one of the tracks or something.

14 Q. Can you tell me specifically
15 what you did to insert the guitar twang into
16 the "Take a Dive" preexisting song?

17 A. I don't recall exactly. I
18 mean, that was like 1999. I'd have to go
19 back and actually look and compare the
20 original version with the changed version. I
21 really haven't done that.

22 Q. You didn't do that before you
23 filed any of your declarations in this case?

24 A. Well, I didn't specifically go

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1 keys, so they're on different keys. It's
2 dink-dink-dink (demonstrating) and I put that
3 on -- I do remember this, it was on the delay
4 sample.

5 So you have -- let's see, you
6 have 64 keys. On the delay sample I believe
7 I have -- and again, I'd have to look,
8 investigate it and see. You have the bass,
9 bass line. You also have the high delay
10 sample, it's a resample, and three different
11 keys with the three different -- three
12 different notes, and I can't remember,
13 there's some other stuff there.

14 But essentially, I don't -- I
15 mean, I'll be honest with you -- I'll be
16 honest, like I've not been honest before. I
17 shouldn't have said that.

18 But I don't specifically recall
19 what I did in this song. It's been too long.
20 It's just -- I can tell you -- I can tell you
21 in general how I make music. I can tell you
22 the inspiration for the song. But as far as
23 specifically how I constructed the song, I
24 just don't recall.

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1 both of those instruments -- and I've done
2 it, I've actually performed something at the
3 behest of attorney-client work product. I've
4 actually experimented with replacing the
5 guitar twang with that instrument, and I was
6 like, pfff, it sounds very similar.

7 So I think that the guitar
8 twang sequence instrumentation was based
9 upon, at least layered upon that, but I also
10 used a -- I think it's Best Service has
11 something that's called -- I can't remember
12 what it's called. It's basically the Fender
13 Stratocaster, and I used a lot of the things
14 from that.

15 And also Steve Stevens had
16 something. He was the guitarist for Billy
17 Idol. He had something that was used in the
18 Fender Stratocaster too, so I believe it's
19 most likely a layering of different
20 instruments. I believe it's a layer in the
21 "Cruellest Joke" instrument as well as some
22 other instrument I may have specifically
23 tweaked as well as a Fender Stratocaster.

24 I believe it's just a sample,

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1 which is typically what I do to make
2 something interesting. I mean, the sounds
3 back then stunk.

4 When I say "circus
5 instruments," they sound terrible and
6 laughable now, but back then you should have
7 heard them before I manipulated them. I
8 mean, it was -- there were some times I would
9 just sit there and I'd be curled up laughing
10 at some of these terrible instruments.

11 So that's the response that I
12 have, is that I believe that it's from
13 "Faith" with the instrumentation -- I'm
14 sorry, "Faith" was the actual notes.
15 "Cruellest Joke" was the instrumentation
16 inspiration. I believe I layered it with
17 guitar twang -- guitars and other
18 instruments. It's definitely an layer. It's
19 not just a guitar. It's definitely a layer.
20 I know that because that's the way I made
21 instruments.

22 BY MS. CENAR:

23 Q. So can you just explain for the
24 record and for those of us that aren't as

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1 So to compensate for that back
2 in the day what you had to do was you had to
3 create simple samples so it would sound like
4 a legitimate instrument.

5 So one of the things I'm
6 talking about the layers is that there's
7 different layers in there because there's
8 different samples. That's why when you hear
9 (demonstrating) and right there
10 (demonstrating) you can tell it's a different
11 sample because it is a different sample
12 because I had to make different samples for
13 it to sound legitimate, which is the same
14 thing I did with "Cruellest Joke."

15 If you listen to where the
16 chord changes, you can tell it's a different
17 sample because you have to do that to make it
18 actually kind of sound like a guitar, but
19 it's still circusy.

20 Q. Did you physically play a
21 Fender Strat for this?

22 A. That, I don't know because I --
23 I mean, I do play guitar, but I don't recall
24 at that time that there was any actual

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1 guitars being played because I think at that
2 particular time I had a Martin guitar that
3 got stolen, plus I -- the answer to your
4 question is no, I don't re- -- I don't think
5 that I did.

6 But that doesn't mean that it
7 wasn't a real guitar because I had sample
8 CD's that had real guitars, because if
9 somebody had already recorded it, why not use
10 it? It already sounds good. Why do I want
11 to, you know, hook everything up to, you
12 know, go through the same steps somebody else
13 has had.

14 So the answer to your question
15 is no, I don't believe it was played by me;
16 but I do believe it's a real guitar sound,
17 and I believe it's possibly from Best Service
18 or it's from the other sample artists. One
19 of them is Steve Stevens. I can't remember
20 what the name of it was.

21 Q. Can you tell me what chords are
22 heard in the guitar twang?

23 A. Well, based upon -- yes.

24 Q. What are they?

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1 that, you know, three notes per key? I don't
2 know.

3 BY MS. CENAR:

4 Q. Are any of the chords in root
5 position?

6 A. Root position? I don't even
7 know what that means.

8 Q. Okay.

9 A. You got me.

10 Q. Can you tell me how you
11 recorded the guitar twang?

12 A. Well, I believe I've answered
13 that. I recorded -- first of all, Ensoniq
14 has a sampler, which means you can -- it's
15 with the SCSI you can either load the
16 instruments up or you can sample from
17 somewhere, which means you can have a CD and
18 you can sample something in or you can load
19 up the instrument via a CD-ROM or you can
20 load it through the actual disk drive, the
21 floppy drive, which I think only -- I rarely
22 use that because it's only 2.44 megabytes per
23 HD disk.

24 But as far as recording it, I

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1 can't tell you from then but I can tell you I
2 went back and deduced how I recorded it.

3 Q. You say "I can tell you I went
4 back and deduced how I recorded it." What do
5 you mean by that?

6 A. I don't specifically remember
7 how I recorded it. What you're asking me is
8 do I recall recording and the answer is no.
9 But after looking at the NRG from loading up
10 the instruments and going back and looking at
11 the different instruments, I have an idea of
12 how I recorded it from pattern and practice.

13 Q. So are you saying that when --
14 after you heard the Black Eyed Pea song, you
15 can put your NRG file into the ASR-10 and you
16 can deduce from that --

17 MR. DICKIE: Object to the form
18 of the question.

19 BY MS. CENAR:

20 Q. -- how you came up with it?

21 MR. DICKIE: Misstates his
22 testimony.

23 A. I'm going to have to go with
24 him.

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1 deduce how I came up with what, the entire
2 song, the specific notes? What?

3 Q. Well, can you tell me
4 specifically how you recorded the chords that
5 are in the guitar twang that's reflected in
6 the NRG file that you produced in this case?

7 A. No. That was, you know, 10,
8 12 years ago. I mean, I'm actually shocked
9 that I had, still, a version of that, you
10 know, in NRG.

11 I mean, the first thing that
12 came to my mind -- I know my attorney is
13 probably "don't say this" -- was, "Man, I
14 wonder if I still have evidence to show that
15 I have this."

16 So, no, I can't tell you
17 specifically because it's been too long. I
18 can't even tell you how I recorded the songs,
19 my last album from 2006, I don't recall.

20 Q. So on the NRG file, there's a
21 track in there called delay sample; is that
22 the guitar twang?

23 A. Well, that's the instrument.
24 It's got various layers and various samples

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1 MIDI through there, through the keyboard, so
2 I think it's maybe like four or five
3 different parts or something like that. And
4 I believe that it's -- I think it's track 7.
5 I could be wrong, though.

6 Q. So after you create the guitar
7 twang, how do you insert it into a
8 preexisting song, the "Take a Dive" original?

9 A. Well, I mean, you can load
10 up -- that's a good question. Hold on, let
11 me think for a second. It's been so long
12 since I used that keyboard, I'm trying to
13 think how I would do that.

14 I mean, I could tell you how
15 it's possible. I couldn't tell you
16 specifically how I did it. But --

17 Q. But you did do it?

18 A. Yeah, I did it.

19 Q. But you can't tell me how you
20 did it?

21 A. 12 -- I can tell you how I
22 think I did it. There's multiple ways to do
23 it. I can tell you a couple of different
24 ways if you want me to.

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1 Q. Well, let's just start with you
2 don't recall how you actually did it; is that
3 what your testimony is here?

4 A. I don't specifically recall the
5 manual steps exactly how I did it. I have an
6 idea of how I did it. I think the way that I
7 did it -- if I had to think about it, I think
8 the way that I did it was I had already had
9 the sequence in "Faith" based upon the
10 "Faith" vocals. I usually call them unnamed
11 instruments, and I took the samples and you
12 have to load it up into the keyboard. You
13 have to create a new instrument or load that
14 instrument.

15 Then what you do is you take
16 the samples and each individual sample and a
17 sample is you can pan it left or right or you
18 can have mono. You take each individual
19 sample, then you copy it to another
20 instrument, the delay instrument, and you
21 copy those samples to it.

22 And then usually because it was
23 such a crappy instrument, the pitch would be
24 off, so then you have to adjust the pitch and

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1 Q. Have you ever heard the word
2 "bank" in connection with this song?

3 A. No. Not like that. I've heard
4 of sound bank.

5 Q. Okay. So is there -- when you
6 saved the "Take a Dive" derivative work, did
7 you save it in any particular format?

8 A. Ensoniq format, yes.

9 Q. And what was the format that
10 you saved it in?

11 A. Are you talking about the
12 instrumentation or are you talking about
13 loading up all the instruments to play at one
14 time?

15 Q. I'm asking you how you saved it
16 when you allegedly created this.

17 A. I don't recall, but normally --
18 I can tell you normally what I did. Normally
19 what I would do is --

20 Q. Well, first, sir, you don't
21 recall specifically what you did for "Take a
22 Dive" derivative; is that true?

23 MR. DICKIE: Objection,
24 misstates his testimony.

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1 A. I don't understand what you're
2 saying either.

3 BY MS. CENAR:

4 Q. Do you recall specifically for
5 the "Take a Dive" derivative song that's at
6 issue in this case how you specifically saved
7 it?

8 A. No, but I don't recall the
9 exact time and, you know, 12:35 and
10 40 seconds, but I can tell you how I
11 typically saved songs and related sound banks
12 and instruments.

13 Q. Okay. Share that with us,
14 then.

15 A. Well, the way that you save a
16 specific song bank along with this -- you
17 have several different things you have to
18 save. First you have to save the song, then
19 you have to decide, it's got -- I think it's
20 like 200-and-something different effects.
21 You have to decide which effect that you want
22 that sound bank and that song to play in, or
23 no effect at all, which is actually just an
24 effect in itself because you can resample at

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1 "Take a Dive" Dance Version, I think that's
2 what I did. I think I was actually -- I
3 didn't load them back up and then save the
4 sound bank. So it's looking for another IDE.

5 And the way that SCSI IDE's
6 work, you have one drive that's daisy-chain
7 connected to another drive that's connected
8 to another, so it'd literally be like this.

9 And I might have had -- the
10 song bank might be looking for what's over
11 here, which is identical to what's here; the
12 only difference is this is just a copy and
13 the song bank is looking for the different
14 IDE, which I don't have anymore because I
15 don't have the hard drives.

16 So it's identical to what was
17 over here, the only difference is this -- the
18 song bank is not correct but the
19 instrumentation is identical to what I
20 originally made.

21 Q. The instrumentation is
22 identical, but not having the song bank, if
23 you go to use that NRG file now, what do you
24 have to do to get it to play like you had it

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1 in 1999?

2 A. Just load up the -- since the
3 directories have the song bank, they have the
4 song and the effects as well as the
5 instruments, just load each individual
6 instrument in the proper place, load up the
7 sequence, don't worry about the song bank
8 because it's corrupted. Load the effect
9 that's corresponding to that.

10 Q. But how -- do you have to do
11 that manually?

12 A. Yes, you have to do it
13 manually.

14 Q. And how do you know?

15 A. That it's working?

16 Q. No, how do you know how to
17 manually load them up?

18 A. Well, I -- when I went back, I
19 ran into the problem -- I didn't recall where
20 they were at, so what I did was I loaded up
21 the song and I would play it until -- you
22 know, I would switch things around until it
23 finally played properly.

24 But I actually created, as

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1 attorney-client work product, the -- I don't
2 know what you would call it, the dichotomy --
3 I actually wrote down where you can load each
4 individual instrument, which song and which
5 sound effect, and I believe my attorney has a
6 copy of that.

7 Q. So the NRG file is what you
8 ultimately saved that on, each one of those
9 instruments you have to know where to
10 manually load them up into the ASR-10?

11 A. Yes.

12 Q. Okay. And is that information
13 that you know just because you know the song,
14 or is that information that I could get that
15 disc cold and know how to load it up?

16 A. If you heard the song, if you
17 knew what the song sounded like, you could do
18 it, just trial and error.

19 Q. But if I didn't and I just had
20 the disc and I needed --

21 A. Yeah, you could still do it.

22 Q. How would I know which
23 instrument to load where on the ASR-10?

24 A. Trial and error. I mean, it's

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1 you have to take that image file, burn it
2 onto another CD and then use that attached to
3 the ASR-10 to load it into the ASR-10?

4 A. Yes. Well, I think now -- I
5 think with today's technology, yes, that's
6 true, but there's also an exception to that.

7 There's other programs, I
8 think, that will mount that NRG file, but I
9 don't think it will mount it with Ensoniq.

10 Q. But for purposes of what you
11 did to, say, for example, create the deposit
12 copy for your copyright registration, was
13 that made off this NRG file?

14 A. I believe so, yes.

15 Q. All right. Could you explain
16 to me what steps you took to get it off the
17 NRG file to create the deposit copy?

18 A. Well, I had that disc that's in
19 Dave Gallant's office. I accessed one of the
20 NRG files, which I believe is disc 5. I
21 burned a copy of that disc, I believe with
22 Nero. Took that -- it only worked with
23 CD-ROM's. I put it into a compatible CD-ROM
24 SCSI-connected device to the Ensoniq, then I

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1 as an MP3. I could be wrong, it might be a
2 wav file.

3 But they only take certain
4 formats, so that I had to convert it from
5 whatever I had maybe to a lower bit rate so
6 that they would accept it. Because they only
7 accept certain bit rates. They're not going
8 to accept a 767-bit rate which basically
9 means it's sampling more which means the file
10 may be this big and they say they can only
11 accept it if it's this big. So I may have
12 had to convert it down to something smaller
13 which would degrade the sound, so --

14 Q. Mr. Pringle, where did you get
15 the wav file or the MP3 to create that? Did
16 that come from use of this NRG file?

17 A. Yes, ultimately the source --
18 it was either -- the source of the MP3 is the
19 NRG file or the original hard drive. So the
20 NRG -- those things are identical in content.

21 Q. But the NRG and the original
22 hard drive, as we sit here today, the
23 original hard drive doesn't exist, does it?

24 A. I think it exists in the

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1 land- -- well, I would say that in that
2 format, in the hard drive, but the NRG is
3 just an identical copy of that hard drive, so
4 I would say yes, it does exist but it doesn't
5 exist in that format. It exists --

6 Q. But at the time that you made
7 the deposit copy for the Copyright Office,
8 did the original hard drive from 1999 exist?

9 A. Not in my possession.

10 Q. Okay. So when you made the
11 deposit copy for the filing with the
12 Copyright Office in 2010, where did you get
13 the sounds to make that?

14 A. You mean where did I get the
15 full version of it? I got it from -- it was
16 either an -- like I said before, it was
17 either an original MP3 that was saved on a
18 CD-ROM or it was -- or it was something that
19 was saved on a drive that was brought, you
20 know, for each drive that I had forward, or
21 it was on an audio disc that was something
22 that was converted or it was recorded
23 specifically off the NRG file and just mixed
24 down.

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1 sure. I know -- I think that I have a copy
2 of it too myself.

3 Q. When you made a copy of the
4 files from the hard drive before it was
5 discarded, what did you copy that onto for
6 your own personal purposes?

7 A. I don't recall.

8 Q. Is it on a computer disc at
9 your home?

10 A. Oh, before I discarded the -- I
11 believe so, most of them. There was a lot of
12 files that I didn't copy, like, you know,
13 program-related files or Internet-related
14 files, like, you know, favorites or
15 something, you know, I see some guy -- you
16 know, what the hell, running into a brick
17 wall wearing like a clown outfit or
18 something, I may have discarded that.

19 But as far as where did I
20 record them, I believe I recorded on CD-ROM
21 media. I believe that's where it was
22 recorded.

23 Q. And how many CD-ROM's are there
24 of the files that you copied off the hard

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1 Q. I believe you testified earlier
2 that your song "Take a Dive" Dance Version
3 was played on international radio stations?

4 A. Yes.

5 Q. Can you tell me what stations?

6 A. I don't specifically recall at
7 this time. I'd have to speak with my brother
8 and/or Scott Brown, and I'd have to go back
9 and look at the files to refresh my memory.

10 But one that I do recall was --
11 I think it's called Armed Forces Radio. I
12 believe it was played in -- it was -- I keep
13 thinking it was either France or the
14 Netherlands, but it was actually broadcast to
15 all the surrounding countries like Germany,
16 Sweden, Switzerland, Norway, Denmark, France.
17 I believe it also went to the U.K. and
18 Ireland.

19 And I recall specifically
20 getting a copy of the broadcast because my
21 brother said -- he recorded a copy of it to
22 let me listen to so he could say, "Hey,
23 you're on the radio."

24 Q. And do you still have that?

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1 A. No, I do not.

2 Q. And when did he send that to
3 you?

4 MR. DICKIE: Objection to the
5 form of the question. It assumes
6 facts.

7 THE WITNESS: You want me to
8 answer it?

9 MR. DICKIE: Yes, please.

10 A. I don't know, somewhere around
11 1999, 2000.

12 BY MS. CENAR:

13 Q. And what was played was the
14 "Take a Dive" Dance Version? Is that your
15 testimony?

16 A. Yes. Yes, and also the other
17 one I specifically recall was called
18 "Ragdoll," because the general manager really
19 dug that.

20 Q. Do you have any statements from
21 SACEN regarding this radio play?

22 A. No. I don't believe -- I don't
23 believe I registered -- well, I don't think I
24 registered that song with BMI or any of the

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1 MR. DICKIE: Yeah, you can
2 answer that.

3 A. I feel that the infringing
4 songs that were offended by your clients are
5 generating sales, so I would say I believe
6 so. But, you know, do I have a name on my
7 album, no. I'm not generating any income
8 through any songs that are an album that I
9 created personally that's not through some
10 other artist.

11 BY MS. CENAR:

12 Q. Are you registered with ASCAP
13 or BMI?

14 A. Yes.

15 Q. And do you receive statements
16 from them?

17 A. No.

18 Q. Have you received any money
19 from ASCAP or BMI?

20 A. I don't think so.

21 Q. Have you received any money
22 through the sale of your music at all?

23 A. Yes.

24 Q. How much?

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1 A. That I couldn't say. Beer
2 money, maybe. It's not much. I mean,
3 it's -- maybe less than \$2,000, something
4 like that.

5 MS. CENAR: Can we mark this as
6 the next exhibit, please?

7 (Discussion off the
8 stenographic record.)

9 (Pringle Exhibit 30 was marked
10 for identification and/or introduced.)

11 BY MS. CENAR:

12 Q. I'm tendering you what's been
13 marked as Exhibit 30 which bears a Bate
14 number PL0007 through 0010.

15 A. Okay.

16 Q. Have you ever seen this
17 document before?

18 A. I don't know if I've seen it in
19 this form. I think I might have seen it on
20 the Internet. Well, this looks like this is
21 a printout of the Internet.

22 Q. These were documents that were
23 produced to us from you in this litigation.

24 MR. DICKIE: Objection.

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1 Misstates the testimony.

2 BY MS. CENAR:

3 Q. Are you aware of their
4 existence?

5 A. Well, I didn't produce them to
6 you. It may have been produced by my
7 attorneys. I wasn't party to that. But this
8 looks like the registration we were talking
9 about previously that was paid for by my
10 attorney.

11 Q. And the service fee that was
12 paid was \$795?

13 A. Looks like -- well, that's what
14 it says on page PL0009, yes.

15 Q. And this application was filed
16 on November 15th, 2010?

17 A. According to this. I don't
18 know if that's the exact date, but I'm not
19 arguing with it.

20 Q. And the hard drive that you
21 were using at the time of this filing in
22 November of 2010 is the hard drive that has
23 been discarded?

24 A. That I don't know, because I --

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1 are you talking regarding this MP3?

2 Q. No, I'm talking about the hard
3 drive computer that you were using at the
4 time that this application was filed is the
5 hard drive that was discarded in late
6 December 2010, early January 2011, correct?

7 A. I don't understand that
8 question. I mean, you're showing me an
9 exhibit here. I guess I'm kind of confused.
10 You're saying hard drive --

11 Q. Yes. This exhibit is dated
12 November 15th, 2010.

13 A. Yes.

14 Q. At that time you had a computer
15 you were using at your home. Isn't that
16 true, sir?

17 A. Yes.

18 Q. And that computer had a hard
19 drive in it at that time, did it not?

20 A. Yes, I would hope so.

21 Q. And was the hard drive that was
22 in the computer in November -- in and around
23 November 15th, 2010, the same hard drive that
24 you discarded in December of 2010 or

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1 January 2011?

2 A. Hmm. Good question. I would
3 have to -- I would have to deduce that. I
4 couldn't say for sure.

5 Q. Well, where is the hard drive
6 that was in existence at that time?

7 A. I don't know. I mean, it's
8 possible -- it's possible that I didn't
9 even -- I'm guessing the one that was
10 discarded in two-thousand-and -- well, it
11 might have been the hard drive that was
12 discarded and/or -- well, let me think.

13 11/15/2010, this may have been
14 the previous hard drive that was purchased --
15 I couldn't tell you, to be honest. The dates
16 are too close for me to --

17 Q. And where is that previous hard
18 drive?

19 A. Now, that one's probably in a
20 landfill.

21 Q. Okay.

22 A. But like I said before, if
23 there was something on that particular drive,
24 it was transferred or preserved to the new

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1 liner for one of many different demos. This
2 specific one has several songs on it.

3 Q. Do you have the actual demo
4 that fit into this or went with this liner
5 note?

6 A. Hmm. I'd have to check
7 underneath maybe the couch. Maybe I'm using
8 it as a coaster or something. But I really
9 don't know. I'd be more than happy to look
10 for it because I'd like to have a copy of
11 this myself.

12 MS. CENAR: Let's mark this as
13 the next exhibit, please.

14 (Discussion off the
15 stenographic record.)

16 (Pringle Exhibit 32 was marked
17 for identification and/or introduced.)

18 MR. DICKIE: Would you like to
19 finish your answer, Mr. Pringle?

20 THE WITNESS: Yeah, are you
21 ready?

22 THE REPORTER: Yes, sir.

23 A. Yeah. Something I'd like to
24 add to this is when I made a lot of these

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1 disks, the actual songs, they don't
2 necessarily correspond to what was on the
3 disc because I was not -- I was not very
4 wealthy and CD's back then were very
5 expensive, so a lot of times there might have
6 been four songs on here or something. I just
7 kept using the same liner notes because it
8 was difficult to make. So this may not
9 actually reflect what was on the disc.

10 BY MS. CENAR:

11 Q. So Exhibit 31 may not actually
12 reflect the actual songs that were on the
13 demo CD's that you sent out?

14 A. Yeah. I mean, I recall making
15 this, this particular cover, but I can tell
16 you that it changed, and also that happened
17 where it may say there's 18 songs, there may
18 have only been three or four or something.

19 MR. DICKIE: Mr. Pringle, let
20 me caution you to simply check all the
21 exhibits that have been served on you.
22 I think counsel is attempting to
23 mislead you. So particularly look at
24 Exhibit 29.

Deposition of Bryan Pringle - August 24, 2011

1 MS. CENAR: Well, I disagree
2 strongly with counsel's --

3 MR. DICKIE: You're
4 intentionally misleading him.

5 MS. CENAR: -- interference
6 with the examination.

7 MR. DICKIE: I'm not
8 interfering, Counsel.

9 BY MS. CENAR:

10 Q. You are free to look at my
11 exhibit that you want, Mr. Pringle.

12 A. Oh, I see.

13 Q. But your lawyer will have
14 plenty of time to --

15 A. Yeah, I see what the reference
16 is, that this was actually filed with the
17 registration office, so yes, this particular
18 CD would have contained those songs or else
19 the Copyright Office wouldn't have registered
20 it. Shame on you. That's not nice.

21 Q. Mr. Pringle, could you turn
22 back to Exhibit 29?

23 A. Okay.

24 Q. Is that the same liner notes,

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1 sir?

2 A. The same identical one?

3 Q. Yes.

4 A. I couldn't say, to be honest
5 with you, because like I said, there's more
6 than one of these liner notes. I mean, at
7 one time I may have had 200 of these and they
8 may have had the exact identical thing on it
9 but the actual disc itself may have had
10 different songs on it.

11 There may -- as a matter of
12 fact, I've seen ones like this that there was
13 this on it and there was even labels on it
14 and the disc contained nothing. So are these
15 identical, are they reprinted from the same
16 computer program to look identical, yes. Is
17 that the exact identical one that was filed
18 with the Copyright Office, no.

19 Q. Okay. That's all I needed to
20 know. Now, could you turn your attention
21 back to Exhibit 31. Was Exhibit 31 sent out
22 with CD's that did not contain all of the
23 songs that were listed in the liner notes?

24 THE WITNESS: Do you want me to

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1 answer that?

2 MR. DICKIE: If you can.

3 A. I don't know. I mean, you
4 know, this is 12 -- 1998, man. I mean, I
5 couldn't tell you. I can tell you that as a
6 part of a pattern and practice to save money,
7 yes, that did happen. Did this particular
8 one, was this used, I have no idea. I
9 couldn't tell you. It's been too long.

10 BY MS. CENAR:

11 Q. So to direct your attention now
12 to Exhibit 32, which is a document that bears
13 a Bate number of PL0012, take a moment and
14 look at that. Let me know when you're ready.

15 (Witness reviews document(s).)

16 A. I'm ready.

17 BY MS. CENAR:

18 Q. What is this?

19 A. I have no idea.

20 Q. Do you know why it was produced
21 to us in this case?

22 MR. DICKIE: Objection, lack of
23 foundation.

24 THE WITNESS: Do you want me to

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1 did because I believe that this person
2 genuinely listened to my CD, which I thought
3 was excellent. Of course I'm biased.

4 And I think -- and I've gotten
5 letters like this before where they say, you
6 know, don't respond, but we just want to let
7 you know we appreciate the effort you put in.

8 So this is actually really the
9 way I got it and you can -- I still have this
10 in Hotmail. You can take a look at it. It's
11 just like this.

12 Q. Sir, it doesn't have your name
13 on it as the recipient, does it?

14 A. No, but it was in my e-mail
15 account and I still have this e-mail.

16 Q. And it doesn't make reference
17 to what demo was actually received?

18 A. No.

19 Q. And it doesn't make reference
20 to any particular song?

21 A. No, not that I'm aware of.

22 Q. Do you have any letters from
23 anybody that you sent demo CD's to that
24 actually reflect receipt of the song "Take a

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1 Dive" or "Take a Dive" Dance Version?

2 A. I'm not aware that I have them
3 anymore. I usually toss them as soon as I
4 get them if it's not, "Hey, buddy, we want to
5 sign you to a multimillion dollar deal."

6 (Demonstrating) so no, I'm not aware of that
7 at this time, which doesn't mean maybe I have
8 a couple of letters sitting underneath the,
9 you know, the desk somewhere. But no.

10 Q. And you've searched to date and
11 you have no letters other than this
12 Exhibit 35 to turn over to us on any
13 acknowledgment of receipt of any music from
14 you?

15 A. What do you mean "any music"?
16 Any demos?

17 Q. Anything acknowledging receipt
18 of a demo that you have sent out.

19 A. I might have something in my
20 e-mail account. I'd have to look again. I
21 know that -- I don't know, I'd have to look
22 in my e-mail account.

23 But as far as anything on my
24 computer or anything, a hard copy, no, I'm

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1 not aware of that, which is not to say that I
2 might not go in my garage next week and find
3 a box with a bunch of letters. But I don't
4 see that happening.

5 Q. You certainly made an effort to
6 do that before your deposition, didn't you?

7 A. Absolutely. I looked for -- I
8 mean, it behooves me, it benefits me to
9 provide this type of information. You know,
10 I wish I had a bunch of letters that I didn't
11 throw away.

12 Q. And you made reference in your
13 declaration and in your complaint to hundreds
14 of letters that you've received. Would it be
15 fair to say that you don't have any of those
16 anymore?

17 A. Yeah, unfortunately.

18 Q. And you've made reference to
19 specific handwritten notes that you received.
20 Would it be fair to say you don't have any of
21 those anymore?

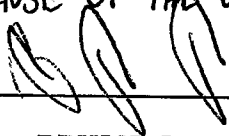
22 A. Hmm. No, but, I mean, if I --
23 I think if I gave it some thought I could
24 remember the names. I can tell you one of

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1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 SOUTHERN DIVISION

4 BRYAN PRINGLE, an)
5 individual,)
6 Plaintiff,) Case No.
7 v.) 8:10-cv-01656-JST-RZ
8 WILLIAM ADAMS, JR.,)
9 et al.)
10 Defendants.)

11 I, BRYAN PRINGLE, have read ^{ONLY SPECIFIC PARTS OF} the
12 foregoing deposition and hereby affix my
13 signature that same ^{ONLY SPECIFIC PARTS ARE} true and correct. ^(THAT I CORRECTED)
14 except as I have so indicated on the
15 errata sheets provided herein. I ^{ENOUGH TIME} DIDN'T HAVE ^{TO READ ALL OF}
16 THE DEPOSITION, BECAUSE OF THE LATE DATE THAT I RECEIVED IT.



17 _____
18 BRYAN PRINGLE

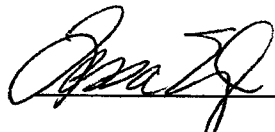
19 No corrections (Please initial) _____
20 Number of errata sheets submitted 1 (pgs)

21
22 THE STATE OF TEXAS)
23 Before me, TESSA EARLY ^{JC} , on
24 this day personally appeared BRYAN PRINGLE,

Deposition of Bryan Pringle - August 24, 2011

1 known to me (or proved to me under oath or
 2 through TX DL 12482203) (description of
 3 identity card or other document) to be the
 4 person whose name is subscribed to the
 5 foregoing instrument and acknowledged to me
 6 that they executed same for the purposes and
 7 consideration therein expressed.

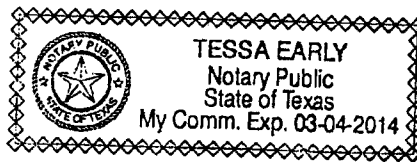
8 Given under my hand and seal of office
 9 on this 13RD day of SEPTEMBER,
 10 2011.

11
 12
 13 

14 NOTARY PUBLIC IN AND FOR

15 THE STATE OF TEXAS

16 My Commission Expires: 03/04/2014



ERRATA

Page: 18 Line: 13

Change: "1998" → "TO THE PRESENT DATE"
Reason: ADDITIONAL CLARIFICATION

Page: 110 Line: 11

Change: ^{SHARP} D, E, F → "D SHARP, D, AND F"
Reason: CORRECTION: GTR TWANG UP 3 KEYS IS D SHARP, D, AND F

Page: 110 Line: 12

Change: "E" → "D"
Reason: CORRECTION: GTR TWANG UP 3 KEYS IS D SHARP, D, AND F

Page: 112 Line: 21

Change: "NO" → "I RECEIVED A LETTER FROM MARTIN KIERZENBA & STEPHANE GERMON AT INTERSCOPE / CHERIE TREE"
Reason: MEMORY REFRESHED

Page: 128 Line: 116

Change: "NO" → "I DON'T RECALL ALL OF THE INDIVIDUALS THAT I GAVE DEMO CD'S TO IN FRANCE"
Reason: MEMORY REFRESHED

Page: 127 Line: 22

Change: ADD: "I ALSO WENT TO NUMEROUS CLUBS TO GIVE OUT MY DEMO CD'S IN FRANCE"
Reason: MEMORY REFRESHED & CLARIFICATION

Page: _____ Line: _____

Change: _____
Reason: _____

Page: _____ Line: _____

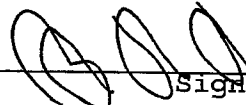
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Signature

9/23/11
Date

Deposition of Bryan Pringle - August 24, 2011

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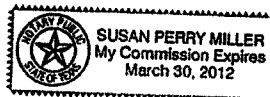
REPORTER'S CERTIFICATION

I, SUSAN PERRY MILLER, CSR-TX, CCR-LA, CLR, CRR, RDR, Notary Public in and for the State of Texas, hereby certify that the witness was duly sworn and that this transcript is a true record of the testimony given by the witness;

That pursuant to Rule 30 of the Federal Rules of Civil Procedure, signature of the witness was requested by the witness or other party before the conclusion of the deposition;

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken. Further, I am not a relative or employee of any attorney of record in this cause, nor am I financially or otherwise interested in the outcome of the action.

Subscribed and sworn to by me this day, the 26th day of August, 2011.



Susan Perry Miller, CSR-TX, CCR-LA
Certified Realtime Reporter
Registered Diplomate Reporter
NCRA Realtime Systems Administrator
Certified LiveNote™ Reporter
Notary Public, State of Texas
My Commission Expires 03/30/2012