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17 Attorneys for Plaintiff
BRYAN PRINGLE

18
19 **UNITED STATES DISTRICT COURT**
20 **CENTRAL DISTRICT OF CALIFORNIA**
21 **SOUTHERN DIVISION**

22 BRYAN PRINGLE, an individual,
23 Plaintiff,
24 v.
25 WILLIAM ADAMS, JR.; STACY
26 FERGUSON; ALLAN PINEDA; and
27 JAIME GOMEZ, all individually and
collectively as the music group The Black
Eyed Peas, *et al.*,
28 Defendants.

) Case No. SACV 10-1656 JST(RZx)
) **PLAINTIFF'S RESPONSE TO**
) **DEFENDANT ALLEN [sic]**
) **PINEDA'S FIRST SET OF**
) **REQUESTS FOR ADMISSION**

1 **REQUEST NO. 36:**REQUEST NO. 36: Plaintiff Bryan Pringle does not contend
2 in this litigation that any Defendant had access to the NRG image file.

3 **RESPONSE:** Admitted.

4 **REQUEST NO. 37:** Plaintiff Bryan Pringle does not contend in this litigation that
5 any Defendant had access to the actual disk that contains the NRG image file.

6 **RESPONSE:** Admitted.

7
8 **REQUEST NO. 38:** A computer is necessary in order to access the computer files
9 within the .NRG image file.

10 **RESPONSE:** Denied.

11 **REQUEST NO. 39:** An ASR-10 is required in order to play any of the music files
12 on the .NRG image file.

13 **RESPONSE:** Denied.

14
15 **REQUEST NO. 40:** The ASR-10 must be manually set up in order to play any of
16 the music files on the NRG image File.

17 **RESPONSE:** Plaintiff admits only that the relevant music files and
18 keyboard settings pertaining to the Ensoniq-based “Take A Dive”
19 (Dance Version) contained on the NRG image file in Dave Gallant’s
20 possession must be loaded into the ASR-10, one at a time.

21 **REQUEST NO. 41:** There are separate music files within the .NRG image file for
22 parts of the song Take A Dive derivative.

23 **RESPONSE:** Admitted.

24
25 **REQUEST NO. 42:** The song bank feature of the .NRG image file for the song
26 listed as Dive does not operate.

27 **RESPONSE:** Denied. The song bank feature for the “Take A Dive”
28 and “Take A Dive” (Dance Version) songs are found in the NRG image

1 files on the CD-roms in Dave Gallant's possession. If the original SCSI
2 id numbers and hard drives connected to the song bank feature are
3 available. the song bank feature should work.

4 **REQUEST NO. 43:** The song bank feature of the files within the .NRG image file
5 for the song listed as Dive does not operate.

6 **RESPONSE:** See Response to Request No. 42 which is incorporated
7 as Plaintiff's Response to Request No. 43.
8

9 **REQUEST NO. 44:** The NRG image file was not submitted as the deposit copy for
10 the copyright registration for the sound recording.

11 **RESPONSE:** Admitted.

12 **REQUEST NO. 45:** The Copyright Office refused Plaintiff Bryan Pringle's
13 application for registration of the musical composition of "Take a Dive" derivative
14 version.
15

16 **RESPONSE:** Denied.

17 **REQUEST NO. 46:** Plaintiff Bryan Pringle copied the guitar twang sequence from
18 The Black Eyed Peas and David Guetta song "I Gotta Feeling."

19 **RESPONSE:** Denied. The guitar twang sequence used by Plaintiff
20 in "Take A Dive" (Dance Version) was created by Plaintiff and first
21 used in the original version of an earlier song he composed called
22 "Faith" and was provided to Dave Guetta and Joachim Garraud in the
23 period sometime around 1999-2003.

24 **REQUEST NO. 47:** Plaintiff Bryan Pringle copied the chords used in the guitar
25 twang sequence from a sound bank.

26 **RESPONSE:** Denied.
27
28

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1 **REQUEST NO. 48:** Plaintiff Bryan Pringle created a version of Take a Dive with
2 the a capella vocals of The Black Eyed Peas and David Guetta song I Gotta Feeling
3 sampled over or within it.

4 **RESPONSE:** Denied.

5 **REQUEST NO. 49:** Plaintiff Bryan Pringle posted a version of Take a Dive with
6 the a capella vocals of The Black Eyed Peas and David Guetta song I Gotta Feeling
7 sampled over or within it this version on a website.

8 **RESPONSE:** Denied.

9
10 **REQUEST NO. 50:** Plaintiff Bryan Pringle's counsel Miller Canfield linked to
11 Plaintiff Bryan Pringle's postings of Take a Dive with the a capella vocals of The
12 Black Eyed Peas and David Guetta song I Gotta Feeling sampled over or within it on
13 the Miller Canfield law firm's website.


14 **RESPONSE:** Denied.

15 Dated: August 19, 2011

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23 By: 
24 Attorneys for Plaintiff Bryan Pringle

1 **PROOF OF SERVICE**

2 I am employed in the County of Cook, State of Illinois. I am over the age of
3 18 and not a party to the within action. My business address is 225 West
Washington Street, Suite 2600, Chicago, Illinois 60606.

4 On this date, I served **PLAINTIFF'S RESPONSE TO DEFENDANT**
5 **ALLEN [sic] PINEDA'S FIRST SET OF REQUESTS FOR ADMISSION** on all
interested parties in this action listed on the attached Service List as follows:

6 (BY MAIL) - I am "readily familiar" with the firm's practice of
7 collection and processing correspondence for mailing. Under that practice it would
8 be deposited with the U.S. Postal Service on the same day with postage thereon fully
9 prepaid at Chicago, Illinois in the ordinary course of business. I am aware that on
motion of the party served, service is presumed invalid if postal cancellation date or
postage meter date is more than one day after date of deposit for mailing on affidavit.

10 (BY FACSIMILE) - By transmitting a true copy thereof by facsimile
11 from facsimile number 312.460-4201 to the facsimile number(s) shown on the
attached Service List, for which electronic confirmation was received from the
facsimile machine that said document was successfully transmitted without error.

12 (BY OVERNIGHT DELIVERY) - By depositing the above
13 document(s) in a box or other facility regularly maintained by FedEx in an envelope
or package designated by FedEx with delivery fees paid.

14 (BY EMAIL) - By causing a true copy of the document(s) to be served
15 by electronic mail transmission at the time shown on each transmission, to each
interested party at the email address shown on the attached Service List. Each
16 transmission was reported as complete and without error.

17 (State) I declare under penalty of perjury under the laws of the state of
California that the foregoing is true and correct.

18 (Federal) I declare under penalty of perjury under the laws of the United
19 States that the foregoing is true and correct.

20 Executed on August 19, 2011, at Chicago, Illinois.

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Merry Beth Seaton
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Service List
Bryan Pringle v. William Adams, Jr. et al.
Case Number: 8:10-cv-01656-JST -RZ

Counsel for Defendants: William Adams, Jr., Allan Pineda, Jaime Gomez, Will.I.Am Music, LLC, Jeepney Music, Inc., Tab Magnetic Publishing, Cherry River Music Co., EMI April Music, Inc., and Headphone Junkie Publishing, LLC

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