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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

BRYAN PRINGLE,  
  
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; UMG INTERSCOPE  
RECORDS; EMI APRIL MUSIC, INC.;  
HEADPHONE JUNKIE PUBLISHING  
LLC; WILLIAM MUSIC LLC;  
JEEPNEY MUSIC, INC.; TAB  
MAGNETIC PUBLISHING; CHERRY  
RIVER MUSIC CO.; SQUARE  
RIVOLI PUBLISHING; RISTER  
EDITIONS; and SHAPIRO  
BERNSTEIN & CO.,  
  
Defendants.

Case No. SACV 10-01656 (JST) (RZ)  
Hon. Josephine Staton Tucker

**DECLARATION OF CLARK  
WARNER**

I, Clark Warner, declare the following under penalty of perjury pursuant to 28 U.S.C. § 1746, based on personal knowledge.

1. I am VP of Music Services of Beatport, LLC, a Colorado limited liability company (“Beatport”), where I have been employed since 2007. Through the website Beatport.com, Beatport offers downloads of electronic music in professional-quality formats. Beatport also operates a website at Beatportal.com which provides information about the world of electronic music, including music news, industry news, music reviews, Podcasts, videos, DJ profiles, and event listings.

2. As VP of Music Services of Beatport, my responsibilities include managing and overseeing DJ re-mix competitions, whereby each of the various

Declaration of Clark Warner

1 instrumental tracks (known as “stems”) that make up a popular electronic song, are  
2 made available as separate files for download on Beatport.com. DJs and music  
3 producers are encouraged to create a “re-mix” of the song by re-arranging and  
4 modify these stems. Prizes are then awarded to the DJs or music producers that  
5 create the best re-mixes.

6 3. In August and September 2009, Beatport, in partnership with  
7 Interscope Records, offered a re-mix competition for the song “I Gotta Feeling,”  
8 which had been released by the group The Black Eyed Peas earlier that year. In  
9 connection with the “I Gotta Feeling” re-mix competition, Beatport licensed from  
10 The Black Eyed Peas’ record label, Interscope Records, the various music stems for  
11 “I Gotta Feeling,” including the lead guitar, bass guitar, various percussion stems,  
12 and the lead vocal and group vocal tracks. These music stems and vocal tracks were  
13 then bundled together and made available for download on Beatport.com. Attached  
14 hereto is a CD containing true and correct copies of the “I Gotta Feeling” music  
15 stems and vocal tracks that were available on Beatport.com as part of the re-mix  
16 competition.

17 4. In total, approximately 1,200 re-mixed versions of “I Gotta Feeling”  
18 were submitted to Beatport as part of the re-mix competition.

19  
20 Executed this 6th day of October, 2011.

21  
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23   
Clark Warner

**Audio Exhibits  
Manually Filed**

Pringle v. Adams, et al.,  
Case No. 10 Civ. 1656 (JST) (RZX) (C.D. Cal.)



October 6, 2011

Declaration of Clark Warner,  
Vice President of Music Services of Beatport, LLC  
AUDIO EXHIBITS