1 DONALD A. MILLER (SBN 228753) dmiller@loeb.com 2 BARRY I. SLOTNICK (Pro Hac Vice) bslotnick@loeb.com 3 TAL DICKSTEIN (Pro Hac Vice) tdickstein@loeb.com 4 LOEB & LOEB LLP 10100 Santa Monica Boulevard, Suite 2200 Los Angeles, California 90067-4120 Telephone: 310-282-2000 6 Facsimile: 310-282-2000 7 Attorneys for Defendants SHAPIRO, BERNSTEIN & CO., INC.; 8 8 FREDERIC RIESTERER and DAVID GUETTA 9 UNITED STATES DISTRICT COURT 10 CENTRAL DISTRICT OF CALIFORNIA 13 SOUTHERN DIVISION 14 Plaintiff, 15 BRYAN PRINGLE, an individual, Plaintiff, Case No. SACV 10-1656 JST (RZx) 16 Plaintiff, Hon. Josephine Staton Tucker Courtroom 10A 17 v. CORRECTED DECLARATION OF THIBAUD FOUET IN SUPPORT OF MOTION FOR SUMMARY 19 JAIME GOMEZ, all individually and collectively as the music group The Black Eyed Peas, et al., JUDGMENT
 BARRY I. SLOTNICK (<i>Pro Hac Vice</i>) bslotnick@loeb.com TAL DICKSTEIN (<i>Pro Hac Vice</i>) tdickstein@loeb.com LOEB & LOEB LLP 10100 Santa Monica Boulevard, Suite 2200 Los Angeles, California 90067-4120 Telephone: 310-282-2000 Facsimile: 310-282-2000 Attorneys for Defendants SHAPIRO, BERNSTEIN & CO., INC.; FREDERIC RIESTERER and DAVID GUETTA UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA SOUTHERN DIVISION BRYAN PRINGLE, an individual, Plaintiff, Hon. Josephine Staton Tucker Courtroom 10A V. WILLIAM ADAMS, JR.; STACY FERGUSON; ALLAN PINEDA; and collectively as the music group The JUBGMENT
 TAL DICKSTEIN (<i>Pro Hac Vice</i>) tdickstein@loeb.com LOEB & LOEB LLP 10100 Santa Monica Boulevard, Suite 2200 Los Angeles, California 90067-4120 Telephone: 310-282-2000 Facsimile: 310-282-2000 Attorneys for Defendants SHAPIRO, BERNSTEIN & CO., INC.; FREDERIC RIESTERER and DAVID GUETTA UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA SOUTHERN DIVISION BRYAN PRINGLE, an individual, Plaintiff, Hon. Josephine Staton Tucker Courtroom 10A V. WILLIAM ADAMS, JR.; STACY FERGUSON; ALLAN PINEDA; and collectively as the music group The TAL DICKSTEIN (<i>Pro Vice</i>) (<i>State State St</i>
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 Los Angeles, California 90067-4120 Telephone: 310-282-2000 Facsimile: 310-282-2000 Attorneys for Defendants SHAPIRO, BERNSTEIN & CO., INC.; FREDERIC RIESTERER and DAVID GUETTA UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA SOUTHERN DIVISION SOUTHERN DIVISION Plaintiff, Hon. Josephine Staton Tucker Courtroom 10A V. WILLIAM ADAMS, JR.; STACY FERGUSON; ALLAN PINEDA; and JAIME GOMEZ, all individually and collectively as the music group The JUDGMENT
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 and DAVID GUETTA 10 11 UNITED STATES DISTRICT COURT 12 CENTRAL DISTRICT OF CALIFORNIA 13 SOUTHERN DIVISION 14 15 BRYAN PRINGLE, an individual, 16 Plaintiff, 17 v. 18 WILLIAM ADAMS, JR.; STACY 19 JAIME GOMEZ, all individually and collectively as the music group The 10 Case No. SACV 10-1656 JST (RZx) 10 Hon. Josephine Staton Tucker 11 Hibaud FOUET IN SUPPORT 12 CORRECTED DECLARATION OF 13 JAIME GOMEZ, all individually and collectively as the music group The
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20 Black Eyed Peas, et al.,
21 Defendants.
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Society Relations Management Division

Allocations Verification Department

ATTESTATION

I, the undersigned, Thibaud FOUET, Head of the Allocations Verification Department of SACEM (Society of Songwriters, Composers, and Music Publishers), hereby certify that:

- SACEM, as a civil society for the collection and allocation of royalties for the public performance and mechanical reproduction of works by the songwriters, composers, and [music] publishers who are members in good standing who have paid their dues, aims to authorize the public use of its catalog, and, in return, to collect copyright royalties from those who make use of this catalog and are located within the society's administrative territories, which primarily include France;
- SACEM thus collects royalties for public performances from television and radio networks, from organizers of concerts and other musical events, from nightclubs and cabarets, and from miscellaneous establishments equipped with sound systems (cafés, hotels, restaurants, stores, etc.),
- SACEM has also signed representation agreements with 110 copyright organizations that handle music rights and royalties throughout the world, notably the U.S. organization BMI. In accordance with the terms of these agreements, each contracting organization manages, within its own respective administrative territory, the rights and royalties issued by its own members to another contracting organization. Thus, SACEM, by virtue of the representation agreement established with BMI, collects, in France, the royalties due for the use of works by members of BMI, to which Mr. Bryan Pringle appears to belong,
- by and large, SACEM allocates the royalties that it collects on the bases of detailed broadcast reports that are submitted to SACEM by users such as radio networks, television networks, concerts, events (80% of collected royalties) and, to a lesser degree, based on the results of surveys targeting dances with bands and orchestras, nightclubs, and those who produce private copies (13% of collected royalties) or, *mutatis mutandis*, based on works reproduced on CDs if they have been broadcast on the radio or at concerts and thus concern rights and royalties pertaining to sound systems in public establishments, such as cafés, restaurants, stores, etc. (7% of collected royalties),
- over the past ten years, the works "*Take a Dive*" and/or "*take a Dive (Dance Version)*" have generated no copyright royalties in territories covered by SACEM because they have not appeared on any broadcast reports submitted by those who have made use of its catalog and have not been noted down on any of the surveys.

This attestation is hereby drawn up with all advantages thereto pertaining.

Signed in Neuilly Sur Seine on August 17, 2011.

[signature] Thibaud FOUET

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AMSTERDAM ATLANTA AUSTIN BARCELONA BERLIN BOGOTÁ BOSTON BRUSSELS CHARLOTTE CHICAGO CLEVELAND COLUMBUS DALLAS DENVER DUBAI DUBLIN DÜSSELDORF FRANKFURT GENEVA HONG KONG HOUSTON LONDON LOS ANGELES LYON MEXICO CITY MIAMI MILAN MINNEAPOLIS MONTREAL MUNICH NEW YORK PARIS PHILADELPHIA PHOENIX PORTLAND PRAGUE RESEARCH TRIANGLE PARK SAN DIEGO SAN FRANCISCO SAN JOSE SEATTLE SEOUL SINGAPORE STOCKHOLM STUTTGART SYDNEY TEL AVIV ΤΟΚΥΟ TORONTO VANCOUVER WASHINGTON, DC ZURICH

City of New York, State of New York, County of New York

I, Sean Moran, hereby certify that the document "Attestation by Thibaud FOUET dated August 17, 2011" is, to the best of my knowledge and belief, a true and accurate translation from French to English.

Sean Moran

Sworn to before me this September 20, 2011

Notary Public е KRISTIN MILORO Notary Public - State of New York No. 01MI6212799 Qualified in New York County Commission Expires Oct 19, 2

Stamp, Notary Public

THREE PARK AVENUE, NEW YORK, NY 10016 T 212.689.5555 F 212.689.1059 WWW.TRANSPERFECT.COM



Direction des relations sociétaires

Service de vérification des répartitions

ATTESTATION

Je soussigné Thibaud FOUET, Responsable du Service des Vérifications des Répartitions de la SACEM (Société des Auteurs, Compositeurs et Editeurs de Musique) atteste que :

- la SACEM, en sa qualité de société civile de perception et de répartition des droits d'exécution publique et de reproduction mécanique des auteurs, compositeurs et éditeurs qui sont ses membres et qui lui ont fait apport de leurs droits, a pour mission d'autoriser les utilisations publiques de son répertoire et de percevoir en contrepartie une redevance de droits d'auteurs auprès des usagers du répertoire situés sur ses territoires de gestion, dont notamment la France;
- la SACEM perçoit ainsi des droits d'exécution publique auprès des chaînes de télévision et de radio, des organisateurs de concerts et autres spectacles musicaux, des discothèques et cabarets, des divers établissements sonorisés (cafés, hôtels, restaurants, magasins, etc.).
- la SACEM a également signé avec 110 sociétés d'auteurs gérant les droits musicaux à travers le monde, et notamment avec la société américaine BMI, des conventions de représentation aux termes desquelles chacune des sociétés contractantes gère sur son territoire de gestion, les droits confiés à l'autre société par ses propres membres. Ainsi la SACEM en vertu de la convention de représentation conclue avec BMI, perçoit en France les droits dus au titre de l'utilisation des œuvres des membres de cette société à laquelle semble appartenir Monsieur Bryan Pringle,
- la SACEM répartit très majoritairement les droits qu'elle perçoit en fonction de relevés détaillés de diffusion qui lui sont remis par les usagers tels que radios, télévisions, concerts, spectacles...(80% des droits perçus), et de manière plus marginale; en fonction des résultats de sondages effectués auprès des bals avec orchestre, discothèques et pour la copie privée (13% des droits perçus) ou par analogie à des œuvres reproduites sur CD si elles ont été diffusées en radio ou lors de concerts pour les droits provenant de la sonorisation des lieux publics tels que cafés, restaurants, magasins, etc..(7% des droits perçus),
- au cours des dix dernières années, l'œuvre "Take a Dive" et/ou "take a Dive (Dance Version)" n'a généré aucune redevance de droits d'auteur sur les territoires d'exercice de la SACEM, faute d'avoir figuré sur les relevés de diffusion remis par les utilisateurs du répertoire ou d'avoir été relevée lors de sondages.

La présente attestation est établie pour servir et valoir ce que de droit.

Fait à Neuilly Sur Seine, le 17 août 2011

Thibaud FOUET