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11 Attorneys for Plaintiff
 BRYAN PRINGLE

13 UNITED STATES DISTRICT COURT
 14 CENTRAL DISTRICT OF CALIFORNIA
 15 SOUTHERN DIVISION

16 BRYAN PRINGLE, an individual,
 17 Plaintiff,
 18 v.
 19 WILLIAM ADAMS, JR.; STACY
 20 FERGUSON; ALLAN PINEDA; and
 21 JAIME GOMEZ, all individually and
 collectively as the music group The
 Black Eyed Peas, et al.,
 22 Defendants.

Case No. SACV 10-1656 JST(RZx)
**DECLARATION OF BARBARA
 FREDERIKSEN-CROSS IN
 OPPOSITION TO DEFENDANTS'
 MOTION FOR SUMMARY
 JUDGMENT**
 DATE: January 30, 2012
 TIME: 10:00 a.m.
 CTRM: 10A

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IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SOUTHERN DIVISION

BRYAN PRINGLE, an individual,

Plaintiff,

v.

WILLIAM ADAMS, JR.; STACY FERGUSON;
ALLEN PINEDA; and JAMIE GOMEZ, all individually
and collectively as the music group The Black Eyed Peas;
DAVID GUETTA; FREDERICK REISTERER; UMG
RECORDINGS, INC.; INTERSCOPE RECORDS; EMI
APRIL MUSIC, INC.; HEADPHONE JUNKIE
PUBLISHING, LLC.; WILL.I.A.M. MUSIC, LLC.;
JEEPNEY MUSIC, INC.; TAB MAGNETIC PUBLISHING;
CHERRY RIVER MUSIC CO.; SQUARE RIVOLI
PUBLISHING; RISTER EDETIONS; and SHAPIRO,
BERNSTEIN & CO.,

Defendants.

Case No. SACV10-1656 JST(RZx)

DECLARATION OF BARBARA
FREDERIKSEN-CROSS

I, BARBARA FREDERIKSEN-CROSS, declare as follows:

EXPERT QUALIFICATIONS

1. I am the Senior Managing Consultant of Johnson-Laird, Inc. ("JLI"). JLI is an Oregon corporation that provides consulting services to computer hardware and software manufacturers and computer-related technical assistance to the legal profession in the United

States, Canada, Japan, Singapore, and Europe. JLI specializes in providing consulting services to corporations and attorneys on intellectual property matters (such as “clean room” development procedures, forensic analysis of computer-related evidence, copyright and patent infringement, and analysis with respect to misappropriation of trade secrets) and performing assessment of computer software and Techno-archeology™ (the analysis of software development projects). JLI also specializes in technical due-diligence services in the context of software audits, mergers, and acquisitions.

2. My background includes over 36 years experience with software design, programming, performance optimization, problem diagnosis, and system administration of hardware, operating systems, application software, and database management systems. I am familiar with a wide variety of operating systems, development platforms, programming languages, revision control systems used for software development, and software development standards and practices.

3. I have extensive experience with tools and techniques used for forensic evidence preservation, computer forensics investigation, and litigation support services. My experience includes extensive use of system monitoring tools, hardware monitors, memory dumpers, debugging environments, disassemblers, and reverse compilers. I am also familiar with tools and techniques used by individuals, businesses, and large corporations for system backup, recovery, and archival in a wide variety of hardware and software platforms. A copy of my CV is attached as Exhibit A to this declaration.

4. I have personal knowledge of the facts stated in this Declaration and if called as a witness, I could and would testify competently regarding the following facts.

INTRODUCTION

5. I have been asked to prepare this declaration at the request of counsel for Plaintiff Bryan Pringle in the above-captioned matter.

6. In this declaration I have been asked by Plaintiff's counsel to provide my professional opinion with respect to analysis and opinions described in the declarations of Defendants' experts Erik Laykin and Paul Geluso. Specifically, I have been asked to address:

- a) Mr. Laykin's allegations that Mr. Pringle may have falsified a CD which contains a copy of his music for "Take A Dive (Dance Version)";
- b) Mr. Laykin's opinions with respect to whether Mr. Pringle deliberately spoliated evidence to obscure the origin of his music; and
- c) The analysis techniques used by Mr. Geluso in the context of his analysis to determine the true origin of the Black Eyed Peas' song "I Gotta Feeling."

7. This declaration is based on the evidence that has been made available to me and the analysis I have performed to date. In order to prepare this declaration I have reviewed the initial complaint, the declarations of Messrs. Pringle, Laykin, Geluso, Warner, Rubel, Riesterer, and Etchart, the report of Mr. Gallant, depositions transcripts for Mr. Riesterer and Mr. Pringle, and information relating to the use of the Beatportal.com web site and the Black Eyed Peas

Remix contest. I have also reviewed portions of the electronic music files produced as evidence in this matter as well as documents relating to the filing of Mr. Pringle's copyright and the loss or replacement of computer hard drives and music equipment once owned by Mr. Pringle. A complete list of the materials I reviewed is attached to this report as Exhibit B.

8. For the convenience of the reader, I will present a summary of my opinions, followed by a timeline of events and then the bases for my opinions.

SUMMARY OF MY CONCLUSIONS

9. Although it is true that dates on a computer file or a computer CD can be modified, Mr. Laykin does not present even a single piece of evidence that proves, or even suggests that any file dates were modified on the Pringle CD containing the Disk05.NRG file ("Pringle CD"). Nothing in the available evidence I have reviewed suggests any such tampering.

10. Mr. Laykin appears to ascribe a sinister purpose to Mr. Pringle's disposal of failed hardware. Nothing in the evidence I have reviewed suggests that Mr. Pringle deliberately spoliated evidence or sought to avoid the responsibility of preserving relevant files and media.

11. Mr. Laykin's assertion that Mr. Pringle failed to preserve or produce any backup from his computer system is false and misleading.

12. Mr. Laykin's assertion that Mr. Pringle failed to preserve a proper forensic backup is misleading in so far as it suggests that Mr. Pringle possessed the knowledge, training, or tools required to perform such a backup.

13. The comparison described in paragraphs 18-20 of Mr. Geluso's declaration lacks scientific rigor and does not provide proof that "I Gotta Feeling" was derived from "David Pop Guitar." Further, the "David Pop Guitar" files upon which Mr. Geluso relies in forming his opinion contain references to sound devices that did not exist at the time the "David Pop Guitar" files were purportedly created.

14. The analysis described in paragraphs 29-31 of Mr. Geluso's declaration cannot prove that the guitar samples in Mr. Pringle's file are derived from a guitar twang sequence that was available on Beatportal.com during the "I Gotta Feeling" Re-Mix Contest.

TIMELINE OF EVENTS

The following table provides the timeline as context for events discussed in this declaration.

date	event	Information Source
1998-07-29	Mr. Pringle files a deposit copy of his music, including "Take A Dive" with the US Copyright Office	Pringle Ex.29
1999-09-09	Mr. Pringle creates a CD with a copy of "Take-A-Dive (Dance Version)" that is dated 1999-08-22. The CD also contains 134 photographs dated 1999-09-06 and 1999-09-08.	CD 990909_0118 the "correct" Pringle CD and testimony of Mr. Pringle
2000-10-19	Mr. Pringle files a police report for the burglary that occurred at his storage unit. According to the police report, the burglary occurred sometime between 2000-10-14 and 2000-10-19. Two of the items stolen were Mr. Pringle's Ensoniq ASR-10 keyboard ("Lensonic [sic]") and a Glyphtechnologies external hard disk unit.	Pringle Ex. 28
1998-2006	Mr. Pringle ships promotional copies of a CD to various recording companies and artists.	Pringle deposition and Pringle Ex. 33.
2008-10-16	Mr. Riesterer begins to compose "David Pop Guitar" which later became known as "I Gotta Feeling."	Riesterer deposition at p. 191-192
2009 (June)	Black Eyed Peas release "I Gotta Feeling"	
2009-08-21	Start of "I Gotta Feeling" Remix contest "Download Phase." This is the earliest date that the remix tracks were available from the beatportal.com website.	Beatportal.com – See Frederiksen-Cross Ex. C

2009-09-08	End of "I Gotta Feeling" Remix contest "Download Phase." This is the last date that the remix tracks were available from the beatportal.com website.	Beatportal.com –See Frederiksen-Cross Ex. C
2010 (January)	Mr. Pringle orders two hard drives, one of which is used to upgrade the hard drive in his computer	Pringle deposition p. 33-35
2010 (February)	Mr. Pringle discovers "I Gotta Feeling" and begins researching the possible infringement of his copyright and learns of "I Gotta Feeling" Remix contest.	Pringle deposition at p. 27-28, 41, and 62
2010-05-07	Mr. Pringle provides his Music files to Mr. Gallant for imaging	Pringle deposition p. 54 and conversations with Mr. Gallant
2010-10-28	Mr. Pringle files suit	Complaint
2010-11-16	Mr. Pringle begins exchanging e-mail correspondence with U.S. Copyright office for the deposit of "Take A Dive (Dance Version)"	Pringle Ex. 36
2010-12-21	Mr. Pringle provides additional electronic files to Mr. Gallant	Per conversation with Mr. Gallant
2011 (January)	Mr. Pringle's hard drive fails and he installs a replacement drive.	Pringle deposition, p. 35-36
2011-07-07	Mr. Pringle ordered a replacement motherboard for his computer	Receipt from ServerSupply.com (attached as Frederiksen-Cross Ex. D)
2011 (July)	In Late July, Mr. Pringle experiences more problems with the hard drive in his computer. The computer will no longer boot, so he removes his hard drive and places it in an external enclosure to attempt to recover his files. He is successful in copying some, but not all, of his personal files.	File list from Pringle backups, provided to me 2011-12-14 by Mr. Gallant, and telephone conversation with Mr. Pringle 2011-12-14
2011-08-01	Mr. Pringle filed a Warranty Service Request ("RMA") with Western Digital for a failed hard drive, serial number WCAT00732234	Western Digital Warranty Web page (attached as Frederiksen-Cross Ex. E)
2011-08-08	Mr. Pringle provided additional file backups to Mr. Gallant.	Pringle deposition p. 58 and conversation with Mr. Gallant
2011-08-09	Western Digital received the defective hard drive from Mr. Pringle and shipped him a replacement drive, serial number WMAU00160559	Western Digital Warranty Web page; Pringle deposition p. 31-33

2011-08-11	Mr. Pringle received the replacement hard drive for his computer via UPS delivery.	UPS Shipping confirmation and Western Digital Warranty Web page(attached as Frederiksen-Cross Ex. F)
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BASES FOR MY OPINIONS

Laykin's analysis with respect to the authenticity of the Pringle CD

14. Although it is true that dates on a computer file or a computer CD can be modified, Mr. Laykin does not present even a single piece of evidence that proves, or even suggests that any file dates were modified on the Pringle CD.

15. Nothing in the available evidence suggests any such tampering. The CD in question has four “.NRG” files that contain music and also a subdirectory with 134 photos in “JPEG” format. The manufacture date of the physical CD recording media, the creation and modification dates of the music files and JPEG photographs stored on the media, and the metadata contained within the 134 jpeg files are all consistent with Mr. Pringle's testimony that his files were created in 1999.

16. As a part of my analysis I independently reviewed both the file system dates generated by the operating system and also portions of the embedded metadata contained

within these files. The .NRG files have embedded metadata consistent with their creation on an ASR-10 keyboard, as can be seen in the excerpt below¹ from file DISK05.NRG:

```
000005f0h: 00 00 00 1D 2A 2A 20 44 49 56 45 20 2A 2A 20 20 ; ....** DIVE **
00000600h: 00 20 41 53 52 2D 31 30 20 4F 53 20 20 20 01 7E ; . ASR-10 OS .~
00000610h: 00 01 00 00 04 F9 00 00 00 00 00 02 20 20 20 44 ; .....ù..... D
00000620h: 49 52 20 31 20 20 20 00 17 00 02 00 00 06 77 ; IR 1 .....w
00000630h: 00 00 00 00 00 02 20 20 20 44 49 52 20 32 20 20 ; ..... DIR 2
```

17. The files created by the ASR-10 keyboard do not contain embedded date information, but the file system dates recorded by the operating system for the NRG files on this CD are shown below:

Name	Date modified	Date created	Type	Size
DISK05.NRG	8/22/1999 1:54 PM	8/22/1999 1:54 PM	NRG File	107,721 KB
DISK04.NRG	8/22/1999 1:49 PM	8/22/1999 1:49 PM	NRG File	107,721 KB
DISK03.NRG	8/22/1999 1:43 PM	8/22/1999 1:43 PM	NRG File	107,721 KB
DISK02.NRG	8/22/1999 1:37 PM	8/22/1999 1:37 PM	NRG File	107,721 KB

18. The photographs contained in the folder “Promo Photos” have embedded metadata that identifies the date the photos were taken, as well as the type of camera used. An example of one of the photographs (P9080056.JPG) is shown below, followed by an excerpt² of the metadata that is embedded within the file:


¹ Note that the numbers in the left hand column of the excerpt are not a part of the file contents. These are offsets that identify the location within the file where this data is located.

² Note that the numbers in the left hand column of the excerpt are not a part of the file contents. These are offsets that identify the location within the file where this data is located.



```
00000090h: 04 00 01 00 00 00 1C 01 00 00 00 03 00 00 4F 4C ; .....OL
000000a0h: 59 4D 50 55 53 20 44 49 47 49 54 41 4C 20 43 41 ; YMPUS DIGITAL CA
000000b0h: 4D 45 52 41 20 20 20 20 20 20 20 20 00 4F 4C ; MERA .....OL
000000c0h: 59 4D 50 55 53 20 4F 50 54 49 43 41 4C 20 43 4F ; YMPUS OPTICAL CO
000000d0h: 2E 2C 4C 54 44 00 43 39 30 30 5A 2C 44 34 30 30 ; .,LTD.C900Z,D400
000000e0h: 5A 00 00 00 48 00 00 00 01 00 00 00 48 00 00 00 ; Z...H.....H...
000000f0h: 01 00 00 00 76 38 37 32 2D 37 32 00 00 00 00 00 ; ....v872-72.....
00000100h: 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 ; .....
00000110h: 00 00 00 00 31 39 39 39 3A 30 39 3A 30 38 20 31 ; ...1999:09:08 1
```

19. The operating system file dates associated this file, showing the dates it was stored and last modified are shown below:

Name	Type	Date created	Date modified
 P9080056.JPG	JPEG image	9/8/1999 12:29 PM	9/8/1999 12:29 PM

20. Via Google searches I was also able to independently verify that the Olympus C900Z (also called a D400Z) digital camera used to take this photo was released in 1998³.

21. Mr. Laykin suggests Mr. Pringle may have faked the evidence of his music's origin by creating a CD on old media with backdated files. In constructing this hypothetical Mr.

³ See for example <http://www.imaging-resource.com/PRODS/D400/D400A.HTM> (last visited 2011-12-16) and <http://www.dpreview.com/news/1999/8/24/rankdc> (last visited 2011-12-15).

Laykin appears to rely on the following chain of assumptions, but does not provide any evidence that supports even one of his hypothetical requirements:

- a) He assumes that Mr. Pringle wanted to create a backdated NRG file;
- b) He assumes Mr. Pringle retained blank CD recording media for approximately ten years, and was also able to somehow determine the age of this media to identify how old it was;
- c) He assumes that the blank CD recording media was stored in an environment with sufficient protection from heat and damage that it would still be useable after ten years in storage;⁴
- d) He must also assume that Mr. Pringle discovered a copy of the guitar twang from an Internet source, that the guitar twang sequence coincidentally matched a song that Mr. Pringle wrote and copyrighted a decade before, and that Mr. Pringle was able to integrate the guitar sequence somehow with the music for "Take A Dive" that Mr. Pringle had already composed, in order to create a new recording that he would then backdate;
- e) He assumes that Mr. Pringle deliberately set the computer date back to 1999, so that the files he wrote would have operating system dates from 1999;

⁴ In my own experience, CD media from the mid to late 1990's was very sensitive to heat and other environmental conditions. If stored or handled improperly the media itself became very unreliable and was subject to both warping and delamination.

f) He assumes that Mr. Pringle coincidentally kept at least 134 contemporaneous photos, including photos of himself, whose external file dates and internal metadata dates are from September 6th and 8th 1999.

22. In constructing his hypothetical, Mr. Laykin fails completely to address the July 29, 1998 copyright registration of Mr. Pringle's music. The materials deposited with the U.S. Copyright office as a part of the 1998 filing included a deposit copy with an earlier version of Mr. Pringle's Song "Take A Dive." The deposit materials provide uncontested proof that Mr. Pringle had already written at least one version of "Take A Dive" by the time he filed for a copyright on his music in 1998.

23. The version of "Take A Dive" that was deposited with the copyright office in 1998 lacks the "guitar twang" that has been the topic of much analysis in this litigation, but nonetheless is clearly identifiable as the same song. See for example the expert report of Alex Norris (Nov. 28, 2011) at paragraph ⁵:

After reviewing both the version of "Take A Dive" that I heard on YouTube and the version of "Take A Dive" I heard from the CD entitled "Deadbeat Club," I have determined that the version of "Take A Dive" that I first heard on YouTube which was recorded in 1999 is an obvious derivative version of this version that I heard on "Deadbeat Club," which was recorded in 1998. The exact same ambient sounds at the beginning of both versions, the identical keyboard motifs at :09 seconds, the identical bass parts, the identical chord progression, the identical sonic sweeps at similar points in time of both tracks, the identical changes in the bass parts at similar points in each track, the identical key, the identical tempo, and the identical timbre's with regard to all of the aforementioned similarities indicate to me that these two tracks are the same song.

24. I have listened to both versions of the song myself, and I concur with Mr. Norris' opinion.

25. Mr. Laykin does not address the problems this pre-existing version of "Take A Dive" poses for his hypothetical. In paragraph 32 of his declaration, Mr. Laykin states:

Pringle's disposal of his 2009 and 2010 hard drives also prevented us from examining his recent user activity, which could not only include a review of unallocated space, but also of temporary Internet files and other artifacts, which would provide insight into his activities at that time. This activity could show that the music files in question were actually downloaded from the Internet in 2009 or 2010, after the release of "I Gotta Feeling," and subsequently backdated and/or modified to appear as though they had been created in 1999.

26. This statement appears to be baseless speculation, and embraces an assumption that Mr. Pringle discovered a song that had a guitar twang sequence that fit perfectly into the already existing music for "Take A Dive".

27. Mr. Laykin's hypothetical also necessarily assumes that Mr. Pringle located and downloaded a version of "I Gotta Feeling" that included only the guitar twang sequence, or that Mr. Pringle was somehow able to redact all other elements of the hypothetically downloaded music file. Mr. Laykin's analysis provides no factual basis to suggest that any such download ever occurred, and provides no explanation of how the guitar twang sequence could be isolated.

28. Mr. Laykin's hypothetical also fails to address whether or how Mr. Pringle could have imported the downloaded materials into the ASR-10 keyboard, which I understand cannot directly read in or manipulate common sound file formats such as MP3 or .WAV files.

Laykin's analysis with respect to spoliation

29. In paragraph 29 of his November 17, 2011 declaration, Mr. Laykin states that:

In my experience as a computer forensic investigator, I find it highly circumspect that an individual such as Pringle, who claims to rely upon computer technology for his craft of creating digital music, has failed to maintain any of his computers which would have a digital relationship of some sort to the files in question. Not only are backups and archives unavailable, which alone is highly unusual, but even his more recent computers used in 2009 and 2010 are unavailable for examination. Through Pringle's reluctance or inability to provide any of these original computers, he has prevented the files residing on the NRG discs from ever being authenticated or disproved as genuine.

30. Mr. Laykin's assertion that he finds "circumspect" the fact that Mr. Pringle "failed to maintain any of his computers" ignores critical facts from both the timeline of events and documentary evidence that provide insight into the reasons that Mr. Pringle no longer has certain materials. In choosing to ignore factual evidence Mr. Laykin seems to willfully ascribe malicious intent to circumstances that have a more benign explanation.

31. The evidence most likely to be dispositive to Mr. Pringle's copyright case was music equipment that was stolen from his storage unit in 2000. This was the equipment that Mr. Pringle used when creating "Take A Dive" and "Take A Dive (Dance Version)." As such it would be likely to contain the most relevant information with respect to the development of Mr. Pringle's music.

32. The theft of Mr. Pringle's recording hardware in 2000 is documented in a police report, and therefore the fact that Mr. Pringle no longer possessed this equipment is irrelevant to any spoliation issue. The theft occurred years before this litigation was pending, and the police report dated October 19, 2000 provides a record that confirms the theft occurred⁵. The police report includes a list of stolen musical equipment, including an [L]Ensoniq keyboard and an external SCSI hard drive enclosure that could be used with ASR-10 keyboard.

⁵ See Pringle deposition exhibit #28.

33. In his Nov. 17, 2011 declaration, at paragraph 17, Mr. Laykin states that “Pringle has testified to having discarded two computer hard drives while this litigation was pending – one in December 2010 or January 2011, and another in the summer of 2011.” In my opinion this statement somewhat mischaracterizes Mr. Pringle’s testimony, insofar as it ignores the circumstances surrounding the disposal of this media.

34. In paragraph 32 of his declaration Laykin asserts that examination of these drives “... could show that the music files in question were actually downloaded in 2009 or 2010, after the release of “I Gotta Feeling,” and subsequently backdated and/or modified to appear as though they had been created in 1999.” Although he does not explicitly identify “these music files” this appears to be a reference to the tracks posted to Beatportal.com during the 2009 “I Gotta Feeling” remix contest.

35. Mr. Laykin’s insistence that either of these drives would have provided relevant information relating to any such download seems somewhat misplaced. The Beatportal.com web site still contains information relating to the “I Gotta Feeling” remix contest. According to Beatportal’s own site, the tracks available as a part of the remix contest download could only be downloaded during the “download phase” of the contest, August 21st-September 8, 2009⁶.

36. Any evidence regarding whether Mr. Pringle had downloaded any remix tracks from Beatportal.com would therefore be on a hard disk that was in use in that timeframe. At the outset of this litigation, Mr. Pringle was no longer in possession of the hard drive for that time period. In his deposition testimony, pages 33-35, Mr. Pringle testified that he upgraded the hard

⁶ See contest information available at <http://www.beatportal.com/feed/item/beatport-presents-black-eyed-peas-remix-contest-in-association-with-dipdive/> (last visited 2011-12-16.) A printout of this web page is attached hereto as Exhibit C.

drive of his computer in approximately January of 2010,⁷ at least a month before he first became aware of "I Gotta Feeling" and its potential infringement.⁸

37. The significance of this event is that the replacement hard disk that was first placed in service as of January 2010, ("the first hard disk") and later replaced in approximately January of 2011, would not have had any data relating to activities from 2009 activity except the non-temporary files that Mr. Pringle habitually copied forward when he replaced his hard disks. The first disk was placed in service at a point in time when the files Mr. Pringle allegedly downloaded from Beatportal.com were no longer available for download.

38. It is my understanding that Defendants have not produced any evidence that shows Mr. Pringle ever downloaded the remix files from Beatportal.com, and Mr. Pringle has testified that he did not. All descriptions of the remix contest that I have seen require participants to register and to pay a fee for the remix contest download. These requirements are also consistent with Beatportal's terms and conditions of use that I was able to locate using the internet Archive.org.⁹

39. Mr. Pringle testified that after the first hard drive failed (in approximately December 2010 or January of 2011) he installed a new hard drive in his computer (the "second drive"). Based on my conversation with Mr. Pringle, there were minor problems with this drive only a few months after the drive was installed, which he attributed to an intermittent overheating problem. Despite the intermittent problems, Mr. Pringle continued to use the second drive through the summer of 2011, but the problems became steadily more frequent and

⁷ See Pringle deposition at pages 33-35.

⁸ See Pringle deposition at pages 61-62.

⁹ See http://wayback.archive.org/web/*/http://beatportal.com, last visited 2011-12-16

more severe. Thinking that the problem was heat related, Mr. Pringle replaced the motherboard in his computer in July of 2011, but the problems continued. By the end of July the problems were sufficiently severe that the computer would sometimes fail to boot properly. At this point he contacted Western Digital for a warranty replacement¹⁰.

40. The Western Digital warranty web page shows that the claim was first opened on August 1, 2011. Based on my conversation with Mr. Dickie, counsel for Mr. Pringle, Mr. Pringle had not been advised of Defendants' request to inspect his hard drive at the time he opened the warranty claim and sent his hard disk to Western Digital for repair or replacement.

41. It is worth noting that the second hard drive, like its predecessor, would not have contained evidence relating to download of Beatportal.com remix contest tracks, even if any such download had occurred, since the Beatportal.com materials were no longer available for download when the second drive was first placed in service.

42. It is also worth noting that Mr. Pringle did not create the music at issue in this litigation on his computer, but rather on an ASR-10 keyboard with its own external storage media, which are both separate from Mr. Pringle's computer. The evidentiary record shows that by the January 2011 timeframe when the first disk failed, Mr. Pringle had already delivered copies of any files he believed to be relevant to Mr. Gallant.¹¹ After the second drive failed, Mr. Pringle told me that he removed it from the computer which would not boot, and placed it in an external disk enclosure, in order to attempt recovery of his files. He was successful in

¹⁰ The Western Digital web site shows that this warranty claim was opened on August 1, 2011. A copy of the RMA status page from Western Digital's web site is attached hereto as Exhibit E.

¹¹ This date is based on Pringle deposition at p. 54 and conversations with Mr. Gallant.

recovering many of his personal files, which he immediately provided to Mr. Gallant on or about August 7, 2011.

43. Given the current allegations of spoliation, it is extremely unfortunate that the first and second hard disks were not retained by Mr. Pringle after their failure and subsequent replacement. It is my opinion, based on the evidence available to me, that Mr. Pringle's failure to retain the failed hard disk is more likely the product of naivety with respect to litigation issues than to any overt attempt to destroy evidence. At the point in time when the first disk failed, Mr. Pringle would have already provided the data he believed material to his case to Mr. Gallant. No copy of Mr. Pringle's computer was requested by Defendants until months later in the litigation. Defendants had not advanced any allegations that would have suggested this computer (or its hard drives) might be relevant to the matter before the court. Given this situation, I think it unrealistic to assume that an inexperienced litigant such as Mr. Pringle would afford any special treatment to the failed computer or its disk drives unless he was specifically guided by his counsel to do so. In my experience such unfortunate oversights are common in litigation and by themselves do not necessarily provide evidence of any deliberate attempt at spoliation.

44. In paragraph 29 of his November 11, 2011 declaration, Mr. Laykin asserts that "Not only are backups and archives unavailable, which alone is highly unusual, but even his most recent computers used in 2009 and 2010 are unavailable for examination." Based on the evidence I have reviewed the assertion that there are no backups is false and misleading. At my request, Mr. Gallant provided me with a list of over 5000 files that Mr. Pringle has produced from the his backup media. It is further my understanding, based on conversations with Mr.

Pringle that he still possesses, and has offered for inspection, the computer he was using during this interval of time.¹²

Geluso's analysis of song origins

45. In paragraph 17 of his November 17, 2011 declaration, Mr. Geluso explains that:

In order to confirm whether Mr. Riesterer's "David Pop Guitar" Logic session file contains the original creation files for the guitar twang sequence that appears in "I Gotta Feeling," I attempted to re-create the guitar twang sequence using similar hardware and software that Mr. Riesterer used when he created "I Gotta Feeling" in 2008.

46. Paragraphs 18-21 of Mr. Geluso's declaration go on to explain the analysis process he used for this comparison, wherein he opens the "David Pop Guitar" file, applies sound distortion, sound equalization, dynamic compression effects, then applies "minor setting adjustments" in an attempt to match the guitar twang sound that he hears in "I Gotta Feeling." After manipulating the file in this fashion he then generates wave forms for the file he created, and the guitar twang sequence from "I Gotta Feeling" and compares the wave forms. His declaration shows a comparison of only 12 milliseconds (i.e. 12 thousandths of a second). As a result of this comparison he opines that the waveforms "would not match as closely as they do if Mr. Riesterer's creation file and sound effects processing techniques were not, in fact, the source of the guitar twang sequence in "I Gotta Feeling."

47. I find several aspects of this analysis troubling, and disagree that his conclusion is the only possible explanation for his results.

¹² As noted in the previous paragraphs, the hard drives from this computer are no longer in Mr. Pringle's possession, but the computer itself still exists.

48. As a first point, Mr. Geluso admits that Mr. Riesterer did not save the setting(s) he used to create "I Gotta Feeling."¹³ Mr. Geluso was forced to "manually adjust" the "David Pop Guitar" file using sophisticated sound manipulation techniques to create a sound file that he could match to the "I Gotta Feeling" guitar twang sequence. In essence, Mr. Geluso manufactured the evidence he used for half of his comparison, even though he conceded that the Logic session files for "David Pop Guitar" already had a representation of the guitar twang session.¹⁴

49. It seems reasonable to assume that Mr. Geluso's manipulations served to increase the correspondence between the two wave forms he compared, since his stated goal was to "re-create the guitar twang sequence."¹⁵ A logical conclusion based on his description is that the unmodified version of "David Pop Guitar" had substantially less correlation than his manufactured evidence. Mr. Geluso does not say whether he attempted to compare the unmodified "David Pop Guitar" guitar twang sequence to an unmodified "I Gotta Feeling" sequence or describe what the result of such a comparison might be.

50. My second point of concern with Mr. Geluso's first experiment is that he shows only 12 milliseconds of the waveforms he compared, an interval that is only slightly greater than 1/100 of a second. He does not say whether the same correlation between wave forms existed throughout his comparison, or whether he even compared the entirety of both guitar sequences.

¹³ See declaration of Paul Geluso (November 17, 2011) at footnote 7.

¹⁴ See declaration of Paul Geluso (November 17, 2011) at paragraph 15.

¹⁵ See declaration of Paul Geluso (November 17, 2011) at paragraph 17.

51. Given these defects, one is left to wonder whether Mr. Geluso’s analysis actually proves anything more than the fact that a skilled musician, using sophisticated equipment, can duplicate a sound effect.

52. I also have concerns about the authenticity of the underlying creation files for “David Pop Guitar,” which are purported to provide evidence about the origin and dates associated with the creation of “David Pop Guitar.” Mr. Geluso states that he relied upon the “David Pop Guitar” files that were produced by Mr. Riesterer.¹⁶ The contents of Mr. Riesterer’s purported creation files raise serious questions about the authenticity of the “David Pop Guitar” evidence. Each of the three sets of “David Pop Guitar” creation files contains a Logic Pro¹⁷ setting file called “documentData.” The contents of the “documentData” files include settings that identify sound devices. Each “documentData file” in Mr. Riesterer’s production includes a reference for an “828MK3 Hybrid” device¹⁸, as can be seen in the file excerpts below:

```
00a8e1e0h: 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 ; .....  
00a8e1f0h: 00 00 00 00 38 32 38 6D 6B 33 20 48 79 62 72 69 ; ...828mk3 Hybri  
00a8e200h: 64 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 ; d.....
```

¹⁶ Mr. Riesterer produced three sets of the “David Pop Guitar” creation files as Riesterer0000001, Riesterer0000002, and Riesterer0000038.

¹⁷ Logic Pro is software from Apple Computers that is used to write, record, edit, and mix music. See for example <http://www.apple.com/logicpro/top-features/> last visited December 18, 2011.

¹⁸ This is an apparent reference to the MOTU 828MK3 Hybrid, a hybrid audio interface device manufactured by MOTU. MOTU is a developer of computer-based audio and visual production hardware and software. See <http://www.motu.com/products/motuaudio/828mk3>, last visited December 18, 2011.

See Riesterer0000002 - HIGHLY CONFIDENTIAL\DAVID POP GTR_\DAVID POP GTR.logic\LgDoc\documentData.¹⁹ The last modification date of this file as shown by the file system metadata is February 5, 2009.

```
00a8e1e0h: 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 ; .....  
00a8e1f0h: 00 00 00 00 38 32 38 6D 6B 33 20 48 79 62 72 69 ; ...828mk3 Hybri  
00a8e200h: 64 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 ; d.....  
00a8e210h: 00 00 00 00 8F C8 47 D9 53 79 6E 63 20 50 6F 72 ; ... EGUSync Por  
00a8e220h: 74 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 ; t.....  
00a8e230h: 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 ; .....  
00a8e240h: 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 ; .....  
00a8e250h: 00 00 00 00 00 00 00 00 38 32 38 6D 6B 33 20 48 ; .....828mk3 H  
00a8e260h: 79 62 72 69 64 00 00 00 00 00 00 00 00 00 00 00 ; ybrid.....
```

See Riesterer0000003 - HIGHLY CONFIDENTIAL\DAVID POP GTR(2)\DAVID POP GTR\DAVID POP GTR.logic\LgDoc\documentData.²⁰ The last modification date of this file as shown by the file system metadata is October 17, 2008.

```
025feb90h: 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 ; .....  
025feba0h: 38 32 38 6D 6B 33 20 48 79 62 72 69 64 00 00 00 ; 828mk3 Hybrid...  
025febb0h: 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 ; .....  
025fec0h: 8F C8 47 D9 53 79 6E 63 20 50 6F 72 74 00 00 00 ; EGUSync Port...  
025febd0h: 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 ; .....  
025febe0h: 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 ; .....  
025febf0h: 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 ; .....  
025fec00h: 00 00 00 00 38 32 38 6D 6B 33 20 48 79 62 72 69 ; ...828mk3 Hybri  
025fec10h: 64 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 ; d.....
```

See RIESTERER0000038_Highly Confidential(unzipped)\DAVID POP GTR\DAVID POP GTR.logic\LgDoc\documentData.²¹ The last modification date of this file as shown by the file system metadata is October 17, 2008.

53. These references are forensically significant because the MOTU 828mk3 Hybrid is a sound device that was first announced in January, 2011.²² There is no apparent explanation

¹⁹ Note that the numbers in the left hand column of the excerpt are not a part of the file contents. These are offsets that identify the location within the file where this data is located.

²⁰ Note that the numbers in the left hand column of the excerpt are not a part of the file contents. These are offsets that identify the location within the file where this data is located.

²¹ Note that the numbers in the left hand column of the excerpt are not a part of the file contents. These are offsets that identify the location within the file where this data is located.

²² See <http://www.gearwire.com/motu-828mk3-hybrid-firewire-usb.html>, last visited December 18, 2011.

for why the name of this device should appear in files bearing modification dates of February 5, 2009 or October 17, 2008. The presence of the references to "828mk3 Hybrid" suggests that the file dates and contents have either been tampered with or were corrupted in some way by contamination with data that was created at a later point in time. In either case this evidence raises a red flag about the authenticity and reliability of the data Mr. Geluso relied upon. My analysis with respect to these files is still ongoing.

54. Mr. Geluso's second sound wave experiment is described in paragraphs 30-31 of his declaration. In this experiment Mr. Geluso compares the sound waves from an MP3 format file that was submitted with Mr. Warner's declaration (containing the Beatportal.com download file for the "I Gotta Feeling" guitar twang sequence) to an MP3 format file that he says was attached to Mr. Rubel's declaration. This second MP3 file contained the isolated guitar twang sequence from Mr. Pringle's "Take A Dive."

55. As a first point of concern, Mr. Rubel's declaration actually attached several different MP3 files that were derived from Mr. Pringle's music, some of which had been modified by Mr. Rubel in the course of his own analysis. Mr. Geluso does not identify which of Mr. Rubel's files he used.

56. Since his comparison is not based on original tracks as produced by the respective music creation platforms, Mr. Geluso has chosen to perform this comparison using a redacted form of music data. MP3 is a so-called "lossy" compression format, meaning that it is a digital recording format that has already redacted a significant quantum of original sound fidelity in order to achieve a smaller file size. MP3 compression deliberately and selectively

discards data as a function of the compression algorithms. Different MP3 encoders may use different algorithms. The quality of an MP3 recording (and hence the amount of data discarded) is influenced by numerous factors such as bit rate, choice of encoder, and encoding algorithms

57. Mr. Geluso does not address the bit rate or encoding algorithms that were used to generate the two MP3 files he uses in his comparison, nor the degree to which the two MP3 files were created by similar (or dissimilar) processes. Nowhere does he explain that this waveform analysis is based on redacted sound information, or that the two files may have been created using substantially different compression algorithms, encoders, and bit rates. If he checked to determine these parameters he does not disclose this in his declaration.

58. Mr. Geluso does not explain whether or why the redacted data of the MP3 is a valid basis for a forensic analysis, and does not address whether the data discarded during MP3 compression is forensically relevant. Given that he does not appear to have determined how the MP3s were created he does not (and cannot) address how the redacted character of the data might affect the accuracy of his comparison or the validity of his end conclusion.

59. As with his first experiment, Mr. Geluso shows only 12 milliseconds of the wave forms he compared. He does not say whether the same correlation between wave forms existed throughout his comparison, or whether he even compared the entirety of both guitar sequences. Nowhere does he provide an explanation to address why such a small sample should be considered adequate in the context of a much longer musical phrase.

60. Mr. Geluso does not appear to address whether there were alternate explanations that might have accounted for his findings with respect to the similarity between Mr. Pringle's

“Take A Dive (Dance Version)” guitar twang sequence and the guitar twang sequence in “I Gotta Feeling.” In asserting that Mr. Pringle sampled the guitar twang sequence from another source Mr. Geluso does not appear to consider whether Mr. Pringle may have re-sampled from the ASR-10’s own audio output, a technique that was sometimes used to compensate for the limited memory of the ASR-10. This omission is particularly curious in light of the testimony and evidence which show Mr. Pringle mailed demonstration CDs containing his music to multiple parties over the course of several years.²³

61. Mr. Geluso appears unaware that the Beatportal download for the “I Gotta Feeling” remix contest required registration and payment.²⁴ He does not address this potential source of evidence or whether there is any record of Mr. Pringle having made such a download.

TESTIMONY, COMPENSATION, AND ADDITIONAL ANALYSIS

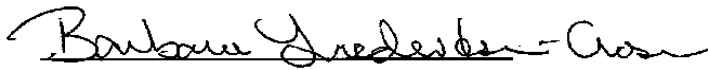
62. This declaration is based on the evidence that has been made available to me and the analysis I have performed to date. If asked, I will provide testimony about the opinions expressed in this declaration and the bases for those opinions. JLI is compensated for my work at an hourly rate of \$525 and my compensation does not in any way depend upon the outcome of this litigation.

²³ See for Example Pringle Exhibit 3, containing postal receipts for CDs that Mr. Pringle shipped. Although this exhibit shows only the destination zip code, I would note that at least one of the zip codes, 90404, corresponds to the zip code used by Interscope (Universal Music Group) in their official A&R contact information. (A sample of this contact information is attached hereto as Frederiksen-Cross Exhibit G.)

²⁴ See Exhibit C to this declaration.

63. If the Court permits, I reserve the option to supplement this declaration with any additional findings and opinions that I may form as a result of ongoing evidence production and my analysis of additional materials.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink that reads "Barbara Frederiksen-Cross". The signature is written in a cursive style with a horizontal line underneath the name.

Barbara Frederiksen-Cross

December 16, 2011

EXHIBIT A

Curriculum Vitae, Qualifications, Testimony

Barbara A. Frederiksen-Cross

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barb@jli.com

Qualifications

Education and Experience

Barbara Frederiksen received her basic education at American public schools and completed her High School education at Chemeketa Community College, at the age of sixteen.

She continued her education there, receiving an Associate of Applied Science degree in Computer Programming in 1974 at the age of eighteen.

Since then, she has continued her professional education with technical training from IBM, Amdahl, Hitachi Data Systems, Verhoef, SAS Institute, Merrill Consultants, Microsoft, and other education providers. This education has included advanced training in operating system internals, telecommunication system internals, database internals, diagnostics, system performance engineering, storage management, capacity planning, and data recovery.

Ms. Frederiksen has 36 years' experience in the computer industry and has held positions as, in chronological order: mainframe and midrange applications programmer; system analyst; software development consultant; programming instructor (developing courses in CICS, OS JCL, and VSAM internals); database administrator; systems programmer (problem diagnosis, maintenance and customization of mainframe operating system software and other software products); system performance specialist (for batch, on-line, and database systems); regional manager for a software consulting service provider; operating systems software developer (developing software to enhance the performance of mainframe computing systems); systems programmer (performing hardware planning and performance evaluation, system tuning, network tuning, disaster recovery planning, and managing data availability policies and procedures); systems programmer (responsible for problem resolution, software installation, and system maintenance for mainframe and midrange systems); UNIX system administrator; capacity planner (monitoring business metrics, sales forecasts, computer system performance, directing tuning efforts, and planning upgrades for MVS, AS/400, NCR 3600, Teradata, UNISYS, and UNIX systems); and forensic software analyst.

Ms. Frederiksen was team leader for the storage management/capacity planning team of a fortune 100 company for over three years, responsible for software, robotic tape libraries, management policies, and automated processes used to backup and recover global enterprise computer systems. In this capacity she also developed complex mathematical models to analyze and predict computer performance and capacity demands for national, regional, and global computer operations.

For the past 14 years, Ms. Frederiksen has worked in the field of computer forensics as a consultant to Johnson-Laird Inc., of Portland, Oregon.

Ms. Frederiksen has performed forensic software analysis for a variety of clients in over 100 civil and criminal matters. These matters include forensic software analysis in the context of copyright, patent, and trade secret disputes. She has analyzed computer software and source code in the context of over 25 Copyright/Trade Secret disputes. Her analysis experience with respect to these matters includes the evaluation and comparison of computer source code and object code to detect copying and derivative works, identification of third party and open source materials, analysis of architectural and other non-literal similarities, and analysis of computer source code to determine whether it incorporates or makes use of specific trade secrets.

Ms. Frederiksen has also analyzed computer software and source code in the context of over 20 patent disputes with respect to both infringement and invalidity arguments. Her analysis experience with respect to these matters includes analysis to determine how software functions and whether it practices the specific invention claimed in the patent(s) in suit. She is also experienced in the analysis of computer software that may constitute prior art for litigated patents and analysis of the development history of computer software with respect to on-sale bar issues.

Ms. Frederiksen has over 35 years personal experience as a software developer and consultant, and is familiar with licensing and contract practices common in the software industry as they apply to software consulting agreements, custom development, software licensing, and the sale of computer software. In the course of her career she has been responsible for negotiating consulting agreements and custom software development agreements as both a consultant and as a consumer of those services. She has been responsible for negotiating software license agreements for a fortune 100 company and also personally as both a licensee and licensor in such agreements. She has also developed software products and negotiated contracts for their subsequent sale.

Ms. Frederiksen has specialized knowledge of the analysis and remediation of failed software development efforts. She has been involved in software system audits performed by the State of Alaska, as well as forensic analysis relating to contractual disputes and litigation relating to failed software development efforts, licensing disputes, and the deployment and performance of software systems. As a forensic analyst, she has analyzed computer software, source code, and related computer-based evidence in the context of nine Software Licensing and Software Development disputes and three internal investigations relating to due-diligence for software acquisitions.

Ms. Frederiksen also has over four years experience with the oversight and evaluation of clean room procedures used for software development. This experience includes the development of clean room protocols and clean-room oversight for a major software development company, as well as actual experience programming in a clean room environment. In the context of her work for Johnson-Laird, Inc., Ms. Frederiksen has reviewed and critiqued clean room protocols, prepared educational presentations on clean room procedures and protocols for JLI clients, and evaluated software developed in a clean room to determine whether it was free of inappropriate materials. She has provided testimony at arbitrations and

hearings in the United States and Canada relating to clean room development procedures and protocols.

Ms. Frederiksen has experience in the design, implementation, and ongoing administration of databases and multi-dimensional data aggregation systems used to support business analysis, performance reporting, and ad-hoc decision support queries. She has specific experience with the design, programming, tuning, and administration of the hardware, software, and underlying database management systems implemented to support batch and on-line query and update systems, data warehouses, and data marts. She has developed and written application software used to allow users to manipulate and analyze data using pre-defined reports and ad-hoc queries as well as software used in the context of high-volume real time transaction and messaging systems. This experience includes special training from professional organizations such as CMG, and over ten years experience in the evaluation, modeling, and tuning of hardware and software systems' performance and capacity.

She is experienced in the recovery, preservation, and analysis of computer-based evidence. Ms. Frederiksen has assisted with discovery and analysis of computer software and computer-based evidence relating to large scale product liability investigations such as the Vioxx, Propulsid, Rezulin, and Ford/Firestone matters. She has also provided forensic analysis in civil and criminal investigations relating to unauthorized computer access, sabotage, internet trespass, spyware deployment, evidence tampering, and identity theft; as well as analysis performed in the context of internal software audits, acquisitions, and internal investigations relating to employee conduct.

Ms. Frederiksen has provided evidence recovery and analysis in criminal cases for the FBI and for the defense in *State of California v. Saghari*. She was a police reserve specialist with the Hillsboro Police department 2002-2009, assisting in criminal investigations involving computer-based evidence.

Papers and Presentations

"Open Source Issues in Mergers & Acquisitions" (co-authored with Katherine C. Spelman, Esq.) Open Source & Security Cincinnati Intellectual Property Law Association (OSS3); Erlanger, Kentucky, October 27, 2011

"Reverse Engineering: Vulnerabilities and Solutions" (co-authored with Susan Courtney) Pacific Northwest Software Quality Conference, Portland, Oregon, October 11, 2011

"Basic Computer Forensics (a lesson in modern Geek)" Santa Clara Public Defenders' Office, San Jose, California, October 26, 2010

"Quality Pedigree Programs: Or How to Mitigate Risk and Cover Your Assets" (co-authored with Marc Visnick and Susan Courtney) Pacific Northwest Software Quality Conference, Portland, Oregon, October 18, 2010

"Third Party Code Beware the Trojan Source!" co-authored with Katherine C. Spelman, Esq., American Bar Association Section of Intellectual Property Law Landslide® Magazine, "in press"

"Finding the Snipers and Preserving the Evidence" Oregon State Bar, Computer & Internet Law Section, Portland, Oregon, September 17, 2010

"Challenges in Corporate Forensics – Why Isn't Bigger Better?" panel participant Digital Forensic Research Workshop (DFRWS), Portland, Oregon, August, 2010

"Beware of Geeks Bearing Gifts, Beware The Trojan Source!" (co-authored with Kate Spelman, Esq.) University of Dayton School of Law: Significant Developments in the Intellectual Property Law of Computers and Cyberspace Conference, Dayton, Ohio, June 11, 2010

"Hack to the Future" NW ISSA Security Conference, Portland, Oregon, May 6, 2010

"e-Discovery: Size Matters" Oregon State Bar, Computer & Internet Law Section meeting, Portland, Oregon, February 23, 2010

"Software Pedigree Analysis: Trust But Verify" (co-authored with Marc Visnick and Susan Courtney) Pacific Northwest Software Quality Conference, Portland, Oregon, October 28, 2009

"e-Discovery: Size Matters" University of Dayton School of Law: Significant Developments in the Intellectual Property Law of Computers and Cyberspace Conference, Dayton, Ohio, June 12, 2009

"The Digital Detective: Looking for Evidence on Electronic Devices" Portland State University, Mathematics Engineering Science Achievement (MESA) Conference, Portland, Oregon, April 11, 2009

"Computer Forensics in Civil Litigation" Washington State University Vancouver, School of Engineering & Computer Science, Vancouver, Washington, April 7, 2009.

"Discovering Electronic Evidence" Tulane University Law School, New Orleans, Louisiana, March 18, 2009.

"E-Discovery: A Survival Guide" Tulane University Law School, New Orleans, Louisiana, March 16, 2009.

"New Technology, New Challenges" University of Dayton School of Law: Significant Developments In Computer & Cyberspace Law Convention, Dayton, Ohio, June 6, 2008.

"Electronic Forensics - Today and Tomorrow" Washington State University Vancouver, School of Engineering & Computer Science, Vancouver, Washington, April 1, 2008.

Will Peer-to-Peer Disappear? The Berglund Center for Internet Studies at Pacific University of Oregon, Forest Grove, Oregon, February 19, 2008.

"Computer Forensics" panel participant Portland Society for Information Management, Portland, Oregon, November 14, 2007.

"Tuned In, Turned On, Spaced Out: How Technology is Changing Our Communities and Shaping Our Future" panel participant Hillsboro Town Hall (Pacific Institute for Ethics and Social Policy), Hillsboro, Oregon, October 25, 2007.

"Basic Computer Forensics (a lesson in modern Geek)" Santa Clara Public Defenders' Office, San Jose, California, October 23, 2007.

"Obtaining & Using Electronic Evidence" panel participant 2007 National Employment Lawyers Association (NELA) Eighteenth Annual Convention, San Juan, Puerto Rico; June 27-30, 2007.

"Where Are We Allowing Technology to Lead Us?" University of Dayton School of Law Significant Developments In Computer & Cyberspace Law Convention, Dayton, Ohio, June 8, 2007.

"Where Are We Allowing Technology to Lead Us?" Computer Related Investigations, Management, and Education (CRIME), Hillsboro, Oregon, May 16, 2007.

"Where Are We Allowing Technology to Lead Us?" Keynote Address, International Technology Law Association Annual Meeting & World Conference, Chicago, IL; April 26-27, 2007.

"The Law Firm's E-Data: A Risk Management Nightmare?" panel participant 2007 Legal Malpractice & Risk Management Conference, Chicago, IL; March 6-9, 2007.

"Computers and Disaster Planning: What Can We Learn from Katrina and SARS?" Cutting Edge Issues in Technology Law, Seattle, WA, December 7-8, 2006.

"Phishing, Pharming, & Wholesale Data Harvesting" University of Dayton School of Law Significant Developments In Computer & Cyberspace Law Convention, Dayton, Ohio, June 9, 2006.

"Lessons Learned From Katrina, SARS, and Other Disasters" University of Dayton School of Law Significant Developments In Computer & Cyberspace Law Convention, Dayton, Ohio, June 9, 2006.

"e-Discovery and the Proposed Federal Rules of Civil Procedure (FRCP) Changes - How Safe Is The Safe Harbor?" Cooley Godward LLP, San Diego, California, March 2, 2006.

"Proposed Changes To Rule 26: A New Game?", Oregon State Bar, Business Litigation Continuing Legal Education, Portland, Oregon, November 9, 2005.

"A View from the Witness Stand," Computer Related Investigations, Management, and Education (CRIME), Portland, Oregon, September 7, 2005.

"The Technology of Electronic Discovery" Tulane Law School, New Orleans, Louisiana, April 20, 2004.

"Preserving Documents and Data", Association of Trial Lawyers of America, Case Management and Electronic Discovery in Pharmaceutical Litigation, Dallas, Texas, March 7-8, 2003.

"Documents, Databases, Discovery and the Damned", University of Kentucky College of Law 4th Annual Computer & Technology Law Institute, Lexington, Kentucky, November 1-2, 2002.

"Forensic Software Analysis (electronic discovery)", Louisiana State Bar Association – Mass Torts Symposium, New Orleans, Louisiana, October 25, 2002.

"eDiscovery – The Role of an Expert", Computer Related Investigations, Management, and Education (CRIME), Portland, Oregon, October 8, 2002.

"Working with Experts" (panel member), Computer Law Association, Orlando, Florida, October 3, 2002.

"Efficient Discovery Through the Use of Technology" Association of Trial Lawyers of America (ABTL), Atlanta, Georgia, July 20-24, 2002

"The Technology of Discovery Issues" University of Dayton School of Law Advanced Computer and Cyberspace Law Convention, Dayton, Ohio, June 7, 2002.

"Beyond Common Experience - Persuading the Jury with Expert Testimony Mini-Seminar" panel participant and software expert, Association of Business Trial Lawyers (ABTL), San Diego, California, May 11, 2002.

"Computer Searches and Seizures: Some Unresolved Issues," 8 Mich. Telecomm. Tech. L. Rev. 1 (2002), Susan W. Brenner and Barbara Frederiksen, available at <http://www.mttl.org/voleight/Brenner.html>

"Information Technology Basics" Sixth Annual CyberSpace Camp Conference, San Jose, California, February 14-16, 2002

"Emerging Issues in CyberSpace: Regulations without Borders and Borders without Regulations" University of Calgary Faculty of Law, Alberta, Canada, February 6, 2002

"Evidence in the Age of Electrons" Guest Lecturer, Professor Davis's Internet Litigation LLM course, Santa Clara University School of Law, Santa Clara, California, November 17, 2001.

"Tunnel Blindness: Insecurity and the Internet" Oregon State Bar Continuing Legal Education Computer Law in the New... new Economy, Portland, Oregon, November 2, 2001

"Forensic Software Analysis: Smoking Guns and Spinning Disks Redux" Louisiana State Bar Class Action/Mass Torts Symposium 2001, New Orleans, Louisiana, October 26, 2001

"Beyond Common Experience - Persuading the Jury with Expert Testimony" panel participant and software expert, Association of Business Trial Lawyers (ABTL), LaQuinta, California, October 12-14, 2001.

"Tools and Techniques for Forensic Analysis." 2001 Federal Public Defenders Computer Systems Administrator Conference, San Diego, California, June 12, 2001.

"Technologies for Data Collection and Snooping." University of Dayton School of Law Computer and Cyberspace Law Convention, Dayton, Ohio, June 8, 2001.

"New Technologies and the Legal Issues They Raise." University of Dayton School of Law Computer and Cyberspace Law Convention, Dayton, Ohio, June 8, 2001.

"Records Retention, Privacy, and the Age of Electrons." Financial Women's Association, Silicon Valley Conference, San Francisco, California, March 2001.

"Managing The Mountain -- Strategies For Computer Based Evidence." Clifford Chance, In-house conference, London, England, March 2001.

"Managing The Mountain -- Strategies For Computer Based Evidence." The Computer Law Association European CyberSpaceCamp Conference, Amsterdam, the Netherlands, March, 2001.

"What You Need to Know About Domain Names: Introduction and Overview." Domain Name Protection, Litigation & Management Summit, San Francisco, California, February 2001.

"Computer Based Evidence: Strategies To Manage The Mountain" Herman Middleton, New Orleans, January 2001.

ALI-ABA Trial Of A Software Patent Case: Panel participant and software expert presenting video taped testimony for the mock trial. Chicago, Illinois, September 2000.

"The ABCs of CBE (Computer-Based Evidence)." Oregon Criminal Defense Lawyers Association, Bend, Oregon, June 2000.

"New Technologies: New Challenges for the Law" (Paper co-authored with Andy Johnson-Laird, William R. Trost), Dayton Law Journal, June, 2000.

"Computers and the Law: Collaboration or Collision?" (Paper co-authored with Andy Johnson-Laird, William R. Trost), The Second Annual Symposium On Information Technology And Cyberspace Law, May, 2000. (Osgoode Hall Law School of York University, Toronto, Canada.)

"Electronic Evidence (Too Much of A Good Thing?)" Santa Clara County Bar Association, May, 2000 (CLE).

"Bringing Your Story Home: Technology In The Courtroom" Willamette University College Of Law, May 2000.

"Computer Based Evidence – The ABCs of CBE" Willamette University College of Law, April, 2000.

"Making Sense of Electronic Evidence" Conference For Federal Defender Administrators And Computer Systems Administrators, April, 2000.

FJC Mini Conference on Discovery of Computerized Information, Hastings College Of Law, March, 2000.

"Techno-Archeology™ - The Analysis of Failed Software Development" Lane Powell Spears Lubersky, November, 1999 (CLE).

"Y2K Incoming! – Preserving Evidence For The Inevitable" Oregon State Bar, Computer Law Section, November, 1999 (CLE).

"The Preservation and Analysis of Computer-based Evidence," Powell, Goldstein, Frazer & Murphy, August, 1999 (CLE).

"Forensic Software Analysis: Preservation Discovery and Analysis of Computer-based Evidence," Computer Related Investigations, Management, and Education (CRIME), April 13, 1999.

"Forensic Software Analysis: The Preservation and Analysis of Computer-based Evidence," Miller, Nash, Wiener, Hager & Carlsen, February, 1999.

"A Silent Chorus – The Relevance of Electronic Evidence," Willamette University College of Law, Internet Law Caucus, November 1998.

Expert Testimony

Court Appointed Expert

Appointed (2000-) as Court Data System Advisor to the Honorable Marvin J. Garbis, in the U.S. District Court for the District of Maryland, in the matter of *Vaughn G., et al. v. Walter G. Amprey, et al.*, Civil Action No. MJG-84-1911.

Trial Testimony

Admitted as an expert in computer software in US District Court for the Eastern District of Virginia, Norfolk Division, *ActiveVideo Networks, Inc. v. Verizon Communications, Inc. Verizon Services Corp., Verizon Virginia, Inc. and Verizon South, Inc.*, Civil Action No. 2:10-cv-248, July 2011 (Engaged by ActiveVideo Networks for source code analysis related to accused devices in the context of a patent infringement suit.)

Admitted as an expert in software engineering in the U.S. District Court for the Eastern District of Texas, Tyler Division, *Clear With Computers, LLC. v. Hyundai Motor America, Inc.*, Case No. 6:09-cv-479 LED, June 2011 (Engaged by Hyundai Motor America, Inc. for invalidity analysis in the context of a patent infringement suit.)

Admitted as an expert in computer based evidence in *The People of the State of California v. Jason Cai*, Superior Court of the State of California, for the County of Santa Clara, Case No. CC810427 (Engaged by counsel for defendant in a homicide matter)

Bill Fraser, Soo Min Fay, Doug Frosch, George Marshall, Cal Mitchell, Jim Rubino, Tim Shea, John Sullivan, and Steve Munson v. Valley Energy Investment Fund U.S., L.P., Vulcan Investment Holdings, LLC, Denham Commodity Partners Fund V LP, Denham Capital Management L.P., Merrill Lynch Commodity Partners, LLC, Scott Mackin, David Owens, Rod Wimer, Robert Warburton, Todd Bright, Robert Jones, and Vulcan Power Company, Circuit Court for the State of Oregon, Lane County, Case No. 160826841. (Engaged by Plaintiffs to assess whether discovery costs incurred by Defendants were reasonable in the context of case fact pattern.)

Admitted as an expert in the District Court of Tarrant County, Texas, discovery hearing, *Estate of Dwayne Freeto, et al. v. Ford Motor Company and Scott Hilburn*, Case No. 348-233429-08. (Engaged by the Estate of Dwayne Freeto, et al., discovery issues and analysis relating to electronic data.)

CollegeNet, Inc. v. XAP Corporation, U.S. District Court for the District of Oregon, Case No. 03-1229-BR, June 2008 (Engaged by XAP Corporation, analysis of inequitable conduct during patent prosecution.)

Admitted as an expert on software analysis in *Grantley Patent Holdings, Ltd. v. Clear Channel Communications, Inc., et al.*, Case No. 9:06cv259, April, 2008 (Engaged by Grantley Patent Holdings, Ltd., patent infringement/validity.)

Markman hearing in *Grantley Patent Holdings, Ltd. v. Clear Channel Communications, Inc., et al.*, Case No. 9:06cv259, October 2007 (Engaged by Grantley Patent Holdings, Ltd.)

Admitted as a software expert in *Ricoh Corporation and Ricoh Company, Ltd. v. Pitney Bowes, Inc.*, Case No. 02-5639 (GEB), November 2006 (Engaged by Pitney Bowes Inc., patent infringement/validity.)

Admitted as an expert on software analysis *CollegeNet, Inc. v. XAP Corporation*, U.S. District Court for the District of Oregon, Case No. 03-1229-BR, September 2006 (Engaged by XAP Corporation, patent infringement/validity.)

Admitted as an expert on computer software development, clean room procedures, and database in *HotSamba, Inc. v. Caterpillar, Inc.*, U.S. District Court Northern District of Illinois Eastern Division, Case No. 01-C-5540, September 2006 (Engaged by Caterpillar Inc., copyright/licensing dispute/breach of contract.)

Admitted as an expert on software development and the recover and analysis of computer based evidence in *Compuware Corporation v. International Business Machines Corp.*, United States District Court for the Eastern District of Michigan, Case No. 02-70906, March, 2005 (Engaged by Compuware Corporation to perform analysis of computer based evidence relating to copyright/trade secret issues.)

Admitted as an expert on the analysis of computer based evidence in *Norman B. Feaster et al. v. CSX Transportation, Inc.*, Franklin County Circuit Court Case No.

10,913-CV, November 2002 (Engaged by Norman B. Feaster, et al, railroad case involving analysis of locomotive event recorder data.)

Admitted as an expert on recovery and analysis of computer based evidence in *Bridgestone/Firestone, Inc., ATX, ATX II, and Wilderness Tires, Products Liability Litigation*, United States District Court Southern District of Indiana Indianapolis Division Court Case No. IP00-9373-C-B/S MDL No. 1373, February 2002 (Engaged by Plaintiffs' Litigation Committee, discovery issues and analysis relating to electronic data.)

Admitted as an expert on computer software and the analysis of computer based evidence in *United States of America v. Santee Sioux Tribe of Nebraska*, United States District Court for the District of Nebraska, Case No. 8:96CV367, October, 2001 (Engaged by Santee Sioux Tribe of Nebraska, analysis relating to the software used for operation of computer controlled gaming devices.)

Admitted as an expert on recovery and analysis of computer based evidence in *Tim O'Neil v. Levi Strauss and Company et al*, Superior Court of California, Case No. 221466, February, 2001 (Engaged by Levi Strauss and Company, recover and analyze computer based evidence.)

Admitted as an expert on recovery and analysis of computer based evidence in *State of California v. Bahram Saghari*, Superior Court of California, Case No. 205525, February, 2000. (Engaged by Bahram Saghari, recover and analyze computer source code and computer based evidence)

Admitted as an expert on computer software development in *Novinger v. TRW et al.*, U.S. District Court for the District of Oregon, Case No. CV96-286-JE, July, 1998. (Engaged by Novinger, to review software and data management practices relating to an identity theft case)

Arbitration Testimony

Judicial Arbitration and Mediation Services, Inc. (JAMS), *The Clearing Corporation v. The Chicago Merchantile Exchange, Inc.*, Case No. 06CH10553, April 2008 (Engaged by The Clearing Corporation relating to breach of license/copyright dispute.)

Judicial Arbitration and Mediation Services, Inc. (JAMS), *Polimaster Ltd and NA&SE Trading Co., Limited and RAE Systems, Inc.*, Case No. 1110009296, March 2007 (Engaged by RAE Systems, Inc. to analyze software relating to copyright, trade secret, and reverse engineering allegations.)

International Commercial Arbitration Act, *MPI Technologies, Inc., and Xerox Canada, Ltd and Xerox Corporation*, January 2005 (Engaged by MPI Technologies to analyze computer software and evidence relating to a breach of license/copyright dispute.)

American Arbitration Association, *Bionic Buffalo Corporation v. Integrated Systems, Inc. and WindRiver Systems, Inc.*, Case No. 79 117 0011299, February 2002. (Engaged by Integrated Systems, Inc. to analyze computer software and evidence relating to a breach of contract/copyright dispute.)

American Arbitration Association, *Rollins, Inc., v. ALE Systems*, Case No. AAA30 181 00081 98, June, 1999 and August 1999. (Engaged by Rollins, Inc., to analyze computer software and evidence relating to a breach of contract/failed software development dispute.)

Deposition Testimony

US District Court for the Western District of Pennsylvania, *University of Pittsburgh of the Commonwealth System of Higher Education dba University of Pittsburgh v. Varian Medical Systems, Inc.*; Case No. 2:08-cv-01307, September 2011 (Engaged by University of Pittsburgh; patent infringement)

US District Court for the Eastern District of Virginia, Norfolk Division, *ActiveVideo Networks, Inc. v. Verizon Communications, Inc., Verizon Services Corp., Verizon Virginia, Inc., and Verizon South Inc.*; Case No. 2:10-cv-248-RAJ-FBS, June 2011 (Engaged by ActiveVideo Networks, Inc. ; patent infringement)

U.S. District Court for the Eastern District of Texas, Tyler Division, *Clear With Computers, LLC. v. Hyundai Motor America, Inc.*, Case No. 6:09-cv-479 LED, April 2011 (Engaged by Hyundai Motor America, Inc.; patent infringement suit.)

In the Circuit Court of the 11th Judicial Circuit, In and For Miami-Dade County, Florida, General Jurisdiction Division, *Jarrell Cannon a minor by and through his mother and natural guardian, Alicia Lott, and Alicia Lott, individually v. Ford Motor Company, and Hazel Edgecomb*, Case No. 05-21648 CA20, March 2011 (Engaged by plaintiffs in the context of technical issues in discovery)

U.S. District Court for the Eastern District of Texas, Tyler Division, *Clear With Computers, LLC. v. Hyundai Motor America, Inc.*, Case No. 6:09-cv-479 LED, March 2011 (Engaged by Hyundai Motor America, Inc. patent infringement suit.)

In the Circuit Court of Cook County, Illinois, County Department-Chancery Division, *Citadel Investment Group, v. Teza Technologies, LLC, et al.*, Case No. 09 CH 22478, July 2010. (Engaged by Teza Technologies to verify effectiveness of clean room protocol.)

U.S. District Court for the District of Oregon, *CollegeNet, Inc. v. XAP Corporation*, Case No. 03-1229-BR, April 2008. (Engaged by XAP Corporation, to analyze computer software in the context of a patent infringement suit.)

U.S. District Court for the Western District of Wisconsin, *Extreme Networks, Inc. v. Enterasys, Inc.*, Case No. 07-C-0229-C, February 2008. (Engaged by Enterasys, Inc., patent infringement.)

U.S. District Court for the Eastern District of Texas, Lufkin Division, *Grantley Patent Holdings, Ltd. v. Clear Channel Communications, Inc., et al.*; Case No. 9:06cv259, February 2008 (Engaged by Grantley Patent Holdings, Ltd., patent infringement.)

U.S. District Court for the Western District of Wisconsin, *Extreme Networks, Inc. v. Enterasys, Inc.*, Case No. 07-C-0229-C, January 2008. (Engaged by Enterasys, Inc., patent infringement.)

U.S. District Court Northern District of California San Jose Division, *Creative Science Systems, Inc. v. Forex Capital Markets LLC and REFCO Group Ltd., LLC*, Case No. C04-03746 JF (RS), September 2006. (Engaged by Forex Capital Markets to perform analysis in the context of a software licensing dispute.)

U.S. District Court Northern District of Minnesota, *Ricoh Corporation and Ricoh Company, Ltd. v. Pitney Bowes, Inc.*, Case No. 02-5639 (GEB), August 2006. (Engaged by Pitney Bowes Inc., patent infringement.)

U.S. District Court Northern District of Illinois Eastern Division, *HotSamba, Inc. v. Caterpillar, Inc.*, Case No. 01-C-5540, July 2006. (Engaged by Caterpillar Inc.)

U.S. District Court for the District of Oregon, *CollegeNet, Inc. v. XAP Corporation*, Case No. 03-1229-BR, March 2006. (Engaged by XAP Corporation, to analyze computer software in the context of a patent infringement suit.)

U.S. District Court Northern District of California San Jose Division, *Creative Science Systems, Inc. v. Forex Capital Markets LLC and REFCO Group Ltd., LLC*, Case No. C04-03746 JF (RS), March 2006. (Engaged by Forex Capital Markets to perform analysis in the context of a software licensing/copyright dispute.)

U.S. District Court Central District of California Western Division, *Imax Corporation and Three-Dimensional Media Group, Ltd. V. In-Three, Inc.*, Case No. CV-05-1795 (Mcx), August 2005. (Engaged by In-Three, Inc., to perform analysis of computer software relating to patent validity and prior art.)

Superior Court of the State of California, County of San Diego, *Del Mar Datatrac, Inc. v. ProLender Solutions, Inc., et al.*, Case No. GIC 817717, June 2004 (Engaged by Del Mar Datatrac, to analyze computer software in the context of a trade secret/copyright case and oversight of subsequent software production to verify effectiveness of clean room procedures used during remediation.)

U.S. District Court Northern District of California Oakland Division, *Compuware Corporation v. International Business Machines*, Case No. 02-70906, May 2003, June 2003, June 2004, and January 2005. (Engaged by Compuware Corporation to perform analysis of computer software and software development efforts in the context of a copyright/trade secret dispute.)

U.S. District Court Northern District of California Oakland Division, *VMware, Inc. v. Connectix Corporation and Microsoft Corporation*, Case C03 00654 CW, April 2003. (Engaged by Connectix Corporation, to perform analysis of computer software and potential prior art in the context of a patent dispute.)

U.S. District Court for the Eastern District of Virginia, Alexandria Division, *Washington Post. Newsweek Interactive Company, LLC., et al v. The Gator Corporation*, Case No. 02-909-A, December 2002. (Engaged by The Gator Corporation for analysis of computer software and computer-based evidence relating to a dispute involving pop-up advertisements.)

Franklin County Circuit Court, *Norman B. Feaster et al. v. CSX Transportation, Inc., et al.*, Franklin County Circuit Court Case No. 10,913-CV, November 2002. (Engaged by Norman B. Feaster, et al. in the context of a railroad case requiring analysis of locomotive event recorder data.)

The Superior Court Of The State Of California, *Tim O'Neil v. Levi Strauss and Company, Earnest "Hap" Wheale, Katy Basile, Ruth Meyler, and DOES 1 through 100*,

Case No. 305531, January 2001. (Engaged by Levi Strauss and Company, recover and analyze computer based evidence.)

U.S. District Court for the Northern District of Illinois, Eastern Division, *Chris-Craft Industrial Products, Inc. v. Kuraray Company, Ltd., Kuraray America, Inc. Cast Film Technology, Inc. and James R. Rossman*, Case No. 98 CV 7298. (Engaged by Chris-Craft to recover and analyze data related to trade secret misappropriation.)

U.S. District Court for the District of Oregon, *Novinger v. TRW*, Case No. CV96-286-JE. (Engaged by Novinger, to analyze computer software and data management practices relating to an identity theft case.)

EXHIBIT B

1. MATERIALS RECEIVED OR REVIEWED

1.1 Documents

Label/Notes (Description)

Audio exhibit to Clark Warner declaration (11-17-11)
Audio exhibit to Paul Geluso declaration (11-17-11)
Mark Rubel Declaration exhibit B-audio CD (from Court)
Disk05.NRG file/promo photos
Bryan Pringle deposition (8-24-11) exhibits 26-36
Letter from US Copyright Office to Katharine Dunn/Miller Canfield in response to Freedom of Information Act request (7-27-11)
Mark Rubel Declaration in Support of Plaintiff's Ex Parte Application for TRO (11-22-10)
Frederic Riesterer declaration (11-23-10)
Riesterer0000038
Riesterer0000001-9
Alain Etchart declaration (11-4-11)
Frederic Riesterer deposition (6-23-11)
Frederic Riesterer deposition (6-23-11) exhibit Nos. 1, 5, 7, 11
Bryan Pringle deposition (8-24-11)
David Gallant report (4-28-11)
Tal Dickstein Declaration in Support of Motion for Summary Judgment and Exhibits (11-17-11)
Erik Laykin Declaration in Support of Defendants' Opposition to Ex Parte Application of Plaintiffs for a TRO and Order to Show Cause re Preliminary Injunction (11-23-10)
Declaration of Paul Geluso (11-17-11)
Declaration of Clark Warner (11-17-11)
Declaration of Erik Laykin (11-17-11)
Interscope postal receipts (6-3-06)
Erik Laykin deposition (12-7-11)
Step-by-Step instructions playing the guitar twang sequence by itself, on the ENSONIQ ASR-10 keyboard
Take A Dive - Disk 05 contents menu
Dean Dickie/Miller Canfield letter to Tal Dickstein/Loeb & Loeb re extensive exchange of emails (8-22-11)
Complaint for Copyright Infringement (10-28-10)
TigerDirect Systemax computer (windows XP) invoice receipt (7-10-04)
David Gallant report (8-6-11)
Amazon Western Digital 500GB hard drive receipt (1-5-10)

Newegg Western Digital 640GB hard drive receipt (5-18-09)
Server Supply Intel motherboard receipt (7-7-11)
MP3 of the music for the 1998 copyrighted version of "Take A Dive"
MP3 of the music for the 1999 "Take A Dive" (dance version) containing the
guitar twang sequence
Plaintiff's Amended Answers to Defendant Headphone Junkie Publishing,
LLC's First Set of Interrogatories
Joint Stipulation on Motion by Defendants to Compel Supplemental Responses
by Plaintiff to Interrogatories and for Monetary Sanctions
UPS Hard Drive Replacement Tracking Information
Western Digital RMA Status
Kara Cenar/Bryan Cave letter to Dean Dickie/Miller Canfield, et al. (10-8-11) re
meet and confer, discovery responses
Dean Dickie/Miller Canfield letter to Kara Cenar/Bryan Cave re meet and
confer meet requests (10-31-11)
David Gallant letter findings (7-23-10)
Alex Norris expert report (11-28-11)
A&R directory_PL0022
A&R directory contacts_PL0080-87
Beatport presents the Black Eyed Peas Remix Contest in association with
Dipdive (8-21-09) http://blackeyedpeas.dipdive.com__news__8349
Beatport contest information from <http://www.rlslog.net> (shows tracklist for
remix pack) (8-25-09)
Beatport terms & conditions (11-13-08)
Beatport terms & conditions (12-30-10)
Ensoniq ASR10 manual
List of Pringle Backup Files (From David Gallant)

EXHIBIT C

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Beatport presents the Black Eyed Peas Remix Contest in association with Dipdive

21 August, 2009 | 6.56AM

Written by: [Beatportal](#)

Filed under: [Music News](#): [black eyed peas](#), [remix contests](#)



Beatport has teamed up with the quartet of The Black Eyed Peas, consisting of will.i.am, Fergie, apl.de.ap, and Taboo, to offer aspiring producers the chance to remix their current number one hit single 'I Gotta Feeling' co-produced by David Guetta.

'I Gotta Feeling' is the second single from the band's new album 'The E.N.D.', and continues to sit at No.1 in the Billboard Hot 100 chart since its release. It has sold over 2 million downloads. The Black Eyed Peas just made Billboard history as the only artist/group with the longest successive stay at the top of the Hot 100 chart with 20 consecutive weeks at #1.

This special remix contest will give dance producers the chance to remix one of the biggest groups in pop music, and join remixing greats David Guetta, Jazzy Jeff, Boys Noize, Pete Rock, and Lil Jon who have also remade tracks by The Black Eyed Peas in the past.

The opportunity



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The three-time Grammy Award winning band, The Black Eyed Peas is inviting all budding DJs and aspiring producers the chance to remix their hit single 'I Gotta Feeling'. Beatport is proud to bring this opportunity to music producers around the world. The top remixes will be exclusively featured on Dipdive.com, the online community for The Black Eyed Peas.

The stages

1. August 21st - September 8th: **Download phase** - The bundled remix parts of 'I Gotta Feeling' is no longer available.
2. September 1st - September 14th: **Upload/Submission phase** - Upload your remix to Beatportal to www.beatportal.com/remix. During this phase the entries can be listened to, but not voted for.
3. September 15th - September 28th 2009: **Voting phase** - The public votes for their favorite remixes by 'spinning' them.

After a period of deliberation, the winner will be announced on or around October 15th, 2009.



The prizes

Up to 10 remixes will be exclusively featured on Dipdive.com, the online community for The Black Eyed Peas. The top 3 remixes will also receive the following prizes:

1st prize

[A Native Instruments Maschine](#)

[Traktor Scratch Duo](#)

[A Pacemaker portable DJ system](#)

[Korg Kaossilator](#)

[Korg miniKP](#)

[Moog MIDI MuRF Effects Processor](#)

[Moog Multi-Pedal USB/MIDI/CV Controller](#)

[V-Moda headphones](#)

[\\$500 Beatport gift card](#)

2nd prize

[\\$100 Beatport gift card](#)

3rd prize

[\\$50 Beatport gift card](#)

The rules

1. Download the bundled remix parts to 'I Gotta Feeling' for \$4.99 USD from August 21st - September 8th. **NOTE:** You do not need to download the WAV files to enter the remix contest. Stem parts are only available as a bundled download.
2. Remix the track into your chosen style. All genres are welcome.
3. Submit your remix to Beatportal's [remix page](#). MP3 files sizes are limited and may be no larger than 10 MB.
4. The download phase begins August 21st 2009 and ends September 8th 2009.
5. The submission phase begins on September 1st, 2009 at 12.01AM MST and ends September 14th, 2009 at 11.59PM MST.
6. The voting phase starts on September 15th, 2009 at 12.01AM MST and ends on September 28th, 2009 at 11.59pm MST.
7. Ten remixes will be submitted as voted for by the Beatportal community and ten remixes will be submitted by Beatport staff. The final winner will be chosen by The Black Eyed Peas.
8. Remixes using 'uncleared' samples will be disqualified. An 'uncleared sample' is a musical work, loop or sample that you do not own the copyright for (ie: you didn't create it). You are free to use sounds that were created by you.
9. All remixes submitted for this contest become the legal property of Interscope Records. Your remix contest submission becomes the legal property of the record label hosting the competition as protection against the release of unauthorized remixes.
10. All trademarks and logos are protected. All rights of the producer and the owner of the recorded work are reserved. Unauthorized copying, hiring, renting, public performance and broadcasting of this record, remix or remix parts is prohibited.

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mickaelakira said at 7:49am on Tue, February 02, 2010
my last song " Mickael Akira - Make Me Feel " in preview in this link
<http://soundcloud.com/mickaelakira/mickael-akira-make-me-feel-preview>
good listening ;-)



mickaelakira said at 7:48am on Tue, February 02, 2010
my last song " Mickael Akira - Make Me Feel " in preview on my wall or in this link <http://soundcloud.com/mickaelakira/mickael-akira-make-me-feel-preview> good listenning ;-)



Dj Guga said at 12:51pm on Mon, February 01, 2010
Were I can find the winners of this contest???
thank you!



EasyStevie said at 3:40pm on Tue, January 26, 2010
THis contest is a big joke ..

Did you ever think about how much money they make from it?

I bet like over 100 times of what they pay for the awards (if they pay for it at all).

Fuck beatport, they killed quality. (i bet their mastering engineers are deaf)



djnippa said at 8:27am on Wed, December 02, 2009
@ Freefly07.
Are you joking?

The best mix should win, no matter who produces it.
The winners are all too similar in my book, and lack variety, energy and drama. The mixes I have played out from this competition and that all work wonders, and get a huge crowd reaction are Audio Pimps, Volt & Watts, Amurai.

THIS COMPETITION IS A DISASTER, AND PROBABLY FIXED.

1. Badly chosen Winners. 1500 entries, from all around the world, and the top six are all terrible....!
2. There seems to be only one judge as there is no variety in the 6 runners up.
3. The initial voting system was a joke.

If any of the top six winners were any good, I'd be more than happy with the result. They should have tried to pick one winner from each category. House, Trance, Electro, Breaks, Minimal, Techno, etc



FreeFly07 said at 7:42am on Wed, December 02, 2009
In my opinion it is a good thing that these were the winners. Let's not forget that this is a contest for up-coming DJ-s and not for professional DJ-s. To see that some pretty simple remixes had won, makes you believe that they were made by normal people, on a simple computer with some softwares, and not by a professional DJ with a studio and very expensive equipments. So this brings hope to any wanna-be DJ, that he can do a remix and win the contest, and not some guy who is already a DJ with many releases and a big experience.



Jack O'Lantern said at 8:57am on Sat, November 28, 2009
The winning remixes are completely and utterly disappointing!
Banal, boring and predictable!
Are Beatportal trying to convince us that these are the best of 1200 entries?
Ridiculous!

No wonder there is such poor interest in the latest Yello remix contest, people are beginning to see through the deceptive façade of Beatportal.

A bit like those phone sex lines, advertising beautiful, sexy, semi naked girls at the other end of the phone, while in reality they are most likely fat, ugly slobs, sucking on a cigarette, who can fake a sexy voice...

...Beatportal give the impression that they are a large organization of music professionals with a wealth of experience and knowledge. Judging from the choice of winners in recent remix contests, it would seem that behind that apparently slick & professional Beatportal website, lies a shoddy and understaffed third rate outfit of acne ridden kids who know next to nothing about music and use these remix contests to promote the music of friends and people they know!



djnippa said at 3:09am on Fri, November 27, 2009

HATE is a strong word. I'm also please the voting cheats didn't get a look in. What I can't understand is where are the remixes supposed to be played. They have nothing exciting happening in any of them. Club they wouldn't work, Radio ... maybe at 6am on a deep depressing dark show. CLEARLY ALL CHOSEN BY ONE PERSON. If they'd been chosen by a group, they'd be a lot greater variety. It's bollocks.



Valters Boze said at 2:34am on Fri, November 27, 2009

I dont like the winner remix, I hate electro house. But I have to admit that the track is done professionally. My favorite is Terentievs remix. You call it depressive? I`m glad that the spammers with their electro booming tracks didnt make it through! :D



djnippa said at 2:30am on Fri, November 27, 2009

Just listened to all the runners up remixes. Fuck me, some ploddy, depressing, slow, minimal, boring, dull tracks. All very similar, which makes me suspicious that they were chosen by one person only, who likes it depressing. All the tracks would completely fall flat in a club, and make you want to tune out on the Radio..... so much for having a Feeling..... that tonight's gonna be a shite, shite night.

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<http://www.beatportal.com/feed/item/beatport-presents-black-eyed-peas-remix-contest-in-association-with-dipdive/>

Beatport has teamed up with the quartet of The Black Eyed Peas, consisting of will.i.am, Fergie, apl.de.ap, and Taboo, to offer aspiring producers the chance to remix their current number one hit single 'I Gotta Feeling' co-produced by David Guetta.

'I Gotta Feeling' is the second single from the band's new album 'The E.N.D.', and continues to sit at No.1 in the Billboard Hot 100 chart since its release. It has sold over 2 million downloads. The Black Eyed Peas just made Billboard history as the only artist/group with the longest successive stay at the top of the Hot 100 chart with 20 consecutive weeks at #1.

This special remix contest will give dance producers the chance to remix one of the biggest groups in pop music, and join remixing greats David Guetta, Jazzy Jeff, Boys Noize, Pete Rock, and Lil Jon who have also remade tracks by The



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Beatportal aims to be the world's best electronic music blog. The blog offers up-to-the-minute news about electronic music recommendations, DJ technology news, new artists and labels, and live blogging coverage from tours and industry events. Beatportal's Beatwiki - and 8000+ record labels - is the biggest publicly available online. Beatportal is the leader in electronic music downloads, Beatport.co

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EXHIBIT D



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- [RMA Turn-around Times](#)
- [Warranty Extension](#)
- [Customer Loyalty Program](#)
- [Hard drive Theft Information](#)

- [Contact Support](#)
- [E-mail Support](#)
- [Phone Support](#)

RMA Information

RMA Number 82885183	Ship to BRYAN PRINGLE 15926 TAMPKE PLACE SAN ANTONIO, TX 78247 UNITED STATES
RMA Date 1-Aug-2011	
RMA Type Standard RMA	
Phone 2103910878	Email bryan_pringle@hotmail.com
Alternate Phone 2104015612	

Prepaid UPS Shipping Label Detail

Prepaid UPS Shipping Label Detail

Your pre-paid UPS label has been used. Please see below for your UPS pre-paid receipt.

- [Purchase Receipt.](#)

RMA Detail

Model No	Serial No	Receiving Status	Shipping Status
WD5001AALS-00L3B2	WCAT00732234	Received	Shipped ¹ : 1Z21A8860204944194 ²

Note: Please place your mouse over the receiving status or shipping status labels for a detailed explanation of your RMA status.

Receiving Detail

Received Date	Model No	Serial No
9-Aug-2011	WD5001AALS-00L3B2	WCAT00732234

Shipping Detail

Shipped Date	Carrier	Tracking # ¹	Model No ³	Serial No
9-Aug-2011	UPS	1Z21A8860204944194	WD7501AALS-00J7B1	WMAU00160559

Notes:

1. It may take up to 48 hours for the carrier to update their website with the tracking information.
2. You can view the tracking information of your replacement drive up to **90** days from the shipped date.
3. The model number you receive from us may vary from the model number that you shipped in, or that is listed on this screen. Due to product availability, we sometimes will make substitution with similar or better products.



EXHIBIT F



Proof of Delivery

[Close Window](#)

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number:	1Z21A8860204944194
Service:	UPS 2nd Day Air®
Weight:	2.00 lbs
Shipped/Billed On:	08/09/2011
Delivered On:	08/11/2011 11:27 A.M.
Delivered To:	SAN ANTONIO, TX, US
Left At:	Porch

Thank you for giving us this opportunity to serve you.

Sincerely,

UPS

Tracking results provided by UPS: 12/09/2011 2:46 P.M. ET

[Print This Page](#)[Close Window](#)

EXHIBIT G

A&R DIRECTORY

These listings provide a roadmap to the music industry. We've simplified the directory by focusing on the A&R executives at all of the major labels and the key independents. For each major, we identify the parent label group. (Note: Majors listed here do not accept unsolicited materials unless otherwise noted.)

RECORD LABELS (MAJOR)

A&M Records

(Universal Music Group)
2220 Colorado Ave.
Santa Monica, CA 90404
Tel: (310) 865-1000
Pres.: Ron Fair
Style: All styles except country, gospel & opera
www.amrecords.com

Angel Records

(EMI Music)
150 Fifth Ave.
New York, NY 10011
Tel: (212) 786-8600
Fax: (212) 786-8649
Pres./CEO: Bruce Lundvall
Style: Classical, Broadway, Vocals, Indian
www.angelrecords.com

Arista Nashville

(Sony BMG)
1400 18th Ave. S.
Nashville, TN 37212
Tel: (615) 301-4300
Fax: (615) 301-4347
Chrmn. RLG: Joe Galante;
SVP A&R: Renee Bell; Sr. Dir. A&R: Carole Ann Moble; Sr. Dir. A&R: Jim Catino; Mgr. A&R: Leslie Roberts; Mgr. A&R: John Johnson; Coord. A&R: Duane Hobson
Style: Country
www.aristanashville.com

Arista Records

(Sony BMG)
745 Fifth Ave.
New York, NY 10015
Tel: (646) 840-5600
info@arista.com
Chrmn./CEO-BMG North America: Clive Davis; SVP A&R: Karen Kwak; SVP A&R: Jeff Fenster; VP A&R: Joey Arbagey; Dir. A&R Research: Mary Ann Malone
Style: Pop, R&B, rock
www.arista.com

Astralwerks

(EMI Music)
104 W. 29th St., Fourth Fl.
New York, NY 10001
Tel: (212) 886-7500
Fax: (212) 643-5573
astralwerks@astralwerks.com
GM/A&R: Errol Kolosine
Style: Electronic, dance, alternative
Accepts unsolicited demos.
www.astralwerks.com

The Atlantic Group

(Warner Music Group)
1290 Ave. of the Americas
New York, NY 10104
Tel: (212) 707-2000,
(212) 707-2009
Fax: (212) 405-5507
Founding Chrmn.: Ahmet Ertegun; SVP A&R: Michael

Caren; VP A&R: Tom Storms; VP A&R: John Rubeli; VP A&R Opns.: Gloria Gabriel; VP A&R Urban: Kyambo Joshua; VP A&R Urban: Gee Roberson; VP A&R/Staff Producer: Jimmy Bralower
www.atlantic-records.com

Atlantic Records (Classical Division)

(Warner Music Group)
1290 Ave. of the Americas, 23rd Fl., #23-28
New York, NY 10104
Tel: (212) 707-2648
Fax: (212) 405-5470
VP Classical Div.: Arthur Moorhead
www.atlantic-records.com

BMG Canada, Inc.

(Sony BMG)
190 Liberty St., Ste. 100
Toronto, ON M6K 3L5,
Canada
Tel: (416) 586-0022
Fax: (416) 586-0454
Pres. Sony BMG Canada: Lisa Zbitnew; VP A&R: Jennifer Highland
www.click2music.ca

BMG Classics

(Sony BMG)
1540 Broadway, 41st Fl.
New York, NY 10036
Tel: (212) 930-4941
Fax: (212) 930-4965
Pres. Sony BMG Classical Div.: Gilbert Hetherwick; Sr. Dir. A&R: Deborah Surdi; Dir. A&R: Christian Leins
Style: Classical, World Music, Broadway, Soundtracks, Jazz, Blues
www.bmgclassics.com

BNA Records

(Sony BMG)
1400 18th Ave. S.
Nashville, TN 37212
Tel: (615) 301-4300
Fax: (615) 301-4347
Chrmn. RLG: Joe Galante;
SVP A&R: Renee Bell; Sr. Dir. A&R: Carole Ann Moble; Sr. Dir. A&R: Jim Catino
Style: Country
www.bnarecords.com

Back Porch Records

(EMI Music)
4650 N. Port
Washington Rd.
Milwaukee, WI 53212
Tel: (414) 961-8350
Fax: (414) 961-8351
info@backporchrecords.com
Roots, rock, Americana, country & cross-over.
www.backporchrecords.com

Blue Note Records

(EMI Music)
150 Fifth Ave.

New York, NY 10011
Tel: (212) 786-8600
Fax: (212) 786-8649
CEO: Bruce Lundvall; Dir. A&R: Eli Wolf
Style: Jazz, pop
www.bluenote.com

Capitol Records

(EMI Music)
1750 N. Vine St.
Hollywood, CA 90028
Tel: (323) 462-6252
Fax: (323) 871-5214
Pres./CEO: Andy Slater; VP A&R: Julian Raymond; Dir. A&R-Rock: Jaime Feldman
Style: Pop, rock, R&B, AC
www.hollywoodandvine.com

Capitol Nashville

(EMI Music)
3322 West End Ave.,
11th Fl.
Nashville, TN 37203-1000
Tel: (615) 269-2000
Fax: (615) 269-2045
Pres./CEO: Mike Dungan;
VP A&R: Larry Willoughby; Dir. A&R: Autumn House; A&R Coord.: Sandy Horowitz
Style: Country
capitol-nashville.com

Columbia Records

(Sony BMG)
550 Madison Ave.
New York, NY 10022
Tel: (212) 833-8000
Fax: (212) 833-5401
Chrmn.-Columbia Records Grp.: Will Botwin; EVP A&R-Sony Music Label Grp./Pres.-Daylight Records: David Massey; SVP A&R: Keith Naftaly; SVP A&R: Mitchell Cohen; SVP A&R-Sony Urban Music: Kawan "KP" Prather; SVP A&R Opns.: John Doelp; VP A&R: Lee Danna; VP A&R: Kevin Patrick; VP A&R / Artist Devel.: Matt Pinfield; Dir. A&R: Peter Visvardis; Mgr. A&R: Greg Boggs; Mgr. A&R: Maya Parvelli
Style: All genres
www.columbiarecords.com

Columbia Records

(Sony BMG)
34 Music Sq. E.
Nashville, TN 37203-4397
Tel: (615) 742-4321
Fax: (615) 742-5759
Pres.: John Grady; EVP A&R: Mark Wright; VP A&R: Clay Bradley; VP A&R Admin.: Kay Smith; Sr. Dir. A&R: Mark Brown; Sr. Dir. A&R: Cliff Audretch; Sr. Dir. A&R: Tracy Gershon; A&R Supvr.: Deb Castle; A&R Coord.: Cooper Samuels
Style: Country
www.sonymashville.com

DreamWorks
(Universal Music Group)

2220 Colorado Ave.
Santa Monica, CA 90404
Tel: (310) 865-1000
Fax: (310) 865-7096
See "Geffen Records" for personnel
Style: Pop, rock, R&B
No unsolicited material.
www.dreamworksrecords.com

DreamWorks Nashville

(Universal Music Group)
60 Music Sq. E.
Nashville, TN 37203
Tel: (615) 463-4600
Fax: (615) 524-7766
nashville@dreamworksrec.com
Co-Chrmn./CEO UMG Nashville: Luke Lewis; VP A&R: Allison Jones
Style: Country
No unsolicited material.
www.dreamworksrec.com

EMI CMG Label Group

(EMI Music)
101 Winners Cir.
Brentwood, TN 37027
Tel: (615) 371-4300
Fax: (615) 371-6915
VP Strategic Mgmt.: Lee Ann Hardie; VP A&R: Brad O'Donnell; Dir. A&R: Steve Hartley
Style: Christian
www.emicmg.com

EMI Latin

(EMI Music)
404 Washington Ave.,
Ste. 700
Miami Beach, FL 33139
Tel: (305) 674-7529
Fax: (305) 674-7546
emilatin@emipac.com
Pres./CEO EMI Music Latin America: Marco Bissi
Style: Latin
No unsolicited material.
www.emilatin.com

EMI Music Canada

(EMI Music)
3109 American Dr.
Mississauga, ON L4V 1B2, Canada
Tel: (905) 677-5050
Fax: (905) 677-1651
Pres.: Deane Cameron
www.emimusic.ca

Epic / Monument Nashville

(Sony BMG)
34 Music Sq. E.
Nashville, TN 37203
Tel: (615) 742-4321
Fax: (615) 742-4338
Pres.: John Grady; EVP A&R: Mark Wright; VP A&R: Clay Bradley; VP A&R Admin.: Kay Smith; Sr. Dir. A&R: Mark Brown; Sr. Dir. A&R: Tracy Gershon; Assoc. Dir. A&R: Carie Long; Supvr. A&R Admin.: Tonya Derry; Supvr. A&R: Deb Castle; A&R Admin.: Airik Sanders; A&R Admin. Asst.: Claire Watson; A&R Coord.: Noelle Oliver
Style: Country
www.sonymashville.com

Epic Records Group

(Sony BMG)
550 Madison Ave.
New York, NY 10022-3211
Tel: (212) 833-8000
Fax: (212) 833-4583
Pres. Epic Records Group: Steve Barnett; EVP A&R-Sony Music Label Grp./Pres.-Daylight Records: David Massey; SVP A&R:

Keith Naftaly; SVP A&R: Rose Noone; SVP A&R-E. Coast: Ben Goldman; SVP A&R-W. Coast: Kaz Utsunomiya; SVP A&R Sony Urban Music: Kawan "KP" Prather; Sr. Dir. A&R-W. Coast: Pete Giberger; Assoc. Dir. A&R-W. Coast: Mike Flynn; Dir. A&R: Al Smith; Mgr. A&R: Farra Matthews
Style: All genres
www.epicrecords.com

Flyte Tyme Productions

(Sony BMG)
8750 Wilshire Blvd.
Beverly Hills, CA 90211-2713
Tel: (818) 753-0999
Fax: (818) 753-0906
Co-Pres.: Jimmy Jam
R&B, pop, hip-hop. Accepts demos via US mail.
www.flytetyme.com

Geffen Records

(Universal Music Group)
2220 Colorado Ave.
Santa Monica, CA 90404
Tel: (310) 865-1000
Fax: (310) 865-7096
Chrmn.: Jimmy Iovine;
A&R: Eric Hunter
Style: Pop, rock, alternative
www.geffen.com

Higher Octave Music, Inc.

(EMI Music)
4650 N. Port
Washington Rd.
Milwaukee, WI 53212
Tel: (414) 961-8350
Fax: (414) 961-8351
info@higheroctave.com
Pres./CEO: Matt Marshall; EVP/Dir. A&R: Dan Selene
Style: Smooth Jazz, Alternative, Ambient, World, New Age
Send demos via manager or lawyer.
www.higheroctave.com

Interscope

(Universal Music Group)
2220 Colorado Ave.
Santa Monica, CA 90404
Tel: (310) 865-1000
Fax: (310) 865-7083
brenda.romano@umusic.com
Chrmn.-Interscope/Geffen/A&M: Jimmy Iovine; Pres. Urban A&R: Ron Gilliland; VP A&R: Tony Ferguson; Sr. A&R Exec.: Mark Williams; A&R Exec.: Erica Grayson; Head of Int'l A&R: Martin Kierszenbaum; R&B/Hip-Hop A&R: Marcus Heisser; A&R Rock: Jeff Anderson
Style: Rock, alternative, rap
Accepts unsolicited material. Send c/o A&R; label type of music on the package.
www.interscope.com

Island Def Jam Music Group

(Universal Music Group)
825 Eighth Ave., 28th Fl.
New York, NY 10019
Tel: (212) 333-8000
Fax: (212) 603-7931
Chrmn.: Antonio "L.A." Reid; VP A&R: Joshua Sarubin; Head of A&R-Island Rec's: Paul Pontius; A&R Mgr.-Def Jam/Def Soul: Leesa Brunson; A&R Admin. Mgr.: Tara Podolsky
Style: R&B, pop, rock
www.islanddefjam.com

Island Def Jam South

(Universal Music Group)

PO Box 78386

Atlanta, GA 30357-2386
Tel: (404) 875-6695
Fax: (404) 876-1173
india.fendrick@umusic.com
Pres.: Brad Jordan; A&R Admin.: Erica Novick
Accepts demos by mail ONLY.
www.defjamsouth.net

J Records

(Sony BMG)
745 Fifth Ave.
New York, NY 10151
Tel: (646) 840-5600
Fax: (646) 840-5791
See "RCA Music Group" for personnel
Style: Pop, R&B, rock
www.j-records.com

Jive / Silvertone / Verity / Volcano Records (Zomba Label Group)

(Sony BMG)
137-139 W. 25th St.,
11th Fl.
New York, NY 10001
Tel: (212) 727-0016
Fax: (212) 645-3783
Pres./CEO Zomba Label Grp.: Barry Weiss; SVP A&R: Chris Lighty; SVP A&R: Wayne Williams; SVP A&R/Artist Rel.: Mark Pitts; VP A&R: Teresa LaBarbera-Whites; VP A&R-Pop: Steve Lunt; VP A&R-Pop (W. Coast): Andy Goldman; VP A&R-Rock: Michael Tedesco; VP A&R Admin.: Stephanie Tudor; Dir. A&R: David Stamm; Dir. A&R: Toi Green; Dir. A&R-Verity: Monica A. Coates; Mgr. A&R-Verity: Monique Headley
Style: Pop, R&B, rap, rock, gospel, Christian
www.jiverecords.com

Lava Records

(Warner Music Group)
1290 Ave. of the Americas, 25th Fl.
New York, NY 10104-0101
Tel: (212) 707-2550
Fax: (212) 405-5561
Chrmn./CEO-Atlantic Records Grp.: Jason Flom; SVP A&R: Andrew Karp; VP A&R: Tom Carolan
www.lavarecords.com

Lost Highway Records

(Universal Music Group)
54 Music Sq. E., Ste. 300
Nashville, TN 37203
Tel: (615) 524-7500
Fax: (615) 524-7850
Chrmn./CEO: Luke Lewis;
VP A&R: Kim Buie
www.losthighwayrecords.com

MCA Nashville

(Universal Music Group)
60 Music Sq. E.
Nashville, TN 37203
Tel: (615) 244-8944
Co-Chair/CEO: James Stroud; VP A&R: Allison Jones; Dir. A&R: Brian Wright
Style: Country
www.mcanashville.com

Maverick Recording Co.

(Warner Music Group)
3300 Warner Blvd.
Burbank, CA 91505
Tel: (310) 385-7800,
(818) 846-9090
Fax: (310) 385-7711

CERTIFICATE OF SERVICE

1 On December 19, 2011, I electronically filed the foregoing DECLARATION
2 OF BARBARA FREDERIKSEN-CROSS IN OPPOSITION TO DEFENDANTS'
3 MOTION FOR SUMMARY JUDGMENT using the CM/ECF system which will
4 send notification of such filing to the following registered CM/ECF Users:

5
6 Barry I. Slotnick bslotnick@loeb.com
7 Donald A. Miller dmiller@loeb.com, vmanssourian@loeb.com
8 Ira P. Gould gould@igouldlaw.com
9 Tal Efram Dickstein tdickstein@loeb.com
10 Linda M. Burrow wilson@caldwell-leslie.com, burrow@caldwell-leslie.com,
11 popescu@caldwell-leslie.com, robinson@caldwell-leslie.com
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25 Justin Michael Righettini justin.righettini@bryancave.com
26 Tracy B. Rane trane@mcphersonrane.com

27 I am unaware of any attorneys of record in this action who are not registered
28 for the CM/ECF system or who did not consent to electronic service.

 I certify under penalty of perjury under the laws of the United States of
America that the foregoing statements are true and correct.

Dated: December 19, 2011 /s/Colin C. Holley

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Colin C. Holley (State Bar No. 191999)
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