

EXHIBIT A

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

4 BRYAN PRINGLE, an)
5 individual,)
6 Plaintiff,)

7 v.)

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

9 WILLIAM ADAMS, JR.;)
10 STACY FERGUSON; ALLAN)
11 PINEDA; and JAIME)
12 GOMEZ, all)
13 individually and)
14 collectively as the)
15 music group the Black)
16 Eyed Peas; DAVID)
17 GUETTA; FREDERICK)
18 RIESTERER; UMG)
19 RECORDINGS, INC.;)
20 INTERSCOPE RECORDS;)
21 EMI APRIL MUSIC,)
22 INC.; HEADPHONE)
23 JUNKIE PUBLISHING,)
24 LLC; WILL.I.AM MUSIC,)
LLC; JEEPNEY MUSIC,)
INC.; TAB MAGNETIC)
PUBLISHING; CHERRY)
RIVER MUSIC CO.;)
SQUARE RIVOLI)
PUBLISHING;)
RISTER EDITIONS;)
and SHAPIRO,)
BERNSTEIN & CO.,)

Defendants.)

21
22 VIDEOTAPED DEPOSITION OF
23 BRYAN PRINGLE

24 Wednesday, August 24, 2011

Page 2

1 VIDEOTAPED DEPOSITION OF BRYAN
 2 PRINGLE, produced as a witness at the
 3 instance of Defendants, and duly sworn, was
 4 taken in the above styled and numbered cause
 5 on Wednesday, August 24, 2011, from
 6 10:21 a.m. to 7:10 p.m., before Susan Perry
 7 Miller, CSR-TX, CCR-LA, CLR, CRR, RDR, Notary
 8 Public in and for the State of Texas,
 9 reported via Machine Shorthand with Realtime
 10 Computer Translation at the offices of Watts
 11 Guerra Craft, LLP, 300 Convent Street, Suite
 12 100, San Antonio, Texas, pursuant to the
 13 Federal Rules of Civil Procedure.
 14
 15 --oOo--
 16
 17
 18
 19
 20
 21
 22
 23
 24

Page 3

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 16 LLC, TAG MAGNETIC PUBLISHING, CHERRY RIVER
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 17 Sam Swain
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 20
 21
 22
 23
 24

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27	--oOo--	

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1 PRELIMINARY PROCEEDINGS

2 (Wednesday, August 24, 2011, 10:21 a.m.)

3 THE VIDEOGRAPHER: All right,

4 stand by, please. We are on the

5 record, August 24th, 2011. The time 10:21:45

6 is 10:21 a.m.

7 This begins Videotape No. 1 in

8 the deposition of Bryan Pringle in the

9 matter of Bryan Pringle vs. William

10 Adams, Jr., et al., in the United 10:22:00

11 States District Court, Central

12 District of California, Southern

13 Division, Case No. 8:10-CV-01656-JST-RZ.

14 Would counsel please identify

15 themselves for the record. 10:22:21

16 MS. CENAR: Kara Cenar on

17 behalf of William Adams, Stacy

18 Ferguson, Allan Pineda, Jaime Gomez,

19 Will.I.Am Music, LLC, Tag Magnetic

20 Publishing, Cherry River Music Co., 10:22:32

21 Headphone Junkie Publishing, LLC,

22 Jeepney Music, Inc., and EMI April

23 Music, Inc.

24 MR. RIGHETTINI: Justin

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1 Righettini, Bryan Cave, on behalf of

2 Defendants.

3 MR. DICKSTEIN: Tal Dickstein

4 of Loeb & Loeb on behalf of Frederick

5 Riesterer, David Guetta, and Shapiro 10:22:50

6 Bernstein.

7 MR. SLOTNICK: Barry Slotnick

8 for the same defendants.

9 MR. DICKIE: Dean Dickie on

10 behalf of the witness and plaintiff, 10:22:57

11 Bryan Pringle.

12 THE VIDEOGRAPHER: Would the

13 court reporter please swear in the

14 witness.

15 (Witness sworn by the

16 reporter.)

17 PROCEEDINGS

18 BRYAN PRINGLE,

19 having taken an oath to tell the truth, the

20 whole truth, and nothing but the truth, was

21 examined and testified as follows:

22 EXAMINATION

23 BY MS. CENAR:

24 Q. Mr. Pringle, would you please

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1 state your full name and spell it for the
 2 record?
 3 A. Bryan Daniel Pringle,
 4 B-R-Y-A-N, D-A-N-I-E-L, P-R-I-N-G-L-E.
 5 Q. And would you please provide me 10:23:26
 6 with your home address?
 7 A. 15926 Tampke Place,
 8 San Antonio, Texas 78247.
 9 Q. And how long have you lived
 10 there, sir? 10:23:37
 11 A. Several years, a little more
 12 than five.
 13 Q. More than five years?
 14 A. Yes.
 15 Q. So we're in 2011. 10:23:46
 16 Approximately 2006?
 17 A. I don't recall the exact time.
 18 It was around -- I can't recall. I think it
 19 was 2004, 2005, maybe, somewhere around that
 20 time. 10:24:10
 21 Q. And prior to that address,
 22 where did you live, sir?
 23 A. Several places.
 24 Q. Could you provide me with the

Page 11

1 place you lived at just prior to the Tampke
 2 Place address?
 3 A. 15719 Wood Sorrel,
 4 S-O-R-R-E-L-L, San Antonio, Texas 78247.
 5 Q. And how long did you live 10:24:33
 6 there, sir?
 7 A. That was a transient --
 8 transient type of a place. I don't recall
 9 exactly.
 10 Q. A month, a year? 10:24:49
 11 A. Off and on for several years
 12 since 2002.
 13 Q. And when you say "off and on
 14 for several years since 2002," what other
 15 places did you live at between 2002 and 2004? 10:25:09
 16 A. I don't have the exhaustive
 17 list, but just to clarify, I was a real
 18 estate investor and I had multiple properties
 19 in Abilene, Texas and I would repair specific
 20 properties and then I was kind of moving 10:25:31
 21 around from five or six different properties
 22 at a time.
 23 Q. So you would live at various
 24 locations while you fixed up the place?

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1 A. Yes.
 2 Q. Is that fair? Is that fair,
 3 sir?
 4 A. Yes.
 5 Q. Okay. Prior to 2002, did you 10:25:47
 6 have an address?
 7 A. Yes. Prior to 2002, I lived at
 8 1300 Barrington Drive, Austin, Texas. I
 9 don't remember the ZIP code. 78753, maybe.
 10 Q. Okay. And how long did you 10:26:12
 11 live at that address?
 12 A. Two, three years, from what I
 13 recollect. I don't recall exactly the
 14 specific time frame.
 15 Q. Would that be -- you're talking 10:26:28
 16 about 2002, so two to three years, would that
 17 be 2000 or 1999?
 18 A. No. I don't know. It was
 19 around two -- around the year 2000, 1998,
 20 somewhere around that time. That was a long 10:26:43
 21 time ago.
 22 Q. Other than 1300 Barrington
 23 Drive in the 1998 to 2000 time period, what
 24 other addresses did you live at?

Page 13

1 A. Let me think for a second
 2 because you're going back in ancient history.
 3 Prior to that, I lived in
 4 Austin at 11416 Powder Mill Trail, Austin,
 5 Texas. I don't recall the ZIP code. 10:27:17
 6 Q. Do you have a recollection of
 7 any other addresses, sir, during that 1998 to
 8 2000 time period?
 9 MR. DICKIE: Objection. It
 10 assumes there were others. 10:27:32
 11 A. Prior to that, I mean, I
 12 don't --
 13 BY MS. CENAR:
 14 Q. No. During the time period of
 15 1998 to 2001. 10:27:39
 16 A. 1998 to 2001, the only -- I
 17 mean, I'm giving you a ballpark estimate. I
 18 believe during the time I lived at Barrington
 19 Drive, then I moved to -- I believe it was
 20 Wood Sorrel transiently but I also lived at 10:28:06
 21 several other addresses in Abilene, Texas,
 22 but I don't recall the specific addresses.
 23 And I'm giving you a rough time frame.
 24 I mean, I was pretty much

Page 14

1 almost really homeless during that period of
 2 time. I'd say around 1999 is when I moved to
 3 Wood Sorrel.
 4 Q. Approximately 1999 is when you
 5 moved to the Wood Sorrel address, is that 10:28:32
 6 fair?
 7 A. Somewhere around that time. I
 8 lived at Powder Mill Trail from roughly the
 9 1980s to around -- let's say roughly 1997.
 10 Then I moved to Barrington Drive around 1997, 10:28:46
 11 1998, till around 2000; and then I moved to
 12 Wood Sorrel briefly, and then I moved to
 13 Abilene, Texas.
 14 I stayed at various locations.
 15 I came back and forth to Wood Sorrel on and 10:29:04
 16 off over a period of time which I don't
 17 recall. Then in around 2004, 2005, somewhere
 18 around that time period, I moved to the
 19 current address, Tampke Place, but I went
 20 back and forth to my investments so I 10:29:27
 21 couldn't say that I was a permanent resident
 22 but that's where I would receive most of my
 23 mail.
 24 Q. What address is that?

Page 15

1 A. 15926 Tampke Place.
 2 Q. Okay. The 1300 Barrington
 3 Drive, is that your parents' address?
 4 A. No. During that time my
 5 parents lived in San Antonio, Texas. 10:29:52
 6 Q. Okay. Do you have a music
 7 studio that's different from where you lived?
 8 MR. DICKIE: Objection as to
 9 time.
 10 A. You're going to have to be more 10:30:07
 11 specific. Which location are you referring
 12 to?
 13 BY MS. CENAR:
 14 Q. Any location.
 15 A. Again, you're going to have to 10:30:14
 16 be more specific. Some -- like I said, some
 17 locations had -- were just real estate
 18 properties, investment properties. At
 19 1300 Barrington Drive, Powder Mill Trail and
 20 Tampke Place, I had a studio and I currently 10:30:30
 21 have a studio but it's basically my room and
 22 in the corner is just, you know, computer
 23 equipment.
 24 Q. So your studio would be within

Page 16

1 your home. It's not a separate studio
 2 address at a different location.
 3 A. Yes.
 4 Q. Now, you have filed a lawsuit
 5 against a number of defendants concerning the 10:30:51
 6 song "I Gotta Feeling." Is that correct?
 7 A. Yes. That's part of it.
 8 Q. That's part of it?
 9 A. Yes, that's part of the
 10 lawsuit. 10:31:08
 11 Q. What's the other part?
 12 A. The other songs.
 13 Q. What other songs is that, sir?
 14 A. Well, offhand, without an
 15 exhaustive list, "Meet Me Halfway," 10:31:20
 16 "Showdown," "Someday," "Best One Yet," "Where
 17 Them Girls At," "Love Is Gone," "If We Ever."
 18 Oh, there's a couple other Dave
 19 Guetta songs where he steals riffs. I'd have
 20 to look at an exhaustive -- I think it's 10:31:50
 21 roughly about 10 songs, but I'd have to look
 22 at the list. There's another song, I can't
 23 recall what it is. "One Love." Yeah, it's
 24 "One Love."

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1 Q. You mentioned David Guetta.
 2 Can you tell me who he is, please?
 3 A. I can tell you what I know
 4 about him.
 5 Q. Could you answer my question? 10:32:12
 6 Could you please tell me who David Guetta is?
 7 A. Well, you'd have to qualify
 8 that question. That's a pretty open-ended
 9 question. But the way I understand your
 10 question is, I believe he is a DJ and a 10:32:22
 11 songwriter. That's my understanding of what
 12 he is.
 13 Q. Have you ever met him?
 14 A. Not personally, no.
 15 Q. So you've never spoken to him? 10:32:30
 16 A. You mean face-to-face?
 17 Q. Any form of speaking to David
 18 Guetta.
 19 A. Not face-to-face is the way I
 20 understand your question. 10:32:51
 21 Q. So you haven't spoken to him
 22 face-to-face. Have you spoken to him over
 23 the telephone?
 24 A. No.

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1 Q. Over any other electronic
 2 means, computer?
 3 A. Not that I recall.
 4 Q. Have you ever spoken to him at
 5 all, ever? 10:33:05
 6 A. Do you mean anything like
 7 correspondence letters or anything?
 8 Q. Talking speaking first. We're
 9 going to get to correspondence and letters.
 10 A. Not that I'm aware, but I will 10:33:18
 11 add this, that during a period of time from
 12 roughly 1994, somewheres about, till about
 13 1998, I sent out thousands of demo CD's and I
 14 got hundreds of -- hundreds of responses, and
 15 it's a possibility. 10:33:39
 16 There was a lot of different
 17 people that I spoke with, but I don't have a
 18 specific recollection of speaking with Dave
 19 Guetta, no.
 20 Q. And Frederick Riesterer, have 10:33:50
 21 you ever met him?
 22 A. No, I haven't.
 23 Q. Have you ever spoken to him?
 24 A. No.

Page 19

1 Q. Have you ever communicated with
 2 Mr. Riesterer in any way?
 3 A. No. To be honest with you, I
 4 have -- other than this, I was surprised that
 5 he was one of the songwriters, so no, I don't 10:34:10
 6 even -- I don't know who the guy is, to be
 7 honest with you.
 8 Q. And have you ever heard of the
 9 music group the Black Eyed Peas before filing
 10 this lawsuit? 10:34:22
 11 A. Yes.
 12 Q. Can you tell me what your
 13 knowledge was of that group before you filed
 14 the lawsuit?
 15 A. They're a performing -- 10:34:26
 16 performing artist group on Interscope
 17 Records. They make different musical songs.
 18 Q. Any other knowledge of the
 19 music group the Black Eyed Peas?
 20 A. Do you want me to give my 10:34:46
 21 opinion or perception of them, or --
 22 Q. No. Just your knowledge of the
 23 existence of their music.
 24 A. I'm aware that they've been

Page 20

1 around for some time. They include Will
 2 Adams, Stacy Ferguson, Al Pineda, Jaime
 3 Gomez. They also have, from my
 4 understanding, a lot of different -- I don't
 5 know if I'd call them producers, but 10:35:12
 6 co-writers, audio engineers, various things.
 7 I've looked at their liner notes.
 8 Q. Have you ever bought any of
 9 their music?
 10 A. Yes, I have. 10:35:26
 11 Q. What music of theirs have you
 12 purchased?
 13 A. Let me think for a second. Are
 14 you talking about just the Black Eyed Peas?
 15 Q. Yes. 10:35:38
 16 A. I've purchased "The E.N.D."
 17 album, I purchased "The Beginning" album, I
 18 purchased multiple MP3's of "I Gotta Feeling"
 19 remixes, multiple variations of songs on "The
 20 E.N.D." and "The Beginning" album. 10:35:58
 21 I also purchased years ago -- I
 22 think the song is "Don't Phunk With My Heart"
 23 or something, "na-na-na-na, don't phunk with
 24 my heart," I think that's what it is.

Page 21

1 Q. Any other kind of music of the
 2 Black Eyed Peas that you've purchased?
 3 A. I don't recall at this time. I
 4 mean, it's possible, but I'd have to look at
 5 my music collection. I don't think so. I'm 10:36:31
 6 not a real big fan of theirs.
 7 Q. The multiple MP3's of "I Gotta
 8 Feeling," where did you get those from?
 9 A. I don't recall specifically. I
 10 can tell you that some of them were purchased 10:36:47
 11 from Amazon.com, which I believe is CDnow
 12 also, a.k.a.
 13 Q. Anywhere else, sir?
 14 A. I don't recall at this time,
 15 but I'd have to look at -- I'd have to 10:37:03
 16 refresh my memory.
 17 Q. What would you look at to
 18 refresh your memory, sir?
 19 A. I'd have to look at the files
 20 on the CD that I turned over to you guys that 10:37:13
 21 were on my computer. There's a pretty large
 22 file. I'd have to go through there and
 23 search and see if there's any more on there.
 24 But I'd also have to -- I'd

Page 22

1 have to think about it. I know that
 2 there's -- other than that, I don't recall
 3 anything at this time.
 4 Q. At this time, you don't recall
 5 obtaining any Black Eyed Peas music from any 10:37:35
 6 other source other than what you've just
 7 testified to?
 8 MR. DICKIE: Objection, asked
 9 and answered.
 10 A. Well, I've downloaded some off 10:37:42
 11 the Internet. But I mean, there may have
 12 been other stores that I've downloaded things
 13 from. I'm not -- I don't recall at this
 14 time.
 15 BY MS. CENAR: 10:37:51
 16 Q. When you say you downloaded
 17 some of the Black Eyed Peas songs off the
 18 Internet, what songs have you downloaded off
 19 the Internet?
 20 A. My -- 10:37:59
 21 THE WITNESS: Do you have
 22 anything to say?
 23 MR. DICKIE: No.
 24 A. My understanding is that the

Page 23

1 Black Eyed Peas actually had a remix contest,
 2 and a lot of those remixes were available on
 3 the Internet for free and I downloaded some
 4 of the remixes of "I Gotta Feeling."
 5 BY MS. CENAR: 10:38:18
 6 Q. And when did you do that, sir?
 7 A. I don't recall specifically.
 8 Q. Generally?
 9 THE WITNESS: Are you gonna use
 10 that water? Thank you, God bless you. 10:38:25
 11 A. It was after 2010, late
 12 February, to -- I don't recall. Sometime in
 13 2010.
 14 BY MS. CENAR:
 15 Q. The remix competition, do you 10:38:45
 16 remember where that was that you downloaded
 17 the Black Eyed Peas music from?
 18 A. Well, I downloaded it from a
 19 DJ, and I don't remember what the DJ's name
 20 was. I know that the original tracks were 10:38:57
 21 at -- I believe were at beatportal.com.
 22 Of course I found out about the
 23 remix contest after the download link had
 24 been disabled and after the contest was over

Page 24

1 and the finalists were picked or the winners,
 2 so I got it from -- I guess it was a DJ that
 3 had assembled the different remixes.
 4 Q. Do you remember who the DJ was?
 5 A. No, I don't. 10:39:25
 6 Q. Can you explain to me
 7 anything -- any more detail about -- what did
 8 you call it, "beatport"?
 9 A. I believe it's called
 10 beatportal.com. My understanding from what I 10:39:39
 11 recall, and I haven't been there in a while,
 12 is that beatportal, it's kind of like a blog
 13 spot or something for different artists and
 14 also I've searched through there when I went
 15 there. 10:39:57
 16 Apparently a lot of famous
 17 artists have popular songs that they will
 18 post at beatportal and I guess they post
 19 their tracks too and allow individuals to
 20 remix music. That's what I recall. 10:40:10
 21 I mean, it may have other
 22 things there. It may have, you know, a blog
 23 spot or something. That's what I recall at
 24 this time what it was.

Page 25

1 Q. And did you look there to see
 2 if there was any -- anything related to the
 3 Black Eyed Peas music?
 4 A. Yes, because I did a search on
 5 Google when I was investigating infringement 10:40:32
 6 and much to my dismay found out that the
 7 Black Eyed Peas had posted not only some of
 8 my tracks but their tracks for a remix
 9 contest to allow everybody to infringe on the
 10 song or the remix that they call it. 10:40:57
 11 Q. When did you find that out?
 12 A. Sometime in 2010. I was doing
 13 a search, trying to find information.
 14 Q. What information did you get
 15 from the beatport site? 10:41:16
 16 MR. DICKIE: Objection, assumes
 17 facts.
 18 THE WITNESS: Do you want me to
 19 answer that?
 20 MR. DICKIE: Yes. 10:41:23
 21 A. The information I got that I
 22 recall at this time was that there was over
 23 1200 entries. What I recall was that the
 24 download link for the tracks for "I Gotta

Page 26

1 Feeling," I believe it was available in
 2 August to sometime in September of 2009, and
 3 I recall that I -- my personal opinion, I
 4 thought the remixes were terrible and I
 5 thought the winner was terrible. But that's 10:41:59
 6 just personal impression.
 7 BY MS. CENAR:
 8 Q. And when you say "the download
 9 link for the tracks," what tracks were
 10 available on the beatport? 10:42:10
 11 A. I don't know. I never got
 12 them. By the time I got there the download
 13 link was disabled, so I'm assuming that it
 14 was all of the tracks were available. But
 15 that's just speculation. 10:42:21
 16 Q. And you were able to get them
 17 from -- I think you said a DJ?
 18 MR. DICKIE: Object to the form
 19 of the question. Misstates his
 20 testimony. 10:42:29
 21 THE WITNESS: Do you want me to
 22 answer that?
 23 MR. DICKIE: Yes.
 24 A. I was able to get the remixes.

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1 As far as the actual tracks, the link was
 2 disabled. So by the time that I got there,
 3 the link was disabled, but I was able to
 4 get -- and I'm assuming that it was some of
 5 the 1200 entries. I really don't know. 10:42:46
 6 There was a -- I can't remember how many
 7 there were. I listened to a few of them
 8 and...
 9 BY MS. CENAR:
 10 Q. When did you first learn about 10:42:57
 11 the beatport site?
 12 A. Sometime in -- well,
 13 beatportal, I believe is what it's called. I
 14 learned about it sometime after late
 15 February 2010. I don't recall the specific 10:43:12
 16 date, but it was in the year 2010.
 17 Q. Was it before May of 2010?
 18 MR. DICKIE: Objection, asked
 19 and answered. Calls for speculation.
 20 A. I don't recall. I don't 10:43:30
 21 recall.
 22 BY MS. CENAR:
 23 Q. And how did you learn about the
 24 beatport site?

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1 A. Well, like I said previously, I
 2 was doing a search on -- I believe it was
 3 Google.com, investigating what I perceived to
 4 be copyright infringement. I put in the
 5 Black Eyed Peas, "I Gotta Feeling," a lot of 10:43:53
 6 different things came up, and I went down the
 7 list to see -- I was trying to find out
 8 information and I saw "remix contest" and I
 9 said, "Oh, no." I didn't say that. I said,
 10 "Oh, shit." Pardon me. 10:44:13
 11 Q. And you did that in February
 12 of 2010?
 13 MR. DICKIE: Objection,
 14 misstates his testimony.
 15 A. Again, as I've answered two 10:44:23
 16 previous times, I don't recall the exact
 17 time. I didn't learn about the remix
 18 contest, as I said previously, until after
 19 late February 2010. It was somewhere in
 20 2010. I don't recall a specific date, as 10:44:40
 21 I've said previously.
 22 BY MS. CENAR:
 23 Q. All right. And when you were
 24 doing your investigation and you located the

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1 beatport remix competition, was that on your
 2 home personal computer?
 3 MR. DICKIE: Objection.
 4 Misstates the testimony. There was no
 5 beatport remix competition. 10:45:00
 6 BY MS. CENAR:
 7 Q. You can answer my question,
 8 sir.
 9 THE WITNESS: Do you want me to
 10 answer that? 10:45:08
 11 MR. DICKIE: If you can.
 12 A. Can you repeat the question?
 13 I'm sorry, I was distracted.
 14 MS. CENAR: That's okay.
 15 Please read the question back for the 10:45:15
 16 witness.
 17 (The reporter read back the
 18 following portion of the preceding
 19 record.)
 20 "QUESTION: All right. And 10:44:44
 21 when you were doing your investigation
 22 and you located the beatport remix
 23 competition, was that on your home
 24 personal computer?"

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1 (End of readback.)
 2 A. I don't recall. But just to
 3 clarify, I believe it's called
 4 beatportal.com, not beatport.
 5 BY MS. CENAR: 10:45:39
 6 Q. Okay. Do you recall what
 7 computer you used when you were looking at
 8 the beatport site?
 9 A. No.
 10 Q. Was it your personal computer? 10:45:49
 11 MR. DICKIE: Objection, asked
 12 and answered.
 13 A. Ma'am, I've already told you
 14 that I don't recall.
 15 BY MS. CENAR: 10:45:58
 16 Q. What computer did you use to do
 17 your investigation of copyright infringement?
 18 MR. DICKIE: Objection, assumes
 19 facts.
 20 A. I don't recall, but it most 10:46:05
 21 likely would have probably been my personal
 22 computer. But that's not to say that I
 23 didn't go over somebody's house, one of my
 24 friends' house. I can tell you for a fact

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1 that I do recall going over one of my
 2 friend's houses and saying, "Look at this."
 3 BY MS. CENAR:
 4 Q. Okay. Well, let's talk about
 5 the computer that -- the work that you did on 10:46:27
 6 your own computer. Does that computer hard
 7 drive still exist?
 8 MR. DICKIE: Objection as to
 9 time.
 10 BY MS. CENAR: 10:46:36
 11 Q. For the time period that you
 12 were doing this investigation, February 2010.
 13 A. I can assume that it does
 14 exist.
 15 Q. Where is it? 10:46:50
 16 A. Western Digital.
 17 Q. And what is Western Digital?
 18 A. Western Digital is a computer
 19 peripheral company. They manufacture hard
 20 drives, one of which I had. 10:47:01
 21 Q. So the hard drive that you used
 22 for your investigation and visits to the
 23 beatport site was on a hard drive that you
 24 sent to Western Digital?

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1 A. I'm sorry, say that again. I
 2 was -- my mind just went for a second.
 3 MS. CENAR: That's okay.
 4 Please read the question back for the
 5 witness. 10:47:23
 6 (The reporter read back the
 7 following portion of the preceding
 8 record.)
 9 "QUESTION: So the hard drive
 10 that you used for your investigation 10:47:07
 11 and visits to the beatport site was on
 12 a hard drive that you sent to Western
 13 Digital?"
 14 (End of readback.)
 15 A. Possibly. Like I said, I don't 10:47:39
 16 recall which specific computer, but most --
 17 most likely it probably was one of the times.
 18 I mean, I may have been there several times
 19 on different computers.
 20 BY MS. CENAR: 10:47:54
 21 Q. How many computers do you own,
 22 sir?
 23 A. Well, I own one. Like I said
 24 previously, a couple minutes ago, I do recall

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1 other computers like my friend, for instance,
 2 that I went and showed him, "Hey, look at
 3 this."
 4 Q. I'm talking about your
 5 computers, though. 10:48:11
 6 A. My specific computer?
 7 Q. Yeah.
 8 A. I have one.
 9 Q. Did you take the hard drive out
 10 of your computer and send it to Western 10:48:16
 11 Digital?
 12 A. Yes, I did.
 13 Q. Can you tell me when you did
 14 that, sir?
 15 A. That was sometime in 2011 after 10:48:22
 16 it had failed. I believe it was roughly
 17 around July, August.
 18 Q. And prior to your taking the
 19 hard drive out of your computer and sending
 20 it to Western Digital in July or August 10:48:42
 21 of 2011, how long were you using that
 22 particular hard drive?
 23 A. I believe it was the beginning
 24 of 2011, roughly January. From what I recall

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1 at this time it was roughly around that time.
 2 Q. So the hard drive that you used
 3 in 2010, where is that hard drive?
 4 A. Landfill? I don't know.
 5 Q. What did you do with that hard 10:49:24
 6 drive, sir, the one that you used in your
 7 computer in 2010?
 8 A. From -- I honestly don't
 9 recall. I do recall that in 2010, as in
 10 previous years, if there's a warranty 10:49:39
 11 available through the manufacturer, I will
 12 normally send it back and get another hard
 13 drive.
 14 However, I can only speculate.
 15 I can say that it's been my pattern and 10:49:53
 16 practice, because of the obsolescence of
 17 technology, most likely that hard drive was
 18 thrown away because of the speed was a slower
 19 speed, it also had a slower -- lower cache,
 20 and also I've slowly been moving from IDE 10:50:11
 21 drives, which were previously SCSI drives, to
 22 SATA, because I found that they're more
 23 reliable.
 24 So the answer to your question,

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1 short and simple, it's most likely in a
 2 landfill but I can't say for sure.
 3 Q. So the hard drive that you used
 4 in 2010 is most likely in a landfill. Can
 5 you tell me when you removed it from your 10:50:37
 6 computer?
 7 A. I couldn't tell you, but it
 8 was -- I can speculate.
 9 Q. Could you tell me when you
 10 believe you removed it from your computer? 10:50:47
 11 A. It would have been sometime
 12 around 2011, the first part of it, when I
 13 replaced the drive.
 14 Q. Can you give me an approximate
 15 time frame? 10:51:00
 16 A. I believe that I just did, but
 17 I'll give it to you again. I believe around
 18 January '11, 2011, I'm sorry.
 19 Q. So around January 11, 2011, you
 20 removed your hard drive that you used during 10:51:11
 21 the 2010 time period?
 22 A. Not January -- let me correct
 23 my previous statement. What I meant to say
 24 was January 2011. I accidentally said 11

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1 before 2011 and I apologize.
 2 Q. That's quite all right. So
 3 sometime in January of 2011, you removed the
 4 hard drive for your computer that you had
 5 used in 2010. Is that correct? 10:51:32
 6 A. I believe so, around that time
 7 frame. I don't know if it was specifically
 8 January 2011 or it was late December 2010 or
 9 the first of February 2011. But in that
 10 general time frame, from what I recall at 10:51:48
 11 this time.
 12 Q. And how long had you been using
 13 that hard drive that you removed and
 14 discarded in late December 2010 or early
 15 January 2011? 10:52:06
 16 A. You're talking about the hard
 17 drive from 2010?
 18 Q. Correct.
 19 A. I don't recall.
 20 Q. A year, two years? 10:52:14
 21 A. I don't recall. And I can add
 22 to that, just because I replace a hard drive
 23 doesn't necessarily mean that I throw it out.
 24 I have in the past kept hard drives in case

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1 one drive fails and maybe I can transfer
 2 information there temporarily, or maybe I
 3 would give it to somebody or something like
 4 that.
 5 Q. But this one you said is in a 10:52:40
 6 landfill, most likely. Correct?
 7 A. Yes. I mean, I can only
 8 speculate. And my recollection doesn't go
 9 back that far, but --
 10 Q. We're talking January of 2011. 10:52:52
 11 That's this year. Your recollection doesn't
 12 go back that far?
 13 A. No, it doesn't.
 14 Q. Okay. So the hard drive --
 15 A. Well, let me -- let me add to 10:53:00
 16 that. My recollection for this specific
 17 instance, if you're talking about my hard
 18 drive, I don't have a recollection. There
 19 are much more important issues for me.
 20 That's not really an important issue for me 10:53:13
 21 as far as when the specific date was that I
 22 may have discarded a hard drive, just for
 23 clarification.
 24 Q. You may have discarded or did

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1 you discard the hard drive that you used in
 2 2010?
 3 A. Ma'am, I believe I've told you
 4 several times that I don't recall what
 5 exactly I did with it. It may have been 10:53:30
 6 discarded, it may not have been discarded. I
 7 may have given it to someone. It may be in a
 8 landfill, it may not. But I don't recall
 9 specifically.
 10 Q. But you can agree with me that 10:53:39
 11 you no longer possess the hard drive that you
 12 used in 2010. Is that fair?
 13 A. Yes.
 14 Q. And is that the same hard drive
 15 that you would have used in 2009? 10:53:51
 16 MR. DICKIE: Objection, calls
 17 for speculation.
 18 A. I don't recall. It's too long
 19 ago. My memory doesn't -- you're asking me
 20 about hard drives. It's not something like I 10:54:06
 21 have a list on my wall, "Okay," [clapping
 22 hands], "I replaced this one in 2009 in
 23 August." It's not really something that I
 24 recall specifically.

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1 It's not a high priority on my
 2 life list to recall -- and I'm not making fun
 3 of you. I'm not trying to make light of it.
 4 I just -- I don't really recall. It's not a
 5 high priority for me to recall exactly when I 10:54:32
 6 replace hard drives. Maybe for you, but not
 7 for me.
 8 BY MS. CENAR:
 9 Q. Well, I would like an answer to
 10 my question. How long did you have the hard 10:54:40
 11 drive that you used in 2010 before you
 12 discarded it?
 13 A. Ma'am, I believe I've already
 14 answered that question. I told you that I
 15 don't recall. 10:54:49
 16 Q. Could it have been more than a
 17 year, sir?
 18 A. Ma'am, I've already answered
 19 that question. I don't recall. I mean, you
 20 can ask me 50 times but the answer is gonna 10:54:57
 21 be the same.
 22 Q. Do you recall having a hard
 23 drive prior to the hard drive that you used
 24 in 2010?

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1 A. I had multiple hard drives, to
 2 clarify, yes. Well, I'm sorry. Let me
 3 clarify. Do I recall specifically that
 4 specific drive prior to 2010?
 5 Q. Yes. 10:55:22
 6 A. I don't understand the
 7 question, I guess.
 8 Q. Did you have other hard drives
 9 prior to the hard drive that you used in
 10 2010? 10:55:28
 11 A. Yes.
 12 Q. And do you recall how many
 13 you've had hard-drive-wise between 1998 and
 14 2010?
 15 A. No. 10:55:38
 16 Q. Would it be more than 10?
 17 A. Ma'am, I believe I've answered
 18 that. I don't recall. But I can give you a
 19 rough estimate, and I would say yes, it's
 20 more than 10. 10:55:51
 21 Q. Do you change hard drives every
 22 year, sir?
 23 A. Not necessarily. I declare to
 24 add to that, it seems that -- that seems

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1 about right. It seems about every -- every
 2 year or so, six months to a year, it seems
 3 like I'm changing hard drives or upgrading
 4 them.
 5 Q. And do you always throw them 10:56:20
 6 out?
 7 A. No, not necessarily. Like I
 8 answered before, sometimes I will give them
 9 to somebody; sometimes I will save them to
 10 transfer information to in case my other hard 10:56:34
 11 drive fails. Sometimes I will give them to
 12 people, sometimes I throw them out.
 13 Q. The -- which hard drive were
 14 you using when you were doing your
 15 investigation of the claims of infringement? 10:56:58
 16 A. Have we catalogued the hard
 17 drives? I don't understand what you're
 18 saying. Which --
 19 Q. Well, over what time period,
 20 sir, were you investigating your claims of 10:57:14
 21 infringement?
 22 A. Like I previously answered,
 23 after late 2- -- February of 2010, roughly
 24 the year -- calendar year 2010, after

<p style="text-align: right;">Page 42</p> <p>1 February, late February 2010; and I 2 believe -- if you're talking about the hard 3 drive, are you talking about the one that I 4 said I may have discarded in late 2010, early 5 2011? 10:57:47 6 Q. Yes. 7 A. Well, that particular drive I 8 don't recall exactly how long I had it, how 9 long I used it. All I can say is that -- and 10 it's because I actually looked at the receipt 10:58:00 11 a few days ago -- is that -- I don't know. 12 Could have been a year, could have been two 13 years, may have been another drive that was 14 transferred. I don't know. 15 Q. Do you have any of your 10:58:18 16 preexisting hard drives at your house? 17 A. Preexisting to what? 18 Q. To the one that you discarded 19 in December of 2010, January of 2011. 20 A. Not that I'm aware of. 10:58:33 21 Q. Do you currently have any of 22 your prior hard drives in your possession or 23 control at your home? 24 A. Not that I'm aware of, but I</p>	<p style="text-align: right;">Page 44</p> <p>1 A. I don't recall. It's a lot. I 2 believe I turned it over to the defense on a 3 disc. 4 Q. Other than what you turned over 5 on the disc, what other files do you have, 10:59:53 6 sir? 7 A. I do have some files that are 8 attorney-client privileged files from 2010. 9 Q. Other than those, what files do 10 you have from the hard drive that you 11:00:10 11 discarded? 12 MR. DICKIE: Objection, assumes 13 facts. 14 A. Wait, hold on a second. I'm 15 getting confused with these dates. Let me go 11:00:17 16 back to the previous statement. You're 17 asking me what files that I have from the 18 drive that was used calendar year 2010. 19 BY MS. CENAR: 20 Q. From the drive that you 11:00:27 21 discarded in December of 2010 or January 22 of 2011, what files do you have from that 23 hard drive? 24 A. Attorney-client privileged</p>
<p style="text-align: right;">Page 43</p> <p>1 will -- I will say that I do have a lot of 2 the files. 3 Q. I'm talking about the physical 4 hard drives, though, sir. 5 A. Yeah, I understand. I believe 10:59:00 6 I just answered your question. I said no and 7 then I added to that and explained to you 8 that I do have a lot of files, just for your 9 clarification. 10 Q. And could you tell the Court 10:59:09 11 what -- how you have the files off of the 12 hard drive? 13 A. Which hard drive? 14 Q. The 2010 hard drive? 15 A. Could we clarify this hard 10:59:23 16 drive, maybe? Can we call it a certain 17 something particular, because -- 18 Q. The hard drive that you 19 discarded in December of 2010, January 20 of 2011. 10:59:34 21 A. I'm sorry. Ask me the question 22 again before that. 23 Q. What files do you have from 24 that hard drive, sir?</p>	<p style="text-align: right;">Page 45</p> <p>1 files and attorney-client work product. And 2 there may be the other files that I gave to 3 you previously in discovery. 4 Q. And other than those, what 5 other files do you have from that hard drive? 11:00:53 6 MR. DICKIE: Objection, assumes 7 facts. 8 A. I don't -- 9 THE WITNESS: You want me to 10 answer that? 11:00:58 11 MR. DICKIE: Yeah. 12 A. I'm not aware of any other 13 files that exist. 14 BY MS. CENAR: 15 Q. Do you regularly back up your 11:01:02 16 computers? 17 A. Well, I only have one computer, 18 so... 19 Hmm, no. But to clarify it, if 20 I see a drive that seems to be going bad 11:01:26 21 or -- no, I wouldn't say I regularly back up 22 the computer. 23 Q. Do you have any disks at home 24 that are backup files of any computer that</p>

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1 you've used from 1998 to 2011?
 2 A. Backup files... just so I --
 3 just so I understand. I'm getting confused
 4 here. Do I have -- just so -- I have any
 5 backup files from computers I used from 1998 11:02:04
 6 till 2010 at my house on any other media? Is
 7 that what you're saying?
 8 Q. Yes.
 9 A. Yes.
 10 Q. What backup files do you have? 11:02:15
 11 A. That I couldn't say. I believe
 12 it's the files that were turned over in
 13 discovery and attorney-client work product
 14 and privileged, privileged files.
 15 Q. And other than those, do you 11:02:32
 16 have any other computer backup files?
 17 MR. DICKIE: For the same time
 18 frame?
 19 MS. CENAR: Yes, sir.
 20 A. I may -- I may have some -- I 11:02:44
 21 may have files that are music-related of --
 22 I'd have to go searching for them. I may
 23 have some -- I hope I have -- I hope I still
 24 have those tracks. I would imagine that -- I

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1 think that I have copies somewhere of music
 2 that I created for my personal music.
 3 BY MS. CENAR:
 4 Q. Prior to discarding -- well,
 5 first of all, where are those backup files? 11:03:26
 6 A. For the music, songs that I
 7 created? I'd have to search for them. I
 8 will search for them. I will investigate
 9 that because I --
 10 Q. But you haven't done that to 11:03:39
 11 date yet in this litigation?
 12 A. Well, yes. I mean, I searched
 13 for everything -- without disclosing,
 14 forfeiting attorney-client privilege, my
 15 understanding was there was a certain request 11:03:52
 16 made upon me for specific files, and I've
 17 made a due diligence effort to search for
 18 files that I understood should have been
 19 provided.
 20 As far as the songs, I believe 11:04:10
 21 that I have turned over those songs to my
 22 attorney, but I couldn't -- without
 23 forfeiting attorney-client privilege, I
 24 couldn't tell you. That's something you'd

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1 have to ask my attorneys.
 2 But as far as the backup disks,
 3 I don't recall, but I will investigate that.
 4 Q. When you say "privileged"
 5 material, what are you talking about? 11:04:42
 6 A. Well, it's privileged.
 7 THE WITNESS: You want me to
 8 answer that, Dean?
 9 MR. DICKIE: No. You can give
 10 her the character or the nature of the 11:04:50
 11 privileged material.
 12 A. There's a lot of requested work
 13 product such, i.e., side-by-side comparisons
 14 of parts of my song -- plural, songs plural,
 15 that were -- how do I word that -- played 11:05:12
 16 alongside parts of Dave Guetta's songs,
 17 Frederick Riesterer's songs, will.i.am's
 18 songs, the Black Eyed Peas' songs, that were
 19 requested to be performed so that my
 20 attorneys could understand, I guess, the 11:05:36
 21 dynamics of what specifically I'm saying,
 22 well, this part is and that part is
 23 substantially similar.
 24 BY MS. CENAR:

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1 Q. Prior to throwing away your
 2 hard drive that you used in 2010, did you
 3 back it up?
 4 A. Well, let me correct you,
 5 because -- again, and I've said this many 11:06:01
 6 times, I didn't say that I threw it away. I
 7 said it was most likely discarded.
 8 But prior to discarding or
 9 relinquishing any hard drive from my personal
 10 computer to a new hard drive, I always -- I 11:06:18
 11 always will transfer what I think are
 12 relevant files or files that are non-program
 13 files or files that are not temporary data or
 14 program-related files that are my personal
 15 files, normally I will take those files and, 11:06:38
 16 like I said previously, I may have drives on
 17 occasion that were older drives that I use to
 18 transfer that information there and then
 19 bounce it back to the new drive before
 20 discarding that drive. 11:06:56
 21 Q. Could you answer my question,
 22 though?
 23 THE WITNESS: Could you repeat
 24 the question? I'm sorry.

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1 MS. CENAR: Please read the
 2 question back for the witness.
 3 (The reporter read back the
 4 following portion of the preceding
 5 record.) 11:07:05
 6 "QUESTION: Prior to throwing
 7 away your hard drive that you used in
 8 2010, did you back it up?"
 9 (End of readback.)
 10 A. I think I've answered that 11:07:26
 11 question, but I'll answer it again to be more
 12 specific. I don't understand what you say
 13 when you say "back it up," but I do back up
 14 certain files, as I explained in detail.
 15 BY MS. CENAR: 11:07:39
 16 Q. All right. You transferred
 17 certain files that you deemed important. My
 18 question was whether you have a backup copy
 19 of the entire hard drive.
 20 A. No. 11:07:47
 21 Q. And you didn't do that before
 22 you discarded that hard drive?
 23 A. You're talking about the hard
 24 drive from 2010?

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1 Q. Correct.
 2 A. No, I did not make a full and
 3 complete copy of the entire hard drive from
 4 2010.
 5 Q. Before you discarded it? 11:08:02
 6 A. Well, as I've said multiple
 7 times, I don't know if I discarded it. Like
 8 I said, it's most likely in a landfill, but,
 9 you know, I did not make a complete and
 10 entire copy of that hard drive. But I 11:08:24
 11 believe it probably is in a landfill.
 12 Q. Do you have any full and
 13 complete backup copies of any hard drive that
 14 you used prior to 2010?
 15 A. Yes. 11:08:39
 16 Q. And where are those complete
 17 backups?
 18 A. I have -- I believe my attorney
 19 has copies. I believe that the defense has
 20 copies. Dave Gallant has copies. 11:08:56
 21 Q. And when was that full and
 22 complete backup made that your Mr. Gallant
 23 has copies of?
 24 A. Well, to clarify, he's got more

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1 than one copy of a hard drive, various dates,
 2 from I would say roughly around sometime
 3 1999.
 4 Q. And is that the NRG disc file
 5 that was provided in this case? 11:09:37
 6 MR. DICKIE: Objection,
 7 assumes.
 8 THE WITNESS: Do you want me to
 9 answer that?
 10 MR. DICKIE: Yeah. Yes, 11:09:42
 11 please.
 12 A. Well, "NRG files," plural, I
 13 believe he has somewhere in the neighborhood
 14 of roughly 10, something like that, maybe.
 15 BY MS. CENAR: 11:09:56
 16 Q. 10 NRG files?
 17 A. I believe so. I'd have to look
 18 at it. At this time, that's what I recall,
 19 but I'd have to look at the disc.
 20 Q. And are they all of the song 11:10:08
 21 "Take a Dive"?
 22 A. No.
 23 Q. What other songs are they of?
 24 A. Ooh, let me think for a second,

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1 because it's a pretty exhaustive list. I'll
 2 give you what I recall, the best of my
 3 recollection. "Take a Dive" is one -- you
 4 want me to list the songs?
 5 Q. Sure. 11:10:39
 6 MR. DICKIE: That's what she
 7 said.
 8 A. "Take a Dive," "King For a
 9 Day," "Cruellest Joke," "Faith," "Faith"
 10 Remix, "Without You," "Without You" Remix -- 11:10:50
 11 I'm trying to think, this has been such a
 12 long time ago -- "Seven Seconds," "Ragdoll."
 13 It's going to take me a second, I'm going
 14 back in ancient history.
 15 I'm trying to think. Those 11:11:20
 16 songs are so old. Those are all that I can
 17 remember at this time, but I'd have to
 18 refresh my memory.
 19 BY MS. CENAR:
 20 Q. When did you turn all of your 11:11:32
 21 computer files over to Mr. Gallant?
 22 MR. DICKIE: Object to the form
 23 of the question.
 24 A. Yeah, I would have to object

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1 too. I'll answer it the way I understand the
 2 question. I turned over -- just to be more
 3 specific, I turned over two disks to Dave
 4 Gallant mid to late 2010 with multiple NRG
 5 files on those disks. 11:12:00
 6 BY MS. CENAR:
 7 Q. And did you turn anything else
 8 over to David Gallant other than two disks
 9 that contain multiple NRG files?
 10 A. Yes. 11:12:13
 11 Q. What else?
 12 A. I turned over -- well, just to
 13 clarify, there was not just NRG files on
 14 those two disks. There were also a lot of
 15 photo files on one of the disks called -- 11:12:29
 16 titled "Promo Photos," and there's a title
 17 that goes beyond that.
 18 But I turned over to
 19 Mr. Gallant, I believe on August -- early
 20 August some files that were backup files from 11:12:49
 21 a hard drive that was installed in late
 22 December or early January 2011. They were
 23 backup files of my personal files that I
 24 normally save.

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1 Q. Those were the ones, the
 2 important files that you saved before you
 3 discarded your hard drive?
 4 MR. DICKIE: Object to the form
 5 of the question. Misstates his 11:13:19
 6 testimony.
 7 A. You're sneaky. Ma'am, I've
 8 told you, I don't even know how many times
 9 now, that I did -- I'm not saying that I
 10 necessarily discarded the hard drive, but 11:13:28
 11 yes, I did save -- these are files that were
 12 brought forward from the drive that may be in
 13 a landfill, may be given away, I don't
 14 recall. But again, most likely it probably
 15 is in a landfill. 11:13:43
 16 BY MS. CENAR:
 17 Q. All right. But other -- the
 18 files that you turned over to Mr. Gallant
 19 from that were just the files that you copied
 20 from the hard drive before it was discarded. 11:13:51
 21 Is that correct?
 22 MR. DICKIE: Objection, I'm
 23 confused as to the time frame of the
 24 hard drive you are talking about.

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1 THE WITNESS: I'm confused.
 2 MR. DICKIE: Which hard drive
 3 are you talking about?
 4 BY MS. CENAR:
 5 Q. Could you answer my question, 11:14:07
 6 sir?
 7 MR. DICKIE: If you understand
 8 it, you can answer it.
 9 A. I don't understand the
 10 question. Could you repeat it? Let me -- 11:14:11
 11 BY MS. CENAR:
 12 Q. Well, let me try a new question
 13 so that perhaps you can help us. You were
 14 telling me about files that you turned over
 15 to Mr. Gallant, and you mentioned two disks 11:14:18
 16 that had multiple NRG files and then you were
 17 referring to files that you gave him also
 18 in -- as backup files from your hard drive
 19 that was installed in late December 2010 --
 20 A. Yes. 11:14:41
 21 Q. -- 2011.
 22 A. Yes.
 23 Q. Were those the files that you
 24 chose to copy off of the hard drive before

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1 you discarded it?
 2 A. Yes.
 3 Q. All right. It wasn't a full
 4 backup of that hard drive.
 5 MR. DICKIE: Objection, asked 11:14:59
 6 and answered.
 7 BY MS. CENAR:
 8 Q. Is that correct?
 9 THE WITNESS: Do you want me to
 10 answer that? 11:15:06
 11 MR. DICKIE: Yes.
 12 A. Objection, asked and answered.
 13 Yes, and like I said before.
 14 BY MS. CENAR:
 15 Q. What other computer -- well, 11:15:19
 16 first of all, when did you turn over those
 17 files to Mr. Gallant?
 18 A. As I said previously, the --
 19 the specific date was roughly around -- it
 20 was before -- I believe it was before 11:15:39
 21 August 8, 2011, but it was around that time.
 22 Q. So in between the time frame of
 23 August 8, 2011, and the time that the hard
 24 drive was discarded in December -- I'm sorry,

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1 was it August 8, 2010 or August 8, 2011?
 2 A. 2011. It was just a couple of
 3 weeks ago.
 4 Q. Okay.
 5 A. And it wasn't necessarily 11:16:17
 6 August 8. It was around August 8. I believe
 7 I may have gone one day prior to August 8th
 8 to Mr. Gallant's office to drop it off.
 9 Q. Other than the two disks that
 10 you provided to Mr. Gallant in mid to late 11:16:33
 11 2010 and the files that you gave him in
 12 August 8th of 2011, what other files --
 13 computer files did you turn over to
 14 Mr. Gallant?
 15 A. You know, I don't recall. But 11:16:58
 16 to clarify, I've had -- I may have turned
 17 over a copy of "I Gotta Feeling" or a copy of
 18 my song files just because he wanted to
 19 listen to the song in question, "Take a
 20 Dive," possibly, but I don't recall 11:17:22
 21 specifically.
 22 Q. Now, you prepared some music
 23 files for the experts that are involved in
 24 this case? Is that true?

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1 A. I prepared some files for my
 2 attorney. I don't know what they did with
 3 them. If they turned them over, I don't
 4 know.
 5 Q. Did you prepare isolated guitar 11:17:53
 6 twang music files for purposes of giving to
 7 the experts in this case?
 8 A. I prepared attorney-client work
 9 product for my attorneys. What happened with
 10 those files, I don't know, but I don't recall 11:18:15
 11 specifically if I turned over comparisons
 12 directly to any experts. I don't believe I
 13 have.
 14 Q. And you would have done
 15 whatever you gave your attorneys to use in 11:18:33
 16 this case during the 2010 time frame?
 17 MR. DICKIE: Objection, assumes
 18 facts, and you need not disclose what
 19 you did with your attorneys.
 20 A. I'm going to defer to my 11:18:46
 21 attorney. I'm going to decline to answer
 22 that question.
 23 BY MS. CENAR:
 24 Q. The question was pretty simple

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1 and it wasn't asking you to disclose any
 2 conversations you had with your lawyers. It
 3 was asking specifically about a date. The
 4 music files that you created for the
 5 attorneys would have been done in 2010? 11:19:00
 6 MR. DICKIE: Objection, that
 7 calls for speculation and it also
 8 requires him to disclose conversations
 9 with and communications with lawyers.
 10 BY MS. CENAR: 11:19:09
 11 Q. Correct?
 12 MR. DICKIE: I'll instruct him
 13 not to answer that question in that
 14 frame.
 15 A. I'm going to defer. 11:19:13
 16 BY MS. CENAR:
 17 Q. I'm asking a specific date,
 18 sir.
 19 MR. DICKIE: I've made my
 20 objection. The witness has been 11:19:18
 21 instructed. Move along.
 22 A. That question was asked and
 23 answered.
 24 BY MS. CENAR:

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1 Q. What computer did you use to
 2 make the audio files that were used in
 3 conjunction with the temporary restraining
 4 order or preliminary injunction proceedings
 5 in this case? 11:19:37
 6 MR. DICKIE: Objection, lack of
 7 foundation.
 8 MS. CENAR: You can answer the
 9 question, sir.
 10 A. I really can't answer that 11:19:42
 11 question. My attorneys filed, my
 12 understanding, a temporary injunction. I
 13 don't know what -- I wasn't party to the
 14 court proceedings or what's filed.
 15 And as far as what was turned 11:19:58
 16 over, you can ask them (indicating) and as
 17 far as more specifically, I don't recall
 18 specific dates. I do acknowledge that there
 19 were comparisons made but I don't recall
 20 specific dates. 11:20:15
 21 BY MS. CENAR:
 22 Q. Now, when did you first learn
 23 of your -- the existence of the song "I Gotta
 24 Feeling"?

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1 A. Late February 2010.

2 Q. And would it be fair to say

3 that you didn't contact an attorney before

4 that time on concerns over infringement of

5 that song? 11:20:34

6 A. For "I Gotta Feeling"?

7 Q. Yes.

8 A. I don't believe so. I mean,

9 when I say late February 2010, I'm saying

10 that's what I recall, the best of my 11:20:46

11 recollection, at this time. I may have heard

12 it -- let's say December 31st, I may have

13 heard it, you know, February 31st, March 7th.

14 I'm just given you a general time period. So

15 when I say late February 2010, to the best of 11:21:06

16 my recollection, that's what I recall.

17 Now, did I contact other

18 attorneys regarding this, I don't recall.

19 It's possible, I guess. I don't know.

20 Q. When did you first believe that 11:21:19

21 any defendant had been infringing any of your

22 music?

23 A. Just to clarify, are you

24 talking about me personally, when did I come

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1 to a cognitive decision and say "I believe

2 this is infringing," or are you talking about

3 when do I believe they started infringing?

4 Q. No, when you believe.

5 A. Around -- I believe it was 11:21:47

6 around 2010, February.

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

8 A. Well, it was -- the first song

9 that I discovered was "I Gotta Feeling"

10 because it was so obvious that the sample was 11:22:02

11 taken from my song, but it was a period of

12 time. Like, for instance, just recently,

13 "Where Them Girls At" wasn't released until

14 I guess May of 2011, so it was different

15 dates. 11:22:22

16 But the first -- the first time

17 was around February of 2010 that I said,

18 "Hey, I think there's a problem. I think

19 there's intentional, willful infringement."

20 Q. Had you -- have you ever spoken 11:22:40

21 to William Adams?

22 A. No.

23 Q. Have you ever met him?

24 A. No.

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1 Q. Have you ever had any e-mail

2 communications with him?

3 A. No.

4 Q. Have you ever had any written

5 communications with him? 11:22:52

6 A. I did send William Allan --

7 Adams a demo through Interscope, 2006,

8 roughly around that time frame.

9 And I also -- well, I couldn't

10 say specifically. That's the only time that 11:23:14

11 I recall sending specifically directly to

12 him, but it was through Interscope Records.

13 Q. Can you tell me what address

14 you sent it to?

15 A. I know it was in California. I 11:23:27

16 believe it was -- and this is just from what

17 I recall. I believe it's on Bur- -- Burbank

18 Drive? I don't recall it specifically. I

19 could look at the records that I have to

20 refresh that. 11:23:46

21 Q. What records do you have for

22 that mailing, sir?

23 A. Well, I believe my attorney has

24 records showing there is a -- what I'm

Page 65

1 specifically referencing, when there was a

2 list, I believe it was Billboard's -- I

3 believe it was an excerpt from "Billboard's

4 Guide to Touring and Promotion." That's what

5 I'm thinking in my mind and my attorney has a 11:24:16

6 copy. It's just the one page that has the

7 address of Interscope and a bunch of other

8 different record companies.

9 Q. How did you get Will Adams'

10 name to send to Interscope? 11:24:31

11 A. I don't specifically recall,

12 but, I mean, he's well known in the music

13 industry. Yeah, okay, that's...

14 I have a tendency, just to

15 clarify, I have been sending out demos since 11:24:49

16 early 1990s, and I get lists of record

17 companies. I also buy magazines that have

18 touring and promotion names. I also go to

19 the library and research managers, booking

20 agents, publishers, famous songwriters, so 11:25:11

21 it's possible.

22 But I can tell you more

23 specifically, he caught my attention with

24 "Don't Phunk With My Heart." I thought when

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1 I first heard that song that really came on
 2 my screen, but prior to that, I mean, I knew
 3 of him.
 4 Q. Was there anything other than
 5 hearing the song "Don't Phunk With My Heart" 11:25:37
 6 that prompted you to specifically send a demo
 7 to William Adams --
 8 A. Yes.
 9 Q. -- at Interscope?
 10 What? 11:25:46
 11 A. I'm dogmatic. If you're in the
 12 music industry, you're getting a demo from
 13 me, because that's the way I am. I send
 14 thousands of demos. I would say I almost
 15 harass people, and I've been doing that 11:26:05
 16 consistently for a long time.
 17 Q. So this specific mailing that
 18 you recall sending to Mr. Adams was in 2006?
 19 A. I believe it was somewhere
 20 around that time, which is not to say that I 11:26:17
 21 didn't send him multiple mailings. But the
 22 specific one that I recollect was around
 23 2006, 2007 time period.
 24 Q. Did you have anything other

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1 than the demo CD and whatever it was that you
 2 mailed to the Interscope address?
 3 A. Do I still have it or did I
 4 mail more --
 5 Q. What did you actually put in an 11:26:43
 6 envelope and mail to Interscope that you
 7 believe was directed to William Adams'
 8 attention?
 9 A. It was --
 10 THE WITNESS: Do you want me to 11:26:57
 11 answer that?
 12 MR. DICKIE: Sure. If you can.
 13 THE WITNESS: You're suspect,
 14 buddy.
 15 A. Well, I can't specifically 11:27:03
 16 state how many songs, but what I recall is
 17 when I send out demos -- and more
 18 specifically to William Adams, "Take a Dive"
 19 Dance Version, other versions of "Take a
 20 Dive," also other songs that I created. 11:27:21
 21 There was probably -- I'm
 22 taking a stab at it, there's probably 20
 23 songs, and I usually have a letter -- I
 24 created a little guy, a little blue guy

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1 holding a flame that I put, it's called Dead
 2 Beat Records, and I sent a, you know, a
 3 letter.
 4 I might have put on the package
 5 "To Sticky Fingers" or something like that to 11:27:53
 6 try to get past the A&R people, and maybe a
 7 plastic sleeve to protect the CD, and
 8 information regarding multiple websites that
 9 I have and contact information.
 10 Might have been a business card 11:28:19
 11 in there, might have just been a letter. I
 12 don't specifically recall what I sent to him
 13 exactly, but that's pretty much the M.O.
 14 BY MS. CENAR:
 15 Q. So the letter, do you have any 11:28:29
 16 copies of what that letter might look like?
 17 A. That specific letter?
 18 Q. Uh-huh.
 19 A. I might. I might have a
 20 letterhead still. Basically it's just a guy, 11:28:45
 21 it's a little blue guy stick figure holding
 22 this thing that says "Dead Beat Records."
 23 Q. Let me just back up a little
 24 bit. Do you have a copy of the specific CD

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1 that you say you put in an envelope and
 2 mailed to William Adams, care of Interscope?
 3 A. Well, no. I mean, if I sent
 4 it, I don't have any more.
 5 Q. So you don't have any duplicate 11:29:13
 6 copy of that in your possession today?
 7 A. No.
 8 Q. And do you have any at your
 9 home or any storage facility or anyplace that
 10 you can think of? 11:29:23
 11 A. A duplicate copy of that
 12 specific CD?
 13 Q. Yep.
 14 A. No.
 15 Q. And do you have a copy of the 11:29:34
 16 actual letter that you say you put in the
 17 mailing to Mr. Adams?
 18 A. No.
 19 Q. Do you have a copy of anything
 20 that would reflect that this actual mailing 11:29:46
 21 occurred?
 22 A. Mailing receipt, U.S. Postal
 23 Service.
 24 Q. And does that have Mr. Adams'

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1 name on it?

2 A. No.

3 Q. Does it reflect what the

4 content of the mailing would be?

5 A. I don't understand that 11:30:07

6 question, but I think what you're asking me,

7 does it specifically say on the receipt "demo

8 CD" or something?

9 Q. On any record that you may

10 have, is there anything that you have that 11:30:17

11 reflects what you actually put in this

12 envelope that you say you mailed to Mr. Adams

13 in 2006?

14 A. I would say yes.

15 Q. What? 11:30:30

16 A. Well, the specific receipts

17 that I'm referring to have a weight and a ZIP

18 code and the weight of -- where you see the

19 multiple CD's that were sent, they all

20 correspond to if you would actually sit down 11:30:44

21 and weigh a letter and a CD, it would

22 correspond and I could produce that to say,

23 hey, these are the exact same weights, so --

24 and I'm just giving my opinion. I would say

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1 yes.

2 Q. Other than that receipt, do you

3 have any other document or anything else that

4 would tell us what was in the envelope?

5 A. No. It would just be personal 11:31:07

6 recollection.

7 Q. From 2006?

8 A. Yeah. 2006, 2007.

9 Q. So other than -- so was there

10 more than one mailing specifically to William 11:31:21

11 Adams?

12 MR. DICKIE: Objection, asked

13 and answered.

14 A. I object too, but I'll answer

15 that yes. 11:31:28

16 BY MS. CENAR:

17 Q. How many specific to William

18 Adams?

19 A. I couldn't answer that just

20 because -- I can only personally attest to 11:31:38

21 one that I know of, but I would have to say

22 yes because of my pattern and practice of

23 bombarding people.

24 So if you're getting one,

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1 you're probably going to get 10 or 20, so I

2 would say the answer to that is I believe

3 that there's more. I'm positive of it, but I

4 couldn't personally attest or provide any

5 information or evidence other than that one 11:32:10

6 mailing.

7 Q. Which is the 2006 one?

8 A. 2006, 2007. I'd have to

9 refresh my memory by looking at the actual

10 receipts. 11:32:21

11 Q. So other than the mailings that

12 you say you made to William Adams, have you

13 had any other form of communication with him?

14 A. You mean direct communication?

15 Q. Yes. 11:32:37

16 A. Because I flipped off the TV

17 once when he was on, but no. I felt that was

18 direct communication. For me it was

19 cathartic, but...

20 Q. Did you receive any 11:32:49

21 communication back from him that he actually

22 received any mailing that you sent?

23 A. He released an infringing song

24 called "I Gotta Feeling," so I would say yes.

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1 But if as I understand what you're asking me,

2 did he write me a letter or e-mail me or

3 phone call me, no.

4 Q. Did you receive anything from

5 Mr. Adams indicating that this package that 11:33:10

6 you sent was received by him?

7 A. Well, again, I would say

8 releasing a song with part of a sample from

9 one of your songs is an indication.

10 But as I understand your 11:33:25

11 question, I didn't receive any letters,

12 e-mails, telephone calls, Twitters, blogs,

13 nothing of that nature, so --

14 Q. Do you have any information as

15 to whether Mr. Adams accessed your music in 11:33:40

16 any other way other than your mailing?

17 A. Yes. He has a sample of part

18 of my song in "I Gotta Feeling."

19 Q. I understand your position on

20 that, but other than that, do you have any 11:33:51

21 information from any source that Mr. Adams

22 accessed your music in any other way?

23 A. Yes.

24 Q. How?

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1 A. Well, starting around -- I
 2 don't know the specific dates that his "Songs
 3 About Girls" album was released, but again
 4 this is just my personal -- you're asking me
 5 a question, so I'm giving you my opinion, and 11:34:20
 6 I investigated multiple songs on Will Adams'
 7 "Songs About Girls" album and also "The
 8 Beginning" album and also "The E.N.D." album
 9 and I'm giving you my opinion as a composer
 10 and as a musician, a songwriter that's been 11:34:41
 11 writing since I was 13 years old.
 12 I examined multiple songs, and
 13 it is incredibly obvious that Mr. Adams took
 14 my songs, in my opinion, and constructed his
 15 songs, including "Invisible," "I Gotta 11:35:01
 16 Feeling," "Meet Me Halfway."
 17 There's even some loose --
 18 there's a song, I can't remember -- well,
 19 photograph -- my song "Photograph", there's a
 20 sample from my song in his song "Showdown." 11:35:18
 21 There's also what appears to be a sample from
 22 my song "King For a Day" which rhymes with
 23 their song "Meet Me Halfway."
 24 There's a specific wind sound

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1 that I have located inside "Meet Me Halfway"
 2 that, in my opinion, was obviously ran
 3 through an effects processor and sampled from
 4 my song.
 5 There's multiple songs that 11:35:44
 6 I've seen on "Songs About Girls," "The
 7 Beginning" and "The E.N.D." So I would say
 8 yes, there is -- I believe it was
 9 confirmation and indication that he did
 10 access my music. 11:35:59
 11 And I would say that I can't
 12 recall exactly how many songs, but it was
 13 like something like 20 different songs that
 14 either had extremely loose musical structure
 15 or that I indicated that I -- I found what I 11:36:12
 16 believed to be samples.
 17 So yes, I would say that there
 18 is evidence and I would say that there's
 19 communication at least to me on a musical
 20 level. 11:36:25
 21 Q. All right. So other than that,
 22 do you have any other information that
 23 indicates that Mr. Adams had access to any of
 24 your music?

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1 A. Well, yes, because -- yes.
 2 Q. And what is that?
 3 A. Well, I've been sending music
 4 to Interscope Records and I mean hundreds
 5 of -- maybe even thousands of demo CD's for 11:36:52
 6 over a decade and a half, and this is just my
 7 personal opinion. Based upon the interviews
 8 and the testimony I've seen from Mr. Adams in
 9 interviews, my personal opinion is that
 10 Mr. Adams is in effect an A&R rep, whether 11:37:15
 11 official or unofficial, of Cherrytree
 12 Records, I've seen an interview where he
 13 specifically talks about signing Natalia
 14 Kills, who by the way also, in my opinion,
 15 loosely uses a sequence from "Take a Dive," 11:37:31
 16 although she changes the chords, and also
 17 I've seen -- I've seen interviews where he
 18 talks about signing other individuals.
 19 So what I'm suggesting, and I
 20 suggested in the petition, is that Mr. Adams 11:37:51
 21 had access to all, any demos that came in,
 22 whether through Cherrytree Records through
 23 Martin Kierszenbaum, any of the other A&R
 24 reps or any demos that came into Interscope

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1 Records.
 2 So I believe that he did have
 3 reasonable access, not only to that specific
 4 CD that I'm alleging, but I also -- I believe
 5 he had reasonable access to any CD that I 11:38:22
 6 have sent, which could have been hundreds of
 7 them.
 8 Q. Anything else?
 9 A. As far as?
 10 Q. Why you believe Mr. Adams had 11:38:34
 11 access to any of your music?
 12 A. I don't believe he had access,
 13 I know he had access. No, I think at this
 14 time that's my specific allegation right now.
 15 But I may see another interview where he 11:38:46
 16 talks about being an A&R.
 17 Q. Can you tell me what specific
 18 interviews you're referring to on Mr. Adams
 19 being an A&R?
 20 A. There was an interview, I 11:38:55
 21 believe it was on -- I think it was Vivendi
 22 Universal France, but I could be wrong, they
 23 may have changed their name.
 24 The specific interview that I'm

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1 speaking about is an interview that has
 2 French subtitles in it, and will.i.am is
 3 talking about how -- and I'm just
 4 paraphrasing -- it was an interview and I
 5 downloaded it and my attorney has a copy of 11:39:23
 6 this so you can get it from him. Will.i.am
 7 specifically talks about Natalia Kills and
 8 Natalia Kills is on Cherrytree Records.
 9 I don't remember if he
 10 specifically says Cherrytree Records, but 11:39:38
 11 will.i.am specifically states, and I do
 12 recall this, he says that he signed Natalia
 13 Kills to his record label and then he goes on
 14 further.
 15 But the indication to me is, 11:39:50
 16 and it's pretty obvious, he's saying "This is
 17 my record label," and he's representing that
 18 he's an A&R representative. So that's my
 19 personal opinion. That representation in
 20 that specific video is what I'm referring to. 11:40:05
 21 Q. And you consider that to be a
 22 fact that you're relying on to say that
 23 Mr. Adams had access to your music?
 24 A. One of them, yes. One of

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1 several.
 2 Q. And you actually turned over a
 3 copy of that interview to counsel?
 4 A. Yes.
 5 Q. All right. And do you know why 11:40:25
 6 that hasn't been produced in this case?
 7 A. You'd have to speak with them.
 8 Q. Can you tell me what your
 9 understanding is --
 10 MS. CENAR: And, Counsel, I ask 11:40:41
 11 that those documents be turned over
 12 immediately.
 13 BY MS. CENAR:
 14 Q. Can you tell me what your
 15 understanding is of what an A&R rep is? 11:40:47
 16 A. Artist and repertoire is an
 17 individual, just in my understanding, is an
 18 individual that is employed or I guess they
 19 could be freelance employed by record
 20 companies to manage talent, to seek out new 11:41:06
 21 talent, to develop and maintain the musical
 22 repertoire of the company; to, I guess,
 23 network artists, to be able to make videos
 24 or, you know, get in contact with booking

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1 agents, different managers, kind of guide the
 2 career of talent, but also seek out and find
 3 new talent.
 4 Boldly go where no man has gone
 5 before and find new music and go to a place 11:41:38
 6 like South By Southwest, go on the Internet,
 7 search out -- basically look for new talent
 8 and new music and also to go through
 9 publishing companies, go through demo CD's,
 10 and basically try to develop artists and 11:41:57
 11 bring in new artists and also manage the
 12 repertoire of the company, whether it be
 13 music that they own or artists.
 14 Q. Where do you get that
 15 understanding from? 11:42:10
 16 A. Well, first of all, I've read
 17 many articles, many books. I've also had
 18 conversations with A&R individuals over the
 19 years from Interscope as well as Reprise
 20 Records, EMI, Sony/ATV Publishing, Universal, 11:42:28
 21 Geffen.
 22 I also took college-level
 23 courses regarding a business management
 24 degree that I searched -- that I was trying

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1 to achieve at one point in time regarding the
 2 music -- I think it was called music business
 3 management where A&R individuals would come
 4 in. I also read books, and I can't remember
 5 the guy's name at this time, but he's -- it's 11:42:55
 6 a book by an attorney who's in the
 7 entertainment industry.
 8 But basically learning
 9 specifically and getting college-level credit
 10 and also from life experience investigating, 11:43:08
 11 trying to find out from different successful
 12 artists as well as interviews in musician
 13 magazines, Billboard and other areas where
 14 people would give interviews and talk about
 15 what an A&R rep does as well as the formal 11:43:23
 16 training that I've had.
 17 Q. And what formal training is
 18 that, sir?
 19 A. Well, sending out thousands of
 20 demos and also the college-level courses that 11:43:34
 21 I took regarding what an A&R individual is.
 22 Q. And that was at a local
 23 community college here?
 24 A. No.

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1 Q. Where was it?
 2 A. Austin Community College.
 3 Q. So an Austin community college.
 4 A. Yes.
 5 Q. And can you tell me what 11:43:56
 6 courses those were that you took that gave
 7 you that knowledge of what an A&R does?
 8 A. It's a business management
 9 course. I don't remember the specific names
 10 of them at this time, but I could maybe look 11:44:12
 11 at the catalogue and it might refresh my
 12 memory.
 13 Q. And how does an A&R individual
 14 differ from somebody that actually has a
 15 label deal with a record label? 11:44:27
 16 MR. DICKIE: Object to the form
 17 of the question.
 18 A. How does an A&R differ from
 19 someone that has... well, that's a loaded
 20 question. I don't think at Interscope it 11:44:47
 21 does, apparently, because will.i.am is a
 22 signed artist and he's also an A&R, in my
 23 opinion. I think there's a gray line there.
 24 BY MS. CENAR:

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1 Q. Did anybody tell you that
 2 Mr. Adams was an A&R for Interscope?
 3 A. Well, I've seen many articles
 4 on the Internet that talks about him being an
 5 unofficial A&R. But for me, my personal 11:45:14
 6 light went off when I saw that interview of
 7 him talking about how he signed Natalia Kills
 8 to "his label," so I would say yes, he told
 9 me, in my opinion.
 10 Q. In an interview. Other than 11:45:32
 11 that interview that you just referred to, did
 12 anybody from Interscope ever represent to you
 13 that Mr. Adams was an A&R rep?
 14 A. Not that I recall.
 15 Q. Did anybody from Universal 11:45:49
 16 represent to you that Mr. Adams was an A&R
 17 rep?
 18 A. Well, I'm trying to find the
 19 right words to answer this. I would arguably
 20 say -- I would say Jimmy Iovine, but I didn't 11:46:13
 21 have a conversation with Jimmy Iovine, but I
 22 read an interview that was Jimmy Iovine
 23 representing to the world, he was talking
 24 about will.i.am and talking about how

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1 will.i.am went out and found beats and
 2 talent. And my personal opinion was based
 3 upon that Jimmy Iovine was not only telling
 4 the world but also me that Will Adams was
 5 acting, in some type, at least, an unofficial 11:46:54
 6 A&R capacity.
 7 Q. And what interview was that
 8 that you read?
 9 A. I don't recall, but I believe I
 10 turned that over to my attorney. I'd have to 11:47:10
 11 talk to them about this.
 12 Q. And that's one of the facts
 13 that you're relying on to base your claim
 14 that Mr. Adams had access to your music?
 15 MR. DICKIE: Objection, 11:47:21
 16 misstates his testimony.
 17 A. Yeah. No, I mean you asked me
 18 what evidence did I recall, and the question
 19 was what evidence do I have that -- or did
 20 Interscope or Universal Music or anyone 11:47:34
 21 represent to me that Will Adams was an A&R.
 22 And I told you that there was
 23 an interview that I saw where Jimmy Iovine
 24 talks about Will Adams going out and "finding

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1 beats" and bringing in new talents and that's
 2 what I'm talking about. That's what I'm
 3 referring to.
 4 BY MS. CENAR:
 5 Q. And are you relying on that as 11:47:56
 6 any assertion that you have that Mr. Adams
 7 had access to your music?
 8 A. That's one of the assertions,
 9 yes.
 10 Q. All right. And do you know why 11:48:08
 11 that document that you turned over to your
 12 counsel was not turned over to us in this
 13 litigation?
 14 A. You'd have to talk to them, no,
 15 but -- 11:48:20
 16 Q. What other documents have you
 17 turned over in this litigation that relate to
 18 Mr. Adams being an A&R rep?
 19 A. Well, I wasn't done. I wasn't
 20 finished responding. I apologize with the 11:48:29
 21 pause.
 22 What I'm referring to was not
 23 necessarily a document, but an Internet link
 24 that I copied the Internet link out of

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1 Internet Explorer and then sent a copy of the
 2 link to my attorney. So it wouldn't
 3 necessarily be a document, but it would be an
 4 Internet document, I guess, to a link, that
 5 said here's what Jimmy Iovine had to say. 11:48:55
 6 Now, I'm sorry, could you
 7 repeat the question, the second one.
 8 MS. CENAR: Could you read my
 9 other question back for the witness?
 10 (The reporter read back the 11:49:29
 11 following portion of the preceding
 12 record.)
 13 "QUESTION: What other
 14 documents have you turned over in this
 15 litigation that relate to Mr. Adams 11:48:23
 16 being an A&R rep?"
 17 (End of readback.)
 18 A. You'd have to refer to my
 19 attorney because I don't know. I don't have,
 20 that I recall, any direct contact with anyone 11:49:35
 21 other than my attorneys, and they have
 22 contact with the Court and with you, so I'd
 23 have to defer to my attorneys on that.
 24 BY MS. CENAR:

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1 Q. Is there any other information
 2 that you have that you believe indicates that
 3 Mr. Adams had access to any of your music?
 4 A. Not at this time, but it's -- I
 5 can't say that there's, you know, a document 11:50:00
 6 or something that might refresh my memory in
 7 the future. But at this time, that's all I
 8 really recall or all I'm representing.
 9 Q. Do you have -- strike that.
 10 Can you tell me what your basis 11:50:20
 11 is for claiming that David Guetta had access
 12 to any of your music?
 13 A. Yes. I had contact with Dave
 14 Guetta and Joachim Gaurraud roughly -- I
 15 think it was around 1999 and 2003, I had went 11:50:43
 16 to France, delivered to many different DJ's,
 17 and also to record labels in France, a series
 18 of demos.
 19 I also had a friend of mine,
 20 his name is Scott Brown, he was a DJ and also 11:51:03
 21 my older brother, Jeff Pringle, was also a
 22 DJ, and the music was being played at
 23 least -- I can't remember how many countries
 24 it was, but I sent -- I sent a lot of

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1 different demos.
 2 To make a long story short,
 3 there was access because it was being played
 4 on the radio. There was also access because
 5 I had several different websites including 11:51:31
 6 MP3.com since roughly around 1998 where I had
 7 posted a lot of my songs for download. I
 8 sent a lot of music to France, Europe,
 9 Germany, even Japan, Canada.
 10 Also, Joachim Gaurraud, I 11:51:49
 11 believe that there was, from what I recall --
 12 now, this is a long time ago, but Joachim
 13 Gaurraud and Dave Guetta have a production
 14 company, I believe it's called Gum
 15 Productions, but it's been a long time. 11:52:11
 16 Q. Gum?
 17 A. Gum, G-U-M, and I don't recall
 18 the exact date, but I received a letter from
 19 Joachim Gaurraud that also referenced Dave
 20 Guetta. And what I recall from the letter 11:52:22
 21 was that they're both DJ's and they had
 22 listened to the music and they asked for
 23 specific tracks, one of which was the track
 24 for -- and I'm not saying it was

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1 exhaustive -- for "Take a Dive" Dance
 2 Version, which contained the guitar twang.
 3 So I had direct contact with at
 4 least Joachim Gaurraud. And it's my
 5 understanding that the contact was -- it was 11:52:53
 6 Dave Guetta and Joachim Gaurraud that were
 7 contacting me through Gum Productions.
 8 Q. And approximately what time
 9 frame did that occur, sir?
 10 MR. DICKIE: Objection, asked 11:53:05
 11 and answered.
 12 THE WITNESS: You want me to
 13 answer that?
 14 MR. DICKIE: Yes.
 15 A. I've got to refer to the big 11:53:10
 16 dog.
 17 That was after -- it was
 18 sometime after 2001, it was -- I'd say it was
 19 around 2001 or 2003, I believe -- and I'd
 20 like to clarify. I believe that there was a 11:53:27
 21 request for admission and also I believe
 22 there might have been interrogatories where I
 23 said 1990- -- well, I didn't say it. It was
 24 written 1999 to 2003. I'd like to just go on

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1 the record to correct that. It wasn't 1999,
 2 it was after 2001 to around 2003. It might
 3 have been 2004.
 4 BY MS. CENAR:
 5 Q. So let me back up a little bit. 11:53:51
 6 You are telling me that you received a letter
 7 from Joachim Gaurraud?
 8 A. Is that how you say his name?
 9 Q. That's how I'm saying his name.
 10 A. Okay. I'm just trying to 11:54:05
 11 clarify. I don't want to insult the guy.
 12 Q. Is that true or not?
 13 A. That is true, but --
 14 Q. All right. Do you still have a
 15 copy of that letter? 11:54:14
 16 A. No, I don't. But I wasn't
 17 finished answering. What I'm alleging is and
 18 what I'm asserting is it wasn't just a letter
 19 from Joachim Gaurraud -- which is how I say
 20 his name -- my understanding from what I 11:54:26
 21 recall, it was a letter from Gum Productions,
 22 Joachim Gaurraud and David Guetta. And no, I
 23 do not have a copy of that letter.
 24 Q. And you received that letter

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1 sometime between 2001 and 2003?
 2 A. Roughly around that time. It
 3 might have been 2004. It was prior to --
 4 well, I can't even remember the name of the
 5 Dave Guetta album. Yeah, that's correct. It 11:54:48
 6 was around somewhere around that time frame.
 7 Q. And?
 8 THE VIDEOGRAPHER: We have
 9 about five minutes remaining on the
 10 videotape. 11:54:58
 11 MS. CENAR: Okay.
 12 BY MS. CENAR:
 13 Q. And this was a letter that you
 14 said that they actually wrote to you
 15 requesting that you send them specific 11:55:05
 16 tracks?
 17 A. Well, it was more of a letter,
 18 and I got a lot of these, people saying, you
 19 know, "Hey, man, we dig your stuff, dude,"
 20 and it's something that -- I don't know if it 11:55:19
 21 goes on as much anymore now, but one of the
 22 things when I give people, especially DJ's
 23 and other individuals, and I usually say, you
 24 know, if you're interested in playing this at

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1 a club or something -- and I did this a lot
 2 in Austin at Club Paradox, interacting with
 3 the DJ's, they'll want to play the music at a
 4 certain beats per minute, and the normal
 5 beats per minute is 120 beats per minute. 11:55:46
 6 This particular song is at 130,
 7 which is a little bit faster, so a lot of
 8 times people will say, "Hey, you know, I like
 9 your music and, you know, we might be
 10 interested in playing your songs or 11:56:05
 11 whatever." So I would give people certain
 12 tracks so that they could -- because now it's
 13 easy enough you can go from 120 beats per
 14 minute to 130 and you can expand and contract
 15 it. There's no audio loss. 11:56:21
 16 Back then, you would -- to do
 17 something like that, to go from 130 beats per
 18 minute to 120 or whatever, you would have a
 19 lot of audio loss because the technology was
 20 really bad. 11:56:34
 21 So I would provide tracks and
 22 specifically to them, tracks -- and I'm not
 23 saying it was all of the tracks from 130 to
 24 120 beats per minute so that they could play

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1 it.
 2 And I did this a lot. This is
 3 not just with Joachim Gaurraud and Dave
 4 Guetta. This was something -- it was
 5 standard, I didn't think much of it about -- 11:56:58
 6 I figure they'll play it in the club and I've
 7 heard stuff of mine played in the clubs
 8 and --
 9 Q. My question was pretty basic
 10 and pretty simple. Did they send you a 11:57:10
 11 letter asking for you to send them specific
 12 tracks?
 13 A. I don't recall the exact -- the
 14 specific what was written in a letter almost
 15 10 years ago. That's my response. 11:57:25
 16 Q. This was the 2001 to 2003 time
 17 frame, that's your recollection?
 18 A. Well, that's not what I said,
 19 but it was roughly around 2001, 2004. That's
 20 my recollection, but I don't specifically 11:57:39
 21 recall who signed the letter, what exactly it
 22 said, and if there was a specific request.
 23 But I know that I sent that,
 24 because they were DJ's, and I said this could

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1 be very cool to have DJ's in Paris playing my
 2 stuff and also if you're a professional DJ,
 3 they usually travel around and go to other
 4 clubs. So I took it upon myself to send the
 5 tracks. 11:58:05
 6 But as far as what was
 7 specifically said in the letter, I don't
 8 know. And it might have been in French, too.
 9 I mean --
 10 Q. You read French? 11:58:14
 11 A. I don't read French, but you
 12 can go on the Internet, there are different
 13 websites. You can put in the French words
 14 and my brother Jeff reads French and he has
 15 interpreted letters for me. It's possible he 11:58:25
 16 interpreted that letter. He also speaks
 17 German. I've gotten letters from Germany.
 18 So no, I don't speak French but I do have
 19 available to me the necessary tools to
 20 interpret things. 11:58:38
 21 Q. Where does Jeffrey Pringle,
 22 your brother, live today?
 23 A. I don't know the exact address,
 24 but he lives somewhere -- I believe it's

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1 Virginia.
 2 Q. And can you give me his full
 3 name and middle name, please?
 4 A. I'm embarrassed to say but I
 5 don't know if I know it. 11:58:52
 6 Q. Do you remember what his
 7 birthday is?
 8 A. I must be a bad brother
 9 because -- I think his birthday is April -- I
 10 know it's in April. I think it's April 4th. 11:59:04
 11 I think he's 29. His full name is Jeffrey,
 12 J-E-F-F -- and I think this spelling is
 13 right -- REY, I think his middle name is
 14 Keith, K-E-I-T-H, Pringle, P-R-I-N-G-L-E.
 15 Q. And he lives in Virginia? 11:59:26
 16 A. I believe he lives in Virginia.
 17 I don't -- I know he works in Washington,
 18 D.C.
 19 Q. And he's in the military?
 20 A. He was in the military. I 11:59:37
 21 don't -- he just got a new job. He does some
 22 sort of counter- -- counterintelligence,
 23 counterterrorism. I think he works for --
 24 now I believe he works for Homeland Security.

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1 Q. Does he have any of the CD's of
 2 your song --
 3 A. Yes.
 4 Q. -- "Take a Dive" Dance
 5 Version? 12:00:04
 6 A. That I don't know.
 7 Q. In connection with this case,
 8 have you talked to him about it?
 9 A. Yes, I've talked to him. My
 10 brother, he worked counter- -- 12:00:17
 11 counterintelligence for the Department of
 12 Defense. I don't know exactly what he did
 13 during that period of time, but he had a
 14 tendency to move around a lot, and he also
 15 was injured. He lost a substantial amount of 12:00:31
 16 his memory, I think it's 40% disability now,
 17 so I can --
 18 And I did have a conversation
 19 with him and I asked him, "Hey, you know, do
 20 you recall when I came to Paris, do you 12:00:48
 21 recall" -- such as you said, "do you recall
 22 any letters or anything, do you have any
 23 CD's?" And his response, he's like "Man,
 24 I -- you know, my memory is bad. I can't

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1 recall."
 2 I mean, sometimes he'll forget
 3 my name. So yes, I had a conversation with
 4 him but you'd have to speak with him. He's
 5 got good days and bad days. Some days he'll 12:01:07
 6 recall things, some days he doesn't. But he
 7 liked the music so I imagine he'd have some
 8 sort of CD, yeah.
 9 Q. And he is -- you don't know
 10 what his address is now? 12:01:17
 11 MR. DICKIE: Objection, asked
 12 and answered.
 13 MS. CENAR: I submit that that
 14 address should have been provided in
 15 the initial disclosures. 12:01:26
 16 BY MS. CENAR:
 17 Q. Scott Brown, do you know where
 18 he lives?
 19 A. No. My brother was friends
 20 with Scott Brown. I was also friends with 12:01:32
 21 him. My brother and Scott Brown served in
 22 the military together, I think in France and
 23 also Holland, the Netherlands.
 24 They had a falling-out some

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1 years ago. I have no idea where he's
 2 located, but he might be in the Netherlands.
 3 Last time I heard he was working as an
 4 insurance investigator out of Dallas, but he
 5 had a Dutch wife, so if they're not divorced, 12:01:59
 6 which is possible, because he treated his
 7 wife like crap, he might be in Dallas or
 8 Netherlands. But I don't know where he's at.
 9 I haven't talked to him in years.
 10 THE VIDEOGRAPHER: We have 12:02:14
 11 about a minute left on the tape.
 12 MS. CENAR: All right. Why
 13 don't we take a break and switch
 14 tapes.
 15 THE VIDEOGRAPHER: We're off 12:02:22
 16 the record at 12:02.
 17 (Recess taken, 12:02 p.m. to
 18 12:21 p.m.)
 19 THE VIDEOGRAPHER: Back on the
 20 record at 12:21. This begins Tape 12:21:57
 21 No. 2.
 22 BY MS. CENAR:
 23 Q. You'd mentioned that you had
 24 traveled to France. Can you tell me when

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1 you've traveled to France?
 2 A. I don't know the specific date,
 3 but it was around 1999. I think I only went
 4 once but I could be wrong.
 5 Q. Do you remember how long you 12:22:22
 6 were in France?
 7 A. Not specifically, but I know it
 8 was at least a couple of weeks.
 9 Q. And was the "Take a Dive" Dance
 10 Version written at the time you had traveled 12:22:37
 11 to France?
 12 A. Which time? 1999?
 13 Q. Yeah.
 14 A. Yes. That and other versions
 15 of it. 12:22:56
 16 Q. The dance version that's at
 17 issue in this case that has the guitar twang,
 18 is it your testimony that that was written
 19 before you traveled to France?
 20 A. Yes. 12:23:07
 21 Q. Can you tell me how much before
 22 you traveled to France that that song was
 23 written?
 24 A. How much before the guitar

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1 twang was written?
 2 Q. Before that song was written,
 3 yes, "Take a Dive" Dance Version with the
 4 guitar twang.
 5 A. I think there's some confusion. 12:23:20
 6 You're talking about the guitar twang in
 7 "Take a Dive."
 8 Q. Yes.
 9 A. That's not the song it was
 10 originally created for. 12:23:30
 11 Q. My question, though, was pretty
 12 specific, so why don't you answer my
 13 question.
 14 A. Well, I don't know if you're
 15 talking about the guitar -- you mentioned the 12:23:36
 16 guitar twang specifically. Are you talking
 17 about the guitar twang or the tape -- guitar
 18 twang with the dance version?
 19 Q. The song "Take a Dive" Dance
 20 Version that has the guitar twang in it, was 12:23:45
 21 it written with the guitar twang before you
 22 traveled to France?
 23 A. In 1999, yes.
 24 Q. How much before you traveled to

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1 France was that song written?
 2 A. "Take a Dive" was actually
 3 started in 1996. There was multiple
 4 versions. But if you're talking about the
 5 specific version that's at question in this 12:24:10
 6 litigation, well, at least one of the
 7 versions, I don't recall exactly. It was
 8 around 1998 or around 1999.
 9 Q. And what caused you to write
 10 the "Take a Dive" Dance Version that's at 12:24:35
 11 issue in this case?
 12 A. I don't really understand that
 13 question.
 14 Q. Well, all right. Let me back
 15 up. Who was involved in creating the song 12:24:47
 16 "Take a Dive" Dance Version?
 17 A. Me.
 18 Q. Was there anybody else
 19 involved?
 20 A. In the actual production of the 12:25:04
 21 music, no, but the inspiration was inspired
 22 by someone else.
 23 Q. Who was it inspired by?
 24 A. Amy Blanton.

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1 Q. Who is Amy Blanton?
 2 A. Ex-girlfriend.
 3 Q. And how did she inspire you for
 4 that song?
 5 A. I was dating Amy Blanton and I 12:25:26
 6 had been calling -- we had been dating for
 7 some time. I called her up, she wouldn't
 8 answer the phone several times. So I decided
 9 to walk over to her house. Her mother told
 10 me "Get off the lawn or I'm calling the cops 12:25:44
 11 on you," which I didn't understand.
 12 It was a late night, I started
 13 walking home, and then as this -- I heard
 14 sirens like you hear in the song and dogs
 15 barking and a screeching car tire like you 12:25:56
 16 hear in the song, cops come around the corner
 17 so I dove underneath the back of the car to
 18 avoid being arrested and I never heard from
 19 her after that, and I decided to write a song
 20 about -- as a cathartic -- the original 12:26:12
 21 version of "Take a Dive," I decided to write
 22 a cathartic song about that night and that's
 23 where the lyrics and everything came up, it's
 24 based upon the nighttime, that's why you hear

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1 crickets in there in the beginning of the
 2 song. That's why you hear screeching car
 3 tires and sirens.
 4 Q. That's the original "Take a
 5 Dive" song? 12:26:37
 6 A. Yes. But the "Take a Dive"
 7 Dance Version also has all these specific
 8 sound effects.
 9 Q. But the Amy Blanton
 10 ex-girlfriend story was the inspiration to 12:26:48
 11 write the original "Take a Dive"? Is that
 12 correct?
 13 A. Unfortunately, yes.
 14 Q. And then the dance version,
 15 what was the inspiration to create the dance 12:27:00
 16 version of "Take a Dive"?
 17 A. Well, if you've heard the song,
 18 the vocals stink. They're terrible. I mean,
 19 back during that time I was an absolutely
 20 horrendous singer. I've gotten a lot better. 12:27:14
 21 But I liked the music, hated the vocals.
 22 I had another song called
 23 "Faith." I have made a remix of "Faith"
 24 called "Faith" Remix which I copyrighted in

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1 1999. It wasn't necessarily that specific
 2 song. There was a whole series. I made
 3 techno dance music, and if you make that kind
 4 of music, it's club-based so you better make
 5 sure that you write a song that people want 12:27:50
 6 to dance to.
 7 So I liked the instrumentation,
 8 didn't like the vocals. I decided I was
 9 going to recycle, and there was other
 10 versions of it, that's not the only version 12:28:03
 11 of it. I had created "Faith" and "Faith" --
 12 in the original version of "Faith," there's a
 13 part and the vocals are -- I'm trying to
 14 remember, this song is very old -- "Don't you
 15 tell me things you know aren't true and 12:28:18
 16 please don't tell me that I can't have you."
 17 That particular song, and I
 18 provided a version of it to my -- a remade
 19 version of it, it had the guitar twang in it
 20 and I didn't like it and I decided that it 12:28:34
 21 needed more polyrhythm. It just didn't work,
 22 so I came up with something called a
 23 digi-loop, which is basically (indicating),
 24 which is a bunch of squeaks and I don't know

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1 how to describe it, but anyways, I recycled
 2 the guitar twang into that version but I also
 3 had made a lot of different dance versions of
 4 a lot of different songs, like "Faith," I
 5 made a "Faith" remix which was much better. 12:29:01
 6 In "Faith" Remix, just like
 7 "Take a Dive" Dance Version, I used a hook
 8 line because hook lines get people, hey, you
 9 know, up and going (demonstrating). So like
 10 in "Faith" and just like another song, 12:29:13
 11 "Without You," and different remixes, it was
 12 just -- it just happened to be one of the
 13 versions that I made. There wasn't just that
 14 version, that was it. There was probably 30
 15 or 40 and it was constantly evolving. 12:29:24
 16 So I don't specifically recall
 17 that specific version, but I can tell you
 18 that it was just I had the guitar twang left
 19 over from "Faith" was sitting and I wanted to
 20 use it in something, it just seemed to work. 12:29:36
 21 So it was more of I wanted to
 22 make a more upbeat dance song and I thought
 23 my vocals stunk. And I still, to this day,
 24 when I hear the vocals, I'm like "eww," so

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1 that's what it was. I wanted to make an
 2 instrumental because I liked the music.
 3 Q. Okay. How was the guitar twang
 4 based on the progression of notes in the
 5 chorus vocals of the original song "Take a Dive"? 12:30:01
 6
 7 A. I think you're referring to --
 8 I would say loosely -- but I know what you're
 9 referring to and I can clarify that, but I
 10 wouldn't -- I wouldn't necessarily agree that 12:30:19
 11 there was -- I think there was -- well, I
 12 wouldn't agree with that statement, but I
 13 know --
 14 Q. Why wouldn't you agree with
 15 that? 12:30:33
 16 A. Because I was a terrible
 17 singer. Even if I put a -- transcribed a
 18 sequence of notes back during that period of
 19 time, I couldn't hit -- you know, I couldn't
 20 carry a tune in a bucket. 12:30:43
 21 So even if I -- I would say the
 22 actual production of it and the sound
 23 recording, I couldn't agree with that. It
 24 was loosely -- the vocals were loosely based

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1 upon that, but the actual guitar twang was
 2 really based upon the "Faith" -- the "Faith"
 3 vocals, the first line of that song.
 4 And I'll say, I will add this
 5 too, that -- and I think what you're 12:31:11
 6 referring to, in my understanding, is the
 7 petition, which is -- I'm not going to tell
 8 you what was said to my attorney, but I can
 9 tell you that my intention is to amend the
 10 petition because one of the petitions that I 12:31:27
 11 saw had that, what you're referencing, and I
 12 don't necessarily agree and I'm not going
 13 to -- I don't agree with it but I'm not going
 14 to tell you what was said between me and my
 15 attorney because that was attorney-client 12:31:39
 16 privileged.
 17 Q. Are you representing that the
 18 statement that the guitar twang is based on
 19 the progression of notes and the chorus
 20 vocals of the original song is an untrue 12:31:50
 21 statement?
 22 A. No, I'm not representing that.
 23 What I'm saying is that the chorus -- I don't
 24 even know, is it the chorus vocals -- the

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1 chorus, it's not an untrue statement.
 2 What I'm trying to rectify is
 3 the fact that I was not a good singer. It
 4 was loosely based upon -- the guitar twang
 5 was based upon "Faith," the original version, 12:32:11
 6 and the guitar twang and the chorus vocals in
 7 "Take a Dive" were based upon that guitar
 8 twang so they both go back.
 9 But, you know, in all honesty,
 10 as far as me being a singer, I mean, you 12:32:31
 11 know, you could put any notes up. It
 12 wouldn't -- I think it's confusing. When you
 13 say that, I would agree that it's a truthful
 14 statement, but to the degree of
 15 understanding, you know, Celine Dion can hit 12:32:47
 16 these notes, I can't hit any of those notes.
 17 So yes, it's true that it was I
 18 would say loosely based but the problem is I
 19 just didn't have the chops to hit those
 20 notes. So I wouldn't agree that it's an 12:33:05
 21 untruthful statement. I'm just trying to
 22 clarify it for you so you understand.
 23 Q. It's not an accurate statement,
 24 though, is it, sir?

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1 A. Yes, it is an accurate
 2 statement and I've just answered that
 3 question.
 4 Q. So can you tell me, then, how
 5 the guitar twang was based on the progression 12:33:25
 6 of notes in the chorus vocals?
 7 A. Asked and answered.
 8 Q. Will you answer my question,
 9 please?
 10 MR. DICKIE: Just answer her 12:33:31
 11 again.
 12 A. The vocals in -- of the
 13 chorus --
 14 No, I'm not going to answer
 15 that question again, I'm sorry. I've already 12:33:40
 16 answered it. I was very specific. I
 17 answered it in detail and I --
 18 BY MS. CENAR:
 19 Q. Can you tell me what
 20 progression of notes in the chorus vocals of 12:33:50
 21 the original song "Take a Dive" the guitar
 22 twang was based on?
 23 A. Actually, it was in a
 24 different -- a different pitch. The pitch

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1 was not G. It was A -- I believe A sharp was
 2 the key. It was not G major. I'm trying to
 3 think, but the guitar twang is G-B-C-D, so
 4 you'd just raise those notes. You'd have A
 5 sharp. I did this a couple of days ago. I'm 12:34:23
 6 trying to think, I'm looking at the keys in
 7 my mind.
 8 Well, you'd raise B, C, C
 9 sharp, D -- no, that's not correct. Oh, I'm
 10 sorry. You've got G, A sharp, then you have 12:34:41
 11 B, C, D -- I believe it's D sharp, E and F,
 12 so it would be A sharp, D sharp, E and F. I
 13 don't write music that much anymore. I
 14 usually do digital, that's why I'm having a
 15 problem in my mind. 12:35:06
 16 Q. What's the difference between
 17 writing music and doing digital?
 18 A. Well, I've become lazy. You
 19 don't have to write the notes anymore. I
 20 mean, the computer does it for you, so I 12:35:16
 21 basically look at the notes to figure out --
 22 I don't transcribe anything anymore, so in my
 23 mind, when I was doing that, I was looking at
 24 the keys trying to figure out going three up,

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1 three pitches up, which is basically from G
 2 to A sharp, G, G sharp, A, A sharp. That's
 3 correct.
 4 Q. Now, I want to take a step
 5 back. You indicate in your filings with the 12:35:51
 6 Court that you received, you know, a
 7 handwritten letter from somebody that
 8 received your music. Who was the handwritten
 9 letter from?
 10 A. You're going to have to be more 12:36:03
 11 specific because I receive a lot of
 12 handwritten letters.
 13 Q. Did you receive any handwritten
 14 letters from William Adams?
 15 A. No. 12:36:11
 16 Q. Jaime Gomez?
 17 A. No.
 18 Q. Allan Panina?
 19 A. You mean Pineda?
 20 Q. Did you receive a handwritten 12:36:19
 21 letter from him, sir?
 22 A. Is it Allan Pineda? Because I
 23 thought you said Panina.
 24 Q. The person that you've sued in

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1 this lawsuit, have you received a handwritten
 2 letter from him?
 3 A. Allan Pineda, no.
 4 Q. Stacy Ferguson?
 5 A. No. 12:36:39
 6 Q. Anybody at Interscope send
 7 you a --
 8 A. Yes.
 9 Q. Who?
 10 A. That I don't recall. I got 12:36:42
 11 several handwritten letters over a period of
 12 years from Interscope.
 13 Q. From who? Name one.
 14 A. I can't recall at this time,
 15 but if I could look at the A&R roster for a 12:36:51
 16 certain period of years, it might refresh my
 17 memory.
 18 Q. But as you sit here, you can't
 19 name a single person from Interscope that
 20 sent you a handwritten letter? 12:37:04
 21 A. No.
 22 Q. Do you have any of these
 23 handwritten letters?
 24 A. No.

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1 Q. Did you receive a handwritten
 2 letter from Joachim Gaurraud?
 3 A. That I don't recall. I mean,
 4 that was like 2001, 2003. I don't recall.
 5 As a matter of fact -- well, I don't recall 12:37:20
 6 that.
 7 Q. Do you recall receiving a
 8 handwritten letter from David Guetta?
 9 A. Well, no. The letter that
 10 we're referring to, I don't recall if it was 12:37:29
 11 typed or if it was handwritten.
 12 Q. Do you -- are you familiar with
 13 an individual, Fred Riesterer?
 14 MR. DICKIE: Objection, asked
 15 and answered. 12:37:43
 16 THE WITNESS: Do you want me to
 17 answer that?
 18 MR. DICKIE: Yes. Yes, please.
 19 A. Yes.
 20 BY MS. CENAR: 12:37:49
 21 Q. Who is he?
 22 A. You want my opinion of who he
 23 is?
 24 Q. Who is he, sir?

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1 A. He's one of the defendants.
 2 Q. All right. Beyond that, are
 3 you familiar with him in any other way?
 4 A. Yes. He's an individual who
 5 has repeatedly, repeatedly infringed on my 12:38:06
 6 music, and also I'm alleging he sampled part
 7 of my song "Crush" into "If We Ever," and he
 8 also has -- and this is my opinion -- has
 9 stolen riffs from me into other songs such
 10 as -- and my understanding is that he is, for 12:38:26
 11 better or for worse, an employee of Dave
 12 Guetta, who has also infringed.
 13 So I would say that he's a
 14 repeat infringer on at least my music, but I
 15 believe that my understanding of it is he's a 12:38:42
 16 defendant and he's also an "alleged" cutting
 17 edge songwriter.
 18 Q. Have you ever met him?
 19 A. No.
 20 Q. Have you ever had any written 12:38:54
 21 communications with him?
 22 A. No, I have not. I have
 23 absolutely no idea who he is other than what
 24 I've seen on the Internet.

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1 Q. Have you ever spoken to him on
 2 the phone?
 3 A. No.
 4 Q. Have you ever exchanged any
 5 e-mails? 12:39:09
 6 A. No.
 7 Q. Have you ever sent him any of
 8 your demo CD's?
 9 A. That's an arguable point. I've
 10 sent -- I've sent music to Joachim Gaurraud, 12:39:22
 11 who my understanding is is good friends with
 12 Frederick Riesterer, so I would arguably say
 13 that yes.
 14 Q. And where did you get that
 15 understanding from that they were good 12:39:37
 16 friends?
 17 MR. DICKIE: Objection, to the
 18 extent any of the information comes
 19 from lawyers, you need not disclose
 20 any information that comes from your 12:39:45
 21 lawyers.
 22 A. I would have to go with that
 23 would be a privileged conversation.
 24 BY MS. CENAR:

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1 Q. All right. Other than
 2 privileged conversations, you have no
 3 independent knowledge of whether Fred
 4 Riesterer and Mr. Gaurraud were really good
 5 friends? 12:39:59
 6 A. No, I do. I just -- I can't
 7 remember where I came to that conclusion
 8 other than my attorney, but there was
 9 somewhere else -- I can't remember. I'd have
 10 to refresh my memory. There was something. 12:40:09
 11 There was other independent evidence that
 12 indicated that they were friends. I just --
 13 I can't remember what it was.
 14 I keep thinking that it was
 15 from a conversation I had with Bartosz Brenes 12:40:21
 16 regarding Timofey Mozgov. I believe I had a
 17 conversation with another artist who is
 18 accusing the Black Eyed Peas of infringement.
 19 They live in Belgium. It was an e-mail
 20 conversation. 12:40:41
 21 It's an individual that --
 22 Bartosz Brenes and Timofey Mozgov know
 23 personally Joachim Gaurraud and information
 24 was exchanged to me regarding the personal

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1 relationship of Frederick Riesterer, Dave
 2 Guetta and Joachim Gaurraud through Bartosz
 3 Brenes, which it was my understanding it was
 4 also coming from Timofey Mozgov.
 5 Q. And this is e-mail 12:41:14
 6 communications that you had with those
 7 individuals?
 8 A. Yes.
 9 Q. And when did you have those
 10 e-mail communications? 12:41:21
 11 A. I don't remember the specific
 12 time. There was a posting on the Internet
 13 that Timofey and Bartosz Brenes had done. I
 14 believe it was in -- it was fairly recently
 15 here. I contacted them after that at -- I 12:41:40
 16 can't remember what their record company was,
 17 but I believe it was 2011, but I could be
 18 wrong. I believe it was probably three, four
 19 months ago, maybe.
 20 Q. And what was the posting on the 12:41:56
 21 Internet?
 22 A. Well, it was on YouTube. It's
 23 a posting of -- it's an Ableton Live demo,
 24 Bartosz Brenes and Timofey created a --

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1 I guess it's a demo type of a sample, and the
 2 posting has the Black Eyed Peas song, I
 3 believe it's -- I can't even remember. I
 4 think it's whatever their version of "I Had
 5 the Time of My Life," I think it's that one, 12:42:32
 6 but basically it's a posting.
 7 It shows "Look" -- and it has
 8 figures of the Black Eyed Peas, like they
 9 appear in "The Beginning," and it says,
 10 "Look, the Black Eyed Peas use Timofey's 12:42:44
 11 music," and I think it's called "Dirty Bit"
 12 is the name of the song and it shows
 13 Timofey's sample, then it shows the Black
 14 Eyed Peas sample and basically I think it
 15 plays them together or whatever. 12:42:58
 16 But I saw that and I was
 17 curious to know how the Black Eyed Peas or
 18 will.i.am had access to that. But it was
 19 basically an Ableton Live demo posting that
 20 they claim that in that particular YouTube 12:43:14
 21 video that will.i.am and the Black Eyed Peas
 22 had taken it and stuck it into the -- I think
 23 it was "Dirty Bit" but I'd have to listen to
 24 the song again.

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1 Q. And the e-mail communications
 2 that you had with them, have they been turned
 3 over in this litigation?
 4 A. I believe so. I believe -- I
 5 believe the only person, although I'm not 12:43:36
 6 going to tell you what the gist of the
 7 conversation was because it's privileged.
 8 Well, I can't really -- I can say that I
 9 believe it was, but I could be wrong. I
 10 can't really tell you any more information 12:43:52
 11 than that because it's privileged.
 12 Q. The conversation that you had
 13 three to four months ago in 2011 on this
 14 posting on the Internet, do you still have
 15 copies of that e-mail exchange on your 12:44:10
 16 computer?
 17 A. No.
 18 Q. Where did it go? Did you
 19 delete it?
 20 A. I typically delete stuff. It 12:44:17
 21 just -- the conversation was going nowhere.
 22 Timofey speaks Russian, Bartosz Brenes speaks
 23 I guess French, and it was kind of broken
 24 English. So I mean it was -- I'm not going

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1 to party with those guys. I just had some --
 2 was curious to know what was going on, that
 3 was it, and then I deleted it.
 4 Q. Do you have any information as
 5 to how Mr. Riesterer may have may access to 12:44:47
 6 any of your music?
 7 A. Through Dave Guetta and Joachim
 8 Gaurraud and also through -- and this is
 9 sheer speculation, through Sony/ATV
 10 Publishing and also Flo Rida, I think that's 12:45:02
 11 how you say his name. Flo Rida.
 12 Did I mention Dave Guetta? I
 13 think I already mentioned him.
 14 Q. So other than Mr. Guetta and
 15 Mr. Gaurraud and Flo Rida and Sony, are there 12:45:23
 16 any other ways that you believe Mr. Riesterer
 17 had access to your music?
 18 A. Yes, from being played on the
 19 radio, from my posting to multiple websites
 20 on the Internet, from EMI France, EMI 12:45:35
 21 Publishing, Interscope Records, Reprise --
 22 basically all the major record labels as well
 23 as DJ's that I've given my music to at
 24 different clubs -- it's a whole pleth- -- I

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1 mean the list just goes on and on. I mean,
 2 I've been sending out demos for, you know, a
 3 decade and a half.
 4 Q. And I get that from your
 5 testimony. My question, though, is really 12:46:08
 6 specific to Mr. Riesterer.
 7 A. And I'm giving you the answer.
 8 If you don't like the answer, I don't know
 9 what to tell you. That's --
 10 Q. All right. Beyond what you've 12:46:16
 11 told me, is there any other way that you are
 12 contending in this case that Mr. Riesterer
 13 had access to your music?
 14 A. Not at this time. I'm not --
 15 other than what I've already answered. 12:46:25
 16 Q. Can you tell me how
 17 Mr. Riesterer would have had access to your
 18 song "Take a Dive" Dance Version?
 19 A. Joachim Gaurraud and Dave
 20 Guetta. 12:46:35
 21 Q. And how would Mr. Riesterer
 22 have had access to your song "Faith" or
 23 "Faith" Remix?
 24 A. I've already answered that as

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1 far as, you know, the different various
 2 people I've sent music to, Dave Guetta,
 3 Joachim Gaurraud.
 4 Q. Any other way that
 5 Mr. Riesterer would have had access to 12:46:56
 6 "Faith" or "Take a Dive" Dance Version?
 7 A. Well, the Internet. Did I
 8 already mention that? There's a plethora of
 9 ways, but I'm still investigating that also.
 10 So at this time I'm not saying 12:47:10
 11 there's any more ways that he could have
 12 accessed, but that doesn't mean that -- I
 13 could find out next week, I could see an
 14 e-mail where he had access to my music or
 15 something. 12:47:21
 16 Q. Do you have any specific
 17 information right now that indicates that
 18 Mr. Riesterer specifically received a copy of
 19 your music?
 20 A. What I've said previously. I'm 12:47:32
 21 not going to add to that.
 22 Q. Did you receive any written
 23 communication from Mr. Riesterer that he
 24 actually received any of your music?

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1 MR. DICKIE: Objection, asked
 2 and answered.
 3 A. Yeah, I've already answered
 4 that, and the answer again is no.
 5 BY MS. CENAR: 12:47:49
 6 Q. Did you hear from anybody else
 7 that Mr. Riesterer actually received any of
 8 your music?
 9 A. What do you mean, anybody else?
 10 Q. Did anybody tell that you 12:48:03
 11 Mr. Riesterer actually received any of your
 12 music?
 13 A. Not specifically, no.
 14 Q. Did you personally observe
 15 Mr. Riesterer accessing any of your music? 12:48:15
 16 A. Did I personally physically see
 17 him?
 18 Q. Yes.
 19 A. No. No, I did not.
 20 Q. In any of your trips to France, 12:48:24
 21 did you ever meet Mr. Riesterer?
 22 MR. DICKIE: Objection, asked
 23 and answered.
 24 A. Not that I can recall.

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1 BY MS. CENAR:
 2 Q. You only had one trip to
 3 France. Is that right?
 4 A. I may have went a second time.
 5 I don't recall. But the one that I'm -- I 12:48:39
 6 specifically recall, no, I didn't have any
 7 contact directly with Mr. Riesterer.
 8 Q. Did you have any contact
 9 indirectly with Mr. Riesterer?
 10 A. Well, what I've previously 12:48:51
 11 stated. He could have gotten the music off
 12 the Internet or from Joachim Gaurraud and
 13 Dave Guetta. I believe he could have got it
 14 from will.i.am, Sony/ATV, any of his other
 15 contacts, Flo Rida. Other than that, no, I 12:49:06
 16 don't have anything to add.
 17 Q. So now David Guetta, did you
 18 have any personal observations of David
 19 Guetta accessing any of your music?
 20 A. No. 12:49:19
 21 Q. Did anybody tell you
 22 specifically that David Guetta accessed any
 23 of your music?
 24 A. Not from -- I mean, from what

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1 I've already stated, from the letter from
 2 Joachim Gaurraud and Dave Guetta.
 3 Q. And we'll get to that letter in
 4 a second. But when you traveled to France,
 5 did you see David Guetta? 12:49:44
 6 A. No, not that I recall, no, I
 7 don't.
 8 Q. Did you ever speak to David
 9 Guetta when you were in France?
 10 A. Not that I recall. 12:49:51
 11 Q. Did you ever personally deliver
 12 a copy of any CD to either Dave Guetta or
 13 Fred Riesterer?
 14 A. Not that I recall, but that
 15 doesn't mean that I didn't. 12:50:02
 16 Q. Do you know where either of
 17 them are located in France?
 18 A. My understanding, it's Paris.
 19 Q. Where in France did you travel
 20 when you visited that country? 12:50:13
 21 A. I don't recall. I don't recall
 22 specifically.
 23 THE WITNESS: Do you have a
 24 problem? Because you're doing some

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1 histrionic -- yeah, I'm looking right
 2 at you. You're making some faces and
 3 things that I don't really appreciate.
 4 MR. SLOTNICK: Are you talking
 5 to me? 12:50:31
 6 THE WITNESS: I'm not talking
 7 to you, I'm talking to your assistant
 8 here. I don't appreciate that.
 9 You're staring me down, you've made
 10 some histrionics and stuff. I 12:50:35
 11 don't appreciate it.
 12 MR. DICKSTEIN: Sir, you're
 13 giving a deposition and I'm looking at
 14 your testimony.
 15 THE WITNESS: No, you're not. 12:50:38
 16 You're doing a little bit more than
 17 that, and I'd appreciate it if you'd
 18 stop.
 19 No, I want this on the record.
 20 MS. CENAR: Could you read my 12:50:48
 21 question, please.
 22 (The reporter read back the
 23 following portion of the preceding
 24 record.)

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1 "QUESTION: Where in France did
 2 you travel when you visited that
 3 country?"
 4 (End of readback.)
 5 A. I don't recall. 12:51:01
 6 MR. DICKIE: It was answered.
 7 A. Yes, it was answered. I don't
 8 recall exactly specifically.
 9 BY MS. CENAR:
 10 Q. Do you recall any location that 12:51:06
 11 you actually did visit when you went?
 12 A. I went to the Chateau -- are
 13 you talking about cities or are you talking
 14 about specific locations?
 15 Q. Either at this point. 12:51:14
 16 A. I went to Chateau Versailles, I
 17 went to the Eiffel Tower, I went to Arc de
 18 Triomphe, I went to Musée d'Orsay. I'm
 19 trying to think where else I went. I might
 20 have went to the Louvre, I don't recall. 12:51:32
 21 There were a bunch of different places in
 22 France that I went to.
 23 And Paris, now, I did travel
 24 outside of Paris but I don't recall the

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1 specific -- of course I probably couldn't
 2 pronounce them anyways.
 3 Q. Did you visit with Joachim
 4 Gaurraud when you were in France?
 5 A. Not that I'm aware of, but that 12:51:54
 6 doesn't mean that I didn't hand him a CD. I
 7 mean, I don't specifically recall all the
 8 people that I had contact with.
 9 Q. Have you met Joachim Gaurraud
 10 before? 12:52:07
 11 MR. DICKIE: Objection, asked
 12 and answered.
 13 BY MS. CENAR:
 14 Q. Personally?
 15 A. I've already answered that 12:52:10
 16 question. No.
 17 Q. Have you?
 18 THE WITNESS: Do you want to
 19 take this one?
 20 MR. DICKIE: No, go ahead. 12:52:16
 21 Answer it again.
 22 A. Not that I recall, but that
 23 doesn't mean that I did not when I was there
 24 in France.

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1 BY MS. CENAR:
 2 Q. Do you -- can you tell me how
 3 Mr. Gaurraud would have had access to any of
 4 your music beyond --
 5 A. I sent it to him. 12:52:35
 6 Q. -- you sending it to him?
 7 A. Well, like I said before,
 8 things on the Internet as well as I was also
 9 signed to a label called Dekonstruktion
 10 Records, which had a website and they also 12:52:48
 11 distributed things. I had music for sale on
 12 MP3.com, different various websites. I also
 13 sold a song for a movie years ago, and I had
 14 also just what I had already previously
 15 mentioned. 12:53:05
 16 Q. What song did you sell for a
 17 movie?
 18 A. "Pleasure of Pain." I think
 19 there was three of them. I can't remember
 20 the other ones. 12:53:14
 21 Q. And for what movie?
 22 A. I honestly don't recall. It
 23 was a long time ago, and whenever I sold it
 24 they didn't have a name for the actual movie.

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1 Q. What time frame did that occur?
 2 A. Early to mid '90s, I believe.
 3 Q. And Dekonstruktion Records, who
 4 are they?
 5 A. A defunct record label. 12:53:41
 6 Q. When did they become defunct,
 7 sir?
 8 MR. DICKIE: Objection, lack of
 9 foundation.
 10 THE WITNESS: Do you want me to 12:53:48
 11 answer that?
 12 MR. DICKIE: Yes, if you can.
 13 A. I don't recall, because I
 14 had -- I severed ties with them. I found out
 15 that they were -- they had a lot of artists 12:53:55
 16 that were Satanists, and I didn't want to --
 17 so I couldn't tell you, but I know they're
 18 defunct and I know that they changed to
 19 Empire Media at some point in time.
 20 BY MS. CENAR: 12:54:18
 21 Q. When did you sever ties with
 22 them because they were involved in Satanism?
 23 A. I don't recall specifically.
 24 Q. Generally, time frame?

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1 A. 2002, maybe 2003, something of
 2 that nature.
 3 Q. Did they carry the song "Take a
 4 Dive" Dance Version?
 5 A. Yes, they did. 12:54:43
 6 Q. And did they sell it?
 7 A. Yes, they did.
 8 Q. And how many sales did you make
 9 of --
 10 A. That I don't know. That was 12:54:49
 11 one of the issues also is that Bob
 12 Melendez -- well, at least my allegation is
 13 he was embezzling money and there was a bunch
 14 of other artists that made the same
 15 allegations. 12:55:04
 16 Q. Prior to filing the lawsuit,
 17 what public source existed where a copy of
 18 the song "Take a Dive" Dance Version could be
 19 bought?
 20 MR. DICKIE: Objection, lack of 12:55:17
 21 foundation.
 22 THE WITNESS: Do you want me to
 23 answer that?
 24 MR. DICKIE: To what you

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1 understand based on what you know, if
 2 you can.
 3 THE WITNESS: I'm sorry, could
 4 you repeat the question?
 5 (The reporter read back the 12:55:38
 6 following portion of the preceding
 7 record.)
 8 "QUESTION: Prior to filing the
 9 lawsuit, what public source existed
 10 where a copy of the song 'Take a Dive' 12:55:12
 11 Dance Version could be bought?"
 12 (End of readback.)
 13 A. I don't understand the
 14 question. You're going to have to -- I don't
 15 know what a "public version" or a public -- 12:55:41
 16 what was it again.
 17 BY MS. CENAR:
 18 Q. Public source.
 19 A. Public source, I don't know
 20 what that means. 12:55:48
 21 Q. Where could one go to buy a
 22 copy of the song "Take a Dive" Dance Version
 23 prior to your filing the lawsuit?
 24 A. MP3.com, GEMM.com, I believe

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1 broadjam.com. There's other websites that I
 2 don't specifically recall.
 3 Q. And did you actually make sales
 4 of that specific song on any of those sites?
 5 A. Yes, but I don't recall which 12:56:21
 6 sites and I don't recall how many sales.
 7 Q. How much money have you made
 8 prior to the filing of this lawsuit for sales
 9 of the song "Take a Dive" Dance Version?
 10 A. I don't know. It couldn't -- 12:56:33
 11 less than a thousand.
 12 Q. Less than a thousand songs or
 13 less than a thousand dollars?
 14 A. Less than a thousand dollars.
 15 Q. And do you have any records to 12:56:44
 16 show that the song "Take a Dive" Dance
 17 Version was ever sold prior to 2009?
 18 A. Not that I'm aware of.
 19 Q. If you needed to know, where
 20 would you look? 12:57:02
 21 A. I'd have to go to the websites
 22 that kept the records. I know that I earned
 23 monies at MP3.com, but I don't have those
 24 records.

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1 Q. It's your testimony here under
 2 oath that the song "Take a Dive" Dance
 3 Version was on MP3.com available for sale
 4 before 2009?
 5 A. To the best of my recollection, 12:57:28
 6 but I don't know if it was called "Take a
 7 Dive" Dance Version.
 8 Q. What was it called?
 9 A. Well, let me clarify that.
 10 "Take a Dive" Dance Version is a moniker that 12:57:39
 11 I never created. I call the song "Take a
 12 Dive," and the other versions of "Take a
 13 Dive," I still call them "Take a Dive."
 14 And I'd like to further state I
 15 don't call it the guitar twang sequence. 12:57:55
 16 That's something -- that nomenclature has
 17 been put on there, so I would call it "Take a
 18 Dive."
 19 When you call it "Take a Dive"
 20 Dance Version, that's something recently 12:58:06
 21 that's come into play. It might have been,
 22 say, "Take a Dive" electro-shock version or
 23 something like that, but I don't recall
 24 because there were so many versions of it,

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1 what specific version.
 2 I may call it the "Take a Dive"
 3 Smurf version because I was watching the
 4 Smurfs while I was creating it, I don't know.
 5 Q. The specific song that was 12:58:26
 6 posted on MP3, GEMM.com and broadjam.com that
 7 was available for purchase prior to 2009 --
 8 A. I didn't say it was posted on
 9 GEMM. I said it was available for purchase.
 10 GEMM.com is a website that sells CD's, and I 12:58:42
 11 know specifically that it was there because I
 12 actually purchased a version on GEMM.com from
 13 Dekonstruktion Records.
 14 I purchased it from Bob
 15 Melendez and I specifically recall that 12:58:57
 16 because Bob Melendez contacted me and said,
 17 "What are you doing purchasing your own
 18 music?"
 19 Q. And what year did that occur,
 20 sir? 12:59:09
 21 A. That I don't recall.
 22 Q. Do you have any records as to
 23 who may have purchased the song from this
 24 source?

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1 MR. DICKIE: Objection, lack of
 2 foundation.
 3 THE WITNESS: Do you want me to
 4 answer that?
 5 MR. DICKIE: Yes. 12:59:34
 6 A. No, but I do have specific
 7 recollection.
 8 BY MS. CENAR:
 9 Q. And what is that recollection,
 10 sir? 12:59:42
 11 A. I know specifically there
 12 was -- that I purchased it, and I also know
 13 there's one of my brother's ex-girlfriends
 14 purchased it from MP3.com.
 15 Q. And who is that person? 12:59:56
 16 A. I think her name is Marcie
 17 Reynolds. I'm not sure about the last name.
 18 I know the first name is Marcie.
 19 Q. And how do you know that she
 20 purchased the "Take a Dive" on that site? 13:00:09
 21 A. She showed it to me. She
 22 showed me the disc.
 23 Q. When?
 24 A. I don't recall. It was around

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1 2000, maybe 1999. But it was around the time
 2 that my brother was dating her, which I think
 3 was around 1999 or 2000.
 4 Q. And she purchased it from
 5 where? 13:00:32
 6 MR. DICKIE: Objection, lack of
 7 foundation.
 8 THE WITNESS: Do you want me to
 9 answer that?
 10 MR. DICKIE: If you know, you 13:00:39
 11 can answer it.
 12 A. I believe she purchased it on
 13 MP3.com.
 14 BY MS. CENAR:
 15 Q. And when you purchase something 13:00:45
 16 from MP3.com, do you get an MP3?
 17 A. Yes.
 18 Q. So when you say that she showed
 19 you the disc that she purchased, does MP3
 20 also send a disc out? 13:00:59
 21 A. I don't know what they do now.
 22 Q. What did they do at the time
 23 that she purchased?
 24 A. Well, I believe that Vivendi

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1 Universal Music Group, which owned it I
 2 believe at that time, gave you a couple of
 3 options. It gave you the option to download
 4 it with a liner and you could print it out
 5 and -- with the disc and you have little 13:01:24
 6 liner notes and you could download it and
 7 burn it to a disc, or I believe that you
 8 could also purchase a CD.
 9 I think -- and I think the -- I
 10 don't know if they had an option where you 13:01:38
 11 could save it to your hard drive. I don't
 12 recall specifically. But I recall she
 13 purchased it, something, and she showed it to
 14 me. Now, what specifically was on that
 15 disc -- I know "Take a Dive" was on there, 13:01:52
 16 but I don't recall what else is on there.
 17 Q. And was it "Take a Dive" that
 18 had the guitar twang in it?
 19 A. Yes, as among other things.
 20 Q. And what other things were on 13:02:07
 21 the disc that she showed you?
 22 A. I don't recall. I just
 23 remember I thought it was really cool that
 24 somebody had purchased my music.

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1 Q. This individual, do you know
 2 where she lives?
 3 A. No.
 4 Q. Marcie Reynolds, is she from
 5 Texas? 13:02:30
 6 A. I don't know where she's from.
 7 I know that she lived in France. I know that
 8 she dated my brother while they lived in
 9 France. I know that she also -- I don't know
 10 where she's at. I think she was a Canadian 13:02:44
 11 resident. French Canadian, I believe.
 12 Q. And you don't have any more
 13 specific address information for her?
 14 A. No.
 15 Q. What time period did your 13:03:01
 16 brother live in France?
 17 A. I don't recall specifically. I
 18 know he was there in 1999 when I visited him.
 19 Q. Can you tell me where
 20 Dekonstruktion Records is based? 13:03:16
 21 MR. DICKIE: Objection, lack of
 22 foundation.
 23 THE WITNESS: You want me to
 24 answer that?

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1 MR. DICKIE: Yes, if you know,
 2 if you know.
 3 A. It's defunct, but it used to be
 4 based in Clearwater, Florida, I believe. I
 5 know it was based in Florida. 13:03:30
 6 BY MS. CENAR:
 7 Q. And did you have a recording
 8 agreement with them?
 9 A. I had a non-exclusive
 10 distribution agreement with them. 13:03:36
 11 Q. And do you still have those
 12 documents?
 13 A. No. Not that I'm aware of, but
 14 I could search. I'll look for it.
 15 Q. And did you receive royalty 13:03:47
 16 statements from them?
 17 A. No, I did not.
 18 Q. Did you receive any money from
 19 them?
 20 A. Yes, I did. Very minuscule 13:03:54
 21 amounts.
 22 Q. During what time frame, sir?
 23 A. I don't recall. But like I
 24 said earlier, there was -- there was a

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1 dispute with Bob Melendez who was the CEO
 2 that royalties and other things were being
 3 withheld, so... I don't recall the specific
 4 time frame.
 5 Q. Do you have any information 13:04:18
 6 that would indicate that any of the
 7 defendants in this lawsuit purchased the song
 8 "Take a Dive" from any of the sources that
 9 you've identified?
 10 A. No. 13:04:31
 11 Q. Prior to filing the lawsuit,
 12 can you tell me what public sources existed
 13 where the "Take a Dive" Dance Version could
 14 be listened to?
 15 MR. DICKIE: Objection, asked 13:04:45
 16 and answered. You can answer that
 17 again if there's anything to add.
 18 A. I'll go with my attorney's
 19 response, objection, asked and answered.
 20 MR. DICKIE: Well, no, you have 13:04:57
 21 to -- if you know anything else,
 22 please answer the question.
 23 A. No, I don't have any additional
 24 information other than what I've already

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1 stated.
 2 BY MS. CENAR:
 3 Q. Can you tell me what places
 4 "Take a Dive" Dance Version could have been
 5 listened to? 13:05:13
 6 A. Other than what I've already
 7 stated, no. Then --
 8 Oh, I'm sorry. I just thought
 9 of something when we were talking about Bob
 10 Melendez. Bob Melendez had -- he had online 13:05:26
 11 radio stations and I believe he's also a DJ
 12 at radio stations, at least that's what I
 13 recall him representing, so it's possible
 14 there was streaming online radio stations,
 15 and he also -- he would hold concerts where 13:05:42
 16 he would -- at dance studios and, you know,
 17 different clubs where he would play the
 18 music. That just came to me. So those are
 19 additional sources.
 20 Q. And that's where "Take a Dive" 13:05:53
 21 Dance Version could be listened to?
 22 A. Yes.
 23 Q. All right. Do you have any
 24 information that any of the defendants in

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1 this case actually went to those places and
 2 listened to the song "Take a Dive" Dance
 3 Version?
 4 A. Not direct. Not directly. I'm
 5 not aware of that. 13:06:11
 6 Q. When you say "not directly," do
 7 you have any indirect information that that
 8 occurred?
 9 A. Ma'am, they sampled part of my
 10 song. They had to have listened to it. 13:06:19
 11 Q. I understand that, but aside
 12 from that, sir, do you have any
 13 information --
 14 A. I think that's compelling
 15 enough, but no, I don't have any more 13:06:28
 16 additional information.
 17 Q. Are you familiar with a device
 18 known as an ASR-10?
 19 A. Model for an Ensoniq, yes.
 20 Q. Can you tell me what it is? 13:06:52
 21 A. It's a device for manipulating
 22 recording music, creating music, sampling.
 23 Also MIDI sequencing. It's basically a music
 24 keyboard.

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1 Q. Have you ever owned one?
 2 A. I've owned several.
 3 Q. Can you tell me what time
 4 periods you've owned an ASR-10?
 5 A. I owned an ASR-10, I believe I 13:07:19
 6 purchased the first one around 1993. It was
 7 stolen in around 2000, late 2000, I believe,
 8 but I'd have to check that date.
 9 And another one was purchased,
 10 I think there was a few of them that were 13:07:39
 11 purchased around I think 2010.
 12 Q. Other than the 1993 to late
 13 2000 one, how many were purchased in 2010?
 14 A. 2010, I believe that three were
 15 purchased. Two of -- one arrived -- it 13:08:03
 16 wasn't purchased by me, it was purchased by
 17 my attorneys. One arrived DOA. The guy
 18 wouldn't take it back, which really blew.
 19 The second one I believe was purchased around
 20 the same time period, that one broke. 13:08:20
 21 And the third one I still have.
 22 That was purchased -- God, I can't even
 23 remember. I keep thinking it was -- I don't
 24 recall. I think it was late 2010 or early

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1 2011, something like that.
 2 Q. All right. So would it be fair
 3 to say that you did not have an ASR-10 in
 4 your possession from 2000 until the time
 5 period that you purchased the three in 2010? 13:08:56
 6 MR. DICKIE: Object to the form
 7 of the question, misstates the date.
 8 THE WITNESS: Do you want me to
 9 answer that?
 10 MR. DICKIE: Yes, please. 13:09:12
 11 A. Yeah, I believe so. I don't
 12 recall that I had any of them.
 13 BY MS. CENAR:
 14 Q. The three that you say you
 15 purchased in 2010, can you give me some 13:09:21
 16 general time frame when those purchases were
 17 made?
 18 A. I didn't say --
 19 MR. DICKIE: Objection, asked
 20 and answered. 13:09:31
 21 A. I didn't say that I purchased
 22 them. I believe the general time frame is
 23 what I've already answered, it was around
 24 2010. I know that it was after I originally

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1 heard "I Gotta Feeling."
 2 BY MS. CENAR:
 3 Q. And when was that?
 4 MR. DICKIE: Objection. Asked
 5 and answered multiple times. 13:09:52
 6 You can answer it again.
 7 A. Just refer back to the -- I
 8 believe it was sometime in 2010. I believe
 9 it was around late February 2010, somewhere
 10 around that time. I'm not specific -- I 13:10:08
 11 don't know the specific exact date.
 12 BY MS. CENAR:
 13 Q. So sometime after
 14 February 2010, there were three purchases of
 15 ASR-10's. Is that correct? 13:10:16
 16 A. Yes, I believe so.
 17 Q. And where are those three now?
 18 A. I have one of them. I believe
 19 my attorney has one of them. I'd have to --
 20 Q. And you're pointing to 13:10:35
 21 Mr. Dickie?
 22 A. My attorney, either him or Ira
 23 Gould. And the other one, I believe I
 24 discarded it. It didn't work.

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1 Q. You said the first one arrived
 2 DOA. Is that the one you discarded?
 3 A. I can't remember if it was the
 4 first or second one. I know that two of them
 5 broke. I tried to get repair parts for 13:11:04
 6 either the first or the second one. I can't
 7 remember which one arrived DOA. It was
 8 either the first or second. I think the
 9 first one I got repair parts for. The second
 10 one was DOA, the guy wouldn't take it back. 13:11:22
 11 And the -- now I forgot the question.
 12 Q. Where did you buy them from?
 13 MR. DICKIE: Objection to the
 14 form of the question.
 15 A. I didn't purchase them. My 13:11:33
 16 attorneys purchased them.
 17 BY MS. CENAR:
 18 Q. Where were they purchased from,
 19 sir?
 20 MR. DICKIE: Objection, lack of 13:11:37
 21 foundation.
 22 A. You'd have to defer to my
 23 attorney about where they purchased them.
 24 BY MS. CENAR:

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1 Q. Were they delivered to you?
 2 A. Yes.
 3 Q. And did you provide
 4 instructions as to what type of ASR-10 to
 5 purchase? 13:11:52
 6 A. Yes.
 7 Q. And do you still have all three
 8 of the ASR-10's that were purchased?
 9 MR. DICKIE: Objection, asked
 10 and answered. Misstates his 13:12:04
 11 testimony.
 12 A. No, I have one.
 13 Q. And the one that you still have
 14 was the one that was purchased late 2010,
 15 early 2011? 13:12:11
 16 A. I don't remember when it was
 17 specifically purchased, but I believe it was
 18 the last one that was purchased.
 19 Q. What happened to the other two?
 20 A. Well, like I said, one of them, 13:12:26
 21 I believe -- I don't know what happened to
 22 the other two. One of them was thrown away.
 23 It was worthless. You can't get new parts
 24 for them. And I believe one was returned to

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1 my attorney but you'd have to ask them what
 2 they did with it because I don't know.
 3 Q. Now, the ASR-10 comes with an
 4 operating system?
 5 A. Yes. 13:12:45
 6 Q. When you received them, did
 7 they have an operating system?
 8 A. Well, let me rephrase that.
 9 The actual hard- -- the keyboard itself does
 10 not come with an operating system, but the 13:12:54
 11 keyboards that I purchased were -- they had a
 12 disc that was in the packaging that allowed
 13 me to boot it up. Yes, they did come with an
 14 operating system but not on the keyboard
 15 itself. 13:13:07
 16 Q. And when you threw away the
 17 ASR-10 that you purchased, did you keep the
 18 disc?
 19 A. Oh, absolutely, because they're
 20 difficult to find. Ensoniq's out of business 13:13:17
 21 now. If you don't have the operating system,
 22 you can't boot up the keyboard; you're in a
 23 lot of trouble.
 24 Q. Why is the operating system

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1 necessary?

2 MR. DICKIE: Objection, calls

3 for expertise.

4 A. I'm going to answer this

5 question because I've spent thousands of 13:13:35

6 hours with the ASR-10. I'm not saying I'm an

7 expert, but in this particular area it's

8 basically a re- -- I'm sorry, random access

9 memory modules.

10 The keyboard, once you turn it 13:13:50

11 on or turn it off, there's nothing there, so

12 it has no built-in operating system like a

13 regular computer. When you turn that

14 keyboard on, if you do not have the operating

15 system, it will not boot. That's why it's 13:14:03

16 incredibly important. If you don't have the

17 operating system, no play.

18 BY MS. CENAR:

19 Q. Does an ASR-10 have the ability

20 to change songs that were previously created 13:14:19

21 on an ASR-10?

22 MR. DICKIE: Objection, lack of

23 expertise and object to the form of

24 the question. If you understand it,

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1 please answer it.

2 A. Does it have the ability to

3 change, yeah, I guess so.

4 BY MS. CENAR:

5 Q. All right. Well, first let's 13:14:34

6 back up a little bit. An ASR-10 is an

7 advanced sampling recorder. Is that right?

8 A. It's a lot more than that, but

9 that's what A-S-R stands for. It stands for

10 advanced sampling recorder 10 because it's 13:14:47

11 got 10 tracks.

12 Q. And you had one from 1993 to

13 late 2000, correct?

14 A. Yes, until it was stolen.

15 Q. In fact, that was what you used 13:14:57

16 to create your music during that time period,

17 wasn't it?

18 A. That was one of the pieces of

19 equipment that I used. That wasn't the only

20 piece of equipment I used. 13:15:09

21 Q. And you said it was stolen in

22 late 2000. Is that correct?

23 A. I believe somewhere around that

24 time. I'd have to refresh my memory with the

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1 police report.

2 Q. And it was stolen out of a

3 storage locker or location? Is that right?

4 A. Yes.

5 Q. Why was it in storage? 13:15:31

6 A. Because I was stupid and I put

7 it in there briefly. I had it actually at

8 another location, a friend of mine, and his

9 wife -- his wife wanted it out of the house

10 along with my music equipment, so I had 13:15:49

11 nowhere -- it was temporarily there. I had

12 nowhere else to put it.

13 Q. Can you give me a general time

14 frame when you first put it in the storage

15 locker? 13:16:00

16 A. A few months prior to it being

17 stolen.

18 Q. And you said your wife --

19 somebody, your friend's wife wanted it out of

20 the house. Were you living with some people 13:16:09

21 at the time that you ultimately put it into

22 storage?

23 A. That I don't recall. I just --

24 I recall that there was -- I needed someplace

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1 to put it, didn't want to put it in the hot

2 Texas sun in a storage unit where it could

3 get stolen, and I put it in a -- this guy's

4 house, this friend of mine.

5 Q. And where was it stolen from? 13:16:30

6 A. It was stolen from Stor & Lok

7 on Pioneer Drive in Abilene, Texas.

8 Q. And what caused you to put it

9 at that location?

10 A. Like I previously said, my 13:16:44

11 friend that was storing that and some other

12 equipment, his wife wanted it out of the

13 house, so I had nowhere else to store it.

14 Well, that's not necessarily

15 entirely accurate. I had places to store it, 13:16:56

16 but nowhere that was secure enough because I

17 was -- I had properties that I was investing

18 in and, you know, doors off hinges. I'm not

19 going to -- "Hey, come and get it, guys,

20 here's \$30,000 worth of stuff, come on down!" 13:17:12

21 I put it in there for security

22 purposes because it had a gate around it.

23 They also had a camera and they had the

24 manager living on the lot, but "pfff," what

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1 good that did.

2 Q. And it was in the storage

3 locker for a couple of months before it got

4 stolen?

5 A. Are we talking about the 13:17:36

6 ASR-10?

7 Q. Yeah.

8 A. That I don't know, because it's

9 a possibility that I might not have put it in

10 there for very long. I might have actually 13:17:44

11 carried the ASR-10 around with me for a

12 while. I might have put it with another one

13 of my friends, but it was in there when it

14 was stolen, so it possibly could have been in

15 there for a couple of months, it could have 13:17:58

16 been a couple of weeks, I don't know, because

17 I would go in and take things out and put

18 things in periodically.

19 Q. Were you actively using the

20 ASR-10 in 2000? 13:18:06

21 A. That I don't recall.

22 Q. Were you actively using the

23 ASR-10 in 1999?

24 A. Yes.

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1 Q. And why do you recall that?

2 A. Because I recall whenever my

3 equipment was stolen how incredibly angry

4 that I was because I had a lot of the

5 recordings and the songs that I had and had 13:18:31

6 been working on and planned on creating were

7 gone in an instant by some somebody who had

8 no clue what they were taking.

9 And I remember that I was

10 irritated because I had a lot of songs that I 13:18:44

11 was working on in 1999 and it was gone in an

12 instant because somebody decided to steal my

13 keyboard and the hard drive that went along

14 with it. It was a devastating blow, set me

15 back years. 13:18:58

16 Q. So the hard drive that was

17 taken along with the ASR-10 that was stolen,

18 what was on that hard drive?

19 A. Well, there was many hard

20 drives. It was instrumentation, MIDI 13:19:06

21 sequences, samples. I don't recall if they

22 stole my computer too, but there was a lot of

23 different drives and removable drives that

24 were taken and basically just (demonstrating)

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1 kind of wiped me out as far as the music

2 goes, as far as the backup of all my music.

3 Well...

4 Q. And didn't you have any of that

5 music stored anywhere else? 13:19:38

6 A. Yes, thank God (demonstrating).

7 I made backups of CD's and stored the image

8 of each drive, multiple images on CD-ROM's.

9 I don't think I had any DVD-ROM's at that

10 time. 13:19:54

11 Q. And where did you keep those?

12 A. I don't recall specifically,

13 but I do recall -- there were probably

14 multiple locations, but I had a large desk

15 that was probably -- and I think my attorney 13:20:12

16 has a picture of it. It's like -- well, no,

17 I'm sorry, he doesn't.

18 I had a corner desk that had

19 rolling file cabinets and when I moved to

20 Abilene, thank God I took those disks and 13:20:28

21 stuck them in one of the rolling file

22 cabinets. And this file -- these file

23 cabinets just -- you're probably going to ask

24 this question anyway, so I'll go ahead and

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1 tell you. The file cabinets and the desk

2 were both inside of the storage unit.

3 Fortunately they didn't mess with the

4 furniture, they just took -- "Hey, nice

5 buttons over here, let's take that stuff." 13:20:55

6 Q. So you still have the file

7 cabinet with all the backup disks?

8 A. Yes. Not all of them.

9 Q. And where are those today?

10 A. Not all of the backup disks. 13:21:05

11 The file cabinets, I think I sold that to my

12 property manager years ago.

13 Q. I'm more interested in the

14 disks, sir. Where are those today?

15 A. You mean the original copies? 13:21:20

16 Q. All of the copies. Where are

17 they?

18 A. I believe Dave Gallant has

19 them, the disks. Some of the disks were just

20 replicated copies, and those, I don't know 13:21:30

21 where those are at. I might have just thrown

22 them away. But the surviving ones that I

23 have that are originals and not copies that

24 were created later on, the originals are with

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1 Dave Gallant.
 2 Q. Do you have any disks that are
 3 not with David Gallant that contain your
 4 music?
 5 A. Yes. 13:22:04
 6 Q. And are they from this pre-2000
 7 time frame?
 8 A. I don't know. I'd have to
 9 look. I have a couple of copies of my own
 10 personal music. 13:22:14
 11 Q. Are there any disks that
 12 contain this song "Take a Dive" or any
 13 variation?
 14 A. Yes.
 15 Q. They're on disks that are not 13:22:25
 16 in Mr. Gallant's possession?
 17 A. Yes.
 18 Q. And where are those disks?
 19 A. Well, I would imagine one is
 20 probably sitting in will.i.am's studio at his 13:22:38
 21 house. I believe that Dave Guetta and
 22 Joachim Gaurraud have copies. I also believe
 23 Flo Rida has copies.
 24 Q. We're talking about your backup

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1 disks, sir. Did you send those out to
 2 anybody?
 3 A. Well, you said disks, are you
 4 talking about specific NRG files, because
 5 when you said "disks" I thought you meant 13:22:59
 6 musical disks.
 7 Q. I'm talking about your backup
 8 files, sir, and it was quite clear.
 9 MR. DICKIE: Objection, it was
 10 not quite clear. You asked about all 13:23:07
 11 disks. You made no distinction.
 12 THE WITNESS: You're doing your
 13 job.
 14 A. As far as NRG files, Dave
 15 Gallant has the original. However, prior to 13:23:18
 16 Mr. Gallant taking those or after he took
 17 them in his possession he gave me copies, and
 18 I believe -- you'd have to talk with my
 19 attorneys. They may have copies of them too.
 20 BY MS. CENAR: 13:23:31
 21 Q. Other than two disks that were
 22 provided to us, are there any other backup
 23 disks that you have of your music from
 24 pre-2000?

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1 A. No, not that I'm aware of at
 2 this time.
 3 Q. Are there any other backup
 4 disks for your ASR-10 that you have in your
 5 possession that have not been turned over to 13:23:49
 6 us in this litigation?
 7 A. Not that I'm aware of at this
 8 time.
 9 Q. Are there any other disks from
 10 the ASR-10 that relate to any song that's at 13:24:04
 11 issue in this case that have not been turned
 12 over to us?
 13 MR. DICKIE: Objection to the
 14 form of the question. If you
 15 understand it, you can answer it. 13:24:13
 16 A. I'm sorry, could you say it
 17 again?
 18 MS. CENAR: Please read the
 19 question back for the witness.
 20 (The reporter read back the 13:24:28
 21 following portion of the preceding
 22 record.)
 23 "QUESTION: Are there any other
 24 disks from the ASR-10 that relate to

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1 any song that's at issue in this case
 2 that have not been turned over to us?"
 3 (End of readback.)
 4 A. At issue at this case, no.
 5 BY MS. CENAR: 13:24:44
 6 Q. Can you tell me what address or
 7 location you were at when you created the
 8 "Take a Dive" Dance Version that's at issue
 9 in this case?
 10 A. I believe it was at Barrington 13:24:57
 11 Drive, but I could -- it's hard to say. I
 12 mean, I didn't actually create the entire
 13 version of "Take a Dive" Dance Version at
 14 Barrington Drive. I started years earlier
 15 creating portions of it, so the specific one 13:25:15
 16 we're talking about, I don't really see a
 17 difference between that one and the original
 18 version. So I would have to say that 1141
 19 Powder -- 11416 Powder Mill Trail and also
 20 1300 Barrington Drive were the two locations 13:25:33
 21 I believe that I was at when I created
 22 portions of that song.
 23 Q. Do you have any media at all
 24 that contain any version of "Take a Dive"

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1 that has not been produced to us?
 2 A. You'd have to be more specific
 3 because I don't -- I mean, if you're asking
 4 did I make copies of things that I've turned
 5 over to you, yes. Did I provide you the 13:26:02
 6 original files, yes. So I may have copies,
 7 you know, of copies.
 8 Q. Your complaint alleges that you
 9 have many variations of the song "Take a
 10 Dive." Have you produced to us all of those 13:26:17
 11 versions?
 12 A. The ones that I have available,
 13 yes.
 14 Q. Are there any other versions
 15 that you have of any version of "Take a Dive" 13:26:31
 16 anywhere in your possession that have not
 17 been provided to us?
 18 A. Any attorney-client privileged
 19 comparisons have not been provided to you,
 20 but the versions that I have that are 13:26:51
 21 surviving, yes, I produced them to you,
 22 barring attorney-client work product.
 23 Q. Do you have any media that
 24 contain "Take a Dive" that you intend to rely

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1 upon in this lawsuit that you've not produced
 2 to us?
 3 MR. DICKIE: Objection.
 4 A. I don't understand that
 5 question. "Media," could you define that? 13:27:13
 6 BY MS. CENAR:
 7 Q. The existence of anything,
 8 electronically or in paper form, that relate
 9 to "Take a Dive" that you intend to rely on
 10 in this lawsuit that you have not turned over 13:27:28
 11 to us?
 12 MR. DICKIE: Objection, calls
 13 for a legal conclusion as to what
 14 evidence will be used by his lawyers.
 15 MS. CENAR: You can answer the 13:27:35
 16 question, sir.
 17 A. You guys have totally confused
 18 me. The only things that I plan on relying
 19 on are what I consider to be exhibits that
 20 are going to be attorney-client work product 13:27:47
 21 that my attorney may or may not have in their
 22 possession.
 23 I can tell you that I intend on
 24 creating more side-by-side comparisons, so at

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1 this time I can tell you that there will be
 2 more comparisons and work product that my
 3 attorney may or may not have at this time,
 4 but I am planning -- I intend on producing.
 5 But at this time, as far as I 13:28:19
 6 know, everything has been turned over that I
 7 have of any versions, barring attorney-client
 8 work product.
 9 BY MS. CENAR:
 10 Q. Now, you've made comparisons 13:28:28
 11 that you believe reflect the similarities
 12 between your songs and any of the music of
 13 the defendants?
 14 A. At the request of my attorneys,
 15 yes. 13:28:43
 16 Q. And those have not been turned
 17 over to us? You're withholding those on
 18 privilege grounds?
 19 A. You'd have to talk to my
 20 attorney regarding that. I don't know. 13:28:50
 21 Q. Please answer my question, sir.
 22 MR. DICKIE: I believe it is
 23 answered.
 24 A. I'll repeat what I just said.

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1 You'd have to speak with my attorney because
 2 I don't know.
 3 BY MS. CENAR:
 4 Q. You've been asked to provide
 5 responses to interrogatories on the 13:29:08
 6 comparisons between "Take a Dive" and "I
 7 Gotta Feeling," and did you provide any of
 8 those comparisons and information in the
 9 interrogatory answers?
 10 MR. DICKIE: Object to the 13:29:23
 11 form. The best evidence is the
 12 interrogatories. Why don't you show
 13 them and he can answer the question.
 14 MS. CENAR: Please answer my
 15 question, sir. 13:29:31
 16 A. I don't understand that
 17 question, but I'd have to go with my
 18 attorney. You'd have to be more specific
 19 about what interrogatories you're talking
 20 about. I don't understand what you're -- 13:29:39
 21 what the question is, really.
 22 BY MS. CENAR:
 23 Q. Have you shown any of your
 24 comparisons to people other than your

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1 attorneys?
 2 A. Yes.
 3 Q. Who?
 4 A. I have posted on broadjam a
 5 copy of my song with the Black Eyed Peas 13:30:00
 6 vocals sung alongside of them, but there's
 7 also a posting that's on YouTube and although
 8 I didn't post it, I have -- I think that
 9 someone related to my attorney or from their
 10 office posted it but I haven't gotten a 13:30:22
 11 response to that either. Maybe you should
 12 ask him.
 13 Q. And is that the DRDR313?
 14 A. Yeah, I don't know who that is.
 15 Q. And you say it's somebody 13:30:33
 16 related to your attorneys. Why do you say
 17 that?
 18 MR. DICKIE: No, he said he
 19 doesn't know who that is.
 20 A. Yeah, I don't know who it is, 13:30:39
 21 but I'd like to know. I'd like to know who
 22 that is, and I can tell you I've made
 23 inquiries but I haven't gotten a response.
 24 BY MS. CENAR:

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1 Q. So if there was representations
 2 at other depositions that in fact that
 3 DRDR313 came from you, that that would be
 4 false?
 5 A. Absolutely. DRDR313 at YouTube 13:30:59
 6 account is not me.
 7 Q. And you have no idea who that
 8 is?
 9 MR. DICKIE: Asked and
 10 answered, objection. 13:31:10
 11 A. I have a -- well, he objected,
 12 but I have a -- I think it's someone, an
 13 attorney or something, because they -- to my
 14 knowledge -- well, I guess it could have been
 15 downloaded off the Internet. I don't know. 13:31:18
 16 I don't know who it is, but I
 17 suspect it's someone at Miller Canfield or
 18 someone at HamptonHolley or the law office of
 19 Ira Gould, Gould Law Group. That's just a
 20 suspicion. I don't know who it is and I 13:31:39
 21 would like to know, so if you find out let me
 22 know.
 23 BY MS. CENAR:
 24 Q. And can you tell me where the

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1 DRDR313 got a copy of your song to post on
 2 the Internet?
 3 MR. DICKIE: Objection, no
 4 foundation.
 5 A. No, but I'd like to know. 13:31:49
 6 BY MS. CENAR:
 7 Q. And can you tell me where
 8 DRDR313 got the Black Eyed Peas vocals for
 9 that posting?
 10 A. No, but I'd like to know. I 13:31:57
 11 don't know who posted that. I'd like to
 12 know, just like you would like to know.
 13 I've made inquiries. I'm not
 14 happy about the fact that I don't know who it
 15 is, and without forfeiting attorney-client 13:32:09
 16 privilege, I can assure you that I'm going to
 17 find out today after this deposition is over.
 18 Q. Well, do you know that your law
 19 firm, Miller Canfield, actually, when they
 20 filed your lawsuit, posted a link to the 13:32:24
 21 DRDR313 as directing the public to that site?
 22 A. No, I'm not aware of that,
 23 but...
 24 Q. Were you aware that they issued

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1 a press release when they filed the lawsuit
 2 for you?
 3 A. I wasn't a party to that, but
 4 I'm aware that there is press regarding this.
 5 I don't know where it originated from. It 13:32:49
 6 certainly didn't come from me.
 7 (Pringle Exhibit 26 was marked
 8 for identification and/or introduced.)
 9 THE WITNESS: Well, thank you.
 10 THE REPORTER: You're welcome, 13:33:21
 11 sir.
 12 MS. CENAR: Counsel.
 13 BY MS. CENAR:
 14 Q. Why don't you take a moment and
 15 look at Exhibit 26, Mr. Pringle, which bears 13:33:24
 16 a Bate number BEP-PR000015 and 16.
 17 (Witness reviews document(s).)
 18 A. Okay. I've looked at it.
 19 BY MS. CENAR:
 20 Q. Have you seen this before? 13:33:45
 21 A. Yes.
 22 Q. And were you aware that these
 23 Internet postings and press releases were
 24 being released by your counsel?

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1 MR. DICKIE: Objection to the
 2 extent that you -- it calls for you to
 3 disclose attorney-client
 4 conversations.
 5 THE WITNESS: You want me to 13:34:02
 6 answer that?
 7 MR. DICKIE: Only if you have
 8 knowledge outside of communications
 9 with your lawyers.
 10 THE WITNESS: You're fired. 13:34:08
 11 No, I'm just kidding.
 12 A. I'm aware of this first page.
 13 I'm not going to disclose how I was made
 14 aware of that.
 15 The second, I don't recall if 13:34:18
 16 I've ever seen this. And as far as the links
 17 and what you're talking about, I had no -- I
 18 had no first-party knowledge nor was I
 19 involved in posting any links nor was I
 20 involved in this postings here on Miller 13:34:35
 21 Canfield's website. I don't have access to
 22 their web server or anything, so I wouldn't
 23 be able to do that.
 24 BY MS. CENAR:

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1 Q. Could you turn to the second
 2 page of Exhibit 26 which bears the Bate
 3 number BEP-PR000016, did you authorize that
 4 this press release be sent out to the media?
 5 A. I'm not going to answer that. 13:34:58
 6 It's attorney-client confidential privilege.
 7 I'm not going to tell you what I said between
 8 me and my attorneys.
 9 Q. Can you please turn to the
 10 page, I want to ask you some questions on the 13:35:08
 11 statements that are made in there.
 12 A. Okay. Go ahead.
 13 Q. It says in the third paragraph
 14 from the bottom, "According to the
 15 Complaint," do you see that? 13:35:17
 16 A. Yes.
 17 Q. It says, "According to the
 18 Complaint, 'Take a Dive' was never published
 19 by Pringle" --
 20 A. Okay. 13:35:23
 21 Q. -- "but was submitted to
 22 Defendants in the case, UMG Recordings,
 23 Interscope Records and EMI regularly from
 24 1999 to 2006, in hopes that they would either

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1 sign Pringle as an artist to their labels or
 2 sell the song to another artist."
 3 Do you see that?
 4 A. Yes.
 5 Q. Is that a truthful statement? 13:35:41
 6 A. Let me read it one more time.
 7 (Witness reviews document(s).)
 8 A. I would say it's an erroneous
 9 statement. I wouldn't say that it was
 10 truthful or not truthful. I would say I 13:36:03
 11 didn't authorize it, I wouldn't agree 100%,
 12 but I would agree with the majority of it.
 13 BY MS. CENAR:
 14 Q. What's the portion that's
 15 erroneous? 13:36:15
 16 A. Never published, it was
 17 published. Also, the dates -- well, '99,
 18 2006, I wouldn't necessarily 100% agree with
 19 that. Yes, it encompassed those dates but I
 20 would have to say the dates were actually -- 13:36:29
 21 especially EMI, because I remember speaking
 22 with an A&R guy on the phone, and Interscope,
 23 I would change those dates from 1990- --
 24 maybe '4 to 2008.

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1 And I would have to add
 2 additionally I've kind of changed as an
 3 artist. I no longer consider myself as an
 4 artist wanting to be signed. I'm just
 5 strictly a songwriter. 13:36:59
 6 So I wouldn't agree it was
 7 never published, I wouldn't necessarily agree
 8 with the specific dates. I would expand that
 9 and I would also -- I would have to preface
 10 the "signed as an artist," I would have to 13:37:09
 11 add "was looking to be signed an artist but
 12 looking to sell the songs during a certain
 13 period of time."
 14 I don't agree with the whole
 15 entire statement, but I don't necessarily 13:37:20
 16 disagree with it. I disagree with portions
 17 of it.
 18 Q. You will agree with me that
 19 "Take a Dive" wasn't in existence in 1994.
 20 Can we at least agree on that? 13:37:30
 21 MR. DICKIE: Objection,
 22 misstates his testimony.
 23 A. I -- like I said before, it
 24 took me years. There were portions of songs

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1 that were created over time. But I would say
 2 that the finished version -- well, I couldn't
 3 say that either, because I've held on to
 4 songs for years. There's a song I made
 5 called "Salty Kiss" that took me seven years 13:37:54
 6 to write. It was in existence in '99, it was
 7 used on the ASR-10 but it wasn't finished
 8 until 2005 or something, so I couldn't agree
 9 with that.
 10 BY MS. CENAR: 13:38:07
 11 Q. When was "Take a Dive"
 12 finished, sir?
 13 A. Which version? You'd have to
 14 be more specific.
 15 Q. The original version. 13:38:12
 16 A. I don't -- I don't recall. I'd
 17 have to look at the copyright registration
 18 form.
 19 Q. It wasn't 1994, was it, sir?
 20 A. Like I said, I couldn't tell 13:38:23
 21 you. It depends on what your definition of
 22 "finished" is.
 23 Q. Were you -- is it your
 24 testimony here under oath that you did not

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1 authorize these links to be posted as
 2 representations of your songs?
 3 MR. DICKIE: Object to the form
 4 of the question, calls for
 5 attorney-client discussions. 13:38:42
 6 A. I'm going to have to -- I'm
 7 going to have to object too, because I think
 8 it -- what you're asking for is for me to
 9 disclose attorney-client confidential
 10 privileged information. 13:38:53
 11 I can tell you again, I didn't
 12 do this. Not personally. And I didn't have
 13 access to this stuff.
 14 BY MS. CENAR:
 15 Q. And did you authorize that 13:39:04
 16 those postings be put up of your music on the
 17 Internet?
 18 MR. DICKIE: Same objection,
 19 same instruction.
 20 A. I'm going to have to refer to 13:39:11
 21 my previous statement.
 22 BY MS. CENAR:
 23 Q. Was it your idea to do this?
 24 MR. DICKIE: Same instruction,

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1 same objection.
 2 MR. RIGHETTINI: It's a yes or
 3 no question, that's all.
 4 THE WITNESS: You want me to
 5 answer that? 13:39:21
 6 MR. DICKIE: No.
 7 BY MS. CENAR:
 8 Q. It's not asking for privileged.
 9 Was it your idea to do this, sir, or not?
 10 MR. DICKIE: If the discussions 13:39:29
 11 regarding the whole --
 12 MR. RIGHETTINI: It's a yes or
 13 no question.
 14 MR. DICKIE: The instruction is
 15 the same. The question invades the 13:39:35
 16 attorney-client privilege with respect
 17 to the source of his thinking.
 18 The instruction is the same,
 19 Mr. Pringle.
 20 THE WITNESS: I'd like to 13:39:45
 21 answer that.
 22 MR. DICKIE: You're not going
 23 to answer it.
 24 THE WITNESS: You don't want me

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1 to answer that?
 2 MR. DICKIE: No, sir.
 3 BY MS. CENAR:
 4 Q. Was it your idea, sir, to post
 5 a comparison on the Internet at the time that 13:39:52
 6 you filed this lawsuit?
 7 MR. DICKIE: Same instruction.
 8 A. I'm going to have to defer to
 9 my attorney. He's older and wiser.
 10 I'd like to answer the question 13:40:02
 11 but I think it's going to disclose attorney
 12 privileged information.
 13 But I will say that as a
 14 songwriter -- and you're going to say well,
 15 that's irrelevant, but I'll tell you this. 13:40:13
 16 As a songwriter, it does not behoove me to
 17 publicly embarrass individuals that I would
 18 like to sell music to or potentially write
 19 music for, so you can take that however you
 20 want. 13:40:28
 21 BY MS. CENAR:
 22 Q. Outside of conversations with
 23 your counsel, was it your idea to post this
 24 comparison on the Internet?

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1 MR. DICKIE: Objection, assumes
 2 facts.
 3 BY MS. CENAR:
 4 Q. Around the time that you filed
 5 this lawsuit? 13:40:47
 6 THE WITNESS: Do you want me to
 7 answer that?
 8 MR. DICKIE: If you have any
 9 independent discussions outside of
 10 discussions with your counsel, you can 13:40:54
 11 answer as to that. If you don't, then
 12 you're instructed not to answer.
 13 THE WITNESS: Can you repeat
 14 that question one more time?
 15 MS. CENAR: Please read back 13:41:02
 16 for the witness.
 17 (The reporter read back the
 18 following portion of the preceding
 19 record.)
 20 "QUESTION: Outside of 13:40:36
 21 conversations with your counsel, was
 22 it your idea to post this comparison
 23 on the Internet?
 24 "MR. DICKIE: Objection,

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1 assumes facts.
 2 "QUESTION: Around the time
 3 that you filed this lawsuit?"
 4 (End of readback.)
 5 THE WITNESS: Do you want me to 13:41:25
 6 answer that?
 7 A. I'm going to have to -- that's
 8 too mixed up in privileged communications.
 9 I'm going to redecline that.
 10 MS. CENAR: Okay. Can we mark 13:41:37
 11 this as the next exhibit, please?
 12 (Pringle Exhibit 27 was marked
 13 for identification and/or introduced.)
 14 THE WITNESS: Yeah. I do
 15 recognize this. 13:41:59
 16 BY MS. CENAR:
 17 Q. Would you take a moment and
 18 look at Exhibit 27, please.
 19 A. Okay. I've looked at it. I'm
 20 familiar with this. This is my web page. 13:42:08
 21 MR. DICKIE: Wait for a
 22 question, Mr. Pringle.
 23 THE WITNESS: Didn't I fire
 24 you?

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1 BY MS. CENAR:
 2 Q. Exhibit 27 is a copy of your
 3 web page; is that your testimony?
 4 A. Yes, at broadjam.
 5 Q. And did you create the 13:42:22
 6 information that was posted on this web page?
 7 A. Some of it.
 8 Q. What information did you not
 9 create?
 10 A. I would have to -- I would have 13:42:34
 11 to say that I can't disclose, because again,
 12 it -- I would have to disclose confidential
 13 privileged communications between me and my
 14 attorney regarding this. I can tell you that
 15 this is my account. 13:42:52
 16 Q. All right. The "Song: Take a
 17 Dive vs I Gotta Feeling" that was posted and
 18 uploaded on there, did you do that?
 19 A. Yes, I believe so.
 20 Q. All right. Where did you get 13:43:05
 21 the vocals for "I Gotta Feeling" in this
 22 posting?
 23 A. From -- I think it was one of
 24 the remix versions. There was -- like I said

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1 previously, there was like 1200 different
 2 versions. Some...
 3 Q. I'm sorry. What remix version?
 4 A. I don't recall exactly.
 5 Q. Were these the remix versions 13:43:31
 6 that you were referring to from the beatport?
 7 A. I can't recall specifically,
 8 but yes, I believe so, from what I recollect
 9 I believe that's correct. But I would also
 10 preface that, there was -- yeah. I'm sorry. 13:43:45
 11 I lost my train of thought.
 12 Q. Can you tell me how you went
 13 about creating the "Song: Take a Dive vs I
 14 Gotta Feeling" using the information from
 15 beatport that you obtained? 13:44:05
 16 MR. DICKIE: Object to the form
 17 of the question. Misstates the
 18 testimony with respect to the origin
 19 of this comparison.
 20 A. I would have to object too 13:44:14
 21 because I think what you're talking about
 22 is -- I think there's some privilege there
 23 too.
 24 BY MS. CENAR:

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1 Q. Your lawyers assisted you in
 2 making the comparison that was posted on
 3 this, the "Take a Dive" -- the actual audio
 4 sample?
 5 THE WITNESS: Do you want me to 13:44:33
 6 answer that, Dean?
 7 MR. DICKIE: No, if it's
 8 discussions with counsel you need not
 9 answer.
 10 A. I can't -- I can't really -- I 13:44:37
 11 can't disclose without forfeiting
 12 attorney-client privilege.
 13 BY MS. CENAR:
 14 Q. Who created the audio that you
 15 posted on your website which we've marked as 13:44:48
 16 Exhibit 27?
 17 A. Well, again, I don't recall
 18 what specific remix version. I can tell you
 19 that portion of this song obviously is my
 20 song "Take a Dive." I can tell you that I 13:45:06
 21 created that.
 22 As far as the other portion of
 23 it -- and I disagree with the term "create,"
 24 I can tell you what this is if you want me to

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1 answer that.
 2 Q. What is it, sir?
 3 A. This is a side-by-side
 4 comparison of the Black Eyed Peas vocals
 5 played alongside and manipulated, because I 13:45:34
 6 do recall for some reason there was
 7 equalization and other things and also
 8 compression -- I don't know how you get
 9 signed to Interscope Records and you don't
 10 use a compressor, but that's neither here 13:45:45
 11 nor -- this particular version is vocals
 12 along with the remix version, which I don't
 13 know what it is, played alongside my song.
 14 The version of their vocals was changed from
 15 128 beats per minute to 130. That's what 13:46:03
 16 that is.
 17 Q. All right. And did you create
 18 this audio file that was put on your website?
 19 THE WITNESS: Do you want me to
 20 answer that, Dean? 13:46:14
 21 MR. DICKIE: If you created it,
 22 you can answer that.
 23 A. I don't agree with the word
 24 "create," so I'd say no.

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1 BY MS. CENAR:
 2 Q. Did you make it?
 3 A. I don't agree with the word
 4 "make," but I'll elaborate to save some time.
 5 All I did was I took a version of what I 13:46:33
 6 recall was a remix version that had a lot
 7 less instrumentation, manipulated it
 8 through -- to make the vocals more easily
 9 heard, played it alongside my song to show
 10 that it was very obvious that the Black Eyed 13:46:55
 11 Peas sang their vocals to my music just to
 12 show as a comparison.
 13 Q. Did you also compare the guitar
 14 twang to the remix versions that you obtained
 15 from beatport? 13:47:09
 16 MR. DICKIE: Object to the form
 17 of the question.
 18 A. I don't recall. I mean, it was
 19 pretty -- it was pretty obvious. I don't --
 20 I honestly don't know if I ever did because I 13:47:16
 21 didn't feel I needed to. I mean, it was --
 22 it was pretty -- it was my opinion it was
 23 almost identical, so I don't think that I
 24 did, but I could be wrong. I just don't

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1 recall.
 2 BY MS. CENAR:
 3 Q. Was the guitar twang part of
 4 the remix items that you saw on beatport?
 5 A. Yes. 13:47:41
 6 Q. And that's based on your
 7 personal review of those remixes?
 8 A. Yes, but I will also concede
 9 that guitar twang is available everywhere.
 10 Q. What do you mean? 13:47:55
 11 A. I mean, you can go online right
 12 now, any one of you, and, in a remix version,
 13 get access to that guitar twang. It's
 14 everywhere. And even the remix versions I
 15 got off of Amazon.com, they had that specific 13:48:08
 16 version soloed out.
 17 Q. What did you purchase off of
 18 Amazon.com?
 19 A. A bunch of different remixes of
 20 "I Gotta Feeling" as well as other Black Eyed 13:48:20
 21 Peas songs.
 22 Q. And when you say it had
 23 something isolated out, what are you talking
 24 about?

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1 A. Well, I mean, there's a lot
 2 of -- I hate to say cheesy, but a lot of
 3 people that remix in licensed versions of "I
 4 Gotta Feeling" lack creativity, and so there
 5 are large portions of the remixes where all 13:48:45
 6 they're playing is the (indicating) so, I
 7 mean, it's some of the versions are just so
 8 basic, the structure. They have large, you
 9 know, 8-, 16-bar sequences with just the
 10 guitar twang version playing. 13:49:01
 11 Q. And these are remixes that are
 12 done by people other than the Black Eyed
 13 Peas?
 14 A. Both by the Black Eyed Peas
 15 and, from my understanding, people that were 13:49:12
 16 at beatportal, the remixes, and also people
 17 that license "I Gotta Feeling." That's what
 18 I recall. There was a bunch of them. It
 19 wasn't hard to find.
 20 Q. When did you buy these? 13:49:27
 21 A. I --
 22 MR. DICKIE: Objection, I think
 23 it's asked and answered but you can
 24 answer again.

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1 A. I don't really recall, though.
 2 BY MS. CENAR:
 3 Q. 2010?
 4 A. Yeah. I mean, it was probably
 5 a period of time. I think I do recall I was 13:49:43
 6 looking for specific -- I was looking for
 7 specific tracks. For example, I have what I
 8 call a high delay sequence. The Black Eyed
 9 Peas have in their song a violin sequence
 10 that has the same identical syncopation. It 13:50:04
 11 goes (indicating) and I was looking for
 12 remixes where I could try to isolate that
 13 specific violin sequence to compare it with
 14 mine to see if the syncopation was identical,
 15 and I subsequently was able to do that. 13:50:21
 16 And I also was looking for
 17 sequences in particular, there's a low cello
 18 that plays (indicating) which is pretty much
 19 identical to the bridge part of my song. I
 20 was trying to find remixes that had that 13:50:36
 21 specific sequence isolated, which I did, and
 22 was able to, at the request of my attorneys,
 23 get information to try to make it more
 24 palatable or easier to hear.

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1 So there was a bunch of
 2 different -- different remixes and songs. If
 3 I could find wherever on Amazon.com or other
 4 DJ's that had that particular music, so I --
 5 I forgot what your question was, I'm sorry. 13:51:06
 6 Q. Well, did you turn over all of
 7 those things that you purchased on Amazon.com
 8 to us in this litigation?
 9 A. I don't know if I had them.
 10 When my hard drive got corrupted, I didn't 13:51:20
 11 have access to everything on that drive.
 12 What I saved was what I had still minus the
 13 attorney-client privileged, so the answer is
 14 what I had available that was not corrupted,
 15 yes, but there were -- there were a lot of 13:51:34
 16 sequenced songs that I downloaded that were
 17 deleted after I did a comparison turned over
 18 to my attorney. So everything that I had to
 19 my knowledge was turned over.
 20 MS. CENAR: Could you read my 13:51:48
 21 question back? Please listen to my
 22 question and answer my question.
 23 (The reporter read back the
 24 following portion of the preceding

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1 record.)
 2 "QUESTION: Well, did you turn
 3 over all of those things that you
 4 purchased on Amazon.com to us in this
 5 litigation?"
 6 (End of readback.)
 7 MR. DICKIE: Object to the form
 8 of the question. It's asked and
 9 answered as well.
 10 You can add anything else to 13:52:08
 11 her question that you --
 12 A. I don't have anything further
 13 to add. To my knowledge, everything that I
 14 had in my possession at the time the request
 15 was made was turned over in good "Faith." 13:52:17
 16 BY MS. CENAR:
 17 Q. You indicated that after you
 18 made your comparisons you deleted the source
 19 that you obtained the music from. Can you
 20 tell me what was deleted? 13:52:27
 21 A. Well, I mean, in regards to
 22 what? Which comparison are you talking
 23 about?
 24 Q. Well, you've withheld them all

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1 on privilege grounds because they haven't
 2 been provided to us. So you tell me.
 3 What --
 4 A. You'd have to talk with my
 5 attorney. I mean, I don't -- 13:52:50
 6 Q. What portions of Black Eyed Pea
 7 music that you obtained have you deleted from
 8 your computer?
 9 A. I didn't necessarily say I
 10 deleted it. I said there was a portion of 13:53:01
 11 the hard drive that was corrupted.
 12 Q. And that's part of this hard
 13 drive that was discarded?
 14 MR. DICKIE: Objection.
 15 A. I didn't say it was discarded. 13:53:09
 16 I said -- I don't even know which hard drive
 17 you're talking about. Which one are you
 18 talking about?
 19 BY MS. CENAR:
 20 Q. I'm talking about the one that 13:53:18
 21 would contain the music samples that you used
 22 for your comparisons.
 23 THE WITNESS: Do you want to
 24 respond to that, Dean, or do you want

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1 me to?
 2 MR. DICKIE: You can answer
 3 that.
 4 A. Can you repeat the question,
 5 please? I'm sorry. 13:53:38
 6 (Clarification requested by the
 7 reporter.)
 8 (The reporter read back the
 9 following portion of the preceding
 10 record.)
 11 "QUESTION: I'm talking about
 12 the one that would contain the music
 13 samples that you used for your
 14 comparisons."
 15 (End of readback.) 13:53:57
 16 A. Well, that might be one --
 17 well, let's see here. Might be two hard
 18 drives. It might be the one that I sent back
 19 for warranty repair or replacement. It might
 20 also have been one of the ones that was 13:54:08
 21 discarded because I don't recall exactly when
 22 I got those samples. So you're asking which
 23 ones were deleted, I don't know.
 24 BY MS. CENAR:

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1 Q. Were any of them preserved?
 2 A. Any of the remixes? The
 3 comparison MP3's, is that what you're talking
 4 about?
 5 Q. No, I'm talking about the Black 13:54:31
 6 Eyed Pea music that you obtained to do those
 7 comparisons.
 8 A. I would have -- well, I would
 9 have -- I can't really disclose that because
 10 I can tell you that there were many files 13:54:45
 11 that was -- my archiving purposes is to give
 12 it to my attorney. As far as I was
 13 concerned, they had a copy of it. You'd have
 14 to talk with them whether they had a copy of
 15 it. 13:55:03
 16 So anything that I'm aware of
 17 that was a sample on my computer that was
 18 done as a comparison was forwarded to them.
 19 Whether there's still a copy of it, I don't
 20 know, and which samples they were, I don't 13:55:13
 21 recall that either.
 22 Q. Would you tell the Court,
 23 please, what beatport stems you obtained to
 24 do your comparisons?

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1 A. I'm sorry, say that again?
 2 Stems?
 3 MS. CENAR: Please repeat the
 4 question.
 5 THE WITNESS: What is a stem? 13:55:25
 6 You don't need to repeat it. I don't
 7 know what stem is.
 8 MS. CENAR: Please repeat the
 9 question for the witness.
 10 (The reporter read back the 13:55:42
 11 following portion of the preceding
 12 record.)
 13 "QUESTION: Would you tell the
 14 Court, please, what beatport stems you
 15 obtained to do your comparisons?"
 16 (End of readback.)
 17 A. I believe it's called
 18 beatportal, but I don't understand what
 19 "stem" is.
 20 BY MS. CENAR: 13:55:51
 21 Q. Can you tell the Court, please,
 22 what remix parts you obtained?
 23 A. From where?
 24 Q. Beatport.

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1 A. Like I said before, I didn't --
 2 I didn't obtain anything from beatportal
 3 because when I became aware that there was a
 4 download of I guess certain tracks for the
 5 Black Eyed Peas, that time period had already 13:56:13
 6 passed. The link was disabled, and I know
 7 because I tried to see if it was still there.
 8 So I didn't -- I didn't get or
 9 download anything from beatportal at any
 10 time. Like I said previously, I got remixes 13:56:28
 11 off the Internet from other DJs that would
 12 posted the remixes that were dubbed complete,
 13 but I don't recall which remixes there were.
 14 I do recall there was something
 15 like 1200 that were supposedly entered in 13:56:42
 16 this contest and the reason why I know that
 17 is because that's what they posted on
 18 beatportal, that there were over 1200
 19 entries.
 20 Q. Did you try to purchase music 13:56:53
 21 from beatport related to this remix
 22 competition?
 23 MR. DICKIE: Objection, assumes
 24 facts.

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1 A. No, I don't -- from what I
 2 recall, first of all, it's beatportal.com,
 3 from what I recall. Is it beatport?
 4 BY MS. CENAR:
 5 Q. Will you answer my question, 13:57:10
 6 sir?
 7 A. Well, you keep saying
 8 beatport.com and I don't agree that it's
 9 beatport. I think it's beatportal. I'm just
 10 trying to get a clarification, or else I'm -- 13:57:18
 11 Q. Did you try to purchase any of
 12 the Black Eyed Pea music from that site, sir?
 13 MR. DICKIE: Objection, assumes
 14 facts.
 15 A. I'm going to object to it too. 13:57:29
 16 MR. DICKIE: Just answer the
 17 question, Mr. Pringle.
 18 A. Like I said previously, I don't
 19 recall that beatportal, A-L, dot-com sells
 20 music, but I'd have to look at their website 13:57:41
 21 again. If you have it up, I'd be more than
 22 happy to look at it but I don't recall
 23 purchasing anything or downloading anything
 24 from beatportal.com except I believe that I

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1 did download in Adobe Acrobat format, and I
 2 could be wrong, a copy of the entry form
 3 because I wanted to know who owned these
 4 songs and who was responsible for the
 5 infringement. 13:58:08
 6 I think I might have got it
 7 from beatportal.com but that's the only thing
 8 I recall I may have downloaded.
 9 BY MS. CENAR:
 10 Q. And you did that on the 13:58:17
 11 computer that's been discarded?
 12 A. I don't recall.
 13 Q. Did you obtain remix parts from
 14 any other sources besides beatport?
 15 MR. DICKIE: Objection, assumes 13:58:28
 16 that he obtained it from beatportal.
 17 You misstated his testimony
 18 intentionally.
 19 A. Yeah, I --
 20 THE WITNESS: Hey, way to go. 13:58:37
 21 You're hired again.
 22 A. I did not download anything
 23 that I'm aware of as far as musically
 24 speaking other than I may have downloaded a

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1 contest entry form from beatportal.com.
 2 THE WITNESS: Can you look that
 3 up, Dean?
 4 MR. DICKIE: Just answer the
 5 question, please. 13:58:52
 6 BY MS. CENAR:
 7 Q. Mr. Pringle, did you obtain any
 8 remix parts from my other source?
 9 A. Well, what was the original
 10 source? I don't understand what you're 13:59:00
 11 saying. Any other source of what? What are
 12 you trying to exclude? I don't understand
 13 what you're saying. Any other source of
 14 what?
 15 Q. You testified that you obtained 13:59:09
 16 remix parts from remixed versions of "I Gotta
 17 Feeling."
 18 MR. DICKIE: Objection, it
 19 misstates his testimony.
 20 BY MS. CENAR: 13:59:19
 21 Q. Is that true or not?
 22 THE WITNESS: Could you repeat
 23 that again? I'm sorry.
 24 (The reporter read back the

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1 following portion of the preceding
 2 record.)
 3 "QUESTION: You testified that
 4 you obtained remix parts from remixed
 5 versions of 'I Gotta Feeling.'
 6 (End of readback.)
 7 A. Yes.
 8 BY MS. CENAR:
 9 Q. What sources did you obtain
 10 those from? 13:59:37
 11 A. I believe I've already answered
 12 that. I obtained some of the remixed
 13 versions from DJ's. I also obtained some
 14 remix versions from Amazon.com and possibly
 15 other places, but I don't recall exactly at 13:59:58
 16 this time.
 17 Q. Did you obtain any from any of
 18 your friends?
 19 A. I don't have any friends. I'm
 20 just kidding. 14:00:08
 21 No. That's almost true. No,
 22 my friends, they don't listen to dance music.
 23 I don't even listen to dance music anymore.
 24 I make rock now. So, no.

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1 MS. CENAR: I think we have to
 2 change the tape.
 3 THE VIDEOGRAPHER: Off the
 4 record at 2:00 p.m.
 5 (Recess taken, 2:00 p.m. to 14:00:27
 6 2:58 p.m.)
 7 THE VIDEOGRAPHER: Stand by,
 8 please. Back on the record at 2:58.
 9 This begins Tape No. 3.
 10 BY MS. CENAR: 14:58:07
 11 Q. Mr. Pringle, are you ready to
 12 proceed?
 13 A. Yes.
 14 Q. You understand you're still
 15 under oath? 14:58:14
 16 A. Yes.
 17 Q. Did you discuss your testimony
 18 over lunch?
 19 A. If I did, I'm not going to
 20 discuss it with you. It's attorney-client 14:58:24
 21 privileged.
 22 Q. So is that yes, you did discuss
 23 your testimony over lunch?
 24 MR. DICKIE: Objection,

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1 misstates his testimony. Whatever he
 2 discussed with his lawyer, I think he
 3 said, was privileged.
 4 MS. CENAR: You can answer my
 5 question, sir. 14:58:40
 6 A. I had a discussion with my
 7 attorney. This was one of the topics, this
 8 deposition, among other things.
 9 BY MS. CENAR:
 10 Q. Anybody else? 14:58:49
 11 MR. DICKIE: Object to the form
 12 of the question.
 13 A. I was just, man -- he's the
 14 only person I've talked to. I said hi to one
 15 of the secretaries over there. I told her 14:59:00
 16 she was beautiful, don't change for anybody.
 17 BY MS. CENAR:
 18 Q. Mr. Pringle, I'd like to talk
 19 to you a little bit about the steps that you
 20 took to create the "Take a Dive" Dance 14:59:12
 21 Version that's at issue in this case that has
 22 the guitar twang sequence in it. Okay?
 23 A. Okay.
 24 Q. And do you know the version

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1 that I'm talking about?
 2 A. Yes.
 3 Q. Okay.
 4 A. I think. You're talking about
 5 the one that has the alleged guitar twang. 14:59:30
 6 Is that what you're talking about, just so
 7 we're on the same page?
 8 Q. Yeah.
 9 A. Okay.
 10 Q. This is what you have alleged 14:59:37
 11 in your complaint as being infringed by the
 12 defendants.
 13 A. Yes, okay. I understand what
 14 you're referencing.
 15 Q. Okay. Can you tell me who 14:59:45
 16 besides yourself was involved in creating
 17 that version?
 18 MR. DICKIE: Objection, assumes
 19 facts. And was asked and answered.
 20 THE WITNESS: You want me to 14:59:58
 21 answer that?
 22 MR. DICKIE: Yes.
 23 A. No one else but me.
 24 BY MS. CENAR:

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1 Q. Was anyone else present when
 2 you did that, made that creation?
 3 A. That I don't know. I don't
 4 recall there was anyone else present, but, I
 5 mean, I've let friends and family members 15:00:20
 6 listen to versions of songs, but I don't
 7 recollect that that's the case in this
 8 particular instance.
 9 Q. Okay. I'm talking about this
 10 particular song that's specifically at issue 15:00:31
 11 in this case.
 12 A. Yes.
 13 Q. Is there anyone, any other
 14 person besides yourself, that can corroborate
 15 that you made this song on the particular 15:00:43
 16 date, time and location that you're saying
 17 you made it?
 18 A. God. Other than that, no.
 19 Q. Okay. Can you tell me what
 20 country you were in when you made the "Take a 15:00:57
 21 Dive" Dance Version?
 22 A. United States of America.
 23 Q. Okay. Can you tell me what
 24 state you were in?

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1 A. Texas.
 2 Q. What city you were in?
 3 A. Austin, Texas.
 4 Q. Can you tell me whether there
 5 was a specific address where you were when 15:01:11
 6 you created this specific version?
 7 MR. DICKIE: Objection, asked
 8 and answered numerous times.
 9 THE WITNESS: Do you want me to
 10 answer that? 15:01:20
 11 MR. DICKIE: Yes.
 12 A. It was either done at -- parts
 13 were done at 11416 Powder Mill Trail. Other
 14 parts were done at Barrington Drive, from my
 15 recollection at this time. 15:01:32
 16 BY MS. CENAR:
 17 Q. And can you tell me, is there a
 18 specific room in -- those are both homes,
 19 correct, home addresses?
 20 A. Yes. 15:01:38
 21 Q. Is there a particular room
 22 within your home that this was done in?
 23 A. In my bedroom. My studio has
 24 always been in my bedroom.

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1 Q. Can you tell me the specific
 2 year that the "Take a Dive" Dance Version was
 3 created?
 4 MR. DICKIE: Objection, assumes
 5 facts. And misstates his testimony. 15:01:55
 6 THE WITNESS: Do you want me to
 7 answer that?
 8 MR. DICKIE: Yes, sir.
 9 A. I'm sorry, can you please
 10 repeat the question? 15:02:05
 11 THE REPORTER: Shall I repeat
 12 it?
 13 MS. CENAR: Yes, please.
 14 (The reporter read back the
 15 following portion of the preceding
 16 record.)
 17 "QUESTION: Can you tell me the
 18 specific year that the 'Take a Dive'
 19 Dance Version was created?"
 20 (End of readback.) 15:02:20
 21 A. No, not specifically, but it
 22 was around 1998, 1999.
 23 BY MS. CENAR:
 24 Q. Can you tell me a specific

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1 month that it was created?
 2 A. No.
 3 Q. Can you tell me a particular
 4 season?
 5 A. No. 15:02:32
 6 Q. Can you tell me a particular
 7 day, whether it was a weekend or midweek?
 8 A. No.
 9 Q. Can you tell me whether it was
 10 a particular time, whether it was at day, 15:02:46
 11 night?
 12 A. It was Hammer time. No, I
 13 don't specifically recall that.
 14 Q. No recollection whatsoever?
 15 MR. DICKIE: Objection, 15:03:00
 16 misstates his testimony.
 17 A. Well, I wouldn't say no
 18 recollection whatsoever. The problem is that
 19 when I create on the ASR-10, it was so labor
 20 intensive and the technology was so old it 15:03:14
 21 would be -- I would be sitting there for
 22 maybe 20 hours at a time, so it might be
 23 daytime and move into nighttime. So other
 24 than that...

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1 BY MS. CENAR:
 2 Q. But do you have a specific
 3 recollection of how long it took you to do
 4 this particular song, the "Take a Dive" Dance
 5 Version? 15:03:32
 6 A. No, but you might be able to
 7 ask my ex-roommate, Rob Tindle, because he
 8 was always banging (demonstrating), "Shut up
 9 in there!"
 10 Q. And can you spell his name, 15:03:45
 11 please?
 12 A. I believe his full name is
 13 Robert, R-O-B-E-R-T, Dale, D-A-L-E,
 14 T-I-N-D-L-E. His phone number is -- I have
 15 no idea. 15:04:00
 16 Q. Do you know where he's located?
 17 A. I think he lives in Austin. He
 18 has -- he's a veteran. He has -- I think the
 19 last time I heard he was in a sanitarium.
 20 He's probably out, though. 15:04:19
 21 Q. I think you indicated before
 22 lunch that you created the "Take a Dive"
 23 Dance Version before you took your trip to
 24 France?

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1 A. Yes.
 2 Q. Okay. And you produced a
 3 passport in one of your court filings that
 4 was issued in February 11th of 1999. Would
 5 that assist your memory as to when you may 15:04:46
 6 have created the "Take a Dive" Dance Version?
 7 A. No, that wouldn't assist me at
 8 all.
 9 Q. But it would be before that
 10 date, February 11th, 1999? 15:04:57
 11 MR. DICKIE: Objection.
 12 Misstates his testimony.
 13 A. When you say "that date," are
 14 you talking about the date that was stamped
 15 in it? 15:05:07
 16 BY MS. CENAR:
 17 Q. No, the actual issue date of
 18 your passport.
 19 A. I don't recall. I don't know.
 20 Q. You did get your passport 15:05:12
 21 issued before you traveled to France, right?
 22 That would be a fair assumption?
 23 A. Yes.
 24 Q. Okay. Would you have -- how

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1 long after you got your passport issued did
 2 you travel to France?
 3 A. I don't recall. I think it
 4 was -- it was fairly recent after that
 5 because I didn't have a passport. I 15:05:33
 6 specifically got a passport to go to France.
 7 Q. Okay. And do you know when you
 8 returned from France?
 9 A. No.
 10 Q. Do you know how long you were 15:05:50
 11 in France?
 12 MR. DICKIE: Objection, asked
 13 and answered.
 14 A. I believe I did answer that.
 15 It was at least a couple weeks. 15:05:56
 16 BY MS. CENAR:
 17 Q. Okay. So it would be a fair
 18 assumption if your passport was issued
 19 February 11th, 1999, that your testimony is
 20 that the "Take a Dive" Dance Version was 15:06:09
 21 created before --
 22 A. Yes.
 23 Q. -- February 11th, 1999?
 24 A. Yes. It would have been

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1 created before that, and the reason why I
 2 know for sure is because one of the
 3 suggestions by my brother Jeff was, "Hey,
 4 man, this is what's happening over here.
 5 This is the kind of music, the techno music 15:06:31
 6 that people are listening here. You need to
 7 come over here."
 8 And then I went online and
 9 listened to it and it was all just
 10 (demonstrating) perfectly matching up with 15:06:41
 11 what I was doing, so that's how I know, and I
 12 know because I sent him a CD. "I didn't even
 13 know you made music." "Yeah, man, I made
 14 it."
 15 So yes, the answer to your 15:06:52
 16 question is yes, it was created prior to
 17 going over there because he heard it and he
 18 said, "This is what they're doing over here."
 19 And shockingly enough, I was
 20 like, "Wow, this is exactly what I'm doing 15:07:02
 21 here too."
 22 Q. What did you go on and listen
 23 to?
 24 A. Well, I listened to -- a lot of

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1 the music that influenced me was Depeche
 2 Mode, New Order, O M.D., The Cure, Pet Shop
 3 Boys.
 4 And even though in the late
 5 '90s, a lot of that music had been 15:07:27
 6 released -- like, for instance, Depeche Mode
 7 "Music For the Masses" was released in '87,
 8 they were still playing that and there were
 9 podcasts -- I guess not podcasts back then.
 10 There were radio broadcasts and different 15:07:40
 11 things where people would show the kind of
 12 music they were playing.
 13 And what I was making was that
 14 Depeche Mode type, New Order type stuff. So
 15 I went online. He also sent me disks, there 15:07:51
 16 were disks that were -- I can't remember what
 17 they were called, they were compilation disks
 18 that were called -- I can't remember what
 19 they -- I keep thinking it said "POW." They
 20 were just a bunch of compilation disks that 15:08:04
 21 were popular in Europe, like one of them was
 22 that ridiculous song, "Shut up and sleep
 23 with" -- "shut up and sleep with me, come on,
 24 why don't you sleep with me," and there was

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1 just a bunch of disks that he sent me and it
 2 was techno type music. I can't remember. It
 3 was hundreds. I mean, he would send me these
 4 four-disc CD's --
 5 Q. "He" being your brother? 15:08:27
 6 A. My brother, Jeff. I can't
 7 remember -- they still do them. They have
 8 like POW Jams 13 and 14. But back then he
 9 was sending me discs and he was also showing
 10 me on the Internet prior to going to Europe, 15:08:38
 11 to France.
 12 And he suggested to me, you
 13 know, "I got this guy over here, Scott Brown,
 14 plus I'm a DJ. Come over here because this
 15 is the music that they're playing." 15:08:51
 16 And over here, it seemed like,
 17 you know, grunge was the thing, Nirvana and
 18 Pearl Jam. So I said, "Well, if over there
 19 it's better, maybe I should go over there."
 20 So that's why I went over there. 15:09:06
 21 Q. Can you tell me what equipment
 22 you used to make "Take a Dive" Dance Version?
 23 A. You mean the actual final
 24 mixdown of the song or are you talking about

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1 the sequences?
 2 Q. The song that's at issue in
 3 this case, the "Take a Dive" Dance Version
 4 song that has this guitar twang, what
 5 equipment did you use to make it? 15:09:32
 6 MR. DICKIE: Object to the form
 7 of the question.
 8 A. Yeah, I'd have to object to
 9 that too. I'll tell you, I think I
 10 understand what you're saying. I used an 15:09:41
 11 ASR-10 keyboard. I also used a Sony DAT
 12 machine. I used various removable hard
 13 drives, a Glyph rack mount unit. I used a
 14 Windows 98 based computer. I used -- I think
 15 it was a Gina echo card, I could be wrong, 15:10:05
 16 I'm not sure about that.
 17 I used a Sony amplifier with
 18 Sony -- I think it's a 300-disc changer. I
 19 used various multiple sample disks as well as
 20 Ensoniq-based instrumentation. And I can't 15:10:30
 21 remember the speakers, some crappy Pioneer
 22 speakers.
 23 THE WITNESS: It was hard times
 24 back then, Dean. I was hurting, man.

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1 BY MS. CENAR:
 2 Q. Can you tell me what version of
 3 the ASR-10 you used, sir?
 4 A. Well, there's really only one
 5 version. The ASR-10 came out, I believe, the 15:10:49
 6 first one in 1992 or '93. They upgraded the
 7 software to it, but -- and there was
 8 different -- oh, I guess I should -- the
 9 Ensoniq that I was using had additionally, it
 10 had upgraded 16 megabytes of RAM. It had an 15:11:08
 11 upgraded SCSI port which was an option, it
 12 didn't come with the original one, and it
 13 also had a -- I believe it was SCSI that was
 14 attached to hard drives where I would load
 15 instruments. Most of them were instruments 15:11:24
 16 that I rearranged.
 17 There was also something else.
 18 I think I had the digital inputs and outputs,
 19 the digital I/O options, and there was
 20 something else they did. There was some sort 15:11:38
 21 of a ROM upgrade but I can't recall what that
 22 was.
 23 Q. Now, you also used your
 24 preexisting song, the original "Take a Dive,"

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1 to create the "Take a Dive" Dance Version?
 2 A. Yes.
 3 Q. And you removed the vocals from
 4 that?
 5 A. Well, yes. 15:11:57
 6 Q. How did you do that?
 7 A. I can't recall exactly, but it
 8 was -- I either might have sung through and I
 9 didn't have a copy of the vocals sung at that
 10 time, or I might have had a multiple track 15:12:12
 11 where I just took them out (demonstrating)
 12 off the computer when I was mixing it down.
 13 Q. How does that happen? How can
 14 you just remove something out of a
 15 preexisting song like that? 15:12:22
 16 A. Well, I mean, I still have --
 17 the keyboard is -- essentially has all the
 18 music. There's no vocals, so you plug it in
 19 stereo, it doesn't have any vocals.
 20 The way that the ASR-10 works 15:12:36
 21 is it has -- it's really only got eight MIDI
 22 tracks but it has two audio tracks, which
 23 means that you can play the entire song --
 24 I'm sorry, there was also an effects

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1 processor, a couple of them. I can't recall
 2 what they were as far as equipment.
 3 You can actually play the song
 4 and sing in a stereo track and it will mix
 5 that particular vocal track, mix it down. So 15:12:58
 6 if you're not singing, there's no vocal track
 7 there. You can just play it, you know,
 8 straight to whatever device you're recording
 9 to.
 10 Q. But you removed the vocals from 15:13:08
 11 your "Take a Dive" original to create the
 12 dance version.
 13 A. Yeah, because they were --
 14 well, I wouldn't say I removed them. I just
 15 didn't use them. I mean, it was -- you 15:13:18
 16 know --
 17 Q. You were able to do that with
 18 an ASR-10?
 19 THE WITNESS: You want me to
 20 answer that? 15:13:25
 21 MR. DICKIE: Yes.
 22 A. Yeah. I mean, you can
 23 rearrange anything that you want. I mean,
 24 it's just -- you just resave it. You can

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1 reconfigure things and you can mix it up, do
 2 whatever you want to do.
 3 BY MS. CENAR:
 4 Q. Can you insert new stuff into a
 5 preexisting song? 15:13:39
 6 A. That's a good point. That's
 7 a --
 8 MR. DICKIE: Go ahead.
 9 A. Possibly. And let me tell you,
 10 let me explain that because you're going to 15:13:48
 11 ask anyways.
 12 The ASR-10, total RAM is
 13 16 megabytes. I don't know if you guys are
 14 aware of how much memory that is, but to
 15 create an entire song, that's not a whole 15:14:01
 16 heck of a lot of room left. So it would
 17 depend on how much RAM was available after
 18 making the song.
 19 BY MS. CENAR:
 20 Q. So are you able to insert 15:14:14
 21 something new into a song after you remove
 22 some other part?
 23 A. Possibly. It depends.
 24 Q. Well, did you do that in

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1 connection with making the "Take a Dive"
 2 derivative and putting in the guitar twang?
 3 A. Yes, I believe so. I believe I
 4 had to change something because there was no
 5 more room, and I believe -- I can't remember 15:14:37
 6 what I changed.
 7 When I create a lot of the
 8 songs, I'll have -- more specifically, on the
 9 drums, I had this drum set that I would build
 10 up and there would be a lot of samples that 15:14:50
 11 were irrelevant and I might have went back
 12 and deleted some of those or I might have
 13 changed one of the tracks or something.
 14 Q. Can you tell me specifically
 15 what you did to insert the guitar twang into 15:15:01
 16 the "Take a Dive" preexisting song?
 17 A. I don't recall exactly. I
 18 mean, that was like 1999. I'd have to go
 19 back and actually look and compare the
 20 original version with the changed version. I 15:15:14
 21 really haven't done that.
 22 Q. You didn't do that before you
 23 filed any of your declarations in this case?
 24 A. Well, I didn't specifically go

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1 inside the instruments. I listened to the
 2 different tracks and I was able to determine
 3 that the bass drum on two-thirds of the song
 4 was changed from a (demonstrating) to
 5 (demonstrating), and I can't remember the 15:15:40
 6 other change.
 7 I don't think there really was,
 8 to my -- to what I recall, there really
 9 wasn't any changes. I mean, it was just
 10 basically the bass drum was changed in 15:15:52
 11 two-thirds of the song and the guitar twang
 12 was added and that was it, from what I
 13 recall.
 14 But, I mean, I didn't
 15 specifically go instrument by instrument by 15:16:00
 16 instrument and check 64 keys every single wav
 17 sample and hit them like that. I just
 18 listened to the song briefly.
 19 Q. Can you tell me how you
 20 inserted the guitar twang? 15:16:12
 21 A. It was just inserted. I mean,
 22 you have eight different instruments. There
 23 was the different actual keys, there's
 24 three -- it's only three -- it's only three

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1 keys, so they're on different keys. It's
 2 dink-dink-dink (demonstrating) and I put that
 3 on -- I do remember this, it was on the delay
 4 sample.
 5 So you have -- let's see, you 15:16:38
 6 have 64 keys. On the delay sample I believe
 7 I have -- and again, I'd have to look,
 8 investigate it and see. You have the bass,
 9 bass line. You also have the high delay
 10 sample, it's a resample, and three different 15:16:51
 11 keys with the three different -- three
 12 different notes, and I can't remember,
 13 there's some other stuff there.
 14 But essentially, I don't -- I
 15 mean, I'll be honest with you -- I'll be 15:17:09
 16 honest, like I've not been honest before. I
 17 shouldn't have said that.
 18 But I don't specifically recall
 19 what I did in this song. It's been too long.
 20 It's just -- I can tell you -- I can tell you 15:17:20
 21 in general how I make music. I can tell you
 22 the inspiration for the song. But as far as
 23 specifically how I constructed the song, I
 24 just don't recall.

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1 Q. Can you tell me what steps you
 2 took or how you created the actual guitar
 3 twang that you inserted into the song?
 4 A. That, I could, yeah, I can
 5 comment on that. 15:17:54
 6 Do you want me to elaborate?
 7 Q. My question was, can you tell
 8 me what steps you took or how you created the
 9 actual guitar twang that you inserted into
 10 the song. 15:18:05
 11 A. Yes, I can.
 12 Q. Okay. Will you do that,
 13 please?
 14 A. Okay. Well, the first --
 15 I guess first I would have to explain where 15:18:15
 16 the inspiration came from for -- there was a
 17 series of instruments that I created and I
 18 called them the "circus instruments."
 19 Now, these instruments were
 20 inspired by Smokey Robinson. I was listening 15:18:27
 21 to it was either the TV or the radio one day,
 22 and I was trying to figure out what type of a
 23 sound that I could have that was very
 24 specific to me because I wanted to

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1 establish -- I wanted to establish a
 2 particular type sound.
 3 What I did was I heard an
 4 interview where Smokey Robinson -- and I'm
 5 getting to the point here -- he was talking 15:18:48
 6 about he wanted to come up with an idea for a
 7 song. It was called "Tears of a Clown." It
 8 has -- in "Tears of a Clown" it has
 9 (demonstrating), and he was talking about he
 10 couldn't think -- he wanted to make a sad 15:19:03
 11 song. He couldn't think of anything that was
 12 sadder than a clown, who usually makes people
 13 laugh and he gets paid to make people laugh,
 14 sitting there crying.
 15 And I said, "Wow, that's 15:19:15
 16 interesting." I've never heard anybody make
 17 circus-like sounds with melancholy, sad
 18 romantic type songs and I said, "Hey,"
 19 [clapping hands], "that's it," and I
 20 basically started creating sounds like the 15:19:28
 21 guitar twang.
 22 The guitar twang is actually
 23 the end result of creating a series of songs.
 24 One is "Cruellest Joke," another one is

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1 "Without You" -- I'm trying to think of the
 2 other songs.
 3 Anyways, there were a series
 4 of -- one of the songs in particular that's
 5 the precursor to the guitar twang, it's 15:19:50
 6 called "Cruellest Joke" and if you listen to
 7 "Cruellest Joke", the line, it's
 8 (demonstrating) it sounds like a circus, like
 9 a carousel, like you're on a carousel. And
 10 that was actually the inspiration for the 15:20:05
 11 actual instrumentation.
 12 I'm not sure if that particular
 13 instrumentation has a layer that was inserted
 14 in the guitar twang, but if you listen to
 15 those two instruments they're very similar. 15:20:13
 16 It's very obvious when you listen, at least
 17 in my mind.
 18 So basically what I was doing
 19 with "Take a Dive" was I was juxtaposing very
 20 sad, melancholy lyrics about "maybe it's all 15:20:26
 21 my fault" with kind of a funny type of circus
 22 type instruments that I had a pattern and
 23 practice of using.
 24 So whenever I created also

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1 "Faith," originally "Faith" had that guitar
 2 twang. However, it was dink-dink-dink-dink,
 3 dink-dink-dink-dink (demonstrating). It
 4 wasn't interesting because the bass line was
 5 alternating octaves. 15:20:52
 6 So what I did was I set the
 7 guitar twang aside, I knew I was going to use
 8 it like I recycle most of my instruments, and
 9 I took the guitar twang that was based upon
 10 the actual vocals "don't you tell me things 15:21:04
 11 you know aren't true" -- "don't you tell me
 12 things you know aren't true"
 13 (demonstrating) -- and I basically took that
 14 and I set it aside, that was part of
 15 something fixing to go into "Take a Dive" 15:21:16
 16 later on or whatever version.
 17 Then I took the digi -- I guess
 18 they're called digi-bleeps, but there's also
 19 some accompanying corresponding -- I call
 20 them space mosquitoes, they're basically 15:21:30
 21 little tappy-like -- they're some metallic
 22 type sounds, and I believe I got those from
 23 Vince Clarke who was in Erasure. He has a CD
 24 out, it was out years ago. It's a licensed

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1 disc called "Lucky Bastard," and I used a lot
 2 of -- I based a lot of my initial percussive
 3 loops -- because he had these really strange
 4 loops like (demonstrating).
 5 So when I started creating 15:22:00
 6 "Take a Dive" it was basically I was taking
 7 from different portions of songs, like I got
 8 the inspiration for the actual guitar twang
 9 from "Cruellest Joke," I got the inspiration
 10 initially for the actual sounds from Smokey 15:22:12
 11 Robinson. But I was basically taking
 12 different pieces because it was expensive to
 13 get sample disks, so what I would do is
 14 recycle a lot of sounds.
 15 So when I created "Take a 15:22:23
 16 Dive," I was melding basically different
 17 parts like from "Cruellest Joke," the
 18 inspiration for the instrumentation.
 19 Also from "Faith" and like
 20 "Faith" Remix, I took -- there's a specific 15:22:35
 21 part in "Take a Dive" that circles around
 22 (demonstrating) and it has I believe what are
 23 percussive instruments from Vince Clarke's
 24 "Lucky Bastard" which I had a licensed sample

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1 disc.
 2 It was basically kind of an
 3 amalgamation. I also had -- I had, and this
 4 is what I think was from "Sacred," which was
 5 another song that I created, I believe I used 15:22:58
 6 the same bass.
 7 And the drums, I can't remember
 8 where I got the drums, but I basically was --
 9 that song "Take a Dive" was essentially
 10 constructed from pieces of other songs. It 15:23:08
 11 was kind of put together and I added certain
 12 things.
 13 But the song was constructed
 14 originally, I had no idea that I was going to
 15 use the guitar twang when I first created it. 15:23:20
 16 It was just the bass line, which I believe
 17 the bass was something, it was a modified
 18 version of a bass synthesizer from "Sacred"
 19 and then I used -- I'm trying to think. As
 20 far as the percussion, the metal space 15:23:41
 21 mosquitoes that rotate like this
 22 (demonstrating), I believe I used that from
 23 "Faith" and "Faith" Remix, and there was
 24 something else.

<p style="text-align: right;">Page 226</p> <p>1 The delay sequence was kind 2 of -- that was actually kind of a -- that was 3 also kind of based upon the guitar twang, 4 because the notes for the guitar twang and 5 the delay sequence are -- they're both 15:24:00 6 G-B-C-D, and the delay sequence goes 7 G-G-G-B-B-B-C-C-D-D-C-C-C-B-B-G-G, so the 8 guitar twang actually in effect was really 9 kind of an inspiration for that sequence. 10 And I had -- I hate to admit 15:24:20 11 this, but I kind of recycle a lot of stuff. 12 As a matter of fact, I did that a lot, so in 13 the end, actual "Take a Dive," there are 14 certain consequences that are kind of 15 recycled from other songs. 15:24:35 16 But one of the things that I 17 would always do is I would create directories 18 of 10 -- usually 10 directories and I would 19 use each -- each song would have its own 20 directory with the instrumentation and the 15:24:47 21 sequences. 22 And a lot of times I would 23 start songs -- which "Take a Dive" was 24 actually, even though I don't specifically</p>	<p style="text-align: right;">Page 228</p> <p>1 well, maybe it was done in '96 but I came 2 back six months later and added something. 3 The guitar twang sequence is 4 really just something that was added. It may 5 have been the 50th incarnation of that song, 15:26:10 6 because, I mean, I may have had -- you know, 7 I may have had 300 versions of it. I don't 8 know. 9 But that song was basically 10 kind of the junkyard (demonstrating) where 15:26:20 11 everything just kind of popped in there. I 12 don't know if that answers your questions, 13 but -- 14 Q. Well, my question is specific 15 to the guitar twang and not the song as a 15:26:31 16 whole, that you created the guitar twang. Is 17 that correct? 18 A. The guitar twang is based 19 upon -- the instrumentation is inspired by 20 "Cruellest Joke." The actual notes themselves 15:26:43 21 were inspired by "Faith": "Don't you tell me 22 things you know aren't true and please don't 23 tell me that I can't have you." It's sung, 24 "Don't you tell me things you know aren't</p>
<p style="text-align: right;">Page 227</p> <p>1 recall the exact first incarnation, it was 2 just kind of like -- I would call it spare 3 parts from other songs and directories. I 4 would have orphan directories where I started 5 a song, there were a bunch of instruments in 15:25:10 6 there, but I would take from other songs and 7 recycle things because the samples were hard 8 to come by and there were very few really 9 cool sounds. 10 So a lot of the sounds that you 15:25:23 11 hear are layered sounds and they're recycled 12 over and over again because of the sample 13 CD's. Some of them were three, four hundred 14 dollars, and I was a guy that didn't have a 15 lot of money. 15:25:37 16 So I would basically say that 17 that was kind of a -- the engine to that 18 song, the musical structure was really an 19 amalgamation from a lot of different songs 20 which I don't recall specifically. 15:25:50 21 But the specific song you're 22 talking or referencing, it was basically a 23 series of incarnations, and I would always 24 tweak different parts. So I might consider,</p>	<p style="text-align: right;">Page 229</p> <p>1 true." That's where it came from. 2 But as far as the layering of 3 it, I can only suspect, and the reason why I 4 know it was inspired, it was one of the 5 circus instruments that I had. And if you 15:27:09 6 listen to it, it sounds like a circus 7 instrument. If you also listen to "Cruellest 8 Joke," the reason why I think there might be 9 a layer or a sample from "Cruellest Joke" is 10 because "Cruellest Joke" is based upon 15:27:22 11 essentially a three-chord sequence that goes 12 (demonstrating) and then for the chorus, I 13 only changed to another chord and then I go 14 back to the same chord that's in the verse. 15 And when I listened to it, when 15:27:33 16 I change from that chord, you can hear that 17 it's very similar to I think it's the third 18 note -- I think it's the third note from the 19 guitar twang sequence. 20 You can hear both of them 15:27:47 21 have a -- I don't know how to describe it. 22 It's almost a distortion type. It goes from 23 dink to (demonstrating) more crunchy, and 24 they both do that. And when you listen to</p>

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1 both of those instruments -- and I've done
 2 it, I've actually performed something at the
 3 behest of attorney-client work product. I've
 4 actually experimented with replacing the
 5 guitar twang with that instrument, and I was 15:28:14
 6 like, pfff, it sounds very similar.
 7 So I think that the guitar
 8 twang sequence instrumentation was based
 9 upon, at least layered upon that, but I also
 10 used a -- I think it's Best Service has 15:28:28
 11 something that's called -- I can't remember
 12 what it's called. It's basically the Fender
 13 Stratocaster, and I used a lot of the things
 14 from that.
 15 And also Steve Stevens had 15:28:44
 16 something. He was the guitarist for Billy
 17 Idol. He had something that was used in the
 18 Fender Stratocaster too, so I believe it's
 19 most likely a layering of different
 20 instruments. I believe it's a layer in the 15:29:00
 21 "Cruellest Joke" instrument as well as some
 22 other instrument I may have specifically
 23 tweaked as well as a Fender Stratocaster.
 24 I believe it's just a sample,

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1 which is typically what I do to make
 2 something interesting. I mean, the sounds
 3 back then stunk.
 4 When I say "circus
 5 instruments," they sound terrible and 15:29:21
 6 laughable now, but back then you should have
 7 heard them before I manipulated them. I
 8 mean, it was -- there were some times I would
 9 just sit there and I'd be curled up laughing
 10 at some of these terrible instruments. 15:29:32
 11 So that's the response that I
 12 have, is that I believe that it's from
 13 "Faith" with the instrumentation -- I'm
 14 sorry, "Faith" was the actual notes.
 15 "Cruellest Joke" was the instrumentation 15:29:40
 16 inspiration. I believe I layered it with
 17 guitar twang -- guitars and other
 18 instruments. It's definitely an layer. It's
 19 not just a guitar. It's definitely a layer.
 20 I know that because that's the way I made 15:29:57
 21 instruments.
 22 BY MS. CENAR:
 23 Q. So can you just explain for the
 24 record and for those of us that aren't as

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1 knowledgeable about this as you are what a
 2 layer is?
 3 A. A layer is, let's say -- you
 4 have on the ASR-10, it came with an 88
 5 keyboard and a 64. 88 is the normal amount 15:30:13
 6 of keys on a piano. The 64 keys, actually
 7 what you can do on the ASR-10 is you can
 8 actually stack up different instruments up to
 9 eight layers high, which means that let's say
 10 I press one key and it's a drum that goes 15:30:30
 11 boom, and then I sample in "Huh," well, then
 12 I can now put on layer 2, the "Huh."
 13 I wouldn't do that because I
 14 don't make rap, but then when you hit it, it
 15 would go "Huh" so you'd hear the actual drum 15:30:44
 16 and you'd hear the "Huh." So what I'm saying
 17 is that was common for me to stack layers up.
 18 And you can also, you can take,
 19 for instance, percussive instrumentation.
 20 Let's say you have a, I don't know, like a 15:30:59
 21 piano or something, you can have something
 22 that's a snap that goes (demonstrating) and
 23 then you can put -- the piano will go ding,
 24 so you can have multiple layers stacked up.

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1 And then you can take that
 2 particular layer, you can leave it like that,
 3 but you can also sample it -- which is what
 4 the guitar twang is -- sample it with those
 5 different layers through effects into another 15:31:21
 6 key that you can actually use. So you can --
 7 and you can have a sequence of notes, for
 8 instance, that's a layer.
 9 So let's say I have a 2-bar
 10 sequence that goes (demonstrating) and I 15:31:32
 11 wanted to put it on delays and it's a layer
 12 of three different layers that you want to go
 13 (demonstrating), well, you can sample it so
 14 now it's got the delay. It's a multilayered
 15 sample, which is what the guitar twang is, 15:31:44
 16 then you can sample it again. You can sample
 17 it through a reverb, then you can sample it
 18 through a chorus.
 19 But that's what a layer is.
 20 It's just one key with different layers, and 15:31:54
 21 you can also stack. Where you can have 64
 22 keys, you can have this particular layer goes
 23 into this and you can have -- you can
 24 designate which part of the keyboard you want

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1 certain things to play.
 2 For instance, you have three
 3 layers. Each layer has a specific parameter
 4 of which keys you want to play, and on the
 5 specific guitar twang sequence I can tell 15:32:17
 6 that there's a difference in the layer from
 7 the first -- the first note of the guitar
 8 twang to -- not all of them are exactly
 9 identical, and that's where I go back to the
 10 crunchy sound, it goes (demonstrating) or 15:32:29
 11 whatever it is.
 12 I can tell there's a different
 13 layer there, there's a different sample that
 14 was actually used. And it might have
 15 something to do with the fact when you sample 15:32:38
 16 a guitar into a keyboard, you can't really
 17 have one -- you can't -- I guess -- I forgot
 18 what they call it.
 19 You can't take one key and
 20 just, you know, interpolate up and down the 15:32:51
 21 keyboard, because when it gets up here the
 22 wave is going to get smaller and smaller, so
 23 it's like (demonstrating) and when it gets
 24 down here it's going to go (demonstrating).

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1 So to compensate for that back
 2 in the day what you had to do was you had to
 3 create simple samples so it would sound like
 4 a legitimate instrument.
 5 So one of the things I'm 15:33:13
 6 talking about the layers is that there's
 7 different layers in there because there's
 8 different samples. That's why when you hear
 9 (demonstrating) and right there
 10 (demonstrating) you can tell it's a different 15:33:25
 11 sample because it is a different sample
 12 because I had to make different samples for
 13 it to sound legitimate, which is the same
 14 thing I did with "Cruellest Joke."
 15 If you listen to where the 15:33:34
 16 chord changes, you can tell it's a different
 17 sample because you have to do that to make it
 18 actually kind of sound like a guitar, but
 19 it's still circusy.
 20 Q. Did you physically play a 15:33:45
 21 Fender Strat for this?
 22 A. That, I don't know because I --
 23 I mean, I do play guitar, but I don't recall
 24 at that time that there was any actual

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1 guitars being played because I think at that
 2 particular time I had a Martin guitar that
 3 got stolen, plus I -- the answer to your
 4 question is no, I don't re- -- I don't think
 5 that I did. 15:34:12
 6 But that doesn't mean that it
 7 wasn't a real guitar because I had sample
 8 CD's that had real guitars, because if
 9 somebody had already recorded it, why not use
 10 it? It already sounds good. Why do I want 15:34:23
 11 to, you know, hook everything up to, you
 12 know, go through the same steps somebody else
 13 has had.
 14 So the answer to your question
 15 is no, I don't believe it was played by me; 15:34:32
 16 but I do believe it's a real guitar sound,
 17 and I believe it's possibly from Best Service
 18 or it's from the other sample artists. One
 19 of them is Steve Stevens. I can't remember
 20 what the name of it was. 15:34:46
 21 Q. Can you tell me what chords are
 22 heard in the guitar twang?
 23 A. Well, based upon -- yes.
 24 Q. What are they?

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1 A. Well, I wouldn't call them
 2 chords, but you have G -- I've heard some
 3 people call it G major. It's G-D-G-C-G-B,
 4 and I don't consider it to be a chord because
 5 a true chord is three notes or more. But for 15:35:16
 6 the sake of argument...
 7 Q. Are those the chords that you
 8 wrote for the guitar twang?
 9 A. Well, no. Actually the -- like
 10 I said earlier, the notes -- the notes were 15:35:30
 11 actually written, and I think it's -- I think
 12 it's the -- what was it, A minor, D -- I'm
 13 sorry, D -- I'm sorry, A sharp. Did I say A
 14 minor? A sharp, D sharp, E, and F.
 15 Because it was written -- it 15:35:55
 16 was written in three pitches or three keys up
 17 for "Faith," "Faith" original version. All I
 18 did was take it and put it down three pitches
 19 so it would actually be the original -- it
 20 would be -- I think it's what I said, A 15:36:14
 21 sharp. Well, let me think for a second. D
 22 would have to go up one, two, three -- yeah,
 23 I think what I said earlier. I'd have to
 24 look at it again.

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1 I don't really read music
 2 anymore. I've gotten lazy.
 3 Q. So each chord in the guitar
 4 twang has how many pitches in it?
 5 MR. DICKIE: Object to the form 15:36:41
 6 of the question.
 7 A. I don't understand that
 8 question either. It's got two notes.
 9 It's -- it's got two notes per the three keys
 10 that I have. I've got three keys. I don't 15:36:52
 11 have a stereo sequence. I've got three keys.
 12 And I'm telling you, as a
 13 songwriter and musician, I can tell that
 14 there are at least what I consider to be
 15 three layers because I can tell, first of 15:37:08
 16 all, that it's been layered, and the way that
 17 I can tell that, there's two -- well, to
 18 answer your question, make it short, there's
 19 two -- at least two notes per key that I
 20 have, the three multilayered samples. 15:37:21
 21 But it's not really -- I don't
 22 think that would be fair, because it's
 23 multilayered, so, I mean, what do you say if
 24 it's got three layers per three keys, is

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1 that, you know, three notes per key? I don't
 2 know.
 3 BY MS. CENAR:
 4 Q. Are any of the chords in root
 5 position? 15:37:38
 6 A. Root position? I don't even
 7 know what that means.
 8 Q. Okay.
 9 A. You got me.
 10 Q. Can you tell me how you 15:37:44
 11 recorded the guitar twang?
 12 A. Well, I believe I've answered
 13 that. I recorded -- first of all, Ensoniq
 14 has a sampler, which means you can -- it's
 15 with the SCSI you can either load the 15:37:59
 16 instruments up or you can sample from
 17 somewhere, which means you can have a CD and
 18 you can sample something in or you can load
 19 up the instrument via a CD-ROM or you can
 20 load it through the actual disk drive, the 15:38:12
 21 floppy drive, which I think only -- I rarely
 22 use that because it's only 2.44 megabytes per
 23 HD disk.
 24 But as far as recording it, I

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1 can't tell you from then but I can tell you I
 2 went back and deduced how I recorded it.
 3 Q. You say "I can tell you I went
 4 back and deduced how I recorded it." What do
 5 you mean by that? 15:38:47
 6 A. I don't specifically remember
 7 how I recorded it. What you're asking me is
 8 do I recall recording and the answer is no.
 9 But after looking at the NRG from loading up
 10 the instruments and going back and looking at 15:39:01
 11 the different instruments, I have an idea of
 12 how I recorded it from pattern and practice.
 13 Q. So are you saying that when --
 14 after you heard the Black Eyed Pea song, you
 15 can put your NRG file into the ASR-10 and you 15:39:16
 16 can deduce from that --
 17 MR. DICKIE: Object to the form
 18 of the question.
 19 BY MS. CENAR:
 20 Q. -- how you came up with it? 15:39:24
 21 MR. DICKIE: Misstates his
 22 testimony.
 23 A. I'm going to have to go with
 24 him.

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1 MR. DICKIE: You can answer the
 2 question, Mr. Pringle.
 3 A. Can you repeat the question
 4 please? I'm sorry.
 5 (The reporter read back the 15:39:55
 6 following portion of the preceding
 7 record.)
 8 "QUESTION: So are you saying
 9 that when -- after you heard the Black
 10 Eyed Pea song, you can put your NRG 15:39:13
 11 file into the ASR-10 and you can
 12 deduce from that --
 13 "MR. DICKIE: Object to the
 14 form of the question.
 15 "QUESTION: -- how you came up 15:39:24
 16 with it?"
 17 (End of readback.)
 18 A. I don't understand -- I object
 19 to the form too. I don't understand what
 20 you're saying. 15:40:00
 21 BY MS. CENAR:
 22 Q. What don't you understand about
 23 it?
 24 A. The whole thing, that I can

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1 deduce how I came up with what, the entire
 2 song, the specific notes? What?
 3 Q. Well, can you tell me
 4 specifically how you recorded the chords that
 5 are in the guitar twang that's reflected in 15:40:13
 6 the NRG file that you produced in this case?
 7 A. No. That was, you know, 10,
 8 12 years ago. I mean, I'm actually shocked
 9 that I had, still, a version of that, you
 10 know, in NRG. 15:40:32
 11 I mean, the first thing that
 12 came to my mind -- I know my attorney is
 13 probably "don't say this" -- was, "Man, I
 14 wonder if I still have evidence to show that
 15 I have this." 15:40:42
 16 So, no, I can't tell you
 17 specifically because it's been too long. I
 18 can't even tell you how I recorded the songs,
 19 my last album from 2006, I don't recall.
 20 Q. So on the NRG file, there's a 15:40:54
 21 track in there called delay sample; is that
 22 the guitar twang?
 23 A. Well, that's the instrument.
 24 It's got various layers and various samples

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1 in there. From what I recall, it's got a
 2 bass sample that's been put up and down
 3 chromatically on the keys. It's also got the
 4 delay sample, which is a resample, which is
 5 basically something that sounds like it's 15:41:24
 6 been run through various effects, maybe three
 7 or four different effects, which is about
 8 typical.
 9 Then it's got -- it's got the
 10 bridge bass, bass line, because the bridge 15:41:36
 11 had to be one sample because in the middle --
 12 in the bridge of "Take a Dive," there's a
 13 part where the drums go (demonstrating) and
 14 it cuts off -- for me to be able to control
 15 that base without having the delay continue 15:41:53
 16 to go and just cut off.
 17 And then it's got the guitar
 18 twang sequence and I believe there's
 19 something else. So that actual instrument
 20 delay sample, that's where the guitar twang 15:42:02
 21 multiple -- I think it's six. I think it's
 22 six different layers, and then, yeah, the
 23 delay sample, but it has -- it's not just a
 24 guitar twang. It has other parts that play

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1 MIDI through there, through the keyboard, so
 2 I think it's maybe like four or five
 3 different parts or something like that. And
 4 I believe that it's -- I think it's track 7.
 5 I could be wrong, though. 15:42:33
 6 Q. So after you create the guitar
 7 twang, how do you insert it into a
 8 preexisting song, the "Take a Dive" original?
 9 A. Well, I mean, you can load
 10 up -- that's a good question. Hold on, let 15:42:46
 11 me think for a second. It's been so long
 12 since I used that keyboard, I'm trying to
 13 think how I would do that.
 14 I mean, I could tell you how
 15 it's possible. I couldn't tell you 15:43:10
 16 specifically how I did it. But --
 17 Q. But you did do it?
 18 A. Yeah, I did it.
 19 Q. But you can't tell me how you
 20 did it? 15:43:19
 21 A. 12 -- I can tell you how I
 22 think I did it. There's multiple ways to do
 23 it. I can tell you a couple of different
 24 ways if you want me to.

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1 Q. Well, let's just start with you
 2 don't recall how you actually did it; is that
 3 what your testimony is here?
 4 A. I don't specifically recall the
 5 manual steps exactly how I did it. I have an 15:43:37
 6 idea of how I did it. I think the way that I
 7 did it -- if I had to think about it, I think
 8 the way that I did it was I had already had
 9 the sequence in "Faith" based upon the
 10 "Faith" vocals. I usually call them unnamed 15:43:58
 11 instruments, and I took the samples and you
 12 have to load it up into the keyboard. You
 13 have to create a new instrument or load that
 14 instrument.
 15 Then what you do is you take 15:44:14
 16 the samples and each individual sample and a
 17 sample is you can pan it left or right or you
 18 can have mono. You take each individual
 19 sample, then you copy it to another
 20 instrument, the delay instrument, and you 15:44:30
 21 copy those samples to it.
 22 And then usually because it was
 23 such a crappy instrument, the pitch would be
 24 off, so then you have to adjust the pitch and

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1 I think the transposition is usually off too,
 2 so you adjust that to make sure it sounds --
 3 and a lot of the pitches that I have in my
 4 songs, because samples were very difficult --
 5 good samples were difficult to come by. 15:44:56
 6 If there was a sequence,
 7 instead of trying to compress or extract it,
 8 I would keep the same pitch, which might not
 9 be the regular pitch of a tuned keyboard or
 10 piano. 15:45:09
 11 So that's the way that I -- I
 12 think that's the way, I don't specifically
 13 recall, but I believe that would be the most
 14 logical way to do it, is to copy the
 15 instrument into the RAM, then copy those 15:45:18
 16 specific samples over to another instrument.
 17 Then save that instrument onto the hard
 18 drive.
 19 Q. Onto what hard drive?
 20 A. Well, the hard drive that the 15:45:30
 21 NRG made a copy of. I believe, from what I
 22 recall, I had multiple hard drives, and I've
 23 seen a picture, actually, of my old studio.
 24 It was -- I'm not sure exactly which hard

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1 drives they were, but they were removable
 2 hard drives. Ensoniq was very specific about
 3 which hard drives you could use. They only
 4 tested a few of them.
 5 But just save it -- I would 15:45:59
 6 have backup drives, removable drives, so I'd
 7 save it onto one drive. And because these
 8 drives corrupted every two weeks to 30 days,
 9 I would make backup copies, so I would save
 10 it onto the hard drives. And that's what the 15:46:12
 11 NRG files are, is snapshot copies.
 12 When I took that drive, I had a
 13 Glyph removable drive. I would take it out
 14 of the Glyph, and then I had a computer that
 15 was Windows 98-based that had the same 15:46:26
 16 identical hard drive or one that was
 17 compatible.
 18 So you take the drive out of
 19 here, you stick it into Windows 98, then you
 20 can use Ensoniq Disk Manager because Windows 15:46:37
 21 doesn't recognize Ensoniq. And Gerald
 22 Geibler, who made Ensoniq Disk Manager,
 23 actually made it -- he made -- he kind of
 24 back-fudged a little bit and allowed it to be

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1 an NRG file that Nero would be able to burn
 2 to a CD-ROM. But I would save the actual
 3 instruments onto that drive.
 4 And I think you could have SCSI
 5 chains and it's possible that I had more than 15:47:02
 6 one IDE, so it's possible that I saved
 7 instruments on different SCSI chain drives to
 8 load up the banks, and that's one of the
 9 reasons why maybe the banks don't work
 10 because you have to get the IDE's right and 15:47:16
 11 you have to have the exact specific daisy
 12 chain configuration.
 13 Q. Can you explain for the record
 14 what a bank is, please?
 15 A. A bank is a place where you 15:47:27
 16 keep your money.
 17 Q. Uh-huh. And that's the context
 18 that you were referring to in your last
 19 answer?
 20 A. Well, you've got to be 15:47:33
 21 specific. Are you talking about a sound
 22 bank? There's no such thing as a bank. In
 23 Ensoniq, there were sound banks. Is that
 24 what you're referring to?

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1 Q. Have you ever heard the word
 2 "bank" in connection with this song?
 3 A. No. Not like that. I've heard
 4 of sound bank.
 5 Q. Okay. So is there -- when you 15:47:53
 6 saved the "Take a Dive" derivative work, did
 7 you save it in any particular format?
 8 A. Ensoniq format, yes.
 9 Q. And what was the format that
 10 you saved it in? 15:48:12
 11 A. Are you talking about the
 12 instrumentation or are you talking about
 13 loading up all the instruments to play at one
 14 time?
 15 Q. I'm asking you how you saved it 15:48:19
 16 when you allegedly created this.
 17 A. I don't recall, but normally --
 18 I can tell you normally what I did. Normally
 19 what I would do is --
 20 Q. Well, first, sir, you don't 15:48:29
 21 recall specifically what you did for "Take a
 22 Dive" derivative; is that true?
 23 MR. DICKIE: Objection,
 24 misstates his testimony.

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1 A. I don't understand what you're
 2 saying either.
 3 BY MS. CENAR:
 4 Q. Do you recall specifically for
 5 the "Take a Dive" derivative song that's at 15:48:40
 6 issue in this case how you specifically saved
 7 it?
 8 A. No, but I don't recall the
 9 exact time and, you know, 12:35 and
 10 40 seconds, but I can tell you how I 15:48:57
 11 typically saved songs and related sound banks
 12 and instruments.
 13 Q. Okay. Share that with us,
 14 then.
 15 A. Well, the way that you save a 15:49:08
 16 specific song bank along with this -- you
 17 have several different things you have to
 18 save. First you have to save the song, then
 19 you have to decide, it's got -- I think it's
 20 like 200-and-something different effects. 15:49:21
 21 You have to decide which effect that you want
 22 that sound bank and that song to play in, or
 23 no effect at all, which is actually just an
 24 effect in itself because you can resample at

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1 different sample rates.
 2 So let's say you wanted --
 3 "Take a Dive," for instance, what I had to do
 4 was, first of all, I had to specifically save
 5 each and every instrument to a specific 15:49:42
 6 location. Then I had to save the song also
 7 to a specific location. Then I had to create
 8 something called a bank, a sound bank, and it
 9 automatically defaulted, it said "sound bank
 10 1." 15:50:03
 11 You had to create -- you had to
 12 save the sound bank, but before you did that
 13 you had to, because of the technology, you
 14 had to physically go back to each place and
 15 load up each instrument again, because once 15:50:15
 16 you save that sound bank it's going to load
 17 from specific locations which may be
 18 different hard drives or one hard drive.
 19 So once you load up the
 20 sequence or the song again, you put it back 15:50:27
 21 in the effects where it was at or where you
 22 want it to be and then you load up each
 23 individual -- each and every single
 24 instrument.

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1 Then at that time, you save the
 2 sound bank to a specific location. The only
 3 thing a sound bank saves -- and this is the
 4 way that "Take a Dive" was done, as well as
 5 all my songs -- it recalls exactly where the 15:50:46
 6 last instrument was saved (demonstrating).
 7 So that's how I would do it.
 8 And I would put mine -- I would
 9 create directories for each song, and since
 10 "Take a Dive" was in a specific directory, so 15:51:00
 11 the way I would do it, and I did this
 12 consistently every time, that's why I can
 13 tell you that I know this is how it's done
 14 even though I don't specifically recall at
 15 that time how it was done. 15:51:12
 16 I would save the effects
 17 because a lot of times I would tweak the
 18 different effects, and even though you can
 19 load up different effects for that sound
 20 bank, unless you specifically save that 15:51:23
 21 effect, the stock effect is not going to
 22 sound like what you've tweaked.
 23 So I would save the effect, I'd
 24 save the song, I'd save all the instruments.

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1 I'd load them back all up again, then I would
 2 save the sound bank. That's how it was
 3 saved. And I would usually save it to
 4 multiple drives on multiple SCSI IDE's.
 5 Sometimes, however, I would 15:51:51
 6 accidentally forget to load up the
 7 instruments before I saved it, so sometimes
 8 I'd save something over here. Even though
 9 right here it says this is the same
 10 instrument as this, when you try to load up 15:52:02
 11 the sound bank it's not going to load up.
 12 You're going to get an error.
 13 Q. What happens when you get an
 14 error when you try to play it back?
 15 A. Well, I mean, you would have -- 15:52:12
 16 let's say you have this drive over here.
 17 You've saved everything there. Even though
 18 you didn't load it back up from this drive,
 19 and it's actually the sound bank is looking
 20 for that specific drive, you'll just get an 15:52:23
 21 error. It might just load the song and then
 22 anything else.
 23 But in this particular case,
 24 specifically with "Take a Dive" and also

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1 "Take a Dive" Dance Version, I think that's
 2 what I did. I think I was actually -- I
 3 didn't load them back up and then save the
 4 sound bank. So it's looking for another IDE.
 5 And the way that SCSI IDE's 15:52:48
 6 work, you have one drive that's daisy-chain
 7 connected to another drive that's connected
 8 to another, so it'd literally be like this.
 9 And I might have had -- the
 10 song bank might be looking for what's over 15:53:03
 11 here, which is identical to what's here; the
 12 only difference is this is just a copy and
 13 the song bank is looking for the different
 14 IDE, which I don't have anymore because I
 15 don't have the hard drives. 15:53:14
 16 So it's identical to what was
 17 over here, the only difference is this -- the
 18 song bank is not correct but the
 19 instrumentation is identical to what I
 20 originally made. 15:53:24
 21 Q. The instrumentation is
 22 identical, but not having the song bank, if
 23 you go to use that NRG file now, what do you
 24 have to do to get it to play like you had it

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1 in 1999?
 2 A. Just load up the -- since the
 3 directories have the song bank, they have the
 4 song and the effects as well as the
 5 instruments, just load each individual 15:53:45
 6 instrument in the proper place, load up the
 7 sequence, don't worry about the song bank
 8 because it's corrupted. Load the effect
 9 that's corresponding to that.
 10 Q. But how -- do you have to do 15:53:56
 11 that manually?
 12 A. Yes, you have to do it
 13 manually.
 14 Q. And how do you know?
 15 A. That it's working? 15:54:02
 16 Q. No, how do you know how to
 17 manually load them up?
 18 A. Well, I -- when I went back, I
 19 ran into the problem -- I didn't recall where
 20 they were at, so what I did was I loaded up 15:54:12
 21 the song and I would play it until -- you
 22 know, I would switch things around until it
 23 finally played properly.
 24 But I actually created, as

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1 attorney-client work product, the -- I don't
 2 know what you would call it, the dichotomy --
 3 I actually wrote down where you can load each
 4 individual instrument, which song and which
 5 sound effect, and I believe my attorney has a 15:54:36
 6 copy of that.
 7 Q. So the NRG file is what you
 8 ultimately saved that on, each one of those
 9 instruments you have to know where to
 10 manually load them up into the ASR-10? 15:54:46
 11 A. Yes.
 12 Q. Okay. And is that information
 13 that you know just because you know the song,
 14 or is that information that I could get that
 15 disc cold and know how to load it up? 15:54:58
 16 A. If you heard the song, if you
 17 knew what the song sounded like, you could do
 18 it, just trial and error.
 19 Q. But if I didn't and I just had
 20 the disc and I needed -- 15:55:11
 21 A. Yeah, you could still do it.
 22 Q. How would I know which
 23 instrument to load where on the ASR-10?
 24 A. Trial and error. I mean, it's

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1 not like you -- I mean, you know, that's what
 2 I did. I mean, I didn't know when I first
 3 went and I looked at the NRG file, it's like,
 4 oh, crap. All I did was -- I can tell you I
 5 always put the drums in space 1. 15:55:33
 6 But one of the ways that I also
 7 do this, and I think this is the same way
 8 with the "Take a Dive" -- I could be wrong --
 9 is you have eight instruments, and what I
 10 tried to do was to save -- because besides 15:55:46
 11 each instrument it had file 1, file 2, file
 12 3, file 4, file 5. What I tried to do was
 13 save place 1, track 1, file 1; place 2, track
 14 2, file 2. So if you looked at that you
 15 could -- I mean, it's kind of 15:56:05
 16 self-explanatory. You can do it.
 17 I mean, my attorney has a copy
 18 of the different -- the different banks, if
 19 that's what you're looking for. I don't have
 20 a problem turning that over. 15:56:15
 21 Q. Okay.
 22 A. Giving you that information, if
 23 that's a problem.
 24 Q. The creation of the NRG image

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1 file, could you explain to me -- you did
 2 that, right? You created that --
 3 A. Yes.
 4 Q. -- NRG image file? Would
 5 anybody else participate in creating that NRG 15:56:37
 6 image file?
 7 A. No, not that I recall.
 8 Q. Can you tell me, was that in
 9 your home studio?
 10 A. Yes. 15:56:48
 11 Q. Or did you do that somewhere
 12 else?
 13 A. No, that was at the home
 14 studio.
 15 Q. And what is the purpose of 15:56:54
 16 creating an NRG image file?
 17 A. Well, for a couple of reasons.
 18 The first one was the removable drives
 19 were -- they would get corrupted. Also the
 20 ASR-10 would miswrite on a regular basis. So 15:57:08
 21 I searched for a way to back up something
 22 that was read-only CD-ROM instead of a hard
 23 drive, because those hard drives would
 24 corrupt, and I looked around. I found one of

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1 the software engineers, his name is Gary
 2 Giebler, and you can go to giebler.com,
 3 G-I-E-B-L-E-R.
 4 He -- back in 1999, he created
 5 something called Ensoniq Disk Manager, and 15:57:40
 6 what his -- the way -- well, anyways, to make
 7 a long story short, for me to -- what I was
 8 doing to create the NRG file, the Ensoniq
 9 Disk Manager was compatible with Windows 98,
 10 Windows 2000 and Windows 95 and you had to 15:57:53
 11 have a floppy drive, a SCSI floppy drive,
 12 which I don't even know if they make any
 13 more.
 14 Anyways, you basically -- I
 15 would put the disc in there and the reason 15:58:05
 16 why I was doing that to make copies is
 17 because the hard drives would always corrupt,
 18 so I wanted a way to store all of these NRG
 19 files where they couldn't get corrupted ever
 20 so that I would have copies of them. 15:58:14
 21 And if my hard drive messed up,
 22 I could hook up a CD-ROM, put that disc in
 23 there and then recopy and I would have to
 24 load all the instruments back and then save

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1 them again, I could just recopy and format
 2 the disc. So that's why I was -- I was
 3 making NRG files because I wanted a hard copy
 4 that couldn't corrupt.
 5 Q. Okay. And the NRG image file, 15:58:36
 6 after that's made, how do you -- can you just
 7 take the disc with the NRG image files on it
 8 and stick it into the ASR-10 and it would
 9 play?
 10 A. No. 15:58:55
 11 Q. Explain to me what has to be
 12 done.
 13 A. Well, I have to backtrack here.
 14 For you to be able to record in Ensoniq
 15 proprietary format -- Ensoniq is not 15:59:04
 16 compatible with any Windows version at all.
 17 The only thing that Ensoniq Disk Manager
 18 would do is take a snapshot of the actual
 19 drive, which is basically -- and I don't know
 20 how that works because I'm not a computer 15:59:20
 21 guy, but it would take a snapshot of it and
 22 it would create it into an NRG format that
 23 Windows could recognize through Nero.
 24 So once you get a snapshot of

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1 that drive it's still not compatible with
 2 Windows, which means you can't manipulate
 3 anything inside of Windows. You have to
 4 actually get Nero, you have to go to that NRG
 5 file, burn that image onto a disc. Once you 15:59:50
 6 burn it onto that disc, Windows will no
 7 longer recognize it. You can then take that
 8 disc that is the NRG image file and put it
 9 into a CD-ROM and hook it up to a -- well, a
 10 compatible CD-ROM to Ensoniq. You can now 16:00:06
 11 hook it up to the Ensoniq and you can
 12 read-only information.
 13 But at that point in time you
 14 have to record the operating system, which is
 15 the only one that I'm aware of that does it, 16:00:17
 16 is Ensoniq Disk Manager. It will then, when
 17 you turn the Ensoniq on it will boot up from
 18 the CD-ROM the operating system, then you can
 19 access things on it and load things up but
 20 you can't save. 16:00:29
 21 Q. So the operating system, is
 22 that also in your NRG image file?
 23 A. Yes.
 24 Q. Okay. And so you load that,

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1 you have to take that image file, burn it
 2 onto another CD and then use that attached to
 3 the ASR-10 to load it into the ASR-10?
 4 A. Yes. Well, I think now -- I
 5 think with today's technology, yes, that's 16:00:55
 6 true, but there's also an exception to that.
 7 There's other programs, I
 8 think, that will mount that NRG file, but I
 9 don't think it will mount it with Ensoniq.
 10 Q. But for purposes of what you 16:01:10
 11 did to, say, for example, create the deposit
 12 copy for your copyright registration, was
 13 that made off this NRG file?
 14 A. I believe so, yes.
 15 Q. All right. Could you explain 16:01:25
 16 to me what steps you took to get it off the
 17 NRG file to create the deposit copy?
 18 A. Well, I had that disc that's in
 19 Dave Gallant's office. I accessed one of the
 20 NRG files, which I believe is disc 5. I 16:01:47
 21 burned a copy of that disc, I believe with
 22 Nero. Took that -- it only worked with
 23 CD-ROM's. I put it into a compatible CD-ROM
 24 SCSI-connected device to the Ensoniq, then I

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1 loaded up each particular instrument in the
 2 proper places, I loaded in the sound bank, I
 3 loaded in the song.
 4 Then I took that particular --
 5 the outputs for stereo right and left, and I 16:02:15
 6 recorded it -- actually, you know what, I'm
 7 sorry. I may be -- I'm thinking of something
 8 else.
 9 I think the one that's in the
 10 Copyright Office -- and I apologize for going 16:02:29
 11 through all that. I think that the one in
 12 the Copyright Office is actually one that was
 13 previously recorded on Windows 98, but I
 14 think what happened was because of the bit
 15 rate from 1998, which now you can -- I think 16:02:49
 16 it's like 768-bit rate or something. I think
 17 what I did was, I may have -- it may have
 18 been on a disc or something. I've got to be
 19 honest with you, I don't recall.
 20 THE WITNESS: Do you recall? 16:03:05
 21 MR. DICKIE: It's your best
 22 recollection, Mr. Pringle.
 23 A. It was the year I recorded -- I
 24 don't think I recorded. I think it was an

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1 old copy from something I had that was on an
 2 old track, because I would basically, like I
 3 said before, I would continually back up
 4 files.
 5 It was either from a hard 16:03:23
 6 drive, a CD-ROM, or I may have recorded onto
 7 my computer, which is possible. I think -- I
 8 don't recall which one exactly it was that
 9 was filed in the Copyright Office, but
 10 they're all identical, whether it was 16:03:36
 11 recorded then or now. When you play -- when
 12 one of the instruments in the song bank are
 13 playing they're all the same, because it's a
 14 digital copy. So I honestly couldn't tell
 15 you because I don't know. 16:03:50
 16 BY MS. CENAR:
 17 Q. The old copy that you think you
 18 may have used or could have used, where is
 19 that?
 20 A. I believe it's been provided to 16:03:59
 21 you and to my attorney.
 22 Q. Is that the NRG -- on an NRG
 23 file?
 24 A. Oh, I'm sorry. Yeah, I didn't

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1 file the NRG file with the Copyright Office.
 2 I only filed an MP3.
 3 Q. Where did that MP3 come from?
 4 A. It came from Ensoniq. It came
 5 from that -- it originally came from the 16:04:18
 6 CD-ROM or the disc that the CD-ROM is a copy
 7 of, and it was just -- all it was was it's
 8 the same tracks that are on the Ensoniq when
 9 you play it. If you hook it up to a speaker,
 10 it's going to sound the same, it was just 16:04:31
 11 recorded through the outs.
 12 So it's the same identical
 13 tracks, the MP3; it's just mixed down to a
 14 format that the Copyright Office will accept.
 15 Q. But where did the sounds on 16:04:42
 16 that MP3 come from?
 17 A. It came from the Ensoniq ASR-10
 18 that was loaded either through a hard drive
 19 or a CD-ROM that was the NRG file that was
 20 recorded. The original sounds came from 16:04:55
 21 ultimately the removable drive where I
 22 originally saved the song. Whether it was
 23 that drive, it was an NRG copy of that drive
 24 or it was the actual drive itself, I don't

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1 know because I can't tell personally the
 2 difference between if I recorded a new one as
 3 attorney-client work product or as the old
 4 one.
 5 And because I've also 16:05:16
 6 transferred and converted the older -- the
 7 older MP3's that I have to a new bit rate and
 8 also over time onto new computers, I can't
 9 tell because you can rename them. You can
 10 also change the bit rate. But I think 16:05:30
 11 originally it may have been a wav file too.
 12 Q. What do you mean by the
 13 "mixed-down format" so the Copyright Office
 14 would accept?
 15 A. Well, I believe that online is 16:05:44
 16 where I filed the copyright, and I could be
 17 wrong, I'd have to look again, but they only
 18 accept I think -- I think they only accept
 19 MP3's. I don't know. I think that the
 20 version -- I had to basically take it from a 16:06:01
 21 wav file, which would have been like 60
 22 megabytes. I'm not going to sit there all
 23 day in a government office uploading
 24 something like that. I believe I uploaded it

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1 as an MP3. I could be wrong, it might be a
 2 wav file.
 3 But they only take certain
 4 formats, so that I had to convert it from
 5 whatever I had maybe to a lower bit rate so 16:06:24
 6 that they would accept it. Because they only
 7 accept certain bit rates. They're not going
 8 to accept a 767-bit rate which basically
 9 means it's sampling more which means the file
 10 may be this big and they say they can only 16:06:37
 11 accept it if it's this big. So I may have
 12 had to convert it down to something smaller
 13 which would degrade the sound, so --
 14 Q. Mr. Pringle, where did you get
 15 the wav file or the MP3 to create that? Did 16:06:48
 16 that come from use of this NRG file?
 17 A. Yes, ultimately the source --
 18 it was either -- the source of the MP3 is the
 19 NRG file or the original hard drive. So the
 20 NRG -- those things are identical in content. 16:07:07
 21 Q. But the NRG and the original
 22 hard drive, as we sit here today, the
 23 original hard drive doesn't exist, does it?
 24 A. I think it exists in the

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1 land- -- well, I would say that in that
 2 format, in the hard drive, but the NRG is
 3 just an identical copy of that hard drive, so
 4 I would say yes, it does exist but it doesn't
 5 exist in that format. It exists -- 16:07:31
 6 Q. But at the time that you made
 7 the deposit copy for the Copyright Office,
 8 did the original hard drive from 1999 exist?
 9 A. Not in my possession.
 10 Q. Okay. So when you made the 16:07:43
 11 deposit copy for the filing with the
 12 Copyright Office in 2010, where did you get
 13 the sounds to make that?
 14 A. You mean where did I get the
 15 full version of it? I got it from -- it was 16:08:02
 16 either an -- like I said before, it was
 17 either an original MP3 that was saved on a
 18 CD-ROM or it was -- or it was something that
 19 was saved on a drive that was brought, you
 20 know, for each drive that I had forward, or 16:08:17
 21 it was on an audio disc that was something
 22 that was converted or it was recorded
 23 specifically off the NRG file and just mixed
 24 down.

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1 Q. Okay. Where is --
 2 A. I don't recall.
 3 Q. -- where is the CD-ROM that you
 4 say has the original MP3?
 5 MR. DICKIE: Object to the form 16:08:40
 6 of the question. It misstates the
 7 testimony.
 8 A. I guess I don't understand that
 9 question either.
 10 BY MS. CENAR: 16:08:48
 11 Q. You filed for registration of
 12 copyright of the "Take a Dive" Dance Version
 13 in 2010, correct?
 14 A. No, not really. It was -- my
 15 attorneys are actually the one. I was -- I 16:09:04
 16 did put the information. I didn't pay for
 17 it. It was a co-filing.
 18 Q. It's a co-filing? What does
 19 that mean?
 20 A. Well, I can't -- I can't go 16:09:14
 21 into it because it would be attorney-client
 22 privileged information. I can tell you that
 23 the actual MP3 that was upload- -- it was
 24 uploaded to the Copyright Office and it was

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1 uploaded ultimately at the end from my
 2 computer, I believe that's correct, but my
 3 attorney paid for it.
 4 As far as where did I get the
 5 actual MP3 or wav file, whatever it was, it 16:09:41
 6 would have come, obviously, from my computer.
 7 But where did that originally come from, like
 8 I've said repeatedly, I don't recall.
 9 But ultimately it came from
 10 that -- the Ensoniq, which was played into 16:09:59
 11 some -- either a computer or the DAT machine.
 12 It was -- the ultimate copy was from that
 13 hard drive, which we made a copy of, which
 14 was played, which was owed to the
 15 instruments, which was either played to a 16:10:17
 16 computer that recorded it or it was played to
 17 a Sony DAT machine or some other sort of
 18 recording device and then mixed down
 19 ultimately either on a computer that I don't
 20 have or onto -- maybe it was recorded onto a 16:10:28
 21 disc from that computer as an MP3 or a
 22 wav file and then converted ultimately to the
 23 format that was on my computer that was given
 24 to the Copyright Office. I don't know any

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1 other way to explain it to you.
 2 Q. Well, I don't think you're
 3 really answering my question so I'm going to
 4 try it one more time.
 5 At the time you filed for 16:10:52
 6 copyright registration in 2010 for the "Take
 7 a Dive" Dance Version, did you have an
 8 original CD of that sound recording from --
 9 that existed in 1999?
 10 A. I don't recall. 16:11:10
 11 Q. You don't recall?
 12 A. I've answered this question.
 13 Q. All right. We're in 2011. Do
 14 you have an original sound recording of the
 15 "Take a Dive" Dance Version in your 16:11:20
 16 possession today?
 17 A. The original... I don't know
 18 how to answer that. I mean, the sound
 19 recording, no matter how many times you play
 20 from the NRG or from the hard drive through 16:11:35
 21 the Ensoniq, it's the original sound
 22 recording.
 23 Q. I understand that that's your
 24 position. What I'm trying to understand is

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1 whether you actually had a CD from 1999 or
 2 whether you made one from the NRG file
 3 specifically to submit to the Copyright
 4 Office in 2010.
 5 A. I don't have it -- 16:11:58
 6 THE WITNESS: Did you want to
 7 say something?
 8 MR. DICKIE: No.
 9 A. I don't have an original CD
 10 with that sound recording on it from 1999. 16:12:05
 11 As far as an audio recording, I do have an
 12 original sound recording in Dave Gallant's
 13 office from 1999 with that sound recording.
 14 I think we're into semantics here.
 15 BY MS. CENAR: 16:12:23
 16 Q. Is that the NRG file?
 17 A. Yes. The sound recordings --
 18 Q. How did you make -- did you
 19 make the MP3 that you submitted to the
 20 Copyright Office in 2010 from that NRG file 16:12:31
 21 that is in Mr. Gallant's possession?
 22 A. I don't recall, like I've said
 23 multiple times. I'm not going to answer this
 24 question again. I think I've been very

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1 clear.
 2 The original sound recording
 3 ultimately -- I think you're trying to fit a
 4 round peg into a square hole. We're not
 5 going to agree on this position. I think 16:12:54
 6 I've explained it more than adequately. I
 7 don't know any other way to explain it to you
 8 and to be honest with you, I'm sick of -- I'm
 9 sick of talking about it. I don't know any
 10 other way to explain it to you, ma'am. I'm 16:13:08
 11 sorry.
 12 I think you've asked me
 13 specifically where did I get it from, and I
 14 told you I don't recall. You asked do I have
 15 an original CD and I've told you that I've 16:13:16
 16 had an NRG file that's on the original CD
 17 with the sound recording.
 18 You keep trying to -- I don't
 19 know what -- I don't know any other way to
 20 explain it to you and I'm done, I'm not going 16:13:27
 21 to answer your question any more about that
 22 subject, that specific question.
 23 Q. Would you kindly tell the Court
 24 what steps you took to create the MP3 that

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1 you submitted to the Copyright Office in
 2 connection with your 2010 application for
 3 registration of "Take a Dive" derivative?
 4 A. What steps I took to create it?
 5 Q. Yes. 16:13:50
 6 A. Ahhh. Well, again, whether
 7 it's the -- whether I hooked up the keyboard
 8 in 2010 or I got it from a CD-ROM or it was
 9 something that was on another hard drive or
 10 whatever, the steps would still have been the 16:14:13
 11 same. It would have started from loading up
 12 the instruments to recording it to some
 13 medium from either CD-ROM or whatever device.
 14 That was where it would start once I got it
 15 onto a drive or some sort of a media, whether 16:14:30
 16 it was CD-ROM, DVD-ROM, hard drive, whatever.
 17 To take that MP3 or the
 18 wav file, whatever format it was in, I would
 19 have -- if it was something that I replicated
 20 or recorded again to give to them, I would 16:14:42
 21 have taken that and I would have mixed it
 22 down either using Winamp or WaveLab or
 23 Cubase SX or I don't know if RealPlayer does
 24 that, just taking that and mixing it down to

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1 either an MP3 or wav file. That's what it
 2 would have been.
 3 Q. And when you loaded the
 4 instruments, did you have to manually load
 5 the instruments from the NRG file? 16:15:14
 6 A. If that's the way that I did
 7 it, then yes, that's the way I would have had
 8 to do it, manually, because the song bank
 9 doesn't work. For the "Take a Dive" Dance
 10 Version. 16:15:30
 11 Now, there are -- on the
 12 disc 5, there's more than one sound bank, and
 13 for some reason, I think at least two or
 14 three of them in the different directories
 15 work, but for some reason "Take a Dive" 16:15:42
 16 doesn't work. And there's a couple of other
 17 ones that don't work and I don't know why
 18 that is.
 19 Q. Now, if I understood correctly,
 20 you distributed demo CD's from 1999 to 2008 16:15:53
 21 that had this "Take a Dive" Dance Version on
 22 it?
 23 A. Not just demo CD's. There
 24 might have been MP3's I might have sent over

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1 the Internet. It may have been wav files.
 2 But that's -- well, I mean, I'm basically
 3 giving you a rough time. I mean, a lot of
 4 times I would take songs that were old and
 5 new and mix them together. If I got a 16:16:21
 6 rejection letter from a record company, I
 7 would change the picture on the CD and then,
 8 you know, take the songs and mix and match.
 9 But I can tell you that "Take a Dive" Dance
 10 Version was sent out in mass bulk. 16:16:33
 11 Q. Over that entire time period?
 12 A. Yes.
 13 Q. When did you make the mass bulk
 14 of CD's to send out?
 15 MR. DICKIE: Objection, assumes 16:16:49
 16 facts.
 17 THE WITNESS: You want me to
 18 answer that?
 19 MR. DICKIE: Yes, sir.
 20 THE WITNESS: I like the "sir" 16:16:54
 21 part.
 22 A. Sometimes I would get companies
 23 to create the CD's, sometimes I would make
 24 them themselves. I would -- sometimes I

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1 would send them out, you know, 200 at a time.
 2 Sometimes I would send out maybe 200 or
 3 something and then I'd go back and see
 4 something on TV that I saw somebody, say, "I
 5 should send them one," and maybe I'd send one 16:17:14
 6 or two at a time or something.
 7 But it was various times. It
 8 wasn't just, you know, I sent out 6,000 CD's
 9 on December 15th, 2004. It was a period of
 10 time that I would send them out just 16:17:28
 11 sporadically. I would --
 12 BY MS. CENAR:
 13 Q. When did you make them? Not
 14 when did you send them out.
 15 A. I would make them right before 16:17:35
 16 I sent them out.
 17 Q. Okay. So how does that work if
 18 your ASR-10 was stolen in 2000? How do you
 19 continue to make CD's with the "Take a Dive"
 20 Dance Version on it? 16:17:48
 21 A. Well, I don't need the actual
 22 instrumentation. I have -- as long as you
 23 have the wav file, the mixed-down version or
 24 the MP3, I don't need the Ensoniq.

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1 Q. Where did you have those, the
 2 wav file and the MP3?
 3 A. Well, like I said, I don't
 4 specifically recall, you know, each one that
 5 I send out of the demo. But for the most 16:18:10
 6 part it was -- you know, I would have --
 7 either keep them on a CD-ROM or hard drive.
 8 And one of the problems with
 9 the CD-ROM's from that era, and I don't know
 10 if you're aware of this, CD-ROM's that were 16:18:21
 11 created in 1990s were not reliable. Today
 12 you go and record a CD-ROM, there is a 99.9%
 13 chance you're going to be able to extract
 14 what's on that CD-ROM. The ones that I think
 15 you're referencing are CD-ROM's that were 16:18:36
 16 unreliable and this happened a lot.
 17 And one of the reasons why I
 18 probably don't have the original CD-ROM's is
 19 because they got corrupted. So this -- and
 20 this happened a lot. I would go have a 16:18:48
 21 CD-ROM, figuring hey, it's safe, and then I'd
 22 try to get stuff on there and it would say
 23 "corrupted" or something or "error," so I
 24 would pull whatever I could off there and

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1 move it forward.
 2 So what you're referencing is
 3 yes, I did -- you're right, I didn't have an
 4 Ensoniq that I could record a new MP3, but I
 5 didn't need it because I already had the 16:19:11
 6 mixdown of it.
 7 Q. And where did you keep the
 8 mixdown of "Take a Dive" Dance Version?
 9 A. Either I kept it on CD-ROM's
 10 and then I would extract the information and 16:19:20
 11 put it on other CD-ROM's or continue to move
 12 it forward on different hard drives to save
 13 it, or I might even use Flash drives more
 14 recently.
 15 But basically I would just 16:19:31
 16 record, you know, the -- or I'd send out the
 17 versions like -- you know, I use Disc Makers.
 18 I'd send it to Disc Makers and they'd record
 19 it, and I would also use -- I had DAT, DAT
 20 tapes that I recorded on too, so I might have 16:19:46
 21 it on a DAT tape or something of that nature.
 22 Q. So you said you would send it
 23 to Disc who?
 24 A. Disc Makers.

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1 Q. Where are they?
 2 A. I don't recall. Another place
 3 I used was called Big Dreams Studio. I don't
 4 know if they're still in business, but they
 5 might be. 16:20:08
 6 Q. And you would send them what, a
 7 CD with it?
 8 A. Sometimes I'd send a CD or --
 9 if you wanted a higher quality, send them a
 10 copy of the DAT tape, which is a digital 16:20:18
 11 audiotape of the actual mixdown.
 12 Q. Where are all those media files
 13 now?
 14 A. I'm sorry, say that again. I
 15 didn't hear you. 16:20:29
 16 Q. Where are all those media files
 17 now?
 18 A. What media files? You're
 19 talking about "Take a Dive"?
 20 Q. The wav files, the DAT tape, 16:20:39
 21 the CD's, all the things that you say you
 22 used to create the --
 23 A. Some of them are on the disks
 24 that I turned over on August 8. There's a

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1 folder in there that says "Altered State
 2 songs." There's also a folder in there that
 3 says "Love Conquered Hate," so it was
 4 actually on the drive.
 5 And if you'll actually look 16:21:02
 6 inside that folder, you'll see what you're
 7 referencing, and which I'm talking about, is
 8 converting the bit rate. There's a folder
 9 inside -- I believe it's in "Altered States
 10 songs," it says "maximize" -- it has 192 16:21:16
 11 kilohertz, and I believe inside there there's
 12 another folder that says 100 kilo-bleeps or
 13 whatever. So what you're referencing, the
 14 originals are in that folder.
 15 Now, I can tell you that 16:21:29
 16 there's another disc that I have called "Love
 17 Conquered Hate" which also has original --
 18 some of the original songs from the 1990s. I
 19 can't remember if "Take a Dive" is on there,
 20 but I believe I also provided a copy of that. 16:21:43
 21 At least I know that I provided it to my
 22 attorney through Ryan Greely, and I also
 23 provided an actual copy that showed what was
 24 on there as well as the insert.

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1 So if you're looking for those
 2 files, I would go into the files that were
 3 turned over on August 8, because they were in
 4 fact -- and that just came to me. They were
 5 in fact on that hard drive. But where did 16:22:07
 6 those files come from previously, like I
 7 said, other CD-ROM's, other hard drives,
 8 ultimately from an Ensoniq ASR-10.
 9 Q. The August 8 production didn't
 10 have any "Take a Dive" Dance Version in those 16:22:20
 11 folders.
 12 A. Which one?
 13 Q. Can you explain that?
 14 A. I'm sorry, say that one more
 15 time? 16:22:27
 16 Q. The August 8 production of the
 17 hard drive material does not have a "Take a
 18 Dive" Dance Version on it. Could you explain
 19 that?
 20 A. I already turned it over. Why 16:22:34
 21 would I turn it over again? The files, it's
 22 my understanding and I'm not going to -- I
 23 need some water first. I can't really
 24 continue.

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1 Q. All right. We'll take a break
 2 once you're done answering this question.
 3 A. The August 8 files that were
 4 given to the gentleman that was at Dave
 5 Gallant's office, is that what you're talking 16:22:52
 6 about?
 7 Q. Uh-huh.
 8 A. Well, I can't tell you what was
 9 discussed between me and my attorney, but I
 10 can tell you this. As I understood the 16:23:01
 11 request that was made upon me, and I'm not
 12 going to disclose what it was because
 13 obviously it's attorney-client privileged,
 14 was for me to turn over not files that you
 15 had already been given but files that you 16:23:12
 16 didn't have that I believe it's Mr. Dickstein
 17 was asking for, saying there was spoliation.
 18 So what I was -- my impression
 19 was you didn't need files that you already
 20 had. I gave you files that you said I was 16:23:26
 21 keeping from you, so that's why it would not
 22 have been in there because I didn't turn over
 23 everything I had already given. I only
 24 turned over things that my understanding was

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1 that were requested that you didn't have.
 2 Q. All right. So the hard drive
 3 that you gave us wasn't really a copy of all
 4 the files on the hard drives, they were just
 5 select files that you thought we were asking 16:23:47
 6 for?
 7 MR. DICKIE: Objection, that
 8 misstates the testimony.
 9 A. Well, as I said previously
 10 multiple times is that it was vetted. As my 16:23:54
 11 attorney said, we took -- or at least I took
 12 specific files that I was -- and I'm not
 13 going to tell you what was discussed between
 14 me and my attorney, but I gave you files that
 15 were requested that my understanding that 16:24:08
 16 were being requested you didn't have, minus
 17 any files that we felt -- and when I say
 18 "we," me and my attorney, were
 19 attorney-client privileged files.
 20 So the files that were turned 16:24:24
 21 over, you're right, it wasn't all the files
 22 because there was attorney-client privileged
 23 files and my understanding is that I was only
 24 going to turn over files that you didn't

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1 have, not files that you already have.
 2 Had I been -- had I understood
 3 that there was other files that you did have
 4 that you wanted to be produced again, I
 5 wouldn't have had a problem producing them 16:24:47
 6 again.
 7 BY MS. CENAR:
 8 Q. Where are all those files now,
 9 sir?
 10 A. Which files are you talking 16:24:52
 11 about? The files that you want reproduced?
 12 Or that you -- I don't understand.
 13 Q. The files that you have that
 14 have -- came off the hard drive that is now
 15 gone, where are all of those files? 16:25:04
 16 A. They're on a CD-ROM, and the --
 17 I believe the privileged files I believe are
 18 on another CD-ROM. So Dave Gallant, he might
 19 have a copy of that. I'm trying to think if
 20 I gave him -- I think -- I can't recall. I 16:25:25
 21 think I might have given him a copy of that.
 22 I know I gave one of the originals to the
 23 individual that was there, or a copy, and I
 24 think I gave Dave Gallant one but I'm not

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

3 Q. When you made a copy of the
 4 files from the hard drive before it was
 5 discarded, what did you copy that onto for 16:25:54
 6 your own personal purposes?

7 A. I don't recall.

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

10 A. Oh, before I discarded the -- I 16:26:14
 11 believe so, most of them. There was a lot of
 12 files that I didn't copy, like, you know,
 13 program-related files or Internet-related
 14 files, like, you know, favorites or
 15 something, you know, I see some guy -- you 16:26:35
 16 know, what the hell, running into a brick
 17 wall wearing like a clown outfit or
 18 something, I may have discarded that.

19 But as far as where did I
 20 record them, I believe I recorded on CD-ROM 16:26:47
 21 media. I believe that's where it was
 22 recorded.

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

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1 drive before you discarded it?

2 A. There's at least two and
 3 possibly three.

4 Q. And where are those CD's
 5 physically located right now? 16:27:07

6 A. I couldn't tell you where the
 7 one that's located that was turned over to
 8 your -- your computer technician guy.

9 I think Dave Gallant has one,
 10 and I have a copy of one, I believe, that has 16:27:20
 11 the -- I think it's got the attorney-client
 12 privileged stuff on it. I'd have to look.
 13 I'd have to specifically look at it.

14 But I know I have at least one
 15 copy of it. I know that one copy was given 16:27:31
 16 to the defense through your computer expert,
 17 and I think Dave Gallant has the other one
 18 but I'm not sure. I'd have to --

19 Q. But the files that were given
 20 to our computer person was not every file, it 16:27:44
 21 was just files that you were told had to be
 22 turned over?

23 MR. DICKIE: Object to the form
 24 of the question. Misstates his

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1 earlier testimony on that subject.

2 BY MS. CENAR:

3 Q. Have you turned over a complete
 4 copy of every file that you saved off the
 5 hard drive before you destroyed it? 16:28:05

6 A. No.

7 Q. And do you have a complete copy
 8 of all of those files?

9 A. The ones that I saved, yes.

10 Q. Okay. And where is that copy? 16:28:12

11 A. I have in my possession a copy
 12 of a CD-ROM that had -- I believe it's either
 13 one or two CD-ROM's, I think it's one, I'd
 14 have to look again. But that's in my
 15 possession. But I think -- 16:28:29

16 Q. And is that at your home?

17 A. Yes.

18 MS. CENAR: Counsel, I ask that
 19 that be turned over and I ask that it
 20 be preserved. 16:28:37

21 MR. DICKIE: To the extent it
 22 contains attorney-client privileged
 23 material, it will not be turned over.
 24 And I believe from the testimony the

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1 witness has already said that he broke
 2 it down into non-attorney-client
 3 matters and you have all of what he
 4 saved that are not attorney-client
 5 matters. 16:29:02

6 MS. CENAR: That is wrong and
 7 my request stands. Preserve it. We
 8 will be addressing it with the Court.

9 MR. DICKIE: Address it with
 10 the Court. 16:29:10

11 MS. CENAR: Please do not let
 12 it be destroyed.

13 MR. DICKIE: Nothing is being
 14 destroyed, Counsel, and it is not
 15 wrong in terms of what the witness 16:29:18
 16 said. And your statement to the
 17 contrary doesn't change what the
 18 testimony is regarding what the
 19 witness said.

20 MS. CENAR: The record is what 16:29:24
 21 the record is and my request stands.
 22 Please do not allow any further
 23 computer evidence to be destroyed.
 24 THE VIDEOGRAPHER: We have

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1 about five minutes remaining on the
 2 videotape.
 3 MS. CENAR: All right. Let's
 4 take a break, please.
 5 THE VIDEOGRAPHER: Off the 16:29:38
 6 record at 4:29.
 7 (Recess taken, 4:29 p.m. to
 8 4:42 p.m.)
 9 THE VIDEOGRAPHER: Back on the
 10 record at 4:42. This begins Tape 16:42:23
 11 No. 4.
 12 BY MS. CENAR:
 13 Q. Mr. Pringle, I believe you
 14 mentioned earlier that your song -- please
 15 let me know when you're done. 16:42:42
 16 A. I'm prepared. I'd ready for
 17 you. I'm looking for something. See, I was
 18 trying to see if I had it on my cell phone
 19 hard drive, which I don't.
 20 Q. Had what? 16:42:54
 21 A. What you're referring to, which
 22 is the MP3 of "Take a Dive" Dance Version
 23 that was filed with the Copyright Office. I
 24 don't have it on there.

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1 Q. I believe you testified earlier
 2 that your song "Take a Dive" Dance Version
 3 was played on international radio stations?
 4 A. Yes.
 5 Q. Can you tell me what stations? 16:43:13
 6 A. I don't specifically recall at
 7 this time. I'd have to speak with my brother
 8 and/or Scott Brown, and I'd have to go back
 9 and look at the files to refresh my memory.
 10 But one that I do recall was -- 16:43:30
 11 I think it's called Armed Forces Radio. I
 12 believe it was played in -- it was -- I keep
 13 thinking it was either France or the
 14 Netherlands, but it was actually broadcast to
 15 all the surrounding countries like Germany, 16:43:54
 16 Sweden, Switzerland, Norway, Denmark, France.
 17 I believe it also went to the U.K. and
 18 Ireland.
 19 And I recall specifically
 20 getting a copy of the broadcast because my 16:44:12
 21 brother said -- he recorded a copy of it to
 22 let me listen to so he could say, "Hey,
 23 you're on the radio."
 24 Q. And do you still have that?

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1 A. No, I do not.
 2 Q. And when did he send that to
 3 you?
 4 MR. DICKIE: Objection to the
 5 form of the question. It assumes 16:44:32
 6 facts.
 7 THE WITNESS: You want me to
 8 answer it?
 9 MR. DICKIE: Yes, please.
 10 A. I don't know, somewhere around 16:44:37
 11 1999, 2000.
 12 BY MS. CENAR:
 13 Q. And what was played was the
 14 "Take a Dive" Dance Version? Is that your
 15 testimony? 16:44:50
 16 A. Yes. Yes, and also the other
 17 one I specifically recall was called
 18 "Ragdoll," because the general manager really
 19 dug that.
 20 Q. Do you have any statements from 16:45:01
 21 SACEN regarding this radio play?
 22 A. No. I don't believe -- I don't
 23 believe I registered -- well, I don't think I
 24 registered that song with BMI or any of the

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1 affiliated -- see, I call it "C-SAC." Maybe
 2 they changed their name, but...
 3 Q. S-A-C-E-N?
 4 A. I believe they used to be
 5 called "C-SAC" or "C-CAM." 16:45:30
 6 Q. That's in France?
 7 A. No, I don't -- but I know
 8 exactly what you're talking about but you
 9 have to inform them and I never -- heck, I've
 10 had songs -- I have songs being played now I 16:45:42
 11 haven't registered. What am I going to get,
 12 50 cents, a quarter? "Whoo, Mom, I got a
 13 quarter! Slurpee time."
 14 Q. Do you have any documentation
 15 that actually substantiates your claim that 16:45:58
 16 it was played on the radio anywhere?
 17 A. I'd have to look for that.
 18 Yes. Yes, I do believe I do have that.
 19 Q. And what kind of documentation
 20 do you believe you have? 16:46:12
 21 A. I have some e-mails from
 22 MP3.com from a bunch of different fans.
 23 Q. And have those been produced in
 24 this case?

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1 THE WITNESS: Do you want me to
 2 answer that?
 3 MR. DICKIE: Yes.
 4 A. I couldn't say. You'd have to
 5 refer to my attorney on that. 16:46:31
 6 BY MS. CENAR:
 7 Q. Did you turn them over to be
 8 produced?
 9 THE WITNESS: Do you want me to
 10 answer that? 16:46:41
 11 MR. DICKIE: Yeah, if you can
 12 recall, please do.
 13 A. I believe so. I believe I
 14 turned them over to Ryan Greely.
 15 BY MS. CENAR: 16:46:49
 16 Q. And what are the dates of the
 17 e-mails?
 18 MR. DICKIE: Objection, calls
 19 for speculation. No foundation.
 20 A. I can't recall, but they 16:46:55
 21 were -- I mean, they were 2000, 2003,
 22 somewhere around there, I believe. They're
 23 different dates. I mean, it's not just --
 24 you know, I didn't get a rush of fans. I

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1 don't have a lot of fans, so they trickled
 2 in.
 3 But MP3.com, I know I got some
 4 fans there. I've also got some from
 5 broadjam.com, and I believe I started that 16:47:23
 6 site -- let's look at Exhibit 27. I started
 7 it in 2002, so I believe I have some from
 8 2003 or somewhere around there.
 9 BY MS. CENAR:
 10 Q. And how is it that you happen 16:47:36
 11 to have those e-mails from that time frame
 12 when your computer seems to have been gone?
 13 A. Well, it's Hotmail. Hotmail
 14 saves e-mails unless you delete them forever,
 15 and some of the e-mails were very flattering 16:47:49
 16 and as a single songwriter who's basically --
 17 everybody is -- at least in my family, thinks
 18 that my music stinks, and I've been denied by
 19 thousands of record labels, keeping a couple
 20 of e-mails from people that say, "Hey, man, 16:48:08
 21 you don't totally suck." I saved some of
 22 those and just every once in a while I look
 23 at them for encouragement, spiritual
 24 uplifting.

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1 Q. Do you still have those, sir?
 2 A. Sure, and I have no problem
 3 turning them over, either.
 4 Q. Okay. I ask that they be
 5 turned over. 16:48:26
 6 MS. CENAR: Let's mark this as
 7 the next exhibit.
 8 (Discussion off the
 9 stenographic record.)
 10 (Pringle Exhibit 28 was marked 16:48:50
 11 for identification and/or introduced.)
 12 BY MS. CENAR:
 13 Q. I've tendered to you what's
 14 been marked as Exhibit 28, which bears a Bate
 15 number of PL0001 and 2. Please take a moment 16:48:56
 16 and look at that.
 17 A. Okay.
 18 Q. Can you tell me what that is,
 19 please?
 20 A. It's an Abilene Police 16:49:11
 21 Department Crime/Incident Report.
 22 Q. And this is one of the
 23 documents that your lawyer chose to turn over
 24 to us. Can you tell us why?

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1 MR. DICKIE: Object to the form
 2 of the question.
 3 A. Why he chose to turn it over?
 4 BY MS. CENAR:
 5 Q. Yeah. 16:49:28
 6 MR. DICKIE: Objection. It
 7 calls for him to testify to the state
 8 of mind of a third party.
 9 A. Yeah, I'd have to agree with
 10 that. I don't know what he was thinking at 16:49:37
 11 the time.
 12 BY MS. CENAR:
 13 Q. What is this document?
 14 A. It's a police department
 15 incident report. It's basically showing that 16:49:41
 16 I made a report on 10/19/2000 showing that my
 17 locker at Stor & Lok on Pioneer Drive in
 18 Abilene, Texas, had been burglarized.
 19 Q. And how does this document have
 20 any relationship to this case? 16:50:02
 21 A. That's a good question. I
 22 don't know. I couldn't tell you what the
 23 frame of mind or why this was turned over.
 24 And even if I discussed it with my attorney,

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1 I still wouldn't tell you because it would be
 2 attorney-client privilege.
 3 Q. It makes reference to a
 4 "Lensoniq" keyboard valued at 5,000 as an
 5 item that is listed. Can you tell me if 16:50:29
 6 that's the ASR-10 that you were referring to
 7 as the one that was used to create this song?
 8 A. Yeah, that's correct. It's
 9 just misspelled, Lensoniq with an L.
 10 Q. Is this the piece of equipment 16:50:46
 11 that you say you used to create the songs
 12 that are at issue?
 13 A. Yes. Well, let me rephrase
 14 that. The two songs we're talking about,
 15 "Take a Dive" and "Take a Dive" Dance 16:50:58
 16 Version, yes, that was the keyboard used to
 17 create those.
 18 Q. Okay. What other item on this
 19 list were items that were used to create
 20 those songs? 16:51:10
 21 A. Well, the DigiTech effects
 22 processor, I believe I used that for the
 23 original vocals. The surge protector, the
 24 "Juice Goose," which is spelled "surger

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1 protector," that was basically -- I mean,
 2 that was used as a basically a surge
 3 protector I plugged the DigiTech and the
 4 Ensoniq into.
 5 The DAT machine was also used 16:51:41
 6 to record mixdown in some versions of that; I
 7 don't know if it's specifically this version
 8 we're talking about, these two.
 9 The Symetrix compressor was
 10 used for the registration version along with 16:51:55
 11 the DigiTech effects processor for the vocals
 12 that were used for the original "Take a Dive"
 13 versus in 1998. The Glyph Technologies rack,
 14 which was a custom rack that was built
 15 specifically for me, contained I believe a 16:52:10
 16 CD-ROM that was used to load instruments and
 17 also NRG files that were turned in or samples
 18 as well as one of the removable hard drives.
 19 The Igloo cooler on page 2,
 20 5-quart orange and white, contained the 16:52:38
 21 various cabling and also I believe that may
 22 have contained also some of the hard drives
 23 and/or some of the samples that might have
 24 been used.

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1 I don't know why somebody
 2 steals a cooler. What an idiot.
 3 Anyway, so the only thing on
 4 here that I can say that I know was not used
 5 in production of the songs at issue were 16:53:03
 6 maybe some of the chords or some of -- I
 7 might have had a sweaty T-shirt in the Igloo
 8 cooler that probably said "Super Loser" on it
 9 or something. And then the Kurzweil ribbon
 10 controller, that's just basically an add-on 16:53:21
 11 that -- it was a ribbon that you could put
 12 your hand on and it would change the pitch of
 13 different instruments.
 14 I didn't use that but
 15 everything else on here was used on either 16:53:35
 16 the "Take a Dive" Dance Version or "Take a
 17 Dive" itself.
 18 Q. It indicates that you are
 19 self-employed?
 20 A. Yes. 16:53:42
 21 Q. Is that the real estate
 22 business that you were talking about?
 23 A. Correct.
 24 Q. And it has you at an address of

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1 1010 South Willis Street?
 2 A. Yes.
 3 Q. Is that an address that you
 4 were at?
 5 A. That's one of the investment 16:53:57
 6 properties.
 7 Q. Is that one of the addresses
 8 that you were at when you created this song,
 9 "Take a Dive"?
 10 A. No, it's strictly a business 16:54:04
 11 investment property. It was a house that I
 12 purchased and I flipped it. And it was a
 13 real piece of crap, too. I gotta tell you
 14 that.
 15 I think they just wanted an 16:54:16
 16 address at the time. Probably on my driver's
 17 license I had an out-of-town address, I
 18 probably still had either an Austin or
 19 San Antonio address.
 20 So I actually do specifically 16:54:30
 21 remember the officer because I remember we
 22 had that conversation we had. He was asking
 23 about this DigiTech compressor and the
 24 effects processor because he was wondering

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1 how artists like rock bands can whisper
 2 (demonstrating) and also scream and that the
 3 volume stays the same. And I explained to
 4 him the reason why is because they compress
 5 the sound and they raise it up with an 16:54:52
 6 expander so whether they're speaking low or
 7 high it stays in the same volume range.
 8 MS. CENAR: Can we mark this as
 9 the next exhibit, please?
 10 (Pringle Exhibit 29 was marked 16:55:18
 11 for identification and/or introduced.)
 12 BY MS. CENAR:
 13 Q. I'm tendering to you what's
 14 been marked as Exhibit 29, which bears
 15 production number PL0003 through 6. Would 16:55:23
 16 you take a moment and look at that and let me
 17 know if you've ever seen this before.
 18 (Witness reviews document(s).)
 19 A. Yeah, but with all due respect,
 20 a lot of this I can't read. It's illegible 16:55:53
 21 to me, this copy here.
 22 BY MS. CENAR:
 23 Q. It's illegible to you?
 24 A. Yes.

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1 Q. What part of it can't you read?
 2 A. 2, I believe it's (a), I can't
 3 read. After A, I can't read. It looks like
 4 a note, there's something on the side here.
 5 There's also -- I think it says "Name of 16:56:18
 6 Author" below that to the right of it.
 7 There's --
 8 Q. Do you see the handwriting on
 9 there that says "Dead Beat Club:1998" by the
 10 number 1, can you read that? 16:56:32
 11 A. Yes.
 12 Q. Is that your handwriting?
 13 A. Yes.
 14 Q. All right. And then the next
 15 line down says "Previous or Alternative 16:56:37
 16 Titles; Dead Beat Club, Technique, Counter
 17 Culture, Technik," T-E-C-H-N-I-K?
 18 A. Yes.
 19 Q. Are those other names that you
 20 performed under? 16:56:50
 21 A. Yes.
 22 MR. DICKIE: Object to the form
 23 of the question.
 24 THE WITNESS: You want me to

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1 answer that?
 2 MR. DICKIE: You can, but let
 3 me make an objection if appropriate
 4 first.
 5 A. I wouldn't say I performed 16:56:59
 6 under them. I would say that those are
 7 pseudonyms that I have used.
 8 BY MS. CENAR:
 9 Q. So when you were submitting
 10 your material to Interscope, what name did 16:57:09
 11 you submit the materials under?
 12 A. That's a good question. I
 13 don't know. I had about 50 to 60 different
 14 names. These would have been some of them.
 15 I know that each one of these -- Counter 16:57:21
 16 Culture, Technik, Dead Beat Club, was at
 17 least four of the names. There might have
 18 been other -- there was -- I can't remember
 19 all the names because I would constantly
 20 change it. 16:57:35
 21 I even had Ultraviolence and I
 22 got contacted by Metal Blade Records. And I
 23 can't remember the guy's name, the president
 24 of that said, "Hey, man, you better cut it

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1 out, dude, because somebody else has that
 2 trademark." That happened a couple of times.
 3 But these names, I can tell you these four
 4 names at least, and Ultraviolence also.
 5 Q. In your submissions to people 16:57:58
 6 in France including Mr. Gaurraud and
 7 Mr. Guetta, that would have been under what
 8 name, sir?
 9 MR. DICKIE: Object to the form
 10 of the question. You can answer it. 16:58:11
 11 A. It might have been under these
 12 names. It might also -- I took on the
 13 moniker about -- around 1999 I started going
 14 by Spanky and also DJ Spanky.
 15 BY MS. CENAR: 16:58:25
 16 Q. Around what time period, sir?
 17 A. I think it was around -- it was
 18 around right after this, around 1999, 2000.
 19 As a matter of fact, I think I have another
 20 registration from '99 where it says Spanky on 16:58:37
 21 it.
 22 Q. Is all the information set
 23 forth in this certificate of registration
 24 true?

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1 A. Actually, to the best of my
 2 knowledge at that time. However, I will say
 3 that I've since learned I did not understand
 4 what "published" meant. When it's asked -- I
 5 think there's somewhere on here where it 16:59:13
 6 says, "Was this published?" I thought
 7 ignorantly, unfortunately -- it says "Date
 8 and Nation of First Publication." What I
 9 thought was publication up until a couple of
 10 months ago, I actually thought, you know, 16:59:23
 11 publishing company, I actually thought that
 12 it meant they transcribe the notes, published
 13 it on a piece of paper and then were selling
 14 it.
 15 So it wasn't that I 16:59:35
 16 intentionally was deceptive. I was just
 17 unfortunately ignorant, so I should have put
 18 in there where it was published so that
 19 would -- where it says next to 3 where it
 20 says "Creation of This Work Was Completed," 16:59:49
 21 where it says "Date and Nation of First
 22 Publication," I should have filled that in,
 23 which I didn't. But it was just out of
 24 ignorance that I didn't.

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1 Q. So what was the date and nation
 2 of first publication of this particular work,
 3 sir?
 4 A. I don't know. I wish I would
 5 have filled that in because I'd like to know 17:00:05
 6 myself. Unfortunately I don't recall.
 7 Q. What is your understanding of
 8 publication today?
 9 A. My understanding of publication
 10 today -- I just lost my train of thought. I 17:00:22
 11 believe it's -- if it's offered for sale,
 12 that's what I understand it to be. If it's
 13 put out on the market for sale. I might be
 14 wrong on that. I'm going to have to Google
 15 that later too, but that's my understanding. 17:00:46
 16 Q. And at the time that you made
 17 this application on July 29th, 1998, was any
 18 of this put on the market for sale?
 19 A. Let me look at the songs. Yes.
 20 Because I actually sold -- well, I licensed 17:01:01
 21 "Pleasure of Pain." I also -- yeah.
 22 These -- I believe all these were on the
 23 market. They were all published. I should
 24 have filled that in.

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1 I don't know the exact dates,
 2 but I can tell you "Pleasure of Pain" was one
 3 of the first songs. I used to make
 4 industrial music before I went over to the
 5 light and airy techno '80s. "Pleasure of 17:01:26
 6 Pain" and also "A Tear Rolls Down" were two
 7 songs from that era and I can tell you that I
 8 actually did sell some CD's, so that would
 9 probably be maybe 1994 or '95 that it was
 10 first published, at least those two songs, 17:01:46
 11 maybe.
 12 Q. Can you tell me, sir, on the
 13 second page where it's PL0004, in Section 5
 14 where it talks about a previous registration
 15 pending, can you tell me what that's 17:01:59
 16 referring to?
 17 A. I think -- I can guess. I
 18 think that there was a problem around this
 19 particular time. I believe it was around
 20 this time. For some reason I actually had 17:02:24
 21 one of these denied, one of the registrations
 22 denied because I think I filed a foreign P.A.
 23 and they said that -- they said there was no
 24 substantially new material or something, or

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1 there was something -- I think that's what --
 2 I think I was dealing with that.
 3 I was waiting around and I
 4 remember this might have been the one that
 5 took like two and a half, three years. I 17:02:49
 6 think even one got lost. I think that's what
 7 it was, but I don't recall exactly. I'm just
 8 guessing.
 9 Q. Have you turned over the files
 10 for the other pending copyright registration? 17:02:58
 11 A. I turned over everything that I
 12 had to my attorney. I know I turned them
 13 over to Ryan Greely. Whether he turned them
 14 over, I couldn't tell you.
 15 Q. Can you tell me, sir, whether 17:03:12
 16 the prior registration that was pending at
 17 the time you made this one had music other
 18 than what's reflected in this one?
 19 MR. DICKIE: Object to the form
 20 of the question, lack of foundation. 17:03:25
 21 A. Well, possibly. It possibly
 22 would have had different vocals as well as
 23 different instrumentation, things of that
 24 nature.

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1 BY MS. CENAR:
 2 Q. Would any of the works that are
 3 reflected in this registration, Exhibit 29,
 4 be a derivative of some of the earlier works
 5 from the other registration? 17:03:58
 6 MR. DICKIE: Objection, calls
 7 for speculation and legal conclusion.
 8 A. I would have to say I don't
 9 know. I'd have to go with my attorney, what
 10 he said. He sounds much more -- 17:04:06
 11 MR. DICKIE: Just answer the
 12 question, Mr. Pringle, please.
 13 THE WITNESS: Hey, buddy.
 14 You're pushing it.
 15 A. I really don't know, to be 17:04:15
 16 honest with you.
 17 BY MS. CENAR:
 18 Q. Can you tell me what songs are
 19 in the prior registration?
 20 MR. DICKIE: Objection, lack of 17:04:20
 21 foundation.
 22 A. No, not without looking at the
 23 actual registration form and actually
 24 listening to the sound recording, I couldn't

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1 tell you.
 2 BY MS. CENAR:
 3 Q. And can you tell me if the
 4 1300 Barrington Drive was the actual location
 5 that you recorded each of these songs? 17:04:38
 6 A. Well, like I stated previously,
 7 it would be either 1300 Barrington Drive in
 8 Austin or 11416 Powder Mill Trail in Austin.
 9 Q. Is there anything else that's
 10 incorrect in this registration? 17:04:55
 11 MR. DICKIE: Object to the form
 12 of the question.
 13 A. Well, the parts that I can
 14 read. I can't read the whole thing. Other
 15 than the publication of the work. It's 17:05:10
 16 possible I should have filled out Derivative
 17 Work or Compilation, maybe. I can't read the
 18 majority of this, though, to be honest with
 19 you. It just doesn't --
 20 BY MS. CENAR: 17:05:37
 21 Q. And the last page of Exhibit 29
 22 bears a Bate number PL0006. Did you write to
 23 the Copyright Office on March 24th, 2010,
 24 authorizing them to release the information

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1 in your letter to Ryan Greely at Gould Law
 2 Group?
 3 A. Did I construct this letter,
 4 no. Did I sign the letter, yes.
 5 Q. Did you authorize the Copyright 17:06:04
 6 Office to send a copy of the phone record for
 7 this registration to Ryan Greely in March of
 8 2010?
 9 A. That is kind of strange. I'd
 10 have to look into this further, to be honest 17:06:19
 11 with you, because that date -- I don't even
 12 know if they represented me at this time.
 13 I'd have to look into this.
 14 Q. But that is your signature on
 15 this document? 17:06:33
 16 A. It looks like my signature, but
 17 this particular document, there's something
 18 not right with this.
 19 Q. What's not right with it, sir?
 20 A. Well, March 24th doesn't make 17:06:44
 21 sense. Also --
 22 Q. Why not?
 23 A. It just doesn't sound proper.
 24 I don't know if -- I don't know when I

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1 retained them, but I'd have to look at -- I'd
 2 have to look at my record.
 3 I did sign something when they
 4 requested, but this date doesn't look right
 5 and I specifically recall -- well, I can't 17:07:04
 6 tell you what was said.
 7 I can tell you that there was,
 8 without my signature, I'm aware of the fact
 9 that the Copyright Office had a request upon
 10 them. This date may be backdated, and I 17:07:18
 11 can't tell you what was discussed between me
 12 and my attorney, Ryan Greely, but I can tell
 13 you that my understanding is that a request
 14 was made, which was denied because I didn't
 15 authorize the Copyright Office to release 17:07:38
 16 this. So it's possible that this date is
 17 maybe backdated or something. I don't know.
 18 I'd have to look at my records.
 19 Q. When did you retain the Gould
 20 Law Group to represent you? 17:07:56
 21 A. I don't recall. It was
 22 sometime in 2010, though.
 23 Q. How did you happen to come
 24 across Ryan Greely and Ira Gould?

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1 A. I saw something on the news.
 2 It was either on the Internet or it was -- I
 3 can't remember. It was something about a
 4 lawsuit that had been filed. I think it was
 5 pretty recently prior to this that had been 17:08:22
 6 filed by Phoenix Phenom and Manfred Mohr in
 7 Chicago, and I can't remember like how I
 8 contacted them. Like it was around -- that
 9 happened around the same time I believe that
 10 I contacted them and I think I originally 17:08:40
 11 tried to contact Phoenix Phenom and I
 12 couldn't get ahold of her or something.
 13 But that's how the name came to
 14 me, though. I saw on the news they there was
 15 something -- they had filed a lawsuit against 17:08:54
 16 the Black Eyed Peas or something for Manfred
 17 Mohr and Phoenix Phenom for "Boom Boom Pow."
 18 Phoenix Phenom and Manfred Mohr, I guess -- I
 19 think I actually read the petition that said
 20 that they were filing suit or something. 17:09:06
 21 Q. Have you ever spoken to them?
 22 A. I've never spoken with Manfred
 23 Mohr but I have spoken with Phoenix Phenom on
 24 several occasions.

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1 Q. What conversations have you had
 2 with her?
 3 MR. DICKIE: Objection,
 4 foundation.
 5 THE WITNESS: Do you want me to 17:09:19
 6 answer that?
 7 MR. DICKIE: You can answer.
 8 A. Well, I had several
 9 conversations. The first conversation was --
 10 I can't disclose it because it was a 17:09:27
 11 conference call with my attorneys and her, so
 12 that was confidential.
 13 The second conversation I had
 14 with her was a telephone conversation that I
 15 called her. And I had subsequent 17:09:40
 16 conversation but I basically -- we basically
 17 talked about -- I think we talked briefly
 18 about her lawsuit. But I -- it was basically
 19 something I don't recall exactly. I see my
 20 attorney tensing up over here. 17:10:04
 21 I talked to -- I do recall what
 22 I said. I said I thought she had a lot of
 23 talent and I said I thought she was a good
 24 dancer and I thought that she had a career,

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1 she should keep going on.
 2 And we just -- we briefly
 3 talked a couple of times after that about the
 4 lawsuit, but I don't recall exactly.
 5 BY MS. CENAR: 17:10:29
 6 Q. How many times have you spoken
 7 to her about the lawsuit, sir?
 8 A. 10 times, maybe.
 9 Q. And what have you discussed?
 10 MR. DICKIE: Objection, 17:10:38
 11 foundation.
 12 THE WITNESS: Do you want me to
 13 answer that?
 14 MR. DICKIE: You may.
 15 A. I think we discussed -- what 17:10:43
 16 did we discuss? We were talking about -- I
 17 think I asked her one time -- well, I
 18 specifically recall I asked her how much --
 19 you know, how much she thought that the "Boom
 20 Boom Pow" was worth, what, you know, what the 17:11:05
 21 performance was, because, I mean, to be frank
 22 with you, I knew "Boom Boom Pow" was -- I had
 23 listened to it and I -- I thought it was a
 24 stupid song. I couldn't believe that it was

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1 number one.
 2 And I was like it's just a drum
 3 and bass song that's based upon "boom boom."
 4 So I was curious if she, you know, what the
 5 success of that song was because I couldn't 17:11:36
 6 fathom it.
 7 And I remember we had a
 8 conversation, I was curious what she felt a
 9 fair settlement was, which she never told me
 10 about. She totally avoided the whole topic 17:11:48
 11 of conversation.
 12 But I recall asking her what
 13 her contribution was to the song. I asked
 14 her about Manfred Mohr, and because he had --
 15 I remember she disclosed that he has this 17:12:04
 16 song that I thought was the most asinine
 17 song. It was -- I keep thinking it was --
 18 and there's a curse word, I think it was
 19 called "Short Dick" or something. And I was
 20 like, "Well, it sounds like he's really a 17:12:19
 21 deep spiritual individual."
 22 It was just basic stuff like
 23 that. I was just trying to find out about
 24 Manfred Mohr and about what she was doing, if

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1 she was dancing. It wasn't really anything
 2 substantive. She was pretty evasive and now
 3 the only times we really have conversations
 4 is just, you know, hey, how's it going, or if
 5 she, you know, if she sends me something on 17:12:43
 6 Facebook because she's a friend that just
 7 says how you doing or whatever.
 8 But she's a nice person. I
 9 consider her a friend, but I don't -- it's
 10 like you go on Facebook, you get 20 friends 17:12:53
 11 that you went to school with and that's it.
 12 You never hear from them. You send then an
 13 e-mail, "How's it going, buddy?" and you hear
 14 crickets. But that's basically --
 15 BY MS. CENAR: 17:13:06
 16 Q. Phoenix Phenom is a friend of
 17 yours on Facebook?
 18 A. Yes.
 19 Q. How about Manfred Mohr?
 20 A. No, I never talk to Manfred 17:13:13
 21 Mohr. I don't. I kind of got the impression
 22 that Manfred Mohr and Phoenix Phenom don't
 23 hang around in the same circles or something.
 24 I wanted to talk to him, but Phoenix

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1 explained that I probably didn't want to talk
 2 to him.
 3 Q. Why?
 4 A. Umm -- I can't remember. It
 5 had something to do -- I think that they had 17:13:40
 6 a falling-out, maybe, a long time ago because
 7 maybe he had promised her something, he was
 8 going to help her because I guess he had
 9 previous success with "Short" -- I think
 10 that's the name of it. I might be wrong. 17:13:55
 11 Maybe it was "Hey Fat Girl" or
 12 "Fat Boy," I can't remember, it was something
 13 asinine. It was like "Hey, Fat Boy," or
 14 something. I just remember the song and I
 15 was talking to her about it. I said, "That 17:14:06
 16 guy made that song and he's willing to admit
 17 it? That's embarrassing."
 18 But she basically dissuaded me.
 19 I got the kind of feeling that they weren't
 20 talking anymore and she said, "Eh, you don't 17:14:17
 21 want to talk to that guy. He can't do
 22 nothing for you."
 23 That's about it. Other than
 24 that, it's just --

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1 Q. Can you tell me about the
 2 conference call you had with Phoenix Phenom
 3 and the attorneys, please?
 4 A. No, I can't tell you what was
 5 contained in that. I can just tell you it 17:14:35
 6 was a meet and greet, basically. I'm not
 7 going to tell you what the substance of that
 8 was.
 9 Q. Why?
 10 A. Because it's privileged, my 17:14:47
 11 attorneys were there and it was understood
 12 that what we were saying -- they represent
 13 her and they represent me and what we were
 14 saying in that conversation was privileged
 15 information. It was just -- there wasn't 17:14:59
 16 nothing to it, though. It's basically hi
 17 type of stuff, you know, just the
 18 introduction. There was nothing -- I'm not
 19 going to say what was said, but --
 20 Q. Please tell me what was said 17:15:11
 21 during that call.
 22 MR. DICKIE: You need not do
 23 that, Mr. Pringle.
 24 A. I'm not gonna do that.

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1 MS. CENAR: What's the basis,
 2 Counsel?
 3 MR. DICKIE: It's
 4 attorney-client privileged, Counsel.
 5 MS. CENAR: They are separate 17:15:21
 6 clients.
 7 MR. DICKIE: No, they're not.
 8 MS. CENAR: Yes, they are.
 9 MR. DICKIE: Whether they're
 10 separate clients or not, they have a 17:15:26
 11 common interest.
 12 MS. CENAR: They don't have a
 13 common interest.
 14 MR. DICKIE: Then you can take
 15 it up with the Court. 17:15:29
 16 BY MS. CENAR:
 17 Q. Are you going to follow that
 18 instruction?
 19 MR. DICKIE: You're going to
 20 waste everybody's time and money on an 17:15:31
 21 introductory phone call, be my guest.
 22 A. Well, I can't speak --
 23 MR. DICKIE: You need not
 24 disclose any conversation,

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1 Mr. Pringle. Let's move on.
 2 BY MS. CENAR:
 3 Q. Are you filing this lawsuit
 4 against the Black Eyed Peas in conjunction
 5 with Phoenix Phenom? 17:15:45
 6 A. Absolutely not, and I want to
 7 make this very clear. I have absolutely
 8 nothing to do with Phoenix Phenom, the
 9 credibility or whether her case has validity
 10 or not. I am not leveraging my claim against 17:15:58
 11 the Black Eyed Peas or anybody. We have
 12 absolutely nothing to do with each other.
 13 There's no leverage, there's no conjunction,
 14 there's nothing. There's no relation
 15 whatsoever at all, and I've made that -- I 17:16:09
 16 want to make that very clear.
 17 Q. Do you know if your lawyers are
 18 exerting leverage from that case for your
 19 benefit or vice versa?
 20 A. They better not be. I 17:16:21
 21 apologize for interrupting.
 22 I can't tell you what was said,
 23 but I can tell you that me, as a person, I am
 24 a unique individual. I am a separate entity

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1 from Phoenix Phenom. My case has absolutely
 2 nothing to do with her. And I'm not going to
 3 tell you what was said between me and my
 4 attorney, but I can tell you, I am exerting
 5 no leverage. 17:16:43
 6 There is no -- there's nothing
 7 in conjunction with at all, and I wouldn't
 8 tolerate something like that. It's
 9 absolutely -- and I can tell you that I want
 10 to make that very clear. There's -- 17:16:54
 11 Q. You have an understanding that
 12 the allegations of infringement in her case
 13 are being asserted in your case as evidence
 14 of a pattern and practice?
 15 A. I'm aware that the petition 17:17:06
 16 states a pattern and practice that lists her
 17 as well as Adam Freeland and I believe
 18 there's also -- I don't know if George
 19 Clinton is in there at all.
 20 Q. Did you investigate any of 17:17:21
 21 those claims before you put them in the
 22 pleading?
 23 A. Oh, you bet. I mean --
 24 Q. What did you do to investigate

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1 each of those claims?
 2 A. Adam Freeland, I went online
 3 and looked into it and I could -- there
 4 was -- I don't know if it was on YouTube, but
 5 it had his song, then the Black Eyed Peas' 17:17:38
 6 song, and it was very clear, at least to me,
 7 that it was a sample that they had sung their
 8 vocals over to and added some stuff to it.
 9 As far as Phoenix Phenom and
 10 Manfred Mohr's claim, I -- I don't know if it 17:17:52
 11 was on YouTube, but there was the same thing.
 12 It had her song and the Black -- well, her --
 13 Manfred Mohr and Phoenix Phenom's song and
 14 the Black Eyed Peas' song and I listened to
 15 the both of them and came to my opinion. 17:18:09
 16 And there was -- I also
 17 investigated George Clinton's claim. I
 18 looked into it, and I can't remember the
 19 exact song it was.
 20 There was a couple other ones. 17:18:20
 21 There was an allegation by Boys Noize, Frank
 22 Music, Timofey, I investigated his.
 23 But as far as what you're
 24 saying what's included in my petition, I'd

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1 have to look at it again. I know it was
 2 changed slightly after I looked at it, it was
 3 then changed, but yes, I did investigate
 4 those claims, because I don't want anything
 5 in there in my petition that I think is hokey 17:18:45
 6 or B.S.
 7 And unfortunately, there are
 8 some charlatans out there that -- you know,
 9 are just "Hey, man, they're rich, let's sue
 10 them, dude." I saw when Michael Jackson got 17:18:59
 11 sued years ago and some lady had sued Michael
 12 Jackson over two or three words. It was
 13 ridiculous.
 14 And I'm very skeptical too.
 15 When I hear of celebrities getting sued for 17:19:11
 16 copyright infringement, I used to always say
 17 in my mind, "It's B.S. They're trying to get
 18 money." So yes, I did investigate it.
 19 Q. So you did an investigation of
 20 Phoenix Phenom's claim? 17:19:24
 21 A. Yes.
 22 Q. Against the song "Boom Boom
 23 Pow"?
 24 A. Yeah. Her song is "Boom Boom

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1 Dynamite." Is that right? Yeah.
 2 Q. And you came to the conclusion
 3 that that was an infringement?
 4 MR. DICKIE: Object to the form
 5 of the question, calls for a legal 17:19:38
 6 conclusion.
 7 MS. CENAR: You can answer the
 8 question.
 9 THE WITNESS: You want me to
 10 answer that? 17:19:44
 11 MR. DICKIE: You can give your
 12 understanding.
 13 A. I came to the conclusion that I
 14 agreed -- I agreed with Phoenix Phenom and
 15 Manfred Mohr on specific issues. I agreed 17:19:56
 16 that that song is a drum and bass song that
 17 has what I feel could be considered a very
 18 common beat. I myself have a song called
 19 "Pleasure of Pain" that has the identical
 20 beat. It's bass and drum, and it has a very 17:20:13
 21 similar bass type of a bass line.
 22 However, my conclusion was and
 23 my opinion was because so much of that song
 24 was based upon "boom boom," the beat, even

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1 though you might be able to say, okay, it's
 2 possible for two people to have a very
 3 substantially similar beat, like me having a
 4 substantially similar beat.
 5 However, when I looked at the 17:20:42
 6 video for "Boom Boom Pow" as well as Phoenix
 7 Phenom's video, I noticed what I considered
 8 to be kind of a -- I can't remember. It's
 9 been a long time, but it seemed like there
 10 might have been some correlations maybe in 17:21:01
 11 the dance moves and also as far as the
 12 copyright on the actual theme of the song,
 13 because so much is based upon a theme of
 14 "boom boom"; that to me, I wouldn't even
 15 consider using "boom." I think it's an 17:21:16
 16 asinine, ridiculous lyric.
 17 But other people like it, and
 18 when I examined the total overall concept and
 19 feel, especially the "boom boom," and what I
 20 felt was -- and this is my personal opinion. 17:21:31
 21 There was something in there
 22 that I believe -- I think Stacy Ferguson said
 23 it. "You're so -- we're so 2008, you're so
 24 2000 and late" and it refers to something

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1 that's the video quality, and I took it as
 2 that she was almost taunting Phoenix Phenom.
 3 But my position on that song
 4 was the "boom boom" part of that, the lyrical
 5 part, I would say if you're looking at 100%, 17:22:01
 6 I would say that the music, based upon my
 7 opinion, would account for 10%. But I would
 8 say 90% of it and 90% of the song is based
 9 upon the theme. And my personal position as
 10 a composer and a songwriter was there was no 17:22:16
 11 doubt in my mind, because I felt there were
 12 substantial similarities.
 13 But I will say this, that I
 14 think she's doing the right thing, but if I
 15 was in her position, would I bring suit 17:22:35
 16 against the Black Eyed Peas for that without
 17 showing some sort of contact or reasonable
 18 access? No, I wouldn't. But given what I
 19 saw of the totality of it, I think she's got
 20 a good claim. That's my personal opinion. 17:22:52
 21 BY MS. CENAR:
 22 Q. And that's why you included it
 23 in your lawsuit?
 24 MR. DICKIE: Objection, calls

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1 for conclusions and asks for him to
 2 disclose attorney-client privilege.
 3 THE WITNESS: You want me to
 4 answer that?
 5 MR. DICKIE: No, sir. Unless 17:23:03
 6 you can answer --
 7 MS. CENAR: It's in your
 8 complaint and your declaration, so
 9 unless you're contending that that's
 10 all privileged, in which case it's 17:23:10
 11 waived because he's publicly filed it,
 12 I think you should reconsider your
 13 objection.
 14 And I would ask the witness to
 15 please answer my question. 17:23:17
 16 MR. DICKIE: You can answer the
 17 question so as long as you don't
 18 disclose any specific attorney-client
 19 advice.
 20 THE WITNESS: Will you repeat 17:23:25
 21 the question again?
 22 (Discussion off the
 23 stenographic record.)
 24 (The reporter read back the

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1 following portion of the preceding
 2 record.)
 3 "QUESTION: And that's why you
 4 included it in your lawsuit?"
 5 (End of readback.) 17:24:00
 6 A. Yes, because I felt that it was
 7 infringing and I felt that there were, based
 8 upon reading her petition, yes, I felt that
 9 it was a good claim to list because I
 10 believed in it. 17:24:13
 11 I believed that they did
 12 infringe on her music and I believe that
 13 based upon the facts that I saw and just as a
 14 musical composer, just looking at just the
 15 music and the boom, and my position is that 17:24:22
 16 the vocal part of that song is the most
 17 infringing.
 18 And also looking and reading
 19 the petition, I felt that it was a good claim
 20 and it should be listed because I feel that 17:24:35
 21 she's going to prevail and I think she should
 22 rightly so prevail.
 23 BY MS. CENAR:
 24 Q. And you're both represented by

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1 the same lawyers?
 2 A. That, I don't know. I know
 3 we're -- I know we're both represented by Ira
 4 Gould, but I don't know if Dean Dickie or
 5 HamptonHolley represents her either. 17:24:57
 6 Q. You didn't notice that when you
 7 were reviewing her petition?
 8 A. That I knew. I mean, I
 9 definitely knew we were represented by the
 10 same attorneys. 17:25:08
 11 Q. Okay. And is your case also
 12 being handled on a contingency-fee basis?
 13 MR. DICKIE: Objection. You
 14 need not discuss with him the nature
 15 of the fee arrangement. 17:25:16
 16 MS. CENAR: You can answer that
 17 question, though.
 18 MR. DICKIE: No, you can't.
 19 A. I'm going to defer to my
 20 attorney. I'm not going to answer that 17:25:22
 21 question.
 22 BY MS. CENAR:
 23 Q. How are you paying for this
 24 litigation?

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1 MR. DICKIE: In order to answer
 2 the question, if you have to disclose
 3 attorney-client privilege, you need
 4 not answer the question.
 5 BY MS. CENAR: 17:25:34
 6 Q. You can answer the question.
 7 Are you paying for this litigation, sir?
 8 MR. DICKIE: Same instruction.
 9 A. I'm going to defer to my
 10 attorney's statement. 17:25:44
 11 BY MS. CENAR:
 12 Q. Can you tell me what your
 13 sources of income are, sir, presently that
 14 you use to live on?
 15 MR. DICKIE: Objection, his 17:25:51
 16 sources of income are personal,
 17 privileged.
 18 And if I recall, in earlier
 19 depositions when I asked that
 20 question, you instructed the witnesses 17:26:00
 21 not to on the grounds of privilege. I
 22 take the same position with respect to
 23 Mr. Pringle.
 24 MS. CENAR: I disagree and you

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1 know that there is a petition, there's
 2 been a meet-and-confer on it and
 3 you're specifically --
 4 MR. DICKIE: You can disagree
 5 all you want, Ms. Cenar. 17:26:15
 6 BY MS. CENAR:
 7 Q. Please tell me the sources of
 8 income that you have, Mr. Pringle.
 9 MR. DICKIE: You're instructed
 10 not to answer, Mr. Pringle, for the 17:26:21
 11 same reasons asserted previously by
 12 Ms. Cenar.
 13 BY MS. CENAR:
 14 Q. Are you going to follow that
 15 instruction, sir? 17:26:30
 16 A. That's my attorney. I'm going
 17 to defer to --
 18 Q. Do you have -- do you own your
 19 home?
 20 THE WITNESS: Do you want me to 17:26:38
 21 answer that?
 22 MR. DICKIE: No, sir. I think
 23 now it's harassment and you need not.
 24 And if you continue, we'll

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1 adjourn the deposition and seek a
 2 protective order.
 3 BY MS. CENAR:
 4 Q. You can answer my question,
 5 sir. 17:26:49
 6 MR. DICKIE: You need not, it's
 7 privileged and it's personal.
 8 BY MS. CENAR:
 9 Q. Are you going to follow that
 10 instruction? 17:26:54
 11 A. Hmm. He's got the law degree.
 12 I'm just a musician, man. I mean, I --
 13 Q. Do you own any properties in
 14 the state of California?
 15 A. No. 17:27:06
 16 Q. Do you have any assets in the
 17 state of California?
 18 A. Hmm. That's a loaded one,
 19 because -- I mean, I'm making a claim against
 20 someone who has intellectual property in the 17:27:17
 21 state of California so I would say maybe,
 22 yes, I do. I feel like I do, but I don't
 23 have any real property in California, no.
 24 Q. Do you -- can you tell me, are

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1 you aware that there is a provision under the
 2 copyright statute that if you do not prevail,
 3 you could be liable for the attorneys' fees
 4 of the defendants?
 5 A. Yep. I know that one. 17:27:39
 6 Q. Do you have the means to pay
 7 for the attorneys' fees if you do not prevail
 8 in this case?
 9 A. Well, it depends how much it
 10 is, but I'll tell you what I understand is, 17:27:50
 11 because I've actually talked to another --
 12 another plaintiff that didn't prevail. I
 13 think it's about \$200,000 is the average, and
 14 am I liquid to pay that, no. I would
 15 basically file Chapter 7 bankruptcy and 17:28:05
 16 probably go work at Taco Bell or something.
 17 Q. And are you currently employed?
 18 THE WITNESS: Do you want me to
 19 answer that, Dean?
 20 MR. DICKIE: You can answer 17:28:22
 21 that question.
 22 A. No, I'm not currently employed.
 23 BY MS. CENAR:
 24 Q. Do you have any means by which

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1 you support yourself from an employment
 2 perspective?
 3 THE WITNESS: You want me to
 4 answer that?
 5 MR. DICKIE: You can answer the 17:28:31
 6 question.
 7 A. I'm trying to balance what my
 8 attorney just said. I did okay in real
 9 estate, and I'm not employed but I'm not
 10 looking for employment either. I feel that I 17:28:47
 11 have enough money to support myself for
 12 several years, but am I going to be -- am I
 13 going to be flush in 10 years, no.
 14 And at the time when my mother
 15 passes and I stop taking care of her 17:29:10
 16 full-time as a caregiver, at that time I will
 17 go back into real estate or find some other
 18 means of income.
 19 BY MS. CENAR:
 20 Q. If you had a judgment against 17:29:23
 21 you for attorneys' fees that are higher than
 22 the 200,000, would you be able to pay those?
 23 THE WITNESS: Do you want me to
 24 answer that?

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1 MR. DICKIE: Calls for
 2 speculation.
 3 If you can, that's fine. If
 4 you need more facts, then you answer
 5 it best you can. 17:29:45
 6 A. That would all depend. It
 7 would depend if the Chapter 7 bankruptcy was
 8 granted by the bankruptcy court. It would
 9 also depend if I appealed it, and it would
 10 depend what my financial position at the time 17:30:03
 11 was because my understanding of Chapter 7
 12 bankruptcy laws, they've changed
 13 substantially and you can't have more than
 14 \$100 in monthly income, so that may be a
 15 problem. 17:30:15
 16 But it depends on where I'm at
 17 at that time. I mean, my house may be hit
 18 by, you know, a tornado tomorrow. I may be
 19 in big trouble.
 20 BY MS. CENAR: 17:30:26
 21 Q. Are you generating any income
 22 through the sale of your music?
 23 THE WITNESS: Do you want me to
 24 answer that one?

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1 MR. DICKIE: Yeah, you can
 2 answer that.
 3 A. I feel that the infringing
 4 songs that were offended by your clients are
 5 generating sales, so I would say I believe 17:30:47
 6 so. But, you know, do I have a name on my
 7 album, no. I'm not generating any income
 8 through any songs that are an album that I
 9 created personally that's not through some
 10 other artist. 17:31:03
 11 BY MS. CENAR:
 12 Q. Are you registered with ASCAP
 13 or BMI?
 14 A. Yes.
 15 Q. And do you receive statements 17:31:09
 16 from them?
 17 A. No.
 18 Q. Have you received any money
 19 from ASCAP or BMI?
 20 A. I don't think so. 17:31:19
 21 Q. Have you received any money
 22 through the sale of your music at all?
 23 A. Yes.
 24 Q. How much?

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1 A. That I couldn't say. Beer
 2 money, maybe. It's not much. I mean,
 3 it's -- maybe less than \$2,000, something
 4 like that.
 5 MS. CENAR: Can we mark this as 17:31:39
 6 the next exhibit, please?
 7 (Discussion off the
 8 stenographic record.)
 9 (Pringle Exhibit 30 was marked
 10 for identification and/or introduced.) 17:31:55
 11 BY MS. CENAR:
 12 Q. I'm tendering you what's been
 13 marked as Exhibit 30 which bears a Bate
 14 number PL0007 through 0010.
 15 A. Okay. 17:32:22
 16 Q. Have you ever seen this
 17 document before?
 18 A. I don't know if I've seen it in
 19 this form. I think I might have seen it on
 20 the Internet. Well, this looks like this is 17:32:33
 21 a printout of the Internet.
 22 Q. These were documents that were
 23 produced to us from you in this litigation.
 24 MR. DICKIE: Objection.

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1 Misstates the testimony.
 2 BY MS. CENAR:
 3 Q. Are you aware of their
 4 existence?
 5 A. Well, I didn't produce them to 17:32:52
 6 you. It may have been produced by my
 7 attorneys. I wasn't party to that. But this
 8 looks like the registration we were talking
 9 about previously that was paid for by my
 10 attorney. 17:33:05
 11 Q. And the service fee that was
 12 paid was \$795?
 13 A. Looks like -- well, that's what
 14 it says on page PL0009, yes.
 15 Q. And this application was filed 17:33:24
 16 on November 15th, 2010?
 17 A. According to this. I don't
 18 know if that's the exact date, but I'm not
 19 arguing with it.
 20 Q. And the hard drive that you 17:33:36
 21 were using at the time of this filing in
 22 November of 2010 is the hard drive that has
 23 been discarded?
 24 A. That I don't know, because I --

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1 are you talking regarding this MP3?
 2 Q. No, I'm talking about the hard
 3 drive computer that you were using at the
 4 time that this application was filed is the
 5 hard drive that was discarded in late 17:34:15
 6 December 2010, early January 2011, correct?
 7 A. I don't understand that
 8 question. I mean, you're showing me an
 9 exhibit here. I guess I'm kind of confused.
 10 You're saying hard drive -- 17:34:41
 11 Q. Yes. This exhibit is dated
 12 November 15th, 2010.
 13 A. Yes.
 14 Q. At that time you had a computer
 15 you were using at your home. Isn't that 17:34:51
 16 true, sir?
 17 A. Yes.
 18 Q. And that computer had a hard
 19 drive in it at that time, did it not?
 20 A. Yes, I would hope so. 17:34:58
 21 Q. And was the hard drive that was
 22 in the computer in November -- in and around
 23 November 15th, 2010, the same hard drive that
 24 you discarded in December of 2010 or

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1 January 2011?

2 A. Hmm. Good question. I would

3 have to -- I would have to deduce that. I

4 couldn't say for sure.

5 Q. Well, where is the hard drive 17:35:26

6 that was in existence at that time?

7 A. I don't know. I mean, it's

8 possible -- it's possible that I didn't

9 even -- I'm guessing the one that was

10 discarded in two-thousand-and -- well, it 17:35:44

11 might have been the hard drive that was

12 discarded and/or -- well, let me think.

13 11/15/2010, this may have been

14 the previous hard drive that was purchased --

15 I couldn't tell you, to be honest. The dates 17:36:10

16 are too close for me to --

17 Q. And where is that previous hard

18 drive?

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

20 landfill. 17:36:18

21 Q. Okay.

22 A. But like I said before, if

23 there was something on that particular drive,

24 it was transferred or preserved to the new

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1 hard drive. I don't just take -- if I can --

2 if I can extract anything that's usable off

3 the hard drive, I will. There's no --

4 there's no benefit for me to discard a hard

5 drive full of information that took me years 17:36:43

6 to create, so...

7 Q. And you've turned over what you

8 chose to select and keep from that hard

9 drive, correct?

10 A. Well, I wouldn't -- I 17:36:55

11 wouldn't -- no, I wouldn't phrase it that

12 way. I've turned over -- well, you'd have to

13 tell me what you're talking about as what

14 I've turned over. Specifically what are you

15 talking about? 17:37:09

16 MR. DICKIE: You can finish

17 your answer.

18 BY MS. CENAR:

19 Q. Are you done with your answer?

20 A. No, because I don't even know 17:37:16

21 what we're talking about.

22 Q. Okay.

23 A. I think -- well, I guess what I

24 was going to say is I don't know which time

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1 you're talking about. I turned over

2 something. I mean, I've turned over, from my

3 understanding, periodically and so have my

4 attorneys turned over periodically documents

5 and files, so I don't understand what you're 17:37:35

6 talking about I've turned over. When have I

7 turned it over.

8 Are you talking about through

9 my attorney or are you talking about me, what

10 time frame you're talking about? I'm 17:37:44

11 confused.

12 Q. Turning back to this

13 Exhibit 30, the first page, it says "Date of

14 1st Publication; December 1st, 1999."

15 A. Yes. 17:38:04

16 Q. What occurred on that date?

17 A. I believe that had something to

18 do with one of the websites. I can't tell

19 you how that was refreshed, if that was a

20 privileged conversation, but that had to 17:38:21

21 do -- I keep thinking that might have had to

22 do with MP3.com, because something happened

23 at MP3.com that -- and this has happened

24 periodically at MP3.com and other websites

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1 where they'll either get a new server or hard

2 drive or someone else will come in and take

3 over the website.

4 Like, for instance, MP3.com

5 lost to Vivendi Universal in a lawsuit. They 17:38:57

6 had to then turn over MP3.com to Vivendi

7 Universal because they couldn't afford to pay

8 the claim. And Vivendi Universal sent out

9 something that said you have until this date

10 to post things or it's gone or repost them. 17:39:14

11 So that had to do with -- I believe it was

12 MP3.com.

13 So if I'm going to be on the

14 computer and I've got new music I might as

15 well post it now if I'm getting into it. So 17:39:25

16 I may have taken the old songs and moved them

17 forward and then posted on that date. But

18 December 1st, that sounds correct to me.

19 Q. Do you have any documents to

20 prove that "Take a Dive" Dance Version was on 17:39:39

21 MP3.com on December 1st, 1999?

22 A. No, I'd have to look through

23 that. That's a good point, though. I might

24 have to investigate.

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1 At this time, I don't know. I
 2 don't think so, but I could be wrong. I'd
 3 have to investigate that further. But at
 4 this time I would have to say no.
 5 Q. Is everything made in this 17:40:03
 6 application truthful, sir?
 7 A. Well, let me read it.
 8 (Witness reviews document(s).)
 9 A. I mean, I guess. To the best
 10 of my knowledge. However, I can't really 17:40:32
 11 disclose to you certain things about this
 12 application because I didn't fill this
 13 application out by myself, as a matter of
 14 fact, but it's attorney-client privileged.
 15 BY MS. CENAR: 17:40:48
 16 Q. Did you fill it out at all?
 17 A. Hmm. Well, I mean, some of the
 18 information came from me, but -- I mean, I
 19 can't really go into what --
 20 MR. DICKIE: Just answer her 17:41:03
 21 question.
 22 A. I can't -- I believe there are
 23 certain things, yeah, that may have been
 24 filled out by me.

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1 BY MS. CENAR:
 2 Q. What parts were filled out by
 3 you, sir?
 4 A. That I don't recall.
 5 Q. Uh-huh. The "Nation of First 17:41:17
 6 Publication" is United States. Was the "Take
 7 a Dive" Dance Version not on the radio before
 8 December 1st, 1999, in France?
 9 A. Yeah, it's possible. But like
 10 I said before, I didn't realize what 17:41:38
 11 publication was, and this -- although I can't
 12 disclose what was said because it's
 13 attorney-client privileged, this particular
 14 application and date of first publication
 15 may -- may be incorrect, but it certainly 17:42:02
 16 wasn't intentional. I actually have to go
 17 back and talk to the person that assisted me
 18 with this.
 19 Q. And who is that?
 20 A. My attorney, Ryan. 17:42:12
 21 Q. Which one?
 22 A. Ryan Greely. This is -- as a
 23 matter of fact, I'll even go further to say
 24 that this was not my idea to file this. As a

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1 matter of fact, I can't tell you what was
 2 said, but I do not -- I still don't feel that
 3 I needed to make another registration
 4 application because I still feel that my
 5 first registration in 1998 covers any 17:42:35
 6 derivative versions, but I --
 7 MS. CENAR: Let's mark this as
 8 the next exhibit, please.
 9 (Pringle Exhibit 31 was marked
 10 for identification and/or introduced.) 17:43:01
 11 BY MS. CENAR:
 12 Q. I'm tendering to you what's
 13 been marked as Exhibit 31 which bears a Bate
 14 number of PLO011. Can you tell me what this
 15 is, sir? 17:43:08
 16 A. This looks like one of the
 17 covers to "Dead Beat Club:1998," which --
 18 which somehow you have a copy of.
 19 Q. This was among the documents
 20 that were produced to us by you in this 17:43:27
 21 litigation. Do you know what this is?
 22 A. Yes.
 23 Q. What is it?
 24 A. Looks like the liner -- CD

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1 liner for one of many different demos. This
 2 specific one has several songs on it.
 3 Q. Do you have the actual demo
 4 that fit into this or went with this liner
 5 note? 17:43:56
 6 A. Hmm. I'd have to check
 7 underneath maybe the couch. Maybe I'm using
 8 it as a coaster or something. But I really
 9 don't know. I'd be more than happy to look
 10 for it because I'd like to have a copy of 17:44:13
 11 this myself.
 12 MS. CENAR: Let's mark this as
 13 the next exhibit, please.
 14 (Discussion off the
 15 stenographic record.) 17:44:33
 16 (Pringle Exhibit 32 was marked
 17 for identification and/or introduced.)
 18 MR. DICKIE: Would you like to
 19 finish your answer, Mr. Pringle?
 20 THE WITNESS: Yeah, are you 17:44:38
 21 ready?
 22 THE REPORTER: Yes, sir.
 23 A. Yeah. Something I'd like to
 24 add to this is when I made a lot of these

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1 disks, the actual songs, they don't
 2 necessarily correspond to what was on the
 3 disc because I was not -- I was not very
 4 wealthy and CD's back then were very
 5 expensive, so a lot of times there might have 17:44:58
 6 been four songs on here or something. I just
 7 kept using the same liner notes because it
 8 was difficult to make. So this may not
 9 actually reflect what was on the disc.
 10 BY MS. CENAR: 17:45:10
 11 Q. So Exhibit 31 may not actually
 12 reflect the actual songs that were on the
 13 demo CD's that you sent out?
 14 A. Yeah. I mean, I recall making
 15 this, this particular cover, but I can tell 17:45:18
 16 you that it changed, and also that happened
 17 where it may say there's 18 songs, there may
 18 have only been three or four or something.
 19 MR. DICKIE: Mr. Pringle, let
 20 me caution you to simply check all the 17:45:32
 21 exhibits that have been served on you.
 22 I think counsel is attempting to
 23 mislead you. So particularly look at
 24 Exhibit 29.

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1 MS. CENAR: Well, I disagree
 2 strongly with counsel's --
 3 MR. DICKIE: You're
 4 intentionally misleading him.
 5 MS. CENAR: -- interference 17:45:48
 6 with the examination.
 7 MR. DICKIE: I'm not
 8 interfering, Counsel.
 9 BY MS. CENAR:
 10 Q. You are free to look at my 17:45:53
 11 exhibit that you want, Mr. Pringle.
 12 A. Oh, I see.
 13 Q. But your lawyer will have
 14 plenty of time to --
 15 A. Yeah, I see what the reference 17:46:01
 16 is, that this was actually filed with the
 17 registration office, so yes, this particular
 18 CD would have contained those songs or else
 19 the Copyright Office wouldn't have registered
 20 it. Shame on you. That's not nice. 17:46:10
 21 Q. Mr. Pringle, could you turn
 22 back to Exhibit 29?
 23 A. Okay.
 24 Q. Is that the same liner notes,

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1 sir?
 2 A. The same identical one?
 3 Q. Yes.
 4 A. I couldn't say, to be honest
 5 with you, because like I said, there's more 17:46:52
 6 than one of these liner notes. I mean, at
 7 one time I may have had 200 of these and they
 8 may have had the exact identical thing on it
 9 but the actual disc itself may have had
 10 different songs on it. 17:47:05
 11 There may -- as a matter of
 12 fact, I've seen ones like this that there was
 13 this on it and there was even labels on it
 14 and the disc contained nothing. So are these
 15 identical, are they reprinted from the same 17:47:17
 16 computer program to look identical, yes. Is
 17 that the exact identical one that was filed
 18 with the Copyright Office, no.
 19 Q. Okay. That's all I needed to
 20 know. Now, could you turn your attention 17:47:28
 21 back to Exhibit 31. Was Exhibit 31 sent out
 22 with CD's that did not contain all of the
 23 songs that were listed in the liner notes?
 24 THE WITNESS: Do you want me to

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1 answer that?
 2 MR. DICKIE: If you can.
 3 A. I don't know. I mean, you
 4 know, this is 12 -- 1998, man. I mean, I
 5 couldn't tell you. I can tell you that as a 17:47:53
 6 part of a pattern and practice to save money,
 7 yes, that did happen. Did this particular
 8 one, was this used, I have no idea. I
 9 couldn't tell you. It's been too long.
 10 BY MS. CENAR: 17:48:07
 11 Q. So to direct your attention now
 12 to Exhibit 32, which is a document that bears
 13 a Bate number of PL0012, take a moment and
 14 look at that. Let me know when you're ready.
 15 (Witness reviews document(s).) 17:48:18
 16 A. I'm ready.
 17 BY MS. CENAR:
 18 Q. What is this?
 19 A. I have no idea.
 20 Q. Do you know why it was produced 17:48:22
 21 to us in this case?
 22 MR. DICKIE: Objection, lack of
 23 foundation.
 24 THE WITNESS: Do you want me to

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1 answer that?

2 MR. DICKIE: If you can.

3 A. No, but I have a feeling it was

4 produced by Ryan Greely.

5 BY MS. CENAR: 17:48:37

6 Q. Did you provide this document

7 to him for production?

8 A. I don't think so. This is

9 not -- this does not look like something that

10 should have been provided to you. This may 17:48:52

11 have been something that somebody screwed up

12 and sent to you, but I don't -- I don't even

13 know what this is in reference to. I don't

14 understand what this is.

15 Q. When you say somebody screwed 17:49:04

16 up and sent it to me, is this a document that

17 existed in 1998?

18 A. I don't even know what this is,

19 ma'am. I mean, you're presenting me with

20 something -- I guess you're representing that 17:49:15

21 I produced this, but I don't recall seeing

22 this, I don't know what it is, I don't even

23 know what it's in reference to, and I don't

24 know where you got it from. For all I know,

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1 you could have just printed it out 10 minutes

2 ago.

3 Q. Did you create this document,

4 sir?

5 A. I think I've answered that 17:49:30

6 question. You'd have to preface that with

7 where you got it. You'd have to show me --

8 Q. I can preface it with that it

9 has a PL0012, so it came from a document

10 production that was represented to us as 17:49:42

11 coming from you.

12 A. Well, I can't -- first of all,

13 I don't trust you. I don't trust any of you.

14 I think that you would manufacture any sort

15 of evidence to win this case. So do I 17:49:52

16 believe that this came from me? Without me

17 seeing the hard facts and seeing where it

18 came from and any evidence, I couldn't tell

19 you anything about this document.

20 MS. CENAR: So, Counsel, will 17:50:03

21 you correct him? Because this is your

22 Bate number. Do you want to tell us

23 where on the record this document came

24 from?

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1 MR. DICKIE: No, ma'am, I

2 don't. You ask the questions. I can

3 tell you that you asked for

4 information and we provided

5 information to you in the ordinary 17:50:14

6 course. This is information you may

7 have requested and it was provided to

8 you. You're asking the questions.

9 BY MS. CENAR:

10 Q. Okay. So it came from your 17:50:21

11 lawyers, sir. Are you telling me that this

12 is not a document that you wrote?

13 A. I don't know anything about

14 this document. It's got wording on it, I

15 mean, it references songs that -- 17:50:32

16 Q. It says "List of 1998 demo CD

17 Songs Emailed." Do you see that?

18 A. Yeah, I see what's written on

19 it.

20 Q. Do you know what that's 17:50:42

21 referencing?

22 A. Oh. I think I know what -- I

23 think -- I think I may know what this is.

24 Q. What is it, sir?

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1 A. I can't say for sure, but I

2 think this is something -- and this is sheer

3 spec --

4 THE WITNESS: Do you want me to

5 answer sheer spec? 17:51:04

6 MR. DICKIE: Answer best you

7 can.

8 A. I think this is something that

9 was created -- I believe this is regarding

10 TAXI. TAXI, on broadjam.com several years 17:51:16

11 ago -- I don't know if they do it anymore --

12 you can e-mail anything that you post through

13 TAXI from broadjam for listings, and I

14 believe that this is -- I believe this may be

15 a list of some of the songs that were 17:51:40

16 e-mailed maybe around 2006 through 2008,

17 possibly, through TAXI. I think that's what

18 that is, but I'm not positive.

19 BY MS. CENAR:

20 Q. When you say "e-mailed from 17:51:55

21 2006 to 2008 through TAXI," what do you mean?

22 A. Well, TAXI is an independent

23 A&R vehicle that you can join. I think it

24 was about \$300 a year. And I was a member

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1 back in the '90s, but with the advent and the
 2 more use of the Internet, broadjam partnered
 3 with TAXI. And what TAXI is they actually
 4 had relationships or represented that they
 5 had relationships with music managers, 17:52:23
 6 booking agents, record companies, publishing
 7 companies.
 8 And they -- for I think it was
 9 \$300 a year or something around there, you
 10 could actually get a membership and you could 17:52:35
 11 look at the postings on the Internet. And it
 12 would say things like "Britney Spears style
 13 songs for new up-and-coming artists," and you
 14 could submit certain songs and they would
 15 take them directly from -- it was a link that 17:52:51
 16 would go directly from TAXI and it would
 17 submit it online -- from broadjam rather to
 18 TAXI and you pay a specific fee. And I
 19 believe that these songs represent some of
 20 the older songs that I sent. 17:53:09
 21 I remember there was one, it
 22 was -- specifically it said "1970s style funk
 23 dance artist looking for a comeback," and I
 24 immediately went to "Sweet 16" because I had

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1 a version, I e-mailed it through that. But I
 2 think that's what this is referencing.
 3 Q. Is this a listing that you
 4 prepared for your lawyers in connection with
 5 this case? 17:53:36
 6 A. That I don't know. I'd have to
 7 consult with them before I could answer that.
 8 Q. Okay. Can you tell me what
 9 "Faith" Remix is?
 10 A. It's a damn good song, is what 17:53:46
 11 it is. "Faith" Remix is actually a dance
 12 version of "Faith," kind of like "Take a
 13 Dive" Dance Version is a remix of "Take a
 14 Dive." "Faith" Remix actually incorporates
 15 elements from "Faith." 17:54:07
 16 It's really kind of a -- it's
 17 really kind of a new song, but since it
 18 incorporated the digi-bleeps, the digi-loops
 19 that I was talking about earlier, and it also
 20 had a lot of the same instrumentation, I felt 17:54:21
 21 that it was just a remix.
 22 Q. Does "Take a Dive" alternate
 23 version, is that the song that's at issue in
 24 our case?

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1 MR. DICKIE: Objection, lacks
 2 foundation with respect to Exhibit 32.
 3 A. That I couldn't say because
 4 there were so many alternate versions. I
 5 mean, like I said, I'm kind of curious 17:54:43
 6 where -- I mean, you've stated, represented,
 7 that this -- well, intimated at least that I
 8 created this and that this was produced by my
 9 attorney.
 10 I'd have to speak with him in 17:54:57
 11 private regarding this. I'm not trying to be
 12 evasive. I'm cautious, so I can't admit that
 13 I created this without doing further
 14 research.
 15 (Pringle Exhibit 33 was marked 17:55:33
 16 for identification and/or introduced.)
 17 BY MS. CENAR:
 18 Q. I'm tendering to you what's
 19 been marked as Exhibit 33 which bears a Bate
 20 number of PL0013 and 14. Would you take a 17:55:38
 21 moment and look at that, please.
 22 A. I can barely read this, I'll
 23 tell you that right now.
 24 Q. I'm right there with you, but

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1 that's the condition it was produced to us.
 2 A. This was produced to you in
 3 this condition?
 4 Q. Yes, sir.
 5 Can you tell me what it is? 17:55:58
 6 A. Yes. These are receipts.
 7 Q. For what?
 8 A. Different -- I believe it was
 9 different -- if I could read it, for
 10 different demo CD's that had been sent. 17:56:22
 11 Q. And how do you know that?
 12 A. Because I've seen a legible
 13 version. This is not acceptable to me. I'm
 14 going to try to rectify this and get you a
 15 legible copy. 17:56:37
 16 Q. That would be greatly
 17 appreciated.
 18 A. I apologize for that. This is
 19 asinine right here.
 20 Q. Can you tell me how to read 17:56:43
 21 these things so I know what it is that they
 22 reflect?
 23 A. Well, I can read a couple of
 24 them. The one, the 10019, it says "First

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1 Class Service Destination," that's a demo.
 2 The demos were roughly 2.50 ounces or
 3 2.60 ounces. I can tell that these are all
 4 demos because if you'll look, the cost, which
 5 is difficult to see, but maybe number 1, you 17:57:17
 6 can see the base rate, 87 cents; number 5, 87
 7 cents. I can't specifically read the date.
 8 I believe it says 6-something 2006. These
 9 are basically receipts from demos I sent
 10 around that time. 17:57:38
 11 Q. Are any of them related to
 12 demos that were sent to William Adams?
 13 A. I'd have to look at a legible
 14 copy. I mean, I wear glasses as it is,
 15 ma'am. This is rough. 17:57:48
 16 Q. I can't help you any better
 17 than what I got from your lawyers.
 18 A. I have legible copies of this.
 19 I don't -- I will try to get more legible
 20 copies, and I'd have to look at this 17:58:02
 21 specifically. But I also had -- I had a
 22 handwritten list of who I was sending things
 23 to and also a printed list that I believe I
 24 turned over to Mr. Greely. I don't know if

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1 you got that, but I was --
 2 Q. I did not get that.
 3 Handwritten list and a printed list of who
 4 you sent what to?
 5 A. Different demos over the years. 17:58:25
 6 I have a demo list that goes back to -- I
 7 think it's like 1996 or something.
 8 Q. And is that a document that you
 9 created as you were sending demos out?
 10 A. Yeah. I think it's on a pink 17:58:39
 11 pad, I was writing stuff down and I
 12 actually -- I have the books that I got; I
 13 think I still have the magazines, I believe,
 14 that show the listing of people.
 15 Q. And that was turned over to 17:58:53
 16 your lawyers?
 17 A. It was turned over to Ryan
 18 Greely. I don't --
 19 Q. Do you know why that wasn't
 20 turned over to us? 17:59:02
 21 A. I -- I have no idea, but I --
 22 Q. Would that listing relate to
 23 your claim that you were sending demo CD's
 24 to -- that contained any of the songs at

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1 issue in this case to anybody?
 2 A. I would think so. I mean, I --
 3 it wasn't computer-related. I think that
 4 these I actually scanned in. I have the
 5 original receipts, I believe, still in my 17:59:32
 6 possession, but they're not on the computer.
 7 They're in a brown envelope.
 8 Q. Let's stick with the list, sir.
 9 You said you had a handwritten list and a
 10 printed list of people that you sent the demo 17:59:43
 11 CD to. Do you know why that has not been
 12 turned over to us in this case?
 13 A. No, I don't.
 14 Q. What kind of information is on
 15 this list? 17:59:52
 16 A. I'd have to look at it again,
 17 but it would basically just -- the one that
 18 was handwritten had just different
 19 organizations that demos were sent to and the
 20 printed list was actually from -- and that I 18:00:06
 21 recall turning over. It was a list I bought
 22 on the Internet. I still have that copy of
 23 that, I think.
 24 That was definitely turned

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1 over. Mr. Greely should have that. That was
 2 a list of some of the --
 3 Q. Is that this list (indicating)?
 4 A. No, it's a different list.
 5 That's one that was turned over at the same 18:00:31
 6 time that list was turned over. It was a
 7 list -- oh, I can't remember what it was
 8 exactly but I turned it over to Mr. Greely.
 9 If you didn't get it, I mean, I can certainly
 10 provide it again. 18:00:49
 11 MS. CENAR: I would ask that
 12 that be provided, Counsel.
 13 BY MS. CENAR:
 14 Q. Is there a possibility of
 15 having it provided before this day is over so 18:00:54
 16 that we can ask you questions about it?
 17 MR. DICKIE: I don't know that
 18 it wasn't provided, Counsel.
 19 MS. CENAR: Well, we didn't get
 20 it. 18:01:02
 21 MR. DICKIE: Well, that's what
 22 you say, but I don't know that as a
 23 fact.
 24 MS. CENAR: Well, you do know

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1 it as a fact, and I'm asking you and
 2 I'm asking the witness --
 3 MR. DICKIE: I don't know it as
 4 a fact, and I'm certainly not taking
 5 your representation that it's factual. 18:01:12
 6 BY MS. CENAR:
 7 Q. Do you have -- do you have that
 8 list in a place that we can get it before
 9 your deposition ends today?
 10 A. I'd have to search for it. I 18:01:18
 11 don't have a problem turning it over, but I
 12 mean, I would have to agree with him.
 13 I don't know if you -- you may
 14 have it. If you don't have it, I certainly
 15 would provide it again. I wouldn't have a 18:01:27
 16 problem answering any questions about it if
 17 my attorney agrees to that. But it sounds
 18 like he's adamantly against it.
 19 MR. DICKIE: I don't have any
 20 problems about asking questions, but 18:01:40
 21 I'm not accepting her representation
 22 that in the document production it was
 23 not turned over.
 24 MR. SLOTNICK: How do you know

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1 that when you said it yourself?
 2 MR. DICKIE: That's a
 3 ridiculous question.
 4 MS. CENAR: He knows. He knows
 5 that it wasn't sent. 18:01:54
 6 MR. DICKIE: How do you know
 7 that? You don't know anything at all
 8 about what I know, Ms. Cenar, and for
 9 you to say that is ridiculous.
 10 MS. CENAR: I do, sir. 18:02:03
 11 MR. DICKIE: No, you don't.
 12 MS. CENAR: Can we mark this
 13 exhibit?
 14 MR. DICKIE: Tell me how you
 15 know. Tell me how you know what I 18:02:05
 16 know. Could you be so kind on the
 17 record, sir, to tell me how you're
 18 clairvoyant?
 19 MS. CENAR: Because there have
 20 been representations made by you and 18:02:14
 21 your staff that the document
 22 production from this client has been
 23 complete.
 24 MR. DICKIE: That's right.

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1 That's my understanding of it.
 2 MS. CENAR: Well, it isn't, and
 3 we've requested that document.
 4 MR. DICKIE: Oh, that's right.
 5 You say it isn't, and I disagree with 18:02:27
 6 you.
 7 MS. CENAR: Could you please
 8 mark this as the next exhibit?
 9 MR. DICKIE: But you still
 10 haven't answered how you know and 18:02:28
 11 you're so clairvoyant that you know
 12 what I know. Would you enlighten us
 13 with respect to your clairvoyance? Or
 14 is that something you choose not to do
 15 after having made another false 18:02:40
 16 statement?
 17 MS. CENAR: I've asked you to
 18 mark the next exhibit, please.
 19 MR. DICKIE: I see you choose
 20 not to explain your wisdom and 18:02:46
 21 clairvoyance and your crystal ball.
 22 (Pringle Exhibit 34 was marked
 23 for identification and/or introduced.)
 24 BY MS. CENAR:

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1 Q. I'm tendering to you, sir,
 2 what's been marked as Exhibit 34 which bears
 3 a Bate number of PL0015 through 18. Would
 4 you take a moment and look at that, please?
 5 MR. DICKIE: By the way, what's 18:03:22
 6 the time?
 7 THE REPORTER: The clock time,
 8 sir, 6:03 p.m.
 9 MR. DICKIE: No, the running
 10 time.
 11 THE REPORTER: Running time,
 12 6:09:15.
 13 MR. DICKIE: Thank you.
 14 THE WITNESS: Come on, baby.
 15 A. Okay, I've looked at this. 18:03:35
 16 BY MS. CENAR:
 17 Q. Can you tell me what it is,
 18 sir?
 19 A. Page 1 says "Approved SCSI
 20 Storage Devices for Ensoniq Products," which 18:03:51
 21 the -- page 2 is a continuation as well as
 22 page 3 as well as page 4.
 23 It looks like it has an
 24 addition to approved storage devices, notes

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1 regarding compatibility, different notes
 2 regarding drives, notes regarding resellers,
 3 drive mechanisms, important note about
 4 non-Ensoniq accessories, warranty, and some
 5 other additional notes regarding -- looks 18:04:30
 6 like installation and/or compatibility.
 7 Q. And do you know why that was
 8 turned over to us?
 9 MR. DICKIE: Objection, lack of
 10 foundation. 18:04:42
 11 THE WITNESS: Do you want me to
 12 answer that?
 13 MR. DICKIE: If you can.
 14 A. Yes. This was actually
 15 volunteered by me. 18:04:48
 16 BY MS. CENAR:
 17 Q. For what reason, sir?
 18 A. I can't tell you what the -- it
 19 was attorney-client privileged. There was a
 20 conversation that I had with one of my 18:04:58
 21 attorneys, and although I'm not going to tell
 22 you what the substance of that conversation
 23 was, I felt it necessary to voluntarily
 24 produce these documents to Ryan Greely in an

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1 attempt to try and assist the defense in
 2 being able to set up an ASR-10 as well as to
 3 purchase compatible drives so that you
 4 could -- the defense could look at the NRG
 5 files that were relating to the "Take a Dive" 18:05:47
 6 Dance Version.
 7 And this was something that
 8 was, from what I recall, this is an archive
 9 of the actual Ensoniq website before they
 10 went out of business, that a non-Ensoniq 18:06:04
 11 employee or someone had to do it that
 12 actually archived this to assist other
 13 individuals in trying to find compatible
 14 drives to use with Ensoniq ASR-10.
 15 This is not a complete list, 18:06:20
 16 though, I can tell you that. But this is
 17 what this guy had.
 18 MS. CENAR: Can we mark this as
 19 the next exhibit, please?
 20 (Pringle Exhibit 35 was marked 18:06:43
 21 for identification and/or introduced.)
 22 THE WITNESS: Hey, Dean, can
 23 you get me some water, man?
 24 Appreciate that.

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1 MR. DICKIE: Can I see that?
 2 BY MS. CENAR:
 3 Q. Exhibit 35, take a moment and
 4 look at that. It bears a Bate number of
 5 PLO021. Would you take a moment and look at 18:06:59
 6 that, please.
 7 (Witness reviews document(s).)
 8 A. Okay. I've seen it.
 9 BY MS. CENAR:
 10 Q. Can you tell me what it is, 18:07:07
 11 sir?
 12 A. It's a response from Columbia
 13 Sony in regards to a --
 14 THE WITNESS: Thanks.
 15 A. -- in regards to a demo that 18:07:21
 16 was sent to them. I thought it was a rather
 17 nice e-mail. I've gotten a lot of these, but
 18 this one was -- I particularly like the fact
 19 that they say, "We urge you not to be
 20 disheartened as we receive many demos 18:07:33
 21 everyday and simply cannot look into every
 22 one, but we do wish you the very best of luck
 23 for the future. A&R Department, Columbia
 24 Records."

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1 BY MS. CENAR:
 2 Q. Did you produce this?
 3 A. Yes, I believe I printed this
 4 out and gave this to -- e-mailed this to Ryan
 5 Greely. 18:07:49
 6 Q. The top of this says "Windows
 7 Live Hotmail Print Message." Do you see
 8 that?
 9 A. Yes.
 10 Q. Is this document in the format 18:07:59
 11 that you printed it out when you sent it to
 12 Mr. Greely?
 13 A. I don't know. I don't even
 14 know what that means.
 15 Q. Okay. It says "demo" at the 18:08:11
 16 top. Did you type that in?
 17 A. No, I think that came from
 18 sonybmg, because if you'll look it says A&R
 19 temp1, which is really a bogus -- it's not
 20 really an e-mail address because I think that 18:08:24
 21 they have -- I think they have bogus e-mails
 22 so you can't respond, they won't get flooded.
 23 Q. So it's from an
 24 artemp1@sonybmg.com, correct?

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1 A. Yes, but as far as the "demo"
 2 at the top, I might have put that in but I
 3 don't recall.
 4 Q. And then it has a "Sent" and
 5 it's got a date of 8/14/06 at 11:44 a.m., 18:08:49
 6 correct?
 7 A. Yes.
 8 Q. And then it has a "To," and
 9 there's nothing there. Do you see that?
 10 A. Yeah. I believe that this is a 18:08:54
 11 spoofed e-mail from -- first of all, I
 12 believe it is from sonybmg because I remember
 13 I did send them something, but I believe this
 14 is something -- I believe they may have
 15 programs where you can actually change your 18:09:07
 16 e-mail address and you can change the heading
 17 and I believe it's so that I can't respond.
 18 Because I tried to respond to this to see and
 19 you can't. It's basically kind of a -- I
 20 think they use a program that dissuades 18:09:20
 21 people from responding to them, so...
 22 There was nothing that I did to
 23 change this. This is not spoofed at all by
 24 me. I believe this is something that they

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1 did because I believe that this person
 2 genuinely listened to my CD, which I thought
 3 was excellent. Of course I'm biased.
 4 And I think -- and I've gotten
 5 letters like this before where they say, you 18:09:43
 6 know, don't respond, but we just want to let
 7 you know we appreciate the effort you put in.
 8 So this is actually really the
 9 way I got it and you can -- I still have this
 10 in Hotmail. You can take a look at it. It's 18:09:55
 11 just like this.
 12 Q. Sir, it doesn't have your name
 13 on it as the recipient, does it?
 14 A. No, but it was in my e-mail
 15 account and I still have this e-mail. 18:10:08
 16 Q. And it doesn't make reference
 17 to what demo was actually received?
 18 A. No.
 19 Q. And it doesn't make reference
 20 to any particular song? 18:10:18
 21 A. No, not that I'm aware of.
 22 Q. Do you have any letters from
 23 anybody that you sent demo CD's to that
 24 actually reflect receipt of the song "Take a

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1 Dive" or "Take a Dive" Dance Version?
 2 A. I'm not aware that I have them
 3 anymore. I usually toss them as soon as I
 4 get them if it's not, "Hey, buddy, we want to
 5 sign you to a multimillion dollar deal." 18:10:46
 6 (Demonstrating) so no, I'm not aware of that
 7 at this time, which doesn't mean maybe I have
 8 a couple of letters sitting underneath the,
 9 you know, the desk somewhere. But no.
 10 Q. And you've searched to date and 18:10:59
 11 you have no letters other than this
 12 Exhibit 35 to turn over to us on any
 13 acknowledgment of receipt of any music from
 14 you?
 15 A. What do you mean "any music"? 18:11:14
 16 Any demos?
 17 Q. Anything acknowledging receipt
 18 of a demo that you have sent out.
 19 A. I might have something in my
 20 e-mail account. I'd have to look again. I 18:11:24
 21 know that -- I don't know, I'd have to look
 22 in my e-mail account.
 23 But as far as anything on my
 24 computer or anything, a hard copy, no, I'm

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1 not aware of that, which is not to say that I
 2 might not go in my garage next week and find
 3 a box with a bunch of letters. But I don't
 4 see that happening.
 5 Q. You certainly made an effort to 18:11:50
 6 do that before your deposition, didn't you?
 7 A. Absolutely. I looked for -- I
 8 mean, it behooves me, it benefits me to
 9 provide this type of information. You know,
 10 I wish I had a bunch of letters that I didn't 18:12:02
 11 throw away.
 12 Q. And you made reference in your
 13 declaration and in your complaint to hundreds
 14 of letters that you've received. Would it be
 15 fair to say that you don't have any of those 18:12:13
 16 anymore?
 17 A. Yeah, unfortunately.
 18 Q. And you've made reference to
 19 specific handwritten notes that you received.
 20 Would it be fair to say you don't have any of 18:12:23
 21 those anymore?
 22 A. Hmm. No, but, I mean, if I --
 23 I think if I gave it some thought I could
 24 remember the names. I can tell you one of

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1 the guys is Benny Medina, because -- I
 2 remember him because he told me "Please stop
 3 sending me your demos. I've already heard
 4 them." He sent that letter twice. And I
 5 sent him 10 more demos. The hell with it. 18:12:48
 6 MS. CENAR: Can we mark this as
 7 the next exhibit, please?
 8 (Pringle Exhibit 36 was marked
 9 for identification and/or introduced.)
 10 BY MS. CENAR: 18:13:07
 11 Q. I've tendered to you what's
 12 been marked as Exhibit 36 which bears a Bate
 13 number of PL0023 to 28. Will you take a
 14 moment and look at that, please?
 15 (Witness reviews document(s).) 18:13:24
 16 A. Okay.
 17 BY MS. CENAR:
 18 Q. Can you tell me what Exhibit 36
 19 is?
 20 A. It appears to be correspondence 18:13:45
 21 between just me and somebody named Chad
 22 Becker at the U.S. Copyright Office but this
 23 is not correct.
 24 Q. What do you mean it's not

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1 correct, sir?
 2 A. This wasn't a conversation just
 3 between me and Chad Becker. This -- as a
 4 matter of fact, a majority of this
 5 conversation that occurred -- I'm going to 18:14:23
 6 have to talk to my attorney before I answer
 7 this. I need to speak to him right now,
 8 actually.
 9 MS. CENAR: All right. Let's
 10 take a break. 18:14:31
 11 THE VIDEOGRAPHER: Off the
 12 record at 6:14.
 13 (Recess taken, 6:14 p.m. to
 14 6:23 p.m.)
 15 THE VIDEOGRAPHER: Stand by, 18:23:34
 16 please. We're back on the record at
 17 6:23. This begins Tape No. 5.
 18 BY MS. CENAR:
 19 Q. Have you had an opportunity to
 20 discuss Exhibit 36 with your counsel? 18:23:44
 21 A. Yes.
 22 Q. Okay. You were concerned that
 23 there was something that was missing from
 24 this exhibit?

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1 MR. DICKIE: Object to the form
 2 of the question.
 3 BY MS. CENAR:
 4 Q. Is that right?
 5 MR. DICKIE: It misstates his 18:24:01
 6 concern.
 7 A. Well, this particular sequence
 8 of e-mails wasn't -- where it says "Thanks"
 9 or "Sincerely" and it has my name like it's
 10 from me only, exclusively, is -- a lot of 18:24:18
 11 these responses were -- I conferred and they
 12 were provided or constructed through my
 13 attorney, Mr. Greely, so I -- and I can't
 14 tell you what was and what wasn't constructed
 15 by me and/or wasn't constructed by 18:24:46
 16 Mr. Greely.
 17 That was my concern, and my
 18 concern was -- the reason I took the break is
 19 because I wanted -- I'm not going to tell you
 20 what was discussed with my attorney; but my 18:24:59
 21 concern was, was that attorney-client
 22 privileged, and I guess it's not.
 23 BY MS. CENAR:
 24 Q. Did Mr. Greely write part of

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1 the text of the e-mails that were sent to the
 2 Copyright Office?
 3 A. He wrote most of them, from
 4 what I recall.
 5 Q. And under your signature? 18:25:15
 6 A. I couldn't say. This doesn't
 7 look -- this doesn't look like what I recall
 8 it looking like. There was a -- from what I
 9 recall, there was a three-way conversation
 10 that was going on where I got copies of 18:25:32
 11 certain things. There were certain
 12 conversations that occurred that I wasn't
 13 even a part of that I just got CC'd a copy of
 14 to Mr. Becker.
 15 Q. Sir, these e-mails on 18:25:45
 16 Exhibit 36 are under your e-mail from
 17 bryan_pringle@hotmail.com?
 18 A. Yes.
 19 Q. Is that your e-mail address?
 20 A. Yes. 18:26:00
 21 Q. And it has Bryan Pringle and it
 22 has a telephone number, 210.391.0878 as the
 23 phone number. Is that your phone number?
 24 A. Yes.

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1 Q. Did you write the text?
 2 A. Not all of it. It was -- like
 3 I said, it was conferred with Mr. Greely.
 4 I --
 5 Q. I understand it was conferred 18:26:18
 6 with, but who actually wrote the words that
 7 form the text that was sent under your name
 8 to the Copyright Office?
 9 A. Not all of it was me, I can
 10 tell you that. It looks to me -- well, it 18:26:29
 11 wasn't all me.
 12 Q. Okay. Well, let's look at the
 13 first page which bears a Bate number of
 14 PL0023. In that first e-mail exchange?
 15 A. Yes. 18:26:48
 16 Q. Is any of that your
 17 representation to the Copyright Office?
 18 A. I gotta be honest with you. I
 19 don't know. It's too discombobulated. I
 20 don't even know if that's a word. But I'm 18:27:06
 21 telling you right now there are things that
 22 are missing that had Ryan Greely's name on it
 23 and I don't know why it's not here, because I
 24 mean --

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1 Q. When you say it had his name on
 2 it, what are you referring to?
 3 A. I mean, he had conversation
 4 with Chad Becker that --
 5 MR. DICKIE: Just answer the 18:27:26
 6 question that's being asked of you
 7 with respect to this document,
 8 Mr. Pringle.
 9 BY MS. CENAR:
 10 Q. Are there e-mails missing from 18:27:30
 11 the communications with the Copyright Office
 12 regarding registration of your copyrights
 13 that are at issue in this case?
 14 A. Well, I don't know. If you're
 15 talking -- if you're referring to this 18:27:45
 16 document -- is that what you're referring to,
 17 just for clarification?
 18 Q. I'm referring to this document
 19 as well as any other documents. Are there
 20 communications with the Copyright Office in 18:27:59
 21 connection with the registration of your
 22 copyright that are not reflected in
 23 Exhibit 36?
 24 MR. DICKIE: Objection, asked

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1 and answered.
 2 A. That I was a party to? I
 3 would -- I can't -- honestly, this was done
 4 back in December of 2010. I wouldn't -- I
 5 couldn't say it, but I can tell you that from 18:28:19
 6 what I recall, a lot of this that was
 7 constructed, I wouldn't honestly say that I
 8 constructed this or that I wrote these
 9 things.
 10 BY MS. CENAR: 18:28:36
 11 Q. Okay. So let's go page by
 12 page, then. The first page, Bate number
 13 PL0023, makes reference to a link where a
 14 download of the original version of "Take a
 15 Dive" is referenced. Did you upload music on 18:28:51
 16 that link or is that a Mr. Greely submission?
 17 A. Well, the link may have been
 18 uploaded by me but the actual -- the wording
 19 saying hey, go to this -- because I do recall
 20 that this Chad Becker was very difficult and 18:29:04
 21 he wanted more than just -- we actually --
 22 there should be attachments too that show the
 23 transcription of the actual number.
 24 Q. There should be, and we'll go

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1 to that next page but let's focus on the
 2 first page. The text that's written in that
 3 first e-mail under your signature, that was
 4 written by Mr. Greely, not you?
 5 A. I don't know, but I know that 18:29:28
 6 I'm the one that uploaded to yousendit.com
 7 because that looks like my account, unless --
 8 Q. And do you have a copy of the
 9 actual thing that was uploaded?
 10 A. No. 18:29:39
 11 Q. Is that part of what was on the
 12 hard drive that is now discarded?
 13 A. Honestly I don't know. I know
 14 that these links -- well, let's see what it
 15 says. "Please go here to download the 18:29:52
 16 original version of 'Take a Dive.'" No, that
 17 would be something that was turned over to
 18 the defense on August 8, your expert witness.
 19 It's underneath Altered State's songs.
 20 Q. And the next e-mail, it's an 18:30:05
 21 e-mail from the Copyright Office to you, did
 22 you receive that e-mail on or about
 23 November 30th, 2010?
 24 A. This one looks like a CC copy

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1 even though it doesn't say that. I believe
 2 that this involves a conversation that
 3 occurred between Mr. Becker and Mr. Greely
 4 and that I guess maybe instead of sending a
 5 CC copy he sent one to him, he sent one to 18:30:35
 6 me.
 7 Q. Let's turn to the next page,
 8 PL0024. There is an original message there
 9 from bryan_pringle@hotmail.com sent
 10 11/24/2010, to the Copyright Office to Chad 18:30:52
 11 T. Becker (Registration Specialist).
 12 Do you see that, sir?
 13 A. Yes.
 14 Q. And that's under your
 15 signature. Did you write the text of that 18:31:00
 16 e-mail?
 17 A. Again, I don't know. I mean,
 18 well, it's possible that I wrote it but it's
 19 possible that I didn't construct it, that it
 20 may have been dictated to me or -- it's 18:31:16
 21 possible that someone else wrote it, and I
 22 can't say what was said, but maybe it was a
 23 suggestion.
 24 Q. A lawyer told you what to write

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1 and you wrote it?
 2 MR. DICKIE: Object to the form
 3 of the question, it's argumentative.
 4 BY MS. CENAR:
 5 Q. Is that right, sir? 18:31:37
 6 THE WITNESS: Do you want me to
 7 answer that?
 8 MR. DICKIE: You can answer the
 9 question.
 10 A. Yes. 18:31:45
 11 BY MS. CENAR:
 12 Q. Okay. It makes reference here,
 13 "The attached score is for the 'Main Theme'
 14 and also for the 'Guitar Twang Sequence'
 15 only." 18:31:53
 16 Do you see that?
 17 A. Yes.
 18 Q. What is the attached score?
 19 A. I believe that is a -- that was
 20 a document produced by someone else that was 18:32:06
 21 a -- it was a consultant?
 22 THE WITNESS: Do you want me to
 23 answer this question?
 24 MR. DICKIE: Yes.

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1 THE WITNESS: Do you want me to
 2 tell them who it was?
 3 MR. DICKIE: Just answer the
 4 question.
 5 BY MS. CENAR: 18:32:26
 6 Q. I would like you to tell me
 7 what it was and who created it.
 8 MR. DICKIE: But if it's a
 9 consultant you need not disclose the
 10 consultant. 18:32:33
 11 A. Okay, this, what this was
 12 regarding is a -- it was an excerpt from a
 13 musicologist's report that had transcribed
 14 the main theme as well as the guitar twang
 15 sequence and I took a -- I believe that that 18:32:45
 16 was me. I took an excerpt of it because
 17 Mr. Becker -- I think I remember this.
 18 He wanted to look at the actual
 19 notes and he wanted to show them to the -- a
 20 higher-up to see if this should be covered 18:33:02
 21 under the original copyright or if this could
 22 actually enjoy a new composition copyright,
 23 not just a sound recording copyright.
 24 So the main them and the guitar

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1 twang sequence was a PDF excerpt that
 2 basically just showed the transcribed main
 3 theme and the guitar twang sequence notes.
 4 MS. CENAR: All right. I ask
 5 that the attachment be produced. 18:33:29
 6 BY MS. CENAR:
 7 Q. Could you turn to the next
 8 e-mail on the bottom of PL0024 and the top of
 9 PL0025? That's an e-mail from
 10 bryan_pringle@hotmail.com sent 11/23/2010 to 18:33:40
 11 the Copyright Office under your signature.
 12 Do you see that?
 13 A. Yeah.
 14 Q. Did you write the words in that
 15 e-mail to the Copyright Office? 18:33:54
 16 A. I'm trying to read this real
 17 quick, let me read it and I'll respond.
 18 (Witness reviews document(s).)
 19 A. I can't recall. I mean, the
 20 facts contained in there are true, but... 18:34:24
 21 Q. We're going to go over that in
 22 a minute. I just want to know first, did you
 23 write the words in that e-mail and make those
 24 representations to the Copyright Office on or

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1 about November 23rd, 2010?
 2 A. I really can't say. I mean,
 3 it's definitely my name, it says it comes
 4 from me, but I can't say that I specifically
 5 constructed that sentence by myself and 18:34:54
 6 represented that, because --
 7 Q. Let's take it sentence by
 8 sentence. The first sentence says, "I don't
 9 have the capability to upload only the Guitar
 10 Twang Sequence and slightly derivative drum 18:35:04
 11 beat."
 12 Do you see that? Are those
 13 your words?
 14 A. Hold on a second. Before I
 15 answer that I need to read what was his 18:35:16
 16 request to understand. There's something
 17 missing here. This is out of context,
 18 so I --
 19 Q. Now, the e-mail that you're
 20 responding to is on the one below it on page 18:35:29
 21 PL0025, take a moment and look at that.
 22 A. No, there's an e-mail missing
 23 here.
 24 Q. This is how it was produced to

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1 us, sir.
 2 A. Well, it's not correct, because
 3 this guy -- this guy wanted me to -- I can't
 4 remember what. He made a -- I can't remember
 5 if it was a telephone call or it was an 18:35:46
 6 e-mail. I think it may have been a telephone
 7 call. And I don't recall -- I do recall
 8 there's something missing here because
 9 this -- what he was requesting wasn't
 10 possible but I can't remember why 18:36:00
 11 specifically.
 12 This does sound familiar. This
 13 sounds like something I might have written,
 14 but I'm not saying I wrote it entirely
 15 myself. But it's -- out of context, it looks 18:36:10
 16 like I can't provide the guitar twang
 17 sequence. That wasn't -- really wasn't what
 18 he was requesting, it has something to do
 19 with something completely different. I do
 20 recall that because it was a request that I 18:36:23
 21 said, "This guy doesn't know what the heck
 22 he's doing."
 23 Q. Your e-mail makes a
 24 representation to the Copyright Office in

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1 connection with your request to register your
 2 copyright that says, "I don't have the
 3 capability to upload only the Guitar Twang
 4 Sequence and slightly derivative drum beat."
 5 A. Yeah, but he -- 18:36:40
 6 Q. Is that a true statement or
 7 not, sir?
 8 A. That I wrote that?
 9 Q. No. Is that statement that I
 10 just read in your e-mail to the Copyright 18:36:47
 11 Office a true statement or not?
 12 A. I don't think I could answer it
 13 that way. I have to elaborate. I would say
 14 based upon this statement, I would have to
 15 know in what context, because the tracks are 18:37:11
 16 not -- they don't play by themselves.
 17 Like I was saying, the
 18 instrumentation for the guitar twang sequence
 19 and the sequence that plays is not just
 20 one -- it's not just the guitar twang 18:37:25
 21 sequence. But I honestly, to be frank with
 22 you, I don't know if I could answer either
 23 way or not and I don't even know if I wrote
 24 this.

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1 Q. The last sentence in that
 2 particular e-mail representation to the
 3 Copyright Office, you state, "I didn't record
 4 individual tracks for the new sound
 5 recording, but rather the entire song with 18:37:47
 6 the additional musical authorship."
 7 Do you see that? Is that a
 8 truthful statement?
 9 A. "I didn't record" --
 10 (Witness reviews document(s).) 18:37:59
 11 A. I think when referring to the
 12 MP3, I believe that would be correct. But I
 13 think I was -- I think -- I don't think I
 14 would rephrase it as a "new sound recording."
 15 I think we're talking about a conversion, 18:38:21
 16 because if you look here -- I think what
 17 you're doing is taking this out of context.
 18 If you look at the first e-mail --
 19 BY MS. CENAR:
 20 Q. Sir, I'm not taking it out of 18:38:30
 21 context. I'm asking you that one sentence --
 22 MR. DICKIE: Let the witness
 23 finish his answer, Counsel.
 24 BY MS. CENAR:

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1 Q. -- in the one e-mail, if that's
 2 a true statement or not?
 3 MR. DICKIE: Counsel, the
 4 witness hadn't finished his answer
 5 when you interrupted him. 18:38:41
 6 A. Yeah, let me --
 7 BY MS. CENAR:
 8 Q. Please answer my question, sir.
 9 MR. DICKIE: Let him finish his
 10 answer first. 18:38:44
 11 A. Yeah, let me try to explain to
 12 you what I'm talking about. If you look at
 13 the first e-mail, it says -- specifically it
 14 says Chad Becker. If you go down to line
 15 one, two, three, four, five, it says, "I have 18:38:54
 16 posted the original version online, so you
 17 can download it if you want, since your email
 18 system won't allow for an attachment of that
 19 size," and then I have a yousendit.
 20 Over here, you're talking about 18:39:09
 21 the individual tracks again and what you're
 22 referring to as the new sound recording.
 23 What I was probably referring to was trying
 24 to -- because they have a size limit, like

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1 I -- it stated earlier, you can't just send,
 2 you know, a 100-megabyte 760-bit file size.
 3 So I think this statement -- I
 4 think it's -- when I say "new sound
 5 recording," I think that's a misnomer. I 18:39:39
 6 think what I'm really trying to say is, hey,
 7 your system won't take the old file that I
 8 have that may have been a wav file.
 9 And so a "new sound recording"
 10 to a layperson was actually -- I might have 18:39:50
 11 been just trying to -- because the guy
 12 wasn't -- I'm not saying he was the smartest
 13 guy. The guy was very difficult, so it was
 14 probably a converted -- to try to downsize it
 15 to get in their system. 18:40:04
 16 So I wouldn't say -- I would
 17 say that's out of context. I couldn't say
 18 that that's true or false, but I can't recall
 19 specifically. But I think when I say "new
 20 sound recording," I think I'm referring to a 18:40:14
 21 converted, scaled-down MP3 file.
 22 BY MS. CENAR:
 23 Q. Mr. Pringle, in November
 24 of 2010, you had the capability of creating

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1 an isolated guitar twang sequence from your
 2 NRG file, didn't you?
 3 A. Yeah, but what -- I mean, yes,
 4 that's true, but not -- I think -- what we're
 5 talking -- I mean, I don't see how this is 18:40:41
 6 relevant to the case at all, but I'll answer
 7 the question.
 8 There was -- there's
 9 conversation missing from here. This is out
 10 of context. So I wouldn't say that these 18:40:50
 11 statements in and of themselves, without
 12 referencing the other conversations that were
 13 occurring and the limitations and also the
 14 conversations that occurred with Mr. Greely,
 15 that these can be taken at face value. 18:41:03
 16 Q. Well, I can only ask questions
 17 about the documents that were produced to me,
 18 and that's what I'm doing.
 19 In this e-mail, in the
 20 representation that was made under your 18:41:13
 21 signature to the United States Copyright
 22 Office in an effort to get the copyright
 23 registered, you made a representation stating
 24 that "The entire song was actually created on

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1 a vintage keyboard."
 2 What was the vintage keyboard
 3 you were referring to in your e-mail to the
 4 Copyright Office?
 5 A. Well, the ASR-10 if this was 18:41:32
 6 something that I wrote, and again, I'm not
 7 acknowledging that. But --
 8 Q. The next sentence says, "The
 9 vintage keyboard which I used to create the
 10 sound recording is broken (it actually 18:41:42
 11 started smoking and now won't turn on, and
 12 since the company that manufactured the
 13 vintage keyboard is out of business, I can't
 14 find replacement parts or a service repair
 15 shop) and I have been unable to locate 18:41:55
 16 another to replace it, unfortunately."
 17 Do you see that?
 18 A. Uh-huh.
 19 Q. Is that in reference to the
 20 first, second or third ASR-10 that you 18:42:02
 21 testified to earlier?
 22 A. Hmm. That I don't know.
 23 Q. Is that a truthful statement as
 24 of November --

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1 A. Well, that sentence --
 2 Q. -- 23rd, 2010?
 3 A. The vintage keyboard, I
 4 couldn't find replacement parts, that's true.
 5 I don't remember which one it was. 18:42:26
 6 But as far as I couldn't record
 7 individual tracks for the new sound
 8 recording, there was a period of time when
 9 that keyboard did work and I did, at the
 10 request of my attorney, record the individual 18:42:40
 11 tracks.
 12 However, I believe at this
 13 specific time, when this request was made
 14 upon me, I did not have the ability nor did I
 15 keep those tracks. I turned them over to my 18:42:53
 16 attorneys, so I didn't have the ability, I
 17 believe, to do what he was asking me to do.
 18 I think that's what's going on here.
 19 Q. And you recall that at the same
 20 time you were making these representations to 18:43:04
 21 the Copyright Office, you actually were
 22 filing, with the federal district court in
 23 California, for an ex parte application for
 24 entry of a temporary restraining order; do

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1 you recall making those filings with the
 2 court in California?
 3 A. I didn't make those filings, my
 4 attorney did. As a layperson, I can tell you
 5 I rarely see this guy, and so, I mean, there 18:43:26
 6 may be months that go by when something may
 7 have occurred in court and I'm not aware of
 8 it, so I --
 9 Q. You filed a declaration in
 10 support of that motion, sir. 18:43:39
 11 A. Okay.
 12 Q. So you were aware that you were
 13 applying for a temporary restraining order in
 14 this litigation?
 15 A. Yeah, but you're talking about 18:43:45
 16 a specific date. You said at the --
 17 THE WITNESS: Can you repeat
 18 what she said?
 19 MS. CENAR: Sure.
 20 (The reporter read back the 18:44:12
 21 following portion of the preceding
 22 record.)
 23 "QUESTION: And you recall that
 24 at the same time you were making these

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1 representations to the Copyright
 2 Office, you actually were filing, with
 3 the federal district court in
 4 California, for an ex parte
 5 application for entry of a temporary
 6 restraining order; do you recall
 7 making those filings with the court in
 8 California?"
 9 (End of readback.)
 10 A. And my response is no, I didn't 18:44:14
 11 make them, my attorneys did. Second of all,
 12 you said at the time that this was going on.
 13 I don't know when that was filed, this
 14 particular ex parte injunction or whatever.
 15 It certainly wasn't delivered to the court by 18:44:25
 16 me.
 17 And as far as whatever date was
 18 on my affidavit, that doesn't necessarily
 19 mean that, you know, the different time or --
 20 is from what I recall of the affidavits that 18:44:38
 21 I've signed, they may have been held for a
 22 couple of weeks. So if you're saying it was
 23 all going on at, you know, this November
 24 23rd, 13:27:27, I don't know.

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1 BY MS. CENAR:
 2 Q. The next e-mail down on the
 3 bottom of PL0025 is another e-mail from you
 4 to the Copyright Office dated 11/20/2010
 5 under your signature. Were those your 18:45:05
 6 representations and your words?
 7 A. Definitely not. I would never
 8 say "92% of the new sound recording."
 9 Q. Whose words were those, sir?
 10 MR. DICKIE: Objection, lack of 18:45:28
 11 foundation.
 12 THE WITNESS: Do you want me to
 13 answer that?
 14 MR. DICKIE: If you know the
 15 answer. 18:45:33
 16 A. I can tell you the same
 17 guy that -- the same consultant that did the
 18 transcription of the main theme on PL0024,
 19 the second e-mail for the main theme and the
 20 guitar twang sequence. That sounds like Ryan 18:45:49
 21 Greely.
 22 BY MS. CENAR:
 23 Q. The second sentence in there
 24 says "The 'Guitar Twang Sequence' was not

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1 played over the old sound recording from
 2 1998, but along with a total new
 3 (uncopyrighted) 'mixdown' sound recording."
 4 Do you see that, sir?
 5 A. Yes. 18:46:09
 6 Q. What is a "mixdown sound
 7 recording"?
 8 A. Let me read this real quick so
 9 I understand what it --
 10 (Witness reviews document(s).) 18:46:36
 11 A. Yeah. I believe that this part
 12 was actually written by Ryan Greely. I think
 13 it was to -- well, to answer your question --
 14 BY MS. CENAR:
 15 Q. What is the mixdown sound 18:46:48
 16 recording? What is that?
 17 THE WITNESS: Do you want me to
 18 answer that?
 19 MR. DICKIE: If you know what
 20 he meant, but if you -- 18:46:55
 21 THE WITNESS: Unfortunately, I
 22 do know what he meant.
 23 MR. DICKIE: Then you can
 24 testify.

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1 A. Well, I can tell you what I
 2 think he meant. This sequence right here was
 3 not -- of words was not constructed by me.
 4 The problem that was occurring was that
 5 Mr. Becker, who in my opinion knew absolutely 18:47:16
 6 nothing about music, was -- and there's
 7 e-mails there -- and again, like I said
 8 before, that were between him and Mr. Greely
 9 I got copies of.
 10 This was, in my opinion, a way 18:47:29
 11 for -- to get Mr. Becker onboard because he
 12 was resistant to filing a P.A. copyright,
 13 which is a musical composition copyright.
 14 You can have the same exact
 15 identical song with the same exact musical 18:47:42
 16 composition; however, as long as you record
 17 what's said here, a totally new mixdown sound
 18 recording, which is a new sound recording,
 19 you could still get it copyrighted through
 20 form SR, and I believe -- and you'd have to 18:47:57
 21 talk to Mr. Greely.
 22 I think that what he was
 23 saying -- and I'm not saying that he was
 24 intentionally nefarious in any way. It might

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1 have been just a miscommunication.
 2 I believe that he constructed
 3 this and he was -- maybe he was under the
 4 impression that it was a new sound recording
 5 so it should be copyrighted instead through 18:48:20
 6 the sound recording instead of the P.A.
 7 I believe that that's why these
 8 words were used, and although I can't tell
 9 you what was said between me and him, I can
 10 tell you that this is certainly not something 18:48:34
 11 that I would have wrote on my own.
 12 BY MS. CENAR:
 13 Q. So let's turn to the page
 14 PL0027. And actually, the bottom of 26,
 15 which starts the e-mail from 18:48:47
 16 bryan_pringle@hotmail.com sent 11/16/2010 to
 17 the Copyright Office, Chad T. Becker.
 18 Do you see that?
 19 A. Are you talking about the last
 20 e-mail? 18:49:02
 21 Q. Yes, sir.
 22 A. Yes.
 23 Q. Okay. And it goes on to the
 24 top of PL0027, where the text of that e-mail

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1 over your signature exists. Do you see where
 2 I'm referring to, sir?
 3 A. The next page, PL0028?
 4 Q. 27.
 5 A. Okay, yeah. 18:49:29
 6 Q. All right. The first paragraph
 7 of the e-mail that's under your signature
 8 says, "I wrote the entire 'Take a Dive'
 9 (Dance version) song. I made an original
 10 version of 'Take a Dive' (copyrighted in 18:49:40
 11 1998); about a year later in 1999, I made the
 12 'Take a Dive' (Dance Version), in which I
 13 only added the 'Guitar Twang Sequence' to the
 14 original version of 'Take a Dive' and
 15 slightly changed the bass drum placement 18:49:54
 16 (from 2 to 4 hits per measure)."
 17 Is that a truthful
 18 representation?
 19 A. This was written by Ryan
 20 Greely, but let me read it. 18:50:05
 21 (Witness reviews document(s).)
 22 A. That I don't know, that would
 23 call for a legal conclusion. But also, I'll
 24 be frank with you. I didn't read most of

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1 what Ryan did because I didn't particularly
 2 agree with this copyright. I didn't think it
 3 was necessary, and unfortunately I probably
 4 should have read what he was writing here
 5 because I don't agree with it. 18:50:41
 6 BY MS. CENAR:
 7 Q. I asked you with the first
 8 sentence I just read in the record, was that
 9 statement a truthful statement?
 10 A. Are you saying that -- are 18:50:55
 11 you -- I'd have to understand where you're
 12 coming from. Are you saying that I wrote
 13 this statement or are you saying it was a
 14 truthful statement when Ryan Greely wrote it?
 15 Because I don't know what his frame of mind 18:51:06
 16 was.
 17 Q. Sir, are the facts in the
 18 sentence that I just read accurate or not?
 19 A. Well, I don't know.
 20 MR. DICKIE: She's only talking 18:51:16
 21 about the first sentence and the
 22 second sentence.
 23 A. Oh, I'm sorry. You're talking
 24 about I wrote the "Take a Dive" song and I

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1 made an original version of --
 2 (Witness reviews document(s).)
 3 A. I believe so, yeah.
 4 BY MS. CENAR:
 5 Q. Okay. The next sentence says, 18:51:58
 6 "The 'Guitar Twang Sequence' was based upon
 7 the chorus vocal's sequence in the original
 8 version of 'Take a Dive' (but in instrumental
 9 form)."
 10 Do you see that? 18:52:11
 11 A. Yes, I see that.
 12 Q. Is that an accurate statement?
 13 A. As discussed earlier, first of
 14 all, this does not look like something I
 15 wrote. Secondly, I can't tell you, like I 18:52:19
 16 discussed earlier, the "Faith" -- it was
 17 based upon "Faith"'s first vocals.
 18 Also, I can't tell you what I
 19 said to my attorney. I didn't write this,
 20 but I can tell you that I was -- I can tell 18:52:35
 21 you right now, and then, without disclosing
 22 attorney-client privileged information, I was
 23 irritated then and I'm irritated now.
 24 And I can tell you that this

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1 particular statement that you're saying, that
 2 you're referencing, I wouldn't disagree with
 3 it but I wouldn't agree with it. But I also
 4 would -- just my personal opinion, the
 5 petition needs to be changed and I believe 18:53:02
 6 that I have exercised concern over what this
 7 says.
 8 But I don't necessarily
 9 disagree with it. It's just -- it's not
 10 totally accurate, but... I wouldn't say it's 18:53:16
 11 totally accurate, but I wouldn't say there
 12 was any nefarious intent to deceive or... I
 13 think there was a miscommunication.
 14 Q. Do you know why Mr. Greely was
 15 sending e-mails to the Copyright Office under 18:53:33
 16 your name and signature?
 17 A. Yes.
 18 Q. Why?
 19 THE WITNESS: Do you want me to
 20 answer that? 18:53:44
 21 A. I can tell you -- I'm not going
 22 to tell you what was said between Mr. Greely
 23 because that's attorney-client privileged,
 24 but I can tell you that I didn't want to

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1 register this copyright, this here. I didn't
 2 want to -- I didn't feel it was necessary.
 3 I'm sorry. I didn't feel it was necessary.
 4 Also, I'm a lazy person when it
 5 comes to e-mails. I hate writing this crap. 18:54:08
 6 This particular Chad T. Becker irritated --
 7 irritated me and a lot of people that worked
 8 at the registration office irritated me.
 9 Mr. Greely -- I can't say
 10 represented to me, but it was my 18:54:26
 11 understanding that I wasn't really going to
 12 have to do much other than send copies of
 13 conferred statements that were made and
 14 registered under my name and just give them
 15 the credit card information or whatever. 18:54:44
 16 BY MS. CENAR:
 17 Q. Did you authorize that this
 18 e-mail get sent, sir?
 19 A. That I don't know. I couldn't
 20 say. There's -- I mean, this is how you got 18:54:55
 21 this? You're saying that there was
 22 nothing -- there --
 23 Q. Can you turn to the fourth
 24 paragraph on PL0027, sir, where it says, "As

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1 far as the publishing requirement stands"?

2 Do you see that?

3 A. Where is that, PL --

4 Q. On page 27.

5 A. Yes. 18:55:15

6 Q. The one, two, three, fourth

7 paragraph down where it says, "As far as the

8 publishing requirement stands," do you see

9 that?

10 A. Yes. 18:55:22

11 Q. It says, "the song was

12 published electronically on the Internet and

13 sold on MP3.com, back in 1999."

14 Is that a truthful statement?

15 A. The song was published 18:55:36

16 electronically and sold back in 1999...

17 (Witness reviews document(s).)

18 A. Took down -- what? Took down

19 my advertisement and web page?

20 (Witness reviews document(s).) 18:56:11

21 A. I don't even understand what

22 this... "I'm a bit con-" -- it says, "I'm a

23 bit confused."

24 Are you asking me about that

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1 whole paragraph there?

2 BY MS. CENAR:

3 Q. I'm going sentence by sentence,

4 sir.

5 A. "As far as the publish-" -- 18:56:26

6 "the song was published electronically, back

7 in 1999." Yeah, I guess I would agree with

8 that.

9 Q. So "MP3.com was sold to a

10 French company many years ago, which 18:56:41

11 essentially took down my advertisement and

12 webpage that sold the published version of

13 'Take a Dive' (Dance Version)."

14 Is that accurate?

15 A. Let me try to digest that. 18:56:51

16 It's been a while since I've been here

17 answering questions. My brain is going to

18 mush.

19 (Witness reviews document(s).)

20 A. MP3 was sold to a French 18:57:01

21 company. I don't know if they sold it to a

22 French company. I know that they gave it to

23 them because they lost a lawsuit for

24 copyright infringement, so I wouldn't agree

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1 with that.

2 They took down my adver- -- I

3 don't even know what this advertisement is

4 referring to. And a web page that sold the

5 published version -- 18:57:26

6 BY MS. CENAR:

7 Q. The next sentence says, "The

8 MP3 itself, which was sold (and uploaded to

9 the Copyright Office on 11/15/10), is

10 actually the best version of the published 18:57:35

11 song."

12 Do you see that?

13 A. Yeah. I don't -- I don't

14 understand this entire paragraph. But again,

15 I mean, this is -- I don't know if this is 18:57:46

16 something that I wrote. I'd have to talk to

17 Mr. Greely about this. I don't really

18 understand and it's --

19 MR. DICKIE: She's only asking

20 you whether the facts in it are 18:57:58

21 accurate.

22 THE WITNESS: Well, yeah, and I

23 can't say for sure if they are

24 accurate. I'm confused about the

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1 wording.

2 BY MS. CENAR:

3 Q. Those were not representations

4 that you made of your personal knowledge to

5 the Copyright Office; is that fair? 18:58:14

6 MR. DICKIE: Objection,

7 misstates his testimony.

8 A. I would really have to read

9 this and digest it. I can't answer right

10 here on the spot to -- I'm getting tired, and 18:58:24

11 also I'm having problems with my eyes.

12 But more importantly, I

13 can't -- at this late hour, I cannot piece

14 together a lot of this. My brain is just

15 not -- I haven't eaten all day either. 18:58:40

16 I would have to -- I'd like to

17 answer your question, but to be perfectly

18 frank with you, I'm going to need some more

19 time to read this to respond properly because

20 I don't understand. 18:58:51

21 I don't know if it's maybe

22 because I'm getting light-headed or maybe I

23 just don't understand the wording of this.

24 But, I mean, I can't answer you either way at

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1 this time about that particular...

2 BY MS. CENAR:

3 Q. These were representations that

4 were made under your signature to the United

5 States Copyright Office in order to get a 18:59:08

6 registration to issue, and is it your

7 testimony that you can't tell me what it

8 means?

9 A. First of all, I've already

10 stated that not all this correspondence was 18:59:17

11 written by me, and I know that for a fact.

12 The second thing is, as far as

13 the truth of these statements, some of

14 these -- some of these things have to do with

15 what I consider to be legal representations, 18:59:36

16 which I don't -- I don't feel I have the

17 expertise to discuss.

18 And I'd have to read this

19 entire -- I'd have to read this entire thing,

20 because the way that -- 18:59:53

21 Q. Well, please do, sir.

22 A. Well, I can read it but I don't

23 know if I can -- one of the problems that

24 I've had with Mr. Greely is the way that he

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1 writes things, sometimes I don't understand

2 and we're just (demonstrating) different.

3 Q. These were representations made

4 under your signature to the United States

5 Copyright Office in connection with your 19:00:14

6 attempt to get a registration issued.

7 A. I object to that. I don't

8 agree that it's my signature. Anybody could

9 have printed my name. And for all I know,

10 you could have printed this 10 minutes ago. 19:00:26

11 Q. It bears a Bate number PL0027

12 from your counsel's office.

13 A. Yeah, but that doesn't

14 necessarily mean -- and I know for a fact

15 that I didn't write all this stuff, because 19:00:41

16 some of this -- I don't --

17 Q. Did you give Mr. Greely your

18 e-mail login credentials to your Hotmail

19 account?

20 A. No, but I don't use "pending 19:00:53

21 litigation." That's not even something I

22 would even say, "pending litigation." I'm

23 suing somebody's butt, that's probably what I

24 would say.

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1 As far as what you got here, my

2 personal opinion is that some things have

3 been vetted out of this. So, I mean, you

4 know -- and I certainly didn't have a party

5 to this vetting things out of here, but I 19:01:14

6 kind of feel like I'm being sideswiped by

7 both you and maybe my attorneys.

8 I don't think this is -- I

9 really don't want any part of this particular

10 series of e-mails. I'd have to -- I mean, I 19:01:33

11 seriously would have to go talk to Mr. Greely

12 and ask him what the heck's going on here.

13 This is not right.

14 Q. Sir --

15 MR. DICKIE: Just answer the 19:01:44

16 question.

17 BY MS. CENAR:

18 Q. You've filed a lawsuit --

19 THE WITNESS: I am answering

20 the question. 19:01:48

21 BY MS. CENAR:

22 Q. -- based on a registration and

23 you're maintaining a lawsuit based on a

24 registration that resulted from these

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1 communications.

2 A. No, that's incorrect. I filed

3 a copyright registration back in 1998 and I

4 have maintained at all times that that

5 particular registration in 1998, regardless 19:02:04

6 and irrelevant of this, is the basis of my

7 lawsuit.

8 This particular registration

9 was for a sound recording. It was done at

10 the behest of my attorney. I don't agree 19:02:17

11 with it.

12 Also, you're producing

13 something to me saying -- your inference is,

14 and I think it's pretty obvious that what

15 your inference is is that I personally signed 19:02:29

16 something and misrepresented to the Copyright

17 Office so that I could proceed with this

18 litigation. I didn't need to do that.

19 On top of that, I take high

20 offense to the fact that I've told you on 19:02:41

21 multiple occasions that I didn't write all

22 this, and I'm not going to sit here and be

23 insulted and have you continually state to me

24 that this is my signature. I want you to

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1 show me on this document where my specific
 2 handwritten signature is. It's not on there.
 3 Q. And you're holding up
 4 Exhibit 36. Is that --
 5 A. This is Exhibit 36. I want you 19:03:01
 6 to show my handwritten signature, because it
 7 doesn't exist on here.
 8 And it's irritating me and I
 9 think I've been very kind, I've been very
 10 patient trying to explain that to you, and I 19:03:12
 11 think what you're trying to do is lead me to
 12 admit something that's false because of the
 13 late hour and because I'm -- because I'm
 14 light-headed and I haven't eaten. It's
 15 ridiculous. 19:03:23
 16 Q. Can you tell me how these
 17 e-mails are coming from your e-mail account,
 18 bryan_pringle@hotmail.com?
 19 A. These are not e-mails. Ma'am,
 20 this a piece of white paper that has print on 19:03:33
 21 it. Show me where -- can you fit this inside
 22 a computer? No, you can't. This is not
 23 necessarily an e-mail and I'm telling you
 24 right now and I've represented, this is

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1 probably the 23rd time.
 2 I could go back and have her
 3 represent and tell you, I've stated
 4 continuously, these are not things that I'm
 5 saying that I wrote myself and this is not 19:03:52
 6 necessarily my signature. It's certainly not
 7 my handwritten signature. A lot of this
 8 contained in here is not things that I would
 9 even say. I don't say "pending litigation."
 10 I say "lawsuit." 19:04:04
 11 Q. Ryan Greely is in connection
 12 with what law firm, sir?
 13 A. The Law Offices of Ira Gould.
 14 Q. And are they involved in any
 15 contingency-fee arrangement in connection 19:04:15
 16 with this litigation where they'll
 17 financially benefit from the outcome of the
 18 litigation?
 19 MR. DICKIE: I object to the
 20 request again. 19:04:26
 21 MS. CENAR: You can answer my
 22 question.
 23 MR. DICKIE: You need not
 24 answer what the financial fee

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1 arrangement is.
 2 A. I'm going to take on the advice
 3 of counsel. I'm not going to answer that
 4 question.
 5 BY MS. CENAR: 19:04:34
 6 Q. Have there been other
 7 representations to the Copyright Office in
 8 order to get a registration to issue so that
 9 this lawsuit can be maintained?
 10 MR. DICKIE: Objection, it 19:04:42
 11 assumes facts that anything is
 12 required to maintain and that's
 13 contrary -- you've misstated the
 14 witness' personal testimony with
 15 respect to that. 19:04:50
 16 A. This lawsuit does not need to
 17 be maintained by a sound recording which does
 18 not, according to your allegations, does not
 19 actually copyright the musical composition.
 20 The original copyright 19:05:00
 21 registration that I made in 1998 is what
 22 I'm -- that I'm asserting is the basis for my
 23 allegations against the Black Eyed Peas. The
 24 song was registered, it's a valid

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1 registration.
 2 However, I will go further to
 3 say that my understanding based upon
 4 copyright laws pursuant to my education as
 5 well as community college is that the 19:05:29
 6 Copyright Office does not make the ultimate
 7 determination of whether what is and what is
 8 not a valid copyright.
 9 The only thing to my knowledge
 10 that the Copyright Office does is make a 19:05:42
 11 public registration, make it available to the
 12 public, just as I'm asserting that your
 13 clients' copyrights for "I Gotta Feeling" is
 14 invalid, even though it was registered, so I
 15 take offense again to the fact that you're 19:05:57
 16 intimating and inferring and pretty much
 17 outright stating that there was some
 18 misrepresentation, intentional, that was
 19 nefarious on my part to gain another
 20 copyright registration which has absolutely 19:06:10
 21 no bearing on any sort of jury verdict or
 22 determination by federal court.
 23 It's irrelevant and I'm
 24 offended by the fact that you would infer

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1 that I made any such misrepresentations. I
 2 don't need to make any misrepresentations to
 3 the Copyright Office. And I think what
 4 you're inferring is disgusting and you know
 5 it has no relevance to the actual 1998 19:06:30
 6 copyright registration and the validity of my
 7 claim.
 8 BY MS. CENAR:
 9 Q. The 1998 copyright registration
 10 doesn't have the guitar twang sequence in the 19:06:39
 11 song "Take a Dive," does it, sir?
 12 A. No, but the 1998 copyright
 13 registration covers any material and any
 14 derivative version. Maybe you need to read
 15 the copyright law again. 19:06:54
 16 Q. And could you turn back to
 17 PL0027, please, first paragraph of your
 18 e-mail to the Copyright Office?
 19 MR. DICKIE: Before we have
 20 another question, what's the running
 21 time?
 22 THE REPORTER: 7:03:36, sir.
 23 MR. DICKIE: Seven hours and
 24 what?

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1 THE REPORTER: 03:38, 39 --
 2 MR. DICKIE: Counsel, we're
 3 past the seven hours.
 4 MS. CENAR: I have a pending
 5 question. 19:07:13
 6 MR. DICKIE: Well, you can get
 7 an answer to the pending question,
 8 that's fine.
 9 THE WITNESS: I'm sorry, could
 10 you repeat the question? 19:07:17
 11 MR. DICKIE: What's the
 12 question? Could you read the last
 13 question back?
 14 BY MS. CENAR:
 15 Q. Yes. Turn to PL0027, the first 19:07:20
 16 paragraph, the last sentence in that
 17 paragraph. It states, "Because of the
 18 pending litigation, although I have proof
 19 that the 'Guitar Twang Sequence' was created
 20 in 1999, I need to copyright it, because I am 19:07:31
 21 of the understanding, that I cannot continue
 22 to litigate my copyright infringement
 23 lawsuit, unless I actually copyright the
 24 'Take a Dive' (Dance Version) which contained

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1 the 'Guitar Twang Sequence.'"
 2 Do you see that, sir?
 3 A. Yeah, and I've already answered
 4 it. I didn't write that.
 5 Q. Is that not a -- is that not 19:07:50
 6 your understanding?
 7 MR. DICKIE: Objection. Asked
 8 and answered.
 9 A. Ma'am, I've already -- no, I
 10 want to answer this. 19:07:55
 11 Ma'am, I've already answered
 12 it. My copyright registration in 1998, which
 13 was what, 11 years before the Black Eyed Peas
 14 came out with "I Gotta Feeling," not to
 15 mention the numerous songs that they've also 19:08:07
 16 infringed on, do you want to talk about that?
 17 Why the hell would I care about
 18 a sound recording copyright in 2010 when I've
 19 got upwards of 10 to 15 songs that they've
 20 infringed on? I couldn't care less about 19:08:22
 21 this.
 22 And like I said before,
 23 Mr. Greely and the law firm was the one that
 24 was pushing this. I didn't agree with it.

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1 As far as these things that are written and
 2 your inference again to say that I made some
 3 sort of misrepresentation and that this thing
 4 that's written on a piece of paper is an
 5 actual e-mail when you have -- you absolutely 19:08:43
 6 know not what you're talking about is
 7 offensive, and I think it borders on
 8 misconduct.
 9 And if you continue this, and
 10 if you continue to make public statements at 19:08:52
 11 anywhere else that says that I did something
 12 that's illegal, against the law, and that I
 13 made any sort of representation to the
 14 federal government and I lied and committed
 15 perjury, you'd better watch out because I'm 19:09:06
 16 going to take legal action against you and I
 17 would caution you on that.
 18 And that's not a threat, but
 19 I'm going to do everything within my power
 20 under the law to protect myself and my 19:09:17
 21 reputation.
 22 MS. CENAR: Can you read my
 23 question back, please.
 24 THE REPORTER: One moment.

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1 MR. DICKIE: It's been asked
 2 and answered.
 3 (The reporter read back the
 4 following portion of the preceding
 5 record.) 19:09:35
 6 "QUESTION: Is that not a -- is
 7 that not your understanding?"
 8 (End of readback.)
 9 MR. DICKIE: And he answered
 10 no, so... 19:09:40
 11 BY MS. CENAR:
 12 Q. Will you answer my question,
 13 sir?
 14 MR. DICKIE: He did.
 15 A. I've already answered your 19:09:43
 16 question, ma'am. You know exactly what I
 17 said.
 18 MS. CENAR: The deposition is
 19 adjourned, and we will address the
 20 open issues with the Court. 19:09:50
 21 MR. DICKIE: The deposition is
 22 concluded. The deposition is
 23 concluded.
 24 MS. CENAR: Do you want to

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1 review and sign your transcript, sir?
 2 MR. DICKIE: He will review and
 3 sign the transcript.
 4 THE WITNESS: Ma'am, I have
 5 nothing else to say to you. Just 19:10:03
 6 leave me alone. You're a despicable
 7 human being, in my opinion. You're
 8 just sleazy, you're nefarious,
 9 insidious and disgusting. I don't
 10 know how you sleep at night. 19:10:14
 11 MR. RIGHETTINI: These
 12 documents came from your lawyer.
 13 THE WITNESS: Well, I will
 14 address that. But I'm not gonna sit
 15 here -- and I'm not gonna sit here and 19:10:20
 16 have you say that I committed perjury
 17 and I signed something and
 18 misrepresented to the federal
 19 government, which you know is a
 20 felony. 19:10:28
 21 I'm not a criminal and I don't
 22 engage in criminal activity. I'm a
 23 musician who got his music stolen by
 24 your wealthy celebrity clients who are

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1 bullies, and that's basically it.
 2 Where's my hat? Where's my hat
 3 at, Dean?
 4 THE VIDEOGRAPHER: Should we go
 5 off the record here? Off the record 19:10:54
 6 at 7:10.
 7 (Time noted: 7:10 p.m.)
 8 --oOo--
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1 UNITED STATES DISTRICT COURT
 2 CENTRAL DISTRICT OF CALIFORNIA
 3 SOUTHERN DIVISION
 4 BRYAN PRINGLE, an)
 5 individual,)
 6 Plaintiff,) Case No.
 7 v.) 8:10-cv-01656-JST-RZ
 8 WILLIAM ADAMS, JR.,)
 9 et al.)
 10 Defendants.)
 11 I, BRYAN PRINGLE, have read the
 12 foregoing deposition and hereby affix my
 13 signature that same is true and correct,
 14 except as I have so indicated on the
 15 errata sheets provided herein.
 16
 17 _____
 18 BRYAN PRINGLE
 19 No corrections (Please initial) _____
 20 Number of errata sheets submitted _____ (pgs)
 21
 22 THE STATE OF _____)
 23 Before me, _____, on
 24 this day personally appeared BRYAN PRINGLE,

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

8 Given under my hand and seal of office
9 on this ____ day of _____,
10 _____.

11 _____
12
13
14 NOTARY PUBLIC IN AND FOR
15 THE STATE OF _____
16 My Commission Expires: _____
17
18
19
20
21
22
23
24

1 REPORTER'S CERTIFICATION

2
3 I, SUSAN PERRY MILLER, CSR-TX, CCR-LA,
4 CLR, CRR, RDR, Notary Public in and for the
5 State of Texas, hereby certify that the
6 witness was duly sworn and that this
7 transcript is a true record of the testimony
8 given by the witness;

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

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

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

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