

EXHIBIT C

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

-----x

4 BRYAN PRINGLE, an individual,
5 Plaintiff,
6 vs.

7 WILLIAM ADAMS, JR.; STACY
8 FERGUSON; ALLAN PINEDA; and
9 JAIME GOMEZ, all individually
and collectively as the music
group The Black Eyed Peas,
et al.,
10 Defendants.

Case No. SACV 10-1656 JST (RZx)

-----x

12

13 * * * HIGHLY CONFIDENTIAL * * *

14

15 140 East 45th Street
16 New York, New York

16

17 June 23, 2011
18 10:16 a.m.

18

19 Highly Confidential Videotaped
20 Deposition of FREDERIC RIESTERER, held
21 at the offices of Storch, Amini & Munves,
22 PC, pursuant to notice, before Jennifer
23 Ocampo-Guzman, a Notary Public of the State
24 of New York.

22

23

24

25

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1 P R O C E E D I N G S
2 THE VIDEOGRAPHER: My name is the
3 Dan Macom. I'm a legal video specialist in
4 association with McCorkle Court Reporting,
5 Inc., which is located at 200 North LaSalle
6 Street in Chicago, Illinois. I'm the camera
7 operator on June 23, 2011, with the
8 videotaping of the deposition of Mr. Frederic
9 Riesterer being taken at Storch, Amini &
10 Munves, in New York, New York at the time of
11 10:16 a.m., in the matter of Brian Pringle
12 versus William Adams, Jr., et al, filed in
13 the United States District Court, Central
14 District of California, Southern District.
15 The case number is SACV 10-1656 JST (RZx).
16 Will counsels please identify
17 themselves for the record, beginning with the
18 plaintiff's counsel.
19 MR. VERNON: This is Joe Vernon for
20 the plaintiffs.
21 MR. DICKSTEIN: Someone else?
22 MS. CENAR: I'm sorry. This is
23 being taken in the Pringle matter?
24 MR. SLOTNICK: Yes.
25 MS. CENAR: So there is one

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1 plaintiff?
2 MR. VERNON: Plaintiff.
3 MR. GREELY: Ryan Greely.
4 MR. VERNON: Ryan Greely for the
5 plaintiff.
6 MR. DICKSTEIN: Tal Dickstein of
7 Lobe & Lobe for the deponent.
8 MR. SLOTNICK: Barry Slotnick, Lobe
9 & Lobe for the deponent.
10 MR. PINK: Jonathan Pink, Bryan
11 Cave for the defendants.
12 MS. CENAR: Kara Cenar, Bryan Cave
13 on behalf of the majority of the
14 defendants, except for Mr. Guetta, Mr.
15 Rivoli, Rister Editions and Shapiro
16 Bernstein. That's it.
17 MR. GREELY: And UMG and
18 Interscope.
19 MS. CENAR: And UMG and Interscope.
20 THE VIDEOGRAPHER: Will the court
21 reporter please swear in the witness.
22 I S A B E L L E D U C H E S N E, having
23 been duly sworn to accurately
24 interpret the questions from English
25 into French and the answers from

Page 8

1 French into English:
2 F R E D E R I C R I E S T E R E R, called
3 as a witness, having been duly sworn by
4 a Notary Public, was examined and
5 testified as follows:
6
7 EXAMINATION BY
8 MR. VERNON:
9 Q. (Through the interpreter) Thank
10 you.
11 MR. VERNON: I just want to note
12 the presence of two additional people in
13 the room that were not identified yet.
14 One is the Jean Charles Carre and the
15 other is Christoph Piot. These
16 gentlemen are not attorneys and we're
17 objecting to their presence. We have
18 the right to exclude them. They're not
19 attorneys and they don't appear to be a
20 representative of a party. We've asked
21 that they be excluded but the
22 defendants' counsel has objected.
23 MR. DICKSTEIN: We do object. They
24 are representatives of the deponent.
25 They're managers. They have a right to

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1 R I E S T E R E R - H I G H L Y C O N F I D E N T I A L
2 be here. And there's been no
3 application to the court to exclude
4 anyone from the proceeding.
5 MS. CENAR: Before we go on, I have
6 two objections. One objection --
7 THE VIDEOGRAPHER: Hold on.
8 MR. VERNON: Can we go off for one
9 quick second? Are we off?
10 MS. CENAR: No, let me just finish
11 my objections real quick.
12 MR. VERNON: I want to make sure
13 this is all working.
14 MS. CENAR: My objections are first
15 to the video, that the video is not just
16 of the witness, and that the video is to
17 be used in court. It should be only of
18 the witness and no other individuals.
19 And I also object to -- Joseph, you are
20 the one who is going to be questioning
21 the witness today?
22 MR. VERNON: That's correct.
23 MS. CENAR: I object to the fact
24 that the attorney that's intending to
25 question the witness today has not been

1 RIESTERER - HIGHLY CONFIDENTIAL
2 admitted in this case pro hac vice and
3 does not have an appearance filed in
4 this case. This case is pending in
5 California. He is an attorney that is
6 not licensed to practice in California
7 and has not filed an appearance in this
8 case.

9 MR. VERNON: And in response to
10 those objections; one, the deposition
11 notice sets forth that the translator
12 will be present. I believe this is
13 something that the defendants requested.
14 It's all in the notice.

15 MR. DICKSTEIN: Before we go on, I
16 have a technical question. Is the
17 LiveNote up and running now? We're not
18 receiving any transcript.

19 MR. VERNON: Let's go off the
20 record for a second then.

21 THE VIDEOGRAPHER: We're now off
22 the record. The time is 10:21 a.m.
23 Today is June 23, 2011.

24 (A brief recess was taken.)

25 THE VIDEOGRAPHER: We're now back

1 RIESTERER - HIGHLY CONFIDENTIAL
2 on the record. The time is 10:27 a.m.
3 Today is June 23, 2011.

4 MR. VERNON: Okay. Before we
5 briefly broke, I addressed Ms. Cenar's
6 objections to the interpreter being in
7 the video. As to her second objection,
8 one, Ryan Greely is admitted, has
9 appeared in this case. Two, my
10 application is in process. Mr. Dickie
11 came down quite ill this week and I'm
12 sub'ing in for him. I work at his firm,
13 Miller Canfield. That application is in
14 process and should be completed today.

15 BY MR. VERNON:

16 Q. (Through the interpreter) Mr.
17 Riesterer, Riesterer or Riesterer?

18 A. Riesterer, Riesterer.

19 Q. Good morning. We've briefly met.
20 My name is Joe Vernon and I'm an attorney for
21 the plaintiff in this case.

22 MR. DICKSTEIN: She's got to
23 translate.

24 Q. Do you prefer being referred to as
25 Mr. Riesterer or Riesterer or does it matter?

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2 A. It doesn't matter.

3 Q. Okay. Can you please state your
4 full name for the record, please?

5 A. Should I spell it?

6 Q. Sure.

7 A. R-I-E-S-T-E-R-E-R.

8 Q. And the full first name is
9 Frederic?

10 A. Frederic.

11 MR. DICKSTEIN: Wait for the
12 translation.

13 A. Frederic.

14 Q. Where do you reside?

15 A. 99 Gravier du Robinet.

16 Q. Sorry, continue.

17 A. 59117 Wervicq-Sud, France.

18 Q. Are you a French citizen?

19 A. Yes.

20 Q. Do you understand why you're here
21 today?

22 A. No.

23 Q. No? Why do you think you are here
24 today?

25 MS. CENAR: Objection to form.

1 RIESTERER - HIGHLY CONFIDENTIAL

2 A. Please, can you repeat please?

3 Q. Why do you think you are here
4 today?

5 A. I don't know. I didn't do
6 anything.

7 Q. Do you understand that you are a
8 defendant in a lawsuit?

9 A. Yes.

10 Q. And the court reporter administered
11 an oath to you a few moments ago. Do you
12 understand why she did that?

13 A. Yes.

14 Q. Do you know what perjury is?

15 A. Perjury?

16 Q. Do you know what that is?

17 A. It's when you swear to say all the
18 truth.

19 Q. Yes. So you understand that you
20 are here today to tell the truth and if you
21 do not, there are potential legal
22 consequences for you?

23 MR. DICKSTEIN: Objection, form.

24 MS. CENAR: Same objections.

25 A. Yes, yes, I say the truth.

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 2 Q. Okay. Well, today shouldn't be all
 3 that unpleasant. My goal is to learn more
 4 about you and to learn what you know about
 5 this lawsuit. So I just would ask that you
 6 answer truthfully and completely and I think
 7 things should be fine. Is that fair?
 8 MR. DICKSTEIN: Objection, form.
 9 MS. CENAR: Same objection.
 10 A. Fine.
 11 Q. Did you request the presence of a
 12 translator here today?
 13 MR. PINK: Objection, calls for
 14 information protected by the
 15 attorney-client privilege.
 16 MR. DICKSTEIN: Same objection.
 17 Q. I should point out that at times
 18 your attorneys may object to certain
 19 questions, but unless they instruct you not
 20 to answer, I still expect a response.
 21 A. Okay.
 22 Q. Did you request the presence of the
 23 translator here today?
 24 MR. PINK: Same objections.
 25 MR. DICKSTEIN: Objection. If you

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 2 can answer the question without
 3 revealing what you discussed with your
 4 attorneys, that's fine. Just what you
 5 did.
 6 A. Well, I think it is important to
 7 have a translator because it is very
 8 technical. It regards the composition of
 9 songs, plus there are some accusations that
 10 are very serious, so I think it is important
 11 to ask the right questions and to be able to
 12 understand the right questions and to give a
 13 good answer.
 14 Q. Do you speak English?
 15 A. Very badly.
 16 Q. Are you able to have a conversation
 17 in English?
 18 MR. PINK: Objection, overly broad,
 19 vague and ambiguous.
 20 MR. DICKSTEIN: Same objection.
 21 A. I have learned English for
 22 four years in school and that's my level of
 23 English. I can say simple sentences, like
 24 hello, how are you, did you eat, enjoy your
 25 lunch, I love you, things here and there, but

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 in order to understand a conversation it is
 3 very, very difficult.
 4 Q. Okay. So because of the legal
 5 consequences or the serious accusations,
 6 you're more comfortable speaking in French
 7 today?
 8 MS. CENAR: Objection to the form.
 9 MR. DICKSTEIN: Same objection.
 10 A. Yes.
 11 Q. Do you feel that you could not
 12 testify accurately and completely in English?
 13 A. Well, in French.
 14 Q. So not in English?
 15 MR. DICKSTEIN: Objection.
 16 A. No.
 17 Q. Throughout the deposition I may
 18 show you certain documents and ask questions
 19 about them.
 20 (Exhibit Riesterer Dep 1,
 21 Plaintiff's Amended Notice of Deposition
 22 of Frederic Riesterer, marked for
 23 identification, this date.)
 24 Q. Have you seen -- I'm going to show
 25 you a document that we premarked as

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 2 Exhibit 1.
 3 A. Can you repeat, please? In French?
 4 (Interpreter repeated question.)
 5 A. This document here?
 6 Q. Yes.
 7 A. Is it a document I receive at my
 8 home?
 9 Q. I don't know where you would have
 10 received it. I'm just asking you if it looks
 11 familiar to you or if you remember seeing it?
 12 MR. DICKSTEIN: Objection, form.
 13 A. I do not know.
 14 Q. Okay. How did you know you were
 15 supposed to be here today?
 16 MR. DICKSTEIN: Objection, to the
 17 extent that calls for any discussion
 18 with attorneys.
 19 MR. PINK: Join.
 20 MS. CENAR: Same.
 21 Q. I believe the question was, how did
 22 you know you were supposed to be here today?
 23 MR. DICKSTEIN: Objection. If you
 24 can answer the question without
 25 revealing the contents of your

1 RIESTERER - HIGHLY CONFIDENTIAL
2 discussion with attorneys, then you can
3 answer. Otherwise, I'm instructing you
4 not to answer.

5 MR. PINK: I'm also going to assert
6 the objection of lacks any relevance and
7 is harassing.

8 MR. DICKSTEIN: Same objection.

9 A. Must I answer?

10 Q. Unless your attorney instructs you
11 not to.

12 MR. DICKSTEIN: If you can answer
13 the question without revealing
14 discussions with attorneys, then you can
15 answer. If you cannot, then you should
16 not answer.

17 A. But what was the question?

18 Q. How did you know that you were
19 supposed to be here today?

20 A. I am being attacked by the other
21 party. I am asked to be present for my
22 deposition, so I am here.

23 Q. Okay. Do you use an interpreter
24 when you speak with your attorneys?

25 MR. PINK: Objection. Calls for

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2 information protected by the
3 attorney-client privilege attorney work
4 product doctrine.

5 A. I have my two managers, Mr. Piot
6 and Mr. CarrT who are in charge of
7 translating the documents for me.

8 Q. Okay. And do Mr. -- do Mr. CarrT
9 and Mr. Piot translate conversations for you
10 with your attorneys?

11 A. Yes.

12 Q. So are you saying that every time
13 you speak to your attorneys on the phone or
14 how ever, you have a translator present?

15 MR. DICKSTEIN: Objection, that's
16 vague and confusing.

17 A. Yes, these are people who are close
18 to me with whom I work. I mostly do -- they
19 translate the main things for me. I mostly
20 do music. I'm not a specialist in flow, so
21 they translate most of the documents.

22 Q. What did you do to prepare for
23 today's deposition?

24 A. I am here, present to answer the
25 questions.

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2 Q. Did you do anything to prepare for
3 today?

4 MR. DICKSTEIN: And I'm just going
5 to object to the extent the answer calls
6 for discussions with your attorneys, you
7 should not answer. If you want to
8 answer what you did, that's fine. But
9 don't reveal any communications or
10 discussions with attorneys.

11 Q. Did you review any documents to
12 prepare for today's deposition?

13 A. Preparing documents, I've been
14 thinking a lot over this case.

15 Q. So in addition to just thinking
16 about the case, have you looked at any
17 documents to help prepare for today's
18 deposition?

19 A. You mean paper copies of documents?

20 Q. Paper or electronic?

21 A. No.

22 Q. Did your -- and I'm not asking for
23 communications -- did your attorneys prepare
24 any summaries for you to look over?

25 MR. DICKSTEIN: Objection.

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2 Objection. Attorney-client privilege.
3 I'm instructing you not to answer.

4 MR. PINK: Join.

5 MR. VERNON: So is it your
6 position, Counsel, that summaries
7 prepared by attorneys are privileged
8 when the summaries are prepared to
9 prepare a witness for a deposition?

10 MR. PINK: Well, number one, this
11 is not my deposition so it's not a
12 proper question, but in answer to your
13 question, absolutely.

14 MS. CENAR: We've got a witness
15 that's come in from another country. We
16 made our objections for the record.
17 We're happy to discuss the substance of
18 any of this off line, but I would ask
19 you to please use the time of the
20 witness respectfully.

21 MR. VERNON: Ms. Cenar, are you
22 representing the deponent today?

23 MR. PINK: Ms. Cenar is not being
24 deposed.

25 MS. CENAR: I'm announced on the

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 record who I represent.
 3 MR. VERNON: So I direct my
 4 question to counsel who represents the
 5 deponent. Is it your position that
 6 summaries prepared by you in preparation
 7 for -- to help a witness prepare for a
 8 deposition are privileged and not
 9 discoverable?
 10 MR. DICKSTEIN: Yes.
 11 MR. VERNON: And you are
 12 instructing your client to refuse to
 13 answer a question about those summaries?
 14 MR. DICKSTEIN: I am.
 15 MR. VERNON: Including instructing
 16 your client to refuse to answer a
 17 question about whether those summaries
 18 exist?
 19 MR. DICKSTEIN: First of all, I'm
 20 not sure I know what summaries -- when
 21 you say summaries, I'm not sure I know
 22 what you mean. Summaries of what?
 23 MR. VERNON: I asked your client if
 24 his attorneys prepared anything for him
 25 to review before the deposition.

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 2 MR. DICKSTEIN: I don't think that
 3 was the question. I think you asked
 4 about summaries. And now you're asking
 5 me questions about whether certain
 6 summaries, which may or may not exist,
 7 may be privileged, and I'm telling you I
 8 don't know that I can answer that
 9 question because I'm not sure I know
 10 what you mean by summaries.
 11 MR. VERNON: Well, then let's ask
 12 another question and we'll see where we
 13 go from there.
 14 BY MR. VERNON:
 15 Q. Did your -- did your attorney
 16 prepare anything for you to review in order
 17 to prepare for this deposition?
 18 MR. DICKSTEIN: Objection to the
 19 extent it calls for discussions or the
 20 content of any discussions with
 21 attorneys, do not answer.
 22 MR. PINK: Join.
 23 A. Can you reformulate? There are so
 24 many things.
 25 Q. My question is: Did your attorneys

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 prepare anything for you to review prior to
 3 this deposition?
 4 MR. DICKSTEIN: And I'm just going
 5 to make the same objection. If you can
 6 answer just simply whether anything was
 7 prepared, that's fine, you could answer
 8 it, but you should not reveal the
 9 contents of anything that was prepared
 10 or provided to you by counsel.
 11 MR. PINK: Also objecting on the
 12 grounds that it's vague and ambiguous.
 13 A. Yes, some things were prepared.
 14 Q. Okay. Now I'll ask the question
 15 and you can wait for your attorney to
 16 respond, if you will, but what did your --
 17 what did your attorneys prepare for you to
 18 review prior to this deposition?
 19 MR. DICKSTEIN: I am going to
 20 object to that on the grounds of
 21 attorney-client privilege.
 22 MR. PINK: Join.
 23 MR. DICKSTEIN: And I'm going to
 24 instruct the witness not to answer it.
 25 MR. VERNON: So to make it clear on

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 the record, Counsel, you have instructed
 3 your witness not to answer questions
 4 about items that you prepared for him to
 5 review prior to the deposition?
 6 MR. DICKSTEIN: Could we go off the
 7 record for a minute to have this
 8 discussion?
 9 MR. VERNON: This part of the
 10 discussion I want on the record.
 11 If you could answer my question.
 12 MR. DICKSTEIN: What's your
 13 question again?
 14 MS. CENAR: I object to the wasting
 15 of the time.
 16 MR. DICKSTEIN: Yeah, I don't know
 17 why we need to have this discussion on
 18 the record or even have this discussion
 19 here at all, frankly. But if you want
 20 to ask your question again, that's fine.
 21 It's your time.
 22 MR. VERNON: I want to make the
 23 record clear that I've asked information
 24 that -- I've asked questions about
 25 information that you prepared for Mr.

1 RIESTERER - HIGHLY CONFIDENTIAL
2 Riesterer in order for him to prepare
3 for the deposition and you have
4 instructed him to refuse to provide that
5 information. Can we agree to that for
6 now and then we can go off the record.

7 MR. DICKSTEIN: Yes.

8 MR. VERNON: Okay. Let's go off
9 the record.

10 THE VIDEOGRAPHER: We're now off
11 the record. The time is 10:47 a.m.,
12 June 23, 2011.

13 (A brief recess was taken.)

14 THE VIDEOGRAPHER: We're now back
15 on the record. The time is 10:56 a.m.,
16 June 23, 2011.

17 MR. DICKSTEIN: Mr. Riesterer, now
18 that we're back on the record, is there
19 anything that you want to clarify about
20 your earlier testimony about what
21 documents were given to you by your
22 attorneys in preparation for this
23 deposition?

24 THE WITNESS: (Through the
25 interpreter) yes.

1 RIESTERER - HIGHLY CONFIDENTIAL

2 MR. DICKSTEIN: And what is that?

3 THE WITNESS: It's my statement.

4 MR. DICKSTEIN: That was given to
5 you by your attorneys?

6 THE WITNESS: Yes.

7 MR. DICKSTEIN: And was anything
8 else given to you by your attorneys in
9 preparation for the deposition?

10 THE WITNESS: No.

11 BY MR. VERNON:

12 Q. So if I understand your testimony,
13 Mr. Riesterer, other than -- other than the
14 declaration that you previously prepared for
15 this case, your attorneys did not provide any
16 documents to you to review in preparation for
17 this deposition?

18 A. No other documents.

19 Q. Did they -- when you say documents,
20 are you referring only to paper documents, or
21 are you also referring to e-mail
22 communications?

23 MR. DICKSTEIN: Object to form.

24 A. Well --

25 Q. I want to make sure that your

1 RIESTERER - HIGHLY CONFIDENTIAL
2 answer -- I want to make sure that what
3 you're saying is that other than showing you
4 your declaration, your attorneys didn't
5 provide any other information to you to
6 prepare for today's deposition?

7 MR. DICKSTEIN: Objection. You're
8 asking about information or you're
9 asking about documents?

10 MR. VERNON: See if he can answer.

11 MR. DICKSTEIN: Yeah, I'm going to
12 object. I'm going to object based on
13 attorney-client privilege. You're
14 asking for information that was
15 provided, but that includes all
16 communications with counsel. And I'm
17 going to instruct the client not to
18 answer that general, vague question.

19 THE WITNESS: I don't answer.

20 Q. What did your attorneys provide to
21 you in preparation for, to prepare for this
22 deposition?

23 MR. DICKSTEIN: Objection. Are we
24 talking about documents? When you say
25 what did he provide, it's too vague.

1 RIESTERER - HIGHLY CONFIDENTIAL

2 A. Sorry, I didn't hear properly -- I
3 didn't hear you properly.

4 Q. What did your attorneys provide to
5 you to prepare for today's deposition?

6 MR. DICKSTEIN: I'm going to object
7 also based on asked and answered
8 already.

9 If you can answer the question
10 without revealing discussions with your
11 attorneys, then you can go ahead and
12 answer.

13 A. The only document I have is my
14 statement.

15 Q. Okay. And I want to make sure that
16 we understand the scope of your response. So
17 not including any phone conversations or
18 conversations that you had in person with
19 your attorneys, so not including any verbal
20 conversations, did your attorneys provide
21 anything to you to help you prepare for the
22 deposition?

23 MR. DICKSTEIN: Objection, form.

24 And also objection, when you say

25 "provide anything to you," I just don't

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 think that's specific enough. That
 3 includes attorney-client communications
 4 and so I'm going to instruct the witness
 5 not to answer that question.
 6 MR. VERNON: I think we're back to
 7 where we were 20, 25 minutes ago. So is
 8 it your position, Counsel, that you're
 9 instructing your client not to answer
 10 the question, which was other than
 11 verbal communications with his
 12 attorneys, what did his attorneys
 13 provide to him to help him prepare for
 14 the deposition. That was the question.
 15 MR. DICKSTEIN: Yes, we're
 16 objecting. If you want to ask him about
 17 documents or physical items that were
 18 given to him of any kind, that's fine.
 19 The way you've been asking it it's just
 20 too broad and it includes
 21 communications.
 22 Q. Did you receive any e-mails from
 23 your attorneys that laid out instructions or
 24 summaries or any information that was
 25 supposed to help you prepare for this

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 2 deposition?
 3 MR. DICKSTEIN: Objection, vague,
 4 ambiguous, overbroad. And objection
 5 based on attorney-client privilege to
 6 the extent you're again asking for
 7 summaries which would be protected by
 8 the attorney-client privilege.
 9 THE VIDEOGRAPHER: Counsel, your
 10 microphone fell. I heard it.
 11 MR. VERNON: Well, I think we
 12 definitely have an issue to take up
 13 before the court. I think if you allow
 14 your witness to answer in a general form
 15 what was provided to him so at least we
 16 can identify what those things are.
 17 MR. DICKSTEIN: I think he's
 18 answered that already actually. If
 19 we're talking about --
 20 MR. VERNON: That was my question
 21 that you instructed him not to answer.
 22 MR. DICKSTEIN: Okay. Maybe --
 23 well, it was a couple of questions, I
 24 think, together -- put together. So
 25 maybe if you could ask him that direct

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 2 question, I think that will be fine.
 3 Q. What did your attorneys provide to
 4 you to help you prepare for the deposition?
 5 A. Wait a minute, he simply explain --
 6 wait a minute. I don't want to confuse -- to
 7 be confused between deposition and statement.
 8 Well, he didn't give me anything. I don't
 9 have any document from my attorney.
 10 Q. So your attorney did not physically
 11 give you any documents to prepare for today's
 12 deposition, other than your declaration?
 13 A. No, no.
 14 Q. And when you say that, do you also
 15 mean that your attorneys didn't e-mail any
 16 information to you to help you prepare for
 17 the deposition?
 18 A. No, the contents. It's not very
 19 clear.
 20 Q. What is not very clear?
 21 A. Well, my attorney would have given
 22 me some information for my deposition, is
 23 that, is that it?
 24 Q. I'm asking what your attorney gave
 25 to you and are you saying that your attorney

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 did give you information to prepare for the
 3 deposition?
 4 MR. DICKSTEIN: Objection. When
 5 you ask for information, I mean that
 6 includes all communications. If you're
 7 asking for the documents provided to him
 8 in preparation for his deposition, I
 9 think he's already answered that
 10 question.
 11 Are you sticking with the question?
 12 I'm going to object and instruct him not
 13 to answer because it called for any
 14 information.
 15 Q. Did your attorneys send you any
 16 e-mails -- and my question is just yes or no
 17 if they did.
 18 Did they send you any e-mails to
 19 help you prepare for your deposition?
 20 A. No.
 21 Q. Did any other attorneys send you,
 22 other than your attorneys that are here
 23 today, has anyone else sent you anything to
 24 help you prepare for today's deposition?
 25 A. No.

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 MS. CENAR: Objection to form.
 3 Q. How long have you been in New York?
 4 A. How long I have been to New York,
 5 in New York?
 6 Q. Yes. For this trip?
 7 A. I arrived on Tuesday the 21st, and
 8 I'm going back on Saturday.
 9 Q. Who paid for your trip here?
 10 MR. DICKSTEIN: Objection,
 11 relevance. But you can answer the
 12 question.
 13 A. I paid. I paid.
 14 Q. Is anybody -- is anyone reimbursing
 15 you for your expenses for your trip here?
 16 MR. DICKSTEIN: Same objection.
 17 A. No.
 18 Q. What is it that you do --
 19 MR. DICKSTEIN: Objection.
 20 Q. What is it that you do for a
 21 living?
 22 A. What do I do to earn my living?
 23 Q. Yes.
 24 A. I compose songs. Music is my whole
 25 life.

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 2 Q. So do you -- when you say you
 3 compose songs, what do you mean?
 4 A. I am a composer and I work at home
 5 every day.
 6 Q. Do you just compose? Do you ever
 7 perform?
 8 MS. CENAR: Objection to the form,
 9 compound.
 10 MR. DICKSTEIN: Same objection.
 11 A. Must I answer?
 12 Q. Unless your attorney tells you not
 13 to.
 14 MS. CENAR: And just for the record
 15 my objections are just for the record.
 16 A. I am not on stage. I only produce
 17 music at home.
 18 Q. Okay. And you said you produce
 19 music. Do you consider that something
 20 separate from being a composer or is that one
 21 and the same?
 22 MR. DICKSTEIN: Objection, form.
 23 MS. CENAR: Same objection.
 24 A. I don't understand the question.
 25 Q. What do you -- what does a composer

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 do?
 3 A. A composer composes.
 4 Q. What does a producer do?
 5 A. A producer finances.
 6 Q. So you are both a composer and a
 7 producer?
 8 MR. DICKSTEIN: Objection.
 9 MS. CENAR: Same objection, Form.
 10 A. Composer playing on a keyboard to
 11 create songs and you can also produce a sound
 12 if you create it yourself.
 13 Q. So when you refer to a producer,
 14 you're referring to the ability to create
 15 sounds? Am I understanding correctly?
 16 MR. DICKSTEIN: I'm going to just
 17 object for a second. Are you asking him
 18 what he does or what he means when he
 19 uses the word "producer"?
 20 MR. VERNON: I think the question
 21 is pretty clear.
 22 MS. CENAR: Then I'm going to
 23 object to it on form and foundation.
 24 A. I am a composer and I produce the
 25 music that I compose.

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 Q. So when you say that you produce
 3 the music that you compose, do you mean that
 4 you create the sounds or -- do you mean that
 5 you create the sounds?
 6 MR. DICKSTEIN: Object.
 7 MS. CENAR: Objection to form.
 8 A. It happens.
 9 Q. Does it happen all the time? Do
 10 you always create the sounds for music that
 11 you compose?
 12 MS. CENAR: Objection to form.
 13 MR. DICKSTEIN: Objection, form and
 14 vague.
 15 A. Sometimes.
 16 Q. So you do not always create the
 17 sounds for the music that you compose?
 18 MS. CENAR: Same objection.
 19 MR. DICKSTEIN: Same objection.
 20 A. Always.
 21 Q. I just want to make sure I
 22 understand.
 23 Are you saying that you always
 24 create the sounds for the music that you
 25 compose?

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 2 MS. CENAR: Objection, form.
 3 MR. PINK: Vague and ambiguous.
 4 MR. DICKSTEIN: Same objection.
 5 A. When you compose a song within the
 6 song there's inevitably part of it which are
 7 sounds that you create.
 8 Q. So -- and I'm just trying to
 9 understand what it is that you're saying. So
 10 within the song there are sounds that you
 11 create. Do you create all of the sounds that
 12 you use in your compositions?
 13 MR. DICKSTEIN: Objection.
 14 MS. CENAR: Objection.
 15 MR. SLOTNICK: You're asking about
 16 all compositions, all songs he's ever
 17 written? Is that what your question is?
 18 MR. VERNON: The question is pretty
 19 clear. Let's see if he can answer it.
 20 MS. CENAR: I'm going to object on
 21 form, foundation.
 22 MR. PINK: Vague.
 23 MR. DICKSTEIN: You can answer, if
 24 you understand the question.
 25 A. I am repeating. When you compose a

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 2 song, whether it's drums, the bass,
 3 synthesizers, you create a sound.
 4 Q. The drum and the bass and the
 5 synthesizer that you're referring to, do you
 6 create the act -- each of those sounds
 7 yourself?
 8 MS. CENAR: Objection to form.
 9 MR. DICKSTEIN: Same objection.
 10 A. It happens.
 11 Q. So it happens, but it does not
 12 happen all the time, right?
 13 MS. CENAR: Objection to form.
 14 A. It happens to me all the time.
 15 It's my trade.
 16 Q. I understand that it's your trade
 17 and I'm not trying to trick you, I'm just
 18 trying to understand what you're saying.
 19 So you say that you are a composer,
 20 you compose songs, you say that in addition
 21 to being a composer, you are a producer? Did
 22 I restate that correctly, you are both a
 23 composer and a producer?
 24 MR. DICKSTEIN: Objection, form.
 25 MS. CENAR: Objection to form.

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 2 MR. PINK: Misstates the testimony.
 3 A. Yes.
 4 Q. So when you compose you've
 5 explained that you compose music, what do you
 6 mean when you say you are a producer?
 7 MR. DICKSTEIN: Objection, form.
 8 MS. CENAR: Objection, form.
 9 A. You shape the song and you produce
 10 the sound of that song. So you are the
 11 producer of that song.
 12 Q. I believe I saw on your website
 13 that you are also a music editor; is that
 14 correct?
 15 A. Yes.
 16 Q. And what does that refer to?
 17 A. I don't know. There are people who
 18 work for me on my edition.
 19 Q. But what does a music editor do?
 20 What do you do as a music editor?
 21 A. People take care of my editions, of
 22 my catalog of editions.
 23 MR. DICKSTEIN: I'm just going to
 24 let you know that there may be a
 25 translation issue. I think "editor" may

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 have a different meaning in French than
 3 it does in English.
 4 MR. CARR+: Can I explain?
 5 MR. VERNON: No, no. Isn't that
 6 what he is here for?
 7 MR. DICKSTEIN: Well, he can
 8 explain, he can explain to us. No, no,
 9 no, no.
 10 MR. SLOTNICK: I understand.
 11 THE INTERPRETER: Can the
 12 interpreter suggest another translation
 13 for the French word?
 14 MR. DICKSTEIN: No.
 15 MS. CENAR: I object. We're here
 16 to have him answer questions and have
 17 you translate the attorney's questions
 18 and the -- and the witness' answers.
 19 THE INTERPRETER: Understood.
 20 I would like to take my jersey.
 21 I'm cold.
 22 MS. CENAR: Why don't we take a
 23 two-minute break?
 24 THE VIDEOGRAPHER: We're now off
 25 the record. The time is 11:17 a.m. on

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 June 23, 2011.
 3 (A brief recess was taken.)
 4 THE VIDEOGRAPHER: We're now back
 5 on the record. The time is 11:32 a.m.
 6 Today is June 23, 2011.
 7 BY MR. VERNON:
 8 Q. Mr. Riesterer, I'm going to show
 9 you a document that we have marked as
 10 Exhibit 11.
 11 (Exhibit Riesterer Dep 11, Printout
 12 of www.frister.com website, marked for
 13 identification, this date.)
 14 Q. Have you seen this before?
 15 A. Well, it's my website.
 16 Q. Okay. And the address appears to
 17 be www.fredriester.com?
 18 A. Yes.
 19 Q. When did you create this website?
 20 MR. DICKSTEIN: Objection. Assumes
 21 facts.
 22 MR. PINK: Foundation.
 23 A. It's an old website that I updated
 24 and it has a new design now. It was
 25 corrected two, three months ago.

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 2 Q. When you say it was corrected, what
 3 do you mean?
 4 A. We added the prices and the design.
 5 Q. When you say "the prices," the
 6 prices of what?
 7 A. The prices? Oh, awards, ASCAP
 8 awards.
 9 Q. Okay. When was this website first
 10 created?
 11 A. I don't recall. I'm thinking about
 12 it. Perhaps four, five years ago maybe.
 13 Q. Who designed the website?
 14 A. One of my friends, one of my
 15 buddies, not a friend, a buddy.
 16 Q. Do you remember his name?
 17 A. Fabrice.
 18 Q. Do you know his last name?
 19 A. I always call him Fabrice, Fab.
 20 Q. How often -- how frequently do you
 21 maintain this website?
 22 MR. DICKSTEIN: Objection, form.
 23 A. I don't maintain my website.
 24 Q. Who maintains it?
 25 A. Nobody.

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 2 Q. Now, I notice that this website and
 3 the link, so Exhibit 11 is --
 4 A. I want to go back to the previous
 5 question to understand if I understood
 6 properly.
 7 Q. Sure.
 8 A. Who maintains my website? Is that
 9 it?
 10 Q. Yes.
 11 A. Fab.
 12 Q. And when I say maintain, I'm not
 13 referring to who created it initially. I
 14 mean does someone update it on a somewhat
 15 regular -- does someone update the website?
 16 MR. DICKSTEIN: Objection,
 17 compound.
 18 A. Yes, Fab.
 19 Q. And how often does Fab update the
 20 website?
 21 A. When I have new information, I send
 22 it to him.
 23 Q. So you -- where does Fab live? Not
 24 an address but --
 25 A. I think, but I'm not sure, that he

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 2 lives in Normandy.
 3 Q. When you tell Fab to update the
 4 website, how do you communicate with him?
 5 A. Well, I call him.
 6 Q. Do you speak English or French with
 7 Fab?
 8 A. In French.
 9 Q. And when you need him to update
 10 specific information -- strike that.
 11 Do you ever e-mail updates to him?
 12 A. By e-mail, sometimes by e-mail,
 13 sometimes by telephone, sometimes by text
 14 messages.
 15 Q. What is your e-mail address?
 16 A. Is it important?
 17 Q. Yes.
 18 A. My own personal address?
 19 Q. The one that you use to communicate
 20 with Fab.
 21 A. frederic.riesterer@gmail.com.
 22 MR. DICKSTEIN: We'll designate
 23 this portion of the transcript
 24 confidential and there may be other
 25 designations.

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 2 THE WITNESS: Yes, because not
 3 everybody has my e-mail address and I'm
 4 careful about that.
 5 Q. Okay. And what about your cell
 6 phone number?
 7 MR. DICKSTEIN: Objection.
 8 A. I don't see the point of giving my
 9 cell phone number.
 10 MR. VERNON: You can protect it if
 11 you want to protect it, but we want to
 12 know it.
 13 MR. DICKSTEIN: Well, why?
 14 MR. VERNON: In case we need to --
 15 MR. DICKSTEIN: Call him? You can
 16 reach him through us.
 17 MR. VERNON: In case we need to get
 18 his cell phone records.
 19 MR. SLOTNICK: You can ask for cell
 20 phone records without getting his phone
 21 number.
 22 MR. VERNON: Pardon me?
 23 MR. SLOTNICK: You can get his cell
 24 phone records without getting -- you can
 25 get them from -- I'm not going to go

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 2 there.
 3 MR. DICKSTEIN: You don't need
 4 that. If you think there's a basis --
 5 MR. VERNON: I'm not going to
 6 question. I've asked, can you give me
 7 your cell phone number.
 8 MR. DICKSTEIN: No, objection based
 9 on harassing. Don't answer that.
 10 A. I don't give my cell phone number.
 11 MR. VERNON: So if I understand
 12 correctly, Counsel, you are instructing
 13 your client not to provide his cell
 14 phone number?
 15 MR. DICKSTEIN: I am. If you need
 16 other information to obtain certain
 17 documents which you have not requested
 18 thus far in the litigation, then we can
 19 discuss that in another form.
 20 MR. VERNON: So the basis for your
 21 objection is?
 22 MR. DICKSTEIN: Harassment.
 23 MR. VERNON: So it's not privilege?
 24 MR. DICKSTEIN: No, cell phone
 25 number is not privilege.

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 2 MR. VERNON: Okay.
 3 Q. Why is the website in English?
 4 A. Because I work with David Guetta
 5 who is an international artist.
 6 Q. Do you -- do you have a website in
 7 any other languages?
 8 A. No.
 9 Q. Who -- is there a target audience
 10 for this website?
 11 A. No.
 12 Q. You use this website for business
 13 purposes, correct?
 14 MR. PINK: Objection as to form.
 15 A. It is a tool of communication of
 16 today.
 17 Q. So who are you trying to
 18 communicate with using this website? Who do
 19 you want to see the website?
 20 MR. DICKSTEIN: Objection, form.
 21 A. My family and my childhood friends.
 22 Q. Are those the only people that you
 23 want to see this website?
 24 A. Yes.
 25 Q. So are you saying that this website

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 is not designed to reach customers of some
 3 sort?
 4 MR. DICKSTEIN: Objection, vague.
 5 A. Perhaps, perhaps, but it's not my
 6 primary idea.
 7 Q. Do you sell anything on your
 8 website?
 9 A. No, never.
 10 Q. Okay. Well, you said that the
 11 website is in English because you work with
 12 David Guetta and he's an international
 13 artist. Why do you need it to be in English
 14 if it's only designed to be seen by your
 15 family and childhood friends?
 16 MR. DICKSTEIN: Objection,
 17 foundation.
 18 A. Before the site was in French for a
 19 long time and I thought it would be a good
 20 idea to put it in English because a lot of my
 21 friends speak English much better than me,
 22 but I was told it was not translated very
 23 well. I didn't do the translation.
 24 Q. Do you have a fan base?
 25 MR. PINK: Objection.

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2 A. No.

3 MR. PINK: Objection, foundation.

4 MR. DICKSTEIN: Are you still
5 questioning him about Exhibit 11?

6 MR. VERNON: I may come back to it,
7 yes.

8 MR. DICKSTEIN: He should keep it
9 in front of him?

10 MR. VERNON: Yes. Do you need a
11 copy?

12 MR. DICKSTEIN: I have one.

13 Q. And this is going to get back to a
14 question hopefully that I can ask better and
15 we can get a clearer answer to and besides
16 your name on this website and you can not see
17 it well on this exhibit but it says composer,
18 producer and music editor. That's where I was
19 going with the question before.

20 MR. DICKSTEIN: Objection, based on
21 foundation.

22 A. I don't recall.

23 Q. Okay. If I told you that that's
24 what it said, do you have any reason to not
25 believe me?

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2 exhibit, but I'm asking him if he's
3 familiar with his website and if it says
4 that. I'll get you a better copy if you
5 want.

6 MS. CENAR: Thanks.

7 Q. On your website, which you can't
8 see well in this exhibit, besides your name
9 it says the word "composer." Why does it say
10 that?

11 MR. DICKSTEIN: Objection.

12 A. Because it's my trade.

13 Q. Okay. And when it says that you
14 are a composer, what does that mean?

15 A. It's the same thing in French,
16 compositeur in French, composer in English.
17 I think.

18 Q. Okay. What does that mean, you're
19 saying it's your trade, so what do you do as
20 a composer?

21 A. I compose songs.

22 Q. It also --

23 MR. DICKSTEIN: Let him finish.

24 A. But I think I had already answered
25 that question.

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2 MR. PINK: Objection, form.

3 A. No.

4 Q. Okay. So on your website it says
5 that you are a -- it says the word
6 "composer."

7 MR. DICKSTEIN: Is that a question?

8 MR. VERNON: I'm going to get to my
9 question.

10 MS. CENAR: Can I before you --
11 where are you referring in the document?
12 I'm having a hard time seeing what
13 you're --

14 MR. VERNON: As I've explained to
15 the witness, on the first page where it
16 says his name Fred Riser, besides the
17 word "Fred" and it doesn't come up well,
18 it says, "composer, producer and music
19 editor."

20 MS. CENAR: Ours is just totally
21 blacked out.

22 MR. VERNON: That's fine. I'm
23 asking him a question and I'm asking him
24 if he knows that it says that. I
25 realize it doesn't show up well on the

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2 Q. So you recall there were some other
3 things going on so I want to make sure we
4 understand.

5 Now it also says there and you
6 can't see it on this exhibit the word
7 "producer."

8 MR. DICKSTEIN: Objection,
9 foundation. Is that a question or
10 you're telling him?

11 MR. VERNON: I'm getting to the
12 question.

13 MR. DICKSTEIN: There is no
14 question pending.

15 Q. Why does it say "producer"?

16 MR. DICKSTEIN: Objection,
17 foundation.

18 A. As I said before, when I compose
19 songs I also produce sounds.

20 Q. Okay. And it also says, although
21 you can't see it clearly on this exhibit that
22 you -- it says "music editor," why does it
23 say that?

24 MR. DICKSTEIN: Objection,
25 foundation.

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 2 MR. PINK: Join.
 3 A. The role of an editor is to print,
 4 you sell scores. And people sell my scores,
 5 you can find them on the market.
 6 Q. When you say "score," what are you
 7 referring to?
 8 A. The music notes on a sheet of
 9 paper.
 10 Q. I'm asking because I want to know
 11 and because perhaps a jury will want to know
 12 so my questions may seem silly to you, but
 13 I'm trying to get this information.
 14 A. No, it's not stupid.
 15 MR. DICKSTEIN: There is no
 16 question pending.
 17 Q. I'm just saying I'm not trying to
 18 frustrate you.
 19 So you consider yourself a
 20 composer, a producer and a music editor?
 21 MR. PINK: Objection as to form.
 22 A. Yes.
 23 Q. Okay. You said before music is
 24 your life. How long have you been doing
 25 these trades?

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 2 MR. DICKSTEIN: Objection, form.
 3 A. I don't quite understand the
 4 question. Since when I've been doing music
 5 or since when I'm been creating my songs?
 6 Q. Well, which one did you do first?
 7 A. I first play an instrument.
 8 Q. When did you start playing
 9 instruments?
 10 A. When I was five years old.
 11 Q. And what instrument did you play?
 12 A. Drums and piano.
 13 Q. And do you still play drums and
 14 piano?
 15 A. Drums is very -- it is difficult
 16 because it takes, it occupies a lot of space
 17 in my studio, but piano every day.
 18 Q. Do you play any other instruments?
 19 A. I play all the instruments because
 20 when one is a composer one must know all the
 21 instruments.
 22 Q. So what instruments do you play?
 23 A. Triangle.
 24 Q. Anything else?
 25 A. Violin, trumpet, saxophone, bass,

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 2 guitar, drums, clarinet, tuba, all the
 3 instruments.
 4 Q. So you learned to play all of those
 5 instruments?
 6 A. No.
 7 Q. Did you say, did you not say that
 8 you play all of those instruments?
 9 A. Yes.
 10 MR. DICKSTEIN: Object to form.
 11 A. When you are a composer, and that
 12 you have to play the violin or a trumpet in a
 13 song, you play like this on a keyboard, on
 14 the piano.
 15 THE INTERPRETER: Correction by the
 16 interpreter.
 17 A. With a soft that gives you the
 18 sound of a trumpet, but you have to think as
 19 if you were playing like that.
 20 Q. So you don't -- you don't play a
 21 brass trumpet, correct?
 22 A. Yes.
 23 (In English) but not like that.
 24 THE INTERPRETER: In English I play
 25 like this.

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 2 Q. So when you say that you play all
 3 the instruments, you mean that you play them
 4 on a synthesizer?
 5 MR. DICKSTEIN: Objection,
 6 foundation.
 7 A. Yes.
 8 Q. What is a synthesizer?
 9 A. This is a very broad question.
 10 Q. When did you -- when did you --
 11 well, you said you play all of these
 12 instruments on a synthesizer so I want to
 13 understand what that is.
 14 MR. PINK: Objection as to form and
 15 foundation.
 16 MR. DICKSTEIN: Same objection.
 17 A. A synthesizer is the master
 18 keyboard to which you send orders to play
 19 softs on your computer.
 20 Q. Okay. What do you mean by the word
 21 "soft"?
 22 A. Software.
 23 Q. When did you learn to use the
 24 synthesizer?
 25 A. As I was saying previously, I've

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2 been playing the piano since I was five, and
3 when you play on the piano it's the same
4 thing on the synthesizer.

5 Q. So when did you start -- when did
6 you start creating music?

7 MR. DICKSTEIN: Objection.

8 MR. PINK: Objection as to form.

9 A. Can you go further in his question
10 to knowing if I create music to live from it
11 or as a hobby, a passion?

12 MR. DICKSTEIN: Just listen to the
13 question, if you don't understand it,
14 tell us.

15 Q. Okay. So when you were five years
16 old you learned to play the piano, correct?

17 A. Yes, by myself.

18 Q. And then at some point you started
19 using a synthesizer, so playing a piano but
20 making other sounds?

21 MR. DICKSTEIN: Objection, form.

22 A. I don't understand the question.

23 Q. When did you start creating songs
24 for a living?

25 A. Do you want the precise year or the

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2 A. I don't know what to answer. I
3 don't know how to answer your question.
4 Could you be more precise?

5 MR. VERNON: We're going to have
6 change the tape.

7 THE VIDEOGRAPHER: We're now off
8 the record. The time is 12:00 p.m.,
9 June 23, 2011.

10 (A brief recess was taken.)

11 THE VIDEOGRAPHER: This is tape two
12 of the deposition of Frederic Riesterer.
13 We're back on the record. The time is
14 12:11 p.m. The date is June 23, 2011.

15 BY MR. VERNON:

16 Q. Okay. Mr. Riesterer, before the
17 break you were talking about when you began
18 composing music for a living. You said when
19 you were about 28. I want to back up just a
20 little to ask, when did you begin composing
21 music as a hobby?

22 MR. DICKSTEIN: Object to form.

23 MR. PINK: Join.

24 A. Since I was seven years old, when I
25 was seven years old I was obsessed with

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2 number of years?

3 Q. How many years ago?

4 A. Twenty-five years ago. Yes,
5 25 years, 23 years ago.

6 Q. How old were you at the time?

7 A. 20 -- you want to know my age?

8 Q. No.

9 A. 28, 28 when I started to create
10 songs to earn my living.

11 Q. Okay. And what types of songs were
12 you creating when you first started to do
13 that to earn a living?

14 MR. PINK: Objection to form.

15 MR. DICKSTEIN: Same objection.

16 A. I don't know anything that came
17 from my mind.

18 Q. Is there a certain genre of music
19 that you were creating? I know the words
20 house, techno, trends?

21 MR. DICKSTEIN: Objection. We're
22 talking about when he started creating
23 music?

24 MR. PINK: Objection, objection as
25 to form.

1 RIESTERER - HIGHLY CONFIDENTIAL
2 creating songs.

3 Q. Did anybody teach you how to use a
4 synthesizer?

5 A. Yes.

6 Q. Who taught you?

7 A. Friends all the time.

8 Q. Did you ever take -- did you attend
9 high school?

10 A. Junior high.

11 Q. So what, how old were you when you
12 stopped going to junior high?

13 THE INTERPRETER: When you stop?
14 Interpreter's question.

15 A. I was 16. I was 16 years old.

16 Q. And did you go to school after you
17 were 16 years old?

18 A. Yes.

19 Q. Where did you go to school after
20 that?

21 A. In a hair styling school, because
22 my parents didn't want me to be a musician by
23 trade.

24 Q. Did you finish hair styling school?

25 A. Yes.

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 Q. Did you go to school after hair
 3 styling school?
 4 A. No, after that I was the boss in a
 5 salon.
 6 Q. So did you -- did you run a hair
 7 salon?
 8 A. Yes.
 9 Q. When did you start doing that?
 10 A. When I was 20 years old.
 11 Q. And were you also creating music as
 12 a hobby at this time?
 13 MR. DICKSTEIN: Objection, form.
 14 A. Always.
 15 Q. Do you still run a hair salon?
 16 A. No.
 17 Q. When did you stop?
 18 A. In 1987, I think.
 19 Q. So approximately how old were you
 20 at the time?
 21 A. Well, 26, 27.
 22 Q. And why did you stop?
 23 A. Because I signed my first contract
 24 with a record company.
 25 Q. Okay. Now how -- when did you sign

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 your first contract with a record company?
 3 A. I believe it was 1987 or 1988, I
 4 don't quite recall.
 5 Q. What record company was that?
 6 A. Scorpio Music in France.
 7 Q. How did you come to know, how did
 8 Scorpio Music come to know about you?
 9 MR. PINK: Objection, foundation.
 10 A. I made a demo and I sent it and
 11 they called me up and they told me they were
 12 interested.
 13 Q. Interested in what?
 14 A. By the song.
 15 Q. Was Scorpio Music the first record
 16 company that you sent your -- a demo tape to?
 17 A. Yes, I believe so. It's a long
 18 time ago.
 19 Q. So -- and we're talking about the
 20 time from when you finished in junior high
 21 you were creating music as a hobby.
 22 Did you ever send your music to
 23 anybody --
 24 MR. DICKSTEIN: Objection.
 25 Q. -- prior to sending it to Scorpio

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 Music?
 3 MR. DICKSTEIN: Objection.
 4 Compound. Foundation.
 5 MR. PINK: Join.
 6 A. Must I answer?
 7 MR. DICKSTEIN: If you understand,
 8 then you can answer the question.
 9 A. Could you reformulate your
 10 question, please?
 11 Q. Prior to sending your demo tape to
 12 Scorpio Music, before sending your tape to
 13 Scorpio Music, did you send your music to
 14 anyone else?
 15 A. No.
 16 MR. DICKSTEIN: Objection, form,
 17 vague.
 18 MR. PINK: Join.
 19 Q. The demo tape that you sent to
 20 Scorpio, what did it, what did it have on it?
 21 A. There was a song in French that I
 22 made with my best friend and with other two
 23 musicians.
 24 Q. Who is your best friend? Who was
 25 your best friend?

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 A. He is still my best friend today.
 3 He's Patrice.
 4 Q. Do you know his last name?
 5 A. Yes.
 6 Q. What is it?
 7 A. Swyngedaw.
 8 Q. And who are the other two people
 9 that you made that song with that you sent to
 10 Scorpio Music?
 11 A. Everett Verhees and Kevin Mulligan.
 12 Q. And you said before that Scorpio
 13 Music was the first company that you sent a
 14 demo tape to, right?
 15 MR. DICKSTEIN: Objection, asked
 16 and answered.
 17 MR. PINK: Join.
 18 Q. Have you ever sent your music to
 19 anyone other than Scorpio Music?
 20 MR. DICKSTEIN: Objection, form,
 21 vague.
 22 MR. PINK: Join.
 23 A. No.
 24 Q. Did Patrice and Edward and Kevin
 25 also sign with Scorpio Music?

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 MR. PINK: Objection as to
 3 foundation.
 4 A. No, I think you didn't understand
 5 right. I had a band with Patrice and myself
 6 and Kevin and Everett. They compose the song
 7 with us, for us even, because they were
 8 better.
 9 Q. They were better?
 10 A. Yes.
 11 Q. Better at composing?
 12 A. Yes.
 13 Q. Can you describe what type of band
 14 you had with Patrice?
 15 A. Yes, of course. French music from
 16 the 1980s. It wasn't very good.
 17 MR. DICKSTEIN: Just listen to the
 18 question and just answer the question.
 19 THE WITNESS: (In English) Okay.
 20 MR. VERNON: I was going to ask him
 21 if it was very good.
 22 Q. (Through the interpreter) Can you
 23 describe anything more -- can you describe
 24 the music, did it belong -- strike that.
 25 Was it a particular type of music?

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 Q. I would like you to.
 3 A. Okay. One day I met with Eddie
 4 Barclay, I had given him myself my own tape
 5 with my song and he called me to tell me he
 6 was interested. And through our
 7 conversation, there was always somebody
 8 coming back and forth in the office from one
 9 office to another, and afterwards I didn't
 10 have any more contacts with Eddie Barclay.
 11 And one day I was strolling on the
 12 Champs-Elyses in Paris, I met that person
 13 who was passing through from one office to
 14 another, he recognized me. He recognized me
 15 and he said to me, where are you, I want your
 16 song. But I told him but you are with
 17 Barclay. And he told me, no, I am with
 18 Scorpio. So I sent my tape to Scorpio and
 19 that's all.
 20 Q. Okay. I asked you before if you
 21 had sent your tape to anyone before you sent
 22 it to Scorpio and you said no?
 23 MR. PINK: Objection as to form.
 24 A. Absolutely.
 25 Q. But how did Eddie Barclay -- you

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 For example, hip hop, country?
 3 MR. DICKSTEIN: Objection.
 4 MR. PINK: Objection as to form.
 5 A. Vary things. I don't know. It's a
 6 banal song.
 7 Q. Why did you decide to send your
 8 music to Scorpio?
 9 A. If I tell it -- if I tell you it's
 10 going to be a long story.
 11 Q. That's fine.
 12 A. Must I tell you? Everything in
 13 French?
 14 MR. DICKSTEIN: Yes, yes, in
 15 French. If you can answer the question
 16 directly, that's all you get to do.
 17 THE WITNESS: It's very long, why I
 18 signed with Scorpio, it's a very long
 19 story.
 20 MR. DICKSTEIN: I don't think that
 21 was the question. Could we have the
 22 question back?
 23 (A portion of the record was read.)
 24 A. Yes, that's it, yes. If I tell
 25 you, it's very long but I can do it.

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 just said that you gave Eddie Barclay your
 3 tape?
 4 MR. DICKSTEIN: Objection.
 5 A. Yes, I handed it to him. I didn't
 6 send it to him.
 7 Q. Okay. Did you send, hand to, give
 8 your music to anybody prior to sending it to
 9 Scorpio?
 10 MR. PINK: Objection.
 11 MR. DICKSTEIN: Objection as to
 12 form.
 13 MR. PINK: Join.
 14 A. No.
 15 Q. But you did give it to Eddie
 16 Barclay?
 17 A. Yes, I gave him with my own hands.
 18 Q. Did you give your music to anybody
 19 else with your own hands?
 20 A. No.
 21 MR. PINK: Objection as to form.
 22 A. Why did you give it to Eddie
 23 Barclay?
 24 MR. DICKSTEIN: Objection, form.
 25 A. Because Eddie Barclay was a friend

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 of a friend and one day I was introduced to
 3 him.
 4 Q. What did Eddie Barclay do for a
 5 living?
 6 MR. PINK: Foundation.
 7 A. He was a producer.
 8 Q. Do you remember when you were
 9 introduced to him?
 10 A. Eddie Barclay?
 11 Q. Yes.
 12 A. Yes, of course.
 13 Q. When were you introduced to him?
 14 A. In 1987, at the end of 1987, 1988,
 15 something like that. It's been a long time.
 16 Very long time ago.
 17 Q. When you gave Eddie Barclay your
 18 demo tape, what did you want him to do with
 19 it?
 20 A. That he listens to it.
 21 Q. And did you want him to do anything
 22 else besides listen to it?
 23 A. Well, yes, it's my trade to sell my
 24 music, to edit my songs. So since he had a
 25 label I wanted him to have my song on his

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 label.
 3 Q. But was Eddie Barclay -- did Eddie
 4 Barclay end up putting your song on his
 5 label?
 6 A. Well, no. Since I signed with
 7 Scorpio Music.
 8 Q. When you signed with Scorpio, what
 9 did Scorpio agree to do for you?
 10 MR. DICKSTEIN: Objection, form,
 11 vague.
 12 MR. PINK: Join.
 13 THE WITNESS: Must I answer?
 14 MR. DICKSTEIN: If you understand
 15 the question, you can answer it.
 16 A. Yes. The role of the record
 17 company is to -- to market the song and
 18 that's what they said to me.
 19 Q. When you -- when you signed with
 20 Scorpio, what -- strike that.
 21 When you signed with Scorpio, were
 22 there any composers that you yourself
 23 admired?
 24 MR. PINK: Object to form.
 25 THE WITNESS: I would just like to

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 take a break, is it possible? Could I
 3 ask a question?
 4 MR. DICKSTEIN: Let's go off the
 5 record for just a couple of minutes; is
 6 that okay?
 7 MR. VERNON: I want an answer to
 8 this question.
 9 MR. DICKSTEIN: Can you answer the
 10 question first or is there a question
 11 about what he is asking you?
 12 THE WITNESS: I can answer the
 13 question now, but what I don't
 14 understand is why I have to talk about
 15 all the things I did before.
 16 MR. DICKSTEIN: If you can answer
 17 it, go ahead. It's their time, it's
 18 their deposition.
 19 THE WITNESS: Okay. What was the
 20 question, please?
 21 MR. DICKSTEIN: Please read it
 22 back.
 23 (A portion of the record was read.)
 24 A. Yes, of course.
 25 Q. Who were these composers?

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 A. Trevor Horn, Georgia Moroder, and
 3 many others.
 4 Q. What was it about their music that
 5 you admired?
 6 MR. PINK: Objection as to form.
 7 A. That I still admire as of today is
 8 the dream of any kid to sound like them and
 9 to have as great songs as they do.
 10 Q. Can you describe for me the types
 11 of songs that they make?
 12 MR. DICKSTEIN: Objection, form.
 13 You're talking about now?
 14 MR. VERNON: Then, at the time.
 15 A. I can't describe to you the type of
 16 song that they make, but what I can say it
 17 really touches me, it touches me deeply.
 18 Q. And you said that you sent one song
 19 to Scorpio, right?
 20 MR. DICKSTEIN: Objection,
 21 foundation.
 22 A. Yes.
 23 Q. Do you remember the name of that
 24 song?
 25 A. Of course.

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 Q. What's the name?
 3 A. "Do You Want Love, You Get
 4 Melancholy."
 5 Q. That's the name of the song or are
 6 you --
 7 A. Yes.
 8 Q. Okay.
 9 A. I build myself with this.
 10 THE VIDEOGRAPHER: Counsel, you're
 11 covering the microphone.
 12 MR. VERNON: Sorry.
 13 Q. On your website you mention names
 14 like Laurent Garnier, Joachim Garraud, who
 15 are these two individuals?
 16 MR. DICKSTEIN: Objection, form,
 17 foundation.
 18 MR. PINK: Join.
 19 A. These two people? They are other
 20 ones.
 21 Q. They are other composers?
 22 A. Could you repeat your question,
 23 excuse me?
 24 Q. Who is Laurent Garnier?
 25 A. Laurent Garnier is a French DJ.

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 A. I was playing music and I was
 3 talking in a mic.
 4 Q. And what did Joachim Garraud do for
 5 the radio station?
 6 A. He was a producer.
 7 Q. When you say -- what radio station
 8 was this?
 9 A. Maximum.
 10 Q. Was he your boss?
 11 A. Who?
 12 Q. Joachim Garraud?
 13 A. No.
 14 Q. When you say he was the producer,
 15 what did he do for the radio station?
 16 A. He was in charge of everything that
 17 is jingles and --
 18 THE INTERPRETER: The interpreter
 19 doesn't know the term, antennas.
 20 Q. So did you become friends with
 21 Joachim?
 22 A. Yes.
 23 Q. Do you still work at that radio
 24 station?
 25 A. No.

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 Q. And who is Joachim Garraud?
 3 A. Joachim. Joachim, a French DJ.
 4 (In English) in English a French
 5 DJ.
 6 Q. Do you know these two people?
 7 A. Yes, I know Joachim Garraud better.
 8 Q. When did you first meet Joachim
 9 Garraud?
 10 A. In 1989.
 11 Q. And you said Joachim is a French
 12 DJ?
 13 MR. DICKSTEIN: Objection, asked
 14 and answered.
 15 A. Yes.
 16 Q. How did you meet him?
 17 A. We were working together in Paris.
 18 Q. You were working together where?
 19 A. In a radio station.
 20 Q. What was your job at the radio
 21 station?
 22 A. I was a DJ.
 23 Q. When you say DJ, what do you mean?
 24 What did you do at the radio station?
 25 MR. DICKSTEIN: Objection, form.

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 Q. When did you stop?
 3 A. When the radio station went dead.
 4 Q. How long did you work at the radio
 5 station?
 6 A. For three years.
 7 Q. Did you -- other than work at the
 8 radio station, have you worked with Joachim
 9 Garraud in any other capacity?
 10 A. No.
 11 Q. So when you stopped working --
 12 sorry.
 13 THE WITNESS: Could he repeat the
 14 question?
 15 Q. Other than working with Joachim at
 16 the radio station Maximum, have you worked
 17 with him in any other capacity?
 18 MR. PINK: Objection as to form.
 19 MR. DICKSTEIN: Objection to form.
 20 If you understand it, you can answer.
 21 A. Yes, I understand, but while we
 22 were working together at the radio station
 23 were we also doing other things?
 24 Q. Okay. I'll ask that question
 25 first.

1 RIESTERER - HIGHLY CONFIDENTIAL
2 MR. DICKSTEIN: Can you ask it,
3 please?

4 Q. While you were working at the radio
5 station with Joachim were you also doing
6 other things with him?

7 MS. CENAR: Objection. Do we have
8 a time frame that we're talking about?

9 MR. VERNON: While he was working
10 at the radio station.

11 MS. CENAR: I know. What is the
12 time frame?

13 Q. He started working in 1989, right?

14 A. From 1989 until 1992.
15 I was making music.

16 Q. With Joachim?

17 A. With Joachim.

18 Q. And how did -- how did that process
19 come about?

20 MR. DICKSTEIN: Objection, form.

21 MR. PINK: Join.

22 A. I don't understand the question.

23 Q. You started working with Joachim,
24 Joachim Garraud in 1989 at the radio station,
25 right?

1 RIESTERER - HIGHLY CONFIDENTIAL
2 it's far too long ago. We were talking about
3 general things and this radio station was
4 specializing in music so we were talking
5 about a lot of things.

6 Q. My question isn't what you were
7 talking about. You said that you started to
8 make music with Joachim and I'm asking when
9 did you start doing that.

10 A. Well, I don't know. Maybe 1990,
11 '91.

12 Q. Okay. After you stopped working at
13 the radio station, did you continue to make
14 music with Joachim?

15 A. Yes.

16 Q. Over what time period have you made
17 music with Joachim?

18 MR. PINK: Objection as to form.

19 MR. DICKSTEIN: Same objection.

20 A. I have to think about it. After
21 the radio went dead, I went to work for other
22 radio stations but Joachim was not with me,
23 working with me any more.

24 Q. But you --

25 MR. DICKSTEIN: Just let him finish

1 RIESTERER - HIGHLY CONFIDENTIAL
2 A. Yes.

3 Q. And you were a DJ and he was a
4 producer, right?

5 A. Yes.

6 Q. But you just said you also in
7 addition to this work at the radio station
8 made music with Joachim, correct?

9 A. Yes.

10 Q. So how did you start working with
11 Joachim outside of the radio station?

12 MR. DICKSTEIN: Objection, form.

13 MR. PINK: Join.

14 A. We are music fans. We were talking
15 about synthesizers so that came up the most
16 naturally, in the most natural possible way.

17 Q. From 1989 to 1992, how many songs
18 did you make with Joachim?

19 MR. PINK: Objection as to form.

20 MR. DICKSTEIN: Same.

21 A. I don't know, maybe one, maybe
22 none. I don't recall.

23 Q. Do you remember when you started
24 making music with Joachim?

25 A. This question is far too broad and

1 RIESTERER - HIGHLY CONFIDENTIAL
2 the question.

3 Q. What did you just say?

4 A. I think it was in 2006, 2000, 2006.

5 Q. What was in 2006?

6 A. The song I made with Joachim.

7 Q. But --

8 A. I didn't understand.

9 Q. You started making music with
10 Joachim in 1990 or '91, right?

11 A. Yes.

12 Q. So you're saying that you also made
13 music in 2006?

14 MR. DICKSTEIN: Objection, form.

15 A. Yes. Yes, but between 1990, 1991
16 and 2006, we didn't do anything.

17 Q. So after you stopped working at the
18 radio station from that time until 2006, did
19 you speak to Joachim?

20 A. Yes.

21 Q. What did you guys talk about?

22 MR. PINK: Objection as to form.

23 A. We talked about music.

24 Q. And does he remain a friend until
25 this day?

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 A. Yes, but we haven't spoken to each
 3 other for a long time.
 4 Q. When was the last time you spoke to
 5 him?
 6 A. Last year maybe.
 7 Q. When you -- and I want to
 8 understand the process, when you say you were
 9 making music with him in 1990 or '91, can you
 10 describe that music making process to me?
 11 How you make music with somebody else?
 12 MR. DICKSTEIN: Objection, form.
 13 MR. PINK: We're joining that last
 14 objection, if it wasn't picked up.
 15 MR. DICKSTEIN: Do you mean make
 16 music with anybody or are you talking
 17 about Joachim?
 18 MR. VERNON: Joachim.
 19 A. Well, yes, with a sequencer and
 20 synthesizers.
 21 Q. Okay. And to someone familiar with
 22 music that probably makes a lot of sense, but
 23 can you explain to me how does that -- how
 24 does the process work?
 25 MR. DICKSTEIN: Objection, form.

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 MR. PINK: Join.
 3 A. I don't understand. How does it
 4 work, how does it work what?
 5 Q. You making music with Joachim,
 6 where are you when you make music together?
 7 MR. DICKSTEIN: Objection,
 8 compound.
 9 MR. PINK: Also objection to form.
 10 A. We were in Paris. There were
 11 synthesizers at the radio station and Joachim
 12 had his own synthesizers and I had my own, my
 13 own at my own place.
 14 Q. So when you and Joachim were making
 15 music, did you -- were you in the same place
 16 while you were making the music or can you be
 17 in separate places?
 18 MR. PINK: Objection as to form.
 19 MR. DICKSTEIN: Same objection.
 20 A. It's a strange question.
 21 Q. What I'm trying to understand --
 22 MS. CENAR: Can I ask the court
 23 reporter, are you picking up Mr. Pink's
 24 objections?
 25 A. I want to say that sometimes I

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 happen to compose music without using any
 3 instrument.
 4 MR. PINK: Can we take a two-minute
 5 break?
 6 MR. VERNON: I want to, I want to
 7 --
 8 MR. PINK: I just have a question
 9 about inserting objections given the
 10 translator -- if we could, if we want to
 11 say, you know, that she'll finish and
 12 then we'll assert objections. I don't
 13 want it to --
 14 MS. CENAR: Break the flow.
 15 MR. PINK: Yeah, so I just want to
 16 get some agreement as to when we're
 17 doing this because it's sort of all over
 18 the map at the moment. That's all I
 19 wanted to say, say off the record. But
 20 go ahead. You keep questioning. We'll
 21 keep going ad hoc and we'll figure it
 22 out after lunch.
 23 MR. VERNON: Okay. I'll try to ask
 24 the question so you understand it
 25 better.

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 Q. When -- if I'm in a rock band and
 3 I'm making music, we may sit around in a
 4 garage and someone plays drums and someone
 5 plays guitar and we figure out what sounds
 6 good. How do you do that with your type of
 7 music? How did you and Joachim make music
 8 together? How does that work?
 9 MR. DICKSTEIN: Objection, form,
 10 vague, confusing. Compound.
 11 MR. PINK: Also, foundation and
 12 join the others.
 13 A. It -- for any kind of music, either
 14 you are a musician and you play a, you play
 15 an instrument and with other people or if you
 16 are a composer you're autonomous. You can,
 17 you can compose at your place and the other
 18 person at his place and then you put things
 19 together.
 20 Q. So how did it work with Joachim?
 21 A. Like that.
 22 Q. So you worked at your place and he
 23 worked at his place and he would send you his
 24 music?
 25 MR. DICKSTEIN: Object to form.

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 MR. PINK: Join.
 3 A. Send to whom?
 4 Q. To you.
 5 A. Well, no. No. I think you don't
 6 understand.
 7 Q. I'm trying to understand.
 8 A. He could have been at his place and
 9 me at my place and we were both living in
 10 Paris.
 11 Q. Okay.
 12 A. He was starting a song, he had some
 13 ideas and I was starting a song on my side.
 14 And when we were at the radio station we
 15 would regroup those ideas together and we
 16 would decide whether we would go forward with
 17 that project or not.
 18 Q. Okay. And that's helpful. That's
 19 what I'm trying to understand.
 20 So when you were exchanging ideas,
 21 how would he present his idea to you?
 22 MR. DICKSTEIN: Objection.
 23 MR. PINK: Form.
 24 A. Hi, Fred, last night I was not able
 25 to sleep so I had an idea for a bass, bass.

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 Hi, Joachim, I wasn't, I wasn't sleeping well
 3 either, I had an idea for a piano melody.
 4 Q. Okay. And I understand French,
 5 too. I believe you also said listening, so
 6 do you play the music for each other?
 7 When you are with Joachim at the
 8 radio station and he says, hey, I couldn't
 9 sleep last night I had an idea, listen to
 10 this, does he play his music for you at that
 11 time? How do you share the ideas?
 12 MR. DICKSTEIN: Objection, form.
 13 MR. PINK: Join.
 14 A. If he was at home he would have
 15 recorded it on the tape and same thing on my
 16 side.
 17 Q. And then what would you do with
 18 these tapes?
 19 A. If it was good we would pursue, and
 20 if it wasn't, we would just forget it.
 21 Q. And how would you know what was on
 22 his tapes? Would he give them to you?
 23 A. I really don't understand what you
 24 mean.
 25 Q. I'm trying to understand. You said

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 that you would come up with ideas, right?
 3 MR. DICKSTEIN: Objection.
 4 Q. And Joachim would could up with
 5 ideas at his place.
 6 A. Yes.
 7 Q. And then you guys would get
 8 together and share your ideas.
 9 A. Yes.
 10 Q. So when you say -- I'm trying to
 11 understand physically how that happens. What
 12 you mean. When you say share ideas, would he
 13 play his music for you to hear?
 14 A. Well, we've been working for years
 15 with sequencers so if his part was good and
 16 mine was good we would put them together, put
 17 them together in the sequencer. We would
 18 play it back with a sequencer. It was Atari,
 19 the brand of the sequencer.
 20 Q. So once you decided that you liked
 21 each other's ideas, what would the next step
 22 be? What was the next step?
 23 MR. DICKSTEIN: Objection, form.
 24 MR. PINK: Asked and answered.
 25 Objection as to form.

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 A. Once again it's a very odd
 3 question, when you are in this trade and
 4 one day you have a part and you like it and
 5 there's another part you like and you try to
 6 get as many parts together in order to obtain
 7 a final song, to finalize into a song and
 8 sometimes it takes a lot of times, sometimes
 9 it doesn't, sometimes you forget about it,
 10 sometimes you continue that's an idea, that's
 11 how we put the ideas. I mean it's been --
 12 it's been a long time. It's been like
 13 30 years back so I don't understand. I'm not
 14 there for that or I think I'm not there to
 15 talk about that.
 16 MR. DICKSTEIN: Just one second.
 17 Can we break for lunch now? It's one
 18 o'clock.
 19 MR. VERNON: I'd like to finish
 20 this line of questioning and we can go
 21 through the next ten, 15 minutes.
 22 MR. DICKSTEIN: Couple more
 23 minutes. Okay. Sure.
 24 THE WITNESS: Could I add anything?
 25 MR. SLOTNICK: No.

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 2 MR. DICKSTEIN: Are you done
 3 answering the question?
 4 THE WITNESS: I just wanted to say
 5 that when one composes a song, whether
 6 it's 30 years ago or now, it's the same
 7 thing.
 8 Q. What do you mean it's the same
 9 thing?
 10 A. It's the same stages.
 11 Q. And that's exactly what I'm trying
 12 to learn. What are those stages?
 13 A. That's what I explained to you.
 14 MR. DICKSTEIN: Asked and answered.
 15 Q. So those stages are, coming up with
 16 ideas, sharing ideas, and then making music?
 17 MR. PINK: Objection.
 18 MR. DICKSTEIN: Objection.
 19 MR. PINK: Form and foundation.
 20 A. No, music, when you have ideas and
 21 you play on a synthesizer you are making
 22 music.
 23 Q. I understand. What I don't
 24 understand and I think -- you know what I
 25 want, so what stages are there?

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 2 MR. DICKSTEIN: Objection, I don't
 3 think we need your testimony. If you're
 4 going to ask a question please go ahead.
 5 MR. VERNON: Really? Come on.
 6 MR. PINK: And objection as to form
 7 and foundation.
 8 Q. Are you going to answer the
 9 question?
 10 MR. DICKSTEIN: Could we have the
 11 question read back, please?
 12 (A portion of the record was read.)
 13 MR. DICKSTEIN: Objection, form.
 14 MR. PINK: Join.
 15 A. The stages?
 16 Q. You said before that whether you're
 17 making music 30 years ago or making music now
 18 the stages are the same.
 19 A. Yes.
 20 Q. What are those stages?
 21 A. It's the same as the ones I
 22 answered for when I explained how I was
 23 making music with Joachim.
 24 Q. So --
 25 MR. DICKSTEIN: Hold on. Let him

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 finish the question.
 3 MR. VERNON: What did he just say
 4 there?
 5 A. I am at home, I have an idea for a
 6 base line.
 7 MR. VERNON: And I'd ask you not to
 8 interrupt while he's answering a
 9 question.
 10 MR. DICKSTEIN: And I was trying to
 11 get him not to interrupt you.
 12 Q. Okay. So you just said something
 13 about base line?
 14 Just explain to me what the stages
 15 are in making music with someone and use
 16 Joachim and you as an example.
 17 MR. DICKSTEIN: Objection to form,
 18 asked and answered.
 19 MR. PINK: Join.
 20 A. I happen -- I would happen to be in
 21 my car, I had a recording machine so I would
 22 record the notes for the base, or the violin,
 23 the music is born anywhere, not only with an
 24 instrument. So then when I would see Joachim
 25 I would say, oh, this is how the base goes,

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 this is how the drums go and I have an idea.
 3 There is no limit to creation.
 4 MR. DICKSTEIN: Joe, could we break
 5 for lunch now?
 6 Q. And when you're telling Joachim
 7 this is how the base goes, this is how the
 8 drums go, are you playing on a synthesizer,
 9 are you humming? How are you conveying that
 10 to him?
 11 MR. DICKSTEIN: Objection to form.
 12 MR. PINK: Join.
 13 A. Well, yes, if I was in my car, I
 14 couldn't play with my synthesizers, I had a
 15 recording machine and I would put the notes
 16 on the recording machine and then I would go
 17 to the studio, I would play, I'd play it.
 18 Q. Okay. So that was my question. So
 19 when you're conveying your ideas to Joachim
 20 at the studio, you would play them for him?
 21 MR. PINK: Objection as to form.
 22 MR. DICKSTEIN: Same objection.
 23 A. Yes.
 24 Q. And he would do the same for you?
 25 A. Sometimes.

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 2 Q. And what -- what equipment would
 3 you use to play your ideas to Joachim?
 4 MR. PINK: Objection as to form.
 5 MR. DICKSTEIN: Same objection.
 6 A. I don't know. I don't recall. I
 7 always bought a lot of machines. I can't
 8 only remember the sequencer that was an Atari
 9 machine.
 10 Q. So I believe you're saying you used
 11 an Atari machine when you were making this
 12 music with Joachim, so in 1990, 1991?
 13 A. Yes.
 14 Q. And when did you stop using the
 15 Atari machine?
 16 MR. DICKSTEIN: Objection, form.
 17 MR. PINK: Objection, foundation.
 18 A. I don't know when I bought my first
 19 Apple.
 20 Q. Was that in -- was that within the
 21 last five years?
 22 A. Perhaps in 1994, '95, when I
 23 stopped the Atari machine.
 24 Q. Do you still have the Atari
 25 machine?

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 2 discovery responses to date and we will
 3 move to strike the testimony to date and
 4 we would ask counsel to quickly proceed
 5 to some questioning that bears some
 6 relationship to the claim as you've
 7 disclosed in your initial disclosures in
 8 your discovery responses to date.
 9 THE VIDEOGRAPHER: We're now off
 10 the record. The time is 1:10 p.m.
 11 Today's date is June 23, 2011.
 12 (Lunch recess taken at 1:10 p.m.)
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 2 A. No, unfortunately no.
 3 MR. PINK: Break for lunch?
 4 MR. VERNON: Hold on.
 5 Q. The Atari machine, was this a
 6 synthesizer?
 7 A. No, it was a computer.
 8 Q. Do you remember what software you
 9 used at the time?
 10 A. Notator Logic (phonetic), something
 11 like that.
 12 Q. Was that the sequencer that you
 13 used?
 14 MR. DICKSTEIN: Objection, form.
 15 A. Yes.
 16 MR. PINK: Objection.
 17 MR. VERNON: Okay. We can break
 18 now.
 19 MS. CENAR: Before we break I have
 20 just an objection that I want to note
 21 for the record that the deposition
 22 questioning to date bears no
 23 relationship to any of the information
 24 that has been provided to Mr. Pringle's
 25 additional disclosures or any of his

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 2 A F T E R N O O N S E S S I O N
 3 (Time noted: 2:28 p.m.)
 4 THE VIDEOGRAPHER: This is tape 3
 5 of the deposition of Mr. Frederic
 6 Riesterer. We're now back on the
 7 record. The time is 2:28 p.m. Today is
 8 June 23, 2011.
 9 MS. CENAR: Can we just have an
 10 identification of who is attending this
 11 deposition remotely, for the record.
 12 MR. VERNON: I was just going to go
 13 there. Disclosing that, if everyone is
 14 attending remotely.
 15 MR. DICKSTEIN: No one is on our
 16 side.
 17 MR. VERNON: And we just have
 18 Catherine Dunn, George Hampton and Dean
 19 Dickie, all co-counsel on this case.
 20 MS. CENAR: They're all attending
 21 remotely?
 22 MR. VERNON: Sorry?
 23 MS. CENAR: They're all attending
 24 with appearance at this deposition
 25 remotely?

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 2 MR. VERNON: Yes, they're not here,
 3 they're on LiveNote. I didn't
 4 understand your question.
 5 MS. CENAR: I thought you said
 6 Mr. Dickie was ill.
 7 MR. VERNON: He's ill, but he can
 8 have a computer in front of him.
 9 MS. CENAR: Okay.
 10 F R E D E R I C R I E S T E R E R,
 11 resumed.
 12 EXAMINATION (Cont'd.)
 13 BY MR. VERNON:
 14 Q. (Through the interpreter) I hope
 15 you enjoyed your lunch. We were starting to
 16 talk --
 17 A. Thank you.
 18 Q. -- about you leaving the hair salon
 19 when you signed on with Scorpion Music (sic);
 20 is that right?
 21 A. Scorio, yes.
 22 Q. And you said that was in
 23 approximately 1987, right?
 24 A. Yes.
 25 Q. How did -- so once Scorio signed

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 2 A. The group.
 3 Q. Did that group have a name?
 4 A. Yes.
 5 Q. What was the name of the group?
 6 A. Forbidden.
 7 Q. And did Scorio put your initial
 8 song that you submitted to them on to a vinyl
 9 for you?
 10 MR. PINK: Objection, form.
 11 MR. DICKSTEIN: Objection.
 12 MR. PINK: And also calls for
 13 foundation.
 14 MR. VERNON: Sorry, what is the
 15 objection?
 16 MR. PINK: Form and foundation.
 17 MR. VERNON: On what basis?
 18 MR. PINK: You want me to explain
 19 it? I don't think that's proper during
 20 the deposition.
 21 MS. CENAR: Just ask for a basis.
 22 MR. PINK: You want to know the
 23 basis for that, okay. It's overly
 24 broad, it calls for speculation. I can
 25 go on, if you like. But I mean those

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 2 you, and you mentioned that it was their job
 3 to help market and sell your music; do I have
 4 that right?
 5 MR. DICKSTEIN: Objection, form.
 6 A. No.
 7 Q. So what, how would you characterize
 8 -- sorry, go ahead.
 9 A. When you sign a contract with a
 10 record company, the job is to put your song
 11 on the market and to do the promotion for the
 12 song.
 13 Q. And how did Scorio do that for
 14 you? How did they put your song on the
 15 market?
 16 MR. PINK: Objection, foundation.
 17 MR. DICKSTEIN: Objection, form.
 18 A. By making the vinyl because they
 19 were using vinyls at the time and by making a
 20 TV broadcast and radio broadcast to promote
 21 the song and the group.
 22 Q. And I don't think we were clear on
 23 this, you said you signed on with Scorio,
 24 are you referring to you individually or your
 25 band at the time?

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 2 are the objections.
 3 MR. VERNON: Okay.
 4 MR. DICKSTEIN: I have an objection
 5 to "initial song."
 6 Q. Now that the objections are done
 7 you can answer the question unless your
 8 attorney instructs you not to.
 9 MR. DICKSTEIN: You can answer.
 10 A. The problem is that I don't recall
 11 your question. If you could repeat it,
 12 please.
 13 MR. VERNON: And I'm going to ask
 14 the court reporter to do that.
 15 (A portion of the record was read.)
 16 A. Yes, the first, the sole one and
 17 the only one.
 18 Q. So that's the only song that
 19 Scorio ever promoted for you and can we just
 20 name the song again because there's some
 21 confusion with your counsel. What song did
 22 you submit to Scorio?
 23 A. "Do You Want Love, You Will Get
 24 Melancholy."
 25 Q. Okay. "Do You Want Love, You Will

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 2 Get Melancholy."
 3 Did you -- is that the only song
 4 that Scorpio promoted for you?
 5 A. No, there was another one.
 6 Q. And what was the other one called?
 7 A. "The Name of Songs."
 8 Q. That was the name of the song?
 9 A. Yes.
 10 Q. Did they put that song to a vinyl
 11 for you as well?
 12 A. Yes.
 13 Q. Did Scorpio put any other songs
 14 that you created on to a vinyl?
 15 A. No.
 16 Q. Did you, in your opinion, achieve
 17 any commercial success with either of these
 18 two songs?
 19 MR. PINK: Objection, form.
 20 A. No.
 21 Q. Do you know why that is the case?
 22 MR. DICKSTEIN: Objection.
 23 MR. PINK: Join.
 24 A. No, I don't know.
 25 Q. Why were those the only two songs

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 2 members?
 3 A. I don't recall. That was really
 4 way, way back.
 5 Q. Okay. But Scorpio under that
 6 agreement was supposed to pay you certain
 7 royalties on the sales?
 8 A. Yes.
 9 Q. And you're saying at some point
 10 they stopped paying you royalties?
 11 A. Yes.
 12 Q. Did they give you a reason for not
 13 paying the royalties any more?
 14 A. No, perhaps because it was not a
 15 very successful, a big success or maybe they
 16 had fulfilled their contract of the single of
 17 the follow up.
 18 Q. Okay. So after you stopped working
 19 with Scorpio, did you then continue to look
 20 for other companies to promote your music?
 21 A. Yes, we are always on the lookout
 22 when we are composing songs.
 23 Q. And how, when you say you're always
 24 on the lookout, how do you get your music out
 25 there to these various companies?

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 that Scorpio promoted for you?
 3 MR. PINK: Objection, foundation.
 4 MR. DICKSTEIN: Objection, calls
 5 for speculation.
 6 MR. PINK: And join in that.
 7 THE WITNESS: And do I answer?
 8 MR. DICKSTEIN: You can answer, if
 9 you are able.
 10 A. Because the contract I signed was
 11 for one single and one follow up.
 12 Q. So when did you stop working with
 13 Scorpio?
 14 A. When they stop giving us our
 15 royalties.
 16 Q. And I was going to ask you about
 17 that.
 18 So your agreement with Scorpio,
 19 they were to promote your music and how were
 20 you to get paid under that agreement?
 21 A. On the sales of the vinyls.
 22 Q. Okay. And how did you determine
 23 who received what -- how did your band
 24 members, how did you determine how to
 25 distribute the pay between you and your band

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 MR. DICKSTEIN: Objection, form.
 3 MR. PINK: Join, join.
 4 A. I pick up my phone and I call up
 5 the person in question and then I -- I go.
 6 Q. So when you say you call up the
 7 person in question, you call up someone from
 8 a record company and then you go meet with
 9 him or her?
 10 A. Yes.
 11 Q. So after you stopped working for
 12 Scorpio, what record companies did you
 13 contact to promote your songs?
 14 MR. PINK: Objection as to form.
 15 A. I don't remember. I made a lot of
 16 songs, so.
 17 Q. So you don't -- do you also not
 18 remember -- do you remember which record
 19 companies you may have contacted to promote
 20 those songs?
 21 MR. DICKSTEIN: Objection, asked
 22 and answered.
 23 MR. PINK: Join.
 24 A. Can you repeat, please, what you
 25 just asked me?

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 2 MR. DICKSTEIN: Could we have the
 3 court reporter read it back?
 4 (A portion of the record was read.)
 5 A. No, I don't remember.
 6 Q. Is that because there were many?
 7 A. Yes, I think so. Many beginnings
 8 of songs.
 9 Q. Were there also many companies that
 10 you tried to contact?
 11 MR. DICKSTEIN: Objection, form.
 12 MR. PINK: Join.
 13 A. Yes, probably. It's my job to sell
 14 my music to the companies. I don't remember,
 15 it's a long, long, time ago.
 16 Q. And is it fair to say that you have
 17 not kept records of everything, every song
 18 that you've sent to each record company?
 19 MR. PINK: Objection as to form and
 20 foundation.
 21 MR. DICKSTEIN: Same objections.
 22 A. I don't quite understand the
 23 question, to keep records?
 24 Q. Did you keep, did you write down
 25 anywhere which songs you sent to which

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 2 asking you to help me understand. The
 3 difference between dance music and pop music.
 4 Is dance music primarily played at clubs?
 5 MR. DICKSTEIN: Objection, form.
 6 MR. PINK: Form and also
 7 foundation.
 8 A. At the time, yes.
 9 Q. So you said that you did not send
 10 songs to DJs because your music wasn't dance
 11 music it was pop music. Did you send your
 12 songs to anyone other than record companies
 13 to help promote the music?
 14 A. No.
 15 Q. Did you sign on with any record
 16 companies after Scorpio?
 17 MR. PINK: Just object as to form.
 18 A. Yes, perhaps, but I don't remember
 19 the name because it's very vague in my mind
 20 because I'm not a businessman. I'm a
 21 composer before anything else.
 22 Q. Are you saying that because you're
 23 a composer and not a businessman you don't
 24 necessarily remember who you sent your music
 25 to?

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 companies?
 3 A. No.
 4 Q. Did you at any time send your songs
 5 -- so I've asked you about record companies.
 6 Did you send your songs to DJs or other
 7 artists for help in promoting them?
 8 MR. DICKSTEIN: Objection, form.
 9 MR. PINK: Join.
 10 A. No, the music I do is not only
 11 dance music. It's also pop music. It's my
 12 musical culture so I don't see the point of
 13 sending my music to DJs.
 14 Q. And that was the question I asked
 15 for and for some reason it wasn't understood.
 16 So you say that you create pop
 17 music?
 18 A. Because, yes, because in France pop
 19 music is music you hear over the radio. And
 20 it's not necessarily meant to be dance music.
 21 There is dance music.
 22 MR. PINK: I am going to object as
 23 to form on that last question, sorry for
 24 the belated objection.
 25 Q. And this is something that I'm

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 2 MR. DICKSTEIN: Objection as to
 3 form.
 4 MR. PINK: Objection as to form.
 5 A. Absolutely, absolutely.
 6 Q. So what did you do, how did you
 7 promote your music after you ended your
 8 relationship with Scorpio?
 9 A. I tried to call people because
 10 through the intermediary of other people
 11 because I always try to get an appointment
 12 with someone rather than sending my CD and if
 13 the person was not interested I would go back
 14 with my own CD or a tape.
 15 Q. And do you remember who the people
 16 were that you would have called for this
 17 help?
 18 MR. DICKSTEIN: Objection to form.
 19 MR. PINK: And join.
 20 Are we talking about a distinct
 21 time period at this point or we're just
 22 talking anywhere?
 23 MR. VERNON: After Scorpio.
 24 MR. PINK: After Scorpio.
 25 A. Yes, I remember some of them and

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 for others no.
 3 Q. Who are the ones that you remember?
 4 A. Yes, do you want their names?
 5 Q. Yes.
 6 A. Jean-Michel Duguay (phonetic), Remy
 7 Saint Jacques (phonetic), Olivier Guidry
 8 (phonetic). That's it. I think so.
 9 Q. Did you ever call Joachim Garraud
 10 for they?
 11 MR. PINK: Overly broad, form.
 12 MR. DICKSTEIN: Same objection.
 13 A. To do what?
 14 Q. For help promoting your music.
 15 A. Well, no, Joachim is like me a
 16 composer, so he has to deal with the same
 17 things.
 18 Q. So Jean-Michel Duguay, what is his
 19 job?
 20 MR. DICKSTEIN: Objection, what
 21 time period are we talking about? Now?
 22 Q. When you called him for help.
 23 MR. PINK: Objection as to form.
 24 A. Jean-Michel Duguay was the boss for
 25 a label.

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 Q. And how did you meet him?
 3 A. Perhaps at a party.
 4 Q. So Jean-Michel Duguay was a boss at
 5 a record label. Were Remy Saint Jacques,
 6 Olivier Guidry also working for record labels
 7 at the time?
 8 MR. PINK: Foundation.
 9 MR. DICKSTEIN: Objection to form.
 10 MR. PINK: Join.
 11 A. Yes.
 12 Q. Do you remember which record labels
 13 these three people worked for?
 14 A. They don't exist today, any more.
 15 I think R-Play and 3E Media.
 16 Q. And when you called these
 17 individuals for help, did you also give them
 18 any samples of your music?
 19 A. Never, I would make an appointment
 20 with them to make them listen to it.
 21 MR. DICKSTEIN: I'm going to object
 22 to form as to the last question.
 23 MR. PINK: I'll join.
 24 Q. Okay. And that's what I mean. So
 25 you would make an appointment and then meet

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 with them so they could listen to your music?
 3 A. Yes.
 4 Q. And did either of these meetings
 5 with Mr. Duguay, Mr. Saint Jacques or Mr.
 6 Guidry lead to a new contract with a record
 7 label?
 8 A. Yes.
 9 Q. Okay. And what was that record
 10 label, when did you sign with the new record
 11 label?
 12 A. Frankly, I don't remember. The
 13 most recent one was 3E Media.
 14 Q. And when you say most recent, when
 15 did you sign with them?
 16 A. With 3E Media?
 17 Q. Yes.
 18 A. I think it was in 2002 or 2003.
 19 Q. And did 3E Media promote any of
 20 your songs?
 21 A. Yes.
 22 Q. Which songs did 3E Media promote
 23 for you?
 24 A. One artist whose name is Anna
 25 Klein, I made an album with 12 or 13 songs

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 for her. A mix of pop, rock and electro
 3 music.
 4 Q. Did they promote any other music
 5 besides what you just told me for you?
 6 MR. DICKSTEIN: Objection, form.
 7 You mean hit music?
 8 Q. Did 3E Media --
 9 MR. PINK: I'll join, also lack of
 10 foundation.
 11 Q. -- promote any other music for you
 12 than the ones that you just mentioned?
 13 A. I think they signed a single under
 14 my name, but I'm not sure. I recall the
 15 title, but I don't know if it was under my
 16 name.
 17 Q. What was the title?
 18 A. "High and Low."
 19 Q. When you say under your name, do
 20 you mean that you were the artist of that
 21 song? You mentioned before that they
 22 promoted -- strike that.
 23 You mentioned before that they
 24 promoted music that you submitted that you
 25 prepared for Anne Klein, correct, Anna Klein?

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 2 A. Yes.
 3 Q. So this other single that you're
 4 talking about, "High and Low," who -- who was
 5 the artist that -- I know you submitted that
 6 song, but was there an artist associated with
 7 it?
 8 MR. DICKSTEIN: Objection, form.
 9 MR. PINK: Join.
 10 A. The artist was myself, but I don't
 11 remember if it was sung under the name of
 12 Fred Rister or under another name.
 13 Q. Okay. Did 3E Media promote any
 14 other music that you submitted to them other
 15 than what you've just described?
 16 A. No.
 17 Q. The album for Anna Klein, did you
 18 compose that music with the assistance of
 19 anyone else?
 20 MR. PINK: Objection as to form.
 21 MR. DICKSTEIN: Same objection.
 22 A. I think that for one song there was
 23 another composer.
 24 Q. And who was that?
 25 A. And I was, I didn't write the text,

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 someone else was writing the lyrics.
 3 Q. So who wrote the lyrics?
 4 A. Anna Klein.
 5 Q. And who was the other composer that
 6 helped you with that music?
 7 MR. DICKSTEIN: Objection, form,
 8 foundation.
 9 MR. PINK: Join.
 10 A. Loho Bergman (phonetic).
 11 Q. Now, did you ever like go on tour
 12 with Anna Klein?
 13 A. Yes.
 14 Q. When?
 15 A. Between 2002, 2003 when the single
 16 came out and until 2006, but not for every --
 17 every one of them because on some of them I
 18 was playing the drums.
 19 Q. So when you went -- when you would
 20 go on tour, what would your task be while you
 21 were on tour with Anna Klein?
 22 MR. PINK: Objection as to form.
 23 MR. DICKSTEIN: Objection.
 24 A. I played drums.
 25 Q. And when you say "played drums,"

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 2 you mean you played them on a keyboard
 3 synthesizer?
 4 A. No, no, on the real drums. On an
 5 electronic, on electronic drums.
 6 Q. So you used drum sticks?
 7 A. Yes.
 8 Q. So you are a performer too?
 9 MR. DICKSTEIN: Objection, form.
 10 A. Yes, I said so.
 11 Q. No, actually, you said you weren't
 12 a performer, but that's okay.
 13 MR. DICKSTEIN: Could we hold on
 14 one second? There may be an issue with
 15 the translation.
 16 THE VIDEOGRAPHER: Go off the
 17 record?
 18 MR. VERNON: No, we can stay on.
 19 (Discussion off the record.)
 20 MS. CENAR: Let's take a break.
 21 Could we take a break?
 22 MR. DICKSTEIN: One second. Could
 23 we go off the record?
 24 MR. VERNON: If he wants to answer
 25 the question, let him answer.

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 2 MS. CENAR: I've asked to take a
 3 break. You want to take a break, there
 4 isn't a question pending.
 5 MR. DICKSTEIN: He answered the
 6 question, I believe.
 7 MR. VERNON: It looks like he wants
 8 to speak.
 9 THE WITNESS: I just wanted to say
 10 something. I never said that I didn't
 11 play instruments. I told you that I
 12 didn't have room in my studio to put my
 13 drums.
 14 MR. DICKSTEIN: Okay. Can we go
 15 off the record? I think there's an
 16 issue with the translation.
 17 THE VIDEOGRAPHER: We're now off
 18 the record. The time is 3:03 p.m.,
 19 June 23, 2011.
 20 (A brief recess was taken.)
 21 THE VIDEOGRAPHER: We're now back
 22 on the record. The time is 3:10 p.m.,
 23 June 23, 2011.
 24 MR. DICKSTEIN: Mr. Riesterer, now
 25 that we're back on the record, is there

1 RIESTERER - HIGHLY CONFIDENTIAL
2 something you wanted to clarify about
3 your testimony as to whether you are a
4 performer, what you mean by that,
5 whether or not you're a performer?

6 THE WITNESS: I was asked this
7 morning whether I performed and I said
8 no, because for me to perform is to play
9 music. With Anna Klein I was playing
10 the drums on certain dates.

11 MR. DICKSTEIN: Is there a
12 distinction you want to make between
13 performing in public or performing in
14 private?

15 THE WITNESS: To me it's still
16 playing music. Is there a difference in
17 America? For me, when I perform I
18 always perform, I perform in my studio,
19 on my instruments. There is no
20 difference for me.

21 BY MR. VERNON:

22 Q. Okay. I know you met with counsel
23 and wanted to clarify, but if I'm
24 understanding what you're saying, you're
25 saying that you are a performer under your

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2 definition?

3 A. Well, in France it's someone who
4 sings.

5 Q. So when you say that you're not a
6 performer, you mean you don't sing?

7 A. No.

8 Q. Besides in the shower.

9 A. I don't sing any longer.

10 Q. The song "High and Low," did
11 anyone -- did you -- did you compose the song
12 "High and Low"?

13 A. Yes.

14 Q. Did you compose that song with
15 anyone else's assistance?

16 MR. PINK: Objection to the form.

17 A. No.

18 MR. DICKSTEIN: Same objection.

19 Q. And what happened with that song
20 after you submitted it to 3E Media?

21 MR. PINK: Objection.

22 MR. DICKSTEIN: Objection, form.

23 MR. PINK: Objection as to form.

24 A. Some vinyls were made and then it
25 was issued in compilations.

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2 Q. So when you say it was "issued in
3 compilations," does that mean it was issued
4 on CDs with songs from other artists too?

5 A. Yes.

6 Q. Was the song "High and Low" a
7 commercial success for you?

8 A. No.

9 Q. And you said before that the music
10 for Anna Klein and the song "High and Low"
11 that was all that 3E Media promoted for you.
12 So when did you stop your relationship with
13 3E Media?

14 MR. DICKSTEIN: Objection, form.

15 MR. PINK: Join.

16 A. When they filed for bankruptcy.

17 Q. Do you remember when that was?

18 A. Yes.

19 Q. When was it?

20 A. In 2006. 2006, 2007, 2007, I
21 believe.

22 Q. So after you stopped working with
23 3E Media, did you then begin the process
24 again of submitting your music to other
25 people to help, to try to get them to promote

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2 it?

3 MR. DICKSTEIN: Objection, form.

4 MR. PINK: Join.

5 A. No, I was broke because the -- the
6 record company had shut down and they had
7 never paid me.

8 Q. And I should ask, the music that
9 you submitted to 3E Media, was that submitted
10 through the same band that you submitted
11 music to Scorpio for?

12 MR. PINK: Objection as to form.

13 MR. DICKSTEIN: Objection to form.

14 A. No, no, no.

15 Q. So on whose behalf did you submit
16 the music to 3E Media?

17 MR. DICKSTEIN: Objection to form,
18 foundation.

19 MR. PINK: I'll join.

20 A. I don't quite understand this
21 question. On behalf of whom?

22 Q. The music that you submitted to 3E
23 Media, was that you, Fred Riesterer,
24 submitting that music in your name?

25 MR. DICKSTEIN: Objection to form.

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 MR. PINK: Join.
 3 A. Yes.
 4 Q. So after 3E Media folded, you say
 5 you did not send your music out for other
 6 people, to other people to get them to help
 7 you promote it?
 8 A. No, I was not feeling well, I was
 9 broke, it's always sad to see a record
 10 company closing down, so I was discouraged.
 11 Q. So then what did you do next to
 12 advance your career?
 13 MR. PINK: Objection as to form.
 14 MR. DICKSTEIN: Same objection.
 15 A. I struggled. Joachim Garraud
 16 called me and we talked and he asked me if I
 17 wanted to work on the new album for David
 18 Guetta.
 19 Q. And what year was this in?
 20 A. In 2006.
 21 Q. So you stayed in touch with Joachim
 22 Garraud after you stopped working at the
 23 radio station?
 24 MR. PINK: Objection, form, asked
 25 and answered.

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 2 A. Yes. Yes, I said that earlier.
 3 Q. How often did you speak to him?
 4 A. Four, five times a year on the
 5 phone.
 6 Q. Did you communicate with him in any
 7 other way besides on the telephone?
 8 A. Yes.
 9 Q. What other ways, in what other
 10 ways?
 11 A. By which other way? On the phone,
 12 by mail when he had a funny story to tell me
 13 or funny picture when we were young. That's
 14 it.
 15 Q. And did you guys talk about your
 16 music as well?
 17 MR. DICKSTEIN: Objection, form.
 18 MR. PINK: Join, also asked and
 19 answered.
 20 A. Sometimes.
 21 Q. So when he called you in 2006, and
 22 by he I mean Joachim Garraud, had you worked
 23 with David Guetta prior to that time?
 24 A. No.
 25 Q. Had you met him before?

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 2 A. Once in a park in Paris, but we
 3 hadn't spoken to each other.
 4 Q. And at this time when Joachim
 5 called you to talk about working with David
 6 Guetta. What did David Guetta, Guetta do for
 7 a living?
 8 MR. PINK: Objection as to
 9 foundation and form.
 10 MR. DICKSTEIN: Same objection.
 11 A. I don't know what he was doing.
 12 Q. Well, is he a composer?
 13 MR. DICKSTEIN: Objection, to form,
 14 time period.
 15 MR. PINK: And also foundation.
 16 A. Yes, of course.
 17 Q. That's why I'm asking.
 18 Was David Guetta also a DJ?
 19 A. Yes, I believe so at the time.
 20 Q. So when Joachim Garraud called and
 21 asked you to work on this project, what did
 22 he say your role would be?
 23 MR. DICKSTEIN: Objection,
 24 foundation.
 25 MR. PINK: And I'll join.

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 2 A. To compose songs for David's new
 3 album and to work together.
 4 Q. And what was Joachim Garraud's
 5 relationship with David Guetta?
 6 MR. PINK: Calls for foundation.
 7 MR. DICKSTEIN: Calls for
 8 speculation. If you know the answer,
 9 you can answer.
 10 A. They were associates.
 11 Q. So Joachim Garraud calls you and
 12 asks if you want to -- strike that.
 13 Does David Guetta sing as well?
 14 A. No.
 15 Q. When Joachim Garraud described the
 16 project -- strike that.
 17 How did Joachim describe this
 18 project that he wanted you to work on with
 19 David Guetta?
 20 A. I don't understand this question.
 21 Q. What was the project that you were
 22 going to work on with David Guetta?
 23 A. Well, they were doing, already
 24 making songs together and they asked me to
 25 produce new songs with them for their future

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 2 album.
 3 Q. And what did you say in response to
 4 Mr. Garraud's offer?
 5 A. So Joachim asked me to start a song
 6 because -- because we talk all the time about
 7 music. It's very important, you have to know
 8 that, so he asked me to make a first demo and
 9 it wasn't very good. He said I could do
 10 better.
 11 Q. That's it?
 12 A. Yes.
 13 Q. So you made the first demo. Did
 14 that -- was it just one song on that demo?
 15 A. Yes.
 16 Q. Did that song have a name?
 17 A. No.
 18 Q. And who told you that you could do
 19 better, Joachim or David Guetta?
 20 A. Joachim.
 21 Q. So then what did you do?
 22 MR. DICKSTEIN: Objection to form.
 23 MR. PINK: I'll join.
 24 A. I did better.
 25 Q. And how did you go about doing

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 2 that?
 3 A. I prayed and I give the best of
 4 myself and it worked out.
 5 Q. So you made another demo?
 6 A. Yes.
 7 Q. And did that song have a name?
 8 A. When you start a song at first
 9 there are no -- there is no name because the
 10 lyrics haven't been written yet, but once the
 11 lyrics are there, then you have a name and
 12 this one is "Love is Gone."
 13 Q. And I'd like you to describe for
 14 me, as best you can, the process by which you
 15 composed the music that eventually became
 16 "Love is Gone."
 17 MR. PINK: I'll object as to form.
 18 MR. DICKSTEIN: Same objection.
 19 A. I first made the original demo and
 20 then the finished song with Joachim's and
 21 David's okay because we work as a team.
 22 Q. So Joachim and David helped you to
 23 create this song?
 24 MR. PINK: Objection as to form.
 25 MR. DICKSTEIN: Same.

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 2 A. Yes. To arrange because I had made
 3 the first demo.
 4 Q. And they helped you create the
 5 second demo which you said was better, right?
 6 MR. PINK: Objection as to form.
 7 MR. DICKSTEIN: Same objection.
 8 A. No, I don't think that we
 9 understood each other very well.
 10 Can I say something?
 11 There was a first demo, Joachim
 12 said to me you got me used to better than
 13 that. There was a second demo where they
 14 said, Joachim and David said it's really
 15 good. We worked together on that new demo.
 16 Q. That's what I understood.
 17 So when you say you worked together
 18 on the new demo, and be patient with me I'm
 19 not trying to bug you. I don't understand.
 20 What do you mean? How do you -- how did the
 21 three of you work together on the demo?
 22 A. I select the songs, the sounds that
 23 are the best adapted and I'm going back to
 24 what I was saying before, and if I have a
 25 best, best line and Joachim and David say

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 2 yes.
 3 I select the best sounds for my
 4 demo. Joachim and David listen. And they're
 5 about to tell me we have a better bass sound
 6 for that bass line than that. And it can be
 7 like that for all the other instruments.
 8 Q. So the process involves a lot of
 9 feedback between the three of you?
 10 MR. PINK: Objection, objection as
 11 to form.
 12 MR. DICKSTEIN: Objection to form.
 13 A. What do you mean by feedback?
 14 Q. Not in the musical sense.
 15 The process involves you all giving
 16 advice to each other?
 17 MR. PINK: Objection as to form.
 18 MR. DICKSTEIN: Same objection.
 19 A. Yes, because the song has to be the
 20 best possible so we have to select the best
 21 sounds and the best advice from each of us.
 22 Q. Where did you get the sounds from
 23 that you used for the song that became "Love
 24 is Gone"?
 25 MR. PINK: Object as to form.

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2 MR. DICKSTEIN: Same objection.

3 A. You know, I have a lot of -- I buy
4 a lot of software and a lot of sounds that I
5 use for my machines and my synthesizers. I
6 have a kind of bank, databank of sounds and
7 that's what I use, that's my tool that I use
8 every day.

9 Q. Okay. So for this time period, for
10 the song "Love is Gone," what synthesizer
11 were you using?

12 A. I use Logic. It's my software, but
13 I use a lot of sounds and synthesizers. I
14 don't remember exactly for "Love is Gone,"
15 but I use Plugsound and plus the synthesizer
16 of Logic.

17 Q. This process, this collaborative
18 process that you describe between you, David
19 Guetta and Joachim Garraud, is that typically
20 how you create songs when you work with other
21 people?

22 MR. PINK: Objection as to form.

23 MR. DICKSTEIN: Same objection.

24 A. Yes, quite often, but I don't often
25 work with other people.

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2 Q. Now, you said you have a databank
3 of sounds. Just so I understand, where does
4 that databank come from?

5 MR. PINK: Objection, foundation.

6 MR. DICKSTEIN: Same objection.

7 A. Well, the sounds come from all the
8 countries all over the world, all the
9 composers buy, in a legal way, this
10 databanks, they buy them on internet, from
11 stores, it's cheaper than the synthesizers
12 and it takes less space.

13 Q. And then you store these sounds on
14 a computer?

15 MR. DICKSTEIN: Objection to form,
16 foundation.

17 MR. PINK: Join.

18 A. Yes.

19 These are songs that one can play.

20 Q. And I just want to make sure I
21 understand, these are sounds that one can
22 play?

23 MR. VERNON: Is that what he said?

24 A. Yes, yes, I say that, yes. It's
25 not samples. It's different. It's sounds

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2 either for the piano or all the instruments.

3 Q. And these, when you buy these
4 sounds for your sound bank, do you always
5 know who made the sound originally?

6 MR. DICKSTEIN: Objection to form
7 and foundation.

8 MR. PINK: Join.

9 A. When you buy a piece of underwear
10 and you look at the label, it says "made in
11 China," you know where it's made and when you
12 buy, when you buy your bank and it's made in
13 England, you know it's made in England.

14 Q. So when you buy these sounds, for
15 example, let's say you bought a sound of a
16 dog barking --

17 MR. DICKSTEIN: Is that a question?

18 MR. VERNON: Getting there.

19 Q. -- you don't know who -- you don't
20 know what dog was barking?

21 MR. DICKSTEIN: Objection, form.

22 MR. PINK: Objection to form and
23 foundation.

24 A. No, but I have two dogs at home, if
25 I need the sound of a dog that barks I don't

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2 need to buy one, I use my dogs. No, but
3 that's what the market asks for. These
4 people are sound designers and they launch
5 their songs to be paid for for whoever wants
6 them.

7 Q. You also mentioned a Plugsound.

8 A. Plugsound.

9 Q. What do you mean by that?

10 A. Plugsound is a software with sounds
11 of guitar sounds, piano sounds, string
12 sounds, violin sounds that was developed in
13 France.

14 Q. And you said that you used these
15 Plugsounds to create "Love is Gone"?

16 A. Yes.

17 Q. I was trying to use your
18 terminology so I could ask this question
19 clearly.

20 So the Plugsounds, does each sound
21 have a name or a file name?

22 MR. PINK: Objection, foundation.

23 MR. DICKSTEIN: Objection, form.

24 A. When you use Plugsounds, you have
25 access to several banks, if you want piano

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 2 sounds you go to the piano bank, part of the
 3 bank, if you want the guitar sound you go to
 4 the guitar part.
 5 Q. So you don't create yourself the
 6 sounds that you use from Plugsounds, right?
 7 MR. PINK: Objection, form.
 8 MR. DICKSTEIN: Same objections.
 9 A. No, but you can.
 10 Q. But when you made "Love is Gone"
 11 you used these predetermined sounds?
 12 A. Yes.
 13 MR. PINK: Objection to form.
 14 MR. DICKSTEIN: Objection.
 15 A. Plus -- plus by changing the
 16 filters a little bit, the original sound plus
 17 the way you deal with the sound.
 18 Q. And do you know the individual that
 19 made the original sound, the predetermined
 20 sound from Plugsounds?
 21 MR. PINK: Objection as to form and
 22 foundation.
 23 MR. DICKSTEIN: Same objection.
 24 A. Of course. It's a company that is
 25 based in France, in Paris. It is Elana

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 2 Charles (phonetic).
 3 Q. And this is, this is the company
 4 that makes the Plugsound program?
 5 A. Yes, these are the makers.
 6 Q. I want to ask questions about the
 7 -- can you name a couple of the sounds so I
 8 can ask questions about the sounds.
 9 MR. DICKSTEIN: Objection. Just
 10 general sounds on the Plugsound?
 11 Q. Just name a couple from the
 12 Plugsound.
 13 MR. PINK: Objection as to form.
 14 A. Piano, a piano bank and a drum
 15 bank.
 16 Q. So let's take the drum bank, for
 17 example. This is a bank of drum sounds?
 18 MR. PINK: Objection to form, vague
 19 and ambiguous.
 20 A. Yes.
 21 Q. And you don't have a role in
 22 creating those sounds for Elana Charles, the
 23 Plugsound company, do you?
 24 A. During the creation I was a beta
 25 tester for that software.

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 2 Q. Okay. And what does that mean?
 3 A. A beta tester is you handle the
 4 software, you put it on your computer and you
 5 -- you look at all the bugs and you give it
 6 back to the company so that it can correct
 7 all of that.
 8 Q. Okay. So you helped with the
 9 testing process, but the actual creation of
 10 the individual sounds, you were not involved
 11 in that process, right?
 12 MR. DICKSTEIN: Objection, form.
 13 MR. PINK: I'll join.
 14 A. No. I'm not the producer of the
 15 software.
 16 Q. So who at the Plugsound company was
 17 responsible, who at the Plugsound company
 18 created the sound?
 19 MR. PINK: Objection as to
 20 foundation.
 21 MR. DICKSTEIN: Objection as to
 22 foundation.
 23 A. Who created the sound?
 24 Q. Do you know?
 25 A. I don't understand the question.

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 2 Q. The sounds that are in the sound
 3 bank, the piano, the drums, who created those
 4 sounds?
 5 MR. PINK: Objection as to
 6 foundation.
 7 A. Sometimes if one wants a real piano
 8 sound and a true bass sound, there are some
 9 sessions that are founded and one records
 10 note after note the sound of a piano, the
 11 sound of a bass, the sound of a guitar and
 12 these are the people who create the software
 13 who do that.
 14 Q. Okay. And you didn't do that for
 15 Plugsound, right?
 16 A. No.
 17 MR. DICKSTEIN: Objection,
 18 foundation.
 19 MR. VERNON: Sorry, we have to take
 20 a break.
 21 THE VIDEOGRAPHER: We're now off
 22 the record. The time is 3:50 p.m.,
 23 June 23, 2011.
 24 (A brief recess was taken.)
 25 THE VIDEOGRAPHER: This is tape 4

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 of the deposition of Mr. Frederic
 3 Riesterer. We're back on the record.
 4 The time is 4:11 p.m. Today is June 23,
 5 2011.
 6 BY MR. VERNON:
 7 Q. What is Rister Editions?
 8 A. I think I answered that question
 9 this morning, no?
 10 MR. DICKSTEIN: I'll object, asked
 11 and answered, asked and answered, but
 12 you can answer.
 13 A. Yes, Rister Editions it's a
 14 publishing company that allows me to publish
 15 my own score to sell them on the market.
 16 Q. Where is Rister Editions based?
 17 MR. DICKSTEIN: Objection, form.
 18 MR. PINK: Join.
 19 A. In Lille, in the north of France.
 20 Q. I know Lille well.
 21 You said it allows you to publish
 22 your songs and to sell them on the market.
 23 How does Rister Editions do that?
 24 A. I didn't understand the question.
 25 Q. You said that Rister Editions

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 2 allows you to publish your music and it helps
 3 you to sell your music on the market. How --
 4 what does Rister Editions do for you?
 5 MR. PINK: Objection, form.
 6 MR. DICKSTEIN: Objection, form.
 7 A. I am very respectful of for my
 8 trade, the musical trade and it's in order to
 9 allow me to publish the music and to -- to
 10 have it available in the schools for the
 11 children to learn the music.
 12 Q. When you say have it in schools,
 13 what do you mean by that?
 14 A. Music schools.
 15 Q. So in what territory does Rister
 16 Editions help you publish your music and sell
 17 your music?
 18 MR. DICKSTEIN: Objection, form.
 19 MR. PINK: Join.
 20 A. In the world. We don't sell my
 21 music. We sell the score.
 22 Q. Okay. And Rister Editions sells
 23 your scores outside of France, question mark?
 24 A. Yes, it happens.
 25 Q. How many -- does Rister Editions

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 2 have any employees?
 3 A. Yes.
 4 Q. How many?
 5 A. One.
 6 Q. Who are those -- and who is that
 7 employee?
 8 A. My wife.
 9 Q. Does she have a title for Rister
 10 Editions?
 11 A. She's in charge of accounting, of
 12 invoices.
 13 Q. Do you -- are you an employee of
 14 Rister Editions?
 15 MR. PINK: Objection as to form.
 16 THE INTERPRETER: Interpreter
 17 didn't hear. Employee or employer?
 18 MR. VERNON: Employee.
 19 MR. DICKSTEIN: Same objection.
 20 A. No.
 21 Q. Does your wife get paid by Rister
 22 Editions?
 23 A. Yes, Rister Editions and
 24 Production. It's the same.
 25 Q. Rister Editions and Productions is

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 2 the same. Do you mean there are two names
 3 for the company?
 4 A. Yes, it's Rister
 5 Editions/Production, it's the same one.
 6 Q. And Rister, does Rister
 7 Editions/Productions sell anything other than
 8 your scores?
 9 A. No.
 10 Q. Does Rister Editions distribute
 11 royalties?
 12 A. Rister Editions collects a sum of
 13 royalties and part of it is redistributed to
 14 the Frederic Riesterer.
 15 Q. And that's you?
 16 A. That's me.
 17 Q. What happens to the part that is
 18 not redistributed to you?
 19 MR. DICKSTEIN: Objection, form.
 20 MR. PINK: I'll join.
 21 A. It remains on the account of Rister
 22 Editions.
 23 Q. Okay. How, how does Rister
 24 Editions pay you? Do they write you a check?
 25 A. No.

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 2 Q. How do they pay you?
 3 A. The Rister Editions company gets
 4 back some money and this company is mandated
 5 by Frederic Riesterer and it pays also the
 6 expenses for equipment, synthesizers,
 7 microphones.
 8 Q. And you also said some of the
 9 royalties are redistributed to you, right?
 10 MR. DICKSTEIN: Objection, form,
 11 asked and answered.
 12 MR. PINK: I'll join.
 13 A. Yes.
 14 Q. And my question is: How are those
 15 royalties redistributed to you?
 16 A. I already answered that question,
 17 the Rister Editions company that I mandate
 18 gets back some money and part of it is
 19 redistributed to Frederic E. Riesterer and
 20 the other party is redistributed to Rister
 21 Editions.
 22 Q. Okay. Maybe there's --
 23 MR. DICKSTEIN: I think there may
 24 be a translation issue, maybe we could
 25 go off the record for just a minute.

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 2 MR. VERNON: Sure.
 3 MR. DICKSTEIN: We could figure
 4 this out. Hold on, hold on, wait.
 5 THE VIDEOGRAPHER: We're now off
 6 the record, the time is 4:22 p.m.,
 7 June 23, 2011.
 8 (A brief recess was taken.)
 9 THE VIDEOGRAPHER: We're back on
 10 the record. The time is 4:30 p.m.,
 11 June 23, 2011.
 12 MR. DICKSTEIN: Joe, maybe you want
 13 to have the last question read back.
 14 MR. VERNON: Sure.
 15 (A portion of the record was read.)
 16 A. Through bank transfer.
 17 MR. DICKSTEIN: We got there.
 18 Q. Who from Rister Editions transfers
 19 the money to you?
 20 A. Who at Rister Editions transfers
 21 the money to me?
 22 Q. Do you do the transaction?
 23 A. Well, yes, through the bank.
 24 Q. Okay. Does Rister Editions have
 25 any rights or ownership shares in any of your

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 2 compositions?
 3 MR. DICKSTEIN: I am going to
 4 object to the extent it calls for a
 5 legal understanding, but if you know the
 6 answer and you understand the question,
 7 you can answer.
 8 MR. PINK: And join also, form and
 9 foundation.
 10 A. No.
 11 Q. And you said Rister Editions is the
 12 publishing company for your scores. Do you
 13 have a separate publishing company for your
 14 music?
 15 MR. DICKSTEIN: Objection as to
 16 form.
 17 MR. PINK: Objection as to form.
 18 A. No, it's the same.
 19 THE VIDEOGRAPHER: I'm sorry. Can
 20 you just move over a bit. You're just
 21 getting behind the computer there.
 22 Thank you.
 23 Q. I'm confused. I just want to make
 24 sure I understand.
 25 Are you saying that Rister Editions

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 2 also sells the rights to your music?
 3 MR. DICKSTEIN: Objection as to
 4 form and to the use of "music," as we
 5 know can have different meanings.
 6 MR. PINK: And I'll join in that.
 7 MR. DICKSTEIN: If you understand
 8 the question, you can answer.
 9 A. No.
 10 Q. When you talk about scores, are you
 11 referring to the sheet music?
 12 A. Yes, I'm talking about the scores
 13 because I'm a little old school, but I'm very
 14 attached to that.
 15 Q. Okay. So --
 16 (Discussion off the record.)
 17 A. It's a classical company,
 18 publishing company.
 19 MR. CARR+: She forgot a part.
 20 Q. So what does Shapiro Bernstein do
 21 for you?
 22 MR. DICKSTEIN: Objection to form.
 23 MR. PINK: And foundation.
 24 MR. DICKSTEIN: Same objection.
 25 A. He's a subpublisher.

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2 Q. What do you mean by that?

3 A. You know, the publishing world, I'm
4 not very familiar with this. You should ask
5 people who are more familiar with this. As I
6 said, at the beginning, what is important to
7 me is music. It's mostly music and
8 composition.

9 Q. Okay. What does Shapiro Bernstein
10 do for you?

11 MR. DICKSTEIN: Objection, asked
12 and answered, form and foundation.

13 MR. VERNON: Answered? Really?

14 MR. PINK: Join.

15 A. Shapiro Berstein is a subpublisher.

16 Q. What do you mean when you use the
17 term "subpublisher"?

18 MR. DICKSTEIN: Objection, asked
19 and answered.

20 A. The publisher listens to the radio
21 to see if one of his client's titles is
22 broadcast. And I'm in France and not in the
23 United States and Shapiro Berstein is in
24 United States, I'm not in the United States.

25 Q. So Shapiro Berstein acts on your

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2 the synchronizations?

3 A. Well, a publishing -- the
4 publishing business is not my thing. You
5 would have to ask the person who is in charge
6 of that, it's Mr. Piot. This is not my
7 thing.

8 Q. And Mr. Piot is the gentleman
9 that's here today?

10 A. Yes.

11 Q. Okay. Do you have a contract with
12 Shapiro Bernstein?

13 MR. PINK: I'm going to object as
14 to it calls for a legal conclusion.

15 MR. DICKSTEIN: Same objection.

16 A. You have to see with Mr. Piot for
17 this kind of thing. I have a contract.

18 Q. So you do have a contract with
19 Shapiro Berstein?

20 A. I have a contract with Mr. Piot,
21 who is in charge of my subcontracts, but once
22 again it's outside of the musical field, so.

23 Q. Your contract with Mr. Piot, is
24 that between Frederic Riesterer and Mr. Piot
25 or Rister Editions and Mr. Piot?

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2 behalf in the United States?

3 MR. PINK: Objection.

4 MR. DICKSTEIN: Objection to form.

5 MR. PINK: And foundation.

6 MR. DICKSTEIN: And it calls for a
7 legal conclusion as to what it means to
8 act on behalf of something.

9 MR. VERNON: Fine, you have your
10 objection on the record.

11 MR. PINK: Join.

12 A. I don't know.

13 Q. You just said you live in France
14 and Shapiro Berstein is in the United States,
15 right?

16 A. Yes.

17 Q. And you said that Shapiro Berstein
18 listens to see if your titles are broadcast
19 in the United States, right?

20 A. Yes.

21 Q. And what do they do if your titles
22 are broadcast?

23 A. They get back some royalties. They
24 can take care of the synchronizations.

25 Q. What do you mean by take care of

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2 MR. DICKSTEIN: Wait for the
3 translation, please.

4 A. Rister Editions.

5 Q. And do you have a copy of this
6 contract?

7 A. With Mr. Piot?

8 Q. Yes.

9 A. Yes.

10 Q. Let's talk about, Mr. Piot, what is
11 -- what is his business relationship with
12 you? What does he do for you?

13 MR. PINK: Objection as to form.

14 MR. DICKSTEIN: Same objection.

15 A. He's in charge of my editions.

16 Q. What do you mean when you say
17 "editions"?

18 A. My publishing.

19 Q. So Mr. Piot is in charge of your
20 publishing?

21 A. Yes.

22 Q. Do you pay Mr. Piot?

23 A. Yes.

24 Q. Do you pay him a salary?

25 A. No.

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 2 MR. DICKSTEIN: Objection, form.
 3 Q. So how do you pay him, if not by
 4 salary?
 5 A. By percentage.
 6 MR. DICKSTEIN: By the way, I just
 7 want to go on the record to designate
 8 this portion as confidential. And I may
 9 as well say it now, under the protective
 10 order we have the right to review the
 11 transcript once it becomes final to make
 12 any other confidentiality designations.
 13 In the meantime it will be treated as
 14 highly confidential under the terms of
 15 the protective order. So I just wanted
 16 to let you know we're invoking that
 17 provision.
 18 MR. VERNON: And you're calling it
 19 highly confidential?
 20 MR. DICKSTEIN: The protective
 21 order that exists says that we're
 22 allowed to have a reasonable amount of
 23 time after the transcript becomes final
 24 to review it to determine if there are
 25 other portions of the testimony that

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 2 if you agree that in the meantime until
 3 we've made our designations, the
 4 protective order does provide that the
 5 transcript and recording will be given
 6 and treated as highly confidential?
 7 MR. PINK: That's what it says,
 8 that's what the terms are.
 9 MR. DICKSTEIN: I just want to make
 10 sure --
 11 MR. VERNON: If that's what the
 12 terms of the protective order says.
 13 We're going to comply with the
 14 protective order.
 15 MR. DICKSTEIN: Great, thanks.
 16 BY MR. VERNON:
 17 Q. Oh, my question was: How do you
 18 pay Mr. Piot and you said he gets a
 19 percentage.
 20 What does he get a percentage of?
 21 A. Often the sums that are received
 22 the percentage is computing on the sums that
 23 he gives me.
 24 Q. And when you say sums received, are
 25 you talking about monies received by Rister

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 2 constitute either confidential or highly
 3 confidential. And in the meantime until
 4 we've had that opportunity the
 5 transcript and the recording is to be
 6 treated as highly confidential. That's
 7 what the order provides.
 8 MR. VERNON: Okay. And we,
 9 obviously, are challenging those
 10 designations and reserve the right to
 11 challenge any designations you make in
 12 the future.
 13 MR. DICKSTEIN: You can reserve a
 14 right. It's not obvious to me that
 15 you're doing that, but okay.
 16 MR. VERNON: Did I say "obviously"?
 17 MR. DICKSTEIN: I think you did.
 18 MR. VERNON: Okay. Well, we
 19 reserve the right to challenge those
 20 designations.
 21 MR. DICKSTEIN: You have the right
 22 under the order.
 23 MR. VERNON: To challenge that
 24 designation.
 25 MR. DICKSTEIN: But can I just ask

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 2 Editions?
 3 A. If Mr. Piot gets some royalties for
 4 Rister Editions, his percentage is computing
 5 upon the amount that he brings back to Rister
 6 Editions.
 7 Q. And does he -- does he receive
 8 amounts for something like, like for you, for
 9 anybody other than Rister Editions?
 10 A. I don't know. You would have to
 11 ask him. It's not my company.
 12 Q. What's not your company?
 13 A. I don't understand at all the
 14 question.
 15 Q. Mr. CarrT, what does he do for you?
 16 MR. VERNON: Sorry, I had to look
 17 up your name.
 18 A. He's a manager.
 19 Q. Does he manage anything
 20 specifically?
 21 MR. DICKSTEIN: Objection.
 22 MR. PINK: I'll object as to form.
 23 A. Of me.
 24 Q. So he's your manager?
 25 A. Yes.

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2 Q. And what do his duties entail?

3 A. I have with him an agreement on
4 trust. He's in charge -- we agree upon a
5 trust. He deals with everything that is not
6 musical, whereas, I'm in charge of making
7 music and composing songs.

8 Q. And when you say "he deals with
9 everything not musical," can you help me
10 understand what you mean by that?

11 A. He is in charge of all the things
12 that are related to but not, don't regard the
13 composition of my song, of my work.

14 Q. So, for example, is he in charge of
15 your scheduling?

16 A. No.

17 Q. Can you name off for me some of the
18 things that he does for you?

19 A. Yes. He has to -- he has a golden
20 record made for me. He manages the contract
21 when we made a song, David and I, to see if
22 everything is right in place.

23 Q. So when you and David -- you're
24 referring to David Guetta, I assume, when you
25 made a song there was a contract between you

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2 and he?

3 MR. DICKSTEIN: Object to form.

4 A. A contract, a contract based on
5 trust.

6 Q. And I just want to make sure we're
7 referring to the same thing. There was a
8 contract based on trust between you and David
9 Guetta?

10 A. Yes.

11 Q. And what is your understanding of
12 the terms of that contract?

13 MR. PINK: I'm going to object as
14 to form. Also, to the extent it calls
15 for any sort of a legal conclusion.

16 MR. DICKSTEIN: Same objection.

17 A. We're working between honest
18 people. And since "Love is Gone" I've had a
19 contract based on trust with David Guetta.
20 And I only work for David Guetta.

21 Q. So that's what you mean by a
22 contract, you work only for David Guetta now
23 and nobody else?

24 A. Yes.

25 Q. And when you refer to a contract,

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2 do you mean that you have a written contract
3 between you and David Guetta?

4 A. No, no, it's a contract based on
5 trust.

6 Q. Okay. So this song "Love is Gone,"
7 we started talking about that before.

8 Joachim Garraud called you, you started to
9 work on this project. When did this song get
10 released?

11 MR. DICKSTEIN: Objection, form and
12 foundation.

13 MR. PINK: Join.

14 A. When it was released on the market?

15 MR. DICKSTEIN: If you don't
16 understand the question, you can just
17 say that.

18 MR. VERNON: Sure.

19 A. I understood the question now.
20 April 2007.

21 Q. And you said when was it released
22 on the market. Is there some other release
23 date that you can refer to?

24 A. Oh, I was -- I thought we were
25 talking about the date of the creation of the

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2 song, the song was created a certain date and
3 then we worked on it.

4 Q. Okay. When was it created?

5 MR. PINK: Asked and answered.

6 A. I think it was in October of 2006.

7 Q. And you said before that the sounds
8 that you used from the plug box were not
9 created by you, correct?

10 MR. PINK: Objection as to form.

11 MR. DICKSTEIN: Objection to form.
12 And mischaracterizes prior testimony.

13 MR. PINK: I'll join in that.

14 A. I don't understand your question.

15 Q. When we were talking about the plug
16 box sounds before, and you said that there's
17 a company that, I think it's Elana Charles
18 that creates these sounds, and you said you
19 were involved in the beta testing but you
20 were not involved in the actual creation of
21 the sounds that were in the plug box; isn't
22 that correct?

23 A. I think it's not plug box. It's
24 Plugsounds.

25 Can you repeat?

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 2 MR. VERNON: Can you repeat?
 3 (A portion of the record was read.)
 4 MR. PINK: Asked and answered.
 5 A. Plugsound.
 6 MR. DICKSTEIN: Objection to form
 7 and asked and answered.
 8 MR. PINK: I'll join.
 9 A. I repeat, I didn't create the
 10 sounds of Plugsound. I had already answered
 11 that question.
 12 (Discussion off the record.)
 13 Q. You differentiated before between a
 14 sound and a sample. Can you explain that
 15 difference to me?
 16 MR. PINK: And I'm going to object
 17 on form, foundation and to the extent it
 18 calls for a legal conclusion as well.
 19 MR. DICKSTEIN: Join.
 20 A. I can answer this question. With a
 21 sound, with a sound you can create a song
 22 with a sound, a melody.
 23 THE INTERPRETER: In English.
 24 A. A musical part. With a sample, it
 25 is a sample, in French we say sample. It's

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 2 THE INTERPRETER: Okay. Yes, yes.
 3 I'm afraid it's a little long for me. I
 4 think I understood but it's a little
 5 long.
 6 MR. DICKSTEIN: Do you want to have
 7 him do it again part by part? Part by
 8 part.
 9 THE WITNESS: No problem. Yes.
 10 I'm going to be shorter but it's
 11 difficult.
 12 A. If at home you have a real piano
 13 and if you want to have on your sample the
 14 same notes as the one on your piano, you
 15 sample with a mic, every single note, is
 16 ton-ton -- I'm sorry, I transposed -- each
 17 note of your piano on to your sampler.
 18 Afterwards when you play on your sampler, you
 19 have the same sound as the one on your piano.
 20 But it's -- that's not all.
 21 If you sample one note of the
 22 piano, C3, and you -- allot that note to the
 23 whole bottom of the keyboard and to the whole
 24 top of the keyboard, you don't obtain the
 25 real sound of your piano. And it's the very

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 2 often something that is taken from somewhere
 3 else, somewhere else, from another song, but
 4 with a sample that you take you cannot play
 5 on your keyboard.
 6 Q. And is that because -- is a sample
 7 a number of sounds put together? Is it
 8 larger than a sound?
 9 MR. PINK: Form and foundation.
 10 MR. DICKSTEIN: Objection, same
 11 objection, confusing.
 12 A. I would be happy to answer this
 13 question. It's very technical.
 14 Q. Please do.
 15 A. If you take a sample and you put it
 16 into your synthesizer, if you play toward the
 17 top of the keyboard it's going to play very
 18 fast and if you play toward the bottom of the
 19 keyboard it's going to play very slowly.
 20 Q. Does the -- does the Plugsound box
 21 have samples in it?
 22 MR. PINK: And I'm going to object
 23 to foundation. You mean in general or
 24 just his?
 25 A. The answer is yes.

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 2 same thing for all the instruments. For the
 3 bass, the guitar, et cetera.
 4 Am I clear?
 5 Q. Yes. You're clear. I'm catching
 6 up.
 7 So in your sound, Plugsound, in
 8 your Plugsound box that you use --
 9 A. (In English) Plugsound Box, plug
 10 sounds.
 11 Q. Does this come with premade
 12 samples?
 13 MR. DICKSTEIN: Objection to form.
 14 MR. PINK: Objection.
 15 MR. DICKSTEIN: And because there
 16 were different types of samples he just
 17 testified to.
 18 MR. PINK: I think at this point
 19 the term sample is getting used in multi
 20 ways.
 21 A. (Through the interpreter) Must I
 22 answer?
 23 You have banks in Plugsounds that
 24 are not sample. They are banks from
 25 synthesizers, and for some instruments,

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 2 whether it's piano, guitar, bass, each note
 3 on the guitar or on the piano or the bass,
 4 has been sampled, as I explained earlier.
 5 The guitar is the place C1, and the company
 6 that made the software will place the C1 note
 7 on the C1, and so on and so forth. And it
 8 plays C sharp 1 on his guitar, on his piano
 9 and you place your C sharp 1 note on the C
 10 sharp 1, that allows you to have on your
 11 keyboard the perfect sound for an instrument
 12 like a guitar or a piano and that's the work
 13 that the software makers make, like
 14 Plugsound.

15 Q. You spoke before about a
 16 declaration that you wrote in this case and
 17 in this declaration you refer to a guitar
 18 twang sequence. To what are you referring
 19 when you use that phrase?

20 MR. DICKSTEIN: I'm just going to
 21 object to the form. And, also, if
 22 you're asking about a specific document,
 23 I think it's fair to put the document in
 24 front of him.

25 MR. PINK: And I'll join in his

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 2 when I created the gimmick on Plugsound.
 3 Q. Now, before when you were
 4 describing playing music on the keys you made
 5 the noise and kind of hummed along, can do
 6 you that for us when you tell us what you're
 7 referring to with the guitar twang sequence?
 8 Like what -- I want to know what that
 9 encapsulates.

10 MR. PINK: I'm going to object.

11 MR. DICKSTEIN: I'm going to object
 12 as well. The oral questions is not to
 13 test certain musical abilities.

14 A. I understand. I will answer, but I
 15 don't know if it's the right answer.

16 MR. DICKSTEIN: Do you want him to
 17 do that step by step?

18 THE INTERPRETER: It would be a
 19 little better frankly, yes.

20 MR. DICKSTEIN: Yeah, maybe can you
 21 ask him to give the answer in parts and
 22 let you translate.

23 A. When I use the guitar of -- the
 24 gimmick with the guitar Plugsound on that
 25 software of plug sound, I use each note of

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 2 statements and objections.

3 Q. Can you answer the question?

4 A. Can you repeat the question,
 5 please?

6 Q. In your declaration you use the
 7 phrase "guitar twang sequence" that you used
 8 ultimately in "I Got a Feeling," what are you
 9 referring to when you use that phrase?

10 MR. PINK: Objection to form and
 11 foundation.

12 MR. DICKSTEIN: Same objection.

13 A. To what I refer to? Sincerely I
 14 don't understand this question.

15 Q. And when I asked the question,
 16 because he uses the word in English perhaps
 17 he can, when I say guitar twang sequence use
 18 that phrase in English?

19 THE INTERPRETER: Okay.

20 Q. In your declaration you refer to a
 21 guitar twang sequence, to what are you
 22 referring when you use that phrase?

23 MR. PINK: Same objections.

24 MR. DICKSTEIN: Same objection.

25 A. It's the guitar part that I played

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 2 the guitar, each note of the guitar was
 3 sampled note by note, which allows me,
 4 because when I'm not very good at, I don't
 5 have much facility with guitar to play like
 6 this and not like that.

7 THE WITNESS: Like that.

8 A. Like this and not like that.

9 MS. CENAR: Let the record reflect
 10 the witness was indicating.

11 MR. PINK: Just to complete that
 12 thought the witness was indicating that
 13 he was playing on a piano and not on an
 14 acoustic guitar. Or electric.

15 MR. VERNON: I knew air guitar
 16 would come out at some point today.

17 THE WITNESS: But I say that in my
 18 statement.

19 Q. And if I understand you correctly,
 20 you're saying that in the Plugsound box each
 21 of the separate notes that you used in the
 22 guitar twang sequence came from that
 23 Plugsound box?

24 MR. DICKSTEIN: Objection,
 25 foundation as to what you mean by each

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2 note.

3 MR. PINK: I'll join.

4 A. Once again, once again, I'm going
5 to repeat because I know it's a little
6 complicated and I will repeat.

7 This guitar that one plays on a
8 keyboard, these are the real, the true sounds
9 of a guitar. I could have sampled myself
10 each note of my guitar, but Plugsound does it
11 for me.

12 Q. And then did you take the sounds
13 from Plugsound and did you play each note,
14 each cord?

15 A. Yes.

16 Q. So I understand, are you saying
17 that you composed the sequence of notes using
18 the individual sounds from the plug box?

19 MR. PINK: I'll just put in an
20 objection as to form.

21 A. Yes.

22 Q. I'm going to show you a copy of
23 your declaration that we've marked as
24 Exhibit 5.

25 (Exhibit Riesterer Dep 5,

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2 A. Yes.

3 Q. Did you draft this document?

4 MR. DICKSTEIN: I'm just going to
5 object to the extent, to the extent it
6 calls for revealing discussions with
7 your attorneys.

8 MR. PINK: And I'm going to object,
9 I'm going to object as to form as to the
10 term "drafting."

11 MR. DICKSTEIN: And I'll join that
12 objection, but if you can answer it
13 without revealing discussion with
14 attorneys, then you can go ahead.

15 A. Thank you. It becomes a little
16 complicated for me, but thank you. Can you
17 reformulate the question?

18 MR. VERNON: Can you ask the
19 question again?

20 (A portion of the record was read.)

21 MR. DICKSTEIN: Same objections.

22 MR. PINK: Yes, same objections.

23 A. In which sense? Meaning what?
24 Drafting how, what do you mean?

25 Q. What does the word "draft" mean to

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2 Declaration of Frederic Riesterer in
3 Opposition to Plaintiff's Ex Parte
4 Application for the Temporary
5 Restraining Order and Order to Show
6 Cause Re Injunction, marked for
7 identification, this date.)

8 MR. DICKSTEIN: Joe, I want to know
9 for the record we're not going in order,
10 I guess, here with the exhibits.

11 MR. VERNON: No, we'll use the
12 designations on there.

13 MR. DICKSTEIN: They're premarked
14 numbers. Okay. So far I've got 1, 11
15 and now 5; is that right?

16 MR. VERNON: Yes.

17 Q. Mr. Riesterer, have you seen this
18 document before?

19 A. Yes.

20 Q. And if you look on the third page
21 it has your name spelled incorrectly?

22 A. Here? My name is not written
23 properly.

24 Q. Is that your name at the bottom of
25 page three?

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2 you?

3 A. If it's me, I wrote it by typing it
4 myself on my computer.

5 Q. So did you type this yourself on
6 your computer?

7 A. No, no.

8 Q. Do you know who typed this
9 document?

10 MR. DICKSTEIN: Objection to the
11 extent it calls for discussions with
12 attorneys, but if you can answer the
13 specific question as to who drafted it,
14 you can answer.

15 MR. PINK: I'll also object in
16 terms of relevance.

17 MR. VERNON: You guys can state
18 your objections, I don't think we need
19 the narrative unless you're instructing
20 him not to answer.

21 MR. DICKSTEIN: Well, in some ways,
22 I am.

23 A. How is it important, if it's my
24 statement, that's what I said.

25 Q. So this is your statement?

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 2 A. Yes.
 3 Q. And it says on the third page, "I
 4 declare," actually, can you read for me the
 5 second to last paragraph where it says, "I
 6 declare under"
 7 A. Can you translate for me? Will you
 8 read it for me?
 9 Q. I'm asking if you can read that?
 10 MR. PINK: What's the point of
 11 that?
 12 A. I don't have my glasses.
 13 MR. PINK: What's the point of this
 14 question?
 15 A. Yes.
 16 Q. Can you read it for me?
 17 A. With my bad English?
 18 Q. Yes, please.
 19 A. (In English) "I declare under
 20 penalty of perjury under the laws of the
 21 United States of America that the foregoing
 22 is true and correct."
 23 Q. And what, if anything, does that
 24 mean to you?
 25 MR. DICKSTEIN: Objection. It

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 2 American, my managers would translate for me.
 3 We work based on trust and so I work like
 4 that. I believe that if something was wrong
 5 they would have told me.
 6 Q. You said before that you think it's
 7 important to have a translator because it is
 8 very technical, and this is when we were
 9 referring to your testimony today. I think
 10 it is important to ask the right questions
 11 and to be able to understand the right
 12 questions and to give a good answer. And
 13 then I said, because of the legal
 14 consequences of the serious accusations
 15 you're more comfortable speaking in French?
 16 And you said, yes. And then I said, do you
 17 feel that you could not testify accurately
 18 and completely in English. You said, well,
 19 in French. And I said so not in English and
 20 you said no.
 21 So why did you feel that it was
 22 okay to sign this document even though it was
 23 written in English?
 24 MR. PINK: Objection, form.
 25 MR. DICKSTEIN: Same objection.

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 2 calls for a legal conclusion.
 3 MR. PINK: I'll join in that too.
 4 MR. VERNON: I'm asking him what it
 5 means to him. Come on.
 6 A. It means what, that if I don't say
 7 the truth I'll go to jail?
 8 Q. Are you asking me or telling me?
 9 A. No, I'm asking.
 10 MR. DICKSTEIN: He's asking for
 11 your understanding. Is that your
 12 understanding?
 13 A. Well, I'm going back to what I was
 14 saying at the beginning, I'm talking about
 15 things that I haven't done, so for me it's
 16 very hard. What I'm saying is the truth.
 17 Q. Why is this document in English?
 18 A. Who are the lawyers, the attorneys
 19 who are attacking us? Are they French?
 20 Q. My question is: Why is the
 21 declaration in English?
 22 MR. PINK: Objection as to form.
 23 MR. DICKSTEIN: Objection and asked
 24 and answered.
 25 A. Well, I don't know. My attorney's

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 2 A. Well, I'm the one who speaks the
 3 least English and I am a minority so what do
 4 you want me to say? When we make music we
 5 speak the same language it's much more
 6 beneficial.
 7 Q. Do you understand everything that
 8 is in this declaration?
 9 A. This is what I said. I don't
 10 review what I said. I am a person who holds
 11 to my word and I have trust in people. I
 12 work with people and I trust them.
 13 Q. So you trusted that your attorneys
 14 would put together a good affidavit for you?
 15 MR. PINK: Objection.
 16 MR. DICKSTEIN: Objection.
 17 MR. PINK: Objection as to form.
 18 MR. VERNON: Your objection is
 19 noted.
 20 A. Well, yes.
 21 Q. Paragraph 6 of your declaration can
 22 you, to the best of your ability, read that
 23 for me?
 24 MR. DICKSTEIN: I'm going to object
 25 at this point. I think he --

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2 THE WITNESS: It's not okay for me,
3 because I don't have my glasses.
4 Christoph, could you lend me your
5 glasses?

6 MR. DICKSTEIN: I'm also going to
7 object. I don't see the relevance of
8 this. I think it's unfair, I think he
9 testified that it was translated for
10 him. So I don't see the point in having
11 him go through this in this matter.

12 MR. PINK: Not only that, perhaps
13 if you are testing the veracity of that
14 you might merely read it or have it
15 translated and ask him if it's correct.

16 MR. VERNON: I appreciate all of
17 your tidbits of advice to me. I'm
18 entitled to ask him about his
19 declaration.

20 MR. PINK: You can ask him to read
21 it. I object, he objects.

22 MS. CENAR: And the witness asked
23 him for some glasses. Can someone give
24 him some glasses, please?

25 MR. PINK: I'm also going to object

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2 that it's harassing.

3 Q. And, Mr. Riesterer, I am not trying
4 to embarrass you with your English. I'm
5 trying to understand what you understood. So
6 please don't take offense.

7 MR. PINK: There are easier ways to
8 get there.

9 A. Must I translate or just read?

10 Q. Let's start by just reading it.

11 A. (In English) "The guitar twang
12 sequence ultimately used in 'I Got a Feeling'
13 was known as 'Strat with SM57 Crunchy' in the
14 Univers Sons music library. That musical
15 sequence was recorded by Univers Sons in
16 February 2001 using a Fender Stratocaster
17 electric guitar, a Fender amplifier and a
18 Shure SM57. It's my understanding that this
19 musical sequence had its official launch in
20 October 2004 and became part of what is known
21 as 'Plugsound Volume 2: Fretted Instruments'
22 which became part of the Plugsound Box in
23 2004. I later took the music sequence from
24 Plugsound product for use in 'Never Mind.'"
25 Q. Now, do you understand what you

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2 just read?

3 A. No, because I made this statement
4 in French. And if I spend time to try to
5 understand everything I think that I will
6 spend a lot of time and I won't understand
7 right.

8 Q. When did you make this statement in
9 French?

10 A. I do not know. I don't recall any
11 more.

12 Q. Where were you when you made this
13 statement in French?

14 A. In the north of France.

15 Q. And to whom did you make this
16 statement when you made it in French?

17 A. To my law firm.

18 Q. When you say to your law firm, what
19 law firm are you referring to?

20 A. Well, ours.

21 Q. Do you mean Mr. Dickstein and
22 Mr. Slotnick?

23 A. Yes. I don't remember who I had on
24 the phone, but they were from the law firm.

25 Q. And you're saying that you made a

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2 statement to one of the lawyers from the law
3 firm on the phone?

4 A. Yes, I believe so, yes.

5 Q. So you did not write out a
6 statement in French and give it to your
7 lawyers, did you?

8 A. No, I think I spoke in French on
9 the telephone, I believe.

10 Was it you? Oh, it was Mr. Piot.

11 Q. What was Mr. Piot?

12 A. My manager, Mr. Piot. I know it
13 was late at night, I believe.

14 Q. And are you saying that Mr. Piot
15 spoke to your lawyers or that you spoke to
16 your lawyers?

17 A. I don't remember.

18 MR. VERNON: We're just going to
19 change the tape quickly, but I want to
20 continue this line of questioning so I
21 don't want to take a break right now.

22 THE VIDEOGRAPHER: We're now off
23 the record. The time is 5:30 p.m.,
24 June 23, 2011.

25 (Videotape change.)

1 RIESTERER - HIGHLY CONFIDENTIAL
 2 THE VIDEOGRAPHER: This is tape 5
 3 of the deposition of Mr. Frederic
 4 Riesterer. We're back on the record.
 5 The time is 5:32 p.m., and this is
 6 June 23, 2011.
 7 BY MR. VERNON:
 8 Q. Okay. Mr. Riesterer, we were just
 9 talking about the late night conversation
 10 that either you or Mr. Piot had with your
 11 attorneys in which you believed this
 12 statement was read to your attorneys.
 13 Did you review any copies of the
 14 declaration after that late night phone call?
 15 MR. PINK: Objection as to form,
 16 misstates the testimony.
 17 MR. DICKSTEIN: Same objection,
 18 foundation.
 19 A. I don't recall any more.
 20 Q. Okay. The first sentence of
 21 paragraph 6 that says, "The guitar twang
 22 sequence ultimately used in 'I Got a Feeling'
 23 was known as 'Strat with SM57 Crunchy' in the
 24 Univers Sons music library."
 25 What does that mean to you?

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 2 MR. DICKSTEIN: Did you translate
 3 everything he said?
 4 THE INTERPRETER: No, sorry.
 5 MR. DICKSTEIN: Please.
 6 A. Well, it's a sound, as I said
 7 earlier, it's a sound that came from
 8 Plugsound that I used as a gimmick on the
 9 guitar for "I Got a Feeling."
 10 Q. And when you say it's a sound that
 11 you used from Plugsound, you're referring to
 12 the individual notes that you got from
 13 Plugsound, correct?
 14 MR. DICKSTEIN: Objection, form,
 15 confusing.
 16 MR. PINK: Join.
 17 A. You use a sound from the software
 18 Plugsound whose volume is indicated here,
 19 volume 2, fretted instruments and you use the
 20 preset, which is a Strat with a SM57 Crunchy.
 21 When you select that preset, you obtain the
 22 sound of that guitar on your keyboard.
 23 Q. And then once you have that sound
 24 of that guitar, you then compose the
 25 sequence, correct?

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 2 A. Yes, I compose the sequence. I can
 3 play any kind of piece with that, with that
 4 sound.
 5 Q. So the guitar twang sequence then
 6 was not in the Plugsound sound box, was it?
 7 MR. PINK: Objection as to form.
 8 MR. DICKSTEIN: Same objection.
 9 A. No, when you go to Plugsound system
 10 you have the preset, which is called Strat
 11 with a SM57 Crunchy, the guitar twang, it's
 12 the gimmick.
 13 Q. And then you take that gimmick and
 14 prepare the sequence?
 15 A. No, no, no, no.
 16 MR. DICKSTEIN: Objection to form.
 17 A. Not that too. Not that too. I
 18 create the gimmick. The gimmick doesn't
 19 exist in the Plugsound.
 20 Q. So it is not correct then to say
 21 that the musical sequence was recorded by
 22 Univers Sons in February 2001, is it?
 23 THE INTERPRETER: It's a little
 24 long for the interpreter.
 25 MR. DICKSTEIN: Ask him to go step

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 2 by step.
 3 A. If you think that a gimmick of "I
 4 Got a Feeling" is entirely in the Plugsound,
 5 no, it's not that. But the guitar sound,
 6 yes, the guitar sound that I used to play is
 7 in the Plugsound, and it's referred under the
 8 application Strat.
 9 MS. CENAR: And just for the
 10 record, I want to note a rule of
 11 completeness, that the entire
 12 declaration should be read in context
 13 with this line of questioning. And I
 14 would like to preserve that objection so
 15 that I don't interrupt on every question
 16 with respect to every question.
 17 Q. So it says here in your
 18 declaration, Mr. Riesterer, that that musical
 19 sequence was recorded by Univers Sons in
 20 February 2001. That is not a correct
 21 statement, is it?
 22 MR. PINK: Objection as to form.
 23 MR. DICKSTEIN: Same objection.
 24 A. No, that I'm lost there. I don't
 25 get it any more. I don't understand what

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 2 you're asking me.
 3 I don't understand. I don't
 4 understand. I already -- I think I explained
 5 that before. It's not -- you don't find a
 6 whole gimmick in the Plugsound system. I've
 7 created a gimmick. I used some sounds and I
 8 created a gimmick.
 9 Q. I understand that that's what
 10 you're saying. But in your declaration it
 11 says that the guitar twang sequence was
 12 recorded by Univers Sons in February 2001?
 13 MS. CENAR: Objection, objection
 14 under rule of completeness and
 15 specifically --
 16 MR. VERNON: You already stated
 17 that objection.
 18 MS. CENAR: -- specifically in
 19 context with that question I ask that
 20 the first three paragraphs of this
 21 witness' declaration be read in context
 22 with your specific question. Otherwise,
 23 I move to strike the question and strike
 24 the answer as misleading.
 25 Q. Do you understand the question?

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 2 A. Yes, I understand. Yes, but when I
 3 tried to translate into French when I read
 4 the guitar twang sequence, it means the
 5 gimmick for me.
 6 Q. So you understand the question and
 7 to you the guitar twang sequence means the
 8 gimmick?
 9 A. The gimmick that I did, that I
 10 played in "I Gotta Feeling" was made with a
 11 Plugsound Pro fretted instruments with Strat
 12 with an SM57 Crunchy.
 13 Q. And this is the gimmick that you
 14 composed, correct?
 15 A. Yes.
 16 Q. So the gimmick was not recorded by
 17 Univers Sons in February 2001, was it?
 18 MR. DICKSTEIN: He's just asking
 19 you a question.
 20 MR. VERNON: Let him answer the
 21 question.
 22 MR. DICKSTEIN: No. I'm asking him
 23 to listen to the question carefully and
 24 answer it.
 25 Q. And the answer to the question is

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 2 no?
 3 A. No.
 4 Q. So if it says in this declaration
 5 that the gimmick was created, was recorded by
 6 Univers Sons in February 2001, then that
 7 would not be correct, would it?
 8 MR. PINK: Object on the form. The
 9 document says "sequence" not "gimmick."
 10 MR. DICKSTEIN: Objection.
 11 A. For me we're not talking about
 12 gimmicks, but we're talking about sounds that
 13 I used to make my gimmick, that's how I
 14 understood it. And that that sound was
 15 created by Univers Sons music library.
 16 Q. The sound was created by Univers
 17 Sons and you believe this was in
 18 February 2001, correct?
 19 A. Yes.
 20 Q. But neither the guitar twang
 21 sequence or the gimmick was created by
 22 Univers Sons, was it?
 23 A. The gimmick, no.
 24 Q. Then to you the guitar twang
 25 sequence is the gimmick, right?

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 2 MR. PINK: I object on form.
 3 A. Yes. It's a whole sequence of
 4 guitar or gimmick.
 5 Q. The Fender Stratocaster electric
 6 guitar, that's a -- that's just referring to
 7 a guitar, right?
 8 A. It is a guitar, yes.
 9 MR. DICKSTEIN: Same objection.
 10 Q. Well-known guitar, didn't Hendrix
 11 use a Fender Stratocaster?
 12 MR. PINK: Foundation.
 13 A. It's possible.
 14 MR. DICKSTEIN: Objection.
 15 A. I don't know.
 16 Q. But it's a guitar that's been
 17 around for a while?
 18 MR. DICKSTEIN: Objection, form.
 19 A. Yes, the best would be to ask the
 20 question to Univers Sons, they are the
 21 creators who sell the license.
 22 Q. Oh, I understand, but you're
 23 referring to these things in your declaration
 24 so I just want to understand to what you're
 25 referring.

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2 What is a Fender amplifier?

3 MR. PINK: Objection as to form.

4 Foundation.

5 A. It's a guitar amplifier of the

6 Fender brand.

7 Q. And do you have one of those?

8 A. No.

9 Q. Have you ever had one?

10 A. No.

11 Q. What is a Shure SM57 microphone?

12 A. It's a Shure SM57 microphone that
13 you place in front of the amplifier and it's
14 connected, this mic is connected to your
15 guitar.

16 Q. And both of these things, the
17 amplifier and the microphone, those have been
18 around for a while, right?

19 MR. DICKSTEIN: Objection, form,
20 vague, "a while."

21 MR. PINK: I'll join.

22 A. Well, yes. I was one year old that
23 the guitar was already out on the market.

24 Q. How old are you?

25 A. Objection.

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2 THE WITNESS: But I don't answer.

3 MR. VERNON: I can ask him who told
4 him, I'm not asking him for the
5 substance of the conversation.

6 MR. DICKSTEIN: If it's limited to
7 who told the deponent that he was sued,
8 then that's fine, if he remembers.

9 A. Frankly, I don't recall.

10 Q. What was your reaction when you
11 found out you were sued?

12 MR. DICKSTEIN: And I'm going to
13 object and just counsel the witness not
14 to reveal any communications or any
15 discussions.

16 MR. VERNON: I asked for his
17 reaction.

18 MR. PINK: I'm going to object.

19 MR. DICKSTEIN: Reaction could mean
20 a number of things.

21 MR. PINK: I'm going to object as
22 to form and relevance.

23 MR. DICKSTEIN: Are you asking for
24 statements he made? Can you clarify the
25 question?

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2 50.

3 MR. DICKSTEIN: I think asked and
4 answered actually.

5 Q. When did you first find out that
6 you had been sued in this lawsuit?

7 MR. DICKSTEIN: I'm just going to
8 object and counsel the witness not to
9 reveal any discussions with his
10 attorneys but just to answer the
11 specific question.

12 A. Must I answer this question?

13 MR. DICKSTEIN: Yes, you can answer
14 the question.

15 Could we have the question read
16 back, maybe?

17 (A portion of the record was read.)

18 A. I don't recall.

19 Q. Do you remember who told you that
20 you had been sued?

21 MR. DICKSTEIN: Objection. If that
22 calls for revelation of discussions with
23 attorneys then I'm going to instruct you
24 not to answer. If it was somebody else,
25 then that's fine.

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2 BY MR. VERNON:

3 Q. How did you feel when you found out
4 you were sued?

5 A. I will give you a confidence
6 because I really have it on my heart. I had
7 three cancers and I hope that with this one I
8 won't have a fourth one. That's it.

9 Q. I didn't hear what you said.

10 A. I had three cancers and I hope that
11 this will not bring a fourth one.

12 Q. So you were not pleased when you
13 found out you had been sued?

14 A. Are you kidding? Is that a joke?

15 Q. After you found out that you had
16 been sued, did anyone tell you to preserve
17 any documents that you have that might relate
18 to the lawsuit?

19 MR. DICKSTEIN: I'm going to
20 object. That calls for a --

21 THE WITNESS: Can you give me
22 five minutes, please? Seven minutes.

23 THE VIDEOGRAPHER: We're now off
24 the record. The time of 5:50 p.m.,
25 June 23, 2001.

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 2 (A brief recess was taken.)
 3 THE VIDEOGRAPHER: We're now back
 4 on the record. The time is 6:04 p.m.
 5 Today is June 23, 2011.
 6 Counsel, your microphone.
 7 MR. VERNON: I apologize.
 8 BY MR. VERNON:
 9 Q. Mr. Riesterer, when did you first
 10 -- strike that.
 11 When were you first approached
 12 about working on a project for the Black Eyed
 13 Peas?
 14 MR. PINK: I'll object as to
 15 foundation.
 16 MR. DICKSTEIN: Same objection.
 17 A. I don't understand the question.
 18 Q. After you created the song "Love is
 19 Gone" with David Guetta and Joachim Garraud,
 20 what did you -- what was your next project
 21 after that?
 22 MR. DICKSTEIN: Objection,
 23 foundation, mischaracterization of
 24 testimony.
 25 MR. PINK: I'll join also as to

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 2 form.
 3 A. Initially it was a song for David
 4 Guetta's album, not for Black Eyed Peas.
 5 Q. Okay. And when you say
 6 "initially," were you involved in the
 7 creation of this song?
 8 MR. DICKSTEIN: Objection,
 9 foundation.
 10 MR. PINK: Objection as to form.
 11 Which song?
 12 A. Yes, because it was a song, I was
 13 working with David Guetta on his new album.
 14 Q. And you're saying that the song
 15 that eventually became known as a "I Gotta
 16 Feeling" was originally supposed to be a song
 17 on David Guetta's album?
 18 MR. PINK: Objection, form, also
 19 foundation. Misstates.
 20 MR. DICKSTEIN: Same objection.
 21 A. Well, no, it was not called "I
 22 Gotta Feeling."
 23 Q. The song that eventually became
 24 known as "I Gotta Feeling" was -- you were
 25 working on that originally for David Guetta's

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 2 album?
 3 MR. PINK: Objection, form.
 4 A. Yes.
 5 Q. And did this song have a name when
 6 you first started to work on it?
 7 A. Yes.
 8 Q. And what was the name of the song?
 9 A. David Pop GTR.
 10 Q. When did you begin to work on the
 11 song David Pop GTR?
 12 A. Precisely on October 16th or 17,
 13 2008.
 14 Q. Why do you remember that date so
 15 precisely?
 16 A. Well, because, first of all, I had
 17 worked a lot on that song plus since it's
 18 always the same guitar, it's the same guitar
 19 as on "Love is Gone" and I always work on my
 20 computer so I keep seeing the date on my
 21 files on the computer. I spent a lot of time
 22 working on those songs. These are key
 23 moments in my life.
 24 Q. Do you still have this computer?
 25 A. No.

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 2 Q. Where is it now?
 3 A. I gave it to a friend.
 4 Q. Which friend did you give it to?
 5 A. I don't remember. I have a lot of
 6 friends.
 7 Q. So you don't remember who you gave
 8 your computer to?
 9 A. I have to say between two people.
 10 I don't remember if I gave it to this one or
 11 that one, I'm not completely sure.
 12 Q. But what about all of the sounds
 13 that you had saved on the computer, do you
 14 still have those?
 15 MR. DICKSTEIN: Objection,
 16 foundation.
 17 MR. PINK: Objection as to form.
 18 A. I made a lot of backups. And you
 19 have to know that this computer was -- it was
 20 -- this computer was a power PC and it was
 21 not an Intel computer. Everything became
 22 Intel.
 23 Q. Okay. So when you say you made a
 24 lot of backups, where did you, on what type
 25 of device did you save these backups?

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2 A. On hard disks, external hard
3 drives, first of all, internal hard drive and
4 then external hard drives.

5 Q. And do you still have these backup
6 copies of the sounds that you had on that
7 original computer?

8 MR. DICKSTEIN: Objection, form, as
9 to all the sounds.

10 A. Of course.

11 MR. PINK: I'm going to join that.

12 Q. And are these backups in France?

13 A. Yes.

14 Q. So you said you started creating a
15 song October 16th or 17, 2008, and I'm
16 referring to "David Pop GTR," what was your
17 role in the creation of that song?

18 A. I am the co-composer of that song
19 with David Guetta and we were working one
20 next to another and we wanted to create a
21 song with the same guitar as in "Love is
22 Gone."

23 Q. Did Joachim Garraud have any role
24 in the creation of "David Pop GTR"?

25 A. No.

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2 Q. When you said you were working with
3 David Guetta to create this song, what was
4 David Guetta's role?

5 A. The same role as mine, we play one
6 next to another, he has an idea, I have an
7 idea, he has an idea, I have an idea, and
8 that's how we progressed through the song.

9 Q. How -- at what point did you -- was
10 it determined that this song was going to be
11 used by the Black Eyed Peas and not David
12 Guetta?

13 MR. DICKSTEIN: Objection to form,
14 foundation.

15 MR. PINK: Join.

16 A. It was at the beginning of the song
17 David had will.i.am on the telephone and he
18 made him hear the demo and he said, I love
19 that song I want it on my album.

20 Q. And do you know when this happened?

21 A. The deal? What?

22 Q. The phone call with will.i.am?

23 A. Oh, no.

24 Q. Do you have saved anywhere on your
25 hard drives or external hard drives or

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2 computers a version of the latest version of
3 "David Pop GTR"?

4 MR. DICKSTEIN: Objection to form.

5 We know it got a different name at some
6 point.

7 A. Yes.

8 Q. Do you still have saved on your

9 hard drives or external hard drives or
10 computers a final version of "Love is Gone"?

11 A. No, not "Love is Gone."

12 Q. Why not?

13 A. Because when I started "Love is
14 Gone," Joachim and David took over and the
15 session went to another studio.

16 Q. And did you have to hand over or
17 relinquish your files for "Love is Gone"
18 then?

19 A. To give or to relinquish?

20 Q. Why -- were you not allowed to keep
21 your files that are related to "Love is
22 Gone"?

23 A. Yes.

24 Q. So I don't understand why you no

25 longer have them, even though the song was

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2 created in another studio, wouldn't you still
3 have them on your computer?

4 MR. DICKSTEIN: Objection to form.

5 A. Yes.

6 MR. DICKSTEIN: Are we talking
7 about the final?

8 MR. PINK: I'll join.

9 A. I have "Love is Gone" in my studio,
10 but it's not completed because afterwards the
11 song went to David in another studio.

12 Q. Okay. Thank you for clearing that
13 up.

14 So do you still have files relating
15 to the uncompleted version of "Love is Gone"?

16 A. Yes.

17 Q. So will.i.am talks to David on the
18 phone and says, I love this track, what
19 happened next?

20 MR. DICKSTEIN: Objection, form,
21 foundation.

22 MR. PINK: Join.

23 A. I'm taking time to think over it
24 because it was a big moment when David talked
25 to me about it.

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 2 will.i.am placed a voice --
 3 (Discussion off the record.)
 4 A. He recorded a voice and he sent it
 5 to us and we did wow, wow, it's magic.
 6 Q. So will.i.am sent a recording of
 7 the voice for the song "I Gotta Feeling"?
 8 A. Yes, I believe so on an MP3. It's
 9 always a bad quality to avoid, to prevent
 10 with a parasite sound.
 11 Q. What do you mean by that? Sorry, I
 12 just got confused.
 13 A. To prevent, to prevent it from
 14 being intercepted by people on the internet
 15 of bad faith we create a bad quality MP3 with
 16 white noise and the song was "shhh" and so we
 17 have a "I Got a Feeling" with a sound in the
 18 middle so that people cannot use it.
 19 Q. And does he send this file to you
 20 by e-mail?
 21 MR. DICKSTEIN: Objection,
 22 foundation.
 23 MR. PINK: Join.
 24 MR. DICKSTEIN: Who it was sent to.
 25 MR. PINK: Join.

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 2 (Through the interpreter) By
 3 YouSendIt.
 4 MR. VERNON: Counsel, why did you
 5 insist that he answer that question in
 6 French when he was answering in English?
 7 MR. DICKSTEIN: The entire
 8 deposition is being conducted with him
 9 testifying in French. So that there's
 10 no misunderstanding. I mean that's the
 11 purpose of having a translator here.
 12 Q. Where was I?
 13 So will.i.am sends the voice and
 14 then what do you do after that?
 15 MR. DICKSTEIN: Objection to form.
 16 MR. PINK: Join.
 17 A. David and I we keep working on it
 18 to give more shape to the song. And
 19 will.i.am keeps working on the text to make
 20 the song go with the Black Eyed Peas.
 21 Q. And how long did it take to finish
 22 this song from start to finish?
 23 MR. DICKSTEIN: Objection to form.
 24 MR. PINK: Join.
 25 A. I believe it took three to four

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 2 A. Myself, I didn't know will.i.am. I
 3 didn't have any contact with will.i.am. It
 4 was with David. So he sent it to David.
 5 Q. Do you know if he sent it to David
 6 by e-mail?
 7 A. No, no, not by e-mail.
 8 Q. So how do you send the MP3?
 9 MR. DICKSTEIN: Objection, form.
 10 MR. PINK: Also foundation.
 11 MR. DICKSTEIN: If you know.
 12 A. What you might call it. Can I ask?
 13 MR. DICKSTEIN: No, you can't ask.
 14 If you don't know, you shouldn't
 15 speculate.
 16 A. (In English) I don't remember.
 17 THE INTERPRETER: In English.
 18 Q. You don't remember the word in
 19 English?
 20 A. Oh, what's the name for it?
 21 (In English) not by e-mail.
 22 MR. DICKSTEIN: In French.
 23 (Through the interpreter) Not by
 24 e-mail.
 25 (In English) YouSendIt.

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 2 months.
 3 Q. And just so I understand the
 4 technicalities that you're referring to,
 5 after will.i.am sends you or David the text
 6 of the song what are you and David doing to
 7 combine -- what equipment are you using?
 8 I'll start with the question.
 9 MR. DICKSTEIN: Objection to form.
 10 A. Do you mean computers,
 11 synthesizers, by equipment?
 12 Q. Is that what you used?
 13 A. I don't understand your question.
 14 Q. When you are making this song with
 15 David and you're incorporating the items that
 16 will.i.am sends to you, what equipment are
 17 you using to do this?
 18 MR. DICKSTEIN: Objection,
 19 foundation.
 20 A. The studio equipment, the equipment
 21 we were working with at the time.
 22 Q. Okay. And I mean so did you use a
 23 computer?
 24 A. Yes, of course.
 25 Q. And a synthesizer?

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 2 A. Several.
 3 Q. Did you use anything else?
 4 A. Yes, lots of synthesizers, lots of
 5 software. That's our trade.
 6 Q. Now, the -- you say that the guitar
 7 sequence or gimmick from "Love is Gone," are
 8 you saying that that's the same as the guitar
 9 sequence or gimmick in "I Gotta Feeling"?
 10 MR. PINK: Objection as to form.
 11 MR. DICKSTEIN: Same objection.
 12 A. Necessarily it's not the same song
 13 because it's not the same melody, but it has
 14 the same guitar sound.
 15 Q. And did you take the guitar sound
 16 to create a new gimmick for "I Gotta
 17 Feeling"?
 18 A. Yes.
 19 Q. Did you ever end up meeting any
 20 members of the Black Eyed Peas?
 21 MR. DICKSTEIN: Objection, form.
 22 What time period are we talking about?
 23 MR. VERNON: Ever.
 24 MR. PINK: I'm joining.
 25 MS. CENAR: I'm sorry, I didn't

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 2 next to another for almost a month, so we
 3 didn't communicate by e-mail. We were -- we
 4 worked together.
 5 Q. Just so I understand, are you
 6 saying that you never e-mailed David Guetta
 7 about the creation of "I Gotta Feeling"?
 8 MR. PINK: Objection as to form,
 9 misstates the testimony.
 10 MR. DICKSTEIN: Same objection.
 11 A. Well, maybe -- well, maybe after
 12 the creation of the song to make some
 13 modifications, perhaps by e-mail, perhaps
 14 over the telephone.
 15 Q. What about by a text message, did
 16 you ever communicate with David Guetta by a
 17 text message?
 18 A. No.
 19 Q. Under what circumstances did you
 20 meet the Black Eyed Peas in February of 2011?
 21 A. To create, to make a new song with
 22 will.i.am, for David's new album.
 23 MR. PINK: We're going to designate
 24 this part of the transcript
 25 confidential.

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 2 hear. That's after?
 3 MR. VERNON: Ever.
 4 MS. CENAR: Oh, ever. I'm sorry.
 5 A. Yes.
 6 Q. When did you first meet?
 7 A. In February, in February of that
 8 year.
 9 Q. This year?
 10 A. Yes.
 11 Q. So February of 2011?
 12 A. Yes.
 13 Q. Did you communicate with any member
 14 of the Black Eyed Peas prior to meeting them
 15 in February of 2011?
 16 MR. PINK: Objection as to form.
 17 A. Never. I don't speak English.
 18 It's difficult. They don't know me. They
 19 know my name.
 20 Q. Did you ever communicate with David
 21 Guetta by e-mail when you were making the
 22 song "I Gotta Feeling"?
 23 MR. PINK: Objection as to form.
 24 MR. DICKSTEIN: Same objection.
 25 A. We work -- we worked together one

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 2 MS. CENAR: Highly confidential.
 3 Q. Have you ever spoken to members of
 4 the Black Eyed Peas about this lawsuit?
 5 A. About that lawsuit?
 6 Q. About this lawsuit.
 7 A. No, never.
 8 Q. So you have not once discussed this
 9 lawsuit with any member of the Black Eyed
 10 Peas?
 11 MR. DICKSTEIN: Objection, asked
 12 and answered.
 13 MR. PINK: Objection. Join and
 14 also for form.
 15 A. No.
 16 Q. Have you ever discussed this
 17 lawsuit with David Guetta?
 18 A. Yes.
 19 Q. Have you ever discussed this
 20 lawsuit by e-mail with David Guetta?
 21 A. No.
 22 Q. How many times have you discussed
 23 this lawsuit with David Guetta?
 24 A. I don't know.
 25 Q. Many times?

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 2 MR. DICKSTEIN: Objection to form.
 3 A. We like to talk about positive
 4 things.
 5 Q. So you don't like to talk about the
 6 lawsuit?
 7 A. No.
 8 Q. Do you understand that the
 9 plaintiffs in this lawsuit asked you to
 10 produce certain documents?
 11 MS. CENAR: Objection. Plaintiffs?
 12 MR. VERNON: Plaintiff. Thanks,
 13 Kara.
 14 MR. DICKSTEIN: Objection, and you
 15 can answer the question to the extent
 16 you're not revealing any communications
 17 with, to your attorneys.
 18 A. The question is?
 19 Q. Do you understand that the
 20 plaintiff in this lawsuit asked you to
 21 produce certain documents?
 22 A. I don't understand the question.
 23 Do I understand or was I told?
 24 Q. Were you told that the plaintiffs
 25 were asking for documents -- that the

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 2 plaintiff was asking for documents?
 3 MR. DICKSTEIN: Objection, I'm
 4 going to instruct the witness not to
 5 answer to the extent it calls for
 6 revelation of discussions with
 7 attorneys.
 8 A. I don't answer this question.
 9 MR. VERNON: I'm asking him if he
 10 was ever told that we wanted documents,
 11 I'm not asking for a substance.
 12 MR. DICKSTEIN: If that came from
 13 an attorney that is a substance. You
 14 asked earlier what he understood and I
 15 think he answered that and then you
 16 asked what he was told.
 17 MR. VERNON: He didn't answer
 18 whether he understood.
 19 MR. DICKSTEIN: Well, you can try
 20 it again.
 21 Q. Do you understand that the
 22 plaintiff in this case asked you to produce
 23 certain documents?
 24 A. No. I don't understand it.
 25 Q. So you don't know that the

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 2 plaintiff asked you for certain documents?
 3 A. There's something I don't
 4 understand very well. Do I understand that
 5 he's asking me for some documents, why is he
 6 asking me for documents. I don't understand
 7 very well.
 8 Q. I'm not asking you why. Were you
 9 made aware that the plaintiff wanted certain
 10 documents from you?
 11 MR. DICKSTEIN: I think it's a yes
 12 or no question, right?
 13 A. I don't recall.
 14 Q. You don't recall?
 15 MS. CENAR: Counsel, just out of
 16 courtesy of this person we are supposed
 17 to be meeting, how much longer do you
 18 think you will be?
 19 MR. VERNON: I'm aiming to be done
 20 in half an hour.
 21 I'm going to show you a document
 22 that we have marked as Exhibit 7.
 23 (Exhibit Riesterer Dep 7, Defendant
 24 Frederic Riesterer's Responses and
 25 Objections to Plaintiff's First Set of

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 2 Requests for Production of Documents,
 3 marked for identification, this date.)
 4 MR. VERNON: I apologize for
 5 throwing it.
 6 MR. PINK: No, go ahead. KC, do
 7 you want a copy?
 8 MS. CENAR: Yes, please.
 9 Q. And take time to look at it. Have
 10 you seen this document before?
 11 A. I don't know. You sent a lot of
 12 documents to my place. I don't know if this
 13 is part of the documents you sent me.
 14 Everything is in English. Since I didn't do
 15 anything wrong, I'm not reading it.
 16 Q. Did you ever receive a copy of
 17 document requests that the plaintiff prepared
 18 in this case?
 19 MR. VERNON: You can't say that's
 20 privileged.
 21 MR. DICKSTEIN: Objection, form.
 22 You're asking document requests that has
 23 a legal significance. It's a term of
 24 art, you know, do the lawyers know.
 25 He's not going to know that.

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2 A. I don't know.

3 Q. Did you ever receive a document
4 that set forth that the plaintiff wanted
5 certain things from you?

6 A. Well, I have attorneys, why would
7 they ask them to me. They have to ask my
8 attorneys.

9 Q. So are you saying that your
10 attorneys never informed you that the
11 plaintiffs were requesting documents in this
12 case?

13 MR. DICKSTEIN: Objection. I'm
14 going to instruct the witness not to
15 answer on the basis of privilege.

16 MR. VERNON: Whether or not you
17 informed him that we were requesting
18 documents is not privileged?

19 MR. DICKSTEIN: I think it is. How
20 is it not? I mean that's a discussion.

21 MR. VERNON: I'm asking your client
22 if he was ever informed.

23 MR. DICKSTEIN: Can we go off the
24 record for a second?

25 MR. VERNON: No, I don't want to go

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2 off the record. I'm asking your client
3 if he was ever informed that we
4 requested documents.

5 MR. DICKSTEIN: You said, I think
6 your question was whether attorneys
7 informed him.

8 MR. VERNON: And if I ask --

9 MR. DICKSTEIN: That was the
10 question.

11 MR. VERNON: Did his attorneys ever
12 inform him that we were requesting
13 documents, the fact that you're letting
14 him know that we're requesting documents
15 you're saying that that's privileged?

16 MR. DICKSTEIN: I think that's a
17 content of a communication. I do. I
18 don't know what the benefits of this is
19 either, I mean we've had a meet and
20 confer.

21 MR. VERNON: Well, I'm pretty sure
22 you know what the benefit is.

23 Let me ask a different question. I
24 have a problem with your objection and
25 we'll take that up with the court if

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2 necessary.

3 Q. Were you ever informed that the
4 plaintiff in this case was requesting
5 documents from you?

6 MR. DICKSTEIN: I'm going to object
7 to the extent it calls for discussions
8 with an attorney. If you know -- if you
9 know, apart from what your attorneys
10 told you, then you can answer.

11 A. I think I provided some documents
12 since I wrote down how I composed the song,
13 how I did it, with what equipment. I think
14 that's the documents.

15 Q. Did you provide any other documents
16 other than what you just described there?

17 A. No.

18 MR. DICKSTEIN: Objection, form,
19 vague.

20 Q. Now, do you understand that the
21 plaintiff has asked you for any
22 communications that you had with anybody
23 regarding your creation of "I Gotta Feeling"?

24 MR. DICKSTEIN: You can answer, if
25 you know, apart from what your attorneys

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2 told you. Otherwise don't answer.

3 THE WITNESS: No.

4 Q. Did you ever search your records
5 for communications between you and anyone
6 else regarding the creation of "I Gotta
7 Feeling"?

8 A. Musical records?

9 Q. All of your records.

10 A. I work 16, 17 hours per day to
11 compose. I'm not going to go and look for
12 things. Once again I haven't done anything.
13 Why would I establish evidence to prove
14 anything ahead of time.

15 Q. So you did not go and look for
16 anything?

17 MR. DICKSTEIN: Objection, form.

18 A. Well, no.

19 Q. Did you search your records for any
20 communications relating to the creation of
21 the song "Love is Gone"?

22 A. I'm sorry, I don't understand the
23 formulation of the question.

24 Q. Did you go and search your records
25 for any documents or communications relating

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 2 to the creation of the song "Love is Gone"?
 3 A. When we created "I Gotta Feeling."
 4 Q. I'm talking about for this lawsuit.
 5 A. I don't know. I don't understand.
 6 Q. Did you search your records for any
 7 documents for communications between you and
 8 Rister Editions about any of the songs that
 9 we've discussed today?
 10 MR. PINK: Object as to form.
 11 MR. DICKSTEIN: Same objection.
 12 A. No. It's the same person.
 13 Q. So it's fair to say that since this
 14 lawsuit was filed you have not searched your
 15 records for any documents or communications
 16 relating to the lawsuit?
 17 MR. DICKSTEIN: Objection, form,
 18 vague, foundation. He testified he
 19 didn't even remember.
 20 MR. VERNON: You stated your
 21 objection.
 22 MR. PINK: And I'm joining also.
 23 MR. VERNON: You don't have to
 24 testify for the witness.
 25 MR. PINK: Also argumentative as to

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 2 and we recorded it on the little recording
 3 machine and then afterwards we recorded it in
 4 the studio. I don't remember if David was
 5 there or if I was alone.
 6 Q. When did you record this song?
 7 A. I believe it was in 2007. It's a
 8 demo.
 9 Q. Was the song ever completed?
 10 A. No.
 11 Q. So does that also mean that it was
 12 never released?
 13 MR. DICKSTEIN: Objection, form.
 14 A. Never.
 15 Q. Just so I understand what you're
 16 saying, do you not remember if David was
 17 involved in the creation of the song? Is
 18 that what you said?
 19 A. I work exclusively with David. We
 20 do everything together. I don't remember at
 21 the time if it were together. It was a
 22 sequence of chords, a melody on the guitar, a
 23 gimmick.
 24 Q. And did you create the gimmick that
 25 was used, that you used in that song?

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 2 whether it's fair.
 3 MR. VERNON: Thank you. Objection
 4 is noted.
 5 Q. Do you want her to read back the
 6 question?
 7 (A portion of the record was read.)
 8 A. Well, okay. When I receive the
 9 song from the person who is attacking us I
 10 listened to it with what I had done. That's
 11 the only thing I did.
 12 Q. Are you familiar with the song
 13 "Never Mind"?
 14 MR. PINK: Objection as to form,
 15 foundation.
 16 MR. DICKSTEIN: Objection.
 17 A. Yes.
 18 Q. What was your -- did you have any
 19 involvement in the creation of "Never Mind"?
 20 MR. PINK: Same objection.
 21 A. Yes.
 22 Q. What was your involvement in the
 23 creation of the song "Never Mind"?
 24 A. I think I was with David in a car.
 25 We were going for dinner and we had an idea

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 2 A. Yes.
 3 Q. I think you said before that you're
 4 not a DJ. Have you ever performed as a DJ?
 5 MR. DICKSTEIN: Objection to form.
 6 A. I've never said that.
 7 Q. You never said that you're not a
 8 DJ?
 9 A. No.
 10 Q. Okay. So maybe I misunderstood
 11 what you said before. So are you a DJ as
 12 well?
 13 A. I was a DJ.
 14 Q. Oh, at the radio station?
 15 A. In the radio station and in clubs.
 16 Q. So you performed in clubs as a DJ?
 17 A. I was a fellow DJ, yes, 10 years,
 18 10 years ago I stopped.
 19 MR. DICKSTEIN: Objection to form.
 20 Q. How long were you a DJ for?
 21 A. Twenty-four years.
 22 Q. Did you ever tour as a DJ?
 23 A. I was an old DJ. It was not
 24 today's stars.
 25 Q. So when you were a DJ, it wasn't as

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 2 big a deal as it is now?
 3 MR. DICKSTEIN: Objection, form.
 4 A. It's different. I was a resident
 5 DJ. I was not touring around the world as a
 6 DJ.
 7 Q. And when you say like Tidsto
 8 and van Buuren, those are DJs who tour?
 9 A. Yes, of course.
 10 Q. Do you know who Martin Kierszenbaum
 11 is? You never heard of that name before?
 12 Have you ever worked with Lady
 13 Gaga?
 14 A. No.
 15 Q. Would you like to?
 16 MR. DICKSTEIN: Objection.
 17 A. I prefer to work with David Guetta.
 18 Q. Do you know a Swedish song writer,
 19 Max Martin?
 20 A. A song?
 21 Q. Do you know anybody by the name of
 22 Max Martin?
 23 A. I don't know.
 24 Q. Do you know anybody by the name of
 25 Ryan Tedder?

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 2 A. Ryan Tedder? Tedder? Can you
 3 repeat?
 4 Q. Ryan Tedder.
 5 MS. CENAR: Could you spell that?
 6 Q. T-E-D-D-E-R?
 7 A. No.
 8 Q. Have you ever worked with an artist
 9 Timofey? Timofey?
 10 MS. CENAR: Could you spell that
 11 please?
 12 MR. VERNON: T-I-M-O-F-E-Y.
 13 A. No.
 14 Q. Have you heard of an artist named
 15 Timofey?
 16 A. Never.
 17 MR. VERNON: We're almost done.
 18 If you can give me two minutes to
 19 look over my notes and we can go off the
 20 record.
 21 THE VIDEOGRAPHER: We're off the
 22 record. The time is 6:52 p.m., June 23,
 23 2001.
 24 (A brief recess was taken.)
 25 THE VIDEOGRAPHER: We're now back

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 2 on the record. The time is 6:54 p.m.,
 3 June 23, 2011.
 4 MR. VERNON: Mr. Riesterer, thank
 5 you very for your time. I know it's not
 6 an easy process, but I appreciate it.
 7 MS. CENAR: All right. A few
 8 things on the record. I'm going to
 9 continue my objection to any line of
 10 questioning that was advanced today that
 11 was not -- or individuals that were
 12 named that were not set forth in Mr.
 13 Pringle's initial disclosure or in any
 14 of his discovery responses, and I move
 15 to strike any questioning and any
 16 answers related to undisclosed names or
 17 information.
 18 Number 2, the deposition -- it is
 19 now 7 o'clock at night, there is
 20 insufficient time for any other party to
 21 conduct any redirect or recross and so
 22 on that note I reserve the right to
 23 conduct any cross-examination at another
 24 time.
 25 MR. VERNON: And let me respond to

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 2 a couple of things there. Obviously, we
 3 disagree with your first objection that
 4 you are proposing in that regard. Our
 5 running time for this deposition, I
 6 believe, was under six hours. We've
 7 facilitated several breaks for your
 8 client, in addition to a lunch that
 9 exceeded one hour. We gave him at least
 10 four breaks of ten or 15 minutes. So
 11 any suggestion that this deposition was
 12 dragged on beyond any time that it
 13 needed to be taken, I strongly disagree.
 14 MR. DICKSTEIN: I have a couple of
 15 things.
 16 MR. PINK: Our client is not here
 17 though, just a correction.
 18 MR. DICKSTEIN: Can I, can I go? I
 19 have -- actually have just a few very
 20 short questions.
 21 EXAMINATION BY
 22 MR. DICKSTEIN:
 23 Q. Mr. Riesterer, you remember
 24 testifying about your managers Christoph and
 25 Jean Charles?

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 2 A. To have testified?
 3 Q. Earlier today, do you remember
 4 talking about...
 5 A. Talking about?
 6 Q. About Jean Charles and Christoph
 7 here today, do you remember talking about
 8 them?
 9 A. Yes.
 10 Q. Okay. One of the -- let me ask
 11 you, one of the things that Jean Charles and
 12 Christoph help you with is to translate when
 13 you're speaking with attorneys; is that
 14 right?
 15 A. Yes.
 16 Q. And it would be very difficult for
 17 you to speak with attorneys if they weren't
 18 here to help translate; is that right?
 19 MR. VERNON: Object to the form of
 20 the question.
 21 A. Of course.
 22 Q. Mr. Riesterer, do you remember when
 23 Mr. Vernon was asking you about searching
 24 your records, do you remember that testimony?
 25 A. Yes.

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 2 Q. And I just want to ask you whether
 3 you did provide some music files to your
 4 attorneys? I think that's a yes or no
 5 question.
 6 A. Yes.
 7 MR. DICKSTEIN: That's the end of
 8 my questioning.
 9 We're going to reserve signature.
 10 There's something else I just wanted to
 11 note on the record. I believe under the
 12 Federal rules the stenographer's
 13 transcription is the official recording
 14 of this deposition. I noticed that the
 15 translator is also taking notes. And
 16 since these are not official recordings
 17 I would just ask that they be destroyed.
 18 I don't think they have any value. Do
 19 you have any objection?
 20 MR. VERNON: I guess I don't really
 21 understand why she has to destroy them.
 22 We're going to rely on the transcript
 23 and not --
 24 MR. DICKSTEIN: Okay. If we can
 25 just agree that the -- her -- the trans

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 2 -- excuse me, the translator's notes
 3 will remain with her and not be used for
 4 any purpose, that's all I'm trying to
 5 get to.
 6 MR. VERNON: And I'm not, I'm not
 7 being difficult, I just want to make
 8 sure I understand what you're saying
 9 because there may be an instance where
 10 we have to go to the video and look at
 11 what his actual answer was or look at a
 12 translation, so.
 13 MR. DICKSTEIN: I'm just talking
 14 about her notes. You have the
 15 recording.
 16 MS. CENAR: The recording is the
 17 videotape and the transcript. It's not
 18 suggesting otherwise.
 19 MR. DICKSTEIN: I'm just talking
 20 about the notes.
 21 MS. CENAR: So we have your
 22 agreement?
 23 MR. DICKSTEIN: I just want to make
 24 sure we have your response on the
 25 record.

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 2 MR. VERNON: I don't care what she
 3 does with the notes, but I'm not saying
 4 that -- I reserve the right to take his
 5 answers in French if we think there was
 6 something wrong with the translation
 7 down the road and challenge that.
 8 MR. DICKSTEIN: Based on the video
 9 and audio recording?
 10 MR. VERNON: Right.
 11 MR. DICKSTEIN: And we can agree
 12 that we're not -- neither of us are
 13 going to seek to obtain the translator's
 14 notes?
 15 MR. VERNON: That's fair.
 16 MR. DICKSTEIN: Is that fair?
 17 Okay.
 18 THE VIDEOGRAPHER: Shall we
 19 conclude?
 20 We are now concluding today's
 21 deposition. The time is 7:00 p.m., on
 22 June 23, 2011. We are off the record.
 23 (Time noted: 7:00 p.m.)
 24
 25

