

**EXHIBIT D**



# Transcript of the Testimony of **WILLIAM ADAMS**

**Date:** July 25, 2011

**Case:** BRYAN PRINGLE v. WILLIAM ADAMS, et al.

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Internet:

1 UNITED STATES DISTRICT COURT

2 CENTRAL DISTRICT OF CALIFORNIA - SOUTHERN DIVISION

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BRYAN PRINGLE, an individual, )  
)  
Plaintiff, )  
)

vs. ) Case No.  
) SACV 10-1656 JST(RZx)

WILLIAM ADAMS, JR.; STACY )  
FERGUSON; ALLAN PINEDA; and, )  
JAIME GOMEZ, all individually )  
and collectively as the music )  
group The Black Eyed Peas, )  
et al., )  
Defendants. )  
\_\_\_\_\_)

C O N F I D E N T I A L

(PURSUANT TO PROTECTIVE ORDER, THIS  
TRANSCRIPT HAS BEEN DEEMED  
"CONFIDENTIAL - ATTORNEYS' EYES ONLY")

DEPOSITION OF WILLIAM ADAMS  
(a/k/a "Will.i.am")

TAKEN ON MONDAY, JULY 25, 2011, AT 10:31 A.M.

REPORTED BY:  
TRACY M. FOX  
CSR NUMBER 10449

1 UNITED STATES DISTRICT COURT  
 2 CENTRAL DISTRICT OF CALIFORNIA - SOUTHERN DIVISION  
 3  
 4  
 5 BRYAN PRINGLE, an individual, )  
 6 )  
 6 Plaintiff, )  
 7 )  
 7 vs. ) Case No.  
 ) SACV 10-1656 JST(RZx)  
 8 WILLIAM ADAMS, JR.; STACY )  
 FERGUSON; ALLAN PINEDA; and, )  
 9 JAIME GOMEZ, all individually )  
 and collectively as the music )  
 10 group The Black Eyed Peas, )  
 et al., )  
 11 Defendants. )

12 \_\_\_\_\_ )  
 13 C O N F I D E N T I A L  
 14 (PURSUANT TO PROTECTIVE ORDER, THIS  
 TRANSCRIPT HAS BEEN DEEMED  
 15 "CONFIDENTIAL - ATTORNEYS' EYES ONLY")  
 16

17  
 18 VIDEOTAPED DEPOSITION OF WILLIAM ADAMS,  
 19 a/k/a "Will.i.am," TAKEN ON BEHALF OF  
 20 THE PLAINTIFF AT 450 NORTH ROXBURY  
 21 DRIVE, 8TH FLOOR, IN BEVERLY HILLS,  
 22 CALIFORNIA, COMMENCING AT 10:31 A.M.,  
 23 ON MONDAY, JULY 22, 2011, BEFORE  
 24 TRACY M. FOX, CERTIFIED SHORTHAND  
 25 REPORTER NUMBER 10449.

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Page 6

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 16 Annette Cain, Videographer,  
 Tracy Fox & Associates Court Reporters, Inc.  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
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Page 7

1 I N D E X  
 2  
 3 DEPONENT: EXAMINED BY: PAGE:  
 4 WILLIAM ADAMS MR. GOULD 14, 304  
 a/k/a "Will.i.am"  
 5 MS. CENAR 313  
 6 (AFTERNOON SESSION) 107  
 7  
 8  
 9 EXHIBITS FOR IDENTIFICATION:  
 10 PLAINTIFF'S/DEPOSITION:  
 11 (MARKED "HIGHLY CONFIDENTIAL")  
 12 8 - Copy of a CD labeled "Feeling,  
 David Pop" and a copy of a  
 13 dropdown menu/screen,  
 labled BEP-PR 1A and 1B 78  
 14  
 9 - Document with the header "Black  
 15 Eyed Peas Sample Based Music/Who  
 Sampled," www.whosampled.com 176  
 16  
 10 - E-mail to Will from David Guetta,  
 17 dated December 20, 2008,  
 labled BEP-PR 1C 304  
 18  
 11 - E-mail to Will.i.am from  
 19 David Guetta, "subject: Here you  
 go" Dated February 6, 2009,  
 20 labled BEP-PR 1D 305  
 21  
 22  
 23  
 24  
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Page 8

1 I N D E X (CONTINUED):  
 2  
 3 DEFENDANTS':  
 4 (MARKED HIGHLY CONFIDENTIAL)  
 5 1, 2 - Copy of a CD labeled "Feeling, 12  
 David Pop" and a copy of a  
 6 dropdown menu/screen,  
 labled BEP-PR 1A and 1B  
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 10 QUESTIONS UNANSWERED BY THE DEPONENT:  
 11 PAGE: LINE:  
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Page 9

1 BEVERLY HILLS, CALIFORNIA, MONDAY  
 2 JULY 25, 2011  
 3 10:31 A.M.  
 4  
 5 THE VIDEOGRAPHER: Good morning. My  
 6 name is Annette Cain, video technician and notary  
 7 public for the State of California, here on behalf of  
 8 Tracy Fox & Associates.  
 9 Today's date is July 25th, year 2011.  
 10 This marks the beginning of  
 11 Media Number One of the videotaped deposition of  
 12 William Adams in the matter of "Bryan Pringle v.  
 13 William Adams, et al.," pending before the  
 14 United States District Court, Central District of  
 15 California, Southern Division; Case Number  
 16 SACV 10-1656 JST (RZx).  
 17 This deposition is being taken on  
 18 behalf of the plaintiff and is being held at the  
 19 law offices of Hertz & Lichtenstein, address 450  
 20 North Roxbury Drive, 8th Floor, in Beverly Hills,  
 21 California.  
 22 We are now going on the record. The  
 23 time is 10:31 a.m.  
 24 Would counsel and all present please  
 25 identify yourselves for the record.

Page 10

1 MR. GOULD: Ira Gould, Gould Law  
 2 Group, on behalf of the plaintiffs -- plaintiff.  
 3 MR. GREELY: Ryan Greely, Gould Law  
 4 Group, on behalf of the plaintiff Bryan Pringle.  
 5 MR. DICKIE: Dean Dickie of Miller  
 6 Canfield on behalf of the plaintiff.  
 7 MR. MCPHERSON: Ed McPherson on behalf  
 8 of Stacy Ferguson.  
 9 MR. DICKSTEIN: Tal Dickstein,  
 10 Loeb and Loeb, on behalf of David Guetta;  
 11 Frederic Riesterer; Shapiro, Bernstein.  
 12 MS. ROSOFF: Rachel Rosoff of  
 13 Hertz & Lichtenstein on behalf of The Black Eyed Peas  
 14 and William Adams.  
 15 MS. CENAR: Kara Cenar, Bryan Cave, on  
 16 behalf of William Adams; Allan Pineda; Jaime Gomez;  
 17 Will.i.am Music, LLC; Jeepney Music, Inc.;  
 18 Tab Magnetic Publishing; Cherry River Music, Co.;  
 19 EMI April Music, Inc.; Stacy Ferguson; Headphone  
 20 Junky Publishing, LLC.  
 21 THE VIDEOGRAPHER: And would the  
 22 reporter please administer the oath.  
 23 ///  
 24 ///  
 25 ///

Page 11

1 WILLIAM ADAMS,  
 2 (a/k/a "Will.i.am")  
 3 called as a deponent and sworn in by  
 4 the deposition officer, was examined  
 5 and testified as follows:  
 6  
 7 DEPOSITION OFFICER: Would you raise  
 8 your right hand.  
 9 Do you solemnly state that the  
 10 testimony you are about to give in the following  
 11 deposition will be the truth, the whole truth, and  
 12 nothing but the truth, so help you God?  
 13 THE DEPONENT: Yes, I do.  
 14 DEPOSITION OFFICER: Thank you.  
 15 THE DEPONENT: I just -- a rap song.  
 16 MR. GOULD: You thought of a rap song?  
 17 THE DEPONENT: No. I heard that in so  
 18 many rap songs.  
 19 MS. CENAR: So before we begin, I want  
 20 to produce on the record what I made available to  
 21 counsel and what I tried to provide over the weekend  
 22 a -- designated as "Highly Confidential" -- BEP-PR 1A  
 23 and BEP-PR 1B.  
 24 If we could just mark that as Adams'  
 25 Exhibit 1 and 2, please.

Page 12

1 MR. DICKIE: Ms. Fox --  
 2 DEPOSITION OFFICER: Hang on just a  
 3 minute, please.  
 4 Yes?  
 5 MR. DICKIE: It occurs to me that the  
 6 documents should not be marked as Adams 1 and 2 since  
 7 we established in the earlier depositions in this  
 8 case that we would have running exhibits.  
 9 I suggest that they simply be marked  
 10 as the continuing next two exhibits in the string so  
 11 as not to confuse the record, because that would then  
 12 create two Number 1's and two Number 2's and the  
 13 judge will not want that.  
 14 So I simply ask Ms. Cenar to accept  
 15 the fact that they should be numbered consecutively  
 16 with respect to what the rest of the exhibits are.  
 17 MS. CENAR: And I'll disagree with  
 18 that because these are our exhibits and we have  
 19 marked them as 1 and 2.  
 20 MR. DICKIE: No. Then they should be  
 21 marked for the Defendant as A and B, not with  
 22 numbers; obviously, you know that.  
 23 (WHEREUPON, DEFENDANTS' 1 AND 2  
 24 WERE MARKED FOR IDENTIFICATION  
 25 BY THE DEPOSITION OFFICER.)

Page 13

1 DEPOSITION OFFICER: Give these to the  
 2 witness, or do you want me to give this to Counsel?  
 3 MS. CENAR: You can give them to  
 4 Counsel.  
 5 MR. GOULD: All set.  
 6 THE DEPONENT: What's all that?  
 7 MS. CENAR: I'll explain it to you in  
 8 little bit.  
 9 And just for the record, this  
 10 transcript and videotape is designated "highly  
 11 confidential" under the stipulated protective order.  
 12 MR. DICKIE: Well, we object to the  
 13 entire designation of the transcript because there  
 14 are, obviously, things that are not confidential or  
 15 in any way subject to this stipulation, so...  
 16 MS. CENAR: The transcript's been so  
 17 designated as "highly confidential."  
 18 MR. DICKIE: And we reserve our rights  
 19 to object.  
 20 MR. GOULD: I'm ready.  
 21  
 22 EXAMINATION  
 23 BY MR. GOULD:  
 24 Q. Can you give me your name, please.  
 25 A. William Adams.

Page 14

1 Q. Okay. During the deposition should I  
 2 call you Mr. Adams? I won't call you "Mr. Am." I'll  
 3 call you Mr. Adams.  
 4 Is that okay with you?  
 5 A. Why would you call me "Mr. Am" when  
 6 I've said my name is William Adams?  
 7 Q. I just want to make that clear.  
 8 Okay. Give me your age.  
 9 A. 36.  
 10 Q. And where do you live?  
 11 A. At my house.  
 12 Q. That's good.  
 13 A. Los Angeles.  
 14 Q. Where's your house?  
 15 A. I travel a lot, so sometimes I live in  
 16 L.A., sometimes I stay in hotels around the world.  
 17 Q. Where is your house? It's called an  
 18 address.  
 19 A. Home.  
 20 MS. CENAR: We instruct the witness  
 21 not to answer on privacy grounds. If you have a need  
 22 for his personal home address, you can get that  
 23 through counsel.  
 24 MR. GOULD: That's the purpose of  
 25 designating something highly confidential. You're

Page 15

1 instructing him not to answer where he lives?  
 2 MS. CENAR: I've given my instruction,  
 3 Counsel.  
 4 BY MR. GOULD:  
 5 Q. Okay. How many homes do you have?  
 6 (NO AUDIBLE RESPONSE BY THE DEPONENT.)  
 7 BY MR. GOULD:  
 8 Q. How many homes do you have?  
 9 MS. CENAR: You can --  
 10 BY MR. GOULD:  
 11 Q. It's not complicated. How many homes  
 12 do you have?  
 13 A. I have a lot.  
 14 Q. Okay. How many is a lot?  
 15 A. About 30.  
 16 Q. Thirty houses?  
 17 A. No, no. 30 homes.  
 18 Q. 30 homes?  
 19 A. Yes.  
 20 Q. Okay. Does that include condos?  
 21 A. No, hotels.  
 22 Q. Hotels.  
 23 So you're saying that you own hotels?  
 24 (SPEAKING SIMULTANEOUSLY.)  
 25 THE DEPONENT: No, no, no. I stay in

Page 16

1 hotels. If I had an apartment, I wouldn't --  
 2 BY MR. GOULD:  
 3 Q. A hotel is not a house, sir.  
 4 A. And neither is an apartment.  
 5 Q. I want you --  
 6 DEPOSITION OFFICER: I need everybody  
 7 to just slow down, and I cannot have everyone talking  
 8 at the same time.  
 9 BY MR. GOULD:  
 10 Q. It's called a house.  
 11 A. Well, if I --  
 12 Q. You know what a house is, don't you?  
 13 A. Well, if I lived in an apartment, what  
 14 is that?  
 15 Q. Okay. You think a -- you think a --  
 16 you think a hotel is a house?  
 17 A. It's my home when I stay there.  
 18 Q. So it's a house to you?  
 19 A. When I'm on the road, it is.  
 20 Q. Okay.  
 21 MS. CENAR: Objection to the form of  
 22 the question.  
 23 BY MR. GOULD:  
 24 Q. Give me the --  
 25 MS. CENAR: Harassment.

Page 17

1 BY MR. GOULD:  
 2 Q. Tell me the different locations where  
 3 your houses are, including hotels. All around the  
 4 world.  
 5 MS. CENAR: Objection to the form.  
 6 THE DEPONENT: I -- I really don't  
 7 understand what this question is about, and I don't  
 8 feel comfortable giving you --  
 9 BY MR. GOULD:  
 10 Q. It's about where you live. That's  
 11 what it's about.  
 12 A. And I tell you -- I told you where I  
 13 live.  
 14 Q. Okay. Is your principal location  
 15 where you live in L.A.?  
 16 A. As far -- as far as the majority of  
 17 time spent, yes.  
 18 Q. That's principal?  
 19 A. The majority of time spent would be in  
 20 London at the Metropolis Hotel.  
 21 Q. Okay. I'm going to give you some  
 22 guidelines for the deposition -- okay? -- that  
 23 hopefully will be -- that we all can agree with that  
 24 will make things go a little smoother.  
 25 You're going to hear during the course

Page 18

1 of the deposition, undoubtedly, objections on the  
 2 grounds of attorney-client privilege -- okay? -- by  
 3 your lawyer.  
 4 Meaning, you don't disclose any  
 5 confidential -- any information regarding any  
 6 communication you had with your lawyer.  
 7 I want to make it clear to you that  
 8 there will be no question asking for attorney-client  
 9 communication. None. Okay?  
 10 If I ever ask you for an  
 11 attorney-client communication, just tell me, "I can't  
 12 give it. It's an attorney-client communication."  
 13 A. Oh. Okay.  
 14 Q. Understand?  
 15 A. Yeah.  
 16 Q. So that we don't have to have  
 17 objections.  
 18 If I asked you a question like, "Why  
 19 did you attend the meeting?" -- okay -- if the reason  
 20 why you attended a meeting is your lawyer told you,  
 21 you won't answer the question.  
 22 A. Okay.  
 23 Q. Other than that -- other than that,  
 24 you will just separate out attorney-client  
 25 communications and we'll be done with that.

Page 19

1 You're going to hear objections, most  
 2 notably of form. Those are lawyer things that  
 3 lawyers do; okay?  
 4 A. Yeah, she -- she brought me up to  
 5 speed on that.  
 6 Q. She does that, not you. Yeah, but I'm  
 7 telling you.  
 8 You're going to hear objections.  
 9 Those are not codes to answer in a particular way.  
 10 She'll object, hold the question, and  
 11 then just answer the question; okay?  
 12 If you -- the more times you say  
 13 "repeat the question," the longer we go.  
 14 A. Yeah. All right.  
 15 Q. Good.  
 16 All right. Where did you go -- did  
 17 you go to college?  
 18 A. For about two months.  
 19 Q. All right. Where was that?  
 20 A. L.A. Trade Tech.  
 21 Q. All right. And where did you go to  
 22 high school?  
 23 A. Pacific Palisades.  
 24 Q. And when did you graduate?  
 25 A. 1993.

Page 20

1 Q. 1993?  
 2 Did you have any musical training in  
 3 high school?  
 4 MS. CENAR: Objection to the form.  
 5 BY MR. GOULD:  
 6 Q. Remember I gave you the instruction?  
 7 A. You said what?  
 8 Q. I told you we would get objections  
 9 with respect to the form, and then I told you to just  
 10 answer the question.  
 11 MS. CENAR: Counsel, please stop  
 12 lecturing the witness.  
 13 Would you like the question read back?  
 14 THE DEPONENT: Would I what?  
 15 MS. CENAR: Would you like his  
 16 question read back?  
 17 THE DEPONENT: Oh. Yeah. Can you say  
 18 it again, please?  
 19 BY MR. GOULD:  
 20 Q. You don't remember the question?  
 21 A. I want to hear your question again.  
 22 MS. CENAR: Would you please read the  
 23 question back for the witness.  
 24 THE DEPONENT: I have a hard time  
 25 hearing sometimes, sir.

Page 21

1 DEPOSITION OFFICER: Hang on a second.  
 2 BY MR. GOULD:  
 3 Q. Do you have hearing problems?  
 4 (THE RECORD WAS READ AS FOLLOWS:  
 5 Q. Did you --)  
 6 THE DEPONENT: Yes, I do.  
 7 BY MR. GOULD:  
 8 Q. Okay.  
 9 A. Can we -- can we --  
 10 MS. CENAR: Hold on one minute. She  
 11 is going to read the question back.  
 12 THE DEPONENT: All right.  
 13 MS. CENAR: And you are to just answer  
 14 his questions.  
 15 (THE RECORD WAS READ AS FOLLOWS:  
 16 Q. Did you have any musical  
 17 training in high school?  
 18 THE DEPONENT: I took a music class  
 19 and I was in glee club, if you call that training.  
 20 BY MR. GOULD:  
 21 Q. Uh-huh.  
 22 A. And I took -- I played the trumpet in  
 23 10th -- no -- 11th grade.  
 24 And I was -- I was enthused and  
 25 excited about music all throughout my years and got a



Page 22

1 record deal in the 11th grade.  
 2 So that was about it.  
 3 Q. Okay. Do you have any formal music  
 4 training?  
 5 A. That's all semantics.  
 6 Q. Formal, like in the classroom.  
 7 A. I just said I took a class in  
 8 school.  
 9 Q. Other than what you just said, any  
 10 other formal training --  
 11 A. Yeah. Yeah. Yeah.  
 12 Q. -- in the classroom?  
 13 A. Then I went to SMC. And after that --  
 14 a month at L.A. Trade Tech in 1994. In 1995, I  
 15 attended S -- SM -- Santa Monica Community College  
 16 and took piano.  
 17 Q. All right. What instruments do you  
 18 play?  
 19 Do you play the trumpet?  
 20 A. No. I sucked at it.  
 21 Q. All right. Do you play the piano?  
 22 A. Enough to write music.  
 23 Q. Okay. Any other instruments?  
 24 A. Drums, enough to -- to make a song.  
 25 Q. Okay.

Page 23

1 A. I can't solo or anything.  
 2 Q. Right.  
 3 Give me the -- your -- your history in  
 4 terms of musical groups that you've been with since  
 5 high school.  
 6 MS. CENAR: Objection to the form.  
 7 THE DEPONENT: I've been in a bunch of  
 8 musical groups.  
 9 BY MR. GOULD:  
 10 Q. Okay. Just list them for me.  
 11 MS. CENAR: Same objection.  
 12 THE DEPONENT: You said what?  
 13 BY MR. GOULD:  
 14 Q. Just list them for me.  
 15 A. Okay. Just -- can you speak up louder  
 16 because I have --  
 17 Q. Just give me the groups.  
 18 A. All right.  
 19 MS. CENAR: Objection to the form.  
 20 THE DEPONENT: I have --  
 21 MR. GOULD: What's the problem with  
 22 the form?  
 23 MS. CENAR: It's compound and calls  
 24 for a narrative.  
 25 MR. GOULD: "Give me the groups" is

Page 24

1 compound?  
 2 MS. CENAR: Yes.  
 3 BY MR. GOULD:  
 4 Q. Answer the question, please, sir.  
 5 A. There's a bunch of them, so Tribal  
 6 Nation, Atban Klann --  
 7 Q. All right. Stop. Start it  
 8 chronologically, if you can.  
 9 MS. CENAR: Objection to the form of  
 10 the question.  
 11 BY MR. GOULD:  
 12 Q. Start it chronologically --  
 13 A. Listen. If you are going to ask me  
 14 questions, you're going to have to let me answer them  
 15 how I answer them.  
 16 Q. I'm trying to, but your counsel keeps  
 17 on interrupting.  
 18 A. No. You interrupted me --  
 19 Q. Okay.  
 20 A. -- okay?  
 21 Q. Listen to the question.  
 22 A. I'm going to answer the question the  
 23 way I'm going to answer them.  
 24 Q. Good. I like that.  
 25 A. Right?

Page 25

1 Q. I like that. Thanks.  
 2 A. Okay. Good.  
 3 Q. Good. Answer it.  
 4 MS. CENAR: Do you want to have the  
 5 question read back?  
 6 THE DEPONENT: No. I know the  
 7 question.  
 8 MS. CENAR: Okay. Go ahead.  
 9 THE DEPONENT: Tribal Nation.  
 10 BY MR. GOULD:  
 11 Q. Okay. What years were you with  
 12 them?  
 13 A. Atban Klann.  
 14 MS. CENAR: Objection.  
 15 Stop interrupting the witness. If you  
 16 want him to finish the answer to the question, let  
 17 him finish.  
 18 BY MR. GOULD:  
 19 Q. We'll do it your lawyer's way.  
 20 Tribal Nation is one group.  
 21 A. Tribal Nation.  
 22 Q. Uh-huh.  
 23 A. Atban Klann.  
 24 Q. Can you spell that for me?  
 25 A. Tribal Nation.

Page 26

1 Q. Uh-huh.  
 2 A. Atban Klann.  
 3 Q. "Atban Klann"? Can you spell it?  
 4 A. A-t-b-a-n K-l-a-n-n.  
 5 Q. Okay.  
 6 A. That's an acronym for "A tribe beyond  
 7 a nation."  
 8 Q. Okay. Great.  
 9 A. Right?  
 10 Q. Go on.  
 11 A. And then I was kind of in a crew  
 12 called Grass Roots. Both of those groups are in a  
 13 bigger crew called Grass Roots.  
 14 Q. Okay.  
 15 A. Then I would collaborate with other  
 16 people in our crew that would be Town Drunks, Pablo.  
 17 So it's a real complex question.  
 18 It's -- I've been in a bunch of crews and groups.  
 19 And then Atban Klann got a record deal  
 20 with Ruthless --  
 21 Q. Okay.  
 22 A. -- in 1992.  
 23 Then I graduated high school in 1993.  
 24 We recorded in 1994, '5. And then  
 25 Eazy-E passed away with AIDS, and we started Black

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1 Eye Pea.  
 2 Then we -- then we changed it to  
 3 Black Eyed Peas by adding the "D." When we added the  
 4 "D," we changed members.  
 5 So first it was me, Apl, and Dante.  
 6 And then there was --  
 7 Q. Can you hold on one second? I want to  
 8 take that down.  
 9 A. She's writing it down.  
 10 So then --  
 11 Q. But I want to take it down.  
 12 (SPEAKING SIMULTANEOUSLY.)  
 13 THE DEPONENT: So it was me --  
 14 BY MR. GOULD:  
 15 Q. But I want to take it down.  
 16 A. So it was me, Apl, and Dante.  
 17 Q. Hold on. Hold on.  
 18 A. And then Me, Apl, and Dante --  
 19 MS. CENAR: Please don't interrupt the  
 20 witness.  
 21 BY MR. GOULD:  
 22 Q. Okay. We'll do it --  
 23 A. Then after it was me, Apl, and Dante,  
 24 then Dante left the group and we put a "D" on it.  
 25 And it was Black Eyed Pea when Taboo joined the

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1 group. And then -- that was in 1995, turning to  
 2 '96.  
 3 Then we started touring. We got a  
 4 band and it was Black Eyed Peas.  
 5 Then we started touring colleges  
 6 because we wanted to play live, you know, collaborate  
 7 with musicians.  
 8 We had a bass player named  
 9 Mike Fratantuno.  
 10 Q. Uh-huh.  
 11 A. We had a keyboardist by the name  
 12 of Carlos. A guitarist by the name of Jay Curtis.  
 13 And our drummer was Terry Graves. And then Kevin Fan  
 14 was another guitarist.  
 15 We kept growing and growing and  
 16 growing as a group.  
 17 Then we got signed in 1997 because  
 18 we had a big following in Los Angeles, all the  
 19 colleges from -- our theory was "Let's play Berkeley  
 20 to San Diego and own California."  
 21 So we played Northridge, Berkeley,  
 22 San Francisco University, USC, UCLA, North --  
 23 Northridge. We played Dominguez Hills, San Diego  
 24 State. We just owned California.  
 25 We just played and played and played

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1 and played and played.  
 2 Then we got a deal in 1997 because we  
 3 were real musicians, you know, people that played  
 4 instruments and stuff.  
 5 And then we wrote songs. And we -- we  
 6 were that -- that group, that real underground edgy  
 7 group that --  
 8 Q. Uh-huh.  
 9 A. -- played live -- you know, live  
 10 music.  
 11 Q. Uh-huh.  
 12 A. And then that's what got us our record  
 13 deal. The first record came out in 1998, and then  
 14 the second record came out in 2000.  
 15 And then that college fan base that we  
 16 had -- Napster came out, and then they got our record  
 17 for free.  
 18 And then we learned from that because  
 19 we didn't sell that many records but we were selling  
 20 out venues.  
 21 Then Dante, the dude that was  
 22 originally in The Black Eyed Peas, introduced us to  
 23 Fergie in 2002.  
 24 Then we changed the name Black Eyed  
 25 Peas to "The Black Eyed Peas" because we had a new

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1 member.  
 2 So each time we had a new member, we  
 3 added a letter or a word.  
 4 Then I'm in another group called  
 5 Zuber Blahq. Then I'm in another group called  
 6 Black Einstein Project. Then I'm in another group  
 7 called Ghetto Blasters.  
 8 So I'm in a bunch of groups. I love  
 9 groups. I love collaboration.  
 10 Q. Uh-huh.  
 11 A. There.  
 12 Q. Okay. Great.  
 13 There was some press recently with  
 14 respect to The Black Eyed Peas either being on a  
 15 hiatus, no longer performing, or breaking up.  
 16 Can you tell me what the circumstances  
 17 were -- are with respect to the current status of  
 18 The Black Eyed Peas?  
 19 A. No.  
 20 MS. CENAR: Objection to the form, and  
 21 move to strike the colloquy of counsel --  
 22 THE DEPONENT: I can't tell you  
 23 that.  
 24 MS. CENAR: -- before the question.  
 25 ///

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1 BY MR. GOULD:  
 2 Q. Pardon me?  
 3 A. I can't tell you that.  
 4 Q. Well, I'm asking you tell me.  
 5 A. And I can't.  
 6 MR. GOULD: Are you instructing him  
 7 not to answer that question?  
 8 THE DEPONENT: No. No. No.  
 9 It's me.  
 10 BY MR. GOULD:  
 11 Q. I'm asking her.  
 12 A. But I'm telling you "no."  
 13 Q. But she's your lawyer.  
 14 A. But I'm saying --  
 15 Q. But I have a -- I have a duty to talk  
 16 to her.  
 17 MS. CENAR: You've given your answer.  
 18 BY MR. GOULD:  
 19 Q. I prefer not to, but I have a duty to  
 20 talk to her.  
 21 A. All right.  
 22 Q. Okay.  
 23 MR. GOULD: So now --  
 24 MS. CENAR: Don't argue with  
 25 counsel.

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1 THE DEPONENT: All right.  
 2 MR. GOULD: Are you instructing him  
 3 not to answer the question?  
 4 MS. CENAR: I'm not instructing the  
 5 witness not to answer the question. The witness has  
 6 given you his response.  
 7 BY MR. GOULD:  
 8 Q. All right. Why won't you give me --  
 9 A. Because I'm in a group --  
 10 Q. -- an answer to the question?  
 11 A. -- and in that group, we have things  
 12 that are private towards the group; and I cannot  
 13 betray my group -- Fergie, Ap, and Taboo -- by  
 14 disclosing information that we want to keep within  
 15 ourselves.  
 16 Q. Okay. You realize that you're in a  
 17 lawsuit; correct? That's why you're here?  
 18 A. Yeah.  
 19 Q. Okay. And you realize that --  
 20 A. I don't know you, though.  
 21 Q. Yeah, I understand that.  
 22 A. And I'm not going to tell you what our  
 23 group is --  
 24 Q. If I tell you --  
 25 MS. CENAR: Just answer the

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1 question.  
 2 BY MR. GOULD:  
 3 Q. If I tell you, as your lawyer said  
 4 to you, that this is -- your answer is highly  
 5 confidential, it won't be disclosed to any third  
 6 parties --  
 7 A. That's okay.  
 8 Q. -- you still refuse to answer the  
 9 question?  
 10 A. That's right.  
 11 Q. Okay. It's been reported that Fergie  
 12 said, for example, that she hates you.  
 13 Does that have anything to do with the  
 14 group breaking up?  
 15 MS. CENAR: Objection to the form.  
 16 THE DEPONENT: You shouldn't listen to  
 17 gossip.  
 18 BY MR. GOULD:  
 19 Q. I'm just asking you, does it have --  
 20 A. You shouldn't listen to gossip.  
 21 Q. Is it true or untrue?  
 22 A. But you shouldn't listen to gossip.  
 23 Q. Okay. Tell me, are you a  
 24 songwriter?  
 25 A. Are you a paparazzi?

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1 Q. I'm just -- I'm just a lawyer.  
 2 A. You are asking me paparazzi questions  
 3 and stuff.  
 4 Q. I'm just a lawyer.  
 5 MS. CENAR: All right. There's a  
 6 question.  
 7 THE DEPONENT: You sound like a  
 8 paparazzi.  
 9 MS. CENAR: -- pending: "Are you a  
 10 songwriter?"  
 11 THE DEPONENT: Yes, I'm a  
 12 songwriter.  
 13 BY MR. GOULD:  
 14 Q. Okay. Good.  
 15 All right. Define for me what a  
 16 songwriter does.  
 17 A. I write songs.  
 18 MS. CENAR: Objection to the form.  
 19 BY MR. GOULD:  
 20 Q. Writes songs; correct?  
 21 A. Yes.  
 22 Q. Okay. When did you start writing  
 23 songs?  
 24 A. When I was 9.  
 25 Q. Okay. And through today, you still

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1 write songs?  
 2 A. I wrote a song last night.  
 3 Q. Okay. And did you write "I Gotta  
 4 Feeling"?  
 5 A. The lyrical portion, yes.  
 6 Q. The entire lyrical portion?  
 7 A. Up and down.  
 8 Q. "Up and down" means yes, the entire  
 9 portion?  
 10 A. Yes, up and down.  
 11 Q. Did any one of the other members of  
 12 The Black Eyed Peas participate in your writing of  
 13 the lyrics?  
 14 MS. CENAR: Objection to the form.  
 15 MR. GOULD: What's the problem with  
 16 the form?  
 17 MS. CENAR: It's vague.  
 18 MR. GOULD: That's vague?  
 19 MS. CENAR: Yes.  
 20 MR. GOULD: Did any --  
 21 Read back the question, please.  
 22 THE DEPONENT: I heard it.  
 23 (SPEAKING SIMULTANEOUSLY.)  
 24 BY MR. GOULD:  
 25 No. But I -- listen, this is -- you

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1 know I have a --  
 2 A. I see it.  
 3 Q. Okay. Listen to me; okay?  
 4 Read back the question for the witness  
 5 and Kara can tell me what's wrong with the form of it  
 6 so that I can rephrase it.  
 7 Read back the question to Ms Cenar.  
 8 MS. CENAR: Counsel, I've given my  
 9 objection.  
 10 MR. GOULD: I am -- I --  
 11 MS. CENAR: You don't need to read the  
 12 question back for my benefit.  
 13 (SPEAKING SIMULTANEOUSLY.)  
 14 MR. GOULD: I'm entitled --  
 15 MS. CENAR: And the witness --  
 16 MR. GOULD: -- to an answer.  
 17 MS. CENAR: -- knows what the question  
 18 is.  
 19 MR. GOULD: But you can't --  
 20 MS. CENAR: Would you like an answer  
 21 from the witness or are you going to waste the time  
 22 of this witness?  
 23 MR. GOULD: You can't --  
 24 MS. CENAR: If you are, we're going to  
 25 terminate the deposition.

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1 MR. GOULD: If you want to terminate  
 2 it, terminate it.  
 3 You can't just make objections --  
 4 MS. CENAR: I gave you my --  
 5 MR. GOULD: -- without any basis  
 6 whatsoever, like the one you just gave, and not even  
 7 tell the questioning attorney the basis of the  
 8 objection.  
 9 The reason you don't want to answer is  
 10 because there's no basis for it whatsoever, there's  
 11 no form problem whatsoever, and you just persist and  
 12 want to make objections for whatever reason you want  
 13 to.  
 14 That's improper.  
 15 Now, if you want to terminate the  
 16 deposition without giving me an answer, fine.  
 17 You can terminate it any time you  
 18 want.  
 19 Read back the question now. I forgot  
 20 it.  
 21 THE DEPONENT: Want me to repeat it?  
 22 BY MR. GOULD:  
 23 Q. Yeah, please.  
 24 A. Did any other Black Eyed Peas write  
 25 any lyrics on "I Gotta Feeling"?

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1 Q. I didn't say it like that, but  
 2 that's right.  
 3 A. Yes, I know.  
 4 Q. That's the question.  
 5 A. We have our -- once again, that's an  
 6 internal group. I have to protect my group.  
 7 Q. You're not answering the question as  
 8 to who wrote The Black Eyed Peas song?  
 9 A. I told you I wrote it.  
 10 Q. Okay. And I'm asking you: Did any  
 11 other member of The Black Eyed Peas --  
 12 A. Then you should --  
 13 Q. -- participate in the writing?  
 14 No, I don't need to speak to someone  
 15 else.  
 16 A. You should talk to --  
 17 Q. You have a duty to answer the  
 18 question, and I'm asking you to answer the simple  
 19 question that's clearly relevant for the reason you  
 20 are already here.  
 21 There's nothing confidential about  
 22 that. Please answer the question.  
 23 A. No. No. No, they didn't.  
 24 Q. Okay. Good.  
 25 Did you write any music with respect

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1 to "I Gotta Feeling"?  
 2 A. I just wrote the lyrical portion, like  
 3 I said.  
 4 Q. Were you ever trained as a  
 5 songwriter?  
 6 A. What does that mean?  
 7 Q. Did you have any formal training on  
 8 how to write a song?  
 9 A. No one trained me to walk.  
 10 Q. The answer is no?  
 11 A. I don't even know anybody that had  
 12 trained -- songwriting training.  
 13 Q. Okay. So you don't get songwriting  
 14 training?  
 15 A. Who does?  
 16 MS. CENAR: Okay. Don't --  
 17 BY MR. GOULD:  
 18 Q. Just because I ask you a question  
 19 doesn't mean I don't know the answer; okay?  
 20 MS. CENAR: Just listen to the  
 21 question that he asks.  
 22 BY MR. GOULD:  
 23 Q. My job is to ask the questions. Your  
 24 job is to answer the questions. We don't need to do  
 25 anything else.

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1 A. Okay.  
 2 Q. That's all.  
 3 So I asked you if you had any training  
 4 with respect to songwriting.  
 5 A. Okay. Next question.  
 6 Q. If the answer is no --  
 7 A. Next question.  
 8 Q. -- then you just say no.  
 9 A. Next question.  
 10 Q. Is the answer "No"?  
 11 A. I've never heard of it, but no.  
 12 Q. Okay. Got it.  
 13 Now, in addition to being a -- so you  
 14 consider yourself a professional songwriter --  
 15 A. No.  
 16 Q. -- is that correct?  
 17 A. I didn't say that.  
 18 Q. Well, are you a professional  
 19 songwriter?  
 20 A. Well, that's my profession. I write  
 21 songs.  
 22 Q. So you're a professional songwriter --  
 23 A. Yeah.  
 24 Q. -- correct?  
 25 A. It's all semantics, too.

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1 Q. And you get paid for writing songs;  
 2 correct?  
 3 A. I get paid for a lot of things.  
 4 Q. You get paid -- but I didn't ask you  
 5 about the other things. It's really easy.  
 6 A. Yes.  
 7 Q. Just listen to the questions.  
 8 A. Yes.  
 9 Q. You get paid for writing songs?  
 10 A. Sometimes.  
 11 Q. "Sometimes"?  
 12 A. Sometimes I write songs and I don't  
 13 get paid.  
 14 Q. Fine.  
 15 And for "I Gotta Feeling," you got  
 16 paid for writing the song?  
 17 A. No. I got paid after the song came  
 18 out.  
 19 Q. Did you get paid in any way, shape, or  
 20 form relating to writing the lyrics?  
 21 (SPEAKING SIMULTANEOUSLY.)  
 22 THE DEPONENT: To write the song? I  
 23 didn't get paid to --  
 24 BY MR. GOULD:  
 25 Q. No.

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1 A. -- write it.  
 2 Q. No.  
 3 A. I got paid --  
 4 Q. Did you get --  
 5 A. -- when the song --  
 6 Q. Why did they -- why did they give you  
 7 money? You received money for "I Gotta Feeling"; is  
 8 that right?  
 9 A. After the song --  
 10 Q. After the song was --  
 11 A. -- was put out.  
 12 Q. -- put out, obviously.  
 13 A. Yes. Well, you have to address that  
 14 question, because you're asking if I got paid to  
 15 write the song. I didn't get paid to write it. I  
 16 got paid when the song was sold.  
 17 Q. Good.  
 18 And the money that you received had  
 19 to do with your contribution to the song, which was  
 20 writing the song; correct?  
 21 MS. CENAR: Objection to the form of  
 22 the question.  
 23 THE DEPONENT: Yeah.  
 24 BY MR. GOULD:  
 25 Q. Correct.

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1 A. Yeah, there we go.  
 2 Q. They're not hard questions; right?  
 3 A. They're just odd.  
 4 Q. They're just odd questions to you.  
 5 Okay.  
 6 A. Yeah.  
 7 MS. CENAR: Just listen to his  
 8 question.  
 9 BY MR. GOULD:  
 10 Q. Now, did you write "Boom Boom Pow"?  
 11 A. Yes, the lyrical portion and the  
 12 beat.  
 13 Q. All right. You wrote the beat as  
 14 well?  
 15 A. Programmed the beat, programmed the  
 16 beat.  
 17 Q. Okay. Who did the dance choreography  
 18 for "I Gotta Feeling"?  
 19 MS. CENAR: Objection, Counsel --  
 20 THE DEPONENT: Hold on a second.  
 21 (SPEAKING SIMULTANEOUSLY.)  
 22 MS. CENAR: -- this is --  
 23 THE DEPONENT: Hold on.  
 24 MS. CENAR: Wait, wait, wait, wait.  
 25 No.

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1 THE DEPONENT: There's no dance.  
 2 He's --  
 3 MS. CENAR: Sshh.  
 4 THE DEPONENT: There's no dance  
 5 choreography in "I Gotta Feeling," homeboy.  
 6 MS. CENAR: Wait. Wait, wait, wait.  
 7 Wait.  
 8 THE DEPONENT: There's no dance  
 9 choreography.  
 10 BY MR. GOULD:  
 11 Q. Mr. Will.i.am, with all due respect,  
 12 I'm not your homeboy; okay?  
 13 A. Okay. There's no --  
 14 Q. I'd like to be, but I'm not.  
 15 MS. CENAR: Please stop.  
 16 THE DEPONENT: There's no dance  
 17 choreography in "I Gotta Feeling."  
 18 BY MR. GOULD:  
 19 Q. Then tell me that. I'm not a  
 20 musician, musical guy.  
 21 MS. CENAR: Counsel, this deposition  
 22 is related to the Pringle case --  
 23 MR. GOULD: Correct.  
 24 MS. CENAR: -- right? And you're  
 25 asking questions that are not related to the Pringle

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1 case.  
 2 MR. GOULD: It is related to the  
 3 Pringle case.  
 4 MS. CENAR: Okay.  
 5 MR. GOULD: Thank you.  
 6 MS. CENAR: We're going to take a  
 7 break.  
 8 THE DEPONENT: Is it 11:00 o'clock?  
 9 MS. CENAR: Yes.  
 10 THE DEPONENT: Oh, I gotta call.  
 11 THE VIDEOGRAPHER: We are now going  
 12 off the record. The time is 10:56 a.m.  
 13 (WHEREUPON, A RECESS WAS HELD  
 14 FROM 10:56 A.M. TO 11:35 A.M.)  
 15 THE VIDEOGRAPHER: We are now going  
 16 back on the record. The time is 11:35 a.m.  
 17 DEPOSITION OFFICER: Just before we  
 18 begin, I would ask everybody in the room to please  
 19 not talk on top of each other. I can't get three,  
 20 four, five people talking at once. Thank you.  
 21 BY MR. GOULD:  
 22 Q. Sir, would you consider yourself a  
 23 successful songwriter?  
 24 A. In comparison -- in comparison to the  
 25 people that I look up to, no. As far as my business

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1 and how the songs I've written, how they've  
 2 succeeded, yes.  
 3 Q. Okay. Are you a vocalist or are you a  
 4 singer, professional singer?  
 5 MS. CENAR: Objection to form.  
 6 THE DEPONENT: I just --  
 7 BY MR. GOULD:  
 8 Q. You don't know if you're a singer?  
 9 A. I -- I sing songs.  
 10 Q. So that means you're a singer.  
 11 A. Well, if I compare myself to  
 12 Aretha Franklin, no.  
 13 MR. HERTZ: Counsel -- Counsel, can I  
 14 interrupt? I apologize. Can I have one moment with  
 15 the client?  
 16 MR. GOULD: Yeah.  
 17 MR. HERTZ: I know it will take time.  
 18 MR. GOULD: Just tell him he's a  
 19 singer; okay?  
 20 MR. HERTZ: Yeah, I -- excuse me.  
 21 Excuse me.  
 22 I'll -- I'll tell my witness --  
 23 MR. GOULD: Well, this is the  
 24 problem.  
 25 MS. CENAR: We're taking a break.

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1 MR. HERTZ: Let's just take a break.  
 2 MR. GOULD: Okay.  
 3 THE VIDEOGRAPHER: The time is  
 4 11:37 a.m.  
 5 (WHEREUPON, A RECESS WAS HELD  
 6 FROM 11:37 A.M. TO 11:40 A.M.)  
 7 THE VIDEOGRAPHER: We are now going  
 8 back on the record. The time is 11:40 a.m.  
 9 BY MR. GOULD:  
 10 Q. Mr. Adams, are you a singer?  
 11 A. Yeah.  
 12 Q. You get paid to sing?  
 13 A. Sometimes.  
 14 Q. Okay. Do you consider yourself a  
 15 successful singer?  
 16 A. Yes.  
 17 Q. All right. Do you consider yourself a  
 18 very good singer based on your comparison with your  
 19 peers?  
 20 MS. CENAR: Objection to form.  
 21 BY MR. GOULD:  
 22 Q. You can answer it.  
 23 Are you proud of your singing?  
 24 A. Huh?  
 25 Q. Different question: Are you proud of

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1 your singing ability?  
 2 A. If I wrote the song for me to sing,  
 3 yes.  
 4 Q. Okay. You are not a professional  
 5 musician; am I correct?  
 6 (NO AUDIBLE RESPONSE BY THE DEPONENT.)  
 7 BY MR. GOULD:  
 8 Q. In other words, you know how to play  
 9 the piano. You said you play the drums. But are --  
 10 do consider yourself to be a professional musician?  
 11 MS. CENAR: Objection to form.  
 12 THE DEPONENT: I consider myself to be  
 13 a fan of music.  
 14 That. I'm a fan.  
 15 BY MR. GOULD:  
 16 Q. Do you play drums or a piano on stage  
 17 and tours?  
 18 A. Yes.  
 19 Q. Can you read sheet music?  
 20 A. No.  
 21 Q. Are you a music producer?  
 22 A. Yes.  
 23 Q. All right. Tell me what you do as a  
 24 music producer.  
 25 A. I produce.

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1 Q. What does that mean?  
 2 A. Meaning I bring ideas into reality.  
 3 Things are in my head. Things are in people's --  
 4 other artists that I produce -- heads. Write songs  
 5 for other people to sing.  
 6 I find tunes, concepts.  
 7 Q. Uh-huh.  
 8 A. So producing is -- am I supposed -- do  
 9 you -- am I supposed to go into detail what producing  
 10 is?  
 11 Q. Yeah, I'd like you to, please.  
 12 MS. CENAR: You asked the witness a  
 13 question?  
 14 MR. GOULD: He asked me a question; I  
 15 answered his question.  
 16 MS. CENAR: Okay.  
 17 THE DEPONENT: So there's --  
 18 MS. CENAR: Wait -- wait until you are  
 19 asked a question.  
 20 THE DEPONENT: Okay.  
 21 BY MR. GOULD:  
 22 Q. Yes, I'd like you to continue your  
 23 answer.  
 24 MS. CENAR: Your answer was complete.  
 25 Please answer the witness a question.

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1 BY MR. GOULD:  
 2 Q. What else does a music producer do?  
 3 A. In what genre?  
 4 Q. In any genre?  
 5 A. They differ.  
 6 Q. What you do in the genre of music you  
 7 are producing?  
 8 A. Well, I'm unique --  
 9 MS. CENAR: Objection to form.  
 10 THE DEPONENT: -- because I can  
 11 produce in all general genres.  
 12 There's some producers who just  
 13 sample, but to rock and roll, that's a programmer.  
 14 BY MR. GOULD:  
 15 Q. When you use the word "sample," what  
 16 does sample mean?  
 17 A. So --  
 18 MS. CENAR: Objection; form.  
 19 THE DEPONENT: Let me answer the  
 20 question, the first question.  
 21 Different genres --  
 22 BY MR. GOULD:  
 23 Q. Yes.  
 24 A. In hip-hop, a person who sets up mics  
 25 is an engineer.

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1 Q. Okay.  
 2 A. In rock, a person who make beats on a  
 3 drum machine or samples loops or portions of other  
 4 people's music, that is a programmer.  
 5 In -- in classical --  
 6 Q. Uh-huh.  
 7 A. -- a conductor is a producer. But to  
 8 pop music he's a string arranger.  
 9 So it all -- it-- it -- to every genre  
 10 of music, the producer -- it's a loose term.  
 11 Q. I appreciate that.  
 12 Do you have a production company?  
 13 A. Yes.  
 14 Q. What's the name of the company?  
 15 THE DEPONENT: Do I have a production  
 16 company?  
 17 MR. HERTZ: He's asking you the  
 18 question.  
 19 MS. CENAR: If you don't -- you're  
 20 here, answer the question --  
 21 (SPEAKING SIMULTANEOUSLY.)  
 22 THE DEPONENT: No, I --  
 23 MS. CENAR: -- based on your memory as  
 24 you are sitting here right now.  
 25 THE DEPONENT: I don't remember if I

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1 have a production company. I have a label. I don't  
 2 know if I have a production company. I have a  
 3 publishing company.  
 4 I don't know if I have a production  
 5 company.  
 6 Do I have a production company?  
 7 MR. HERTZ: It's okay to say "I don't  
 8 know."  
 9 THE DEPONENT: I don't know.  
 10 MR. HERTZ: You should direct your  
 11 answers to him.  
 12 BY MR. GOULD:  
 13 Q. Give me the name of the companies that  
 14 you are affiliated with in the music world, whether  
 15 you own them or do work for them.  
 16 MS. CENAR: Objection to the form.  
 17 BY MR. GOULD:  
 18 Q. You can answer.  
 19 A. Interscope --  
 20 Q. Hold on.  
 21 Go on.  
 22 A. -- and Universal Music Group by way of  
 23 Interscope.  
 24 Q. Do you own any stock in Interscope?  
 25 A. No.

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1 Q. Do you own any stock in Universal?  
 2 A. Do I own stock in -- no.  
 3 Q. Do you own any stock in any other  
 4 music entity, whether it be a label, a publishing  
 5 company, a music production company?  
 6 MS. CENAR: Objection to form.  
 7 THE DEPONENT: Stock?  
 8 BY MR. GOULD:  
 9 Q. Stock.  
 10 Do you own --  
 11 A. I don't -- I don't know --  
 12 Q. -- a company --  
 13 A. -- how to answer that.  
 14 Q. You don't know if you own a company?  
 15 MS. CENAR: Objection to the form.  
 16 THE DEPONENT: I own a company, but I  
 17 don't know if that relates to stock. That's part of  
 18 my ignorance.  
 19 BY MR. GOULD:  
 20 Q. That's okay. What's the -- that's not  
 21 ignorant at all.  
 22 What's the name of that company that  
 23 you are referring to?  
 24 A. Will.i.am Music Group.  
 25 Q. What does Will.i.am Music Group do?



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1 A. That's my -- the label.  
 2 Q. And what do you -- what does the  
 3 company do?  
 4 A. I sign artists.  
 5 Q. Do you -- do you produce their  
 6 music?  
 7 A. I try not to produce music of people I  
 8 sign; I try to sign people that produce themselves.  
 9 The only artist that I work with that  
 10 doesn't produce "themselves" is Fergie.  
 11 Q. Are you --  
 12 MS. CENAR: Just answer his  
 13 questions.  
 14 THE DEPONENT: Sorry.  
 15 BY MR. GOULD:  
 16 Q. Are you involved in any business  
 17 aspects of the music industry in terms of revenue  
 18 that you get from your -- from your songs, anything  
 19 involving the business aspect of the business?  
 20 MS. CENAR: Objection to the form of  
 21 the question.  
 22 THE DEPONENT: That's -- yes.  
 23 BY MR. GOULD:  
 24 Q. Okay. Tell me why you answered yes.  
 25 Explain that to me.

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1 MS. CENAR: Objection --  
 2 THE DEPONENT: If I have a record --  
 3 MS. CENAR: -- to form.  
 4 THE DEPONENT: If I have a  
 5 record label --  
 6 BY MR. GOULD:  
 7 Q. "Yes"?  
 8 A. -- and I sign groups, then that's  
 9 how -- I make money from the groups I sign.  
 10 Q. Right. And do you track the money  
 11 that the groups make in order to determine how much  
 12 money you may make?  
 13 MS. CENAR: Objection to form.  
 14 THE DEPONENT: Not me personally,  
 15 no.  
 16 BY MR. GOULD:  
 17 Q. Who does that?  
 18 A. My business people.  
 19 Q. Give me who -- their names.  
 20 A. That would be my new business  
 21 management, Nigro.  
 22 Q. Give me the name. Nigro, N-a-g-r-o?  
 23 A. Yeah.  
 24 Q. And what's the full name of the  
 25 company?

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1 A. Nigro.  
 2 Q. Okay. Who else who works the business  
 3 side in terms of revenue for songs that are done by  
 4 artists that your Will.i.am Music Group has?  
 5 A. I don't -- I don't understand the  
 6 question.  
 7 MS. CENAR: Okay.  
 8 BY MR. GOULD:  
 9 Q. What are the other people like Nigro  
 10 that are involved in the -- in the financial end of  
 11 your business?  
 12 MS. CENAR: Objection to the form --  
 13 BY MR. GOULD:  
 14 Q. You can answer.  
 15 MS. CENAR: -- of the question.  
 16 THE DEPONENT: That's Nigro,  
 17 N-i-g-r-o.  
 18 BY MR. GOULD:  
 19 Q. Right.  
 20 A. "Who are the other people that are  
 21 involved in financial...of your businesses?"  
 22 There is no other people. There's  
 23 that business management.  
 24 Q. Is it your business manager?  
 25 A. That's the company, yeah.

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1 Q. Is that Nigro?  
 2 A. Yes.  
 3 Q. All right. So if I wanted to know  
 4 how much money you made in a particular year from  
 5 the music business, would I speak to that person?  
 6 MS. CENAR: Objection to the form and  
 7 foundation.  
 8 BY MR. GOULD:  
 9 Q. Would that person have that  
 10 information?  
 11 A. Yes, but they wouldn't disclose it.  
 12 Q. I understand that.  
 13 Would they -- but they have that  
 14 information and access to that information?  
 15 MS. CENAR: Objection; form and  
 16 foundation.  
 17 THE DEPONENT: Yes.  
 18 BY MR. GOULD:  
 19 Q. Okay. Give me the name of a person  
 20 that works at Nigro who would have access to that  
 21 information on your behalf.  
 22 A. Virginia.  
 23 Q. What's the last name?  
 24 A. I don't know.  
 25 Q. What's the name of your accounting

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1 firm?  
 2 MS. CENAR: Objection to form.  
 3 MR. GOULD: Would you -- inquiring  
 4 minds would like to know what's wrong with the form.  
 5 "The name of your accounting firm," what is the form  
 6 problem with that?  
 7 MS. CENAR: Vague.  
 8 MR. GOULD: That's vague?  
 9 MR. HERTZ: Counselor, you mean -- I  
 10 believe --  
 11 MR. GOULD: Would you please tell her  
 12 that that's a good question?  
 13 MR. HERTZ: Forgive me. Forgive me.  
 14 I don't need to tell her anything. Let me just --  
 15 let me just help you.  
 16 MR. GOULD: Well, what you can do is  
 17 just tell me who you are for the record. Who are  
 18 you?  
 19 MR. HERTZ: I'm sorry. As I told you  
 20 earlier --  
 21 MR. GOULD: Yeah, but not on the  
 22 record.  
 23 Who are you?  
 24 MR. HERTZ: I apologize.  
 25 My name is Ken Hertz. I represent The

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1 Black Eyed Peas.  
 2 MR. GOULD: Okay. Have you filed an  
 3 appearance in this case?  
 4 MR. HERTZ: No, I have not.  
 5 So I was just trying to help you with  
 6 the question.  
 7 MR. GOULD: Okay.  
 8 MR. HERTZ: I didn't mean -- I didn't  
 9 mean to provoke you. I just want to try and help.  
 10 MR. GOULD: So give me the name of his  
 11 accountant; that would help me.  
 12 MR. HERTZ: That's a different  
 13 question.  
 14 He doesn't have an accounting firm.  
 15 He's represented -- he has a business manager, and  
 16 he's told you that.  
 17 And you're asking him for the name of  
 18 the business management firm that he works with; is  
 19 that correct?  
 20 BY MR. GOULD:  
 21 Q. Who is the name of your business  
 22 manager?  
 23 A. Virginia.  
 24 Q. "Virginia." You don't know her last  
 25 name?

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1 A. No.  
 2 MR. GOULD: Do you know her last name?  
 3 MR. HERTZ: I do.  
 4 MR. GOULD: What's her name?  
 5 MR. HERTZ: Childress,  
 6 C-h-i-l-d-r-e-s-s.  
 7 BY MR. GOULD:  
 8 Q. Does she work in Los Angeles?  
 9 A. Yeah.  
 10 Q. Would she know what accounting firm  
 11 Will.i.am Music Group uses?  
 12 MS. CENAR: Objection; foundation.  
 13 THE DEPONENT: I don't know if I have  
 14 an accounting firm. I have a business management.  
 15 BY MR. GOULD:  
 16 Q. What do you do for Interscope?  
 17 A. I'm signed as an artist there.  
 18 Q. Did you ever hear the term "A&R"?  
 19 A. Yes. I don't like them.  
 20 MS. CENAR: Just answer his  
 21 questions.  
 22 THE DEPONENT: Sorry.  
 23 BY MR. GOULD:  
 24 Q. What does an A&R stand -- what does  
 25 A&R stand for?

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1 A. A&R stands for, "A," get out of my  
 2 recording session. I don't -- I don't like A&Rs in  
 3 the studio.  
 4 Q. Okay. I didn't ask you that,  
 5 unfortunately.  
 6 A. I don't know what it stands for.  
 7 Sorry.  
 8 Q. You don't know?  
 9 So if I told you it stands for Artist  
 10 and Repertoire, you wouldn't have heard that before?  
 11 A. Yes, but I don't know what that means.  
 12 Q. Okay.  
 13 A. Artist and Repertoire.  
 14 Q. Okay. Are you an A&R at Interscope?  
 15 A. No.  
 16 Q. Do you sign talent for Interscope? Do  
 17 you go out and seek out talent --  
 18 A. No. No.  
 19 I told you I have a label.  
 20 Q. I'm asking you a direct question: Do  
 21 you ever seek out talent --  
 22 A. No.  
 23 Q. -- on behalf of Interscope?  
 24 A. No.  
 25 MS. CENAR: Just answer his

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1 question.  
 2 BY MR. GOULD:  
 3 Q. Do you have an office at Interscope?  
 4 A. No.  
 5 Q. Do you have an e-mail through  
 6 Interscope?  
 7 A. No.  
 8 Q. Do you ever receive any money from  
 9 Interscope?  
 10 A. As an artist, yes.  
 11 Q. For any reason whatsoever?  
 12 A. As an artist, yes. And overhead for  
 13 my label.  
 14 Q. Is that the only basis on which you  
 15 receive money?  
 16 A. And that's --  
 17 MS. CENAR: Objection to form.  
 18 THE DEPONENT: And that's stopped for  
 19 the past -- it's been up for a year -- for a year and  
 20 a half. I haven't renewed my label.  
 21 MS. CENAR: Just answer the question,  
 22 please.  
 23 THE DEPONENT: Sorry.  
 24 BY MR. GOULD:  
 25 Q. How often do you -- is there a way

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1 that you can tell me about how often you go to  
 2 Interscope's offices?  
 3 A. When I -- when I finish an album.  
 4 Q. Okay. So is it infrequently or  
 5 frequently?  
 6 A. Sparse.  
 7 Q. Sparse.  
 8 And do you work with Jimmy Iovine in  
 9 connection with your association with Interscope?  
 10 A. Sometimes.  
 11 Q. Okay. Do you receive e-mails from  
 12 Jimmy Iovine --  
 13 A. No.  
 14 Q. -- ever?  
 15 A. Yes.  
 16 Q. Okay. When would you have received an  
 17 e-mail from Jimmy Iovine?  
 18 MS. CENAR: Objection to form.  
 19 THE DEPONENT: A long time ago.  
 20 BY MR. GOULD:  
 21 Q. When would you have received --  
 22 A. A long time ago.  
 23 Counsel, do you have a problem? Do  
 24 you want me to rephrase the question?  
 25 MR. HERTZ: No, sir. You can ask

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1 whatever question you want.  
 2 BY MR. GOULD:  
 3 Q. When did you receive an e-mail from  
 4 Jimmy Iovine?  
 5 A. A long time ago. I don't remember.  
 6 Q. About how many e-mails have you  
 7 received from him over the last couple of years?  
 8 A. I don't remember.  
 9 Q. So you couldn't tell me whether it's  
 10 10, 20, 30, 5?  
 11 A. I couldn't.  
 12 Q. Okay. Do you have a computer?  
 13 A. Yes.  
 14 Q. Is it a personal computer?  
 15 A. I do business on that computer.  
 16 Q. You do business on it.  
 17 How long have you had that computer?  
 18 A. They switch. I go through a computer  
 19 every year and a half.  
 20 Q. All right. How many computers do  
 21 you -- do you access?  
 22 MS. CENAR: Objection to form.  
 23 THE DEPONENT: I don't -- I don't  
 24 understand the question.  
 25 ///

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1 BY MR. GOULD:  
 2 Q. How many personal computers do you  
 3 have?  
 4 A. Every computer I have I do business  
 5 on.  
 6 Q. Okay. How many computers are there?  
 7 A. I have about 20 computers.  
 8 Q. Are any of those computers located at  
 9 Interscope?  
 10 A. No, no, no, no.  
 11 Q. All right. Did you search any of  
 12 these computers for any e-mails with respect to this  
 13 matter, this case?  
 14 A. Yes.  
 15 Q. Okay. And when did you do that?  
 16 MS. CENAR: If you remember when, you  
 17 can identify when.  
 18 THE DEPONENT: Last time I saw her.  
 19 BY MR. GOULD:  
 20 Q. Just give me a date.  
 21 A. I don't remember.  
 22 Q. About when? Last year? Two years  
 23 ago? Six months ago?  
 24 A. A couple of days ago.  
 25 Q. A couple of days ago.

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1 Is that the first time that you  
 2 searched your computers for documents with respect to  
 3 this case?  
 4 A. No.  
 5 Q. What was the first time?  
 6 A. A couple of days ago.  
 7 Q. Okay.  
 8 A. A week ago.  
 9 Q. All right. Any other times that you  
 10 searched your computer for documents with respect to  
 11 this case?  
 12 A. No.  
 13 Q. If you were asked to do that, I take  
 14 it you would go to all of those different 20  
 15 computers --  
 16 A. No.  
 17 Q. Well, what would you do if you were  
 18 asked and required to produce documents relating to  
 19 The Black Eyed Peas?  
 20 MS. CENAR: Objection; form,  
 21 formation.  
 22 THE DEPONENT: I don't understand the  
 23 question.  
 24 Can you repeat it?  
 25 ///

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1 BY MR. GOULD:  
 2 Q. What would you do if you were  
 3 requested or instructed by someone to secure  
 4 documents on any of your computers relating to the  
 5 business of The Black Eyed Peas?  
 6 MS. CENAR: Objection to the form.  
 7 THE DEPONENT: Business of The Black  
 8 Eyed Peas?  
 9 BY MR. GOULD:  
 10 Q. Any business.  
 11 A. Well, that's not -- I can't -- it's a  
 12 very loose question.  
 13 Q. It was intended to be a very broad  
 14 question.  
 15 A. And I don't know how to answer that  
 16 question.  
 17 MS. CENAR: Okay. That's it.  
 18 BY MR. GOULD:  
 19 Q. Well, what you would do is look at the  
 20 20 computers, wouldn't you?  
 21 A. No.  
 22 (SPEAKING SIMULTANEOUSLY.)  
 23 BY MR. GOULD:  
 24 Q. How many computers would you look at  
 25 if you --

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1 A. It depends. If you asked me to look  
 2 for e-mails, it's a cloud. So there's no -- it  
 3 doesn't live on a computer. It lives in a cloud.  
 4 Q. What are you referring to when you say  
 5 "the cloud"?  
 6 A. The cloud is what every business is  
 7 run off of now. There's no -- it's all in a cloud.  
 8 Servers -- it doesn't live on a computer. It lives  
 9 on servers.  
 10 Q. When is the first time that you gave  
 11 to Ms. Cenar -- I don't want to know what was said.  
 12 When's the first time you gave  
 13 documents that you retrieved from any source relating  
 14 to this case?  
 15 A. A couple of days ago.  
 16 Q. And can you tell me now about how  
 17 many -- think. Think again. I know I asked you  
 18 this, kind of.  
 19 How many -- do you have any  
 20 recollection of how many e-mails that you may have  
 21 received from Jimmy Iovine over the past two years?  
 22 A. Not many.  
 23 Q. What would "not many" be?  
 24 A. I don't know.  
 25 Q. So it could be 10, 15, 20, 5? You

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1 just don't know?  
 2 A. Yeah.  
 3 Q. All right. If you -- if I asked you  
 4 to go search your computers for any e-mails that  
 5 you've sent to or you have received from Jimmy Iovine  
 6 in the last three years, you would know where to go,  
 7 wouldn't you?  
 8 MS. CENAR: Objection --  
 9 THE DEPONENT: The cloud.  
 10 MS. CENAR: Objection; form.  
 11 BY MR. GOULD:  
 12 Q. You would go to the cloud?  
 13 A. Yeah.  
 14 Q. And then you would search out what  
 15 e-mails came from Jimmy Iovine or went to  
 16 Jimmy Iovine; correct?  
 17 A. Yes.  
 18 MS. CENAR: Objection to form.  
 19 BY MR. GOULD:  
 20 Q. All right. Same question with respect  
 21 to -- do you know who Fred Riesterer is?  
 22 A. Say the last name.  
 23 Q. Fred Riesterer, if that's how you  
 24 pronounce it.  
 25 A. Fred who?

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1 MR. GOULD: Counsel, how do you  
 2 pronounce the name?  
 3 MS. CENAR: Riesterer.  
 4 MR. HERTZ: Riesterer.  
 5 MR. GOULD: Riesterer?  
 6 THE DEPONENT: I met him a couple  
 7 times.  
 8 BY MR. GOULD:  
 9 Q. Okay. And who is --  
 10 MS. CENAR: Just listen to his  
 11 question.  
 12 BY MR. GOULD:  
 13 Q. Okay. Who is Fred Riesterer?  
 14 A. David Guetta's friend.  
 15 Q. His friend?  
 16 A. Uh-huh.  
 17 Q. Did he -- you have to answer audibly.  
 18 "Yes"?  
 19 (NO AUDIBLE RESPONSE BY THE DEPONENT.)  
 20 BY MR. GOULD:  
 21 Q. You have to say words.  
 22 MS. CENAR: You have to say "yes" or  
 23 "no" orally instead of "uh-huh."  
 24 BY MR. GOULD:  
 25 Q. The court reporter doesn't take down

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1 your --  
 2 MR. HERTZ: He understands you,  
 3 Counsel.  
 4 DEPOSITION OFFICER: I couldn't hear  
 5 you, Counsel.  
 6 MR. HERTZ: I said he understands,  
 7 Counselor.  
 8 BY MR. GOULD:  
 9 Q. He's David Guetta's friend?  
 10 A. Yes.  
 11 Q. Did he have any involvement in the  
 12 making of "I Gotta Feeling"?  
 13 MS. CENAR: Objection; form and  
 14 foundation.  
 15 THE DEPONENT: I believe so.  
 16 BY MR. GOULD:  
 17 Q. All right. And what do you believe  
 18 that connection was?  
 19 A. I don't know. I wasn't there.  
 20 Q. So as you sit here now, is it your  
 21 testimony that you have no knowledge from any source  
 22 whatsoever as to what involvement Fred Riesterer had  
 23 in the making of any aspect of "I Gotta Feeling"? Is  
 24 that correct?  
 25 MR. DICKSTEIN: Objection to form.

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1 MS. CENAR: Objection to form.  
 2 THE DEPONENT: I don't know how. I  
 3 wasn't there.  
 4 MR. GOULD: Could you read back the  
 5 question.  
 6 BY MR. GOULD:  
 7 Q. And try to answer the question "yes"  
 8 or "no," not whether you were there. I'm not asking  
 9 you that.  
 10 THE DEPONENT: Okay.  
 11 MS. CENAR: Your answer is there  
 12 (indicating).  
 13 THE DEPONENT: I wasn't there.  
 14 BY MR. GOULD:  
 15 Q. I didn't ask you that.  
 16 Read back the question audibly.  
 17 (THE RECORD WAS READ AS FOLLOWS:  
 18 Q. Did he have any involvement  
 19 in the making of "I Gotta Feeling"?  
 20 A. I believe so.  
 21 Q. And what do you believe that  
 22 connection was?)  
 23 BY MR. GOULD:  
 24 Q. I'm asking about Fred Riesterer. What  
 25 do you believe his connection was?

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1 A. I don't know.  
 2 Q. You just don't know.  
 3 How about David Guetta, did he have  
 4 any connection with the making of "I Gotta Feeling"?  
 5 A. I believe so.  
 6 Q. All right. And what do you believe to  
 7 be the case?  
 8 A. I don't -- I don't know.  
 9 Q. What do you think he did?  
 10 A. I really don't know.  
 11 Q. Do you know he gets royalties?  
 12 A. I do know that.  
 13 Q. Well, why does he get royalties?  
 14 Because he's a nice guy?  
 15 A. No. Because he's -- I don't -- see --  
 16 the only way -- the only way I'm going to answer this  
 17 question is to --  
 18 Q. Just answer it any way.  
 19 A. So --  
 20 MS. CENAR: Are you --  
 21 THE DEPONENT: Studio -- studio  
 22 sessions are studio sessions. And depending on the  
 23 agreement of the people who made the song or made the  
 24 beat, that's their understanding. And I can't muddle  
 25 in that; right? I have to honor that.

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1 So if they presented a track or a  
 2 song and they say that "This is the universe and the  
 3 gravity around it," that's what it is.  
 4 It's none of my business on how they  
 5 configure it up or divvied it up or, you know, their  
 6 understanding as songwriters. It's none of my  
 7 business.  
 8 All I know is that they have an  
 9 understanding.  
 10 BY MR. GOULD:  
 11 Q. What did David Guetta do?  
 12 A. I don't know.  
 13 Q. So as of right now, you don't know  
 14 whether he wrote a beat for "I Gotta Feeling"?  
 15 A. I have no idea.  
 16 Q. You have no idea whether Fred  
 17 Reisterer wrote a beat for "I Gotta Feeling"?  
 18 A. I wasn't there, no.  
 19 Q. Did you write a beat?  
 20 A. Nope. Sure didn't.  
 21 Q. Did you have anything to do with the  
 22 music?  
 23 A. I had nothing to do with the music,  
 24 just the lyrical portion.  
 25 Q. Just the lyrical portion?

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1 A. Just the lyrical portion. That's  
 2 it.  
 3 Q. Okay. Can you tell me why  
 4 David Guetta received royalties for "I Gotta Feeling"  
 5 if you don't know what his relationship to the song  
 6 is?  
 7 A. Because he presented that as something  
 8 that he composed. And whether or not -- that's  
 9 what he said, "I composed this." And he -- and  
 10 whatever -- however he did it, whoever he had in the  
 11 room, I wasn't there.  
 12 Q. Right. So you don't know whether he  
 13 composed it?  
 14 When you say "he composed it," you are  
 15 talking about the music?  
 16 Where did the music come from?  
 17 (SPEAKING SIMULTANEOUSLY.)  
 18 MR. HERTZ: Counsel, ask one  
 19 question.  
 20 MS. CENAR: Objection; form.  
 21 BY MR. GOULD:  
 22 Q. Where did the music come from for  
 23 "I Gotta Feeling"?  
 24 A. It came from David Guetta. He  
 25 e-mailed it to me.

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1 Q. All right. And did you ever produce  
 2 that e-mail to your counsel?  
 3 A. Yep.  
 4 Q. All right.  
 5 MS. CENAR: And it was produced to  
 6 you, Counsel. And the actual disk with the musical  
 7 piece was handed to you this morning and marked as an  
 8 exhibit in this deposition.  
 9 BY MR. GOULD:  
 10 Q. All right. You received a disk from  
 11 David Guetta?  
 12 A. Nope.  
 13 Q. You received an e-mail?  
 14 A. E-mail.  
 15 Q. What was on the e-mail? What was --  
 16 what was sent to you via the e-mail?  
 17 MR. DICKSTEIN: Objection; form.  
 18 DEPOSITION OFFICER: Who was that?  
 19 MS. CENAR: That was Tal.  
 20 DEPOSITION OFFICER: Okay. Hang on.  
 21 THE DEPONENT: That's it  
 22 (indicating).  
 23 MR. GOULD: Could you read back the  
 24 question.  
 25 THE DEPONENT: What was --

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1 MS. CENAR: Let the record reflect  
 2 that the witness was pointing to a disk that's in  
 3 Ira Gould's hand which we marked at the beginning of  
 4 this deposition.  
 5 And I don't recall what number the  
 6 court reporter assigned to that disk.  
 7 Could you read it off the disk? Ira,  
 8 you have it in hand. Could you turn it --  
 9 MR. GOULD: I'm going to identify it  
 10 shortly.  
 11 Would you ask the witness what the  
 12 question -- tell the witness what the question was.  
 13 (THE RECORD WAS READ AS FOLLOWS:  
 14 Q. What was on the e-mail? What  
 15 was -- what was sent to you via  
 16 the e-mail?)  
 17 BY MR. GOULD:  
 18 Q. Is what was sent to you in the e-mail  
 19 what I have in my hand right now?  
 20 A. Sure is.  
 21 MR. GOULD: Would you identify --  
 22 would you mark this, please, as the next deposition  
 23 exhibit in the case.  
 24 DEPOSITION OFFICER: Okay. It's  
 25 already been assigned Exhibit 1A.

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1 MR. GOULD: Okay.  
 2 DEPOSITION OFFICER: I can either mark  
 3 it or --  
 4 MS. CENAR: You can mark it as the  
 5 next exhibit in the case.  
 6 DEPOSITION OFFICER: The next exhibit  
 7 is 8.  
 8 (WHEREUPON, PLAINTIFF'S EXHIBIT NUMBER  
 9 8 WAS MARKED FOR IDENTIFICATION BY  
 10 THE DEPOSITION OFFICER.)  
 11 MS. CENAR: May I see the disk for a  
 12 moment, please.  
 13 For the record, this is marked as  
 14 "Feeling, David Pop" written on the front of the  
 15 disk, and it's marked BEP-PR 1A and designated as  
 16 "highly confidential."  
 17 BY MR. GOULD:  
 18 Q. All right. Is what you received in  
 19 this e-mail?  
 20 A. Not the disk, just the file itself.  
 21 Q. All right. And did you listen to it  
 22 when you received it?  
 23 A. Yes.  
 24 Q. And what did you think of it in terms  
 25 of the quality of what you were listening to?

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1 A. So right when I heard it, I sung the  
 2 top line over it.  
 3 DEPOSITION OFFICER: "Sung"?  
 4 THE DEPONENT: Yeah.  
 5 BY MR. GOULD:  
 6 Q. When you say the top line of that,  
 7 what does that mean?  
 8 A. That's the vocal.  
 9 Q. The "I Gotta Feeling" part of the  
 10 vocal?  
 11 A. Yep, 30 minutes.  
 12 Q. All right. Did you like the music?  
 13 MS. CENAR: Objection to the form.  
 14 THE DEPONENT: I already answered that  
 15 question.  
 16 No.  
 17 BY MR. GOULD:  
 18 Q. I'm asking now: Did you like the  
 19 music that you listened to?  
 20 A. Oh. Did I like the music?  
 21 Q. Yes.  
 22 A. Yeah, yeah, yeah, I loved it.  
 23 Q. Of course you did. You thought it was  
 24 great; in fact, you even said that in an interview.  
 25 A. Yeah, that was --

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1 MS. CENAR: Objection to form.  
 2 THE DEPONENT: -- amazing.  
 3 BY MR. GOULD:  
 4 Q. "Amazing"?  
 5 A. Yes.  
 6 Q. What was amazing about the song?  
 7 A. The chord progression.  
 8 Q. And what was amazing about the chord  
 9 progression?  
 10 A. The emotion it invoked inside of my --  
 11 my mind.  
 12 DEPOSITION OFFICER: "The emotion"?  
 13 THE DEPONENT: The emotion.  
 14 BY MR. GOULD:  
 15 Q. And the chord progression you're  
 16 referring to, you would call as part of the hook of  
 17 the song; correct?  
 18 A. No, no, no.  
 19 MR. DICKSTEIN: Objection to --  
 20 MS. CENAR: Objection to the form.  
 21 BY MR. GOULD:  
 22 Q. What does "hook" mean to you, the hook  
 23 of the song?  
 24 A. The hook could be anything.  
 25 Q. How would you define the word

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1 "hook"?  
 2 A. It can be a guitar riff. It can be a  
 3 vocal line. A hook can be a horn: "nah, nah, nah,  
 4 nah, nah, nah, nah, nah, nat, dododododo, dodododo"  
 5 (indicating). That's a hook.  
 6 BY MR. GOULD:  
 7 Q. Would you agree with me a hook is  
 8 generally understood in the industry as what  
 9 constitutes the most memorable part of the song?  
 10 MS. CENAR: Objection to form --  
 11 THE DEPONENT: It depends.  
 12 MS. CENAR: -- foundation.  
 13 BY MR. GOULD:  
 14 Q. It could be a non-memorable part of  
 15 the song if you call it a hook?  
 16 A. It all --  
 17 MS. CENAR: Objection; form,  
 18 foundation.  
 19 THE DEPONENT: -- depends on the  
 20 songwriter -- the songwriter.  
 21 BY MR. GOULD:  
 22 Q. Can you identify what the hook is in  
 23 "I Gotta Feeling"?  
 24 A. "I gotta feeling, oooh hoooo..."  
 25 Q. Okay. Good.

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1 A. That's the hook.  
 2 Q. Okay. And you liked that hook when  
 3 you listened to the music?  
 4 A. No, no, no. I wrote that hook.  
 5 Q. Yeah. When you listened to the music  
 6 that now accompanies your -- that now accompanies  
 7 your vocal, you thought that music was amazing;  
 8 correct?  
 9 A. The chord progression, yes.  
 10 Q. All right. Now, you don't know at all  
 11 how that music was made; am I correct?  
 12 A. Nope.  
 13 Q. Did Fred Riesterer or David Guetta  
 14 ever tell you how they created the song, the music?  
 15 A. Producers don't give secrets. No.  
 16 Q. So the answer is no?  
 17 A. Yeah.  
 18 Q. Is that right?  
 19 A. Yep.  
 20 Q. All right. About how many songs have  
 21 you written?  
 22 A. In my life?  
 23 Q. Yes.  
 24 A. A whole lot.  
 25 Q. Just give me an idea of a number.

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1 A. A million.  
 2 Q. Great. So it's a huge number?  
 3 A. Yeah.  
 4 Q. All right. Of all the songs that  
 5 you've written, would you consider "I Gotta Feeling"  
 6 to be at the top of the list in terms of success?  
 7 MS. CENAR: Objection to the form and  
 8 foundation.  
 9 BY MR. GOULD  
 10 Q. You can answer.  
 11 A. No.  
 12 Q. All right. What other songs would you  
 13 consider to be more successful than "I Gotta Feeling"  
 14 from a financial standpoint?  
 15 MS. CENAR: Objection to form and  
 16 foundation.  
 17 THE DEPONENT: "Where Is The Love."  
 18 BY MR. GOULD:  
 19 Q. Pardon me? "Where Is Love"?  
 20 A. "Where Is The Love."  
 21 Q. Okay. Any other song?  
 22 MS. CENAR: Same objections.  
 23 THE DEPONENT: "Oh My Gosh."  
 24 BY MR. GOULD:  
 25 Q. All right. What else?

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1 A. That's it.  
 2 Q. How about "Boom Boom Pow"?  
 3 MS. CENAR: Objection to form.  
 4 THE DEPONENT: No.  
 5 MS. CENAR: How about it?  
 6 THE DEPONENT: No.  
 7 BY MR. GOULD:  
 8 Q. Would "Boom Boom Pow" be considered by  
 9 you to be a very successful song?  
 10 A. Not as successful as the ones I  
 11 mentioned.  
 12 Q. Not as successful as "I Gotta  
 13 Feeling"?  
 14 MS. CENAR: Objection to form.  
 15 THE DEPONENT: No.  
 16 BY MR. GOULD:  
 17 Q. Who did the videography for "I Gotta  
 18 Feeling"?  
 19 A. What do you mean by "videography"?  
 20 Q. The video. When I see the video on  
 21 YouTube, who did that?  
 22 A. The director.  
 23 MS. CENAR: Objection to form.  
 24 BY MR. GOULD:  
 25 Q. The director. Who was the director?

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1 A. Motion Theory.  
 2 Q. Did you have anything to do with any  
 3 dance move?  
 4 A. I don't like choreography.  
 5 No.  
 6 Q. "No."  
 7 Are you a choreographer at all?  
 8 A. I don't like choreography, no.  
 9 Q. All right. Who in the group would you  
 10 consider to be the best dancer --  
 11 MS. CENAR: Objection --  
 12 BY MR. GOULD:  
 13 Q. -- and the most knowledgeable with  
 14 respect to choreography?  
 15 A. None.  
 16 MS. CENAR: Objection to form.  
 17 BY MR. GOULD:  
 18 Q. Nobody?  
 19 A. No. We don't like choreography.  
 20 Q. All right. Who did the choreography  
 21 for --  
 22 A. Fatima Robinson.  
 23 Q. Pardon me?  
 24 A. Fatima Robinson.  
 25 Q. Who did the choreography for "Where Is



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1 The Love"?

2 A. There's no choreography in "Where Is

3 The Love."

4 Q. How about "Oh My Gosh"?

5 A. You got to ask Usher's people. I don't

6 know.

7 Q. All right. How about "Boom Boom Pow"?

8 Who did the choreography for that?

9 A. I just told you that.

10 Fatima Robinson.

11 Q. Fatima Robinson?

12 A. I just said that, yeah.

13 Q. And who -- that's the name of a

14 company?

15 A. That's a person.

16 Q. Okay. And where does she live, what

17 city?

18 A. Los Angeles.

19 Q. Do you consider yourself to be a

20 professional dancer?

21 A. No.

22 Q. Do you consider Fergie to be a

23 professional dancer?

24 MS. CENAR: Objection to form.

25 THE DEPONENT: I don't know.

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1 BY MR. GOULD:

2 Q. You don't know?

3 (NO AUDIBLE RESPONSE BY THE DEPONENT.)

4 BY MR. GOULD:

5 Q. Are any of The Black Eyed Peas

6 professional dancers?

7 MS. CENAR: Objection; form.

8 THE DEPONENT: No.

9 BY MR. GOULD:

10 Q. Do any of The Black Eyed Peas have the

11 ability to choreogr- -- choreo- -- no.

12 A. "Choreograph"?

13 Q. All right. So if I told you that

14 Fergie said she was involved in the choreography of

15 "Boom Boom Pow," what would that say to you, assuming

16 that's a hypothetical?

17 MS. CENAR: Objection; form,

18 foundation.

19 BY MR. GOULD:

20 Q. You would say that she would be lying;

21 correct?

22 A. I wouldn't say that.

23 MS. CENAR: Objection; form,

24 foundation.

25 THE DEPONENT: I wouldn't say that.

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1 BY MR. GOULD:

2 Q. Well, did she have anything to do with

3 the dancing?

4 A. Every single person that dances, a

5 move that a choreographer does, has their say in how

6 they want to do that.

7 So they didn't come up with the

8 choreography, but they've added their two cents into

9 it so they feel comfortable doing it.

10 Q. All right. Did you add your two cents

11 with respect to "I Gotta Feeling"?

12 MS. CENAR: Objection --

13 THE DEPONENT: "I Gotta Feeling"

14 didn't have --

15 MS. CENAR: -- to the form.

16 THE DEPONENT: Choreography.

17 BY MR. GOULD:

18 Q. Did you add your two cents in terms of

19 the dancing in "Boom Boom Pow"?

20 A. Yes.

21 Q. All right. And did Fergie also put in

22 her two cents?

23 A. My two cents was adding, "I'm not

24 going to do choreography."

25 MS. CENAR: Okay. Answer his

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1 questions.

2 THE DEPONENT: Well, I don't know.

3 BY MR. GOULD:

4 Q. Did Fergie have anything to do the

5 dancing?

6 MS. CENAR: Objection to form.

7 THE DEPONENT: She's dancing.

8 BY MR. GOULD:

9 Q. All right. Does she -- is she

10 involved in the dance moves?

11 A. I don't know.

12 MS. CENAR: Objection to form.

13 BY MR. GOULD:

14 Q. So who tells -- does somebody come --

15 the choreography comes -- educate me.

16 The choreographer comes and just tells

17 you how to move?

18 MS. CENAR: Objection to form.

19 THE DEPONENT: That's what a

20 choreographer does, yes.

21 BY MR. GOULD:

22 Q. Okay. So the choreographer tells the

23 dancers how to move?

24 MS. CENAR: Objection to form.

25 THE DEPONENT: Yes.

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1 BY MR. GOULD:  
 2 Q. All right. Was Fatima Robinson  
 3 involved in any way, shape, or form with "I Gotta  
 4 Feeling"?  
 5 A. No. When we tour, yes. When we tour,  
 6 yes. Not the video.  
 7 Q. Have you ever -- what does the word  
 8 "sampling" mean to you in the music industry?  
 9 MS. CENAR: Objection to form.  
 10 THE DEPONENT: "Sample" means --  
 11 MR. GOULD: What possibly is wrong  
 12 with the form of that question, "What does the word  
 13 'sampling' mean to you?"  
 14 MS. CENAR: Counsel, my objection is  
 15 on the record.  
 16 MR. GOULD: What is the basis of it so  
 17 I can rephrase it?  
 18 MS. CENAR: Vague.  
 19 MR. GOULD: Vague? Help me understand  
 20 vagueness, because I --  
 21 THE DEPONENT: I'll answer the  
 22 question.  
 23 MR. GOULD: I'm talking to your  
 24 counsel.  
 25 MS. CENAR: No.

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1 (SPEAKING SIMULTANEOUSLY.)  
 2 MR. GOULD: I'll rephrase the  
 3 question.  
 4 MS. CENAR: Counsel, if you're going  
 5 to debate --  
 6 MR. GOULD: No, no, no. I want to  
 7 understand so I --  
 8 MS. CENAR: -- this is the end.  
 9 MR. GOULD: -- can correct it.  
 10 MS. CENAR: My -- my objection is for  
 11 the record. Move on.  
 12 BY MR. GOULD:  
 13 Q. Answer the question, sir.  
 14 A. "Sampling," it differs. It all --  
 15 like I said, in every genre of music it -- it's a  
 16 different definition.  
 17 Q. What genre of music is "I Gotta  
 18 Feeling"?  
 19 A. "I Gotta Feeling," some people could  
 20 say it's rap. Some people could say it's country.  
 21 Some people could say it's pop. Some people could  
 22 say it's hip-hop. Some people could say it's  
 23 dance.  
 24 Q. What genre is "Boom Boom Pow"?  
 25 A. Some people could say it's hip-hop.

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1 Some people could say that it's retro futuristic.  
 2 Some people could say that's dance. Some people  
 3 could say that is Afro Gallactic Calypso. Some  
 4 people could say it's gumball corny music.  
 5 Q. How about if I ask you what you think,  
 6 not what other people think.  
 7 What genre of music is "I Gotta  
 8 Feeling"?  
 9 A. Electro -- hip-hop electro.  
 10 Q. And if I asked you what genre is "Boom  
 11 Boom Pow," what would you say?  
 12 A. Electro hip-hop, same thing.  
 13 Q. Has anybody ever stolen music that you  
 14 wrote?  
 15 MS. CENAR: Objection to form.  
 16 BY MR. GOULD:  
 17 Q. You can answer.  
 18 A. They have used music that I wrote.  
 19 Q. Without clearing it with you first?  
 20 A. It's called the Internet.  
 21 Q. Has anybody stolen, in your view,  
 22 music from you without asking you first?  
 23 MS. CENAR: Objection; form --  
 24 THE DEPONENT: I don't know.  
 25 MS. CENAR: -- foundation.

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1 THE DEPONENT: I don't know.  
 2 BY MR. GOULD:  
 3 Q. Okay. Has anybody taken music and  
 4 used music that you wrote or participated or were  
 5 involved in in terms of a song you did and used it as  
 6 part of their own song without your approval?  
 7 MS. CENAR: Objection to form --  
 8 THE DEPONENT: Every day in every  
 9 nightclub.  
 10 MS. CENAR: -- foundation.  
 11 THE DEPONENT: Every day in every  
 12 nightclub.  
 13 BY MR. GOULD:  
 14 Q. Okay. So it's happened often to  
 15 you?  
 16 A. It happens every night.  
 17 Q. Under what circumstances do you  
 18 consider that to be wrong and a bad practice, to take  
 19 someone else's music that they wrote and they  
 20 copywrote?  
 21 MS. CENAR: Objection to form,  
 22 foundation.  
 23 THE DEPONENT: That's bad.  
 24 BY MR. GOULD:  
 25 Q. All right. And explain to us why it's

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1 bad.  
 2 MS. CENAR: Same objections.  
 3 THE DEPONENT: Well, if a DJ is  
 4 deejaying a song in a club and that DJ is getting  
 5 paid lots of money to DJ and they play my music and  
 6 they manipulate it, that's not bad.  
 7 BY MR. GOULD:  
 8 Q. Okay.  
 9 A. There's nothing wrong with that.  
 10 Q. Uh-huh.  
 11 A. For -- for a -- for a kid to see a  
 12 video or a song on YouTube and then do their version  
 13 of it, turn it around and make a spoof out of it, and  
 14 it gets 400 million views on the Internet and they  
 15 make money because YouTube sends them their money, I  
 16 don't know if that's bad.  
 17 I don't know if that's bad or if it's  
 18 not. Right? It is what it is. It's a new world.  
 19 (SPEAKING SIMULTANEOUSLY.)  
 20 THE DEPONENT: If someone takes --  
 21 BY MR. GOULD:  
 22 Q. Would you consider that to be stealing  
 23 music that you did if somebody does that?  
 24 MS. CENAR: Objection; form.  
 25 THE DEPONENT: If a kid does that with

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1 me, I don't know --  
 2 BY MR. GOULD:  
 3 Q. And makes 400 million dollars doing  
 4 it.  
 5 A. No, I didn't say 400 million  
 6 dollars.  
 7 MS. CENAR: Objection; form,  
 8 foundation.  
 9 BY MR. GOULD:  
 10 Q. How about 400,000 dollars?  
 11 A. I don't -- I don't -- I don't know. I  
 12 don't know.  
 13 Q. All right. What does a "new world"  
 14 mean?  
 15 A. The new world is the Internet --  
 16 piracy, interpolation, sharing. It's all --  
 17 Q. Do you do that? Do you look on the  
 18 Internet for other's people music and use it as your  
 19 own?  
 20 A. Uh-uh.  
 21 Q. Have you ever sampled anyone else's  
 22 music without getting it cleared first, ever?  
 23 MS. CENAR: Objection to form,  
 24 foundation.  
 25 THE DEPONENT: That's -- that's

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1 happened before.  
 2 BY MR. GOULD:  
 3 Q. And why didn't you get clearance  
 4 first?  
 5 MS. CENAR: Objection; form,  
 6 foundation.  
 7 Do you have a specific instance in  
 8 mind that you're questioning --  
 9 MR. GOULD: No.  
 10 MS. CENAR: -- the witness in?  
 11 MR. GOULD: I'm talking generally.  
 12 MS. CENAR: You can't answer --  
 13 MR. GOULD: He said --  
 14 MS. CENAR: -- that generally.  
 15 THE DEPONENT: You said what?  
 16 MR. GOULD: What are you telling him?  
 17 MS. CENAR: If you have a specific  
 18 instance you'd like him to address --  
 19 MR. GOULD: I said "generally," was  
 20 the question. He said he's done it.  
 21 MS. CENAR: I object to the form.  
 22 It's vague. It's ambiguous.  
 23 MR. GOULD: No. You're saying that.  
 24 It isn't any of those things.  
 25 ///

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1 BY MR. GOULD:  
 2 Q. You understand the question.  
 3 Repeat the question for the witness.  
 4 (THE RECORD WAS READ AS FOLLOWS:  
 5 Q. And why didn't you get  
 6 clearance first?)  
 7 THE DEPONENT: I --  
 8 MS. CENAR: Same objections.  
 9 THE DEPONENT: We were on Ruthless  
 10 Records; we were in 1992; and we were high school  
 11 kids; we had samplers and we sampled music.  
 12 BY MR. GOULD:  
 13 Q. But you sample music without -- not as  
 14 a high school kid.  
 15 A. You asked me the question.  
 16 Q. Now I'm asking you a different  
 17 question.  
 18 A. But I didn't --  
 19 MS. CENAR: He hasn't finished his  
 20 answer.  
 21 THE DEPONENT: I didn't finish the  
 22 answer.  
 23 BY MR. GOULD:  
 24 Q. Granted.  
 25 A. I didn't finish the answer.

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1 Q. Finish your answer.  
 2 A. So when we were signed with Ruthless  
 3 Records in 1992, we had a samples -- samplers.  
 4 That's how we made our music back then.  
 5 And hip-hop -- the Turtles hadn't --  
 6 the Turtles just sued De La Soul, and that suit it  
 7 wasn't -- you know, that, you know, practice  
 8 wasn't -- wasn't normalized as far as clearing --  
 9 clearance and stuff like that.  
 10 BY MR. GOULD:  
 11 Q. It's been normalized for the last few  
 12 years, hasn't it?  
 13 A. No, you asked me -- you asked me a  
 14 question, when did I sample and not clear it, and I  
 15 told you that was in 1992 when we were on Ruthless.  
 16 Q. But the fact of matter is you have  
 17 taken other people's music and not gotten it cleared  
 18 within the last three or four years --  
 19 MS. CENAR: Objection --  
 20 BY MR. GOULD:  
 21 Q. -- isn't that true?  
 22 MS. CENAR: -- form, foundation.  
 23 You can answer that question to the  
 24 extent that you don't reveal communications you've  
 25 had --

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1 MR. GOULD: We -- we covered that --  
 2 MS. CENAR: -- with your counsel.  
 3 MR. GOULD: -- in the instructions.  
 4 MS. CENAR: To the extent you can  
 5 answer that question without revealing conversations  
 6 you've had with your lawyer, you may do so.  
 7 If you have to reveal communications  
 8 with your counsel in order to answer that question,  
 9 then I instruct you not to answer.  
 10 THE DEPONENT: Okay. I'll listen to  
 11 her.  
 12 BY MR. GOULD:  
 13 Q. What did she say? I wasn't --  
 14 MS. CENAR: He's been --  
 15 MR. GOULD: What did he say?  
 16 MS. CENAR: -- instructed not to  
 17 answer --  
 18 MR. GOULD: Not to answer that  
 19 question?  
 20 MS. CENAR: -- on the grounds of  
 21 privilege.  
 22 MR. GOULD: All right. Would you  
 23 repeat the question, please.  
 24 (THE RECORD WAS READ AS FOLLOWS:  
 25 Q. It's been normalized for

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1 the last few years, hasn't it?)  
 2 MR. GOULD: Repeat the next  
 3 question --  
 4 (THE RECORD WAS READ AS FOLLOWS:  
 5 Q. But the fact...)  
 6 MR. GOULD: -- or the question before  
 7 that.  
 8 (THE RECORD WAS READ AS FOLLOWS:  
 9 Q. But you sample music  
 10 without -- not as a high school  
 11 kid.  
 12 A. You asked me the question.  
 13 Q. Now I'm asking you a  
 14 different question.  
 15 A. But I didn't --  
 16 MS. CENAR: He hasn't finished  
 17 his answer.)  
 18 MR. GOULD: All right. Forget the  
 19 whole thing.  
 20 BY MR. GOULD:  
 21 Q. You -- it's a fact, isn't it, sir,  
 22 that you as a professional artist have sampled music,  
 23 used it in your own music, without getting it cleared  
 24 within the last three years?  
 25 MS. CENAR: Objection --

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1 BY MR. GOULD:  
 2 Q. You have done that?  
 3 MS. CENAR: Objection to form,  
 4 foundation.  
 5 And you can answer the question to the  
 6 extent you can without revealing communications with  
 7 your lawyer.  
 8 MR. GOULD: That's like a code not to  
 9 answer the question.  
 10 THE DEPONENT: Yeah.  
 11 (SPEAKING SIMULTANEOUSLY.)  
 12 MS. CENAR: If you can answer --  
 13 MR. GOULD: It's a code.  
 14 MS. CENAR: -- that question --  
 15 MR. GOULD: Counselor, he's telling  
 16 you that --  
 17 MS. CENAR: If you can answer that --  
 18 MR. GOULD: Listen --  
 19 MR. HERTZ: You can admonish me all  
 20 you like.  
 21 MR. GOULD: You're here as a guest.  
 22 MR. HERTZ: That's correct. You can  
 23 admonish me all you like. I'm here at --  
 24 MR. GOULD: You are here to drink  
 25 coffee. You did not file an appearances in the case;

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1 okay? So just be quiet.  
 2 MR. HERTZ: I think we should break  
 3 for lunch.  
 4 MR. GOULD: No, I want an answer to  
 5 the question.  
 6 MS. CENAR: I'm going to finish --  
 7 MR. GOULD: Nobody's hungry.  
 8 MS. CENAR: -- my instruction and then  
 9 we'll break for lunch.  
 10 BY MR. GOULD:  
 11 Q. Nobody's hungry.  
 12 I want an answer to the question,  
 13 rather than lawyers telling you not to answer the  
 14 question.  
 15 A. I'm not going to answer that.  
 16 MS. CENAR: You are instructed not to  
 17 answer the question on the grounds of privilege.  
 18 THE DEPONENT: I'm not going to answer  
 19 that question.  
 20 MS. CENAR: It's time to break for  
 21 lunch.  
 22 BY MR. GOULD:  
 23 Q. Isn't it a fact -- sir, isn't it a  
 24 fact that at least on multiple occasions, you have  
 25 taken other people's music and used it as your own

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1 without getting clearance?  
 2 You've done that intentionally; isn't  
 3 that a fact?  
 4 MS. CENAR: Same objection.  
 5 MR. GOULD: You're instructing him not  
 6 to answer that question?  
 7 MS. CENAR: Same instruction.  
 8 We're breaking for lunch.  
 9 BY MR. GOULD:  
 10 Q. And you, in fact, have paid money to  
 11 people against whom you've done that, knowingly paid  
 12 them money for taking their music.  
 13 You've done that repeatedly; isn't  
 14 that true?  
 15 MS. CENAR: Same objection; same  
 16 instruction.  
 17 BY MR. GOULD:  
 18 Q. You know that the -- the process of  
 19 getting other people's music and sampling it without  
 20 getting clearance, wouldn't you agree with me that  
 21 that is wrong?  
 22 MS. CENAR: Objection; form,  
 23 foundation.  
 24 And you can answer the question to  
 25 the extent you don't reveal communications with your

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1 lawyers.  
 2 If you can't answer that question  
 3 without revealing conversations with your lawyers,  
 4 you're instructed not to answer that question.  
 5 BY MR. GOULD:  
 6 Q. You can't -- can you answer that  
 7 question?  
 8 A. I listen to her.  
 9 Q. So you understand her to be telling  
 10 you not to answer the question; is that right?  
 11 MS. CENAR: He's been instructed --  
 12 MR. GOULD: No. No. No. I'm asking  
 13 him a question. Stop your speaking objections.  
 14 THE DEPONENT: I'll listen to her.  
 15 MS. CENAR: I've instructed --  
 16 BY MR. GOULD:  
 17 Q. You'll listen her and not answer the  
 18 question; is that right?  
 19 A. Yes.  
 20 Q. Okay. You have between now and the  
 21 trial to think up a good answer; okay? Some day  
 22 you'll answer that question.  
 23 MS. CENAR: On that note --  
 24 MR. HERTZ: Oh, my God.  
 25 MS. CENAR: -- we're breaking for

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1 lunch.  
 2 THE VIDEOGRAPHER: This is the end of  
 3 Media Number One in the deposition of William Adams  
 4 in the matter of "Bryan Pringle v. William Adams,  
 5 Jr., et al."  
 6 We are now going off the record. The  
 7 time is 12:20 p.m.  
 8 (WHEREUPON, A LUNCHEON RECESS WAS  
 9 HELD FROM 12:20 P.M. TO 2:15 P.M.)  
 10 ///  
 11 ///  
 12 ///  
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1 BEVERLY HILLS, CALIFORNIA, MONDAY  
 2 JULY 25, 2011  
 3 2:15 p.m.  
 4  
 5 THE VIDEOGRAPHER: This is the  
 6 beginning of Media Number Two in the deposition of  
 7 William Adams in the matter of "Bryan Pringle v.  
 8 William Adams, et al."  
 9 We are now going back on the record.  
 10 The time is 2:15 p.m.  
 11 MR. GOULD: Before we start, could you  
 12 give me a readout in terms of how much live time we  
 13 have spent actually at the deposition asking  
 14 questions and giving answers.  
 15 DEPOSITION OFFICER: I defer to our  
 16 videographer who's keeping time.  
 17 THE VIDEOGRAPHER: The actual run time  
 18 of the video was one hour and ten minutes.  
 19 MR. GOULD: Okay. For the record,  
 20 under the rules I have up to seven hours.  
 21 The fact that we have spent an hour  
 22 and ten minutes in the deposition certainly wasn't  
 23 our fault. Not that I'm blaming anybody. It's just  
 24 a fact.  
 25 And if we don't finish the deposition,

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1 then I will ask to finish the deposition at another  
 2 time. But I think I will need seven hours.  
 3 MS. CENAR: We're here until you  
 4 finish.  
 5 MR. GOULD: And I'm not necessarily  
 6 prepared to spend the evening here. That's six more  
 7 hours to go if we go at this pace. I'm not staying  
 8 here until 10:00 o'clock tonight.  
 9 THE DEPONENT: Whatever it takes.  
 10 MR. GOULD: Whatever it takes.  
 11 MS. CENAR: We're here. We're not  
 12 coming back. And we'll address the issue --  
 13 MR. GOULD: Okay. Fine.  
 14 MS. CENAR: -- of the seven hours,  
 15 which you know is contrary to the rule and the law,  
 16 but we'll address that with the Court.  
 17 MR. GOULD: We'll ask the court.  
 18 MS. CENAR: Please ask your questions  
 19 of this witness so that you no longer take up this  
 20 witness's time.  
 21 Ask your questions.  
 22 THE DEPONENT: Can we be a little --  
 23 try our best to be nice?  
 24 BY MR. GOULD:  
 25 Q. Yeah. Absolutely.

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1 A. Okay.  
 2 Q. I'm a really nice guy naturally.  
 3 A. Yeah.  
 4 Q. So for some reason, if you think  
 5 otherwise, there's some reason for it because I am a  
 6 nice guy. One thing I am is a nice guy.  
 7 You're a great singer and artist; I'm  
 8 a nice guy.  
 9 Q. Okay. Let's go.  
 10 A. Okay. Let's go.  
 11 Q. All right. Would you tell me what  
 12 "sampling" means to you in hip-hop?  
 13 A. Sampling in hip-hop, you have certain  
 14 equipment -- certain pieces of equipment that allow  
 15 you to -- let me -- let me name all of the equipment  
 16 that are samplers.  
 17 Q. Okay.  
 18 A. One of the samplers are SP 1200. It's  
 19 a very popular hip-hop sample.  
 20 Q. Okay.  
 21 A. DJ Premier made it famous; Pete Rock.  
 22 MPC 60, MPC 63,000, MPC 62,000, MPC 61,000 made  
 23 popular by a tribe called "Kai Stefan Kakai,"  
 24 De La Soul.  
 25 Then there's an Insonic keyboard

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1 sampler; all it does is sample.  
 2 Q. Right.  
 3 A. That Insonic samples sounds. It  
 4 doesn't create original sounds. It only samples  
 5 sounds.  
 6 So if a producer uses an Insonic  
 7 keyboard or ASR 10 or a producer is using an ASR 10  
 8 keyboard to make his beats, that keyboard is a  
 9 sampler. It has no data whatsoever. It doesn't have  
 10 any sense -- a virtual sense in it; it's just a  
 11 sampler.  
 12 So what sampler means to hip-hop is to  
 13 take sounds, sample, manipulate, and reconfigure them  
 14 to make songs.  
 15 Q. When you do that -- when -- when  
 16 you -- I don't mean you personally.  
 17 But just generally when somebody  
 18 samples in hip-hop, they typically get a clearance  
 19 from the --  
 20 A. Nope.  
 21 Sometimes -- sometimes you could  
 22 sample a guitarist; sometimes you could sample a  
 23 bass -- right? -- because you want it to be perfect.  
 24 So you don't necessarily -- a sampler  
 25 isn't just used to sample records. That wasn't what

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1 it was intended on using. People used it for that.  
 2 But usually a sample was like, "Hey,  
 3 let me sample your voice so I can manipulate it."  
 4 "Let me sample just a snare." "Let me sample the  
 5 kick" (indicating).  
 6 "Let me sample the high hats or  
 7 open" -- right? -- "or the ramp or the shaker"  
 8 (indicating).  
 9 Q. How about if somebody samples and  
 10 takes original music from another song --  
 11 A. That's the -- that's the -- that's  
 12 the --  
 13 MS. CENAR: Let him finish his  
 14 question.  
 15 BY MR. GOULD:  
 16 Q. -- and takes that music from a -- from  
 17 a song that's copyrighted and takes it and puts it in  
 18 their own song without getting any clearance?  
 19 That's wrong, isn't it?  
 20 MS. CENAR: Objection; form,  
 21 foundation.  
 22 THE DEPONENT: No, that's not wrong.  
 23 BY MR. GOULD:  
 24 Q. Why is it not wrong?  
 25 A. It all depends on the -- on the -- on

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1 the other party, if they -- like James Brown's been  
 2 sampled a whole bunch of times. Michael Jackson,  
 3 Prince. Prince hasn't cleared his samples. Earth,  
 4 Wind & Fire, Antonio Carlos Jobim; right?  
 5 Music has been sampled; right? It's  
 6 not wrong.  
 7 Q. So as far as you're concerned, it's  
 8 appropriate and proper for an artist to take music  
 9 from another song --  
 10 A. Yes.  
 11 Q. -- that's original to that --  
 12 MS. CENAR: Let him finish.  
 13 THE DEPONENT: Okay.  
 14 BY MR. GOULD:  
 15 Q. -- original to that song that happens  
 16 to be copyrighted, and take it and place it in his  
 17 own song? That's proper for you?  
 18 MS. CENAR: Objection to the form.  
 19 THE DEPONENT: Yes.  
 20 BY MR. GOULD:  
 21 Q. And, in fact, you do that on a regular  
 22 basis, isn't that true --  
 23 (SPEAKING SIMULTANEOUSLY.)  
 24 MS. CENAR: Objection; form --  
 25 ///

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1 BY MR. GOULD:  
 2 Q. -- sample the way I've just described  
 3 it?  
 4 MS. CENAR: -- foundation.  
 5 THE DEPONENT: Every song on the radio  
 6 does that.  
 7 BY MR. GOULD:  
 8 Q. You do that, though?  
 9 A. Every song --  
 10 MS. CENAR: Objection; form --  
 11 THE DEPONENT: -- on the radio is like  
 12 that.  
 13 MS. CENAR: -- foundation.  
 14 BY MR. GOULD:  
 15 Q. You do it, correct?  
 16 MS. CENAR: Objection.  
 17 BY MR. GOULD:  
 18 Q. You sample music that appears in other  
 19 people's songs that are copyrighted, and you use that  
 20 in your own music.  
 21 You do that?  
 22 A. Sometimes, yes.  
 23 Q. Okay. And how often do you get a  
 24 clearance?  
 25 What circumstances do -- is there a

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1 situation where you get a clearance from the  
 2 copyright owner or do it without the copyright  
 3 owner's knowledge?  
 4 MS. CENAR: Objection; form,  
 5 foundation.  
 6 And you can answer that question to  
 7 the extent you can without revealing communications  
 8 with your counsel.  
 9 MR. GOULD: We did that early on.  
 10 You say to be nice; okay?  
 11 I did that at the beginning of the  
 12 deposition. I don't want attorney-client  
 13 information.  
 14 You want me to say it ten times?  
 15 There's a reason why you're instructing the witness  
 16 to answer certain questions.  
 17 That is wrong. It's a speaking  
 18 objection. It's wrong. You're telegraphing things  
 19 to the witness. It's wrong. Don't do it again,  
 20 please.  
 21 MS. CENAR: You heard my instruction.  
 22 MR. GOULD: We'll take that up with  
 23 the judge.  
 24 MS. CENAR: Would you like to have the  
 25 question read back, sir?

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1 THE DEPONENT: No.  
 2 MS. CENAR: Okay.  
 3 BY MR. GOULD:  
 4 Q. All right. Would you answer --  
 5 Read the question.  
 6 I want it read back, please. And --  
 7 and then I'm going to ask the witness to answer the  
 8 question.  
 9 (THE RECORD WAS READ AS FOLLOWS:  
 10 Q. Okay. And how often do you  
 11 get clearance? Or what circumstances  
 12 do -- is there a situation where  
 13 you get a clearance from the  
 14 copyright owner or do it without  
 15 the copyright owner's knowledge?)  
 16 BY MR. GOULD:  
 17 Q. You can answer the question.  
 18 MS. CENAR: Same objections.  
 19 BY MR. GOULD:  
 20 Q. You can answer the question.  
 21 A. Oh. I'm not going to answer that.  
 22 Q. She's not instructing you not to  
 23 answer the question.  
 24 Would you tell him you're not  
 25 instructing the witness not to answer the question?

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1 MS. CENAR: He has my instruction and  
 2 he's instructed that --  
 3 MR. GOULD: Okay. Certify this --  
 4 MS. CENAR: -- to the extent that he  
 5 can answer the question --  
 6 MR. GOULD: We'll take this in front  
 7 of the judge. This particular episode we'll take in  
 8 front of the judge.  
 9 I'm saying that it's clearly a code  
 10 and you're telling the witness not to answer a  
 11 question.  
 12 This does not call for attorney-client  
 13 privilege. He hears that and then he doesn't want to  
 14 answer a clear question.  
 15 Repeat the question one more time.  
 16 THE DEPONENT: I know the question.  
 17 BY MR. GOULD:  
 18 Q. No, I want it repeated. I have a  
 19 reason to do it.  
 20 A. Okay.  
 21 Q. That's my job.  
 22 Repeat the question.  
 23 And if the judge overrules that, the  
 24 witness -- we will request the witness to come back  
 25 and answer --

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1 A. That's okay.  
 2 Q. -- any of these instructions a second  
 3 time.  
 4 A. Okay. No problem.  
 5 Q. Okay.  
 6 (THE RECORD WAS READ AS FOLLOWS:  
 7 Q. Okay. And how often do you  
 8 get clearance? Or what circumstances  
 9 do -- is there a situation where  
 10 you get a clearance from the  
 11 copyright owner or do it without  
 12 the copyright owner's knowledge?)  
 13 MS. CENAR: Same objection; same  
 14 instruction.  
 15 BY MR. GOULD:  
 16 Q. Refuse to answer the question?  
 17 MS. CENAR: Are you going to follow  
 18 your counsel's instruction?  
 19 THE DEPONENT: I'm going to follow my  
 20 counsel's instruction.  
 21 BY MR. GOULD:  
 22 Q. Okay. All right. Have you ever heard  
 23 of the song "Voodoo Doll"?  
 24 A. Yes.  
 25 Q. All right. Did you participate in the

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1 writing or the musical part of "Voodoo Doll"?  
 2 A. Not the musical part.  
 3 Q. Vocals?  
 4 A. Yes.  
 5 Q. All right. Do you have the ability to  
 6 write music?  
 7 A. Yes.  
 8 Q. All right. Could you have written the  
 9 music to "I Gotta Feeling"?  
 10 MS. CENAR: Objection; form.  
 11 THE DEPONENT: Yes.  
 12 BY MR. GOULD:  
 13 Q. Okay. And could you have written the  
 14 music to "Voodoo Dolls"?  
 15 A. Yes.  
 16 MS. CENAR: Same objection.  
 17 BY MR. GOULD:  
 18 Q. All right. And is there a reason why  
 19 you just wrote the lyrics?  
 20 A. Because that's all I -- you know, that  
 21 came first.  
 22 Q. Who in the group did the music?  
 23 MS. CENAR: Objection to form.  
 24 THE DEPONENT: I don't know.  
 25 MR. DICKSTEIN: Objection;



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1 foundation.  
 2 MR. GOULD: Objection to form?  
 3 MS. CENAR: Yes. What song are you  
 4 referring to?  
 5 MR. GOULD: "Voodoo Doll."  
 6 BY MR. GOULD:  
 7 Q. Who in the group of The Black Eyed  
 8 Peas wrote or participated in the musical  
 9 composition, the musical part of that song?  
 10 A. It was a joint effort.  
 11 Q. By who?  
 12 A. By all parties.  
 13 Q. Who were the parties? Name them.  
 14 A. I don't have that information.  
 15 Q. Name them.  
 16 Who are the parties in The Black Eyed  
 17 Peas who wrote the music --  
 18 (SPEAKING SIMULTANEOUSLY.)  
 19 THE DEPONENT: I don't have that --  
 20 BY MR. GOULD:  
 21 Q. -- to the song?  
 22 A. I don't have that information.  
 23 Q. So you're testifying that -- did the  
 24 Black Eyed Peas write the music?  
 25 A. No, because that's not a Black Eyed

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1 Peas song, sir.  
 2 Q. Where did the song come?  
 3 A. You should know that if you're asking  
 4 me the question.  
 5 Q. Don't worry about what I know and  
 6 don't know.  
 7 (SPEAKING SIMULTANEOUSLY.)  
 8 THE DEPONENT: It wasn't --  
 9 BY MR. GOULD:  
 10 Q. I'm not being rude. I'm just telling  
 11 you --  
 12 A. That wasn't a Black Eyed Peas song.  
 13 Q. -- don't be concerned.  
 14 A. That wasn't a Black Eyed Peas song and  
 15 The Black Eyed Peas --  
 16 Q. Did they perform it?  
 17 A. No, The Black Eyed Peas did not  
 18 perform that song.  
 19 Q. Just Fergie?  
 20 A. Just Fergie.  
 21 Q. All right. Did you have anything to  
 22 do with that song?  
 23 A. Yes, I wrote the top line.  
 24 Q. All right. Did you have anything to  
 25 do with the song "Party All The Time"?

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1 A. Yes, I did.  
 2 Q. All right. What role did you have in  
 3 that song?  
 4 A. Wrote the song, produced the song.  
 5 Q. Did you have anything to do with the  
 6 music of the song?  
 7 A. Some of it.  
 8 Q. Okay. What did you do in connection  
 9 with the music?  
 10 A. I wrote a portion of it.  
 11 Q. Okay. Do you remember what portion?  
 12 If I played the song to you, would you remember what  
 13 portion you wrote?  
 14 A. Yes.  
 15 Q. Okay. Was it the -- having to do with  
 16 the hook of that song?  
 17 MS. CENAR: Objection; form.  
 18 THE DEPONENT: Depends what you mean  
 19 by hook.  
 20 BY MR. GOULD:  
 21 Q. Well, what do you mean by hook?  
 22 A. The hook is the vocal, the chorus.  
 23 Q. Okay. Do you consider music to be  
 24 part of the hook, potentially?  
 25 A. Sometimes.

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1 Q. The musical accompaniment --  
 2 A. Sometimes.  
 3 Q. -- to --  
 4 A. Sometimes.  
 5 Q. Sometimes?  
 6 A. Sometimes.  
 7 Q. And, in fact, the hook in "I Gotta  
 8 Feeling" is comprised of both music and words; isn't  
 9 that correct?  
 10 MS. CENAR: Objection to the form.  
 11 THE DEPONENT: Yes, that's correct.  
 12 BY MR. GOULD:  
 13 Q. Okay. And who else participated in  
 14 the musical composition of "Party All The Time"?  
 15 A. The ensemble. I don't know all of  
 16 that information offhand.  
 17 Q. When you say "the ensemble," who does  
 18 that refer to?  
 19 A. All the parties that -- that are  
 20 listed in the -- in the -- the splits.  
 21 Q. Who in The Black Eyed Peas  
 22 participated in writing the music to "Party All The  
 23 Time"?  
 24 MS. CENAR: Objection; form.  
 25 THE DEPONENT: It all depends on

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1 your -- The Black Eyes Peas isn't just the four  
 2 members of the Peas. There's -- we have guitarists,  
 3 bass players, you know, keyboards.  
 4 BY MR. GOULD:  
 5 Q. I'm talking about the four people  
 6 that --  
 7 A. I don't know that offhand.  
 8 Sorry.  
 9 Q. Do you guys typically write your own  
 10 music for your songs?  
 11 MS. CENAR: Objection to the form.  
 12 MR. DICKSTEIN: Objection; form.  
 13 BY MR. GOULD:  
 14 Q. Do you guys typically -- generally  
 15 speaking, do you write your own music or does  
 16 somebody else do that?  
 17 A. No. We -- we -- we write the majority  
 18 of our material.  
 19 Q. All right. So "I Gotta Feeling" was  
 20 an exception?  
 21 MS. CENAR: Objection to form.  
 22 THE DEPONENT: See, that's why I said  
 23 the majority of the material.  
 24 BY MR. GOULD:  
 25 Q. Right.

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1 And I'm asking -- telling you to  
 2 say -- the majority of the opinion you do the musical  
 3 part.  
 4 You've already said that you didn't do  
 5 the musical part for "I Gotta Feeling" --  
 6 MS. CENAR: Let him finish.  
 7 BY MR. GOULD:  
 8 Q. -- and I'm asking you to just  
 9 acknowledge that that's an exception to what you  
 10 generally do.  
 11 MS. CENAR: Objection to the form.  
 12 THE DEPONENT: Yeah, but it's the  
 13 way --  
 14 MS. CENAR: Move to strike Counsel's  
 15 colloquy.  
 16 THE DEPONENT: -- the way -- you're  
 17 asking it -- asking the question and have no  
 18 knowledge of how things come about.  
 19 BY MR. GOULD:  
 20 Q. I'm not asking that.  
 21 A. Yes, you are.  
 22 So the way you're wording the question  
 23 is not how the world of music works.  
 24 Q. Well, how does the world of music work  
 25 to you in terms of my question?

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1 A. So your question is --  
 2 MS. CENAR: Objection to the form.  
 3 THE DEPONENT: Your question was "Is  
 4 that how it usually works?"  
 5 BY MR. GOULD:  
 6 Q. For you, for The Black Eyed Peas.  
 7 A. I said --  
 8 Q. Do you usually write your music?  
 9 A. -- sometimes we do the majority of  
 10 it.  
 11 Q. And sometimes you don't?  
 12 A. It all depends on the song, sir.  
 13 Q. And sometimes you don't; correct?  
 14 A. All depends on the song.  
 15 Q. All right. And in The Black Eyed --  
 16 in the "I Gotta Feeling" song, you didn't write the  
 17 music; correct?  
 18 A. David Guetta did.  
 19 Q. David Guetta did?  
 20 A. Yes.  
 21 Q. And you don't know whether  
 22 Mr. Riesterer did; correct?  
 23 A. I don't have any clue on how it was  
 24 split up.  
 25 Q. How do you know that David Guetta

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1 wrote the music?  
 2 A. I don't.  
 3 Q. Right. He could have gotten it from  
 4 somewhere else? You wouldn't know one way or the  
 5 other; correct?  
 6 A. This is true.  
 7 Q. All right. He could have sampled it  
 8 from somewhere else and never told anybody; correct?  
 9 MS. CENAR: Objection; form,  
 10 foundation --  
 11 (SPEAKING SIMULTANEOUSLY.)  
 12 THE DEPONENT: Yes and no.  
 13 MS. CENAR: -- assumes facts.  
 14 DEPOSITION OFFICER: Hang on.  
 15 What we're doing is all talking at the  
 16 same time again, and I can't --  
 17 THE DEPONENT: I'm sorry.  
 18 MS. CENAR: You have to give me an  
 19 opportunity to lodge my objections.  
 20 THE DEPONENT: Okay.  
 21 MS. CENAR: You have to let him finish  
 22 his question --  
 23 THE DEPONENT: Okay.  
 24 MS. CENAR: -- because she can't take  
 25 all of us talking at one time.

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1 THE DEPONENT: I'm sorry.  
 2 MR. DICKSTEIN: And I'm going to join  
 3 those objections.  
 4 MR. GOULD: What objections are you  
 5 joining?  
 6 MR. DICKSTEIN: The ones that  
 7 Ms. Cenar just made.  
 8 MR. GOULD: What were those?  
 9 MS. CENAR: Form, foundation, and  
 10 assumes facts not in evidence -- knowingly assumes  
 11 facts not in evidence --  
 12 MR. GOULD: That's not correct.  
 13 MS. CENAR: -- and misrepresents the  
 14 evidence that you do have knowledge of.  
 15 MR. GOULD: What is this, a trial? I  
 16 mean, it's a deposition. I'm asking him questions.  
 17 That's all.  
 18 THE DEPONENT: Okay.  
 19 MS. CENAR: The questions have --  
 20 MR. GOULD: The fact finder --  
 21 MS. CENAR: -- to be proper.  
 22 MR. GOULD: -- will decide what facts  
 23 are in --  
 24 (TELEPHONIC INTERRUPTION IN PROCEEDINGS.)  
 25 MR. GOULD: -- and what are not.

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1 BY MR. GOULD:  
 2 Q. Okay. Can you answer the question?  
 3 DEPOSITION OFFICER: What's that?  
 4 MS. CENAR: I believe that was the  
 5 telephone.  
 6 MR. GOULD: Can you read back the  
 7 question for the witness.  
 8 (THE RECORD WAS READ AS FOLLOWS:  
 9 Q. All right. He could have  
 10 sampled it from somewhere else  
 11 and never told anybody; correct?)  
 12 BY MR. GOULD:  
 13 Q. Isn't that true, you wouldn't know one  
 14 way or another?  
 15 MS. CENAR: Objection; form,  
 16 foundation, assumes facts not in evidence.  
 17 BY MR. GOULD:  
 18 Q. You wouldn't know one way or other?  
 19 A. Yeah, I wouldn't know.  
 20 Q. All right. Now, how much did  
 21 Mr. Guetta get in terms of his percentage of the  
 22 splits?  
 23 A. I don't know.  
 24 Q. Was it about 50 percent?  
 25 A. I don't know.

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1 Q. All right. Let's assume it was  
 2 50 percent just as a hypothetical question; okay?  
 3 If he didn't actually write the music  
 4 but somebody else did, would you agree with me that  
 5 some -- and he never got clearance for a sample,  
 6 assuming it's a sample -- you'd agree with me that  
 7 that other person would be entitled to the royalties;  
 8 correct?  
 9 MS. CENAR: Objection; form,  
 10 foundation, assumes facts not in evidence.  
 11 BY MR. GOULD:  
 12 Q. It's a hypothetical question.  
 13 Can you answer the question, please?  
 14 MR. MCPHERSON: Calls for a legal  
 15 conclusion.  
 16 MS. CENAR: And calls for a legal  
 17 conclusion.  
 18 BY MR. GOULD:  
 19 Q. In your opinion.  
 20 A. I don't like operating on  
 21 hypotheticals.  
 22 Q. Well, unfortunately, I have a right to  
 23 ask you a hypothetical question so you have to answer  
 24 me.  
 25 A. I can give you a hypothetical answer.

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1 Q. No. Give me -- give me your answer to  
 2 the hypothetical question.  
 3 You see? You wanted people to behave.  
 4 I'm asking you a question.  
 5 A. I'm behaving --  
 6 Q. I'd like you to answer the question.  
 7 Read back the question.  
 8 MS. CENAR: You can answer the  
 9 question, if you can. If you can't, tell him you  
 10 can't answer the question.  
 11 BY MR. GOULD:  
 12 Q. If you can't answer it -- we are going  
 13 to read it back. If you can't answer the question,  
 14 then that will be your answer to that question in  
 15 this video deposition.  
 16 So would you repeat the question,  
 17 please.  
 18 (THE RECORD WAS READ AS FOLLOWS:  
 19 Q. All right. Let's assume it  
 20 was 50 percent just as a  
 21 hypothetical question; okay?  
 22 If he didn't actually write  
 23 the music but somebody else did,  
 24 would you agree with me that some --  
 25 if he never got clearance for a

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1 sample -- assuming it's a sample --  
 2 you would agree with me that that  
 3 other person would be entitled to  
 4 the royalties; correct?)  
 5 BY MR. GOULD:  
 6 Q. You can answer that question, can't  
 7 you?  
 8 MS. CENAR: Same objections; form,  
 9 foundation.  
 10 THE DEPONENT: I don't -- it all  
 11 depends. I don't know.  
 12 BY MR. GOULD:  
 13 Q. What would it depend on?  
 14 Someone else wrote the music. He took  
 15 it or stole it from someone else. That's the  
 16 hypothetical; okay?  
 17 Wouldn't you agree with me that the  
 18 other person whose music was taken by Mr. Guetta,  
 19 should be entitled to the money that Mr. Guetta  
 20 received if he didn't write it?  
 21 MS. CENAR: Objection; form,  
 22 foundation, assumes facts not in evidence.  
 23 MR. GOULD: That's why they call it a  
 24 hypo- --  
 25 MS. CENAR: Calls for a legal

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1 conclusion.  
 2 MR. GOULD: That's why they call it a  
 3 hypothetical.  
 4 BY MR. GOULD:  
 5 Q. Answer the hypothetical question, and  
 6 someday --  
 7 A. I don't --  
 8 Q. -- we'll prove the facts.  
 9 A. I don't know how to answer that.  
 10 MS. CENAR: Okay.  
 11 BY MR. GOULD:  
 12 Q. You can't answer the hypothetical?  
 13 A. I don't know how to.  
 14 Q. Okay. What did Guetta -- did Guetta  
 15 get money for writing the music?  
 16 MR. DICKSTEIN: Objection; form.  
 17 MS. CENAR: Same objections.  
 18 MR. GOULD: What's wrong with that  
 19 form? The money?  
 20 (SPEAKING SIMULTANEOUSLY.)  
 21 MR. DICKSTEIN: Compound.  
 22 MS. CENAR: Calls for speculation.  
 23 MR. GOULD: What are you asking?  
 24 MR. DICKSTEIN: What music are we  
 25 talking about?

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1 DEPOSITION OFFICER: Counsel, can  
 2 you please --  
 3 MR. GOULD: "I Gotta Feeling"  
 4 THE DEPONENT: I don't -- I don't. I  
 5 don't know how to answer that.  
 6 BY MR. GOULD:  
 7 Q. You don't know if Guetta got money for  
 8 writing the music for "I Gotta Feeling"?  
 9 MS. CENAR: Objection; form,  
 10 foundation.  
 11 THE DEPONENT: I really -- I don't  
 12 know. I don't know his business. I don't know.  
 13 BY MR. GOULD:  
 14 Q. That's your answer?  
 15 A. I don't know.  
 16 Q. And if you were going to answer -- at  
 17 trial, your answer would remain the same --  
 18 A. I would say --  
 19 Q. -- you don't know?  
 20 A. I would say, "I don't know." I would  
 21 have to ask David Guetta, because I never talked to  
 22 him about that.  
 23 Q. Okay. Now, in terms of the song  
 24 "Shut The Phunk Up," P-h-u-n-k, "Shut the Phunk Up,"  
 25 who wrote that song?

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1 A. The Black Eyed Peas performed it. I  
 2 wrote it -- I wrote a portion of it. And that  
 3 particular song was a remix of our song "Shut Up."  
 4 Q. Who wrote the music?  
 5 A. Of "Shut Up" or "Shut --  
 6 Q. Of "Shut The Phunk Up."  
 7 A. -- "The Phunk Up"?  
 8 MS. CENAR: Objection; form.  
 9 THE DEPONENT: George Clinton.  
 10 BY MR. GOULD:  
 11 Q. George Clinton wrote the music?  
 12 A. Uh-huh.  
 13 Q. All right. Was that a "Yes"?  
 14 A. Yes.  
 15 Q. Did you get that cleared from  
 16 George Clinton?  
 17 A. The first time, yes.  
 18 Q. When?  
 19 A. When we released the re- -- the remix  
 20 of it.  
 21 Q. All right. And do you have a piece of  
 22 paper that reflects the -- the approval of the  
 23 clearance --  
 24 MS. CENAR: Objection --  
 25 ///

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1 BY MR. GOULD:  
 2 Q. -- giving you the clearance?  
 3 MS. CENAR: -- form.  
 4 BY MR. GOULD:  
 5 Q. Do you have a piece of paper --  
 6 A. I don't have --  
 7 Q. -- that reflects that?  
 8 A. -- that with me. I don't know. I  
 9 don't know where that's at.  
 10 Q. Okay. So is it your testimony that  
 11 you received a clearance from George Clinton for  
 12 writing the music for "Shut the Phunk Up"? Is that  
 13 your testimony?  
 14 A. Yes.  
 15 MS. CENAR: Objection to form,  
 16 foundation.  
 17 BY MR. GOULD:  
 18 Q. You've answered.  
 19 MR. MCPHERSON: Could I clarify  
 20 something, Counsel? When you say "you" are you  
 21 referring to Mr. Adams personally?  
 22 MR. GOULD: Mr. Adams or The Black  
 23 Eyed Peas.  
 24 Thank you.  
 25 MR. MCPHERSON: Well, he -- I think

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1 that would call for speculation as to the other Peas,  
 2 but I'm just asking if you're asking him "he"  
 3 personally.  
 4 MR. GOULD: Well, it might not  
 5 call for speculation. If he knows. It doesn't  
 6 automatically call for speculation.  
 7 MR. MCPHERSON: Counsel, I don't want  
 8 to argue with you. What I'm asking you --  
 9 MR. GOULD: Well, it doesn't call for  
 10 speculation.  
 11 MR. MCPHERSON: What I am asking you  
 12 is, when you have ask, "Are you -- did you get  
 13 clearance?" do you mean him personally?  
 14 MR. GOULD: That's a proper point;  
 15 okay? So let's go back over it.  
 16 BY MR. GOULD:  
 17 Q. You wrote "Shut The Phunk Up," but the  
 18 music you got from George Clinton; correct?  
 19 A. "Shut Up" was the original song that I  
 20 wrote for The Black Eyed Peas. And then we released  
 21 a remix and we sampled George Clinton and got  
 22 clearance for that.  
 23 Q. All right. Why did you get clearance?  
 24 Why didn't you just sample it and not get clearance?  
 25 What caused you to get -- you or

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1 anyone else in The Black Eyed Peas to get  
 2 clearance?  
 3 MS. CENAR: Objection; form,  
 4 foundation, calls for a legal conclusion.  
 5 You can answer the question to the  
 6 extent you can without revealing communications with  
 7 your counsel.  
 8 MR. GOULD: Here we go again.  
 9 What's the legal conclusion?  
 10 MS. CENAR: If your answer is going to  
 11 cause you to reveal communications with your lawyers,  
 12 you're instructed not to answer.  
 13 MR. GOULD: Yeah. And I'm certifying  
 14 that question, too. And I'm saying that when you do  
 15 that, you are telegraphing the answer to the witness.  
 16 And that's a repeated pattern that  
 17 you've used in the depositions and you're doing it  
 18 today and it's perfectly obvious and it's wrong.  
 19 Now, repeat the question, please.  
 20 It doesn't call for a legal  
 21 conclusion, clearly, unless you'd like to elucidate  
 22 and tell us what's the legal conclusion that is  
 23 embedded in the question.  
 24 Repeat the question, please.  
 25 ///

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1 (THE RECORD WAS READ AS FOLLOWS:  
 2 Q. All right. Why did you get  
 3 clearance? Why didn't you just  
 4 sample it and not get clearance?  
 5 What caused you to get -- you or  
 6 anyone else in The Black Eyed  
 7 Peas to get clearance?)  
 8 MR. MCPHERSON: Objection; compound  
 9 and unintelligible.  
 10 MS. CENAR: Right. Same objections;  
 11 same instruction.  
 12 BY MR. GOULD:  
 13 Q. You can answer the question if you  
 14 can. She's not instructing you not to answer the  
 15 question.  
 16 MS. CENAR: I have given you my  
 17 instruction.  
 18 To the extent it calls for privileged  
 19 communications, you may not answer the question. To  
 20 the extent you can answer it without revealing  
 21 privileged communications, you can answer it to the  
 22 extent you understand it.  
 23 BY MR. GOULD:  
 24 Q. You can't answer the question?  
 25 A. I'm following what she said.

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1 Q. Okay. And I take it that if you were  
 2 at trial, you'd give the same answer --  
 3 MS. CENAR: And he'd get the same  
 4 instruction.  
 5 BY MR. GOULD:  
 6 Q. Is that right? Correct?  
 7 A. I'll get the same instruction.  
 8 Q. Okay. Now, did you get clearance from  
 9 Groundation or "Waterfall" for writing "Voodoo Doll"  
 10 and doing the music of "Voodoo" -- of "Voodoo  
 11 Doll"?  
 12 MS. CENAR: Objection; form,  
 13 foundation, and --  
 14 MR. GOULD: Attorney-client privilege?  
 15 MS. CENAR: -- you can answer that  
 16 question to the extent you --  
 17 MR. GOULD: Legal conclusion?  
 18 MS. CENAR: -- don't reveal  
 19 communications with your counsel because that's  
 20 privileged.  
 21 To the extent you can answer the  
 22 question without revealing communications with your  
 23 lawyers, you can answer it.  
 24 BY MR. GOULD:  
 25 Q. You're not answering?

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1 A. What she said.  
 2 Q. You'd like to answer, though, wouldn't  
 3 you?  
 4 A. What she said.  
 5 MS. CENAR: He's been instructed --  
 6 MR. GOULD: Not to answer.  
 7 MS. CENAR: -- not to reveal  
 8 privileged communications, Counsel. The instruction  
 9 stands.  
 10 BY MR. GOULD:  
 11 Q. Is the reason why you did not get  
 12 clearance have to do with an instruction from a  
 13 lawyer to you not to get clearance?  
 14 MS. CENAR: Objection; form,  
 15 foundation, and same instruction.  
 16 BY MR. GOULD:  
 17 Q. You can blame it on the lawyer.  
 18 Answer the question.  
 19 A. I'm following what she says.  
 20 Q. Okay. How many songs have The Black  
 21 Eyed Peas sampled without getting clearance in the  
 22 history of The Black Eyed Peas? Give me a number.  
 23 MS. CENAR: Objection; form.  
 24 MR. MCPHERSON: Objection;  
 25 foundation.

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1 MR. GOULD: We've got you now, too.  
 2 MR. DICKSTEIN: I'll join.  
 3 MR. GOULD: You, too?  
 4 BY MR. GOULD:  
 5 Q. You can answer.  
 6 A. What she said.  
 7 Q. She's not instructing you not to  
 8 answer the question.  
 9 MS. CENAR: There's an objection to  
 10 form.  
 11 Here's the question: "How many songs  
 12 have The Black Eyed Peas sampled without getting  
 13 clearance in the history of The Black Eyed Peas?"  
 14 MR. GOULD: Correct.  
 15 MS. CENAR: "Give me a number."  
 16 BY MR. GOULD:  
 17 Q. "Give me," correct. No  
 18 attorney-client privilege there.  
 19 A. I don't -- I don't -- I don't know.  
 20 Q. More than ten?  
 21 MS. CENAR: Same objection.  
 22 THE DEPONENT: I don't -- I don't  
 23 know. I don't know.  
 24 BY MR. GOULD:  
 25 Q. More than 20?

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1 MS. CENAR: Same objections.  
 2 THE DEPONENT: I have no idea.  
 3 BY MR. GOULD:  
 4 Q. Would you be shocked if the number was  
 5 more than 50?  
 6 MS. CENAR: Same objections.  
 7 THE DEPONENT: I don't know.  
 8 BY MR. GOULD:  
 9 Q. In fact, you have a pattern and  
 10 practice of sampling other people's music without  
 11 getting clearance.  
 12 That's a pattern and a practice; isn't  
 13 that right?  
 14 MS. CENAR: Objection to form,  
 15 foundation, assumes facts not in evidence.  
 16 BY MR. GOULD:  
 17 Q. You can answer.  
 18 She's not instructing you. There's no  
 19 instruction not to answer.  
 20 A. No, that's not a pattern.  
 21 Q. Okay. Pardon me?  
 22 A. No, it's not true.  
 23 Q. All right. How many -- about how many  
 24 songs have you sampled music and gotten a clearance?  
 25 "You" being you or the Black Eyed Peas.

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1 MR. MCPHERSON: Objection; foundation.  
 2 MS. CENAR: Objection to form and  
 3 foundation.  
 4 MR. GOULD: What's wrong with the  
 5 foundation?  
 6 MR. MCPHERSON: Counsel, I don't have  
 7 to tell you that.  
 8 MR. GOULD: Yeah, you do. I mean, as  
 9 a -- I think as a legal matter --  
 10 MR. MCPHERSON: Counsel --  
 11 MR. GOULD: -- the purpose of an  
 12 objection is to help the questioner rephrase the  
 13 question properly so we don't go in front of a  
 14 judge.  
 15 MS. CENAR: All right.  
 16 MR. GOULD: That's the reason. You've  
 17 been practicing long enough. You know that.  
 18 MS. CENAR: I'll --  
 19 MR. GOULD: So I'm asking you to give  
 20 me a basis for your objection. You can't just throw  
 21 out objections that have no basis.  
 22 I need to know what your basis is so I  
 23 can rephrase the question.  
 24 MR. MCPHERSON: Counsel, number one,  
 25 you want to take my deposition, you notice it, you

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1 subpoena me, and then we'll see the judge on it; all  
 2 right?  
 3 Otherwise --  
 4 MR. GOULD: Otherwise what?  
 5 MR. MCPHERSON: -- I'll state my  
 6 objection --  
 7 MR. GOULD: Okay.  
 8 MR. MCPHERSON: -- and you'll go on  
 9 with your question and you do whatever you like.  
 10 But if you can't ask a question that  
 11 makes sense, don't come to me looking to tell you how  
 12 to ask it.  
 13 MR. GOULD: What's wrong with the  
 14 question, so I can rephrase it now --  
 15 (SPEAKING SIMULTANEOUSLY.)  
 16 MR. GOULD: -- and we don't have to  
 17 go -- and we don't have to go to the judge.  
 18 MR. MCPHERSON: Well, number one,  
 19 Counsel, it lacks foundation that this gentleman is  
 20 responsible for getting clearances --  
 21 MR. GOULD: Who --  
 22 MR. MCPHERSON: -- and that he goes to  
 23 songwriters and says, "Excuse me, Mr. Songwriter, I'd  
 24 like to get clearance for my sample here."  
 25 Do you think any artist does that?

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1 How long have you been doing this?  
 2 MR. GOULD: Okay.  
 3 Repeat the question.  
 4 MS. CENAR: It's a compound --  
 5 MR. GOULD: Repeat the question.  
 6 MS. CENAR: -- question.  
 7 MR. GOULD: It's compound now?  
 8 MS. CENAR: It's compound.  
 9 MR. GOULD: Okay. Repeat the  
 10 question.  
 11 MS. CENAR: May I finish?  
 12 MR. GOULD: Really, we have heard  
 13 enough.  
 14 MS. CENAR: Do you not want to know  
 15 the basis of my objections?  
 16 MR. GOULD: No. Now I don't. Not  
 17 from you. I do from him, but not from you.  
 18 MS. CENAR: All right.  
 19 MR. GOULD: There's no basis --  
 20 MS. CENAR: My objection --  
 21 MR. GOULD: -- for any of your  
 22 objections.  
 23 MS. CENAR: My objection stands.  
 24 MR. GOULD: Okay. Would you repeat  
 25 the question.

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1 THE DEPONENT: Is there a way --  
 2 DEPOSITION OFFICER: Question --  
 3 THE DEPONENT: Sorry.  
 4 MS. CENAR: Wait. Because she can't  
 5 type and read at the same time.  
 6 (THE RECORD WAS READ AS FOLLOWS:  
 7 Q. All right. About how many  
 8 songs have you sampled music and  
 9 gotten a clearance? "You" being  
 10 you or the Black Eyed Peas.)  
 11 MS. CENAR: Same objections.  
 12 MR. MCPHERSON: Also calls for  
 13 speculation.  
 14 THE DEPONENT: Can you not wink at me?  
 15 BY MR. GOULD:  
 16 Q. I'm not winking at you.  
 17 A. You did it five times already.  
 18 Q. I'm trying to do this deposition  
 19 normally --  
 20 A. I know. I'm just --  
 21 Q. -- and ask a question; okay?  
 22 You started off by -- by saying that  
 23 we need to be --  
 24 A. Listen. I have a -- I have a  
 25 camera -- I have a camera looking at me in the

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1 face.  
 2 Q. Correct.  
 3 A. And everything that I'm saying, people  
 4 are going to judge me on how I'm behaving.  
 5 Q. That's very correct.  
 6 A. No.  
 7 But you're also antagonizing me and  
 8 giving me little winks and smirks. That's not fair.  
 9 Q. Excuse me? I'm not giving you --  
 10 A. There's not a camera aimed at you,  
 11 sir.  
 12 Q. -- winks and smirks.  
 13 MS. CENAR: Yes, you are.  
 14 MR. GOULD: Oh. I am, Ms. Cengar?  
 15 MS. CENAR: Yes, you are. And you're  
 16 being --  
 17 THE DEPONENT: That's not fair.  
 18 MS. CENAR: -- incredibly  
 19 unprofessional.  
 20 MR. GOULD: Your objections are  
 21 unprofessional; okay --  
 22 MS. CENAR: Would you please --  
 23 MR. GOULD: -- and we'll deal with  
 24 that some day.  
 25 MS. CENAR: -- let the witness --

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1 question the witness, please.  
 2 MR. GOULD: Yes. Thank you.  
 3 Would you play the song "Need a  
 4 Freak"?  
 5 MS. CENAR: I object to the lack of  
 6 foundation for the exhibit.  
 7 Do you have the foundation for the  
 8 exhibit and a copy for all of us so that we know the  
 9 origin of what it is?  
 10 MR. GOULD: We're going to play it,  
 11 we're going to state it, and then some day you can  
 12 make whatever objections you want.  
 13 MS. CENAR: Well, then I move to  
 14 strike for not being provided with a copy of the  
 15 exhibit --  
 16 MR. GOULD: That's okay.  
 17 MS. CENAR: -- having it be outside  
 18 the scope of the litigation --  
 19 MR. GOULD: Uh-huh.  
 20 MS. CENAR: -- and for there to be a  
 21 lack of foundation for the exhibit to provide an  
 22 opportunity -- adequate opportunity to object.  
 23 MR. GOULD: All right. Play "Voodoo  
 24 Doll."  
 25 MR. DICKSTEIN: Do you intend to

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1 provide us copies of this exhibit at this deposition?  
 2 MR. GOULD: Play "Voodoo Doll."  
 3 THE WITNESS: He wants to play "I Need  
 4 A Freak," the ba da dan nah nah (indicating).  
 5 MR. GOULD: Yeah, I'm going to play  
 6 you a different one; okay?  
 7 "Voodoo Doll."  
 8 MS. CENAR: Same objections.  
 9 MR. GOULD: State for the record where  
 10 it comes from and then we can deal with it in the  
 11 future.  
 12 MS. CENAR: Do you have a copy of  
 13 what -- exactly the file that is about to be played?  
 14 MR. GOULD: No.  
 15 MS. CENAR: Then I move to strike the  
 16 testimony.  
 17 MR. GOULD: That's okay.  
 18 MS. CENAR: And I move for lack of  
 19 foundation on the exhibit.  
 20 MR. GOULD: That's okay.  
 21 Would you play the song?  
 22 (BRIEF PAUSE IN PROCEEDINGS  
 23 WHILE MUSIC IS BEING PLAYED.)  
 24 MR. GOULD: All right. Mr. Greely,  
 25 would you tell us where you got that sound from?

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1 MS. CENAR: Objection.  
 2 MR. GOULD: You've already made your  
 3 objection. It's okay. It will be struck some day if  
 4 that's what you want; okay?  
 5 MR. GREELY: This is YouTube Video,  
 6 URL address: www.You Tube.com/watch, spelled out  
 7 w-a-t-c-h, question mark, b, equal sign, smj6,  
 8 capital L, A, capital N, capital K, lower case k,  
 9 capital F, and that's either a capital 0 or a zero.  
 10 The video is Fergie, "Voodoo Doll,"  
 11 uploaded by user "Fergie Fan Number 1" on  
 12 September 23rd, 2009.  
 13 BY MR. GOULD:  
 14 Q. Are you familiar with that song?  
 15 A. Uh-huh.  
 16 Q. Is the answer "Yes"?  
 17 A. Yes.  
 18 Q. Okay. Now --  
 19 MS. CENAR: I -- well, first of all, I  
 20 object on the Rule of Completeness. And I object to  
 21 lack of foundation, and I object on hearsay grounds  
 22 to the exhibit.  
 23 MR. GOULD: All right. Thank you.  
 24 Would you play the next song.  
 25 For the record, this is a part of a



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1 song called "Waterfall" by Groundation.  
 2 THE DEPONENT: Uh-huh.  
 3 (BRIEF PAUSE IN PROCEEDINGS  
 4 WHILE MUSIC IS BEING PLAYED.)  
 5 MR. GOULD: Okay. For the record --  
 6 for the record, Mr. Greely, would you identify where  
 7 you got that sound from.  
 8 MR. GREELY: This is a similar YouTube  
 9 video, URL address: www.YouTube.com, slash, watch,  
 10 w-a-t-c-h, question mark, V, equal sign, lower case  
 11 tw, upper case P, Number 9, lower case w, capital I,  
 12 capital X, lower case c, lower case o, capital I,  
 13 capital A.  
 14 The video is entitled "Groundation  
 15 Waterfall," uploaded by user name Demon Structie --  
 16 Structie, that's S-t-r-u-c-t-i-e, on February 25th,  
 17 2009.  
 18 BY MR. GOULD:  
 19 Q. All right. Does that music in both of  
 20 those songs -- whatever those songs are. Some day  
 21 we'll decide whether we can use this, not use it, or  
 22 what that music was.  
 23 Just take your song that sounded like  
 24 your song and the music that you just heard that we  
 25 say is part of "Waterfall Groundation," would you

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1 agree with me that it sounds virtually identical?  
 2 MS. CENAR: Objection.  
 3 MR. MCPHERSON: Objection.  
 4 MS. CENAR: -- form, foundation, and  
 5 hearsay with respect to the exhibits.  
 6 Objection to form, foundation, assumes  
 7 facts not in evidence, calls for expert analysis.  
 8 And move -- move to strike.  
 9 BY MR. GOULD:  
 10 Q. Just use your ears.  
 11 Doesn't the exhibit sound very, very  
 12 similar to you?  
 13 MS. CENAR: Same objections.  
 14 BY MR. GOULD:  
 15 Q. You can answer.  
 16 THE DEPONENT: Am I supposed to  
 17 answer?  
 18 MS. CENAR: If you can. If you --  
 19 MR. GOULD: The witness asked -- the  
 20 witness asked her --  
 21 MS. CENAR: -- you can't -- I mean, he  
 22 played three seconds of two different songs.  
 23 MR. GOULD: The witness -- the witness  
 24 just asked Ms. Cenar if he's allowed to answer.  
 25 There's no instruction not to answer.

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1 THE DEPONENT: Excuse me, sir.  
 2 BY MR. GOULD:  
 3 Q. Do you want me to play the music  
 4 again?  
 5 A. No, you don't have to do that. I just  
 6 wanted to --  
 7 Listen. I've never done this before.  
 8 I'm asking her direction.  
 9 Q. Okay.  
 10 A. So don't -- you can't fault me for  
 11 that.  
 12 Q. Unless she instructs you, you can  
 13 answer the questions.  
 14 A. You're a pro at this; I'm not. So I'm  
 15 asking her if I'm to answer it or if I'm not to.  
 16 Q. You're a pro as to the music. So I'm  
 17 asking you to agree with me that the music you heard  
 18 in both songs is very, very similar to your ear.  
 19 A. There's similarities.  
 20 MS. CENAR: Objection.  
 21 BY MR. GOULD:  
 22 Q. Right.  
 23 In fact, it's very, very similar;  
 24 isn't that true?  
 25 MS. CENAR: Objection --

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1 MR. MCPHERSON: Objection; vague and  
 2 ambiguous.  
 3 (SPEAKING SIMULTANEOUSLY.)  
 4 MR. DICKSTEIN: Form.  
 5 MS. CENAR: Form.  
 6 MR. GOULD: He's about to answer the  
 7 question.  
 8 (SPEAKING SIMULTANEOUSLY)  
 9 MR. MCPHERSON: Yeah. Right. That's  
 10 why --  
 11 MS. CENAR: Form --  
 12 MR. MCPHERSON: -- I'm objecting,  
 13 Counsel.  
 14 MS. CENAR: Right.  
 15 MR. MCPHERSON: Vague and ambiguous,  
 16 lacks foundation.  
 17 MR. GOULD: Vague and ambiguous and  
 18 lacks foundation.  
 19 MS. CENAR: Form, foundation.  
 20 MR. GOULD: Tal, do you want to throw  
 21 one in there, too?  
 22 MR. DICKSTEIN: I -- I objected to the  
 23 form already.  
 24 MR. GOULD: You did the same thing,  
 25 too?

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1 BY MR. GOULD:  
 2 Q. All right. Answer the question,  
 3 please.  
 4 A. I did.  
 5 Q. All right. Very, very similar;  
 6 correct?  
 7 A. They're --  
 8 MS. CENAR: Same --  
 9 THE DEPONENT: -- similar.  
 10 MS. CENAR: -- objections.  
 11 THE DEPONENT: I don't know what the  
 12 difference of "very, very similar" is, but they're  
 13 similar.  
 14 BY MR. GOULD:  
 15 Q. But they are similar.  
 16 All right. Did you get a clearance --  
 17 you or The Black Eyed Peas or anybody working for  
 18 The Black Eyed Peas, whether it be a lawyer, an  
 19 accountant, your business manager, get clearance from  
 20 the Groundation people for using that music from  
 21 "Waterfall"?  
 22 MS. CENAR: Objection; form,  
 23 foundation.  
 24 And you can answer that question to  
 25 the extent you can without revealing communications

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1 with your lawyers.  
 2 To the extent your answer to this  
 3 question requires you to reveal communications you've  
 4 had with your counsel, you're instructed not to  
 5 answer that question.  
 6 MR. GOULD: All right. Repeat the  
 7 question, please.  
 8 And then we can certify it if this is  
 9 an instruction not to answer it on attorney-client  
 10 privilege. Because if my recollection is correct, it  
 11 has nothing to do with attorney-client privilege.  
 12 So would you repeat the question,  
 13 please.  
 14 It's a clear order to the witness not  
 15 to answer a substantive question.  
 16 (THE RECORD WAS READ AS FOLLOWS:  
 17 Q. All right. Did you get a  
 18 clearance -- you or The Black  
 19 Eyed Peas or anybody working for  
 20 The Black Eyed Peas, whether it's  
 21 a lawyer, an accountant, your  
 22 business manager, get clearance  
 23 from the Groundation people for  
 24 using that music from "Waterfall"?  
 25 MS. CENAR: Same objections and same

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1 instruction.  
 2 BY MR. GOULD:  
 3 Q. You can answer. She's not instructing  
 4 you not to answer.  
 5 MS. CENAR: I have instructed him.  
 6 MR. GOULD: Oh, you are instructing  
 7 him not to answer?  
 8 MS. CENAR: To the extent it requires  
 9 him to reveal privileged communications with his  
 10 lawyer --  
 11 MR. GOULD: Right.  
 12 MS. CENAR: -- he has been instructed  
 13 not to answer that question.  
 14 MR. GOULD: All right. So illuminate  
 15 me, please, and tell me how that question calls for a  
 16 disclosure of an attorney-client communication.  
 17 Help me understand that so I can  
 18 rephrase the question --  
 19 MS. CENAR: Counsel --  
 20 MR. GOULD: -- because I don't see  
 21 it.  
 22 MS. CENAR: Counsel, you've asked a  
 23 question. I've lodged my objection and made my  
 24 instruction. It's preserved for the record.  
 25 Kindly move on.

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1 MR. GOULD: Certify the question.  
 2 All instructions under the attorney-client privilege,  
 3 please certify.  
 4 DEPOSITION OFFICER: Okay.  
 5 MR. MCPHERSON: Counsel, just to make  
 6 things maybe go a little quicker, you don't really  
 7 need to do that in California.  
 8 MR. GOULD: Pardon me?  
 9 MR. MCPHERSON: You don't really need  
 10 to certify anything.  
 11 MR. GOULD: I'm certifying. I'm  
 12 certifying it.  
 13 MR. MCPHERSON: There's really  
 14 nothing --  
 15 MR. GOULD: Thank you.  
 16 MR. MCPHERSON: -- that you do to  
 17 certify it.  
 18 (SPEAKING SIMULTANEOUSLY.)  
 19 MR. GOULD: Fine. Then, we do it -- I  
 20 don't -- that's fine.  
 21 MR. MCPHERSON: Yeah.  
 22 MR. GOULD: All right. Would you play  
 23 that.  
 24 I'm now going to play for you what we  
 25 represent to be "Party All The Time" -- a part of

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1 that song. And counsel -- my co-counsel will, for  
 2 the record, identify where that sound comes from.  
 3 MS. CENAR: And I'm going object to  
 4 this line of questioning on the same grounds as  
 5 before: form, foundation, and lack of providing a  
 6 record of what's being played as part of the official  
 7 record of this deposition, and the inability to  
 8 provide the foundation so that there's an opportunity  
 9 to address it at the deposition.  
 10 MR. GOULD: Okay. Play it, please.  
 11 (BRIEF PAUSE IN PROCEEDINGS  
 12 WHILE MUSIC IS BEING PLAYED.)  
 13 MR. GOULD: Can you hear that on your  
 14 video?  
 15 Make it a little louder.  
 16 MR. GREELY: And that was a YouTube  
 17 video entitled "Party All The Time." Black Eyed Peas  
 18 lyrics. This was uploaded by user name DJ -- or  
 19 djia@hproductions on June 18, 2009.  
 20 URL address is www.YouTube.com --  
 21 DEPOSITION OFFICER: You need to slow  
 22 down, please.  
 23 MR. GREELY: I'm sorry.  
 24 -- backslash, watch, w-a-t-c-h,  
 25 question mark, V, equal sign, capital N, capital Q,

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1 lower case i, capital O, lower case d, capital N,  
 2 lower case c, the number 1, lower case z, capital I,  
 3 zero.  
 4 BY MR. GOULD:  
 5 Q. All right. Did that sound -- song  
 6 sound like "Party All The Time" to you?  
 7 MS. CENAR: Objection --  
 8 THE DEPONENT: That was "Party All The  
 9 Time," sir.  
 10 BY MR. GOULD:  
 11 Q. That was "Party All The Time"?  
 12 He just answered the question.  
 13 MS. CENAR: Give me an opportunity to  
 14 object.  
 15 (SPEAKING SIMULTANEOUSLY.)  
 16 MS. CENAR: I'm going to object on  
 17 form --  
 18 MR. GOULD: It would go a lot  
 19 smoother --  
 20 MS. CENAR: -- and foundation --  
 21 MR. GOULD: -- if you let him  
 22 answer --  
 23 MS. CENAR: -- the Rule of  
 24 Completeness.  
 25 MR. GOULD: -- the question. This is

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1 not complicated.  
 2 MS. CENAR: The court reporter has  
 3 asked us --  
 4 MR. GOULD: You are the one that's  
 5 causing the problems --  
 6 MS. CENAR: The court reporter's --  
 7 MR. GOULD: -- not your witness.  
 8 MS. CENAR: -- asked us not to speak  
 9 over one another, so if you're finished.  
 10 MR. GOULD: I'm finished.  
 11 MS. CENAR: Okay. Then, I would like  
 12 to lodge my objection for the record.  
 13 MR. GOULD: Lodge it.  
 14 MS. CENAR: I object on form and  
 15 foundation and on the Rule of Completeness, and I  
 16 move to strike the testimony.  
 17 MR. GOULD: Strike his answer?  
 18 MS. CENAR: And the question.  
 19 MR. GOULD: Okay.  
 20 Play the other song, which is "Mancry"  
 21 by Adam Freeland.  
 22 (BRIEF PAUSE IN PROCEEDINGS  
 23 WHILE MUSIC IS BEING PLAYED.)  
 24 MR. GREELY: This is a YouTube video  
 25 entitled "Adam Freeland, Mancry" original uploaded by

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1 user name Maniaacos, it's m-a-n-i-a-a-c-o-s, on  
 2 November 15th, 2009.  
 3 MR. GOULD: All right. Would you play  
 4 the first song again, "Party All The Time."  
 5 MS. CENAR: Hold on.  
 6 Form, foundation, hearsay with respect  
 7 to the exhibit.  
 8 Objection to the fact that the exhibit  
 9 is not being made a formal part of the record, and  
 10 that there's been no foundation laid for the sound  
 11 files that are being played at this deposition, and  
 12 objection on the Rule of Completeness that the music  
 13 file is not being played in its entirety.  
 14 MR. GOULD: Would you play "Party All  
 15 The Time."  
 16 (BRIEF PAUSE IN PROCEEDINGS  
 17 WHILE MUSIC IS BEING PLAYED.)  
 18 BY MR. GOULD:  
 19 Q. Do you hear the background music in  
 20 both?  
 21 A. Yeah.  
 22 Q. Sounds very similar to you?  
 23 MS. CENAR: Objection; form,  
 24 foundation.  
 25 THE DEPONENT: There are

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1 similarities.  
 2 BY MR. GOULD:  
 3 Q. Okay. And was that song ever  
 4 cleared?  
 5 MS. CENAR: Objection.  
 6 THE DEPONENT: Yes.  
 7 BY MR. GOULD:  
 8 Q. The music, was it ever cleared?  
 9 A. It was cleared.  
 10 Q. By Adam -- with Adam Freeland?  
 11 A. Yes.  
 12 Q. Okay. Is there a document you've ever  
 13 seen?  
 14 MS. CENAR: Objection; form.  
 15 THE DEPONENT: I don't know where it's  
 16 at. I don't know.  
 17 BY MR. GOULD:  
 18 Q. Okay. Who got the clearance? Who?  
 19 And I don't want to know who didn't.  
 20 Who got the clearance?  
 21 MR. MCPHERSON: Objection;  
 22 speculation.  
 23 MS. CENAR: Objection to form and  
 24 foundation.  
 25 MR. GOULD: "Speculation"?

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1 BY MR. GOULD:  
 2 Q. Who got the clearance?  
 3 And all of this is if you know. If  
 4 you don't know, you'll tell me you don't know.  
 5 A. I don't know.  
 6 Q. Okay. Well, you don't know.  
 7 You didn't get it?  
 8 A. I don't go out and do the clearances  
 9 personally. No, I don't.  
 10 Q. Who does?  
 11 A. I don't know.  
 12 Q. Who in your organization, in The Black  
 13 Eyed Peas or among your lawyers or among your --  
 14 A. The clearance people.  
 15 Q. -- business managers --  
 16 MS. CENAR: Let him finish.  
 17 BY MR. GOULD:  
 18 Q. -- is responsible for getting a  
 19 clearance for a sale?  
 20 MR. MCPHERSON: Objection; asked and  
 21 answered.  
 22 MS. CENAR: Asked and answered.  
 23 BY MR. GOULD:  
 24 Q. Who is it?  
 25 MS. CENAR: Form and foundation.

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1 BY MR. GOULD:  
 2 Q. Is it your lawyers?  
 3 A. No, it's not the lawyers. They  
 4 don't --  
 5 Q. Is it your business manager?  
 6 MR. MCPHERSON: Same objections.  
 7 MS. CENAR: Same objections.  
 8 BY MR. GOULD:  
 9 Q. Who is it?  
 10 A. Our construction company.  
 11 Q. Your construction company?  
 12 A. No, that was a joke.  
 13 Q. Okay.  
 14 Who does it?  
 15 A. I don't know.  
 16 Q. Is that because you never get a  
 17 clearance, you don't know?  
 18 A. No. Because --  
 19 MS. CENAR: Objection; form,  
 20 foundation, mischaracterization of the witness's  
 21 testimony.  
 22 Counsel, you've asked the same  
 23 question about 15 times.  
 24 THE DEPONENT: I don't know.  
 25 MS. CENAR: He -- he's told you he

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1 doesn't know --  
 2 BY MR. GOULD:  
 3 Q. You don't know?  
 4 So --  
 5 MS. CENAR: -- to each one.  
 6 BY MR. GOULD:  
 7 Q. -- one more time, the 16th time.  
 8 You don't know who gets clearances  
 9 among The Black Eyed Peas, your business manager, or  
 10 your lawyers; is that your answer?  
 11 A. I don't --  
 12 MS. CENAR: Objection; form,  
 13 foundation --  
 14 THE DEPONENT: I don't --  
 15 MS. CENAR: -- mischaracterization --  
 16 THE DEPONENT: I don't know.  
 17 MS. CENAR: -- of the witness's  
 18 testimony.  
 19 BY MR. GOULD:  
 20 Q. If you sample music -- if -- if you,  
 21 when you've sampled music before, if you ever -- did  
 22 you ever sample someone else's music and believe that  
 23 you needed a clearance?  
 24 MS. CENAR: Objection; form,  
 25 foundation.

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1 BY MR. GOULD:  
 2 Q. Did you ever do that?  
 3 A. What's -- what's the question again?  
 4 MR. GOULD: Repeat the question.  
 5 (THE RECORD WAS READ AS FOLLOWS:  
 6 Q. If you sample music -- if  
 7 you, when you've sampled music  
 8 before, if you ever -- did you  
 9 ever sample someone else's music  
 10 and believe that you needed a  
 11 clearance?)  
 12 DEPOSITION OFFICER: And may I say,  
 13 please, I need you guys to talk one at a time.  
 14 MR. GOULD: All right.  
 15 DEPOSITION OFFICER: Okay.  
 16 BY MR. GOULD:  
 17 Q. Can you answer the question?  
 18 A. When I complete a song, if I have a  
 19 sample, I turn in all the information, if there's  
 20 samples in it and if there's not, and I provide the  
 21 information for the people who wrote chord  
 22 progressions or who wrote the -- an ad lib line on a  
 23 guitar.  
 24 I provide all of the information when  
 25 I deliver the songs.

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1 Q. Do you -- do you go to the writer of  
 2 the music that you sample and get a clearance? Do  
 3 you do that?  
 4 A. I answered -- I answered the question,  
 5 sir.  
 6 Q. I didn't understand the answer.  
 7 MS. CENAR: Objection; asked and  
 8 answered.  
 9 MR. GOULD: I didn't understand it.  
 10 Explain it.  
 11 THE DEPONENT: Can you read the  
 12 question back?  
 13 MR. GOULD: Uh-huh.  
 14 THE DEPONENT: I winked at you.  
 15 MR. GOULD: Now you winked.  
 16 (SPEAKING AND LAUGHING SIMULTANEOUSLY.)  
 17 THE DEPONENT: People that are  
 18 watching this thing, you don't see the facial  
 19 expressions he's making at me --  
 20 BY MR. GOULD:  
 21 Q. I'm not --  
 22 A. -- to try and throw me off and try to  
 23 get under my skin. You don't see what he's doing;  
 24 right?  
 25 Please, next time this happens, have

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1 two cameras so you see how a person can antagonize a  
 2 person to break. And I'm trying -- trying to be as  
 3 nice as I can.  
 4 MS. CENAR: And --  
 5 THE DEPONENT: I just had to state  
 6 that to the camera.  
 7 MR. GOULD: Repeat -- repeat the  
 8 question.  
 9 MS. CENAR: He's -- the witness has  
 10 asked for his answer to be repeated.  
 11 Can you find the answer?  
 12 DEPOSITION OFFICER: As soon as  
 13 everyone is done talking, let me know.  
 14 Are we good?  
 15 MR. GOULD: Yes.  
 16 DEPOSITION OFFICER: Okay.  
 17 (THE RECORD WAS READ AS FOLLOWS:  
 18 Q. Can you answer the question?  
 19 A. When I complete a song, if  
 20 I have a sample, I turn in all  
 21 the information, if there's samples  
 22 in it and if there's not, and I  
 23 provide the information for the  
 24 people who wrote chord progressions  
 25 or who wrote the -- an ad lib line

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1 on a guitar.  
 2 I provide all of the information  
 3 when I deliver the song.  
 4 Q. Do you -- do you go to the  
 5 writer of the music that you sample  
 6 and get a clearance? Do you do  
 7 that?)  
 8 BY MR. GOULD:  
 9 Q. Who do you provide this information,  
 10 you say you turn the information over. To who?  
 11 MS. CENAR: Objection; form.  
 12 Do you have a specific time period  
 13 you're referring to?  
 14 MR. GOULD: When he samples.  
 15 MS. CENAR: Objection.  
 16 MR. GOULD: We know he samples, and we  
 17 know he does it. Sometimes he gets clearance and  
 18 sometimes he doesn't. We know that.  
 19 And I'm asking him what his procedure  
 20 is when he -- when he is going to get a clearance.  
 21 What is -- who does he go to?  
 22 He said he turned it over to people,  
 23 the information. I'm asking him to tell me who he's  
 24 talking about, generally speaking.  
 25 MS. CENAR: Objection; form,

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1 foundation and move to strike Counsel's colloquy.  
 2 Misstates the testimony.  
 3 If you can answer the question, please  
 4 answer him.  
 5 THE DEPONENT: When I turn in music, I  
 6 deliver it to all parties: record-company folk,  
 7 managers, assistants.  
 8 Those are the people I give it to.  
 9 BY MR. GOULD:  
 10 Q. Okay. And do you -- have you ever  
 11 asked somebody to get a clearance for music you  
 12 sampled? Have you ever done that?  
 13 MS. CENAR: Objection; form,  
 14 foundation.  
 15 And if that answer requires you to  
 16 reveal communications with your lawyers, you're  
 17 instructed not to answer.  
 18 To the extent the question calls for  
 19 communications with somebody other than your lawyers,  
 20 you can answer that question.  
 21 BY MR. GOULD:  
 22 Q. You're not answering that question?  
 23 A. I'm following what she said.  
 24 Q. Then you understand her to be telling  
 25 you not to answer the question; is that true?

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1 MS. CENAR: I've instructed him not to  
 2 reveal privileged -- attorney-client privileged  
 3 communications.  
 4 To the extent the answer calls for  
 5 something that's not privileged, he can answer it.  
 6 But if it's only privileged information --  
 7 MR. GOULD: Okay. Uh-huh.  
 8 MS. CENAR: -- he's instructed not  
 9 to.  
 10 MR. GOULD: Okay. Thank you.  
 11 BY MR. GOULD:  
 12 Q. Give me the names of the people in the  
 13 last few years that you have spoken to -- I don't  
 14 want to know what was said -- about the matter of  
 15 getting a clearance for music that you sampled.  
 16 A. Can you repeat that or read it back?  
 17 MS. CENAR: He's asking specifically  
 18 for names, not what was said.  
 19 THE DEPONENT: I don't -- I don't have  
 20 those type of conversations. Like I said, when I  
 21 finish a song, I provide -- I'm a very busy person.  
 22 BY MR. GOULD:  
 23 Q. Uh-huh.  
 24 A. So when I deliver a record, I write  
 25 out the writers; I write out if there were samples,

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1 the sample.  
 2 Q. Okay.  
 3 A. Let me finish.  
 4 I write out what record company that  
 5 sample came from, the publishers on that song. Write  
 6 as much information as I have from that sample. I  
 7 write it out.  
 8 And if all the information is not  
 9 there, to the best of my knowledge, I write it out.  
 10 And then I provide that to -- like I said, the  
 11 assistants, record-company folk, and managers.  
 12 And then when -- then the rest is in  
 13 their hands. It's not in my hands. I provided all  
 14 the information I needed.  
 15 BY MR. GOULD:  
 16 Q. All right. I'm asking through your  
 17 counsel for you to provide all instances over the  
 18 last three years where you have asked somebody --  
 19 where you wrote out something where you sampled music  
 20 and you've asked somebody to get a clearance.  
 21 (SPEAKING SIMULTANEOUSLY.)  
 22 MR. MCPHERSON: Objection; compound.  
 23 THE DEPONENT: No, sir.  
 24 MS. CENAR: Objection to form.  
 25 THE DEPONENT: So I'll say it again.

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1 BY MR. GOULD:  
 2 Q. Okay.  
 3 A. As soon as you turn in the  
 4 information --  
 5 Q. Yes.  
 6 A. -- of a song, you write -- write it  
 7 out.  
 8 And "sample" means you don't have to  
 9 ask them to do it. When it says it, it's there. I  
 10 don't have to request it.  
 11 Q. I don't understand what you just said.  
 12 A. It's not a request. If I give  
 13 somebody an empty bottle of water and I know that I'm  
 14 going hiking, they know to fill up the bottle of  
 15 water.  
 16 It's not a request. The thing says  
 17 "sample," so it's obvious that it has to get  
 18 cleared.  
 19 Q. Okay. Why is it obvious it has to get  
 20 cleared if you sample music?  
 21 MS. CENAR: Objection; form,  
 22 foundation --  
 23 THE DEPONENT: Because I'm --  
 24 MS. CENAR: -- calls for legal  
 25 conclusion.

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1 THE DEPONENT: -- signed to a major  
 2 record company.  
 3 BY MR. GOULD:  
 4 Q. Pardon me?  
 5 A. I'm signed to a major record  
 6 company.  
 7 Q. Okay.  
 8 A. So in no way is my record company  
 9 going to put out music that's going to put them in  
 10 harm's way; right?  
 11 Q. Exactly.  
 12 A. So I have to give them all the  
 13 information.  
 14 Q. And one of the reasons why you get a  
 15 clearance for sampled music is that it's morally  
 16 wrong, as far as you're concerned; correct?  
 17 MS. CENAR: Objection; form,  
 18 foundation.  
 19 MR. MCPHERSON: Objection to form.  
 20 BY MR. GOULD:  
 21 Q. It's morally wrong? It's just wrong?  
 22 A. No, that's your opinion.  
 23 Q. No. I'm asking -- I'm asking for your  
 24 opinion.  
 25 MS. CENAR: He's answered that

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1 question.  
 2 BY MR. GOULD:  
 3 Q. If you don't think --  
 4 A. I answered that question ten questions  
 5 ago.  
 6 Q. Answer it now. Is it --  
 7 A. Let me repeat my --  
 8 Q. Is it wrong?  
 9 A. No.  
 10 MS. CENAR: Objection to form.  
 11 BY MR. GOULD:  
 12 Q. Okay. And so, therefore, since it's  
 13 not wrong to get clearance, that's the reason why you  
 14 rarely do get --  
 15 A. No, no, no.  
 16 Q. -- a clearance; correct?  
 17 MS. CENAR: Let him finish. Hold on.  
 18 THE DEPONENT: He's twisting my words.  
 19 MS. CENAR: Yes, he is.  
 20 Objection; form, foundation,  
 21 mischaracterization of the witness's testimony.  
 22 BY MR. GOULD:  
 23 Q. All right. If you wanted to --  
 24 Can I have that other exhibit.  
 25 The long list.

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1 Mark this as the next deposition  
 2 exhibit.  
 3 MS. CENAR: Do you have copies for us,  
 4 Counsel?  
 5 MR. GOULD: Yes.  
 6 Can you give this to Ms. Cenar?  
 7 (WHEREUPON, PLAINTIFF'S EXHIBIT NUMBER  
 8 9 WAS MARKED FOR IDENTIFICATION BY  
 9 THE DEPOSITION OFFICER.)  
 10 THE DEPONENT: What's that?  
 11 MS. CENAR: That's an exhibit, a  
 12 document that he's going to put in front of you.  
 13 DEPOSITION OFFICER: Hang on, please,  
 14 everybody.  
 15 MR. MCPHERSON: Do you have another  
 16 copy, Counsel?  
 17 MR. DICKSTEIN: I'm sorry. We are one  
 18 copy short.  
 19 Can we maybe have enough copies made  
 20 of whatever documents you plan to mark as exhibits?  
 21 MR. GOULD: Okay. Can't you just go  
 22 over --  
 23 Do you have one?  
 24 Can't you just go over there?  
 25 MR. DICKSTEIN: Well, are there going

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1 to be a lot of them?  
 2 MR. GOULD: No.  
 3 What deposition exhibit is this?  
 4 DEPOSITION OFFICER: 9.  
 5 BY MR. GOULD:  
 6 Q. Okay. I'll show you what has been  
 7 marked as deposition Exhibit 9.  
 8 This is an unauthenticated document.  
 9 Would you just identify where that came from?  
 10 MR. GREELY: The URL where it came  
 11 from is actually in the lower left-hand corner of the  
 12 document.  
 13 BY MR. GOULD:  
 14 Q. This was received off the Internet.  
 15 I'm not representing to you that it's accurate or  
 16 inaccurate.  
 17 A. I didn't hear you, sir.  
 18 Q. I'm not representing to you that it's  
 19 accurate or inaccurate. Some day we'll hopefully  
 20 find out.  
 21 But I'm going to ask you some  
 22 questions about it. That's all.  
 23 A. Okay.  
 24 Q. All right.  
 25 MR. MCPHERSON: Counsel, since you

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1 don't have enough copies, could you at least describe  
 2 what the document is other than just "off the  
 3 Internet"?

4 MR. GOULD: Yeah.  
 5 It's a document. At the top of the  
 6 document it says, "Black Eyed Peas Sample-based  
 7 Music." Who sampled, the name "Owl City" is at the  
 8 top.  
 9 It's entitled "Tracks Sampled by Black  
 10 Eyed Peas." It has a number there, 96. And it says  
 11 "Earliest to Latest."  
 12 MR. MCPHERSON: Thank you.  
 13 BY MR. GOULD:  
 14 Q. Do you have any reason to believe  
 15 that -- that you sampled, let's say, more than  
 16 50 instances of other people's music, whether you got  
 17 a clearance or not?  
 18 MS. CENAR: Objection; form,  
 19 foundation.  
 20 THE DEPONENT: Yeah, there's a song --  
 21 one of the samples that I'm really proud of --  
 22 BY MR. GOULD:  
 23 Q. Yes.  
 24 A. -- is "They Don't Want Music" that we  
 25 sampled in 2005. I sampled James Brown. And James

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1 Brown was so excited about the use of his material  
 2 that he performed that song with us.  
 3 Isn't that amazing, that you could  
 4 sample someone and then they want to perform it with  
 5 you?  
 6 Q. That's wonderful.  
 7 Did you get a clearance from him?  
 8 A. Yes, sure did. He performed it with  
 9 us and --  
 10 Q. All right. And what caused you to get  
 11 a clearance?  
 12 (SPEAKING SIMULTANEOUSLY.)  
 13 MS. CENAR: Objection; form --  
 14 THE DEPONENT: Like I said, when I  
 15 turn in music --  
 16 MS. CENAR: -- foundation.  
 17 DEPOSITION OFFICER: Hang on.  
 18 THE DEPONENT: When I turn in music,  
 19 our record company does what they do.  
 20 BY MR. GOULD:  
 21 Q. And the record company is Interscope,  
 22 over the last few years?  
 23 A. Since 1997.  
 24 Q. Okay. So Interscope would have --  
 25 unless they've thrown away the documents -- they

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1 would have the documents you're referring to that you  
 2 physically gave them in instances where you indicated  
 3 that you had sampled music; correct?  
 4 A. Yep.  
 5 (SPEAKING SIMULTANEOUSLY.)  
 6 MS. CENAR: Hold on.  
 7 MR. MCPHERSON: Objection;  
 8 speculation.  
 9 MS. CENAR: Objection; form,  
 10 foundation, assumes facts not in evidence.  
 11 DEPOSITION OFFICER: I couldn't hear  
 12 you, Mr. --  
 13 MR. GOULD: This is not a trial.  
 14 Facts not in evidence? We're not in a trial. The  
 15 evidence will show what it shows. What kind  
 16 objection is that?  
 17 The witness has already answered the  
 18 question anyhow.  
 19 BY MR. GOULD:  
 20 Q. Would you physically put that in an --  
 21 in an e-mail or on the computer or do you handwrite  
 22 it?  
 23 MS. CENAR: Objection to form.  
 24 BY MR. GOULD:  
 25 Q. The information where you would

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1 indicate where -- when you -- when you or the Black  
 2 Eyed Peas sampled music --  
 3 A. It depends --  
 4 Q. -- that it was sampled?  
 5 A. It depends on the era.  
 6 And sorry if I cut you off.  
 7 Q. Yeah, please.  
 8 A. It depends on the era. So if this  
 9 happened in 1998, it was physical. If it happened in  
 10 2000, it was physical.  
 11 If it happened in our record in 2002,  
 12 "Elephunk," it was still physical.  
 13 2005, "Monkey Business," it was  
 14 digital, and so forth.  
 15 From 2005 on, digital.  
 16 Q. Okay. All right. So unless  
 17 Interscope threw away -- let me see.  
 18 Do you have copies of these  
 19 documents -- documents in instances where you  
 20 provided information? It would be on some one of  
 21 your computers; correct?  
 22 A. No.  
 23 MS. CENAR: Objection; form,  
 24 foundation.  
 25 THE DEPONENT: It's not.



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1 by MR. GOULD:  
 2 Q. Why would it not be on a computer?  
 3 A. Because it's not.  
 4 Q. Okay. Why? Would you have deleted  
 5 it?  
 6 (SPEAKING SIMULTANEOUSLY.)  
 7 MS. CENAR: Objection --  
 8 THE DEPONENT: No.  
 9 MS. CENAR: -- form.  
 10 MR. MCPHERSON: Objection; foundation.  
 11 THE DEPONENT: No, we don't  
 12 delete that information.  
 13 BY MR. GOULD:  
 14 Q. When you submit it in computer form,  
 15 how does it get submitted? You said you do it and  
 16 you provided the information --  
 17 A. Yes, I provide the information.  
 18 Q. -- to Interscope. So where would it  
 19 be in your files?  
 20 A. So it's not on my files; right?  
 21 I write the information out physically  
 22 and then I provide them to manager folks, Interscope  
 23 Record Company folks, and assistants.  
 24 So I write it out physically.  
 25 Q. You don't use a computer?

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1 A. Not when I'm in the studio.  
 2 Q. Okay. So who would you give it to at  
 3 Interscope?  
 4 A. I gave it to my assistant.  
 5 Q. Who's your assistant at Interscope?  
 6 A. It's changed since 2007.  
 7 Q. All right. Who has it been since --  
 8 A. I mean, since 1997. Since 1997 I have  
 9 had different ones.  
 10 Q. Who is your current assistant at  
 11 Interscope?  
 12 A. I don't have an assistant at  
 13 Interscope. I have an assistant.  
 14 Q. You said -- you referred to an  
 15 assistant. Who is your assistant?  
 16 A. I've had several assistants since  
 17 1997.  
 18 Q. How about since the last three or four  
 19 years? Same assistant?  
 20 A. Nope. Different.  
 21 Q. All right. Who's your current  
 22 assistant?  
 23 A. My current assistant is Nick.  
 24 Q. Nick. And does Nick have a last  
 25 name?

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1 A. But Nick does not do -- Nick wasn't my  
 2 assistant when we were making our last record. He's  
 3 current.  
 4 Q. He's current.  
 5 Who was the assistant before Nick?  
 6 A. She's Lady -- Lady Gaga's assistant  
 7 now.  
 8 Q. Okay. What's her name?  
 9 A. Wendy.  
 10 Q. Wendy have a last name?  
 11 A. Morrison.  
 12 Oh, man. I've had a lot of apple --  
 13 orange juice.  
 14 Q. That's okay.  
 15 A. Can I use the restroom real fast?  
 16 Q. Absolutely. Of course.  
 17 A. I'm so sorry.  
 18 THE VIDEOGRAPHER: This is the end  
 19 of Media Number Two in the deposition of  
 20 William Adams.  
 21 We are now going off the record. The  
 22 time is now 3:13 p.m.  
 23 (WHEREUPON, A RECESS WAS HELD  
 24 FROM 3:13 P.M. TO 3:31 P.M.)  
 25 THE VIDEOGRAPHER: This is the

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1 beginning of Media Number Three in the deposition of  
 2 William Adams in the matter of "Bryan Pringle v.  
 3 William Adams, et al."  
 4 We are now going back on the record.  
 5 The time is 3:31 p.m.  
 6 BY MR. GOULD:  
 7 Q. Do you, sir, know off the top of your  
 8 head Jimmy Iovine's e-mail address?  
 9 A. I couldn't give you Jimmy Iovine's  
 10 e-mail address even if I knew it off the top of my  
 11 head.  
 12 Q. Well, I'm asking you, do you know it?  
 13 A. No.  
 14 Q. Okay. Did you ever hear of a  
 15 gentleman named Ryan Stockwell?  
 16 A. I know Ryan. I don't know his last  
 17 name.  
 18 Q. All right. This Ryan you're referring  
 19 to, who is he?  
 20 A. This Ryan is -- there's -- are you  
 21 talking about at Interscope?  
 22 Q. At Interscope, yes.  
 23 A. There's two Ryans I know at  
 24 Interscope. One of them is Jimmy's -- the guy who  
 25 sits in Jimmy's office.

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1 Q. "The guy who" what? I'm sorry.  
 2 A. The guy who sits in Jimmy's office.  
 3 Q. Okay. Go on.  
 4 Is there another Ryan?  
 5 A. Yeah. Then there's another Ryan that  
 6 is downstairs in the promotional department.  
 7 Q. Okay. Do you know if that Ryan, the  
 8 one in the promotional department, is involved with  
 9 promotional work?  
 10 MS. CENAR: Objection; form.  
 11 THE DEPONENT: He's in the promotion  
 12 department, yeah.  
 13 BY MR. GOULD:  
 14 Q. Okay. The guy who's in Jimmy Iovine's  
 15 office, is that an assistant to Jimmy Iovine?  
 16 A. I don't know.  
 17 Q. Have you ever had any dealings with  
 18 him?  
 19 MS. CENAR: Objection; form.  
 20 THE DEPONENT: Yes.  
 21 BY MR. GOULD:  
 22 Q. All right. Tell me under what  
 23 circumstances you have dealt with him.  
 24 A. "Can you connect me to Jimmy?" or "Can  
 25 you connect me to Doug Morris?"

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1 DEPOSITION OFFICER: Morrison or  
 2 Morris?  
 3 THE DEPONENT: Doug Morris.  
 4 DEPOSITION OFFICER: Morris, M-or --  
 5 MR. MCPHERSON: M-o-r-r-i-s.  
 6 THE DEPONENT: He connects me to  
 7 Doug Morris if I need to get in touch with Doug, who  
 8 is Jimmy's boss -- who used to be Jimmy's boss.  
 9 BY MR. GOULD:  
 10 Q. Uh-huh.  
 11 A. Or he will connect me with -- to  
 12 Jimmy. But I don't know if he's an assistant. I  
 13 don't know.  
 14 Q. All right. If you wanted to find  
 15 out -- you personally -- find out what the amount --  
 16 total amount of revenues have been for "I Gotta  
 17 Feeling," how would you go about getting that  
 18 information?  
 19 MR. MCPHERSON: Objection;  
 20 foundation.  
 21 MS. CENAR: Objection; foundation and  
 22 form.  
 23 MR. GOULD: What's the objection?  
 24 MR. MCPHERSON: Foundation.  
 25 MR. GOULD: What is the foundation

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1 problem?  
 2 BY MR. GOULD:  
 3 Q. You don't want to answer that question  
 4 either?  
 5 (SPEAKING SIMULTANEOUSLY.)  
 6 MS. CENAR: The objection is stated  
 7 for the record.  
 8 MR. MCPHERSON: It's not my  
 9 deposition, Counsel. Again, if you want to stop this  
 10 dep- --  
 11 MR. GOULD: You are making an  
 12 objection --  
 13 MR. MCPHERSON: -- this deposition and  
 14 take my deposition, that's fine.  
 15 MR. GOULD: -- that is not making any  
 16 sense.  
 17 I don't want to take your  
 18 deposition.  
 19 Repeat the question.  
 20 (THE RECORD WAS READ AS FOLLOWS:  
 21 Q. All right. If you wanted  
 22 to find out -- you personally --  
 23 find out what the amount -- total  
 24 amount of revenues have been for  
 25 "I Gotta Feeling," how would you

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1 go about getting that information?)  
 2 THE DEPONENT: I wouldn't know.  
 3 BY MR. GOULD:  
 4 Q. You wouldn't know what to do?  
 5 A. Unfortunately, no.  
 6 Q. Okay. You literally would not  
 7 know who to speak to in order to get the revenue  
 8 information for "I Gotta Feeling"?  
 9 MR. MCPHERSON: Objection; asked and  
 10 answered, and as such is argumentative.  
 11 THE DEPONENT: Yes, because --  
 12 MS. CENAR: Same -- same -- same  
 13 objections.  
 14 THE DEPONENT: Can I answer it?  
 15 MS. CENAR: Do you have anything to  
 16 add to your prior answer that you already gave?  
 17 THE DEPONENT: Yes.  
 18 BY MR. GOULD:  
 19 Q. Okay. Please.  
 20 A. The record company has a block on  
 21 auditing certain things, so I wouldn't know. That's  
 22 in every single artist's contract.  
 23 You can help me fight -- you can help  
 24 me fight that one.  
 25 ///

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1 BY MR. GOULD:  
 2 Q. Would you go to somebody at Interscope  
 3 and ask them to provide that information?  
 4 A. And then there's certain --  
 5 MS. CENAR: Wait. He's asked a  
 6 specific question.  
 7 MR. GOULD: Correct.  
 8 MS. CENAR: He's entitled to a  
 9 specific answer to that question --  
 10 MR. GOULD: That's right.  
 11 MS. CENAR: -- and only that  
 12 question.  
 13 BY MR. GOULD:  
 14 Q. Would you go to somebody at Interscope  
 15 to give you that information?  
 16 MR. MCPHERSON: Objection; foundation.  
 17 MS. CENAR: Same objection.  
 18 THE DEPONENT: No.  
 19 BY MR. GOULD:  
 20 Q. Okay. Why not?  
 21 If they have the revenue information  
 22 and you wrote "I Gotta Feeling," or the vocals, and  
 23 you're entitled to royalties, which you are -- or  
 24 splits, why would you not go to Interscope to get  
 25 that information?

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1 MR. MCPHERSON: Objection; compound --  
 2 MS. CENAR: Objection --  
 3 MR. MCPHERSON: -- incomplete  
 4 hypothetical.  
 5 MS. CENAR: Right.  
 6 Objection to form and foundation,  
 7 assumes facts --  
 8 BY MR. GOULD:  
 9 Q. You can try to answer.  
 10 It's not a trial.  
 11 MS. CENAR: -- not in evidence.  
 12 THE DEPONENT: Because I would go to  
 13 an auditor.  
 14 BY MR. GOULD:  
 15 Q. And would you go to your business  
 16 manager?  
 17 MS. CENAR: Same objections; form,  
 18 foundation.  
 19 THE DEPONENT: I would go to an  
 20 auditor.  
 21 BY MR. GOULD:  
 22 Q. Do you have an auditor?  
 23 A. Now I do.  
 24 Q. Who is your auditor?  
 25 A. Nigro.

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1 Q. Okay.  
 2 A. If I were trying to --  
 3 Sorry.  
 4 Q. You don't have to answer. You've  
 5 already answered.  
 6 A. It's not even an answer, though,  
 7 because it's --  
 8 MS. CENAR: Nope.  
 9 THE DEPONENT: Okay. I won't provide  
 10 that information. I'm sorry.  
 11 BY MR. GOULD:  
 12 Q. This time I'll say listen to your  
 13 counselor; okay?  
 14 Give me the revenue streams that you  
 15 understand come from the publication and the  
 16 distribution of "I Gotta Feeling."  
 17 MR. MCPHERSON: Objection; vague and  
 18 ambiguous, lacks foundation.  
 19 MS. CENAR: Same objections.  
 20 THE DEPONENT: Am I supposed to answer  
 21 that?  
 22 MS. CENAR: If you can answer that  
 23 question. That is the question (Indicating).  
 24 THE DEPONENT: I wouldn't know how to  
 25 answer that question.

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1 MR. GOULD: Repeat the question,  
 2 please.  
 3 THE DEPONENT: "Give me the revenue  
 4 streams" --  
 5 BY MR. GOULD:  
 6 Q. Well, I'm asking the court reporter to  
 7 repeat the question.  
 8 MS. CENAR: Can you read his answer,  
 9 too, please.  
 10 MR. GOULD: First the question, then  
 11 the answer.  
 12 (THE RECORD WAS READ AS FOLLOWS:  
 13 Q. Give me the revenue streams  
 14 that you understand come from the  
 15 publication and the distribution  
 16 of "I Gotta Feeling."  
 17 MR. MCPHERSON: Objection;  
 18 vague and ambiguous, lacks  
 19 foundation.  
 20 MS. CENAR: Same objections.  
 21 THE DEPONENT: Am I supposed  
 22 to answer that?  
 23 MS. CENAR: If you can answer  
 24 that question. That is the  
 25 question (indicating).)

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1 THE DEPONENT: I wouldn't know  
 2 how to answer that question.)  
 3 BY MR. GOULD:  
 4 Q. All right. What about the question  
 5 confuses you?  
 6 MS. CENAR: Objection to form.  
 7 THE DEPONENT: I don't understand the  
 8 question.  
 9 BY MR. GOULD:  
 10 Q. What about the question don't you  
 11 understand?  
 12 A. The question.  
 13 Q. What about the question? What word  
 14 bothers you? Revenue streams?  
 15 (SPEAKING SIMULTANEOUSLY.)  
 16 MR. MCPHERSON: Objection; lacks  
 17 foundation that this witness --  
 18 MS. CENAR: Objection.  
 19 Counsel, he told you he doesn't  
 20 understand the question. Can't you just rephrase it?  
 21 MR. GOULD: All right. Repeat the  
 22 question -- repeat the question again. We'll play  
 23 this some day in front of a jury.  
 24 I'm asking you to listen to this  
 25 question and give me an answer. So listen to it

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1 again. And tell me now, listening to it a third  
 2 time, whether you can answer the question.  
 3 MR. MCPHERSON: He's already said  
 4 "no," so I don't know if repeating is going to make  
 5 it.  
 6 MR. GOULD: He'll do it a third time.  
 7 MR. MCPHERSON: No, I don't think  
 8 that's proper, Counsel. That's asked and answered  
 9 and it's harassing.  
 10 MR. GOULD: I'd like him to answer the  
 11 question.  
 12 MR. MCPHERSON: I know you would like  
 13 him to.  
 14 (SPEAKING SIMULTANEOUSLY.)  
 15 MR. GOULD: You know he knows the  
 16 answer. And all of these objections are just code  
 17 answers -- questions to a witness not to answer  
 18 certain questions.  
 19 MR. MCPHERSON: You're --  
 20 MR. GOULD: You know that he knows it.  
 21 Ms. Cenar knows he's knows it. Everybody who listens  
 22 to the answer will know he knows the answer, and he  
 23 knows the answer.  
 24 MR. MCPHERSON: Well, then asking  
 25 him --

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1 MS. CENAR: I --  
 2 MR. MCPHERSON: -- 50 times --  
 3 MR. GOULD: No, asking him three  
 4 times.  
 5 MR. MCPHERSON: Counsel, just because  
 6 you're louder and more obnoxious than me --  
 7 MR. GOULD: I'm not loud and  
 8 obnoxious. The record will indicate whether I'm loud  
 9 or obnoxious.  
 10 This is a simple question and I would  
 11 like the witness to answer it a third time to see if  
 12 he understands it the third time.  
 13 Repeat the question.  
 14 MR. MCPHERSON: Counsel, with respect  
 15 to the obnoxious part, would you please not interrupt  
 16 me and I'll try not to interrupt you.  
 17 But you've done it several times, and  
 18 I would really appreciate it --  
 19 MR. GOULD: The record speaks for  
 20 itself.  
 21 MR. MCPHERSON: Counsel --  
 22 MR. GOULD: The record speaks for  
 23 itself.  
 24 MR. MCPHERSON: It does, Counsel.  
 25 MR. GOULD: It will.

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1 MR. MCPHERSON: And you did it two  
 2 more times.  
 3 MR. GOULD: It will.  
 4 I want to finish this deposition in my  
 5 lifetime and in the witness's lifetime.  
 6 MR. MCPHERSON: Then perhaps we  
 7 shouldn't ask questions five times.  
 8 MR. GOULD: Perhaps we should continue  
 9 with the deposition.  
 10 Could you repeat the question, please.  
 11 (THE RECORD WAS READ AS FOLLOWS:  
 12 Q. Give me the revenue streams  
 13 that you understand come from the  
 14 publication and the distribution  
 15 of "I Gotta Feeling.")  
 16 MS. CENAR: Same objections.  
 17 BY MR. GOULD:  
 18 Q. Same answer?  
 19 MS. CENAR: And asked and answered.  
 20 THE DEPONENT: I really don't know how  
 21 to answer that question.  
 22 BY MR. GOULD:  
 23 Q. Okay. Let me try it this way.  
 24 What are the different sources of  
 25 revenue that come in from around the world with the

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1 distribution and publication of "I Gotta Feeling"?

2 Where does money come from?

3 MS. CENAR: Objection to form,

4 foundation.

5 MR. MCPHERSON: Objection; compound.

6 BY MR. GOULD:

7 Q. You can answer that question. You

8 know. You're in the business. You're an expert with

9 this stuff.

10 MS. CENAR: Objection; move to

11 strike --

12 THE DEPONENT: iTunes.

13 MS. CENAR: -- Counsel's colloquy.

14 BY MR. GOULD:

15 Q. Pardon me?

16 A. iTunes.

17 Q. Okay. Tell me what revenue comes from

18 iTunes.

19 A. Revenue.

20 Q. Okay. And then tell me under what

21 circumstances revenue comes from iTunes.

22 A. When people buy it.

23 Q. When people --

24 MR. MCPHERSON: Objection;

25 foundation.

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1 THE DEPONENT: When people purchase

2 it.

3 BY MR. GOULD:

4 Q. When people purchase it off iTunes?

5 A. Yes.

6 Q. Does revenue come from the selling of

7 music -- the selling of the music, an album?

8 A. When people purchase --

9 MR. MCPHERSON: Objection; vague and

10 ambiguous.

11 THE DEPONENT: -- from iTunes, that's

12 where revenue comes in.

13 I don't want to -- I'm not trying to

14 be difficult at all. I'm giving you an answer to

15 that --

16 BY MR. GOULD:

17 Q. No, you're not. It's the lawyers.

18 A. -- when I can answer, and that's

19 iTunes.

20 Q. All right. What other revenues comes

21 from "I Gotta Feeling"?

22 MS. CENAR: Objection to the form.

23 THE DEPONENT: We're trying to fight a

24 law. This -- we're trying to go to the Supreme Court

25 to fight a case where artists should get paid for

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1 performance royalties, but we don't.

2 So there's millions -- hundreds of

3 millions of dollars left overseas because America

4 doesn't pay their artists to perform on records.

5 So other -- in other countries, the

6 only other country that doesn't pay their artists to

7 perform is Iraq and America.

8 BY MR. GOULD:

9 Q. Uh-huh.

10 A. So we're trying to fight that because

11 there's money available for people to collect and we

12 can't.

13 So maybe you could help us fight that,

14 too.

15 Q. When you typically go on tour, do you

16 sing "I Gotta Feeling"?

17 A. Yes.

18 MR. MCPHERSON: Objection;

19 foundation.

20 MS. CENAR: Objection to form.

21 THE DEPONENT: Yes, we do.

22 BY MR. GOULD:

23 Q. And do you receive money when you go

24 on tour?

25 (NO AUDIBLE RESPONSE BY THE DEPONENT.)

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1 BY MR. GOULD:

2 Q. Do you receive money when you go to a

3 concert in Frankfurt or London or somewhere? You get

4 money for that, don't you?

5 MS. CENAR: Objection; form,

6 foundation.

7 BY MR. GOULD:

8 Q. The Black Eyed Peas get money, some

9 money for performing? You don't do this for free?

10 MS. CENAR: Objection to form,

11 foundation.

12 BY MR. GOULD:

13 Q. Correct?

14 A. Correct.

15 Q. All right. The album -- what album is

16 "I Gotta Feeling" on?

17 A. "The E.N.D."

18 Q. "The E.N.D." album.

19 And "The E.N.D." album was -- are

20 there revenues that came from the sale of the album?

21 A. No one buys albums.

22 Q. So where -- does the revenue come --

23 does this make sense to you: Revenue coming from the

24 sale of albums?

25 A. Singles.

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1 Q. Does that make any sense?  
 2 A. Singles. We are in a singles market,  
 3 sir.  
 4 Q. Okay. Does revenue come from the sale  
 5 of "I Gotta Feeling"?  
 6 A. I said that.  
 7 Q. That's the iTunes?  
 8 A. On iTunes.  
 9 Q. Okay. Is there any other source of  
 10 revenue?  
 11 A. I don't know.  
 12 Q. Okay. And that information would be  
 13 at Interscope; correct?  
 14 MR. MCPHERSON: Objection;  
 15 speculation.  
 16 MS. CENAR: Objection; form and  
 17 foundation.  
 18 THE DEPONENT: Yes.  
 19 BY MR. GOULD:  
 20 Q. And I appreciate your answering that.  
 21 How are -- splits for music, what's  
 22 the term "split" mean to you?  
 23 You do "I Gotta Feeling." There's  
 24 what's called "splits"?  
 25 A. Uh-huh.

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1 Q. Songwriter splits?  
 2 A. Yeah.  
 3 Q. Is that right?  
 4 Okay. What's a songwriter split?  
 5 A. Music gets 50; lyrics get 50, and --  
 6 and all parties split from that pie.  
 7 Q. Would you give me that percentage  
 8 again, please.  
 9 A. Usually the music bed is 50 percent of  
 10 the pie and the lyric is 50 percent of the pie.  
 11 Q. Okay. So if someone writes a major  
 12 part of the music for a song that you use, they would  
 13 get something in the area of 50 percent --  
 14 MS. CENAR: Objection --  
 15 BY MR. GOULD:  
 16 Q. -- as a split?  
 17 MS. CENAR: -- form, foundation.  
 18 THE DEPONENT: No.  
 19 So if there was ten people --  
 20 BY MR. GOULD:  
 21 Q. Okay.  
 22 A. -- five of which composed the music --  
 23 Q. Correct.  
 24 A. -- they would split the 50 equally.  
 25 Q. Okay. I got it. I got it.

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1 A. And the other five would split the  
 2 lyric --  
 3 Q. I got it.  
 4 A. -- five ways.  
 5 And that's how it works. Not one  
 6 person gets 50. It depends on how many people  
 7 compose --  
 8 Q. Now, if one person wrote all of the  
 9 music --  
 10 A. Now, if one person wrote the chord  
 11 progression --  
 12 Q. Yes?  
 13 A. -- then that person gets the majority  
 14 of the publishing because they're based -- everything  
 15 around the progression.  
 16 Q. All right. And when you say the  
 17 "chord progression," what do you mean by that?  
 18 MS. CENAR: Objection; form,  
 19 foundation.  
 20 MR. GOULD: He used the word and I'm  
 21 asking what he meant by it. What's wrong with the  
 22 form --  
 23 MS. CENAR: Because --  
 24 MR. GOULD: -- and foundation?  
 25 MS. CENAR: -- you're asking it in a

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1 hypothetical and not in context with a specific  
 2 situation.  
 3 MR. GOULD: Help me, please.  
 4 Repeat the question, please.  
 5 (THE RECORD WAS READ AS FOLLOWS:  
 6 Q. All right. And when you  
 7 say the "chord progression,"  
 8 what do you mean by that?)  
 9 BY MR. GOULD:  
 10 Q. You used the words "chord  
 11 progression." What do you mean by those words?  
 12 A. You're not familiar with the music  
 13 industry?  
 14 Q. Just what do you mean by those words?  
 15 Explain it to somebody who isn't.  
 16 A. Okay.  
 17 MS. CENAR: Objection; form.  
 18 THE DEPONENT: So chord progression  
 19 is -- and this is another thing that people have been  
 20 trying to fight since the dawn of the music  
 21 industry.  
 22 BY MR. GOULD:  
 23 Q. Okay.  
 24 A. A progression is -- I was waiting  
 25 until you guys finished.

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1 Q. Yeah. I'm sorry. I just whispered  
 2 something in my associate. I'm sorry if I --  
 3 MS. CENAR: You do know the mics pick  
 4 up everything, so your whispering is going to be part  
 5 of the record.  
 6 MR. GOULD: That's okay.  
 7 THE DEPONENT: So he asked me a  
 8 question. And as I went to answer it, he went to  
 9 talk to his person.  
 10 BY MR. GOULD:  
 11 Q. Yeah, I apologized.  
 12 A. No. The person on the camera doesn't  
 13 know that, though. It's okay.  
 14 Q. Yeah.  
 15 A. So --  
 16 Q. Continue with your answer.  
 17 A. A chord progression is like -- you  
 18 know, there's a one, four, five for a chord  
 19 progression. That's like every song on the planet is  
 20 one, four, five.  
 21 We don't know who wrote that chord  
 22 progression, but every Bob Marley song, every  
 23 Stevie Wonder song is centered around a one, four,  
 24 five progression.  
 25 But then there's variations of that

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1 progression; how that progression is manipulated over  
 2 time or time signature.  
 3 And if I wrote a progression, A, no,  
 4 C, C, C, A sharp, D sharp, F sharp -- right? -- then  
 5 I started the progression.  
 6 Then I started adding -- then I would  
 7 add a signature around it or a character -- you know,  
 8 making it -- bringing a personality around that  
 9 progression.  
 10 Q. Uh-huh.  
 11 A. And I would have gained the majority  
 12 of the musical bed.  
 13 Then if I have a guitarist, he would  
 14 add something to it, or a trumpet player would add  
 15 something to that, and then we would all participate  
 16 in songwriting.  
 17 But if it's 50 percent; say, for  
 18 example, I wrote the majority of it and the baseline  
 19 to go with that chord progression --  
 20 Q. Uh-huh.  
 21 A. -- then I would probably get  
 22 25 percent of that; right?  
 23 And then everyone else who added to it  
 24 will probably get -- and that's standard rule amongst  
 25 songwriting.

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1 So then the person who writes -- wrote  
 2 the song, the lyrical part -- say, for example, I  
 3 just wrote the chorus --  
 4 Q. Uh-huh.  
 5 A. -- and I'm automatically getting  
 6 25 percent of it because I wrote the chorus, then all  
 7 the people that contributed to verses or turnarounds  
 8 and beat sections participate in the last remaining  
 9 25 percent  
 10 That's pretty much standard amongst  
 11 all writing camps, that system.  
 12 Q. Got it.  
 13 And the situation where you -- the  
 14 song "Party All The Time," there was a lawsuit that  
 15 was filed by a gentleman named Adam Freeland against  
 16 The Black Eyed Peas in connection with The Black Eyed  
 17 Peas taking of his music.  
 18 You're familiar with that?  
 19 A. Yes.  
 20 Q. Okay. And money was paid to  
 21 Mr. Freeland to settle that matter; is that  
 22 correct?  
 23 MS. CENAR: I'm going to object, and  
 24 instruct the witness.  
 25 To the extent you can answer that

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1 question without revealing communications with your  
 2 counsel, you may answer that question.  
 3 If you can't without revealing  
 4 communications with your lawyers, that conversation  
 5 is privileged and you're instructed not to answer.  
 6 MR. GOULD: Okay. And I will say for  
 7 the record -- I know you are not going to answer --  
 8 BY MR. GOULD:  
 9 Q. You won't answer the question;  
 10 correct?  
 11 A. No.  
 12 MR. GOULD: All right. I will say for  
 13 the record that that is code -- that is code for  
 14 "don't answer the question."  
 15 The question does not ask for an  
 16 attorney-client communication.  
 17 BY MR. GOULD:  
 18 Q. Same question with respect to the song  
 19 "Voodoo Doll."  
 20 Groundation sued The Black Eyed Peas  
 21 in connection with taking the "Waterfall" music and  
 22 using it in "Voodoo Doll"; isn't that true?  
 23 A. Uh-huh.  
 24 Q. Correct? Is that right?  
 25 A. Yes.

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1 Q. All right. Did you authorize --  
 2 A. Not the Black Eyed Peas. That's not  
 3 right.  
 4 Q. Who was it?  
 5 A. That wasn't The Black Eyed Peas.  
 6 Q. "Voodoo Doll" was Fergie?  
 7 A. Yeah, you guys should get your little  
 8 facts right.  
 9 Q. I apologize.  
 10 Did you authorize or have any -- was  
 11 anybody -- never mind. Never mind.  
 12 There's a current lawsuit by a  
 13 plaintiff named Motrin Lynn Toliver against The Black  
 14 Eyed Peas in connection with your song -- The Black  
 15 Eyed Peas song "My Humps" and their song "Sexual  
 16 Harassment."  
 17 Are you familiar with that?  
 18 A. No.  
 19 Q. The song itself is "I Need A Freak."  
 20 Did you ever hear of the song "I Need  
 21 A Freak"?  
 22 A. Yes.  
 23 That song was cleared.  
 24 Q. Okay. So there is a document that  
 25 shows that or -- do you know that?

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1 MR. MCPHERSON: Objection; compound.  
 2 BY MR. GOULD:  
 3 Q. Do you know whether there is a  
 4 document that refers to that song being cleared?  
 5 MS. CENAR: Objection to form.  
 6 If you know information from  
 7 privileged communications, then you're instructed not  
 8 to answer the question.  
 9 BY MR. GOULD:  
 10 Q. You're not going to answer that?  
 11 A. What she said.  
 12 Q. You already answered it, that it was  
 13 cleared.  
 14 A. That was cleared.  
 15 Q. Okay. I would like you to produce the  
 16 document through your counsel --  
 17 A. I can't produce that.  
 18 Q. I know. I understand that. I'm  
 19 speaking to your counsel.  
 20 I would like it to be produced along  
 21 with other information that we'll get back to you  
 22 about after the deposition.  
 23 THE DEPONENT: Is he talking to me?  
 24 MS. CENAR: He's talking to himself.  
 25 MR. GOULD: Yeah, I'm just talking to

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1 the record -- talking to myself and to the record and  
 2 to your counsel.  
 3 THE DEPONENT: Okay.  
 4 MR. GOULD: I'd like the document that  
 5 cleared that song.  
 6 BY MR. GOULD:  
 7 Q. There was a jury -- did you  
 8 participate in the trial in connection with that  
 9 case?  
 10 A. No.  
 11 Q. Was there a jury verdict in that  
 12 case?  
 13 A. I don't know.  
 14 Q. Was there a trial in that case?  
 15 A. I don't know.  
 16 Q. Was any money paid in that case?  
 17 A. I don't know.  
 18 Q. Do you know anything about the issue  
 19 of -- of -- anything beyond that matter other than  
 20 what you've testified?  
 21 MS. CENAR: Counsel, do you have a  
 22 case citation for that?  
 23 MR. GOULD: No.  
 24 MS. CENAR: Okay. I'm going to object  
 25 to this line --

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1 MR. GOULD: Do you know --  
 2 MS. CENAR: -- of questioning as being  
 3 misleading. And I would ask you very strongly to  
 4 check your facts --  
 5 MR. GOULD: Thank you.  
 6 MS. CENAR: -- before you continue  
 7 with the questioning.  
 8 BY MR. GOULD:  
 9 Q. All right. Do you know anything about  
 10 that matter other than what you've testified to?  
 11 A. No.  
 12 Q. Okay. Does Interscope, if you know,  
 13 accept unsolicited music from third parties?  
 14 A. I don't know.  
 15 Q. Do you accept unsolicited music from  
 16 third parties?  
 17 A. No.  
 18 MS. CENAR: Objection to --  
 19 DEPOSITION OFFICER: I couldn't hear  
 20 you, Counsel.  
 21 MS. CENAR: I said "objection to  
 22 form."  
 23 DEPOSITION OFFICER: Thank you.  
 24 And your answer was?  
 25 THE DEPONENT: No.



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1 BY MR. GOULD:  
 2 Q. The caption of that last case is  
 3 05 -- the last case, the Toliver case is -- it's  
 4 against Will.i.am Music; Cherry River Music;  
 5 Will Adams, individually; UMG Records Recording;  
 6 James Louis McCants.  
 7 The plaintiff is Toliver, doing  
 8 business as David Patton, and the court file number  
 9 in New York is 05 Civil 10840, for the record.  
 10 How many times has The Black Eyed Peas  
 11 participated in a -- paid out on a claim that you --  
 12 how many claims are you aware of that were made --  
 13 claims not in a lawsuit, I'm talking about, claims  
 14 where somebody said The Black Eyed Peas took their  
 15 music without getting authorization?  
 16 MR. MCPHERSON: Objection; vague and  
 17 ambiguous, lacks foundation.  
 18 MS. CENAR: Objection to form,  
 19 foundation.  
 20 BY MR. GOULD:  
 21 Q. Tell me. Maybe the answer is zero?  
 22 Maybe it's ten? Maybe it's --  
 23 A. I don't know.  
 24 Q. You don't know?  
 25 (NO AUDIBLE RESPONSE BY THE DEPONENT.)

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1 BY MR. GOULD:  
 2 Q. Are there instances where you've  
 3 received claims from third parties saying that you  
 4 have -- "you" being The Black Eyed Peas -- have taken  
 5 someone else's music without authorization?  
 6 Have there been instances of that?  
 7 MS. CENAR: Objection; form,  
 8 foundation.  
 9 And you can answer the question to the  
 10 extent you don't reveal communications with your  
 11 lawyer.  
 12 To the extent that this question asks  
 13 you to reveal communications with your counsel,  
 14 you're instructed not to reveal privileged  
 15 communications with your counsel.  
 16 BY MR. GOULD:  
 17 Q. You're not going to answer that  
 18 question?  
 19 A. I don't -- I don't know. There's a  
 20 lot of -- for everybody that's successful, there  
 21 comes a -- there's a bunch of parasites that want to  
 22 feed off things.  
 23 I don't know.  
 24 Q. So is that -- are you in effect saying  
 25 that there are instances where people, whether they

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1 are parasites or not, have made assertions that you  
 2 have taken -- "you," The Black Eyed Peas -- have  
 3 taken the music without authorization?  
 4 MS. CENAR: Same objections; same  
 5 instruction.  
 6 You can answer to the extent you don't  
 7 reveal privileged communication.  
 8 MR. GOULD: And that is code again,  
 9 telling the witness what to answer; what not to  
 10 answer.  
 11 MS. CENAR: It's an instruction --  
 12 MR. GOULD: It's a code.  
 13 MS. CENAR: -- on privilege.  
 14 MR. GOULD: And we'll deal with that  
 15 someday.  
 16 BY MR. GOULD:  
 17 Q. Do you refuse to answer the  
 18 question?  
 19 MS. CENAR: Are you going to follow my  
 20 instructions?  
 21 THE DEPONENT: I'm going to follow her  
 22 instructions.  
 23 BY MR. GOULD:  
 24 Q. Okay. Walk me through the making of  
 25 "I Gotta Feeling."

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1 I know you didn't have anything to do  
 2 with the music -- At least that's my understanding;  
 3 correct?  
 4 MS. CENAR: Objection to the form.  
 5 THE DEPONENT: That's --  
 6 BY MR. GOULD:  
 7 Q. Is it true or not true that you had  
 8 nothing to do with the music itself?  
 9 A. I had nothing do with the music at  
 10 all.  
 11 Q. Okay. And I think you testified that  
 12 you received the music in the form of a disk?  
 13 A. No.  
 14 Q. Excuse me. I'm sorry.  
 15 In the form of an attachment to an  
 16 e-mail?  
 17 A. In the form of an e-mail.  
 18 Q. Okay. And when you played it, did you  
 19 play it to yourself?  
 20 A. Yes.  
 21 Q. All right. Was anybody with you when  
 22 you played it?  
 23 A. No.  
 24 Q. All right. And did you think that the  
 25 music was excellent?

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1 A. We did this already, sir.  
 2 Q. I know.  
 3 Did you think the music was excellent?  
 4 MS. CENAR: Objection; asked and  
 5 answered.  
 6 THE DEPONENT: We did this. We did  
 7 this already, sir.  
 8 BY MR. GOULD:  
 9 Q. Did you think the music was excellent?  
 10 You said it was amazing. Does that  
 11 mean "excellent" as well?  
 12 MS. CENAR: Objection; asked and  
 13 answered.  
 14 Do you have anything to add -- to add  
 15 to your last answer?  
 16 THE DEPONENT: No.  
 17 BY MR. GOULD:  
 18 Q. All right. You liked the music?  
 19 A. We did this, sir.  
 20 Q. No, you said it was amazing. I'm  
 21 asking if you liked the amazing music.  
 22 MS. CENAR: Objection; form.  
 23 THE DEPONENT: We did that.  
 24 BY MR. GOULD:  
 25 Q. So you don't want to answer the

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1 question?  
 2 MS. CENAR: Answer it if you can.  
 3 THE DEPONENT: Yes.  
 4 BY MR. GOULD:  
 5 Q. All right. What about the music --  
 6 A. We did that.  
 7 Q. -- did you like?  
 8 A. I said the chord progression was  
 9 amazing.  
 10 Q. Okay.  
 11 And let's play the music, the song,  
 12 the disk.  
 13 MS. CENAR: Can we identify for the  
 14 record what you're about to play?  
 15 MR. GOULD: Yeah. Please identify it,  
 16 Ryan.  
 17 MR. GREELY: "I Gotta Feeling"?  
 18 MR. GOULD: Yeah, their exhibit.  
 19 MR. GREELY: Oh. You want me to play  
 20 their exhibit or the disk?  
 21 MR. GOULD: Pardon me?  
 22 MR. GREELY: You mean the disk?  
 23 MS. CENAR: Can you identify for the  
 24 record what the exhibit number is that you're about  
 25 to play?

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1 MR. GOULD: 1-A.  
 2 DEPOSITION OFFICER: Also known as 8.  
 3 MS. CENAR: Deposition Exhibit  
 4 Number 8?  
 5 DEPOSITION OFFICER: Correct.  
 6 MS. CENAR: And it's not 1-A, it's the  
 7 BEP-PR.  
 8 MR. GOULD: See, you are better at  
 9 this.  
 10 MS. CENAR: So this is the disk that  
 11 we gave them this morning.  
 12 Could you turn it up?  
 13 (WHEREUPON, DEPOSITION EXHIBIT  
 14 NUMBER 8, A/K/A BEP-PR 1A, WAS  
 15 PLAYED FOR THE RECORD.)  
 16 MR. GOULD: Could you stop it right  
 17 here.  
 18 MS. CENAR: No. Keep going. On the  
 19 Rule of --  
 20 MR. GOULD: I'm asking the questions.  
 21 I'm going to get to the whole disk.  
 22 MS. CENAR: -- on the Rule of  
 23 Completeness --  
 24 MR. GOULD: Thank you.  
 25 MS. CENAR: -- I ask that it be --

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1 MR. GOULD: Thank you.  
 2 MS. CENAR: -- the entire exhibit be  
 3 played; otherwise, I ask that the question be  
 4 stricken.  
 5 MR. GOULD: Okay. Would you indicate  
 6 where you are on the --  
 7 MR. GREELY: The song was stopped at  
 8 54 seconds into the song.  
 9 BY MR. GOULD:  
 10 Q. Okay. Was there anything amazing in  
 11 what you just heard?  
 12 MS. CENAR: Objection to the form of  
 13 the question.  
 14 THE DEPONENT: When I heard the song,  
 15 I heard the whole entire song.  
 16 BY MR. GOULD:  
 17 Q. But I'm asking you to focus on this  
 18 part of it that was just played to you.  
 19 A. I judge things on the entirety.  
 20 Q. That was not the amazing part;  
 21 correct?  
 22 A. The whole song was amazing.  
 23 Q. That part that I just played to you  
 24 was not the amazing part?  
 25 A. Semantics.

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1 Q. Well --  
 2 A. It's all relative.  
 3 Q. -- part --  
 4 A. It's all relative.  
 5 (SPEAKING SIMULTANEOUSLY.)  
 6 BY MR. GOULD:  
 7 Q. Was that part amazing? If it's  
 8 amazing, tell me. That's all.  
 9 A. The whole thing --  
 10 Q. I'm not fighting with you.  
 11 A. The whole thing -- the whole thing is  
 12 amazing.  
 13 MR. MCPHERSON: Asked and answered.  
 14 MS. CENAR: Objection to form, asked  
 15 and answered, harassment of the witness.  
 16 Counsel, please move on.  
 17 BY MR. GOULD:  
 18 Q. I'm asking you a question: Was what  
 19 you just heard amazing?  
 20 A. Everything is amazing.  
 21 Q. So you consider that to be amazing?  
 22 A. Yes, it is.  
 23 Q. Okay. Do you consider what you just  
 24 heard to be excellent?  
 25 MS. CENAR: Objection to the form.

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1 THE DEPONENT: The whole entire thing  
 2 is excellent.  
 3 BY MR. GOULD:  
 4 Q. In this particular part that I just  
 5 played to you, did that inspire you to do "I" -- to  
 6 write the song "I Gotta Feeling"?  
 7 THE DEPONENT: It sure did.  
 8 MR. MCPHERSON: Objection to form.  
 9 BY MR. GOULD:  
 10 Q. It did?  
 11 A. Yes.  
 12 Q. What was inspiring about what you just  
 13 heard?  
 14 A. On those speakers you can't hear  
 15 what's actually inside of it.  
 16 Q. Explain to me what -- what your ears  
 17 hear --  
 18 A. No.  
 19 Q. -- when you hear that?  
 20 A. No, no. It's that speaker. Those  
 21 speakers coming out of that laptop --  
 22 Q. Yes?  
 23 A. -- you're not hearing everything, sir.  
 24 Q. So tell me what you heard when you  
 25 listed to it that makes you --

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1 A. Well, you're not hearing the bass,  
 2 because that -- that -- those speakers don't transmit  
 3 the bass.  
 4 Q. Okay. So anything else?  
 5 A. Next question, please.  
 6 Q. Anything else other than adding the  
 7 bass --  
 8 A. Next question.  
 9 Q. -- that makes -- no, no, no. I ask  
 10 the questions; you give the answers.  
 11 A. And I've finished my answer.  
 12 Q. You --  
 13 (SPEAKING SIMULTANEOUSLY.)  
 14 THE WITNESS: I've finished my answer.  
 15 BY MR. GOULD:  
 16 Q. And we're not -- we're supposed to be  
 17 nice with each other, please; okay?  
 18 MS. CENAR: If you have nothing to  
 19 add to it, then just say there is nothing --  
 20 THE DEPONENT: I finished my answer.  
 21 BY MR. GOULD:  
 22 Q. Okay. Let's continue with the song.  
 23 MS. CENAR: So we're starting at  
 24 54 seconds on Exhibit Number 8?  
 25 MR. GOULD: I said, "Let's continue

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1 with the song." Exactly.  
 2 (WHEREUPON, DEPOSITION EXHIBIT  
 3 NUMBER 8, A/K/A BEP-PR 1A, WAS  
 4 PLAYED FOR THE RECORD.)  
 5 MR. GREELY: We're stopping the song  
 6 at 127 into it.  
 7 BY MR. GOULD:  
 8 Q. Now, what you just heard, that was  
 9 amazing, wasn't it?  
 10 MS. CENAR: I'm going to object on the  
 11 Rule of Completeness and form and foundation.  
 12 BY MR. GOULD:  
 13 Q. Okay. You can answer the question.  
 14 There's no attorney-client privilege.  
 15 A. The whole entire song is amazing, sir.  
 16 Q. Okay. Was that part of what's  
 17 amazing?  
 18 A. The whole entire song is amazing.  
 19 Q. Okay. Is that part of what's amazing?  
 20 A. It's all relative.  
 21 (SPEAKING SIMULTANEOUSLY.)  
 22 BY MR. GOULD:  
 23 Q. So you can't answer whether that part  
 24 of the song --  
 25 A. It's all relative.

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1 Q. Was that part of the song --  
 2 A. It's all relative, sir. It's all  
 3 relative.  
 4 Q. I understand. Was that part of the  
 5 song --  
 6 A. It's all relative.  
 7 Don't put your opinion on me, please.  
 8 Q. I do what I gotta --  
 9 MS. CENAR: All right. Let -- let him  
 10 finish his question.  
 11 BY MR. GOULD:  
 12 Q. I'll do what I've gotta do. You do  
 13 what you do.  
 14 MS. CENAR: Let him finish his  
 15 question.  
 16 BY MR. GOULD:  
 17 Q. All you have to --  
 18 A. I answered the question.  
 19 Q. -- do is answer the question honestly.  
 20 A. I did answer it honestly.  
 21 Q. These are your answers for trial;  
 22 okay? That's all.  
 23 MR. MCPHERSON: Can we take a break?  
 24 MR. GOULD: No. We're going to finish  
 25 the song, the Rule of Completeness.

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1 MR. MCPHERSON: Well, Counsel, I --  
 2 MR. GOULD: No, no, no. We're not  
 3 going to go instructing the witness in the middle of  
 4 questions about the song.  
 5 (SPEAKING SIMULTANEOUSLY.)  
 6 THE DEPONENT: Keep going.  
 7 MS. CENAR: Counsel, let's --  
 8 MR. MCPHERSON: I'm not instructing  
 9 him anything. I need to go to the bathroom.  
 10 MR. GOULD: Well, that's what's going  
 11 to happen if we take a break.  
 12 THE DEPONENT: Keep -- let's keep  
 13 going.  
 14 MR. GOULD: Let's keep going, please.  
 15 MS. CENAR: All right. Let's go.  
 16 Ed, apparently you can't go to the  
 17 men's room right now.  
 18 MR. MCPHERSON: Okay. So the same  
 19 courtesy will be --  
 20 MR. GOULD: So now --  
 21 THE DEPONENT: Could we continue to  
 22 go, sir?  
 23 MR. GOULD: I'm glad she's told you  
 24 that you have to go to the men's room.  
 25 MS. CENAR: Could we please --

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1 MR. MCPHERSON: No, I already said  
 2 that, Counsel.  
 3 MS. CENAR: Ira, ask your question,  
 4 please.  
 5 MR. GOULD: I'm going to ask the  
 6 question and let's finish the disk.  
 7 MS. CENAR: So what is the question?  
 8 MR. GOULD: We're playing the rest of  
 9 the song.  
 10 (WHEREUPON, DEPOSITION EXHIBIT  
 11 NUMBER 8, A/K/A BEP-PR 1A, WAS  
 12 PLAYED FOR THE RECORD.)  
 13 MS. CENAR: Where did we stop?  
 14 MR. GREELY: That stopped at 219.  
 15 MS. CENAR: Okay.  
 16 BY MR. GOULD:  
 17 Q. Was what you heard part of the amazing  
 18 part of the song?  
 19 MS. CENAR: Again --  
 20 THE DEPONENT: The whole entire song  
 21 was amazing, sir.  
 22 BY MR. GOULD:  
 23 Q. Okay.  
 24 MS. CENAR: Again, form and  
 25 foundation, asked and answered, and the Rule of

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1 Completeness.  
 2 BY MR. GOULD:  
 3 Q. All right. If the first part I played  
 4 for you, which you said was part of the amazing part,  
 5 was so amazing, why wasn't it included in "I Gotta  
 6 Feeling"?  
 7 A. It was, sir.  
 8 Q. The beginning part of it was?  
 9 A. Yes, sure was.  
 10 Q. All right. Let's hear the rest of  
 11 disk and we'll come back to it later.  
 12 Let's hear the rest of the song.  
 13 (WHEREUPON, DEPOSITION EXHIBIT  
 14 NUMBER 8, A/K/A BEP-PR 1A, WAS  
 15 PLAYED FOR THE RECORD.)  
 16 THE DEPONENT: That's crazy.  
 17 BY MR. GOULD:  
 18 Q. Did you say it was "amazing"?  
 19 A. I said "it's crazy."  
 20 Q. "Crazy." What do you mean by that?  
 21 This part of this song is crazy?  
 22 MS. CENAR: Do you want him to listen  
 23 to the song?  
 24 MR. GOULD: No. Stop it.  
 25 MS. CENAR: Where are we stopping it?

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1 MR. GREELY: Stop at 334.  
 2 BY MR. GOULD:  
 3 Q. You just referred to what we just shut  
 4 down --  
 5 A. No, no.  
 6 Q. -- as "crazy." What were you --  
 7 A. No. The situation is crazy.  
 8 Q. Oh. The situation is crazy.  
 9 Continue it. Okay.  
 10 (WHEREUPON, DEPOSITION EXHIBIT  
 11 NUMBER 8, A/K/A BEP-PR 1A, WAS  
 12 PLAYED FOR THE RECORD.)  
 13 BY MR. GOULD:  
 14 Q. Okay. Have we now just played for you  
 15 what was on the disk that you heard when you -- when  
 16 you heard the attachment that was sent to you by  
 17 Mr. Guetta?  
 18 A. Yes.  
 19 Q. Did we just play it?  
 20 A. Yes.  
 21 Q. Did we just play it?  
 22 A. Yes.  
 23 Q. All right. Is that whole song that we  
 24 just played amazing to you, the music?  
 25 A. Yes.

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1 MR. MCPHERSON: Objection;  
 2 foundation.  
 3 BY MR. GOULD:  
 4 Q. Now, what makes it amazing?  
 5 A. Fifth time: The chord progression,  
 6 sir.  
 7 Q. The chord progression. All right.  
 8 Now, can you point to me -- if I went  
 9 back and I played it for you, could you point to me  
 10 what chord progression in particular that you think  
 11 is amazing?  
 12 A. No. No.  
 13 So when someone says a "chord  
 14 progression" --  
 15 Q. Uh-huh.  
 16 A. -- there's no particular. The chord  
 17 progression is it. That song has no other chord  
 18 progression but one.  
 19 Q. Okay. Can you pick out any part of  
 20 that chord progression as more significant or more  
 21 memorable than any other part?  
 22 A. You're verbalizing it wrong.  
 23 Q. Well, I'm asking. I'm not a musical  
 24 person.  
 25 A. Your question is not --

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1 MS. CENAR: So don't answer his  
 2 question.  
 3 BY MR. GOULD:  
 4 Q. You can't pick it out because I'm not  
 5 understanding the --  
 6 A. That's not the way you ask that  
 7 question. So I can answer the question.  
 8 MS. CENAR: So this is the question.  
 9 THE DEPONENT: Oh.  
 10 MS. CENAR: "Can you pick out any  
 11 parts of that chord progression as more significant  
 12 or more" --  
 13 THE DEPONENT: That question doesn't  
 14 make sense.  
 15 MS. CENAR: Okay.  
 16 BY MR. GOULD:  
 17 Q. Okay. Do you understand what I'm  
 18 driving at or you don't even understand that?  
 19 MS. CENAR: Objection to the form.  
 20 MR. DICKSTEIN: Objection to form.  
 21 THE DEPONENT: That doesn't make  
 22 sense, sir.  
 23 BY MR. GOULD:  
 24 Q. Okay. What doesn't make sense?  
 25 A. You can't pick out a chord -- you

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1 can't pick anything out of a chord progression.  
 2 That's -- that's what it is. It's a progression.  
 3 Q. Is there -- is there music that you  
 4 just listened to that you would think is part of what  
 5 is the hook for the song that you did vocally -- that  
 6 you did when you wrote the lyrics?  
 7 MR. DICKSTEIN: Objection to the  
 8 form.  
 9 MS. CENAR: Objection to the form.  
 10 THE DEPONENT: "Doo doo doo bah dooh"  
 11 (indicating): To me, that's what hypnotized me. The  
 12 strings, sir.  
 13 BY MR. GOULD:  
 14 Q. The string?  
 15 A. The strings.  
 16 Q. Was it the guitar twang? Did you hear  
 17 the guitar --  
 18 A. I said it was the strings. You asked  
 19 me a question.  
 20 (SPEAKING SIMULTANEOUSLY.)  
 21 BY MR. GOULD:  
 22 Q. I know. Exactly.  
 23 A. I answered the question.  
 24 Q. I only want your answers.  
 25 A. "Baad dan nah" (indicating): The

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1 strings, the orchestra. That's what pulled me.  
 2 That's the emotion. That's what gave me the emotion.  
 3 Q. How about --  
 4 A. It's how the orchestra followed the  
 5 chord progression. That's what it is.  
 6 Don't put your thoughts in my head.  
 7 Q. How about the guitar?  
 8 A. Don't put your thoughts in my head.  
 9 Q. No, no. All you have to do is  
 10 disagree with me.  
 11 (SPEAKING SIMULTANEOUSLY.)  
 12 MS. CENAR: He just asked you a second  
 13 question.  
 14 BY MR. GOULD:  
 15 Q. It's a different question.  
 16 MS. CENAR: He just asked you a second  
 17 question.  
 18 Objection to form.  
 19 MR. GOULD: Okay.  
 20 MS. CENAR: How about the guitar?  
 21 MR. MCPHERSON: Joined.  
 22 MS. CENAR: Is there a context you'd  
 23 like to listen --  
 24 MR. GOULD: Yes.  
 25 ///

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1 BY MR. GOULD:  
 2 Q. Let's go back to the beginning of the  
 3 song, and I'll tell you exactly what I'm referring  
 4 to.  
 5 A. One minute and 20 seconds.  
 6 DEPOSITION OFFICER: Hang on a second.  
 7 THE DEPONENT: Go to one minute and 20  
 8 seconds in.  
 9 Thank you.  
 10 (WHEREUPON, DEPOSITION EXHIBIT  
 11 NUMBER 8, A/K/A BEP-PR 1A, WAS  
 12 PLAYED FOR THE RECORD.)  
 13 BY MR. GOULD:  
 14 Q. I'm referring to -- do you hear a  
 15 guitar sound in that?  
 16 A. Yes.  
 17 MR. DICKSTEIN: Objection; form.  
 18 THE DEPONENT: Go ahead.  
 19 BY MR. GOULD:  
 20 Q. What is the guitar -- what is the  
 21 guitar -- do you want me to find it again for you --  
 22 A. No.  
 23 Q. -- so you can identify it?  
 24 You hear a guitar in there; correct?  
 25 A. Yes.

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1 Q. And it's the "dah dah dah dah"  
 2 (indicating); right?  
 3 A. Yes.  
 4 Q. Is that -- was that inspirational to  
 5 you?  
 6 (SPEAKING SIMULTANEOUSLY.)  
 7 THE DEPONENT: So the phone  
 8 conversation went as such and --  
 9 MS. CENAR: He asked you a specific  
 10 question.  
 11 BY MR. GOULD:  
 12 Q. No. No. The question is a specific  
 13 question.  
 14 A. This is the answer.  
 15 Q. Okay.  
 16 MS. CENAR: Go ahead.  
 17 THE DEPONENT: The answer is this:  
 18 I'm in Colorado. There's a guy by the name of Brad.  
 19 Brad owns a company called Beatport.  
 20 BY MR. GOULD:  
 21 Q. Uh-huh.  
 22 A. Beatport's a DJ website where DJs  
 23 download songs. Maybe some of them are members.  
 24 Some of them steal them. They hack Beatport. Some  
 25 of them buy it.

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1 So I paid a visit to Beatport. And I  
 2 said, "Hey, Brad, do you know the guy who produced  
 3 'Now That The Love Is Gone'? I want him to produce a  
 4 song for The Black Eyed Peas. We're making our new  
 5 record."  
 6 Brad said, "I'll put him on the phone  
 7 right now."  
 8 I said, "You know that guy?"  
 9 "Yeah. He's a good friend of mine."  
 10 "Hello."  
 11 "Hi, my name is Will.i.am from The  
 12 Black Eyed Peas."  
 13 "Hey, it's David Guetta."  
 14 "Hey, I love your song 'Now That The  
 15 Love Is Gone.' Can you produce a song for The Black  
 16 Eyed Peas that's similar to that?"  
 17 "Oh. You like 'Now That The Love Is  
 18 Gone'? I like Black Eyed Peas."  
 19 I'm like, "Okay. You -- we would  
 20 really like to collaborate with you."  
 21 Q. Okay.  
 22 A. "Here's my e-mail address."  
 23 "I have some beats. I'll send you  
 24 some beats right now."  
 25 Right?

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1 He sent me a beat.  
 2 I said, "I'm flying home. Hopefully  
 3 you have some good beats."  
 4 He sent me beats to my e-mail  
 5 address.  
 6 Q. Yes.  
 7 A. I landed; got that track.  
 8 That song originally is a "Now That  
 9 The Love Is Gone" remix. He remixed his own song  
 10 that he played in DJ clubs.  
 11 That is a remix of a David Guetta  
 12 song, to my knowledge.  
 13 Q. Is that "Love Is Gone"?  
 14 A. Right.  
 15 First, that guitar twang was on "Now  
 16 That The Love Is Gone."  
 17 Q. Is that --  
 18 A. First.  
 19 Q. And --  
 20 A. I'm not finished with my answer.  
 21 Q. I'm sorry. I apologize.  
 22 A. I'm not finished with my answer.  
 23 Q. I apologize. I apologize.  
 24 A. She's doing her best.  
 25 Q. Right. So we are all.

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1 A. That guitar twang first was heard on  
 2 "Now That The Love Is Gone."  
 3 That was a request.  
 4 "This song works in clubs. I would  
 5 like to have a song like this for the new Black Eyed  
 6 Peas record."  
 7 So he then sent me a version of that  
 8 song that no one's heard, that he's played two times.  
 9 "I played it two times. The club went  
 10 crazy, Will.i.am."  
 11 Right?  
 12 So I then wrote "I gotta  
 13 feeling...ooohooo" (indicating) -- right -- to that.  
 14 The hook came first, then the mumble.  
 15 Q. When you say "The hook came first,"  
 16 what are you referring to?  
 17 A. "I gotta feeling" (Deponent singing).  
 18 That's the hook, sir.  
 19 Q. Uh-huh. Okay.  
 20 A. And then the verse.  
 21 Q. Got it.  
 22 A. And then I wrote it.  
 23 Q. Uh-huh.  
 24 A. So the file that he sent me --  
 25 Q. Uh-huh.

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1 A. -- was originally made in October.  
 2 Metadata don't lie. It doesn't lie.  
 3 Q. Of what year?  
 4 A. This year, sir.  
 5 Metadata doesn't lie.  
 6 Q. Not of this year? Not in 2011?  
 7 MS. CENAR: This is what you're  
 8 referring to as the metadata.  
 9 THE DEPONENT: So this is metadata,  
 10 sir.  
 11 October 31st, 2008, is when it was  
 12 originally made, that beat.  
 13 BY MR. GOULD:  
 14 Q. Uh-huh.  
 15 A. "Now That The Love Is Gone" was a song  
 16 that was out early 2008.  
 17 Q. Correct.  
 18 A. So that twang was originally on "Now  
 19 That The Love Is Gone." I requested a song like  
 20 that.  
 21 Q. What --  
 22 A. It wasn't a popular song. It was an  
 23 underground dance song.  
 24 Q. Uh-huh.  
 25 A. Right? That's the reason why nobody

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1 goes after that one.  
 2 Q. Uh-huh.  
 3 A. So what happens is when a song becomes  
 4 mega, mega, mega big, here come the leeches.  
 5 Q. Right.  
 6 A. So the metadata is here.  
 7 Q. Okay.  
 8 A. 2008.  
 9 Our song was written in November,  
 10 finished in February.  
 11 Q. Of what year?  
 12 A. November of 2008, finished in  
 13 February of 2009.  
 14 Q. Okay.  
 15 A. Metadata don't lie.  
 16 Q. Okay. I'm not arguing with you.  
 17 A. That's all the information I have.  
 18 That's all the information I could -- I could --  
 19 right? -- and I've provided.  
 20 Q. Fine.  
 21 A. David Guetta, I'm pretty sure, has  
 22 provided that he can recreate that.  
 23 Q. Uh-huh.  
 24 A. There's one -- there's one thing to  
 25 lie and say that something came from something. It's

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1 another thing to be able to recreate things.  
 2 Q. What would David Guetta please provide  
 3 us to show that he created that song?  
 4 (SPEAKING SIMULTANEOUSLY.)  
 5 MS. CENAR: Objection --  
 6 BY MR. GOULD:  
 7 Q. -- the music --  
 8 MR. MCPHERSON: Objection; form,  
 9 foundation.  
 10 MS. CENAR: Objection; form,  
 11 foundation, calls for speculation --  
 12 BY MR. GOULD:  
 13 Q. That's code for you that you've --  
 14 MS. CENAR: -- and asked and  
 15 answered.  
 16 (SPEAKING SIMULTANEOUSLY.)  
 17 BY MR. GOULD:  
 18 Q. -- already answered --  
 19 A. Nope.  
 20 Q. -- part of the question.  
 21 MR. DICKSTEIN: There's no code here.  
 22 We're just making objections.  
 23 THE DEPONENT: No code, sir.  
 24 BY MR. GOULD:  
 25 Q. It's just a code. That's all it is.

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1 A. Listen --  
 2 Q. You said that Mr. Guetta could show.  
 3 Repeat back what the --  
 4 A. What can Pringle show?  
 5 Q. Please, let's not go there. Let's not  
 6 go there. Let's not go there.  
 7 A. All right.  
 8 MS. CENAR: You're here to answer his  
 9 questions.  
 10 THE DEPONENT: I'm just tired.  
 11 BY MR. GOULD:  
 12 Q. I understand.  
 13 A. I'm tired of leeches.  
 14 Q. I'm sorry. I'm sorry. I'm sorry.  
 15 Read back the witness's answer.  
 16 (THE RECORD WAS READ AS FOLLOWS:  
 17 Q. What would David Guetta  
 18 please provide us...)  
 19 MR. GOULD: He gave an answer earlier  
 20 in terms of David Guetta could recreate something.  
 21 Something like that.  
 22 DEPOSITION OFFICER: Above "here come  
 23 the leeches"?  
 24 MR. GOULD: Yeah, I think it was above  
 25 the leeches. He said something about recreating.

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1 (THE RECORD WAS READ AS FOLLOWS:  
 2 A. So that twang was originally  
 3 on "Now That The Love Is Gone."  
 4 I requested a song like that.  
 5 Q. What --  
 6 A. It wasn't a popular song.  
 7 It was an underground dance song.  
 8 Q. Uh-huh.  
 9 A. Right? That's the reason why  
 10 nobody goes after that one.  
 11 Q. Uh-huh.  
 12 A. So what happens is when a  
 13 song becomes mega, mega, mega  
 14 big, here come the leeches.  
 15 Q. Right.  
 16 A. So the metadata is here.  
 17 Q. Okay.  
 18 A. 2008.  
 19 Our song was written in  
 20 November, finished in February.  
 21 Q. Of what year?  
 22 A. November of 2008, finished  
 23 in February of 2009.  
 24 Q. Okay.  
 25 A. Metadata don't lie.

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1 Q. Okay. I'm not arguing  
 2 with you.  
 3 A. That's all the information  
 4 I have. That's all the information  
 5 I could -- I could -- right? And  
 6 I've provided --  
 7 Q. Fine.  
 8 A. David Guetta, I'm pretty sure,  
 9 has provided that he can recreate  
 10 that.  
 11 Q. Uh-huh.  
 12 A. There's one -- there's one  
 13 thing to lie and say that something  
 14 came from something. It's another  
 15 thing to be able to recreate things.  
 16 Q. What would David Guetta please  
 17 provide us to show that he created  
 18 that song?)  
 19 BY MR. DICKIE:  
 20 Q. Yeah.  
 21 What would he provide us with?  
 22 A. I don't know.  
 23 Q. You're a musical person. You don't  
 24 know what he could provide us with when he creates a  
 25 song?



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1 MR. MCPHERSON: Objection; asked and  
 2 answered, argumentative.  
 3 MS. CENAR: Same objections.  
 4 MR. DICKSTEIN: Same objection.  
 5 THE DEPONENT: I don't know, sir.  
 6 BY MR. GOULD:  
 7 Q. Well, how do you know he wrote the  
 8 song, the music?  
 9 MR. DICKSTEIN: Objection; form.  
 10 BY MR. GOULD:  
 11 Q. He never told you he did, did he?  
 12 MS. CENAR: Objection; form.  
 13 MR. DICKSTEIN: Objection; form.  
 14 BY MR. GOULD:  
 15 Q. I thought you answered that question,  
 16 he never told you?  
 17 A. He did.  
 18 Q. He did?  
 19 How do you know that Guetta wrote it  
 20 and Riesterer didn't?  
 21 A. Who's Riesterer?  
 22 MR. DICKSTEIN: Objection; form.  
 23 THE DEPONENT: "Fred"?  
 24 BY MR. GOULD:  
 25 Q. A gentleman named Fred Riesterer.

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1 A. Well, they collaborate together.  
 2 They -- they collaborate together. All I know is  
 3 that they collaborate.  
 4 Q. Okay. But other than that, you don't  
 5 know which one actually wrote it, do you?  
 6 A. Listen, for all I know, David Guetta's  
 7 mama could have did it. I don't know.  
 8 Q. You still don't.  
 9 A. I don't.  
 10 Q. What about "Love Is Gone" did you  
 11 like, in terms of that music, that caught your  
 12 attention?  
 13 A. "Diga diga diga diga diga diga diga  
 14 diga diga diga diga diga - puhh. Diga diga diga diga  
 15 diga diga diga diga diga dant dant - bam bam bam  
 16 bambam bambam ba damp nah bam bana"  
 17 (DEPONENT MAKING MUSICAL SOUNDS.)  
 18 THE DEPONENT: He asked me.  
 19 BY MR. GOULD:  
 20 Q. I asked you. Absolutely.  
 21 A. "Bam, bam, bam, ba nah bam bana"  
 22 (indicating).  
 23 And I told David Guetta, "I like  
 24 that."  
 25 He said, "Will, this sound is old

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1 sound. You want new sound."  
 2 Q. Was it the guitar twang that's in  
 3 "Love Is" --  
 4 A. You asked me, and I told you what part  
 5 I liked.  
 6 Q. Okay. I'm asking you about the  
 7 guitar.  
 8 A. Don't put thoughts in my head.  
 9 MS. CENAR: Okay.  
 10 BY MR. GOULD:  
 11 Q. No, no. Listen.  
 12 I'm asking you, the guitar twang  
 13 that's --  
 14 MS. CENAR: Just listen.  
 15 BY MR. GOULD:  
 16 Q. -- in "Love Is Gone," did you like  
 17 that?  
 18 MR. MCPHERSON: Objection; vague and  
 19 ambiguous, lacks foundation?  
 20 THE DEPONENT: "Bambam bam bambam  
 21 bambam bam, bam, bam, ba nah bam bana" (indicating.)  
 22 That's what I wanted.  
 23 BY MR. DICKIE:  
 24 Q. Okay. If I play "Love Is Gone,"  
 25 you'll be able to --

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1 A. "Diga diga diga diga diga diga diga  
 2 diga" (indicating).  
 3 BY MR. GOULD:  
 4 Q. -- show me what part of the song --  
 5 A. (INAUDIBLE).  
 6 Q. -- you liked?  
 7 A. "Diga diga diga diga diga diga diga"  
 8 (indicating).  
 9 MS. CENAR: He asked a question.  
 10 MR. GOULD: We'll take a break  
 11 THE DEPONENT: That was the part I  
 12 liked.  
 13 BY MR. GOULD:  
 14 Q. I'm playing "Love Is Gone" next  
 15 time for you; okay?  
 16 MS. CENAR: Okay. We're going to take  
 17 a break.  
 18 THE DEPONENT: Why do we have to take  
 19 a break?  
 20 MS. CENAR: Because Ed needs to go to  
 21 the men's room.  
 22 MR. GOULD: Ed has to go to the men's  
 23 room. He's already --  
 24 THE DEPONENT: I know, but I'm tired.  
 25 I want to hurry up.

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1 MR. GOULD: I know you want to hurry  
 2 up. I suspect you do. I want to finish.  
 3 MS. CENAR: Take your mic off.  
 4 THE VIDEOGRAPHER: Okay. This is  
 5 the end of Media Number Three in the deposition of  
 6 William Adams.  
 7 We are now going off the record. The  
 8 time is 4:20 p.m.  
 9 (WHEREUPON, A RECESS WAS HELD  
 10 FROM 4:20 P.M. TO 4:54 P.M.)  
 11 THE VIDEOGRAPHER: This is the  
 12 beginning of Media Number Four in the deposition of  
 13 William Adams in the matter of "Bryan Pringle v.  
 14 William Adams, et al."  
 15 We are now going back on the record.  
 16 The time is 4:54 p.m.  
 17 BY MR. GOULD:  
 18 Q. Let's go back to the -- the video.  
 19 Not "Love Is Gone" -- not the video. The sound  
 20 thing.  
 21 MR. MCPHERSON: Mr. Gould, excuse me.  
 22 Do you have any estimate for how long  
 23 you're going to go?  
 24 MR. GOULD: If we move quickly, I'd  
 25 say 45 minutes.

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1 MR. MCPHERSON: Thank you.  
 2 MR. GOULD: Yeah.  
 3 MS. CENAR: Ed asked him how much  
 4 longer he was going to be. He said if we move  
 5 quickly, about 45 minutes.  
 6 THE DEPONENT: Really?  
 7 MS. CENAR: Yeah.  
 8 THE DEPONENT: Awesome.  
 9 MR. GOULD: I thought you'd like that.  
 10 BY MR. GOULD:  
 11 Q. All right. Let's go back on the  
 12 record and I'll ask you a couple of questions before  
 13 I play some more music for you again.  
 14 You used the word "leech" in one of  
 15 your answers a couple of different times.  
 16 Is someone who samples music of  
 17 someone else without getting a clearance a leech?  
 18 A. That's not a leech.  
 19 Q. That's not a leech? What is that  
 20 person?  
 21 MS. CENAR: Objection; form.  
 22 BY MR. GOULD:  
 23 Q. Why isn't that person a leech?  
 24 MS. CENAR: Same objection.  
 25 THE DEPONENT: That's not a leech.

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1 BY MR. GOULD:  
 2 Q. Pardon me?  
 3 A. That's not a leech.  
 4 Q. All right. What is that person?  
 5 A person who samples music of someone  
 6 else's copyrighted song and uses that without  
 7 clearing it, what is that?  
 8 How would you describe that person?  
 9 MS. CENAR: Objection; form,  
 10 foundation.  
 11 THE DEPONENT: It wouldn't be a  
 12 leech.  
 13 BY MR. GOULD:  
 14 Q. What would it be?  
 15 MS. CENAR: Same objections.  
 16 THE DEPONENT: It's not a leech. I  
 17 don't know.  
 18 BY MR. GOULD:  
 19 Q. You can't characterize that person?  
 20 A. A sampler.  
 21 Q. A sampler?  
 22 A. Yes.  
 23 Q. Would you say an unlawful sampler?  
 24 MS. CENAR: Objection; form,  
 25 foundation.

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1 BY MR. GOULD:  
 2 Q. You can answer.  
 3 A. If they don't clear it, yes --  
 4 Q. Okay.  
 5 A. -- an unlawful -- an unlawful sampler  
 6 if they don't clear it.  
 7 Q. Have you ever been an unlawful  
 8 sampler?  
 9 MS. CENAR: Objection to form.  
 10 MR. MCPHERSON: Objection; vague and  
 11 ambiguous, lacks foundation.  
 12 BY MR. GOULD:  
 13 Q. I'm trying to get out of here in  
 14 45 minutes but, you know, what can I tell you?  
 15 A. No.  
 16 Q. Never been?  
 17 A. Never.  
 18 MR. GOULD: All right. Start from the  
 19 beginning.  
 20 THE DEPONENT: What are we hearing?  
 21 MR. GREELY: Playing again what looks  
 22 like it's labeled as Exhibit 1A.  
 23 MS. CENAR: It's Exhibit 8. Is  
 24 that -- is that what?  
 25 MR. GREELY: It's the disk that you

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1 provided us referenced as Exhibit 8.  
 2 MS. CENAR: Can I check with the court  
 3 reporter?  
 4 That has been marked in this  
 5 deposition as Exhibit Number 8?  
 6 DEPOSITION OFFICER: It has.  
 7 MS. CENAR: Thank you.  
 8 I'm sorry. Are we starting from the  
 9 very beginning?  
 10 MR. GREELY: Yes.  
 11 MS. CENAR: Okay.  
 12 (WHEREUPON, DEPOSITION EXHIBIT  
 13 NUMBER 8, A/K/A BEP-PR 1A, WAS  
 14 PLAYED FOR THE RECORD.)  
 15 THE DEPONENT: Why are we hearing it  
 16 again?  
 17 MS. CENAR: Exhibit 8 starting from  
 18 second one.  
 19 MR. GREELY: Now we're starting at one  
 20 minute and five seconds into the song.  
 21 THE DEPONENT: Why is he playing it  
 22 again for?  
 23 Am I listening for something?  
 24 ///  
 25 BY MR. GOULD:

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1 Q. What?  
 2 A. Am I listening for something?  
 3 Q. You are just listening to the music.  
 4 That's all.  
 5 A. Oh. Okay.  
 6 Q. Okay. Okay.  
 7 MS. CENAR: Where -- wait. Where --  
 8 MR. GREELY: Stopping at two  
 9 minutes.  
 10 BY MR. GOULD:  
 11 Q. How would you describe what you just  
 12 heard in terms of musically if you were talking to  
 13 another music person?  
 14 How would you describe what you just  
 15 heard?  
 16 MR. DICKSTEIN: Objection to form.  
 17 MS. CENAR: Objection; form.  
 18 THE DEPONENT: Dope.  
 19 BY MR. GOULD:  
 20 Q. Huh?  
 21 A. Dope.  
 22 Q. Dope, d-o-p-e?  
 23 A. Yes.  
 24 Q. And what does that mean?  
 25 A. Good.

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1 Q. And what about it makes it dope?  
 2 A. The dope beats.  
 3 Q. The beats?  
 4 A. The beats are dope.  
 5 Q. And the chord progression?  
 6 A. The chord progression is fresh.  
 7 Q. Fresh?  
 8 A. Yeah.  
 9 Q. What does "fresh" mean?  
 10 A. Hot.  
 11 Q. Okay. All right. And would you agree  
 12 with me that that is the driving force of the song?  
 13 MS. CENAR: Objection; form,  
 14 foundation.  
 15 THE DEPONENT: The chord progression?  
 16 BY MR. GOULD:  
 17 Q. Yeah, what you just heard.  
 18 A. The driving force of the song would be  
 19 the rhythm section.  
 20 Q. But not what you just heard?  
 21 A. That was the -- that was the -- that  
 22 was -- it's an element.  
 23 Q. It's the element of the driving force  
 24 of the song?  
 25 MS. CENAR: Objection to the form.

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1 THE DEPONENT: So that particular  
 2 song --  
 3 BY MR. GOULD:  
 4 Q. That particular song?  
 5 A. -- not "I Gotta Feeling."  
 6 Q. Okay. If that particular song you  
 7 just listened to, what you just heard, would you  
 8 consider that to be part of the driving force of the  
 9 song?  
 10 A. It would be the same --  
 11 MS. CENAR: And just for the record,  
 12 when we say "that particular song," we're pointing to  
 13 Exhibit Number 8.  
 14 MR. GOULD: Correct. That he just  
 15 heard.  
 16 THE DEPONENT: It would be the same  
 17 driving force that's the driving force for "Now That  
 18 The Love Is Gone."  
 19 BY MR. GOULD:  
 20 Q. All right. Do you consider what you  
 21 just heard to be -- is that what you liked about "Now  
 22 That The Love Is Gone"  
 23 A. I like it.  
 24 "Diga diga diga diga diga diga diga  
 25 diga diga diga diga" (indicating).

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1 BY MR. GOULD:  
 2 Q. What you just heard, is there any part  
 3 of "Love Is Gone" that sounds similar to you to  
 4 that?  
 5 A. Yes.  
 6 Q. Okay. And did you write -- is that  
 7 what you were referring to, in part, when you told  
 8 Guetta that you liked "Love Is Gone"?  
 9 A. No.  
 10 I told David Guetta that I wanted  
 11 "diga diga diga diga diga diga diga diga"  
 12 (indicating).  
 13 And he put his two cents in and said,  
 14 "No, that is dated."  
 15 BY MR. GOULD:  
 16 Q. Okay.  
 17 A. "You want the new sound." So I  
 18 trusted his judgement.  
 19 Q. Got it.  
 20 A. An -- and that's what it was  
 21 (indicating).  
 22 MS. CENAR: Let the record reflect  
 23 that the witness just pointed to Exhibit Number 8  
 24 when he says, "That's what it was."  
 25 ///

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1 BY MR. GOULD:  
 2 Q. Let's play "I Gotta Feeling," the  
 3 song -- the actual song.  
 4 A. That is the actual "I Gotta Feeling."  
 5 Q. Yeah. We're going to play the one  
 6 that's been released.  
 7 A. That's that. We didn't change  
 8 anything.  
 9 Q. Okay. That's good. All right.  
 10 So you didn't change anything from  
 11 what you just heard?  
 12 A. Nothing at all. Just reconfigured  
 13 it.  
 14 Q. Okay. Now I'm going to play for you  
 15 the actual song "I Gotta Feeling." I'm going to play  
 16 a certain part of that.  
 17 A. Okay.  
 18 MS. CENAR: Can we have some  
 19 foundation for what you're about to play, please.  
 20 THE DEPONENT: "I Gotta Feeling." I'm  
 21 sorry.  
 22 MS. CENAR: Have you ever heard that  
 23 song before?  
 24 THE DEPONENT: Yep.  
 25 MR. GOULD: It's a great song.

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1 THE DEPONENT: The top line is  
 2 great.  
 3 MR. GREELY: This is a YouTube video  
 4 entitled "The Black Eyed Peas- 'I Gotta Feeling,'"   
 5 uploaded by user named The Black Eyed Peas Vevo on  
 6 December 23rd, 2009.  
 7 BY MR. GOULD:  
 8 Q. Okay. We're going to play that whole  
 9 song for you; all right?  
 10 But I'm asking --  
 11 Could you just stop for one second?  
 12 But as you listen to the whole song,  
 13 I'm going to ask you to kind of focus your attention  
 14 on the same part of the song that I just played for  
 15 you, which was the exhibit, the guitar twang part of  
 16 it; okay?  
 17 A. Can I -- before you do that --  
 18 Q. Yeah.  
 19 A. What you played me, the guitar  
 20 twang --  
 21 Q. Yeah.  
 22 A. -- I know how I chopped it up by  
 23 heart.  
 24 Q. Uh-huh.  
 25 A. What I mean by "chopped" is

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1 rearranging it.  
 2 Q. Uh-huh.  
 3 A. So what you played me right now --  
 4 Q. Yes?  
 5 You are talking about -- not the  
 6 exhibit?  
 7 MR. MCPHERSON: Yeah, he is talking  
 8 about exhibit.  
 9 THE DEPONENT: Yeah, that section that  
 10 you played --  
 11 BY MR. GOULD:  
 12 Q. Yes?  
 13 A. I'm trying to remember if I -- keep  
 14 going. Sorry.  
 15 Q. No. That's okay.  
 16 I'm going to play for you what we  
 17 understand to be the song "I Gotta Feeling" that was  
 18 released.  
 19 MS. CENAR: So we're now listening to  
 20 the YouTube bep vevo?  
 21 THE DEPONENT: Yeah.  
 22 MS. CENAR: Do we know who bep vevo  
 23 is?  
 24 THE DEPONENT: Just some user.  
 25 MS. CENAR: Okay. Just some user that

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1 uploaded a YouTube video on December 23rd, 2009?  
 2 THE DEPONENT: It's vevo, v-e-v-o.  
 3 MR. GREELY: Okay?  
 4 MS. CENAR: Okay.  
 5 (BRIEF PAUSE IN PROCEEDINGS  
 6 WHILE MUSIC IS BEING PLAYED.)  
 7 MR. GOULD: See. Kara can dance. She  
 8 has rhythm.  
 9 MS. CENAR: Don't talk. You're  
 10 supposed to listen.  
 11 DEPOSITION OFFICER: I can't hear you  
 12 guys.  
 13 MR. GOULD: That's plenty, where we  
 14 are right here.  
 15 What's the number?  
 16 MR. GREELY: 138.  
 17 MS. CENAR: So you played from the  
 18 beginning to 138 --  
 19 MR. GOULD: To 138.  
 20 MS. CENAR: -- of this YouTube video?  
 21 MR. GOULD: Right.  
 22 BY MR. GOULD:  
 23 Q. I'm going to play the whole thing for  
 24 you, but I'm going to ask you some questions about  
 25 what you just heard.

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1 A. Okay.  
 2 Q. Do you hear the same guitar twang  
 3 sequence that you heard in the prior exhibit, which  
 4 is Exhibit 8?  
 5 MS. CENAR: Objection; form and  
 6 foundation.  
 7 THE DEPONENT: What you played there?  
 8 BY MR. GOULD:  
 9 Q. Yes.  
 10 A. Hasn't happened yet.  
 11 Q. What do you mean "hasn't happened  
 12 yet"?  
 13 A. What you played right there on  
 14 Exhibit 8 --  
 15 Q. Hasn't happened yet?  
 16 A. -- hasn't came up in my arrangement  
 17 that's popular now.  
 18 Q. Where did you get that from?  
 19 A. I don't think you heard what I just  
 20 said.  
 21 Q. No, I don't understand it.  
 22 A. What you played right now when you  
 23 stopped at one minute --  
 24 Q. Yes.  
 25 A. -- and 20 seconds --

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1 Q. Yes.  
 2 A. -- it hasn't happened yet on the  
 3 version you just played. All of that music happened  
 4 at three minutes into that.  
 5 Do you understand what I'm saying?  
 6 Exhibit 8 --  
 7 Q. Yeah?  
 8 A. -- that -- all that -- all those --  
 9 all that -- all that -- all those bits don't happen  
 10 until three minutes into the original thing that he  
 11 sent me in the e-mail.  
 12 I moved three minutes into the  
 13 beginning. I rearranged it. So what you are  
 14 pointing out hasn't happened yet --  
 15 Q. I see.  
 16 A. -- in the song.  
 17 Q. I see.  
 18 What I showed you on that earlier  
 19 exhibit hasn't occurred yet in the song?  
 20 A. So if this is the song --  
 21 Q. Yes?  
 22 A. -- this is the whole thing; right?  
 23 Q. This is very helpful.  
 24 A. You only played me this part  
 25 (indicating).

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1 Q. Correct.  
 2 A. But on Black -- on the "I Gotta  
 3 Feeling," this part I moved way over here. And this  
 4 part is in the beginning (indicating). I changed the  
 5 order around.  
 6 Q. Got it.  
 7 A. That's why I said, "Hey, you're  
 8 playing the wrong part. I know where your mind was  
 9 going --  
 10 Q. No, no. I --  
 11 A. -- but you played me the wrong  
 12 section.  
 13 Q. I really appreciate that.  
 14 Was the part that you just heard  
 15 similar to the part that we're going to hear later?  
 16 MS. CENAR: Objection; foundation.  
 17 MR. DICKSTEIN: Form.  
 18 MR. MCPHERSON: Form.  
 19 THE DEPONENT: It's all part of the  
 20 same --  
 21 MS. CENAR: Speculation, form.  
 22 THE DEPONENT: It's all part of the  
 23 same body of work. I just rearranged the order.  
 24 But what you pointed out when you  
 25 said, "Listen to this," I was like, "Why do you want

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1 me to listen to that when that isn't probably even  
 2 used in the song?"  
 3 DEPOSITION OFFICER: "Isn't...?"  
 4 THE DEPONENT: It's not part -- it's  
 5 not used in the song, the part that you pointed at.  
 6 BY MR. GOULD:  
 7 Q. Not using what Guetta sent you?  
 8 A. That section. That --  
 9 MS. CENAR: Objection;  
 10 mischaracterizes --  
 11 (SPEAKING SIMULTANEOUSLY.)  
 12 THE DEPONENT: When Guetta sent --  
 13 MS. CENAR: -- the witness's  
 14 testimony.  
 15 BY MR. GOULD:  
 16 Q. Well, what I'm trying to understand --  
 17 A. When Guetta sent me is a six --  
 18 five-and-a-half minutes -- right? -- how long is that  
 19 file?  
 20 MR. GREELY: I think it's 543 or  
 21 something.  
 22 THE DEPONENT: Right. I knew it by  
 23 heart.  
 24 BY MR. GOULD:  
 25 Q. Good.

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1 A. Because I sat and stared at the  
 2 waveform for days upon weeks upon months.  
 3 Q. Good.  
 4 A. So me looking at the waveform, I know  
 5 exactly what the wave looks like. So what you played  
 6 me, I saw the waveform, and I remembered that that  
 7 waveform is not what we sung over.  
 8 I sing into -- into the waves. I  
 9 don't write on paper.  
 10 Q. Uh-huh.  
 11 A. I write into Pro Tools.  
 12 Q. Uh-huh.  
 13 A. So that section isn't used. The drums  
 14 are used, but the part that you said -- remember he  
 15 said, "Do you think that's a good part of the song?  
 16 Is that -- is that good to you?"  
 17 I was like, "Yes, those drums are  
 18 really nice."  
 19 "You like that part?"  
 20 "Yes, I like that part."  
 21 Actually, I used those drums later on.  
 22 Q. Were the drums -- were the drums in  
 23 Guetta's --  
 24 A. See, that whole section --  
 25 Q. Yes?

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1 A. That whole -- that whole file --  
 2 Q. Yes?  
 3 A. -- that whole file --  
 4 Q. Yes?  
 5 A. -- all I did was rearrange the files.  
 6 Q. Okay.  
 7 A. I used the drums for reinforcement  
 8 because I didn't want to retrace the vibe -- the vibe  
 9 of the original track.  
 10 But the section that you're telling me  
 11 "twang" is not the part I used.  
 12 I used it three minutes in.  
 13 If you go three minutes into the  
 14 original now, you hear the guitars by themselves.  
 15 And that's what I used, and not the part you pointed  
 16 out originally.  
 17 Q. So if I say to you that the guitar  
 18 twang that I just played for you on "I Gotta Feeling"  
 19 sounds to my ear to be virtually identical to what --  
 20 if not identical or virtually identical -- to what I  
 21 heard in the first part of Guetta's song, you would  
 22 say my ears are lying to me?  
 23 MS. CENAR: Wait, wait, wait.  
 24 THE DEPONENT: Yeah.  
 25 MS. CENAR: I object to the form of

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1 that question --  
 2 THE DEPONENT: Right.  
 3 MR. GOULD: Same objections.  
 4 MS. CENAR: -- and foundation.  
 5 BY MR. GOULD:  
 6 Q. Okay. You can answer.  
 7 Just try and educate me. That's all.  
 8 A. Yeah, that --  
 9 MS. CENAR: Answer -- just answer his  
 10 question.  
 11 THE DEPONENT: I'll answer his  
 12 question.  
 13 BY MR. GOULD:  
 14 Q. Educate me.  
 15 A. The music "I Gotta Feeling" that's  
 16 available for sale on iTunes --  
 17 Q. Yes?  
 18 A. -- the same metadata that made the  
 19 e-mail that he sent me, it's the same file. I  
 20 didn't -- we didn't change or add anything --  
 21 Q. Good. Okay. Good. --  
 22 A. --- except for the "beesh beesh beesh  
 23 beesh" (indicating).  
 24 That's it.  
 25 Q. Got it. Got it.

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1 Okay. Now, at what point in the  
 2 song -- that's fine -- at what point in the song --  
 3 you said three minutes and so forth?  
 4 A. Into the original e-mail that he sent?  
 5 Q. Yes.  
 6 A. Yes.  
 7 MR. GOULD: Okay. Can we get that,  
 8 please.  
 9 (BRIEF PAUSE IN PROCEEDINGS  
 10 WHILE MUSIC IS BEING PLAYED.)  
 11 THE DEPONENT: That -- that's it.  
 12 MR. GREELY: That's three minutes.  
 13 THE DEPONENT: That's the three  
 14 minutes. That's the verse.  
 15 MR. GREELY: Would it be later than  
 16 that?  
 17 THE DEPONENT: No. No. That's  
 18 used.  
 19 MS. CENAR: Ira -- I mean, Ryan,  
 20 it's -- the witness is trying to testify.  
 21 Could you allow the witness to finish  
 22 his answers?  
 23 MR. GOULD: We are. We are trying to  
 24 understand --  
 25 THE DEPONENT: "I wanna let it go.

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1 Let's go way out spaced out and I'm losing all  
 2 control, chi chi chi." That part.  
 3 (DEPONENT SINGING.)  
 4 BY MR. GOULD:  
 5 Q. That?  
 6 A. That's it.  
 7 Q. That?  
 8 A. That's the part.  
 9 Q. What we're just hearing right now?  
 10 A. That -- that is in the front -- that  
 11 is a front.  
 12 Q. Of "I Gotta Feeling"?  
 13 A. And that's three minutes and what?  
 14 MR. GREELY: 15 seconds.  
 15 THE DEPONENT: Thank you. My  
 16 birthday --  
 17 BY MR. GOULD:  
 18 Q. Why --  
 19 A. -- 3/15.  
 20 Q. Okay. Now, why did you put it at the  
 21 beginning of the song?  
 22 A. Because it's 3/15, my birthday. I'm  
 23 real mathematical with certain things. Certain  
 24 things I do that --  
 25 Q. Right.

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1 A. Right? Three minutes, 15 second's  
 2 when that guitar comes on, and that's why I put it in  
 3 the beginning of the song. My birthday present.  
 4 Q. That was your birthday present to  
 5 you?  
 6 A. My birthday is March 15th and that  
 7 guitar, that lick, comes in at 3:15.  
 8 Thank you, Jesus, for giving me a  
 9 great birthday present.  
 10 Q. Okay. Let's go on with the rest of  
 11 the song; okay?  
 12 MR. GREELY: Starting from 138 on in  
 13 the YouTube video Black Eyed Peas, "I Gotta Feeling."  
 14 (BRIEF PAUSE IN PROCEEDINGS  
 15 WHILE MUSIC IS BEING PLAYED.)  
 16 BY MR. GOULD --  
 17 Q. You like the "mazel tov"?  
 18 A. Yeah, I'm -- Jewish. "Jew-ish," kind  
 19 of Jewish.  
 20 Q. Are you Jewish?  
 21 A. "Jew-ish."  
 22 MR. GOULD: All right. Where are we  
 23 right now in the song?  
 24 MR. GREELY: Two minutes, 38 seconds  
 25 into the song.

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1 MR. GOULD: Listen to this for two --  
 2 what is the number?  
 3 MR. GREELY: 238.  
 4 MR. GOULD: 238. Let's listen to this  
 5 section.  
 6 (BRIEF PAUSE IN PROCEEDINGS  
 7 WHILE MUSIC IS BEING PLAYED.)  
 8 MR. GOULD: Stop it. All right.  
 9 Where are you stopping it, Ryan?  
 10 MR. GREELY: Three minutes, four  
 11 seconds.  
 12 BY MR. GOULD:  
 13 Q. All right. What you just heard, the  
 14 last segment, would you describe that as the hook?  
 15 A. No.  
 16 Q. Okay. Where have -- have you listened  
 17 to it so far in the song, the hook portion of the  
 18 song, in your view?  
 19 A. The hook is what I wrote.  
 20 Q. Okay. Where in the song is the  
 21 hook?  
 22 MS. CENAR: Objection; form.  
 23 THE DEPONENT: "I gotta feeling."  
 24 (DEPONENT SINGING.)  
 25 THE DEPONENT: That's the hook. I

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1 wrote the hook.  
 2 ///  
 3 BY MR. GOULD:  
 4 Q. Okay. Where -- let's -- tell me where  
 5 that is in the song.  
 6 A. Are you crazy? That's the beginning  
 7 of the song.  
 8 Q. Okay. Let's go back to the beginning.  
 9 Is this the beginning?  
 10 (BRIEF PAUSE IN PROCEEDINGS  
 11 WHILE MUSIC IS BEING PLAYED.)  
 12 MR. GREELY: Yes, this is 30 seconds  
 13 into the song.  
 14 THE DEPONENT: That's the hook.  
 15 MR. GREELY: Where the hook starts,  
 16 it's 30 seconds.  
 17 (BRIEF PAUSE IN PROCEEDINGS  
 18 WHILE MUSIC IS BEING PLAYED.)  
 19 BY MR. GOULD:  
 20 Q. Tell me when the hook stops.  
 21 A. When the verse --  
 22 Q. Tell me to stop the music when the  
 23 hook stops.  
 24 A. When the verse comes in. I'll point  
 25 it out to you.

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1 Q. Okay. Thanks.  
 2 A. There (indicating).  
 3 Q. Stop.  
 4 A. That's the verse.  
 5 Q. Okay.  
 6 MS. CENAR: Where does that stop?  
 7 MR. GREELY: 130.  
 8 BY MR. GOULD:  
 9 Q. All right. Would you agree with me  
 10 that the hook, that you just defined as the hook, is  
 11 the driving force or momentum of the song?  
 12 MS. CENAR: Objection; form,  
 13 foundation.  
 14 THE DEPONENT: The driving force of  
 15 the song is the lyric "I gotta feeling."  
 16 BY MR. GOULD:  
 17 Q. With the melody?  
 18 A. The melody is, "I gotta feeling,  
 19 whoohoo."  
 20 (DEPONENT SINGING.)  
 21 THE DEPONENT: That is the driving  
 22 force of the song.  
 23 BY MR. GOULD:  
 24 Q. With the melody behind it?  
 25 A. The melody is the lyric. That is the

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1 melody.  
 2 What you're calling melody is music.  
 3 Q. The musical part of it, the musical  
 4 accompaniment to the lyric, is that part of the  
 5 hook?  
 6 MS. CENAR: Objection to the form.  
 7 THE DEPONENT: No.  
 8 BY MR. GOULD:  
 9 Q. "No"?  
 10 A. No. That's the music.  
 11 Q. You just call it music, you don't call  
 12 it part of the hook?  
 13 A. Yes.  
 14 Q. How many times did you repeat the hook  
 15 in the song?  
 16 A. The vocal hook?  
 17 Q. Yes.  
 18 A. A bunch.  
 19 Q. A bunch of times?  
 20 A. Yes.  
 21 Q. Okay. And why did you repeat it a  
 22 bunch of times in this?  
 23 And the hook that you repeat a bunch  
 24 of times, that has the same musical accompaniment  
 25 which you are indicating you don't think is part of

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1 the hook?  
 2 MR. DICKSTEIN: Objection; form.  
 3 THE DEPONENT: No.  
 4 MS. CENAR: Form.  
 5 THE DEPONENT: No, that's not true at  
 6 all.  
 7 BY MR. GOULD:  
 8 Q. All right. What's not true?  
 9 A. I sing the hook --  
 10 Q. Yes.  
 11 A. -- over other parts of the song as  
 12 well --  
 13 Q. Uh-huh.  
 14 A. -- when the beat is not the guitar  
 15 twang. But it's all the same chord progression,  
 16 sir.  
 17 Q. I understand.  
 18 Let's play "Take A Dive."  
 19 MS. CENAR: Do you want to identify  
 20 for the record the foundation --  
 21 MR. GOULD: Yeah.  
 22 MS. CENAR: -- for what you are about  
 23 to play?  
 24 MR. GOULD: All right.  
 25 THE DEPONENT: What are we hearing?



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1 MS. CENAR: Mr. Pringle's work --  
 2 THE DEPONENT: I can't wait to hear  
 3 this.  
 4 MS. CENAR: -- or his alleged work.  
 5 MR. GREELY: This is a YouTube video,  
 6 entitled "Bryan Pringle, Take a Dive," uploaded by  
 7 user name DRDR313 on November 2nd, 2010.  
 8 MS. CENAR: Hold on.  
 9 Do we have the identity of who DRDR313  
 10 is for the record, please?  
 11 THE DEPONENT: It doesn't matter.  
 12 It's 2010.  
 13 MS. CENAR: I know.  
 14 Do we have -- do we have an identity  
 15 of who that is?  
 16 MR. GREELY: I think --  
 17 MR. GOULD: It's okay.  
 18 MR. GREELY: I don't know.  
 19 MS. CENAR: You are stating that on  
 20 the record?  
 21 MR. GREELY: It's on the record.  
 22 MR. GOULD: It is what it is. That's  
 23 all.  
 24 MR. GOULD: Okay. Would you play this  
 25 for --

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1 MS. CENAR: The day that the lawsuit  
 2 was filed.  
 3 THE DEPONENT: 2010 is when --  
 4 MR. GOULD: Yeah. I just don't  
 5 want -- stop right now.  
 6 THE DEPONENT: I want you to hear  
 7 it.  
 8 MR. GOULD: Hold on one second.  
 9 I want you to focus, please, on the  
 10 music, not who did it. Forget whether Pringle did  
 11 it, didn't do it, Whether it was done in 2010,  
 12 whether it was done in two-thousand --  
 13 THE DEPONENT: No. We can find out  
 14 because I know the --  
 15 MS. CENAR: Wait, wait, wait.  
 16 MR. GOULD: Wait, wait.  
 17 THE DEPONENT: I know the boom  
 18 folks.  
 19 MS. CENAR: Nope, nope, nope.  
 20 BY MR. GOULD:  
 21 Q. I just want you to listen to the music  
 22 itself.  
 23 A. Okay. Let's hear it.  
 24 MS. CENAR: I want to note an  
 25 objection for the record on the foundation because

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1 you've made a representation on the record that this  
 2 is Mr. Pringle's song.  
 3 And your associate Ryan has made a  
 4 representation on the record that he doesn't know who  
 5 this is that posted this on it.  
 6 And you have told us throughout this  
 7 litigation that Mr. Pringle is the only one that has  
 8 possessed this song.  
 9 So is the piece that you are about to  
 10 play Mr. Pringle's song or not, for purposes of the  
 11 foundation for what you are about to play on the  
 12 record?  
 13 MR. GREELY: Yes, this is his song,  
 14 Kara.  
 15 MS. CENAR: Okay. And is DRDR313  
 16 Mr. Pringle?  
 17 MR. GREELY: I don't know off the top  
 18 of my head, Kara.  
 19 (SPEAKING SIMULTANEOUSLY.)  
 20 MR. GOULD: It's his song is our view.  
 21 You think it's --  
 22 MS. CENAR: I object; form,  
 23 foundation, and hearsay.  
 24 THE DEPONENT: Let's hear it.  
 25 MS. CENAR: And let's go.

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1 MR. DICKSTEIN: Join in the  
 2 objections.  
 3 MR. GOULD: I'd like to hear it so we  
 4 can get out of here.  
 5 THE DEPONENT: Yeah.  
 6 MR. GOULD: All right. Good.  
 7 THE DEPONENT: I want to hear this.  
 8 MR. GOULD: Just focus on the music of  
 9 it, not anything else.  
 10 THE WITNESS: Can't wait to hear it.  
 11 I haven't heard it.  
 12 (BRIEF PAUSE IN PROCEEDINGS  
 13 WHILE MUSIC IS BEING PLAYED.)  
 14 MR. GOULD: We can stop it. Tell us  
 15 where you stopped it, Ryan.  
 16 MR. GREELY: You want me to stop it?  
 17 MR. GOULD: Stop it now.  
 18 MR. GREELY: Stopping at two minutes  
 19 and 26 seconds.  
 20 MS. CENAR: Okay. And I just want to  
 21 note an additional objection for the record that it  
 22 assumes facts not in evidence, and move to strike the  
 23 testimony related to this exhibit.  
 24 MR. GOULD: Say what?  
 25 MS. CENAR: My objection's for the

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1 record, Ira.  
 2 Please ask your question.  
 3 MR. GOULD: Explain it. In legalese,  
 4 explain that.  
 5 MS. CENAR: Ask your questions.  
 6 MR. GOULD: The facts will be of  
 7 record at a trial.  
 8 MS. CENAR: There is no foundation  
 9 that this is Mr. Pringle's work.  
 10 BY MR. GOULD:  
 11 Q. Okay. Did you hear what you heard?  
 12 A. Yeah, I heard it.  
 13 Q. Okay. Sound remarkably similar to --  
 14 A. Not at all.  
 15 Q. Not at all similar?  
 16 A. Nope.  
 17 MR. DICKSTEIN: Objection to form.  
 18 BY MR. GOULD:  
 19 Q. So your testimony is that what you  
 20 just heard does not at all sound similar to any part  
 21 of "I Gotta Feeling"; is that correct?  
 22 MS. CENAR: Objection to form.  
 23 THE DEPONENT: Right now, listening to  
 24 it --  
 25 BY MR. GOULD:

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1 Q. Correct.  
 2 A. -- in those speakers --  
 3 Q. Correct.  
 4 A. -- I don't hear any similarities.  
 5 Q. No similarities. Okay.  
 6 Now, how would you describe what you  
 7 just heard? Just describe it.  
 8 Forget who wrote it or didn't write it  
 9 or when it was written.  
 10 How would you describe what you just  
 11 heard?  
 12 MS. CENAR: Objection; form.  
 13 THE DEPONENT: Spa music.  
 14 BY MR. GOULD:  
 15 Q. "Spa music"?  
 16 A. You know, like when they play the  
 17 music when you go get a rub, a little massage?  
 18 Q. Spa music.  
 19 Would you describe "I Gotta Feeling"  
 20 as spa music?  
 21 A. No, no. That's --  
 22 Q. That's spa music?  
 23 A. That's spa music.  
 24 Q. Okay. Explain to us, please, the  
 25 difference between what you just heard --

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1 MS. CENAR: On DRDR313?  
 2 MR. GOULD: Correct.  
 3 BY MR. GOULD:  
 4 Q. -- and the hook in "I Gotta  
 5 Feeling"?  
 6 A. Well, there's no hook on --  
 7 MS. CENAR: Same objections.  
 8 BY MR. GOULD:  
 9 Q. Explain to me --  
 10 A. There's no hook on that song.  
 11 Q. Explain to me the difference, as you  
 12 hear in your ears, between what you just heard in  
 13 that --  
 14 A. So --  
 15 Q. Hold on. Let me finish.  
 16 MS. CENAR: Let him finish his  
 17 question.  
 18 MR. GOULD: What's the exhibit?  
 19 MR. GREELY: Oh. 8. 8.  
 20 MR. GOULD: 8. All right.  
 21 MR. GREELY: Are you talking about the  
 22 YouTube video?  
 23 MR. GOULD: The YouTube video.  
 24 MS. CENAR: The YouTube video is not  
 25 Exhibit 8.

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1 MR. GOULD: All right. What's this?  
 2 What's this?  
 3 MR. GREELY: This is just the YouTube  
 4 video.  
 5 BY MR. GOULD:  
 6 Q. Okay. The YouTube video we just heard  
 7 that you said doesn't sound similar --  
 8 A. Yeah. So you asked --  
 9 MS. CENAR: All right. You played a  
 10 bunch of YouTube videos. The DRDR313?  
 11 THE DEPONENT: The last one.  
 12 MR. GREELY: The Bryan Pringle "Take a  
 13 Dive," yes.  
 14 MS. CENAR: Okay. So same objections  
 15 on form, foundation, assumes facts not in evidence.  
 16 Go ahead.  
 17 THE DEPONENT: I hear --  
 18 BY MR. GOULD:  
 19 Q. What you just heard --  
 20 A. "Da ada bada bah dada bah badda"  
 21 (indicating).  
 22 BY MR. GOULD:  
 23 Q. Explain to me the difference --  
 24 A. "Da da ba dah dah dah da"  
 25 (indicating).

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1 Q. -- between what you just heard in  
 2 this -- in this YouTube video and the music  
 3 accompaniment part of what you defined as the hook in  
 4 "I Gotta Feeling."  
 5 MR. MCPHERSON: Objection; vague and  
 6 ambiguous, lacks foundation.  
 7 MS. CENAR: Objection; vague and  
 8 ambiguous and --  
 9 THE DEPONENT: So --  
 10 MS. CENAR: And you're not providing  
 11 the witness with an opportunity to do such an  
 12 analysis.  
 13 THE DEPONENT: So --  
 14 BY MR. GOULD:  
 15 Q. We'll do it right now. We're here.  
 16 A. The hook, the music --  
 17 Q. Yes?  
 18 A. -- the musical portion of "I Gotta  
 19 Feeling" --  
 20 Q. Yes?  
 21 A. -- does not sound anything like that  
 22 song when that signature is telling me it's an  
 23 arpeggiated-synchopated melody in 16 -- 16, "da da da  
 24 da da data da da dat dah da" (indicating).  
 25 That's the hook. That's the gimmick

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1 of that.  
 2 And the gimmick for "I Gotta Feeling"  
 3 is "berp bermpa bermp bermp bam bum bam bum"  
 4 (indicating).  
 5 Q. That's good.  
 6 Give me your answer. That's enough  
 7 singing. That's enough singing for now.  
 8 Play the beginning of "I Gotta  
 9 Feeling."  
 10 MS. CENAR: Did you finish your  
 11 answer?  
 12 THE DEPONENT: I haven't finished my  
 13 answer.  
 14 MS. CENAR: He hasn't finished.  
 15 BY MR. GOULD:  
 16 Q. Okay. Go on. It's okay. Finish.  
 17 MS. CENAR: Okay.  
 18 THE DEPONENT: So -- so the gimmick to  
 19 that song is totally different than the gimmick to  
 20 "I Gotta Feeling."  
 21 That is heavily flushed synths with  
 22 sweeps "schawooo bumba bumba bumba bumba"  
 23 (indicating).  
 24 And "I Gotta Feeling" is -- it's  
 25 staccato. It's -- it's pictacato eighth notes, stabs

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1 of the guitar with strings and an upstroke of a  
 2 guitar riff on the twos and fours. "Boom boom."  
 3 Q. Okay. Just so there's no  
 4 misunderstanding, I want to play you part of what you  
 5 defined as the hook again for "I Gotta Feeling";  
 6 okay?  
 7 And then I'm going to ask you a few  
 8 follow-up questions --  
 9 A. Okay.  
 10 Q. -- and we'll be done very soon.  
 11 Play the hook part of "I Gotta  
 12 Feeling" again.  
 13 MS. CENAR: Please, for the record,  
 14 give some foundation for what you're about to play,  
 15 please.  
 16 MR. GREELY: Same YouTube video for  
 17 The Black Eyed Peas, "I Gotta Feeling," as we  
 18 previously played.  
 19 MR. GOULD: What time are you  
 20 starting?  
 21 MR. GREELY: 30 seconds in.  
 22 MS. CENAR: Same objections to the  
 23 exhibit: form, foundation.  
 24 THE DEPONENT: Do you want to go from  
 25 the last chorus? because I'd be singing the hook over

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1 a different bed of music.  
 2 MR. GOULD: I want the identical  
 3 hook that he defined as a hook.  
 4 THE DEPONENT: We sing -- we sing the  
 5 hook over two beds of music, sir.  
 6 MR. DICKIE: The first part that I  
 7 played for him that he defined as the hook.  
 8 (SPEAKING SIMULTANEOUSLY.)  
 9 MR. GREELY: This is 30 seconds.  
 10 MR. GOULD: This is 30 seconds into  
 11 it.  
 12 (BRIEF PAUSE IN PROCEEDINGS  
 13 WHILE MUSIC IS BEING PLAYED.)  
 14 THE DEPONENT: Do you want to stop it?  
 15 I know it by heart.  
 16 MR. GOULD: Its okay. I want to play  
 17 it, hear it.  
 18 Stop it at the same place --  
 19 DEPOSITION OFFICER: I can't hear you,  
 20 Counsel.  
 21 MR. GOULD: Sorry. I said, play it  
 22 until the verse starts.  
 23 THE DEPONENT: Stop.  
 24 MR. GOULD: Stop.  
 25 Okay. Now go back --

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1 MS. CENAR: Where are we with the  
 2 place holder?  
 3 MR. GREELY: 130.  
 4 MR. GOULD: Now go back and play "Take  
 5 A Dive" up through when we stopped.  
 6 MS. CENAR: Provide foundation for the  
 7 record, Counsel, as to what you are about to play.  
 8 Mr. GREELY: The same YouTube video,  
 9 "Bryan Pringle, Take a Dive."  
 10 MS. CENAR: DRDR313?  
 11 MR. GREELY: Yes.  
 12 MS. CENAR: Same objections to the  
 13 foundation since that's not known.  
 14 (BRIEF PAUSE IN PROCEEDINGS  
 15 WHILE MUSIC IS BEING PLAYED.)  
 16 THE DEPONENT: 16 notes, "Dun dun dun  
 17 dundun dun" (indicating).  
 18 MR. GOULD: Stop it right there.  
 19 Where is it? Right here?  
 20 MR. GREELY: 22 seconds.  
 21 BY MR. GOULD:  
 22 Q. Okay. Is what you just heard  
 23 different from "I Gotta Feeling"?  
 24 A. Totally.  
 25 MS. CENAR: Objection; form.

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1 BY MR. GOULD:  
 2 Q. Okay. Explain to me, for the record,  
 3 how it's different.  
 4 A. As I told you, the gimmick line is  
 5 "Dunda bumpa bumpa bumpa bumpa" (indicating).  
 6 And nowhere is "bumpa bumpa bumpa"  
 7 anywhere in "I Gotta Feeling," sir.  
 8 MR. GOULD: Keep on going.  
 9 (BRIEF PAUSE IN PROCEEDINGS  
 10 WHILE MUSIC IS BEING PLAYED.)  
 11 MR. GOULD: Okay. Stop it right here.  
 12 MR. GREELY: 55 seconds.  
 13 BY MR. GOULD:  
 14 Q. Any other differences you want to  
 15 mention?  
 16 A. Yes. Can you do me a favor and  
 17 YouTube search "Cold as Ice" for a second, please?  
 18 Q. No. That, we're not doing. I want  
 19 you to --  
 20 MS. CENAR: You've asked the witness  
 21 to do it, and he's told you that he needs some help  
 22 in order to answer your question.  
 23 Are you not going to allow him to do  
 24 it?  
 25 MR. GOULD: He can do it.

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1 THE DEPONENT: Can you please go to  
 2 "Cold As Ice"?  
 3 (SPEAKING SIMULTANEOUSLY.)  
 4 BY MR. GOULD:  
 5 Q. You can't answer the question whether  
 6 it's --  
 7 A. I'm going to answer your question --  
 8 Q. You're going to answer it?  
 9 A. -- and this is how I'm going to answer  
 10 it.  
 11 Q. All right. Good.  
 12 MR. GREELY: I've got a bunch: MLP,  
 13 Foreigner.  
 14 THE DEPONENT: Foreigner, please.  
 15 Can you please play "As Cold As Ice"  
 16 of Foreigner?  
 17 MR. GREELY: Do you want to do it?  
 18 MR. GOULD: Yeah, I do.  
 19 THE DEPONENT: Thank you.  
 20 Not the live version. That's live.  
 21 That's live again.  
 22 So you want to type in "Foreigner,  
 23 'Cold As Ice,' original recording."  
 24 BY MR. GOULD:  
 25 Q. Can you just explain to me what this

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1 is going to show us?  
 2 MS. CENAR: Nope.  
 3 THE DEPONENT: It's going to show you  
 4 a lot.  
 5 MS. CENAR: There's a question --  
 6 BY MR. GOULD:  
 7 Q. Okay. Tell me what it is going to  
 8 show us.  
 9 A. I want you to hear it first, sir.  
 10 Q. But I want you to tell me.  
 11 MS. CENAR: The witness has asked for  
 12 this song to be played.  
 13 MR. GOULD: He's not going to hear it  
 14 until he tells me what it's going to show me. That's  
 15 all.  
 16 MS. CENAR: He's not going to answer  
 17 the question until you allow him to finish his prior  
 18 answer, which he's asked for assistance in a musical  
 19 piece being played.  
 20 BY MR. GOULD:  
 21 Q. It is your final testimony, is it not,  
 22 that what you heard in terms of the "Take A Dive" --  
 23 A. Can you play that for me, sir?  
 24 Q. No, no. He'll do what I tell him to  
 25 do.

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1 Thank you.  
 2 A. Here it comes. Here it comes. Here  
 3 it comes. Can you play that for me, please?  
 4 MS. CENAR: The witness has asked for  
 5 you to do it for two questions now.  
 6 MR. GOULD: I understand.  
 7 MS. CENAR: Would you kindly play it  
 8 for him?  
 9 MR. GOULD: I understand that. I  
 10 understand that what he thinks, so why should I do  
 11 it?  
 12 THE DEPONENT: Can I hear it, please?  
 13 MR. GREELY: Play it now?  
 14 MR. GOULD: No.  
 15 THE DEPONENT: Then --  
 16 BY MR. GOULD:  
 17 Q. Then my question is --  
 18 A. I refuse to answer any questions you  
 19 are going to ask me.  
 20 Q. Any questions?  
 21 I suggest we take a break. I have a  
 22 other questions.  
 23 A. I suggest I go home now.  
 24 Q. I suggest I have other questions for  
 25 you and I'm not finished with the deposition.

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1 MS. CENAR: This -- this -- this  
 2 question --  
 3 MR. GOULD: So why don't we take a  
 4 break.  
 5 MS. CENAR: We'll do it on redirect  
 6 and we'll move to strike this.  
 7 THE DEPONENT: I was trying to answer  
 8 his question --  
 9 MS. CENAR: I know.  
 10 THE DEPONENT: -- the best way that I  
 11 can.  
 12 MS. CENAR: And he's not letting -- he  
 13 not letting you do it. So the record is clear that  
 14 he's refused to provide you with the tools in order  
 15 to answer.  
 16 MR. GOULD: He'll have an opportunity  
 17 to do it.  
 18 MS. CENAR: He has an opportunity to  
 19 ask you further questions about other subject  
 20 matter.  
 21 THE DEPONENT: He wants to hear it  
 22 later because he has no idea what I'm going to say.  
 23 BY MR. GOULD:  
 24 Q. All right. Is it your final  
 25 testimony, under oath, that what you listened to in

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1 terms of "Take A Dive," which I identified for the  
 2 record --  
 3 Again, Mr. Greely.  
 4 MR. GREELY: YouTube videotape of the  
 5 "Bryan Pringle 'Take a Dive.'" Uploaded by DRDR313  
 6 on November 2nd, 2010.  
 7 BY MR. GOULD:  
 8 Q. -- and you considered that to be spa  
 9 music, as you said earlier; is that true?  
 10 MS. CENAR: Objection; form.  
 11 BY MR. GOULD:  
 12 Q. Is that true?  
 13 MR. GOULD: Ms. Cenar, do we sit here  
 14 in silence?  
 15 THE DEPONENT: I'm just trying to  
 16 remember, sir.  
 17 BY MR. GOULD:  
 18 Q. Okay.  
 19 A. It's true.  
 20 Q. Okay. You did not consider the hook,  
 21 the music accompaniment part of the hook, that you  
 22 identified in "I Gotta Feeling" to be spa music; is  
 23 that correct?  
 24 MR. DICKSTEIN: Objection; form.  
 25 MS. CENAR: Objection; form.

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1 MS. CENAR: Mischaracterizes his  
 2 testimony.  
 3 THE DEPONENT: Can I -- can you play  
 4 the Foreigner for me?  
 5 BY MR. GOULD:  
 6 Q. Do you consider --  
 7 MS. CENAR: We'll play it.  
 8 BY MR. GOULD:  
 9 Q. Do you consider the music  
 10 accompaniment that's part of the hook that you  
 11 identified to be spa music --  
 12 A. It's not a part of the hook, sir.  
 13 It's a musical portion of "I Gotta Feeling."  
 14 And no, it's not --  
 15 Q. Do you consider --  
 16 A. -- spa music.  
 17 Q. -- that music accompaniment to be part  
 18 of the hook?  
 19 MS. CENAR: Objection to form.  
 20 MR. DICKSTEIN: Objection; form.  
 21 THE DEPONENT: The music that's -- the  
 22 music on "I Gotta Feeling" is not spa music.  
 23 MR. GOULD: Okay. Let's take a break  
 24 and maybe we will be done soon. All right? Let's  
 25 take about ten minutes and hopefully I will be

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1 finished.  
 2 THE VIDEOGRAPHER: We are now going  
 3 off the record. The time is 5:32 p.m.  
 4 (WHEREUPON, A RECESS WAS HELD  
 5 FROM 5:32 P.M. TO 5:55 P.M.)  
 6 THE VIDEOGRAPHER: We are now going  
 7 back on the record. The time is 5:55 p.m.  
 8 THE DEPONENT: So we can't play  
 9 Foreigner?  
 10 BY MR. GOULD:  
 11 Q. Pardon me?  
 12 A. Are we going to play Foreigner now?  
 13 Q. Say that again?  
 14 A. The "Cold As Ice," Foreigner.  
 15 Q. Your lawyer can do what she wants with  
 16 you.  
 17 A. No. I want to know if you can play  
 18 the Foreigner song that I asked to play to answer the  
 19 question you asked.  
 20 Q. No, not as far as I'm concerned. Your  
 21 lawyer can ask you whatever questions she wants to  
 22 ask.  
 23 MS. CENAR: Okay. Are we back on the  
 24 record officially?  
 25 THE VIDEOGRAPHER: Yes.

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1 BY MR. GOULD:  
 2 Q. All right. We're essentially done. I  
 3 just have a few straggling questions --  
 4 A. Okay.  
 5 Q. -- that we should be finished with  
 6 shortly; okay?  
 7 Do you have knowledge as to how much  
 8 money you or your label have made from the song  
 9 "I Gotta Feeling" up until today?  
 10 MR. MCPHERSON: Objection --  
 11 MS. CENAR: Objection --  
 12 MR. MCPHERSON: -- foundation.  
 13 BY MR. GOULD:  
 14 Q. Any idea?  
 15 MS. CENAR: Objection to the form,  
 16 compound.  
 17 Are you asking about him or his label?  
 18 BY MR. GOULD:  
 19 Q. How about you?  
 20 MR. MCPHERSON: Foundation.  
 21 THE DEPONENT: I don't -- I don't know  
 22 offhand, no.  
 23 BY MR. GOULD:  
 24 Q. Do you know whether it's more than a  
 25 certain sum or less than a certain sum?

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1 MR. MCPHERSON: Same objection.  
 2 MS. CENAR: Same objections.  
 3 THE DEPONENT: I know that -- no, not  
 4 offhand.  
 5 BY MR. GOULD:  
 6 Q. Is it more than a million dollars?  
 7 MS. CENAR: Objection; form,  
 8 foundation.  
 9 MR. MCPHERSON: Same objection.  
 10 THE DEPONENT: I'm not -- I'm not  
 11 sure.  
 12 BY MR. GOULD:  
 13 Q. So you think it might be less than a  
 14 million dollars?  
 15 A. I haven't --  
 16 MS. CENAR: Same objections.  
 17 THE DEPONENT: I haven't checked.  
 18 DEPOSITION OFFICER: I couldn't hear  
 19 you, Counsel.  
 20 MR. MCPHERSON: I said, "Same  
 21 objection."  
 22 DEPOSITION OFFICER: Thank you.  
 23 BY MR. GOULD:  
 24 Q. Do you know what the songwriter splits  
 25 are for the song?

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1 MR. MCPHERSON: Objection; vague and  
 2 ambiguous, lacks of foundation.  
 3 THE DEPONENT: I know that it's 50/50.  
 4 50 to the people who made the beat, and 50 to the  
 5 people who wrote the lyrics.  
 6 BY MR. GOULD:  
 7 Q. Okay. Since you only wrote the  
 8 lyrics, do you have the remaining 50 percent?  
 9 A. No, because I split that with the  
 10 Peas.  
 11 Q. All right. Am I correct to say that  
 12 the other Peas only get like 1 or 1 1/2 percent?  
 13 MR. DICKSTEIN: Objection; form.  
 14 MS. CENAR: Objection; form,  
 15 foundation.  
 16 THE DEPONENT: We have, as a group --  
 17 what keeps groups together -- what keeps groups  
 18 together --  
 19 MS. CENAR: No. He's asked you a  
 20 specific question.  
 21 THE DEPONENT: Yeah, and I'm giving a  
 22 specific answer to his question.  
 23 BY MR. GOULD:  
 24 Q. Okay.  
 25 A. What keeps groups together is how they

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1 participate regardless if they wrote or not.  
 2 Q. Uh-huh.  
 3 A. So that's what keeps us together, is  
 4 that -- that sharing and collaboration and monetizing  
 5 content --  
 6 Q. Okay.  
 7 A. -- as a, you know, security fund.  
 8 Q. Well, why do you then have about  
 9 25 percent and they only have about 1 percent?  
 10 MS. CENAR: Objection --  
 11 THE DEPONENT: I just told you that  
 12 answer.  
 13 MS. CENAR: Objection; form,  
 14 foundation.  
 15 THE DEPONENT: It's called a security  
 16 fund for the group.  
 17 BY MR. GOULD:  
 18 Q. The security fund for the group is  
 19 what?  
 20 A. So if I wrote a song completely by  
 21 myself --  
 22 Q. Yes. Uh-huh.  
 23 A. -- then a portion of that song I put  
 24 into a Black Eyed Peas security fund that's, you  
 25 know, for Peas to participate regardless if they

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1 wrote or not.  
 2 MR. GOULD: All right. I have no  
 3 further questions.  
 4  
 5 EXAMINATION  
 6 BY MS. CENAR:  
 7 Q. Mr. Adams, I have a few questions.  
 8 Mr. Gould was asking you some  
 9 questions about the date that you received the  
 10 musical file which has been marked as Exhibit 8 --  
 11 A. Uh-huh.  
 12 Q. -- and he's played for you.  
 13 A. Uh-huh.  
 14 Q. And you indicated that that was sent  
 15 to you by an e-mail?  
 16 A. That was, yeah.  
 17 Q. Do you recall as you sit here what the  
 18 date of that e-mail was?  
 19 A. Not offhand, like freestyling it.  
 20 Q. Okay. Let me show you what's been --  
 21 Can I have the court reporter mark  
 22 this.  
 23 Are we at Exhibit 9?  
 24 DEPOSITION OFFICER: 10.  
 25 ///

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1 (WHEREUPON, DEPOSITION EXHIBIT  
 2 NUMBER 10 WAS MARKED FOR IDENTIFICATION  
 3 BY THE DEPOSITION OFFICER.)  
 4 MS. CENAR: Let counsel look at it  
 5 first.  
 6 (DOCUMENT REVIEWED BY COUNSEL.)  
 7 MR. GOULD: Okay.  
 8 BY MS. CENAR:  
 9 Q. I've handed to you what's been marked  
 10 as Exhibit Number 10, which is bearing a Bates number  
 11 BEP-PR-1C.  
 12 Can you tell me what that is, sir?  
 13 A. So this is an e-mail. Earlier I said  
 14 it was in November. I was wrong. It was December.  
 15 And that's the day I was in Colorado and then flew  
 16 back home and then recorded "I Gotta Feeling" that  
 17 night.  
 18 And then on New Year's Eve trans --  
 19 translated my mumble into English.  
 20 And then the other guys came and did  
 21 their part in January, and Fergie came and did her  
 22 part in February.  
 23 Q. So does Exhibit 10 refresh your  
 24 recollection as to when you would have received the  
 25 audio file which was marked as Exhibit Number 8?

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1 A. Yeah, December 20th, 2008.  
 2 Q. And does Exhibit Number 10 refresh  
 3 your recollection as to when you first started  
 4 working on the song "I Gotta Feeling"?  
 5 A. I started working on it on  
 6 December 20th.  
 7 MS. CENAR: Can we mark this next one  
 8 as Exhibit Number 11, please.  
 9 (WHEREUPON, DEPOSITION EXHIBIT NUMBER  
 10 11 WAS MARKED FOR IDENTIFICATION BY  
 11 THE DEPOSITION OFFICER.)  
 12 DEPOSITION OFFICER: Here.  
 13 MS. CENAR: Yes, please let Mr. Gould  
 14 take a look at it.  
 15 MR. GOULD: Yeah.  
 16 BY MS. CENAR:  
 17 Q. I've handed to you what's been marked  
 18 as Exhibit Number 11. Why don't you take a moment  
 19 and look at that.  
 20 Can you tell us what that is, please?  
 21 A. David Guetta, he sent me an e-mail  
 22 after I played him the -- the finished lyric and  
 23 recorded, minus Fergie, over the phone.  
 24 And he sent me an e-mail saying:  
 25 "Do you have any idea how big 'I

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1 Gotta Feeling' is?  
 2 "This is a world number one, man.  
 3 It's gonna remind 'Love Is Gone,'" which  
 4 was the original conversation I had with  
 5 him in December "with an unbelievable  
 6 melody," which is what I added."  
 7 "It's going to be massive. Love it."  
 8 So in this e-mail David Guetta says:  
 9 "Hey, Will, as requested, here are  
 10 some tracks. Some are just ideas and  
 11 other are produced. Obviously they are  
 12 on DJ format, but I will reformat it  
 13 around your song.  
 14 "I will make new tracks and also write  
 15 new songs -- I would write -- I also write  
 16 with songwriters in January.  
 17 "I'm waiting for your song now.  
 18 "What is important is that we -- we  
 19 can speak openly. Tell me I like this and  
 20 not that. I like none of that, but tell  
 21 me."  
 22 Because when you don't have that much  
 23 time, you just want complete transparency.  
 24 And then I said, "Right. I want  
 25 something like Love Is Gone."

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1 And that he gave me.  
 2 He said that here in February.  
 3 This is December. And in February he  
 4 said, "It's going to remind 'Love Is Gone,' but with  
 5 an unbelievable melody."  
 6 And that's what I played him over the  
 7 phone.  
 8 And that's those two things.  
 9 Q. And this Exhibit Number 11 occurred on  
 10 what date?  
 11 A. February 6, 2009, at 1:00 a.m. I work  
 12 late.  
 13 Q. And that was before the song was  
 14 released publicly; correct?  
 15 A. That was before the song was released  
 16 publicly and before Fergie was on it. Fergie got on  
 17 it February 9th.  
 18 Q. At the beginning of the deposition,  
 19 Mr. Gould asked you some questions about the group  
 20 taking a hiatus.  
 21 Do you recall that?  
 22 A. Yes.  
 23 Q. And at the time you didn't want to  
 24 answer those questions.  
 25 Are you willing to answer those

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1 questions now?  
 2 A. Yes.  
 3 Q. Would you explain for the record what  
 4 the group taking a hiatus means?  
 5 A. So The Black Eyed Peas, we work in two  
 6 cycles. Our first record came out in 1998, so it's  
 7 1998, 2000.  
 8 And then we took a hiatus from 2001  
 9 and '2. And then we released "Elephunk" in 2003.  
 10 Then we released "Elephunk" and  
 11 "Monkey Business" in 2005. And then we took another  
 12 hiatus in 2006 and '7.  
 13 And then we released "The E.N.D." in  
 14 2008 -- I mean in 2009 and "The Beginning" in 2010.  
 15 Two installments, and each installment  
 16 has two-year breaks.  
 17 So now we will take another two-year  
 18 break.  
 19 The break between "Elephunk," "Monkey  
 20 Business" and "The E.N.D.," Fergie released her solo  
 21 project.  
 22 And now I will release a solo project  
 23 after this last Black Eyed Peas cycle that will renew  
 24 itself two years from now --  
 25 Q. Okay.

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1 A. And samples. I just want to -- I  
 2 sample; right? I don't want to be difficult. I've  
 3 sampled in the past, and I -- I'm a sampler. I  
 4 continue to sample.  
 5 It's an art form. It's no different  
 6 than Andy Warhol painting Campbell soup. It's art.  
 7 I sample to the point where  
 8 James Brown and other artists that I sample want to  
 9 collaborate with us.  
 10 I do my best to provide all the  
 11 information to the company when they put it out.  
 12 But never in my life have I ever come  
 13 across a sampler -- a machine that could take --  
 14 extract a piece of audio from a song that has other  
 15 instruments in it.  
 16 So music --  
 17 Q. So you --  
 18 A. -- the music they perform --  
 19 Q. When you were listening to the  
 20 DRDR313, did that concept come to your mind?  
 21 A. What concept that came to my mind was  
 22 what my mom told me when she first heard "I Gotta  
 23 Feeling."  
 24 She said, "Willie, that sounds like  
 25 Foreigner, 'Cold As Ice.' That's exactly what that



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1 is."  
 2 I was like, "Mom, that ain't  
 3 Foreigner, 'Cold As Ice.'"  
 4 "Yes, it is, boy. I know my music."  
 5 (LAUGHTER.)  
 6 MR. MCPHERSON: Slow down.  
 7 THE DEPONENT: She said, "Well, that  
 8 sounds just like Foreigner, 'Cold As Ice.'  
 9 I was like, "Mom, that isn't  
 10 Foreigner, 'Cold As Ice.'  
 11 "Listen to it. Bink, bink."  
 12 I was like, "No, ma, that's not it."  
 13 So to a person that has no ear of  
 14 music, they are going to hear rhythm, intonation, and  
 15 say it is.  
 16 But no sampler can go inside of a body  
 17 of work and extract a portion of a song when it's  
 18 intermingled and surrounded by other instruments.  
 19 There's no technology that can do  
 20 that.  
 21 So what you provided to me --  
 22 Q. On DRDR --  
 23 A. On DR3.  
 24 Q. DRDR313.  
 25 A. Whatever that file is, it's impossible

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1 for whoever created "I Gotta Feeling," if they -- if  
 2 you're claiming that they sampled it, there's no  
 3 sampler that can sample it, that can go inside and  
 4 extract that.  
 5 That's my two cents of hearing both  
 6 things.  
 7 Speaking for David Guetta, all I did  
 8 was write the top line, so I'm defending David Guetta  
 9 and his right by saying I don't think he was able  
 10 to -- if you're saying he sampled that,  
 11 "imfreakingpossible."  
 12 That's my two cents.  
 13 Q. And that's what you weren't allowed to  
 14 discuss when Mr. Gould cut you off in his question --  
 15 A. Exactly.  
 16 Q. -- on DRDR313?  
 17 A. When he wanted me to answer that, he  
 18 did not let me answer that. And I wanted to answer  
 19 that by playing Foreigner and then giving you my  
 20 technological perspective and professional --  
 21 I've been doing music for, you know,  
 22 20 years now, working with samplers and working with  
 23 musicians, and there's no technology that's able to  
 24 do that.  
 25 MS. CENAR: Okay. Okay. I have no

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1 further questions at this time.  
 2 MR. GOULD: No further questions --  
 3 No. I do have a couple. Just a couple.  
 4  
 5 EXAMINATION  
 6 BY MR. GOULD:  
 7 Q. In that --  
 8 Can I see those two exhibits, the  
 9 paper exhibits?  
 10 MS. CENAR: By the way, Ira, you have  
 11 Bates-stamped versions of those in our production.  
 12 BY MR. GOULD:  
 13 Q. Exhibit 10, which you identified as a  
 14 December 20, 2008, e-mail from Guetta to you, there's  
 15 four -- one, two, three, four, attachments in that?  
 16 A. No. Those aren't attachments.  
 17 Q. What are they?  
 18 A. Those are notes to a cloud. And that  
 19 cloud is Dropbox. And the way Dropbox works is if  
 20 there's -- if you see anything on that fitting as a  
 21 wav file -- hold on one second, guys.  
 22 If you see a wav file on there, that's  
 23 one song. If you see a zip file, that's six songs.  
 24 And so what they do is they compress  
 25 the file so you can send multiple songs through that

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1 pipe.  
 2 Q. Does this send to you more than the "I  
 3 Gotta Feeling" music?  
 4 A. He sent maybe ten things. Read the  
 5 e-mail below.  
 6 Q. Yeah. Go on.  
 7 A. The e-mail below describes what's on  
 8 that e-mail.  
 9 He says there's some DJ formats. What  
 10 that means is -- a DJ-formatted song is when the  
 11 drums are by themselves. So he was talking about  
 12 David Pop; right?  
 13 Q. Uh-huh.  
 14 A. The drums are by themselves for about  
 15 a minute. That's called a DJ format so they could  
 16 blend and mix in between.  
 17 But it's already mixed and "e-chewed"  
 18 for -- for people to play.  
 19 Q. The exhibit that I've done -- I played  
 20 for you --  
 21 A. That would have been one of those zip  
 22 files.  
 23 Q. That was going to be my question.  
 24 It was in one of these?  
 25 A. Yes.

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1 Q. Okay. Can we have all -- everything  
 2 else that's in these files?  
 3 A. No.  
 4 MS. CENAR: None of those relate to  
 5 the song "I Gotta Feeling."  
 6 BY MR. GOULD:  
 7 Q. It's the only thing related to "I  
 8 Gotta Feeling" is what you produced in that disk?  
 9 A. Exactly.  
 10 MR. GOULD: All right. I have no  
 11 further questions.  
 12 THE VIDEOGRAPHER: This is the end of  
 13 Media Number Four and concludes the videotape  
 14 deposition William Adams.  
 15 The testimony of -- or the master  
 16 tapes of today's testimony will remain in the custody  
 17 of Tracy Fox & Associates.  
 18 We are now going off the record. The  
 19 time is 6:10 p.m.  
 20 MS. CENAR: And, Ira, we can  
 21 stipulate that the witness can sign the transcript  
 22 before any notary?  
 23 MR. GOULD: Yes.  
 24 MS. CENAR: Review and sign;  
 25 MR. GOULD: Yes.

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1 \* \* \*  
 2 (WHEREUPON, AT 6:09 P.M., THE  
 3 DEPOSITION PROCEEDINGS WERE CONCLUDED.)  
 4 -OOO-  
 5  
 6  
 7  
 8  
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 11  
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1 ---o0o---  
 2  
 3  
 4 DEPONENT'S SIGNATURE  
 5  
 6 Please be advised I, \_\_\_\_\_,  
 7 have read the foregoing deposition pages \_\_\_\_\_  
 8 through \_\_\_\_\_, inclusive. I hereby state  
 9 there are:  
 10  
 11 (CHECK ONE):  
 12 \_\_\_\_\_ NO CORRECTIONS.  
 13 \_\_\_\_\_ CORRECTIONS PER ATTACHED.  
 14  
 15  
 16 \_\_\_\_\_  
 17 (SIGNATURE OF THE DEPONENT)  
 18  
 19 ---o0o---  
 20  
 21  
 22  
 23  
 24  
 25

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1 DEPONENT'S CHANGES OR CORRECTIONS  
 2 NOTE: If you are adding to your testimony, print the  
 3 exact words you want to add. If you are deleting  
 4 from your testimony, print the exact words you want  
 5 to delete. Specify with "Add" or "Delete" and sign  
 6 this form.  
 7 DEPOSITION OF: WILLIAM ADAMS  
 8 CASE TITLE: BRYAN PRINGLE vs. WILLIAM ADAMS, et al.  
 9 DATE OF DEPOSITION: MONDAY, JULY 25TH, 2011  
 10 I, \_\_\_\_\_,  
 11 have the following corrections to make to my  
 12 deposition:  
 13 PAGE LINE CHANGE/ADD/DELETE  
 14 \_\_\_\_\_  
 15 \_\_\_\_\_  
 16 \_\_\_\_\_  
 17 \_\_\_\_\_  
 18 \_\_\_\_\_  
 19 \_\_\_\_\_  
 20 \_\_\_\_\_  
 21 \_\_\_\_\_  
 22 \_\_\_\_\_  
 23 \_\_\_\_\_  
 24 \_\_\_\_\_  
 25 \_\_\_\_\_

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1 ERRATA SHEET (CONTINUED:)  
2  
3  
4 PAGE LINE CHANGE/ADD/DELETE  
5  
6 \_\_\_\_\_  
7 \_\_\_\_\_  
8 \_\_\_\_\_  
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1 ERRATA SHEET (CONTINUED:)  
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1 STATE OF CALIFORNIA )  
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4 COUNTY OF LOS ANGELES)  
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6 I, TRACY M. FOX, CERTIFIED SHORTHAND  
7 REPORTER, CERTIFICATE NUMBER 10449, FOR THE  
8 STATE OF CALIFORNIA, HEREBY CERTIFY:  
9 THE FORGOING PROCEEDINGS WERE TAKEN  
10 BEFORE ME AT THE TIME AND PLACE THEREIN  
11 SET FORTH, AT WHICH TIME THE DEPONENT WAS PLACED  
12 UNDER OATH BY ME;  
13 THE TESTIMONY OF THE DEPONENT AND ALL  
14 OBJECTIONS MADE AT THE TIME OF THE EXAMINATION  
15 WERE RECORDED STENOGRAPHICALLY BY ME AND WERE  
16 THEREAFTER TRANSCRIBED;  
17 THE FOREGOING TRANSCRIPT IS A TRUE AND  
18 CORRECT TRANSCRIPT OF MY SHORTHAND NOTES SO TAKEN;  
19 I FURTHER CERTIFY THAT I AM NEITHER COUNSEL  
20 FOR NOR RELATED TO ANY PARTY TO SAID ACTION,  
21 NOR IN ANY WAY INTERESTED IN THE OUTCOME THEREOF.  
22 IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED  
23 MY NAME THIS 2ND DAY OF AUGUST, 2011.  
24  
25 \_\_\_\_\_  
TRACY FOX, C.S.R. No. 10449  
CERTIFIED SHORTHAND REPORTER