

EXHIBIT I

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5 **BRYAN CAVE LLP**
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10 Attorneys for Defendants
WILLIAM ADAMS; STACY FERGUSON; ALLAN PINEDA; and JAIME
11 GOMEZ, all individually and collectively as the music group THE BLACK EYED
PEAS; will.i.am music, llc; TAB MAGNETIC PUBLISHING; CHERRY RIVER
12 MUSIC CO.; HEADPHONE JUNKIE PUBLISHING, LLC; JEEPNEY MUSIC,
INC.; EMI APRIL MUSIC, INC.

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

16 BRYAN PRINGLE, an individual,
17 Plaintiff,
18 v.

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

27 Defendants.
28

Case No. SACV10-1656 JST (RZx)

Hon. Josephine Staton Tucker
Courtroom 10A

INITIAL DISCLOSURES

Complaint Filed: October 28, 2010
Trial Date: Not Assigned

1 Defendants WILLIAM ADAMS; STACY FERGUSON; ALLAN PINEDA;
2 and JAIME GOMEZ, all individually and collectively as the music group THE
3 BLACK EYED PEAS; will.i.am music, llc; TAB MAGNETIC PUBLISHING;
4 CHERRY RIVER MUSIC CO.; HEADPHONE JUNKIE PUBLISHING, LLC;
5 JEEPNEY MUSIC, INC.; EMI APRIL MUSIC, INC. hereby submit their Initial
6 Disclosures pursuant to Fed. R. Civ. P. 26(a)(1).

7
8 **INITIAL DISCLOSURES**

9
10 *(i) the name and, if known, the address and telephone number of each*
11 *individual likely to have discoverable information – along with the subjects of that*
12 *information – that the disclosing party may use to support its claims or defenses,*
13 *unless the use would be solely for impeachment;*

14 **1. Bryan Pringle**, c/o Hampton Holley LLP, 2101 East Coast Highway,
15 Ste 260, Corona del Mar, CA 92625. Subject Matter: Mr. Pringle is believed to
16 have knowledge regarding, among other things, the validity of the copyright being
17 asserted, deficiencies in the copyright registration and related copyright misuse,
18 factual information regarding the creation and dissemination of “Take a Dive” and
19 all derivative works thereof, including what he refers to as to the “guitar twang”).
20 Mr. Pringle also is believed to have knowledge regarding Plaintiff’s improper
21 dissemination and manipulation of Defendants’ musical composition and recording
22 thereof, Plaintiff’s use of a fabricated claim to use The Black Eyed Peas’ reputation
23 for personal gain, and Plaintiff’s communications with Ebony LaTrice Batts and/or
24 Manfred Mohr in furtherance of the same.

25 **2. UMG Recordings, Inc.**, c/o Caldwell Leslie & Proctor, PC, 1000
26 Wilshire Boulevard, Suite 600, Los Angeles, CA 90017. (213) 629-9040. Subject
27 Matter: The issues raised by Plaintiff regarding his claims that recordings of certain
28 musical compositions he alleges to have authored were sent to and received by

1 UMG, and financial issues related to the challenged musical composition and sound
2 recording.

3 **3. Interscope Records**, c/o Caldwell Leslie & Proctor, PC, 1000 Wilshire
4 Boulevard, Suite 600, Los Angeles, CA 90017. (213) 629-9040. Subject Matter:
5 The issues raised by Plaintiff regarding his claims that certain recordings of musical
6 compositions he alleges to have authored were sent to and received by UMG, and
7 financial issues related to the challenged musical composition and sound recording

8 **4. David Guetta**, c/o Loeb & Loeb LLP, 345 Park Avenue, New York,
9 NY 10154. (212) 407-4000. Subject Matter: Mr. Guetta is believed to have
10 knowledge regarding, among other things, the musical material employed in the
11 musical composition “I Gotta Feeling,” including the independent and anterior
12 creation of what Plaintiff refers to as the “guitar twang,” as well as the recording
13 thereof.

14 **5. Frederick Riesterer**, c/o Loeb & Loeb LLP, 345 Park Avenue, New
15 York, NY 10154. (212) 407-4000). Subject Matter: Mr. Riesterer is believed to
16 have knowledge regarding, among other things, the musical material employed in
17 the musical composition “I Gotta Feeling,” including the independent and anterior
18 creation of what Plaintiff refers to as the “guitar twang,” as well as the recording
19 thereof.

20 **6. Shapiro, Bernstein & Co.**, c/o Loeb & Loeb LLP, 345 Park Avenue,
21 New York, NY 10154. (212) 407-4000). Subject Matter: A representative of this
22 company is believed to have knowledge regarding, among other things, the
23 ownership and exploitation of the musical material employed in the musical
24 composition “I Gotta Feeling,” including the independent and anterior creation of
25 what Plaintiff refers to as the “guitar twang.”

26 **7. Williams Adams**, Bryan Cave LLP, 161 N. Clark Street, Suite 4300,
27 Chicago, Illinois, 60601-3305. (312) 602-5000. Subject Matter: Mr. Adams is
28 believed to have knowledge regarding, among other things, the authorship of the

1 musical composition “I Gotta Feeling,” including the independent and anterior
2 creation of what Plaintiff refers to as the “guitar twang” as well as the performance
3 thereof embodied in the challenged sound recording. Mr. Adams is also believed to
4 have information concerning reputational suffered by The Black Eyed Peas in
5 connection with Plaintiff’s action, as well as financial issues related to the
6 challenged musical composition and challenged sound recording thereof.¹

7 *(ii) a copy—or a description by category and location—of all documents,*
8 *electronically stored information, and tangible things that the disclosing party has*
9 *in its possession, custody, or control and may use to support its claims or defenses,*
10 *unless the use would be solely for impeachment;*

11 1. Audio exhibits of the sound recording of the musical composition,
12 “Take a Dive.” (provided in connection with Preliminary injunction proceedings).

13 2. Audio exhibits of the sound recording of the musical composition,
14 “Take a Dive (Dance Version).” (provided in connection with Preliminary
15 injunction proceedings).

16 3. Other audio exhibits (provided in connection with Preliminary
17 injunction proceedings).

18 4. Documents, references, and other public information cited to or
19 submitted by Defendants in connection with the preliminary injunction proceedings.

20 5. Documents, electronically stored information, and tangible things
21 related to the creation, constituent elements, performance, recording of and/or
22 financial information related to the musical composition, “I Gotta Feeling” are
23 located in whole or in part at the addresses of the various Defendants or their
24 counsel’s offices. To the extent the aforementioned documents and things contain
25 proprietary and confidential information, a mutual agreement governing
26 confidentiality will be required.

27 _____
28 ¹ These disclosing parties reserve the right to supplement this list of witnesses to include, among others, witnesses disclosed by other parties.

1 6. Documents, electronically stored information, and tangible things
2 related to the various subject matters identified under Plaintiff above are believed to
3 be located at his address as identified in the Complaint, or pursuant to preservation
4 requests, in Plaintiff's counsel's office in Chicago.

5 7. Documents, electronically stored information, and tangible things
6 related to the applications and registrations of claims to copyright in the works at
7 issue in this case, are located in the U.S. Copyright office, as well as the files of the
8 owners of the respective applications and registration certificates.

9 8. Documents, electronically stored information, and tangible things
10 related to statements that Plaintiff made to various media outlets relating to, among
11 other things, this lawsuit and the alleged infringement of Plaintiff's musical
12 composition(s) and sound recording(s) thereof, and postings by Mr. Pringle are
13 believed to be located at his address or, pursuant to preservation requests, in
14 Plaintiff's counsel's office in Chicago.

15 9. Given the current status of the litigation, and the lack of specificity to
16 the basis for Plaintiff's claim, including which particular musical composition and
17 recording thereof he claims were infringed, it is not yet believed that each category
18 set forth above may be used to support a defense or that such defense may be
19 necessary. The categories have therefore been provided conditionally. To the
20 extent the aforementioned documents, electronically stored information, or tangible
21 things contain proprietary and confidential information, a mutual agreement
22 governing confidentiality may be required. Also, it is anticipated that additional
23 documents will be located through further investigation and discovery.
24 Accordingly, Defendants may provide a supplemental disclosure at a later date.

25 *(iii) a computation of each category of damages claimed by the disclosing*
26 *party—who must also make available for inspection and copying as under Rule 34*
27 *the documents or other evidentiary material, unless privileged or protected from*
28 *disclosure, on which each computation is based, including materials bearing on the*

1 *nature and extent of injuries suffered; and*

2 Defendants will seek to recover all attorneys' fees and costs incurred herein.
3 To date, Defendants have not alleged any claims against Plaintiff for damages but
4 would seek to off set any damage claim of Plaintiff by the value of the unjust
5 enrichment obtained, and or the value and benefit obtained by Plaintiff beyond the
6 scope of the copyright registration. Notwithstanding these initial disclosures,
7 Defendants reserve the right to allege a claim against Plaintiff for damages. If
8 Defendants assert such a claim, Defendants will provide a computation of damages,
9 to the extent that such a computation is possible, and to the extent required by the
10 Federal Rules of Civil Procedure.

11 *(iv) for inspection and copying as under Rule 34, any insurance agreement*
12 *under which an insurance business may be liable to satisfy all or part of a possible*
13 *judgment in the action or to indemnify or reimburse for payments made to satisfy the*
14 *judgment.*

15 Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(iv), these responding defendants are
16 not aware of any applicable insurance agreement at this time. If any agreements that
17 may provide coverage are discovered in the future, Defendants will provide a
18 supplemental disclosure.

19 Dated: February 28, 2011

BRYAN CAVE LLP

Kara E.F. Cenar

Jonathan Pink

20
21
22 By: 

Jonathan Pink

Attorneys for Defendants

23
24 WILLIAM ADAMS; STACY FERGUSON;
25 ALLAN PINEDA; and JAIME GOMEZ, all
26 individually and collectively as the music
27 group THE BLACK EYED PEAS; will.i.am
28 music, llc; TAB MAGNETIC
PUBLISHING; CHERRY RIVER MUSIC
CO.; HEADPHONE JUNKIE
PUBLISHING, LLC; JEEPNEY MUSIC,
INC.; EMI APRIL MUSIC, INC.

**PROOF OF SERVICE
CCP 1013A(3) REVISED 5/1/88**

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STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is: 3161 Michelson Drive, Suite 1500, Irvine, CA 92612-4414.

On February 28, 2011, I served the foregoing document(s) described as:

INITIAL DISCLOSURES

on all interested parties in this action by placing a true copy the original thereof enclosed in sealed envelopes addressed as follows:

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Editions; David Guetta
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6 BY CM/ECF NOTICE OF ELECTRONIC FILING: I caused said
7 document(s) to be served by means of this Court's electronic transmission of the
8 Notice of Electronic filing through the Court's transmission facilities, to the parties
9 and/or counsel who are registered CM/ECF Users set forth in the service list
10 obtained from this Court.

11 BY MAIL - As follows: I am "readily familiar" with the firm's practice of
12 collection and processing correspondence for mailing. Under that practice it would
13 be deposited with U.S. Postal Service on that same day with postage thereon fully
14 prepaid at Irvine, California in the ordinary course of business. I am aware that on
15 motion of the party served, service is presumed invalid if postal cancellation date or
16 postage meter date is more than one day after date of deposit for mailing in affidavit.

17 BY FACSIMILE - I caused said document to be transmitted to a facsimile
18 machine maintained by the office of the addressee(s) at the facsimile machine
19 number(s) indicated. Said facsimile number(s) are the most recent numbers
20 appearing on documents filed and served by the addressee(s). I received electronic
21 confirmation from the facsimile machine that said document was successfully
22 transmitted without error.


23 BY OVERNIGHT DELIVERY - Depositing the above document(s) in a
24 box or other facility regularly maintained by FedEx in an envelope or package
25 designated by FedEx with delivery fees paid or provided for.

26 BY PERSONAL DELIVERY - I caused such envelope to be hand
27 delivered to the offices of the addressee.

28 BY EMAIL - I caused a true copy of the foregoing document(s) to be
served by electronic email transmission at the time shown on each transmission, to
each interested party at the email address shown above. Each transmission was
reported as complete and without error.

FEDERAL - I declare that I am employed in the office of a member of the
bar of this Court at whose direction the service was made.

Executed on February 28, 2011, at Irvine, California.


Elaine Hellwig

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7 Attorneys for Defendants SHAPIRO,
BERNSTEIN & CO., INC. (incorrectly
8 sued as Shapiro, Bernstein & Co.);
RISTER EDITIONS and DAVID
9 GUETTA

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

BRYAN PRINGLE, an individual,
Plaintiff,
v.

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.

Case No. SACV 10-1656 JST(RZx)
Hon. Josephine Staton Tucker
Courtroom 10A

**DEFENDANTS SHAPIRO,
BERNSTEIN & CO., INC.'S AND
DAVID GUETTA'S INITIAL
DISCLOSURES PURSUANT TO
RULE 26(A)(1)**

1 Defendants Shapiro Bernstein & Co., Inc. (“Shapiro Bernstein”) and David
2 Guetta (“Guetta”), by and through their undersigned counsel, Loeb & Loeb LLP,
3 make the following initial disclosures pursuant to Federal Rule of Civil Procedure
4 26(a)(1)(A).

5 **I. Introductory Statement**

6 The following disclosures are based upon the information reasonably
7 available to Shapiro Bernstein and Guetta as of this date. Shapiro Bernstein and
8 Guetta’s disclosures represent a good faith effort to identify information and
9 documents called for by Rule 26(a)(1)(A). By making these disclosures, Shapiro
10 Bernstein and Guetta do not represent that they are identifying every document,
11 electronically stored information, tangible thing or witness possibly relevant to this
12 action, including such documents, electronically stored information or tangible
13 things that may be in the possession, custody or control of other parties or non-
14 parties. Shapiro Bernstein and Guetta reserve the right to amend or supplement
15 these initial disclosures as provided by the Federal Rules of Civil Procedure.

16 **II. Initial Disclosures**

17 1. Pursuant to Rule 26(a)(1)(A)(i), Shapiro Bernstein and Guetta identify
18 the following individuals who are likely to have discoverable information that may
19 be used to support their claims or defenses, unless solely for impeachment:

20 a. Bryan Pringle – likely has knowledge or information regarding: (i)
21 the alleged creation of the original and/or derivative versions of “Take a
22 Dive,” (ii) the alleged distribution and/or publication of the original and/or
23 derivative versions of “Take a Dive,” (iii) his communications and
24 correspondence, if any, with the Defendants, (iv) his dealings with the United
25 States Copyright Office, including any dealings related to the alleged
26 registration of the original and/or derivative versions of “Take a Dive.”

1 b. David Guetta – likely has knowledge or information regarding the
2 creation of the musical composition and/or sound recording of the song “I
3 Gotta Feeling.”

4 c. Frederic Riesterer – likely has knowledge or information regarding
5 the creation of the musical composition and/or sound recording of the song “I
6 Gotta Feeling.”

7 d. All persons identified by Plaintiff and/or other Defendants as likely
8 to have discoverable information.

9 Shapiro Bernstein and Guetta reserve the right to rely upon, at any time,
10 including trial, any individual, and any category of information known to any
11 individual, that they discover as a result of their continuing investigation of the
12 claims and defenses in this action, or that was omitted from this disclosure by
13 inadvertence or otherwise.

14 2. Pursuant to Rule 26(a)(1)(A)(ii), Shapiro Bernstein and Guetta state
15 that they do not have any documents, electronically stored information, or tangible
16 things in their possession, custody, or control that they may use to support their
17 claims or defenses, other than solely for impeachment.

18 Shapiro Bernstein and Guetta reserve the right to rely upon any documents,
19 electronically stored information or tangible things that they discover as a result of
20 their continuing investigation of the claims and defenses in this action, or that were
21 omitted from this disclosure by inadvertence or otherwise.

22 3. Pursuant to Rule 26(a)(1)(A)(iii), Shapiro Bernstein and Guetta state
23 that, pursuant to 17 U.S.C. § 505 and other applicable law, they seek an award of
24 their attorneys’ fees and expenses incurred in defending this action, which fees and
25 expenses continue to accrue and cannot be computed at this time.

26 4. Pursuant to Rule 26(a)(1)(A)(iv), Shapiro Bernstein and Guetta state
27 that they are not aware of any insurance agreement under which an insurance
28

1 business may be liable to satisfy all or party of a possible judgment in the action or
2 to indemnify or reimburse for payments made to satisfy the judgment.

3 Shapiro Bernstein and Guetta reserve the right to supplement this disclosure
4 after further investigation.

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8 Dated: February 28, 2011

LOEB & LOEB LLP

9

By: /s/ Donald A. Miller

10

Donald A. Miller

Barry I. Slotnick

Tal E. Dickstein

11

12

Attorneys for Defendants

SHAPIRO, BERNSTEIN & CO., INC.

(incorrectly sued as Shapiro, Bernstein &
Co.) and DAVID GUETTA

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1 **PROOF OF SERVICE**

2 I, Tal E. Dickstein, the undersigned, declare that:

3 I am employed in the County of New York, State of New York, over the age of 18, and not
4 a party to this cause. My business address is Loeb & Loeb LLP, 345 Park Avenue, New York,
5 New York, 10154.

6 On February 28, 2011, I caused a true copy of the foregoing **DEFENDANTS SHAPIRO,**
7 **BERNSTEIN & CO., INC.'S AND DAVID GUETTA'S INITIAL DISCLOSURES**
8 **PURSUANT TO RULE 26(A)(1)** to be served on the counsel for all parties in this case by
9 placing the above named document in a sealed envelope addressed as set forth on the attached
10 service list and by then placing such sealed envelope for collection and mailing with the United
11 States Postal Service in accordance with Loeb & Loeb LLP's ordinary business practices.

12 I am familiar with Loeb & Loeb LLP's practice for collecting and processing
13 correspondence for mailing with the United States Postal Service and Overnight Delivery Service.
14 That practice includes the deposit of all correspondence with the United States Postal Service
15 and/or Overnight Delivery Service the same day it is collected and processed.

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

17 Executed on February 28, 2011, at New York, New York.

18
19 /s/ Tal Dickstein
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22 *Jamie Gomez, and Allan Pineda, all individually and collectively as the music*
23 *group the Black Eyed Peas; EMI April Music, Inc.; Headphone*
24 *Junkie Publishing, LLC; Will.I.Am Music, LLC; Jeepney Music, Inc.;*
25 *Tab Magnetic Publishing; and Cherry River Music Co.*

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7 Attorneys for Defendant
FREDERIC RIESTERER
8
9

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 SOUTHERN DIVISION

13 BRYAN PRINGLE, an individual,
14 Plaintiff,
15 v.

16 WILLIAM ADAMS, JR.; STACY
FERGUSON; ALLAN PINEDA; and
17 JAIME GOMEZ, all individually and
collectively as the music group The
18 Black Eyed Peas, et al.,
19 Defendants.

Case No. SACV 10-1656 JST(RZx)
Hon. Josephine Staton Tucker
Courtroom 10A

**DEFENDANT FREDERIC
RIESTERER'S INITIAL
DISCLOSURES PURSUANT TO
RULE 26(A)(1)**

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1 Defendant Frederic Riesterer (“Riesterer”), by and through his undersigned
2 counsel, Loeb & Loeb LLP, makes the following initial disclosures pursuant to
3 Federal Rule of Civil Procedure 26(a)(1)(A).

4 **I. Introductory Statement**

5 The following disclosures are based upon the information reasonably
6 available to Riesterer as of this date. Riesterer’s disclosures represent a good faith
7 effort to identify information and documents called for by Rule 26(a)(1)(A). By
8 making these disclosures, Riesterer does not represent that he is identifying every
9 document, electronically stored information, tangible thing or witness possibly
10 relevant to this action, including such documents, electronically stored information
11 or tangible things that may be in the possession, custody or control of other parties
12 or non-parties. Riesterer reserves the right to amend or supplement these initial
13 disclosures as provided by the Federal Rules of Civil Procedure.

14 **II. Initial Disclosures**

15 1. Pursuant to Rule 26(a)(1)(A)(i), Riesterer identifies the following
16 individuals who are likely to have discoverable information that may be used to
17 support his claims or defenses, unless solely for impeachment:

18 a. Bryan Pringle – likely has knowledge or information regarding: (i)
19 the alleged creation of the original and/or derivative versions of “Take a
20 Dive,” (ii) the alleged distribution and/or publication of the original and/or
21 derivative versions of “Take a Dive,” (iii) his communications and
22 correspondence, if any, with the Defendants, (iv) his dealings with the United
23 States Copyright Office, including any dealings related to the alleged
24 registration of the original and/or derivative versions of “Take a Dive.”

25 b. David Guetta – likely has knowledge or information regarding the
26 creation of the musical composition and/or sound recording of the song “I
27 Gotta Feeling.”

28

1 c. Frederic Riesterer – likely has knowledge or information regarding
2 the creation of the musical composition and/or sound recording of the song “I
3 Gotta Feeling.”

4 d. All persons identified by Plaintiff and/or other Defendants as likely
5 to have discoverable information.

6 Riesterer reserves the right to rely upon, at any time, including trial, any
7 individual, and any category of information known to any individual, that he
8 discovers as a result of his continuing investigation of the claims and defenses in
9 this action, or that was omitted from this disclosure by inadvertence or otherwise.

10 2. Pursuant to Rule 26(a)(1)(A)(ii), Riesterer states that he has the
11 following categories of documents, electronically stored information, or tangible
12 things in his possession, custody, or control that may be used to support his claims
13 or defenses, other than solely for impeachment:

14 a. Documents, electronically stored information or tangible things
15 related to creation of the musical composition and/or sound recording of the
16 song “I Gotta Feeling.”

17 Riesterer reserves the right to rely upon any other documents, electronically
18 stored information or tangible things that he discovers as a result of his continuing
19 investigation of the claims and defenses in this action, or that were omitted from this
20 disclosure by inadvertence or otherwise.

21 3. Pursuant to Rule 26(a)(1)(A)(iii), Riesterer states that, pursuant to 17
22 U.S.C. § 505 and other applicable law, he seeks an award of his attorneys’ fees and
23 expenses incurred in defending this action, which fees and expenses continue to
24 accrue and cannot be computed at this time.

25 4. Pursuant to Rule 26(a)(1)(A)(iv), Riesterer states that he is not aware of
26 any insurance agreement under which an insurance business may be liable to satisfy
27 all or part of a possible judgment in the action or to indemnify or reimburse for
28 payments made to satisfy the judgment.

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Riesterer reserves the right to supplement this disclosure after further investigation.

Dated: May 31, 2011

LOEB & LOEB LLP

By: Barry I. Slotnick
Donald A. Miller
Barry I. Slotnick
Tal E. Dickstein

Attorneys for Defendant FREDERIC
RIESTERER

1 **PROOF OF SERVICE**

2 I, Valent Manssourian, the undersigned, declare that:

3 I am employed in the County of Los Angeles, State of California, over the age
4 of 18, and not a party to this cause. My business address is 10100 Santa Monica
5 Boulevard, Suite 2200, Los Angeles, California 90067-4120.

6 On May 31, 2011, I caused a true copy of the foregoing **DEFENDANT**
7 **FREDERIC RIESTERER'S INITIAL DISCLOSURES PURSUANT TO**
8 **RULE 26(A)(1)** to be served on the parties in this cause as follows:

9 (VIA EMAIL) I caused the transmission of the above-named document(s) to
10 the email address set forth below or on the attached service list.

11 (VIA U.S. MAIL) by placing the above named document in a sealed envelope
12 addressed as set forth below, or on the attached service list and by then placing such
13 sealed envelope for collection and mailing with the United States Postal Service in
14 accordance with Loeb & Loeb LLP's ordinary business practices.

15 **Please see attached Service List.**

16 I am readily familiar with Loeb & Loeb LLP's practice for collecting and
17 processing correspondence for mailing with the United States Postal Service and
18 Overnight Delivery Service. That practice includes the deposit of all correspondence
19 with the United States Postal Service and/or Overnight Delivery Service the same
20 day it is collected and processed.

21 I certify that I am employed in the office of a member of the bar of this court
22 at whose direction the service was made.

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

24 Executed on May 31, 2011, at Los Angeles, California.

25 /s/ Valent Manssourian
26 Valent Manssourian

SERVICE LIST

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and Allan Pineda, all individually
and collectively as the music group
the Black Eyed Peas, EMI April, Music, Inc.
Headphone Junkie Publishing, LLC
Will.I.Am Music, LLC, Jeepney Music, Inc.
Tab Magnetic Publishing, and
Cherry River Music Co.*

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Tab Magnetic Publishing, and
Cherry River Music Co.*

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6 Facsimile: 310-282-2200

7 Attorneys for Defendants SHAPIRO,
BERNSTEIN & CO., INC. (incorrectly
8 sued as Shapiro, Bernstein & Co.); and
DAVID GUETTA
9

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 SOUTHERN DIVISION

13 BRYAN PRINGLE, an individual,

14 Plaintiff,

15 v.

16 WILLIAM ADAMS, JR.; STACY
17 FERGUSON; ALLAN PINEDA; and
18 JAIME GOMEZ, all individually and
collectively as the music group The
Black Eyed Peas, et al.,

19 Defendants.
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Case No. SACV 10-1656 JST(RZx)

Hon. Josephine Staton Tucker
Courtroom 10A

**DEFENDANTS SHAPIRO,
BERNSTEIN & CO., INC.'S AND
DAVID GUETTA'S
SUPPLEMENTAL INITIAL
DISCLOSURES PURSUANT TO
RULE 26(A)(1)**

1 Defendants Shapiro, Bernstein & Co., Inc. (“Shapiro Bernstein”) and David
2 Guetta (“Guetta”), by and through their undersigned counsel, Loeb & Loeb LLP,
3 make the following initial disclosures pursuant to Federal Rule of Civil Procedure
4 26(a)(1)(A).

5 **I. Introductory Statement**

6 The following disclosures are based upon the information reasonably
7 available to Shapiro Bernstein and Guetta as of this date. Shapiro Bernstein and
8 Guetta’s disclosures represent a good faith effort to identify information and
9 documents called for by Rule 26(a)(1)(A). By making these disclosures, Shapiro
10 Bernstein and Guetta do not represent that they are identifying every document,
11 electronically stored information, tangible thing or witness possibly relevant to this
12 action, including such documents, electronically stored information or tangible
13 things that may be in the possession, custody or control of other parties or non-
14 parties. Shapiro Bernstein and Guetta reserve the right to amend or supplement
15 these initial disclosures as provided by the Federal Rules of Civil Procedure.

16 **II. Initial Disclosures**

17 1. Pursuant to Rule 26(a)(1)(A)(i), Shapiro Bernstein and Guetta identify
18 the following individuals who are likely to have discoverable information that may
19 be used to support their claims or defenses, unless solely for impeachment:

- 20 a. Bryan Pringle – likely has knowledge or information regarding: (i)
21 the alleged creation of the original and/or derivative versions of “Take a
22 Dive,” (ii) the alleged distribution and/or publication of the original and/or
23 derivative versions of “Take a Dive,” (iii) his communications and
24 correspondence, if any, with the Defendants, (iv) his dealings with the United
25 States Copyright Office, including any dealings related to the alleged
26 registration of the original and/or derivative versions of “Take a Dive.”

1 b. David Guetta – likely has knowledge or information regarding the
2 creation of the musical composition and/or sound recording of the song “I
3 Gotta Feeling.”

4 c. Frederic Riesterer – likely has knowledge or information regarding
5 the creation of the musical composition and/or sound recording of the song “I
6 Gotta Feeling.”

7 d. Jean-Charles Carre – likely has knowledge of Guetta’s expenses
8 deductible from any revenues attributable to “I Gotta Feeling”

9 e. Michael Brettler – likely has knowledge of Shapiro Bernstein’s
10 expenses deductible from any revenues attributable to “I Gotta Feeling.”

11 f. All persons identified by Plaintiff and/or other Defendants as likely
12 to have discoverable information.

13 Shapiro Bernstein and Guetta reserve the right to rely upon, at any time,
14 including trial, any individual, and any category of information known to any
15 individual, that they discover as a result of their continuing investigation of the
16 claims and defenses in this action, or that was omitted from this disclosure by
17 inadvertence or otherwise.

18 2. Pursuant to Rule 26(a)(1)(A)(ii), Shapiro Bernstein and Guetta state
19 that, other than solely for impeachment, they may use the documents, electronically
20 stored information, and/or tangible things that have been produced in discovery in
21 this action to support their claims or defenses.

22 Shapiro Bernstein and Guetta reserve the right to rely upon any documents,
23 electronically stored information or tangible things that they discover as a result of
24 their continuing investigation of the claims and defenses in this action, or that were
25 omitted from this disclosure by inadvertence or otherwise.

26 3. Pursuant to Rule 26(a)(1)(A)(iii), Shapiro Bernstein and Guetta state
27 that, pursuant to 17 U.S.C. § 505 and other applicable law, they seek an award of
28

1 their attorneys' fees and expenses incurred in defending this action, which fees and
2 expenses continue to accrue and cannot be computed at this time.

3 4. Pursuant to Rule 26(a)(1)(A)(iv), Shapiro Bernstein and Guetta state
4 that they are not aware of any insurance agreement under which an insurance
5 business may be liable to satisfy all or party of a possible judgment in the action or
6 to indemnify or reimburse for payments made to satisfy the judgment.

7 Shapiro Bernstein and Guetta reserve the right to supplement this disclosure
8 after further investigation.

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Dated: November 14, 2011

LOEB & LOEB LLP

By: /s/ Tal E. Dickstein
Donald A. Miller
Barry I. Slotnick
Tal E. Dickstein

Attorneys for Defendants
SHAPIRO, BERNSTEIN & CO., INC.
(incorrectly sued as Shapiro, Bernstein &
Co.) and DAVID GUETTA

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PROOF OF SERVICE

I, Tal E. Dickstein, the undersigned, declare that:

I am employed in the County of New York, State of New York, over the age of 18, and not a party to this cause. My business address is Loeb & Loeb LLP, 345 Park Avenue, New York, New York, 10154.

On November 14, 2011, I caused a true copy of the foregoing **DEFENDANTS SHAPIRO, BERNSTEIN & CO., INC.'S AND DAVID GUETTA'S SUPPLEMENTAL INITIAL DISCLOSURES PURSUANT TO RULE 26(A)(1)** to be served on the counsel for all parties in this case by placing the above named document in a sealed envelope addressed as set forth on the attached service list and by then placing such sealed envelope for collection and mailing with the United States Postal Service in accordance with Loeb & Loeb LLP's ordinary business practices.

I am familiar with Loeb & Loeb LLP's practice for collecting and processing correspondence for mailing with the United States Postal Service and Overnight Delivery Service. That practice includes the deposit of all correspondence with the United States Postal Service and/or Overnight Delivery Service the same day it is collected and processed.

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

Executed on November 14, 2011, at New York, New York.

By: /s/ Tal E. Dickstein

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17 Kara E. F. Cenar
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21 *Attorneys for Defendants William Adams, Jr., Stacy Ferguson,
22 Jamie Gomez, and Allan Pineda, all individually and collectively as the
23 music group the Black Eyed Peas; EMI April Music, Inc.; Headphone
24 Junkie Publishing LLC; Will.I.Am LLC; Jeepney Music, Inc.;
25 Tab Magnetic Publishing; and Cherry River Music Co.*

26 Linda M. Burrow
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10 Attorneys for Defendants
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11 GOMEZ, all individually and collectively as the music group THE BLACK EYED
PEAS; will.i.am music, llc; TAB MAGNETIC PUBLISHING; CHERRY RIVER
12 MUSIC CO.; HEADPHONE JUNKIE PUBLISHING, LLC; JEEPNEY MUSIC,
INC.; EMI APRIL MUSIC, INC.

13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

16 BRYAN PRINGLE, an individual,
17 Plaintiff,

18 v.

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

27 Defendants.
28

Case No. SACV10-1656 JST (RZx)

Hon. Josephine Staton Tucker
Courtroom 10A

**SUPPLEMENTAL INITIAL
DISCLOSURES**

Complaint Filed: October 28, 2010
Trial Date: Not Assigned

1 Defendants WILLIAM ADAMS; STACY FERGUSON; ALLAN PINEDA;
2 and JAIME GOMEZ, all individually and collectively as the music group THE
3 BLACK EYED PEAS; will.i.am music, llc; TAB MAGNETIC PUBLISHING;
4 CHERRY RIVER MUSIC CO.; HEADPHONE JUNKIE PUBLISHING, LLC;
5 JEEPNEY MUSIC, INC.; EMI APRIL MUSIC, INC. hereby submit their
6 Supplemental Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1).

7
8 **INITIAL DISCLOSURES**
9

10 *(i) the name and, if known, the address and telephone number of each*
11 *individual likely to have discoverable information – along with the subjects of that*
12 *information – that the disclosing party may use to support its claims or defenses,*
13 *unless the use would be solely for impeachment;*

14 **1. Bryan Pringle**, c/o Hampton Holley LLP, 2101 East Coast Highway,
15 Ste 260, Corona del Mar, CA 92625. Subject Matter: Mr. Pringle is believed to
16 have knowledge regarding, among other things, the validity of the copyright being
17 asserted, deficiencies in the copyright registration and related copyright misuse,
18 factual information regarding the creation and dissemination of “Take a Dive” and
19 all derivative works thereof, including what he refers to as to the “guitar twang”).
20 Mr. Pringle also is believed to have knowledge regarding Plaintiff’s improper
21 dissemination and manipulation of Defendants’ musical composition and recording
22 thereof, Plaintiff’s use of a fabricated claim to use The Black Eyed Peas’ reputation
23 for personal gain, and Plaintiff’s communications with Ebony LaTrice Batts and/or
24 Manfred Mohr in furtherance of the same.

25 **2. UMG Recordings, Inc.**, c/o Caldwell Leslie & Proctor, PC, 1000
26 Wilshire Boulevard, Suite 600, Los Angeles, CA 90017. (213) 629-9040. Subject
27 Matter: The issues raised by Plaintiff regarding his claims that recordings of certain
28 musical compositions he alleges to have authored were sent to and received by

1 UMG, and financial issues related to the challenged musical composition and sound
2 recording.

3 **3. Interscope Records**, c/o Caldwell Leslie & Proctor, PC, 1000 Wilshire
4 Boulevard, Suite 600, Los Angeles, CA 90017. (213) 629-9040. Subject Matter:
5 The issues raised by Plaintiff regarding his claims that certain recordings of musical
6 compositions he alleges to have authored were sent to and received by UMG, and
7 financial issues related to the challenged musical composition and sound recording

8 **4. David Guetta**, c/o Loeb & Loeb LLP, 345 Park Avenue, New York,
9 NY 10154. (212) 407-4000. Subject Matter: Mr. Guetta is believed to have
10 knowledge regarding, among other things, the musical material employed in the
11 musical composition “I Gotta Feeling,” including the independent and anterior
12 creation of what Plaintiff refers to as the “guitar twang,” as well as the recording
13 thereof.

14 **5. Frederick Riesterer**, c/o Loeb & Loeb LLP, 345 Park Avenue, New
15 York, NY 10154. (212) 407-4000). Subject Matter: Mr. Riesterer is believed to
16 have knowledge regarding, among other things, the musical material employed in
17 the musical composition “I Gotta Feeling,” including the independent and anterior
18 creation of what Plaintiff refers to as the “guitar twang,” as well as the recording
19 thereof.

20 **6. Shapiro, Bernstein & Co.**, c/o Loeb & Loeb LLP, 345 Park Avenue,
21 New York, NY 10154. (212) 407-4000). Subject Matter: A representative of this
22 company is believed to have knowledge regarding, among other things, the
23 ownership and exploitation of the musical material employed in the musical
24 composition “I Gotta Feeling,” including the independent and anterior creation of
25 what Plaintiff refers to as the “guitar twang.”

26 **7. Williams Adams**, Bryan Cave LLP, 161 N. Clark Street, Suite 4300,
27 Chicago, Illinois, 60601-3305. (312) 602-5000. Subject Matter: Mr. Adams is
28 believed to have knowledge regarding, among other things, the authorship of the

1 musical composition “I Gotta Feeling,” including the independent and anterior
2 creation of what Plaintiff refers to as the “guitar twang” as well as the performance
3 thereof embodied in the challenged sound recording. Mr. Adams is also believed to
4 have information concerning reputational suffered by The Black Eyed Peas in
5 connection with Plaintiff’s action, as well as financial issues related to the
6 challenged musical composition and challenged sound recording thereof.¹

7 **8. Lawrence Ferrara**, c/o Law Offices of Bryan Cave LLP, 161 N. Clark
8 Street, Suite 4300, Chicago, Illinois, 60601-3305. (312) 602-5000. Mr. Ferrara has
9 knowledge regarding, among other things, the lack of protectable similarities
10 between Plaintiffs’ song and the song “I Gotta Feeling.”

11 **9. Cherry River Music Co.**, c/o Law Offices of Bryan Cave LLP, 161 N.
12 Clark Street, Suite 4300, Chicago, Illinois, 60601-3305. (312) 602-5000. Subject
13 Matter: The financial issues related to the accused song.

14 **10. EMI April Music, Inc.**, c/o Law Offices of Bryan Cave LLP, 161 N.
15 Clark Street, Suite 4300, Chicago, Illinois, 60601-3305. (312) 602-5000. Subject
16 Matter: The financial issues related to the accused song.

17 **11. Mark Kaplan**, c/o Law Offices of Bryan Cave LLP, 161 N. Clark
18 Street, Suite 4300, Chicago, Illinois, 60601-3305. (312) 602-5000. Subject Matter:
19 The financial issues, including but not limited to costs, related to the accused song.

20 *(ii) a copy—or a description by category and location—of all documents,*
21 *electronically stored information, and tangible things that the disclosing party has*
22 *in its possession, custody, or control and may use to support its claims or defenses,*
23 *unless the use would be solely for impeachment;*

24 1. Audio exhibits of the sound recording of the musical composition,
25 “Take a Dive.” (provided in connection with Preliminary injunction proceedings).

26 2. Audio exhibits of the sound recording of the musical composition,

27 ¹ These disclosing parties reserve the right to supplement this list of witnesses to include, among others, witnesses
28 disclosed by other parties.

1 “Take a Dive (Dance Version).” (provided in connection with Preliminary
2 injunction proceedings).

3 3. Other audio exhibits (provided in connection with Preliminary
4 injunction proceedings).

5 4. Documents, references, and other public information cited to or
6 submitted by Defendants in connection with the preliminary injunction proceedings.

7 5. Documents, electronically stored information, and tangible things
8 related to the creation, constituent elements, performance, recording of and/or
9 financial information related to the musical composition, “I Gotta Feeling” are
10 located in whole or in part at the addresses of the various Defendants or their
11 counsel’s offices. To the extent the aforementioned documents and things contain
12 proprietary and confidential information, a mutual agreement governing
13 confidentiality will be required.

14 6. Documents, electronically stored information, and tangible things
15 related to the various subject matters identified under Plaintiff above are believed to
16 be located at his address as identified in the Complaint, or pursuant to preservation
17 requests, in Plaintiff’s counsel’s office in Chicago.

18 7. Documents, electronically stored information, and tangible things
19 related to the applications and registrations of claims to copyright in the works at
20 issue in this case, are located in the U.S. Copyright office, as well as the files of the
21 owners of the respective applications and registration certificates.

22 8. Documents, electronically stored information, and tangible things
23 related to statements that Plaintiff made to various media outlets relating to, among
24 other things, this lawsuit and the alleged infringement of Plaintiff’s musical
25 composition(s) and sound recording(s) thereof, and postings by Mr. Pringle are
26 believed to be located at his address or, pursuant to preservation requests, in
27 Plaintiff’s counsel’s office in Chicago.

28 9. Given the current status of the litigation, and the lack of specificity to

1 the basis for Plaintiff's claim, including which particular musical composition and
2 recording thereof he claims were infringed, it is not yet believed that each category
3 set forth above may be used to support a defense or that such defense may be
4 necessary. The categories have therefore been provided conditionally. To the
5 extent the aforementioned documents, electronically stored information, or tangible
6 things contain proprietary and confidential information, a mutual agreement
7 governing confidentiality may be required. Also, it is anticipated that additional
8 documents will be located through further investigation and discovery.

9 Accordingly, Defendants may provide a supplemental disclosure at a later date.

10 *(iii) a computation of each category of damages claimed by the disclosing*
11 *party—who must also make available for inspection and copying as under Rule 34*
12 *the documents or other evidentiary material, unless privileged or protected from*
13 *disclosure, on which each computation is based, including materials bearing on the*
14 *nature and extent of injuries suffered; and*

15 Defendants will seek to recover all attorneys' fees and costs incurred herein.
16 To date, Defendants have not alleged any claims against Plaintiff for damages but
17 would seek to off set any damage claim of Plaintiff by the value of the unjust
18 enrichment obtained, and or the value and benefit obtained by Plaintiff beyond the
19 scope of the copyright registration. Notwithstanding these initial disclosures,
20 Defendants reserve the right to allege a claim against Plaintiff for damages. If
21 Defendants assert such a claim, Defendants will provide a computation of damages,
22 to the extent that such a computation is possible, and to the extent required by the
23 Federal Rules of Civil Procedure.

24 *(iv) for inspection and copying as under Rule 34, any insurance agreement*
25 *under which an insurance business may be liable to satisfy all or part of a possible*
26 *judgment in the action or to indemnify or reimburse for payments made to satisfy the*
27 *judgment.*

28 Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(iv), these responding defendants are

1 not aware of any applicable insurance agreement at this time. If any agreements that
2 may provide coverage are discovered in the future, Defendants will provide a
3 supplemental disclosure.

4 Dated: November 16, 2011

BRYAN CAVE LLP

Kara E.F. Cenar

Jonathan Pink

7 By: 

Jonathan Pink

Attorneys for Defendants

8
9 WILLIAM ADAMS; STACY FERGUSON;
10 ALLAN PINEDA; and JAIME GOMEZ, all
11 individually and collectively as the music
12 group THE BLACK EYED PEAS; will.i.am
13 music, llc; TAB MAGNETIC
14 PUBLISHING; CHERRY RIVER MUSIC
15 CO.; HEADPHONE JUNKIE
16 PUBLISHING, LLC; JEEPNEY MUSIC,
17 INC.; EMI APRIL MUSIC, INC.
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**PROOF OF SERVICE
CCP 1013A(3) REVISED 5/1/88**

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is: 3161 Michelson Drive, Suite 1500, Irvine, CA 92612-4414.

On November 16, 2011, I served the foregoing document(s) described as:

SUPPLEMENTAL INITIAL DISCLOSURES

on all interested parties in this action by placing a true copy the original thereof enclosed in sealed envelopes addressed as follows:

Dean A. Dickie
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BY CM/ECF NOTICE OF ELECTRONIC FILING: I caused said document(s) to be served by means of this Court's electronic transmission of the Notice of Electronic filing through the Court's transmission facilities, to the parties and/or counsel who are registered CM/ECF Users set forth in the service list obtained from this Court.

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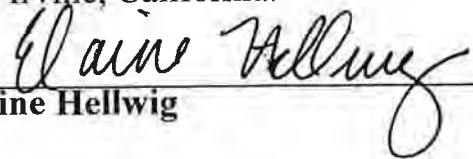
BY OVERNIGHT DELIVERY - Depositing the above document(s) in a box or other facility regularly maintained by FedEx in an envelope or package designated by FedEx with delivery fees paid or provided for.

BY PERSONAL DELIVERY - I caused such envelope to be hand delivered to the offices of the addressee.

BY EMAIL - I caused a true copy of the foregoing document(s) to be served by electronic email transmission at the time shown on each transmission, to each interested party at the email address shown above. Each transmission was reported as complete and without error.

FEDERAL - I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on November 16, 2011, at Irvine, California.


Elaine Hellwig

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10 Attorneys for Defendants
WILLIAM ADAMS; STACY FERGUSON; ALLAN PINEDA; and JAIME
11 GOMEZ, all individually and collectively as the music group THE BLACK EYED
PEAS; will.i.am music, llc; TAB MAGNETIC PUBLISHING; CHERRY RIVER
12 MUSIC CO.; HEADPHONE JUNKIE PUBLISHING, LLC; JEEPNEY MUSIC,
INC.; EMI APRIL MUSIC, INC.

13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

16 BRYAN PRINGLE, an individual,
17 Plaintiff,
18 v.
19 WILLIAM ADAMS, JR.; STACY
FERGUSON; ALLAN PINEDA; and
20 JAIME GOMEZ, all individually and
collectively as the music group the
21 Black Eyed Peas; DAVID GUETTA;
FREDERICK RIESTERER; UMG
22 RECORDINGS, INC.; INTERSCOPE
RECORDS; EMI APRIL MUSIC,
23 INC.; HEADPHONE JUNKIE
PUBLISHING, LLC; WILL.I.AM.
24 MUSIC, LLC; JEEPNEY MUSIC,
INC.; TAB MAGNETIC
25 PUBLISHING; CHERRY RIVER
MUSIC CO.; SQUARE RIVOLI
26 PUBLISHING; RISTER EDITIONS;
and SHAPIRO, BERNSTEIN & CO.,
27 Defendants.
28

Case No. SACV10-1656 JST (RZx)

Hon. Josephine Staton Tucker
Courtroom 10A

**FURTHER SUPPLEMENTAL
INITIAL DISCLOSURES**

1 Defendants WILLIAM ADAMS; STACY FERGUSON; ALLAN PINEDA;
2 and JAIME GOMEZ, all individually and collectively as the music group THE
3 BLACK EYED PEAS; will.i.am music, llc; TAB MAGNETIC PUBLISHING;
4 CHERRY RIVER MUSIC CO.; HEADPHONE JUNKIE PUBLISHING, LLC;
5 JEEPNEY MUSIC, INC.; EMI APRIL MUSIC, INC. hereby submit their Further
6 Supplemental Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1).

7
8 **DISCLOSURES**

9
10 *(i) the name and, if known, the address and telephone number of each*
11 *individual likely to have discoverable information – along with the subjects of that*
12 *information – that the disclosing party may use to support its claims or defenses,*
13 *unless the use would be solely for impeachment;*

14 **1. Bryan Pringle**, c/o Hampton Holley LLP, 2101 East Coast Highway,
15 Ste 260, Corona del Mar, CA 92625. Subject Matter: Mr. Pringle is believed to
16 have knowledge regarding, among other things, the validity of the copyright being
17 asserted, deficiencies in the copyright registration and related copyright misuse,
18 factual information regarding the creation and dissemination of “Take a Dive” and
19 all derivative works thereof, including what he refers to as to the “guitar twang”).
20 Mr. Pringle also is believed to have knowledge regarding Plaintiff’s improper
21 dissemination and manipulation of Defendants’ musical composition and recording
22 thereof, Plaintiff’s use of a fabricated claim to use The Black Eyed Peas’ reputation
23 for personal gain, and Plaintiff’s communications with Ebony LaTrice Batts and/or
24 Manfred Mohr in furtherance of the same.

25 **2. David Gallant, President GCIS, LLC**, c/o Hampton Holley LLP,
26 2101 East Coast Highway, Ste 260, Corona del Mar, CA 92625. Subject Matter:
27 Mr. Gallant is believed to have knowledge regarding, among other things, Plaintiff’s
28 improper manipulation of Defendants’ musical composition and recording thereof,

1 and thus the absence of any technological basis for Plaintiff's claim that "I Gotta
2 Feeling" incorporates a sample of "Take a Dive."

3 **3. The Person or Persons Most Knowledgeable for UMG Recordings,**
4 **Inc.,** c/o Caldwell Leslie & Proctor, PC, 1000 Wilshire Boulevard, Suite 600, Los
5 Angeles, CA 90017. (213) 629-9040. Subject Matter: The issues raised by
6 Plaintiff regarding his claims that recordings of certain musical compositions he
7 alleges to have authored were sent to and received by UMG, and financial issues
8 related to the challenged musical composition and sound recording.

9 **4. The Person or Persons Most Knowledgeable for Interscope**
10 **Records,** c/o Caldwell Leslie & Proctor, PC, 1000 Wilshire Boulevard, Suite 600,
11 Los Angeles, CA 90017. (213) 629-9040. Subject Matter: The issues raised by
12 Plaintiff regarding his claims that certain recordings of musical compositions he
13 alleges to have authored were sent to and received by UMG, and financial issues
14 related to the challenged musical composition and sound recording

15 **5. David Guetta,** c/o Loeb & Loeb LLP, 345 Park Avenue, New York,
16 NY 10154. (212) 407-4000. Subject Matter: Mr. Guetta is believed to have
17 knowledge regarding, among other things, the musical material employed in the
18 musical composition "I Gotta Feeling," including the independent and anterior
19 creation of what Plaintiff refers to as the "guitar twang," as well as the recording
20 thereof.

21 **6. Frederick Riesterer,** c/o Loeb & Loeb LLP, 345 Park Avenue, New
22 York, NY 10154. (212) 407-4000). Subject Matter: Mr. Riesterer is believed to
23 have knowledge regarding, among other things, the musical material employed in
24 the musical composition "I Gotta Feeling," including the independent and anterior
25 creation of what Plaintiff refers to as the "guitar twang," as well as the recording
26 thereof.

27 **7. Shapiro, Bernstein & Co.,** c/o Loeb & Loeb LLP, 345 Park Avenue,
28 New York, NY 10154. (212) 407-4000). Subject Matter: A representative of this

1 company is believed to have knowledge regarding, among other things, the
2 ownership and exploitation of the musical material employed in the musical
3 composition "I Gotta Feeling," including the independent and anterior creation of
4 what Plaintiff refers to as the "guitar twang."

5 **8. Williams Adams**, Bryan Cave LLP, 161 N. Clark Street, Suite 4300,
6 Chicago, Illinois, 60601-3305. (312) 602-5000. Subject Matter: Mr. Adams is
7 believed to have knowledge regarding, among other things, the authorship of the
8 musical composition "I Gotta Feeling," including the independent and anterior
9 creation of what Plaintiff refers to as the "guitar twang" as well as the performance
10 thereof embodied in the challenged sound recording. Mr. Adams is also believed to
11 have information concerning reputational suffered by The Black Eyed Peas in
12 connection with Plaintiff's action, as well as financial issues related to the
13 challenged musical composition and challenged sound recording thereof.¹

14 **9. Stacy Ferguson**, Bryan Cave LLP, 161 N. Clark Street, Suite 4300,
15 Chicago, Illinois, 60601-3305. (312) 602-5000. Subject Matter: Ms. Ferguson is
16 believed to have knowledge regarding, among other things, the musical composition
17 of "I Gotta Feeling," the performance and sound recording thereof, the reputational
18 damage suffered by The Black Eyed Peas in connection with Plaintiff's action, and
19 financial issues related to the challenged musical composition and challenged sound
20 recording thereof.

21 **10. Alan Pineda**, Bryan Cave LLP, 161 N. Clark Street, Suite 4300,
22 Chicago, Illinois, 60601-3305. (312) 602-5000. Subject Matter: Mr. Pineda is
23 believed to have knowledge regarding, among other things, the musical composition
24 of "I Gotta Feeling," the performance and sound recording thereof, the reputational
25 damage suffered by The Black Eyed Peas in connection with Plaintiff's action, and
26 financial issues related to the challenged musical composition and challenged sound

27 _____
28 ¹ These disclosing parties reserve the right to supplement this list of witnesses to include, among others, witnesses disclosed by other parties.

1 recording thereof.

2 **11. Jamie Gomez**, Bryan Cave LLP, 161 N. Clark Street, Suite 4300,
3 Chicago, Illinois, 60601-3305. (312) 602-5000. Subject Matter: Mr. Gomez is
4 believed to have knowledge regarding, among other things, the musical composition
5 of “I Gotta Feeling,” the performance and sound recording thereof, the reputational
6 damage suffered by The Black Eyed Peas in connection with Plaintiff’s action, and
7 financial issues related to the challenged musical composition and challenged sound
8 recording thereof.

9 **12. Lawrence Ferrara**, c/o Law Offices of Bryan Cave LLP, 161 N. Clark
10 Street, Suite 4300, Chicago, Illinois, 60601-3305. (312) 602-5000. Mr. Ferrara has
11 knowledge regarding, among other things, the lack of protectable similarities
12 between Plaintiffs’ song and the song “I Gotta Feeling.”

13 **13. Paul Geluso**, c/o Loeb & Loeb, LLP, 345 Park Avenue, New York,
14 New York, 10154, (212) 407-4000. Mr. Geluso is expected to have knowledge of
15 the absence of any technological basis for Plaintiff’s claim that “I Gotta Feeling”
16 incorporates a sample of “Take a Dive.”

17 **14. Erik Laykin**, c/o Loeb & Loeb, LLP, 345 Park Avenue, New York,
18 New York, 10154, (212) 407-4000. Mr. Geluso is expected to have knowledge of
19 the absence of any technological basis for Plaintiff’s claim that “I Gotta Feeling”
20 incorporates a sample of “Take a Dive.”

21 **15. Clark Warner, Vice President of Music Services at Beatport, LLC**,
22 c/o Loeb & Loeb, LLO, 345 Park Avenue, New York, New York, 10154, (212) 407-
23 4000. Mr. Warner is expected to have knowledge of the factual and technological
24 basis for Defendants’ assertion that Plaintiff sampled the “guitar twang” at issue in
25 this suit from Defendants’ “I Gotta Feeling,” and based thereon has perpetrated or
26 attempted to perpetrate a fraud on the U.S. Copyright Office, the United States
27 District Court and the Defendants in this action.

28 **16. Don Malter, Vice President of Finance, Cherry River Music Co.,**

1 c/o Law Offices of Bryan Cave LLP, 161 N. Clark Street, Suite 4300, Chicago,
2 Illinois, 60601-3305. (312) 602-5000. Subject Matter: The financial issues related
3 to the accused song.

4 **17. The Person or Persons Most Knowledgeable for EMI April Music,**
5 **Inc.,** c/o Law Offices of Bryan Cave LLP, 161 N. Clark Street, Suite 4300, Chicago,
6 Illinois, 60601-3305. (312) 602-5000. Subject Matter: The financial issues related
7 to the accused song.

8 **18. Mark Kaplan,** c/o Law Offices of Bryan Cave LLP, 161 N. Clark
9 Street, Suite 4300, Chicago, Illinois, 60601-3305. (312) 602-5000. Subject Matter:
10 The financial issues, including but not limited to costs, related to the accused song.

11 **19.** All additional persons identified by Plaintiff and/or the other
12 Defendants as likely to have discoverable information related but not limited to
13 costs, profits, marketing, distribution and creation of the works at issue.

14 **20.** All individuals not identified above but who nonetheless have been
15 deposed, or have submitted a declaration that has been filed, in this litigation.

16 *(ii) a copy—or a description by category and location—of all documents,*
17 *electronically stored information, and tangible things that the disclosing party has*
18 *in its possession, custody, or control and may use to support its claims or defenses,*
19 *unless the use would be solely for impeachment;*

20 1. Audio exhibits of the sound recording of the musical composition,
21 “Take a Dive.” (provided in connection with Preliminary injunction proceedings).

22 2. Audio exhibits of the sound recording of the musical composition,
23 “Take a Dive (Dance Version).” (provided in connection with Preliminary
24 injunction proceedings).

25 3. Other audio exhibits (provided in connection with Preliminary
26 injunction proceedings).

27 4. Documents, references, and other public information cited to or
28 submitted by Defendants in connection with the preliminary injunction proceedings.

1 5. Documents, electronically stored information, and tangible things
2 related to the creation, constituent elements, performance, recording of and/or
3 financial information related to the musical composition, “I Gotta Feeling” are
4 located in whole or in part at the addresses of the various Defendants or their
5 counsel’s offices. To the extent the aforementioned documents and things contain
6 proprietary and confidential information, a mutual agreement governing
7 confidentiality will be required.

8 6. Documents, electronically stored information, and tangible things
9 related to the various subject matters identified under Plaintiff above are believed to
10 be located at his address as identified in the Complaint, or pursuant to preservation
11 requests, in Plaintiff’s counsel’s office in Chicago.

12 7. Documents, electronically stored information, and tangible things
13 related to the applications and registrations of claims to copyright in the works at
14 issue in this case, are located in the U.S. Copyright office, as well as the files of the
15 owners of the respective applications and registration certificates.

16 8. Documents, electronically stored information, and tangible things
17 related to statements that Plaintiff made to various media outlets relating to, among
18 other things, this lawsuit and the alleged infringement of Plaintiff’s musical
19 composition(s) and sound recording(s) thereof, and postings by Mr. Pringle are
20 believed to be located at his address or, pursuant to preservation requests, in
21 Plaintiff’s counsel’s office in Chicago.

22 9. Given the current status of the litigation, and the lack of specificity to
23 the basis for Plaintiff’s claim, including which particular musical composition and
24 recording thereof he claims were infringed, it is not yet believed that each category
25 set forth above may be used to support a defense or that such defense may be
26 necessary. The categories have therefore been provided conditionally. To the
27 extent the aforementioned documents, electronically stored information, or tangible
28 things contain proprietary and confidential information, a mutual agreement

1 governing confidentiality may be required. Also, it is anticipated that additional
2 documents will be located through further investigation and discovery.

3 Accordingly, Defendants may provide a supplemental disclosure at a later date.

4 *(iii) a computation of each category of damages claimed by the disclosing*
5 *party—who must also make available for inspection and copying as under Rule 34*
6 *the documents or other evidentiary material, unless privileged or protected from*
7 *disclosure, on which each computation is based, including materials bearing on the*
8 *nature and extent of injuries suffered; and*

9 Defendants will seek to recover all attorneys' fees and costs incurred herein.
10 To date, Defendants have not alleged any claims against Plaintiff for damages but
11 would seek to off set any damage claim of Plaintiff by the value of the unjust
12 enrichment obtained, and or the value and benefit obtained by Plaintiff beyond the
13 scope of the copyright registration. Notwithstanding these initial disclosures,
14 Defendants reserve the right to allege a claim against Plaintiff for damages. If
15 Defendants assert such a claim, Defendants will provide a computation of damages,
16 to the extent that such a computation is possible, and to the extent required by the
17 Federal Rules of Civil Procedure.

18 *(iv) for inspection and copying as under Rule 34, any insurance agreement*
19 *under which an insurance business may be liable to satisfy all or part of a possible*
20 *judgment in the action or to indemnify or reimburse for payments made to satisfy the*
21 *judgment.*

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1 Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(iv), these responding defendants are
2 not aware of any applicable insurance agreement at this time. If any agreements that
3 may provide coverage are discovered in the future, Defendants will provide a
4 supplemental disclosure.

5 Dated: November 23, 2011

BRYAN CAVE LLP
Kara E.F. Cenar
Jonathan Pink

8 By: 

Jonathan Pink

Attorneys for Defendants

9
10 WILLIAM ADAMS; STACY FERGUSON;
11 ALLAN PINEDA; and JAIME GOMEZ, all
12 individually and collectively as the music
13 group THE BLACK EYED PEAS; will.i.am
14 music, llc; TAB MAGNETIC
15 PUBLISHING; CHERRY RIVER MUSIC
16 CO.; HEADPHONE JUNKIE
17 PUBLISHING, LLC; JEEPNEY MUSIC,
18 INC.; EMI APRIL MUSIC, INC.

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**PROOF OF SERVICE
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STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is: 3161 Michelson Drive, Suite 1500, Irvine, CA 92612-4414.

On November 23, 2011, I served the foregoing document(s) described as:

FURTHER SUPPLEMENTAL INITIAL DISCLOSURES

on all interested parties in this action by placing a true copy the original thereof enclosed in sealed envelopes addressed as follows:

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BY EMAIL - I caused a true copy of the foregoing document(s) to be served by electronic email transmission at the time shown on each transmission, to each interested party at the email address shown above. Each transmission was reported as complete and without error.

FEDERAL - I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on November 23, 2011, at Irvine, California.


Elaine Hellwig