

EXHIBIT 46



Transcript of the Testimony of **ALLAN PINEDA**

Date: July 26, 2011

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

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

3
4
5 BRYAN PRINGLE, an individual,)
6 Plaintiff,)
7)

8 vs.

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

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

13
14 C O N F I D E N T I A L

15 (PURSUANT TO PROTECTIVE ORDER, THIS
16 TRANSCRIPT HAS BEEN DESIGNATED
17 "HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY")

18 DEPOSITION OF ALLAN PINEDA
19 (a/k/a "apl.de.ap")

20 TAKEN ON TUESDAY, JULY 26, 2011, AT 10:38 A.M.

21
22 REPORTED BY:

23 TRACY FOX

24 CSR NUMBER 10449
25

1 UNITED STATES DISTRICT COURT
 2 CENTRAL DISTRICT OF CALIFORNIA - SOUTHERN DIVISION
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 5 BRYAN PRINGLE, an individual,)
 6)
 6 Plaintiff,)
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 7 vs.) Case No.
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 10 group The Black Eyed Peas,)
 et al.,)
 11 Defendants.)

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 14 C O N F I D E N T I A L
 15 (PURSUANT TO PROTECTIVE ORDER, THIS
 TRANSCRIPT HAS BEEN DEGINATED
 16 "HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY")
 17
 18 VIDEOTAPED DEPOSITION OF ALLAN PINEDA,
 19 a/k/a "apl.de.ap," TAKEN ON BEHALF OF
 20 THE PLAINTIFF AT 450 NORTH ROXBURY
 21 DRIVE, 8TH FLOOR, IN BEVERLY HILLS,
 22 CALIFORNIA, COMMENCING AT 10:38 A.M.,
 23 ON TUESDAY, JULY 26, 2011, BEFORE
 24 TRACY FOX, CERTIFIED SHORTHAND REPORTER
 25 NUMBER 10449.

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 Tracy Fox & Associates Court Reporters, Inc.
 24
 25

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I N D E X

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BEVERLY HILLS, CALIFORNIA, TUESDAY
July 26, 2011
10:38 A.M.

THE VIDEOGRAPHER: Good morning.
My name is Annette Cain, video technician and
notary public for the State of California, here
on behalf of Tracy Fox & Associates.
Today's date is July 26th, year 2011.
This marks the beginning of Media
Number One of the videotape of Allan Pineda in the
matter of "Bryan Pringle v. William Adams, et al,"
pending before the United States District Court,
Central District of California, Southern Division;
Case Number SACV 10-1656 JST (RZx).
This deposition is being taken on
behalf of the plaintiff and is being held at the law
offices of Hertz & Lichtenstein, address 450 North
Roxbury Drive, 8th floor, in Beverly Hills,
California.
We are now going on the record. The
time is 10:38 a.m.
Will all counsel and all present
please identify yourself for the record.
MR. DICKIE: Dean Dickie of the

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law firm of Miller Canfield on behalf of the
plaintiff.
MR. GREELY: Ryan Greely, Gould Law
Group, on behalf of the plaintiff.
MS. ROSOFF: Rachel Rosoff of
Hertz & Lichtenstein on behalf of The Black Eyed
Peas.
MR. MCPHERSON: Ed McPherson of
McPherson Rane on behalf of Stacy Ferguson and
Headphone Junkie Publishing, LLC.
MR. DICKSTEIN: Tal Dickenstein
of Loeb and Loeb on behalf of David Guetta;
Frederic Riesterer; and Shapiro, Bernstein.
MR. PINK: Jonathan Pink, Bryan Cave,
on behalf of William Adams; Allan Pineda;
Jaime Gomez; The Black Eyed Peas; Jaime Munson;
Tab Magnetic Publishing; Cherry River Music;
Jeepney Music, Inc.; and Will.i.am Music, LLC.
MS. CENAR: Kara --
MR. PINK: Although my objections
today will be solely on behalf of Cherry River
Music.
MS. CENAR: Kara Cenar of Bryan Cave
on behalf of William Adams; Allan Pineda;
Jaime Gomez; Stacy Ferguson; Will.i.am Music, LLC;

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1 Jeepney Music, Inc.; Tab Magnetic Publishing;
 2 Cherry River Music Co.; EMI April Music, Inc.;

3 Headphone Junkie Publishing, LLC; and Mr. Munson as
 4 well.

5 And would the court reporter please
 6 administer the oath.

7 DEPOSITION OFFICER: Can you please
 8 introduce yourself first?

9 MR. PINEDA: Allan Pineda on behalf of
 10 The Black Eyed Peas.

11 DEPOSITION OFFICER: Thanks.

12

13 ALLAN PINEDA,
 14 (a/k/a "apl.de.ap")
 15 called as a deponent and sworn in by
 16 the deposition officer, was examined
 17 and testified as follows:

18

19 DEPOSITION OFFICER: Would you raise
 20 your right hand.

21 Do you solemnly state that the
 22 testimony you are about to give in the following
 23 deposition will be the truth, the whole truth, and
 24 nothing but the truth, so help you God?
 25 THE DEPONENT: Yes, I will.

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1 DEPOSITION OFFICER: Thank you.

2 MS. CENAR: Just for the record, this
 3 deposition is designated as "Highly Confidential" on
 4 privacy grounds and is pursuant to the terms of the
 5 stipulation.

6 MR. DICKIE: Well, Counsel, you know
 7 we object to the wholesale designation, but I
 8 understand your statement. We just disagree, but
 9 we'll move on.

10 MS. CENAR: But in the interim, this
 11 transcript and video will be maintained pursuant to
 12 the stipulation.

13 MR. DICKIE: And for use only here and
 14 in the court proceedings, whatever they are.

15 You know, I'm not stipulating that the
 16 confidentiality prevents use of the testimony in
 17 these court proceedings.

18 You're not suggesting that, are you?

19 MS. CENAR: I don't think that's what
 20 the stipulation suggests --

21 MR. DICKIE: Okay.

22 MS. CENAR: -- at all.

23 MR. DICKIE: Well, good. Because I
 24 just want to make --

25 MS. CENAR: But it can't be used for

Page 12

1 any other purposes.

2 MR. DICKIE: Outside the litigation; I
 3 understand that.

4 MR. DICKSTEIN: Mr. Dickie, one
 5 housekeeping note, if you don't mind.

6 We agreed before we went on the record
 7 that objections by any counsel for any defendant will
 8 be considered to be made by other counsel that are
 9 here.

10 Is that fair?

11 MR. DICKIE: That's an accurate
 12 statement.

13 I asked you whether or not Mr. Pink
 14 had asked you to say that since he has always asked
 15 that in the prior depositions, and I said I had no
 16 objection.

17 MR. DICKSTEIN: And I told you
 18 Mr. Pink had not asked me that.

19 MR. DICKIE: Indeed you did; indeed
 20 you did.

21 MR. MCPHERSON: Can we get a running
 22 stipulation to that, so we don't -- so we don't -- if
 23 we miss one, we could have that?

24 MR. DICKIE: I don't have any
 25 objection to that.

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1 MR. MCPHERSON: I think it tends to
 2 disrupt the deposition if everyone has to join in.

3 Thank you.

4 MR. DICKIE: That does not seem to
 5 stop that practice, however, in the past.

6 MS. CENAR: Before we start, we had a
 7 representation by your co-counsel yesterday that the
 8 audio exhibits were going to be provided and made
 9 part of the transcript.

10 Do we have those today?

11 MR. DICKIE: I don't know anything
 12 about those.

13 MR. GREELY: We don't have those. We
 14 will get them to you here.

15 MS. CENAR: Okay.

16 MR. DICKIE: Well, they were sent to
 17 you, so --

18 MS. CENAR: Well, they weren't sent to
 19 us, not the ones that were played at the deposition
 20 yesterday --

21 MR. DICKIE: Oh. You are talking
 22 about those.

23 MS. CENAR: -- and they were supposed
 24 to be marked and made as part of the exhibit
 25 transcript of yesterday.

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1 MR. DICKIE: I think there's a -- the
 2 part I was at yesterday, there was a specific
 3 identification as to what they are, and Mr. Greely's
 4 represented that we will get them to you.
 5 He hasn't, obviously, left, so I think
 6 you're just -- they've said they will be provided.
 7 We'll get them to you.
 8 MS. CENAR: We were told they will be
 9 provided today. That's why --
 10 MR. DICKIE: I don't know what you
 11 were told, but we don't have them. But you'll get
 12 them.
 13
 14 EXAMINATION
 15 BY MR. DICKIE:
 16 Q. Good morning, Mr. Pineda.
 17 A. Good morning.
 18 Q. Have you ever had a deposition taken
 19 before?
 20 A. No.
 21 Q. Let me first ask you, if you would,
 22 please, to state your full name and give your current
 23 residence address.
 24 A. Allan Pineda. And my residence is
 25 2206 --

Page 15

1 MS. CENAR: Allan --
 2 If you need his personal residence, we
 3 will -- we will provide it.
 4 BY MR. DICKIE:
 5 Q. You can answer the question,
 6 Mr. Pineda.
 7 MS. CENAR: The witness is instructed
 8 not to answer the address of his personal residence
 9 on privacy grounds.
 10 BY MR. DICKIE:
 11 Q. Mr. Pineda, my name Dean Dickie. Have
 12 we ever met before?
 13 A. Nope.
 14 Q. And since you have indicated that
 15 you've never taken -- or given a deposition before,
 16 let me just tell you a few ground rules to make it
 17 easy for everyone here.
 18 I will ask you some questions that
 19 seek to elicit from you verbal responses.
 20 If you don't understand the question
 21 that I ask you, please ask me to rephrase it and I'll
 22 be happy to do so.
 23 If you understand the question, please
 24 answer it. And if you don't indicate that you don't
 25 understand it, I'll assume that you understood my

Page 16

1 question.
 2 Is that fair?
 3 A. Correct.
 4 Q. If at any time you need a break or you
 5 need some time out to do whatever, just let us know
 6 and we'll go off the record.
 7 Also, if you need to confer with your
 8 counsel on something, just indicate that you have to
 9 do that and we'll take a short break so that you can
 10 ask your counsel whatever questions you may have.
 11 A. Yes, I will.
 12 Q. And then the court reporter to your
 13 right, she does not take down nods of the head and
 14 other physical gestures.
 15 So if the answer to the question is
 16 yes, just say "yes" or "no" as loudly as it would be
 17 necessary for her to hear.
 18 If you could do that, that will make
 19 the record much easier.
 20 A. Okay.
 21 Q. The last thing I would really like to
 22 ask you is let us not talk over one another. Let me
 23 complete my question before you answer, even though
 24 you may know the answer before I finish the question.
 25 The young lady to your right only

Page 17

1 takes down what you say and what I say and what the
 2 lawyers say.
 3 So if we all start talking at one
 4 time, it will make it difficult to actually
 5 understand the record.
 6 So I would ask you to do that, if you
 7 would.
 8 A. I will.
 9 Q. Is that okay?
 10 A. Okay.
 11 MS. CENAR: And on that note -- it's
 12 good advice -- it's very important for you to listen
 13 to his entire question because there may be words on
 14 the end of it that provide a different meaning to the
 15 question.
 16 So allow him to finish his question so
 17 that you can answer his specific question.
 18 THE DEPONENT: Okay.
 19 BY MR. DICKIE:
 20 Q. Are you married, Mr. Pineda?
 21 A. No.
 22 Q. Have you ever been married?
 23 A. No.
 24 Q. Do you understand why you are here
 25 today?

Page 18

1 A. A lawsuit.
 2 Q. Is this the first lawsuit in which
 3 you've ever been named as a defendant?
 4 A. Yes.
 5 Q. And when was it, Mr. Pineda, as a
 6 point in time that you first learned that you were a
 7 defendant in the -- in a lawsuit?
 8 MS. CENAR: Objection to form.
 9 THE DEPONENT: I don't remember.
 10 BY MR. DICKIE:
 11 Q. 2010? 2011?
 12 A. I don't -- I don't remember.
 13 Q. When was it that you were first told
 14 that you would be required to give a deposition in
 15 this case?
 16 A. I seriously don't remember.
 17 Q. Okay. Let me hand you what I've
 18 marked as -- or ask the reporter if she
 19 would hand you what I've marked as Exhibit 12 for
 20 identification.
 21 (WHEREUPON, PLAINTIFF'S EXHIBIT
 22 NUMBER 12 WAS MARKED FOR IDENTIFICATION
 23 BY THE DEPOSITION OFFICER.)
 24 MS. CENAR: Counsel, we're going to
 25 have to take a break and get the exhibits enlarged in

Page 19

1 a size that the witness can see.
 2 MR. DICKIE: Fine.
 3 MS. CENAR: So we'll have to take a
 4 break.
 5 But if there other exhibits that you
 6 intend to use with this witness so I can do them all
 7 at once so we don't have to take a break every time,
 8 I'm happy to do that.
 9 MR. DICKIE: That's fine. We will do
 10 it one by one.
 11 But here's another notice. You might
 12 as well do that because they sort of go together.
 13 MR. PINK: I would also ask that
 14 copies be made in sufficient number for all counsel.
 15 DEPOSITION OFFICER: Speak up, please.
 16 MR. PINK: I would also add that
 17 copies be made in sufficient number for all counsel
 18 while we are taking the break.
 19 MR. DICKIE: While I have no objection
 20 to copies, I think that since the first one is a
 21 notice of deposition and the second is an amended
 22 notice of deposition which were served on all parties
 23 to this case, and killing trees is probably not
 24 necessary. But if you insist on a copy, I'm sure --
 25 MR. MCPHERSON: I -- I don't need a

Page 20

1 copy.
 2 MR. DICKSTEIN: Since you've
 3 identified those, I don't need copies. But if there
 4 are other documents --
 5 MS. CENAR: Dean, for purposes of
 6 moving this deposition along, every exhibit that you
 7 intend to use with this witness is going to have to
 8 be enlarged to a size that the witness can see.
 9 So if you would be kind enough to give
 10 them to me now, we'll have them prepared.
 11 MR. DICKIE: I understand that, and I
 12 recognize that that's your position, but we'll move
 13 along as it is.
 14 And I'll -- if we have to, we'll have
 15 documents or something enlarged in order for him to
 16 identify his signature. That's fine.
 17 MS. CENAR: And you know that
 18 that's going to unnecessarily slow and delay and --
 19 and unnecessarily keep this witness's time because
 20 you didn't come prepared with exhibits that were
 21 enlarged enough for the witness to see.
 22 MR. DICKIE: That's not my preparation
 23 problem.
 24 MS. CENAR: So I'm asking -- I'm
 25 asking you as a matter of professional courtesy to

Page 21

1 the witness, if you would be kind enough to give me
 2 the exhibits so that they may be enlarged so we don't
 3 have to go through that time and unnecessarily waste
 4 this witness's time.
 5 MR. DICKIE: We're not wasting
 6 anyone's time, Ms. Cenar. Please get those documents
 7 enlarged, so I may proceed.
 8 MS. CENAR: Okay. Let's take a break.
 9 THE VIDEOGRAPHER: We are now going
 10 off the record. The time is 10:49 a.m.
 11 (WHEREUPON, A RECESS WAS HELD
 12 FROM 10:49 A.M. TO 11:06 A.M.)
 13 THE VIDEOGRAPHER: We are now going
 14 back on the record. The time is 11:06 a.m.
 15 MS. CENAR: I am going to ask the
 16 court reporter if she would be kind enough to mark
 17 Exhibit 12-A to correspond with Exhibit 12 and
 18 Exhibit 13-A to correspond with Exhibit 13, please.
 19 MR. DICKIE: Do you have copies of
 20 12-A and 13-A?
 21 MS. CENAR: Let-- let the court
 22 reporter mark it and then you can take a look at it.
 23 MR. DICKIE: Do you have copies?
 24 MS. CENAR: They are the enlarged --
 25 MR. GREELY: They are the big enlarged

Page 22

1 copies of 12 --
 2 MS. CENAR: Copies of 12 and 13.
 3 MR. DICKIE: Okay. I asked you if you
 4 have a copy of what you --
 5 MS. CENAR: I do. And it's -- the
 6 court reporter, I've asked her to mark it and then
 7 you may see it.
 8 MR. DICKIE: No. I would like my own
 9 copy, my own set of exhibits since the reporter keeps
 10 the originals.
 11 Are you saying I don't get a copy of
 12 what you enlarged and want to have marked?
 13 MS. CENAR: Could you please mark the
 14 exhibits and then give them to Mr. Dickie.
 15 So this is 12 and this is the enlarged
 16 version of 12; and this is 13 and the enlarged
 17 version of 13.
 18 (WHEREUPON, PLAINTIFF'S EXHIBIT
 19 NUMBERS 12-A AND 13-A WERE MARKED FOR
 20 IDENTIFICATION BY THE DEPOSITION OFFICER.)
 21 MS. CENAR: Do you want to give it to
 22 him one at a time?
 23 BY MR. DICKIE:
 24 Q. Now, just a first look at Exhibit 12,
 25 which has been marked on the larger copy as 12-A,

Page 23

1 Mr. Pineda.
 2 Did you look at those -- either of
 3 these two documents before you came back in the room
 4 after the break?
 5 A. Say that again.
 6 Q. Yes.
 7 You know, we took a little break so
 8 that Exhibits 12 and 13 could be enlarged.
 9 Did you look at those enlarged
 10 versions before you came back into the room?
 11 A. No, I didn't.
 12 Q. Now, looking at Exhibit 12-A, it says
 13 "Plaintiff's Notice of Deposition of Allan Pineda."
 14 Do you see that on the right-hand
 15 side?
 16 A. This side? This one (indicating)?
 17 Q. No. I don't have the larger one, or I
 18 would be able to point it out to you.
 19 MS. CENAR: Just tell me which --
 20 which -- do you want 12-A in front of him?
 21 THE DEPONENT: Is that what that is?
 22 MR. DICKIE: Yes, that's what the
 23 question was.
 24 MS. CENAR: So the page on the
 25 enlarged version, each page is split into two.

Page 24

1 MR. DICKIE: Well, that's why I said
 2 if I had a copy of the enlarged one, I could work off
 3 of the enlarged one, but you weren't kind enough to
 4 give me one.
 5 So we will work off of my copy and,
 6 unfortunately, Mr. Pineda will have to be directed to
 7 the larger version.
 8 MS. CENAR: Well, Counsel, why didn't
 9 you, as a courtesy to the witness, come with enlarged
 10 versions yourself?
 11 MR. DICKIE: I don't know why he
 12 needs enlarged versions. Why would I know that? You
 13 are telling me that he needs enlarged versions. It's
 14 news to me.
 15 MS. CENAR: Ask your questions,
 16 Counsel.
 17 MR. DICKIE: You asked me the
 18 question. I'm responding to your question, so if you
 19 don't want an answer, don't ask a silly question.
 20 Can we have a --
 21 DEPOSITION OFFICER: Can you hang on
 22 for just a second?
 23 We need to go off the record. I am
 24 having a computer problem.
 25 THE VIDEOGRAPHER: We are going off

Page 25

1 the record. This time is 11:10 A.M.
 2 (WHEREUPON, A RECESS WAS HELD
 3 FROM 11:10 A.M. TO 11:12 A.M.
 4 FOR COMPUTER/TECHNICAL ISSUE.)
 5 THE VIDEOGRAPHER: We are now going back on
 6 the record. The time is 11:12 a.m.
 7 MS. CENAR: Could you please read the
 8 question back for the witness.
 9 Counsel, you're going to have to
 10 repeat the question.
 11 MR. DICKIE: Sure. I don't have any
 12 problem with that.
 13 BY MR. DICKIE:
 14 Q. Mr. Pineda, are you all set to begin?
 15 (NO AUDIBLE RESPONSE BY THE DEPONENT.)
 16 BY MR. DICKIE:
 17 Q. Let me direct your attention on
 18 Exhibit 12-A to the page that has the number 2 on the
 19 bottom.
 20 Do you have that in that Exhibit 12-A,
 21 page 2?
 22 A. Uh-huh.
 23 Q. And above it, do you see the date
 24 March 21st, 2011?
 25 It's probably on the left-hand side,

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1 halfway up.
 2 MS. CENAR: Which page are you asking
 3 him to look at, Counsel?
 4 MR. DICKIE: Page 2.
 5 MS. CENAR: So this is the bottom of
 6 page 1. This is the top of page 2.
 7 THE DEPONENT: Okay. Dated March 21,
 8 2011?
 9 BY MR. DICKIE:
 10 Q. Yes.
 11 Do you see that date?
 12 A. Uh-huh. Yes.
 13 Q. Between March 21, 2011, and today,
 14 have you been in the city of Los Angeles or the
 15 state of California on any days in which you were not
 16 performing?
 17 MS. CENAR: Objection; form.
 18 THE DEPONENT: We've been in and out,
 19 you know, on tour this whole year in Europe. So I
 20 don't remember the exact dates.
 21 BY MR. DICKIE:
 22 Q. I didn't ask that.
 23 I just asked you as a fact, were you
 24 present in the state of California or the City of
 25 Los Angeles -- and the City of Los Angeles on any

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1 days between March 21 and today when you were not
 2 performing?
 3 MS. CENAR: Objection; asked and
 4 answered.
 5 MR. PINK: Also objection as to form.
 6 THE DEPONENT: I -- I don't
 7 remember.
 8 BY MR. DICKIE:
 9 Q. And even though you haven't given me
 10 your residence -- your address, do you live in and
 11 around Los Angeles? Is that where your home is?
 12 A. Yes.
 13 Q. Have you been at home -- have you
 14 visited your home in and around Los Angeles on any
 15 days or day between March 21st, 2011, and today?
 16 MS. CENAR: Objection; form.
 17 THE DEPONENT: Yes.
 18 BY MR. DICKIE:
 19 Q. On approximately how many occasions
 20 have you done so?
 21 A. Oh, I don't remember that.
 22 Q. More than five?
 23 A. I -- I don't remember.
 24 Q. Is there any document that would
 25 refresh your recollection as to the number of times

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1 you were at home between March 21, 2011, and today?
 2 MS. CENAR: Objection to form.
 3 MR. PINK: Also objecting on relevancy
 4 grounds.
 5 THE DEPONENT: No, no documents.
 6 (WHEREUPON, PLAINTIFF'S EXHIBIT NUMBER
 7 13 WAS MARKED FOR IDENTIFICATION BY
 8 THE DEPOSITION OFFICER.)
 9 BY MR. DICKIE:
 10 Q. Now, let me ask you to take a look at
 11 what I've marked as Exhibit 13, and it has on the
 12 documents, the enlarged ones that your counsel handed
 13 you, Exhibit 13-A, the one that says "Plaintiff's
 14 Amended Notice of Deposition."
 15 Do you have that document,
 16 Mr. Pineda?
 17 A. Yes.
 18 Q. And if you look over to the top of
 19 what is the second page where it says with the legend
 20 at the top "To all parties and their attorneys of
 21 record" -- do you see that page?
 22 MS. CENAR: Not the second page of the
 23 enlarged, the second page of the actual.
 24 THE DEPONENT: Yes, I see that.
 25 ///

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1 BY MR. DICKIE:
 2 Q. And then do you see the paragraph that
 3 starts "Please take notice..."?
 4 Do you see that?
 5 And then it indicates a date of
 6 July 26.
 7 Do you see that?
 8 A. Yes.
 9 Q. Have you ever seen this document
 10 before today?
 11 MS. CENAR: Objection to the form.
 12 And I'm going to note an objection to
 13 the harassment. It's very clear and it's public
 14 knowledge about this -- the witness's vision issues.
 15 And having him read a notice of
 16 deposition at a deposition is a form of harassment
 17 because it's entirely irrelevant to the issues in
 18 this case.
 19 And I would ask counsel to kindly move
 20 on.
 21 MR. DICKIE: It isn't harassment,
 22 Counsel, and you know that.
 23 BY MR. DICKIE:
 24 Q. Mr. Pineda --
 25 MS. CENAR: It is.

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1 BY MR. DICKIE:
 2 Q. Mr. Pineda, do you see that portion
 3 where it says the deposition is to commence at
 4 10:00 a.m.?
 5 Do you see that?
 6 A. Yes, I see that.
 7 Q. And was it your understanding that the
 8 deposition was to commence at 10:00 a.m. today?
 9 MS. CENAR: Objection; form.
 10 THE DEPONENT: Can you -- can you
 11 rephrase that question?
 12 BY MR. DICKIE:
 13 Q. Uh-huh.
 14 What time did you understand you were
 15 to begin this deposition today?
 16 A. What time?
 17 Q. In the morning, yeah. It says
 18 10:00 o'clock on this notice. Was that your
 19 understanding, you were to be here at 10:00 a.m.?
 20 A. Yes.
 21 Q. Is there any -- were you here at
 22 10:00 a.m.?
 23 MR. PINK: Objection; foundation.
 24 MS. CENAR: Again, harassment.
 25 THE DEPONENT: I don't remember what

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1 time I got here.
 2 BY MR. DICKIE:
 3 Q. Was it before or after 10:00
 4 o'clock?
 5 MS. CENAR: Same objections. Asked
 6 and answered.
 7 THE DEPONENT: I don't -- I didn't --
 8 I didn't look at my watch when I arrived.
 9 BY MR. DICKIE:
 10 Q. The deposition began, according to the
 11 time frame, around 10:30.
 12 Is there any reason you could not have
 13 been here at 10:00 o'clock?
 14 MR. PINK: Objection; this whole line
 15 of questioning is irrelevant.
 16 MS. CENAR: Continued objection to
 17 harassment.
 18 BY MR. DICKIE:
 19 Q. Did you understand my question,
 20 Mr. Pineda?
 21 A. Yes.
 22 I guess I was -- I was late. I
 23 don't -- I didn't check. I don't remember the time
 24 I got here, so I don't know, you know.
 25 Q. Well, let me ask it this way: Did you

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1 have any conversations with your fellow members of
 2 The Black Eyed Peas where you agreed that you would
 3 not appear and start the deposition timely but would
 4 be late?
 5 A. Can you -- can you rephrase that?
 6 Q. Did you have any conversations with
 7 any other members of The Black Eyed Peas where you
 8 agreed among yourselves that that is part of the
 9 strategy you would employ in this case, that you
 10 would appear untimely for the commencement of your
 11 depositions?
 12 A. No.
 13 MS. CENAR: Objection to the form and
 14 continued objection on harassment.
 15 MR. DICKIE: Well, it isn't intended
 16 as harassment. It's intended to make a factual point
 17 since every deposition has commenced at least
 18 35 minutes later than it was noticed. And I think --
 19 MS. CENAR: Move to strike Counsel's
 20 colloquy as an unnecessary and continued waste of
 21 witness's time.
 22 Please ask questions relevant to this
 23 case, and please stop harassing this witness.
 24 MR. DICKIE: You can use the word
 25 "harassment," Ms. Cenar, all you want. But I think

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1 in light of the facts and what was said in court
 2 yesterday, I think this is a legitimate line of
 3 inquiry, and I intend to pursue it for purposes of
 4 use later in this proceeding.
 5 It's neither harassment nor intended
 6 to harass. It's simply a factual statement. And
 7 your saying so doesn't make it such.
 8 MS. CENAR: Disagreed.
 9 Move on, Counsel.
 10 BY MR. DICKIE:
 11 Q. When was it, Mr. Pineda, that you
 12 first learned that you were to actually give a
 13 deposition in this case today?
 14 A. Say that again.
 15 Q. When it was that you first learned
 16 that you were to give a deposition today?
 17 A. A few days ago.
 18 Q. And when was it as a point in time
 19 that you were first contacted and asked for your
 20 availability for purposes of giving a deposition?
 21 MS. CENAR: Objection to form.
 22 THE DEPONENT: Say that again, please.
 23 BY MR. DICKIE:
 24 Q. Sure.
 25 When was it as a point of time that

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1 you were first contacted and asked for your
 2 availability for purposes of giving a deposition in
 3 this case?
 4 MR. PINK: Objection; foundation.
 5 THE DEPONENT: I don't remember.
 6 BY MR. DICKIE:
 7 Q. Was it about three days ago?
 8 MS. CENAR: Objection; asked and
 9 answered.
 10 THE DEPONENT: I know about the
 11 lawsuit, but I don't remember the time. Or I don't
 12 remember.
 13 BY MR. DICKIE:
 14 Q. Now, at the commencement of the
 15 deposition, the court reporter administered an oath
 16 to you.
 17 Do you recall that?
 18 A. I don't understand the question.
 19 Q. The court reporter asked you to raise
 20 your hand and to tell the truth.
 21 Do you remember her doing that?
 22 A. Yes.
 23 Q. And when you answered that you would
 24 tell the truth, did you understand the significance
 25 of your oath in this case?

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1 MS. CENAR: Objection to form.
 2 THE DEPONENT: Yes.
 3 BY MR. DICKIE:
 4 Q. And did you understand that you were
 5 to tell the whole truth, the complete truth, and
 6 nothing but the truth here?
 7 A. Yes.
 8 Q. And as we go forward, do you intend to
 9 do that, sir?
 10 MS. CENAR: Objection to form.
 11 THE DEPONENT: Yes.
 12 BY MR. DICKIE:
 13 Q. Now, I also asked you at the
 14 commencement of the deposition if you had ever been
 15 in a lawsuit before.
 16 Do you recall me asking you that?
 17 A. Yes.
 18 Q. Do you recall being a defendant in a
 19 lawsuit involving Jayboy Music Corp.?
 20 A. Say that again.
 21 Q. Were you or were you not a defendant
 22 brought by Jayboy Music Company against you and
 23 others?
 24 A. Can you be more specific.
 25 What song or --

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1 Q. Well, do you recall being a defendant
 2 in a lawsuit brought by Jayboy Corp. against you and
 3 Mr. William Adams and Mr. Jaime Gomez?
 4 A. No, I don't.
 5 Q. Have you ever heard of Jayboy Music
 6 Corp.?
 7 A. Not prior to this.
 8 Q. When you say not prior to this, you
 9 mean not prior to my asking you the question?
 10 A. I never heard of them before until
 11 now.
 12 Q. And so it would be correct, then, to
 13 say, Mr. Pineda, that you would never have signed any
 14 kind of settlement agreement or other document in
 15 connection with a lawsuit you never heard of; is that
 16 right?
 17 MS. CENAR: Objection; form,
 18 foundation, beyond the scope of the litigation,
 19 harassment.
 20 THE DEPONENT: Can you repeat --
 21 repeat the question, again.
 22 BY MR. DICKIE:
 23 Q. Sure.
 24 Would it be correct to say,
 25 Mr. Pineda, that you never signed any kind of

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1 agreement or other document in connection with the
 2 settlement of a lawsuit you never heard of involving
 3 Jayboy Corp.; is that correct?
 4 MS. CENAR: Same objections.
 5 THE DEPONENT: What does that mean?
 6 Did I sign something?
 7 BY MR. DICKIE:
 8 Q. Well, you wouldn't have signed a
 9 document in a lawsuit you never heard of, would
 10 you?
 11 MS. CENAR: Same objections.
 12 THE DEPONENT: No, if I never heard of
 13 it, why would I sign something?
 14 MR. DICKIE: Mark that the next
 15 exhibit, please.
 16 (WHEREUPON, PLAINTIFF'S EXHIBIT
 17 NUMBER 14 WAS MARKED FOR IDENTIFICATION
 18 BY THE DEPOSITION OFFICER.)
 19 MS. CENAR: Tell me when you're ready,
 20 Tracy.
 21 Counsel, the witness, as you know
 22 because it's public knowledge, is legally blind.
 23 Have you taken any steps to
 24 accommodate the witness's disability in your
 25 examination?

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1 MR. DICKIE: I didn't know the witness
 2 is legally blind, and I'm pursuing questions. You
 3 can hand him the document. If he can't read it,
 4 we'll deal with it.
 5 But I haven't taken any steps because
 6 what you say in terms of public knowledge is not
 7 knowledge to me. I've never read anything about this
 8 witness. I know nothing. And until today, I have
 9 never met the witness or seen him.
 10 And I have some questions along that
 11 line, in any event.
 12 But the purpose of this document is to
 13 ask -- to see whether or not on page 3 of Exhibit 14
 14 he can identify his signature as being a true,
 15 correct, and accurate copy of his signature.
 16 That's all I'm asking about this
 17 document.
 18 MS. CENAR: My question is quite
 19 simple.
 20 Have you taken any steps to
 21 accommodate this witness's visual disability for
 22 purposes of handing him exhibits at this deposition?
 23 MR. DICKIE: I'm not sure --
 24 MS. CENAR: If the answer is no, just
 25 let me know and we'll --

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1 MR. DICKIE: The answer is I have
 2 taken no steps other than any other witness. And so
 3 far as I know, he needs no such assistance; and your
 4 statement that he does, does not make it so.
 5 So if you would hand the witness the
 6 document instead of trying to coach the witness,
 7 we'll determine whether this witness needs anything
 8 further.
 9 MS. CENAR: We're going to take a
 10 break and we are going to enlarge the exhibit.
 11 MR. DICKIE: Do --
 12 MS. CENAR: If you have other exhibits
 13 that you would like me to do now so that we can save
 14 the witness's time out of respect for the witness's
 15 schedule and schedule of all counsel around the
 16 table, please hand me all exhibits that you intend
 17 to use with this witness and I will have the
 18 enlargements made so we may speed along the
 19 examination.
 20 MR. DICKIE: Would you hand the
 21 witness the exhibit and let me ask him if he can
 22 identify his signature on that document?
 23 MS. CENAR: Then I will take a break
 24 and we will enlarge it so that the witness has a fair
 25 opportunity to see it.

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1 MR. DICKIE: Let me -- before you do
 2 that, let me ask some general questions.
 3 BY MR. DICKIE:
 4 Q. Mr. Pineda, do you have any signed
 5 agreements with any record label company?
 6 A. I don't understand.
 7 Q. Have you ever signed any legal
 8 agreements for purposes of becoming signed to
 9 Interscope, for example, or Cherry Music?
 10 Have you ever signed a document, a
 11 legal document?
 12 A. I believe so.
 13 Q. And when you signed that legal
 14 document, in each and every case have you been
 15 provided with an enlarged copy of the document you
 16 were asked to sign before you signed it?
 17 A. Yes.
 18 Q. And do you have the copies or those
 19 copies of enlarged documents anywhere in your
 20 files?
 21 A. At home.
 22 Q. And in the course of this deposition,
 23 has anybody asked you -- or in the course of this
 24 case, has anyone asked you to search your records to
 25 produce any such documents that you have that relate

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1 to any of the allegations in this case?
 2 MS. CENAR: Objection to form.
 3 And you can answer that question to
 4 the extent you don't reveal communications with your
 5 lawyer.
 6 To the extent you can answer that
 7 question without revealing communications you've had
 8 with your lawyer, you may answer that question.
 9 BY MR. DICKIE:
 10 Q. You can answer the question,
 11 Mr. Pineda. She's just trying to help you to say no.
 12 But you can answer the question
 13 whether you've ever searched for any documents that
 14 relate to anything having to do with this lawsuit.
 15 MR. PINK: Move to strike Mr. Dickie's
 16 instructions to the witness as to disregarding his
 17 counsel's direction.
 18 THE DEPONENT: Do I answer?
 19 MS. CENAR: You can answer to the
 20 extent that you don't reveal conversations you've had
 21 with your lawyer. If you can answer his question --
 22 and we'll have the court reporter repeat it --
 23 BY MR. DICKIE:
 24 Q. No. What you can't --
 25 MS. CENAR: -- without revealing

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1 conversations you've had with your lawyer, then
 2 please answer his question.
 3 BY MR. DICKIE:
 4 Q. No.
 5 What you can't reveal are any legal
 6 advice that you've had from your lawyers.
 7 If she tells you what time to come to
 8 a deposition, that's not legal advice. And if she
 9 asks you to follow up and get documents, that's not
 10 legal advice.
 11 So have you ever -- and regardless
 12 of who asked you, have you ever searched for any
 13 documents relating to anything having to do with this
 14 lawsuit at any time?
 15 A. No.
 16 MS. CENAR: Okay. That's a different
 17 question, so --
 18 THE DEPONENT: No.
 19 MR. DICKIE: I have no objection to
 20 you enlarging that if that's what he says.
 21 BY MR. DICKIE:
 22 Q. Oh. By the way, in terms of this
 23 document, do you have a copy of the so-called
 24 enlarged version of the document you signed?
 25 MS. CENAR: Okay. We're going take a

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1 break because you're asking him about a question --
 2 about a document that he hasn't seen.
 3 MR. DICKIE: And I would ask you,
 4 Ms. Cenar, not to show or disclose to the witness
 5 anything about the document while you are having it
 6 copied and enlarged.
 7 Do you agree to that?
 8 MS. CENAR: Mr. Dickie --
 9 MR. DICKIE: Do you agree to that?
 10 MS. CENAR: We are taking a break, and
 11 I'm going to make enlargements of this.
 12 MR. DICKIE: Do you agree not to show
 13 the enlarged documents, before you come back, to the
 14 witness.
 15 MS. CENAR: Are we off the record?
 16 MR. DICKIE: No. I want an answer to
 17 my question.
 18 MS. CENAR: I'm not -- I'm not here
 19 being deposed, Counsel.
 20 MR. DICKIE: I don't care whether you
 21 are or not.
 22 MS. CENAR: Then we're going to sit
 23 here. I've asked to take a break to make this
 24 exhibit. We'll sit here on the record as long as you
 25 want to waste this time.

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1 MR. DICKIE: Will you agree that
 2 during the adverse examination of this witness while
 3 you take a so-called "break" to enlarge the document,
 4 you will not show it to the witness in anticipation
 5 or in advance of the cross-examination questions
 6 which I may pose to him about that document?
 7 MS. CENAR: Your question and the
 8 insinuations that you are making in making that
 9 question are so highly inappropriate that I am not
 10 going to dignify it with a response.
 11 MR. DICKIE: Then I take it from that
 12 response, you will.
 13 MS. CENAR: I have asked to take a
 14 break to have this --
 15 MR. DICKIE: Take the break. I don't
 16 care.
 17 MS. CENAR: -- to enlarge this.
 18 MR. DICKIE: All I'm asking you is to
 19 not show the document to the witness.
 20 You have refused to tell me that you
 21 will agree not to do that, and the record can then
 22 reflect what the significance of the failure to agree
 23 to that means. And we'll deal with it down the road
 24 at some appropriate time.
 25 MS. CENAR: Counsel, you can fabricate

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1 all the records you want.
 2 May we take a break to enlarge the
 3 exhibits so the witness can actually see what you
 4 want to question him on?
 5 MR. DICKIE: I'm not sure he can't see
 6 it now, but go ahead.
 7 MS. CENAR: Okay.
 8 THE VIDEOGRAPHER: We are now going
 9 off the record. The time is 11:32 a.m.
 10 (WHEREUPON, A RECESS WAS HELD
 11 FROM 11:32 A.M. TO 11:43 A.M.)
 12 THE VIDEOGRAPHER: We are now going
 13 back on the record. The time is 11:43 a.m.
 14 MS. CENAR: Just for the record, I've
 15 asked the court reporter to mark the enlarged version
 16 of Exhibit Number 14 as Exhibit Number 14-A. And
 17 we've made a copy for Mr. Dickie.
 18 (WHEREUPON, PLAINTIFF'S EXHIBIT NUMBER
 19 14-A WAS MARKED FOR IDENTIFICATION BY
 20 THE DEPOSITION OFFICER.)
 21 MR. DICKIE: Thank you.
 22 I apologize for being a little late.
 23 I had to go across the street to the restaurant to
 24 the bathroom because there was no key to the sixth
 25 floor, so it took a little longer.

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1 I apologize.
 2 BY MR. DICKIE:
 3 Q. Mr. Pineda, do you have Exhibit 14-A
 4 in front of you?
 5 A. Yes.
 6 Q. And if you would look at the
 7 next-to-the-last page of that exhibit, the one
 8 that has on the top right-hand corner 046/061, is
 9 that the -- are we on the same page?
 10 MS. CENAR: Counsel, this deposition
 11 is being taken in which case?
 12 MR. DICKIE: This case is the Pringle
 13 case.
 14 MS. CENAR: Okay. And this has a
 15 Bates number coming out of the Batts case.
 16 Are you using documents from one case
 17 that are marked "highly confidential" in another
 18 case?
 19 MR. DICKIE: I'm using the documents
 20 that were provided to us which have relevance
 21 regardless of where they are from.
 22 MS. CENAR: You have agreed to accept
 23 production in an entirely separate piece of
 24 litigation, the Batts litigation, for which this has
 25 a Batts Bates number on it --

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1 MR. DICKIE: That's right.
 2 MS. CENAR: -- and you have agreed to
 3 use it solely for that litigation.
 4 MR. DICKIE: And this is the --
 5 MS. CENAR: Are you using a document
 6 out of the Batts litigation in violation of the
 7 agreed stipulation on confidentiality --
 8 MR. DICKIE: This is not --
 9 MS. CENAR: -- in a different
 10 litigation?
 11 MR. DICKIE: This is not a
 12 confidential document, number one. Number two --
 13 MS. CENAR: It's marked "highly
 14 confidential."
 15 MR. DICKIE: I don't care what it's
 16 marked. It's an impeachment document. If you have
 17 an issue about it, fine. But this is an impeachment
 18 document.
 19 MS. CENAR: You are in violation --
 20 MR. DICKIE: Fine. Do something about
 21 it.
 22 MS. CENAR: -- of the stipulated
 23 protective order.
 24 MR. DICKIE: I'm not in violation of
 25 any stipulated protective order, ma'am. This is an

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1 impeachment document for purposes of this witness.
 2 MR. MCPHERSON: Counsel, with all due
 3 respect, as far as being an impeachment document, it
 4 says right here that he is not a party to the
 5 lawsuit, so I'm not sure how it's an impeachment
 6 document.
 7 It is a lawsuit against
 8 William Adams.
 9 MR. DICKIE: Well, Mr. --
 10 MR. MCPHERSON: It says it resolves a
 11 lawsuit that was filed by Jayboy against Universal
 12 and Adams.
 13 MR. DICKIE: It doesn't necessarily
 14 have the caption.
 15 All I want to know if it's his
 16 signature on the last page.
 17 MS. CENAR: Counsel, the document was
 18 produced to you in an entirely different litigation.
 19 Proceed at your own risk.
 20 Designate the transcript.
 21 Go ahead.
 22 MR. DICKIE: Fine. I love your
 23 threats. Please, deal with it.
 24 BY MR. DICKIE:
 25 Q. Mr. Pineda, on that page is that your

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1 signature there?
 2 THE DEPONENT: Yeah, but I don't --
 3 this must be a while because I don't sign my name
 4 like that.
 5 MS. CENAR: I'm sorry. The witness is
 6 looking, just for the record, at the court reporter's
 7 exhibits stamp.
 8 BY MR. DICKIE:
 9 Q. Would you look on the next-to-the-last
 10 page of the exhibit, sir.
 11 A. Uh-huh.
 12 Q. Is your signature on that document?
 13 A. Yes.
 14 Q. Why did you sign the document?
 15 MS. CENAR: Objection; form and
 16 foundation.
 17 THE DEPONENT: I don't know.
 18 BY MR. DICKIE:
 19 Q. Was it because you were a defendant in
 20 the case?
 21 MS. CENAR: Objection; form,
 22 foundation.
 23 THE DEPONENT: I don't know. I --
 24 BY MR. DICKIE:
 25 Q. And when you signed this document,

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1 were you given an enlarged copy to read before you
 2 signed it?
 3 MS. CENAR: Objection; form,
 4 foundation.
 5 THE DEPONENT: Not at this time.
 6 BY MR. DICKIE:
 7 Q. Which time? You mean back in
 8 January of 2005?
 9 A. Yes.
 10 Q. And why is that?
 11 MR. PINK: Objection; foundation.
 12 THE DEPONENT: Because it usually is
 13 explained to me, because I can't understand all of
 14 this.
 15 BY MR. DICKIE:
 16 Q. So, in other words, you wouldn't
 17 have gotten an enlarged copy before you signed it;
 18 somebody would have just explained the document to
 19 you?
 20 MS. CENAR: Objection; form,
 21 foundation.
 22 BY MR. DICKIE:
 23 Q. Is that correct?
 24 A. Yes.
 25 Q. And do you know whether or why it was

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1 that in terms of this document you are listed as one
 2 of the people who are settling in this lawsuit?
 3 MS. CENAR: Objection; form,
 4 foundation.
 5 THE DEPONENT: Say that again.
 6 BY MR. DICKIE:
 7 Q. Do you have an understanding as to why
 8 you were required or you signed this exhibit to
 9 resolve a lawsuit if you weren't a party to it?
 10 MS. CENAR: Objection; form,
 11 foundation.
 12 THE DEPONENT: Because I'm part of the
 13 group.
 14 BY MR. DICKIE:
 15 Q. And did you pay any money in the
 16 settlement?
 17 MS. CENAR: Objection; form,
 18 foundation.
 19 THE DEPONENT: I don't remember. My
 20 lawyer -- for my lawyer.
 21 DEPOSITION OFFICER: I couldn't
 22 understand you.
 23 THE DEPONENT: I said I don't
 24 remember. I mean, I don't -- I don't physically pay
 25 myself, but --

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1 MS. CENAR: I'm sorry.
 2 You answered the question.
 3 THE DEPONENT: Okay.
 4 MS. CENAR: The court reporter is not
 5 asking you questions. She just wants you to repeat
 6 if she can't hear you.
 7 THE DEPONENT: Okay.
 8 BY MR. DICKIE:
 9 Q. Now, let me ask you whether you were
 10 a named defendant in a case entitled "Chris Taylor v.
 11 Allan Pineda" as the first-named defendant, Case
 12 Number 207 CV 05102, in the Western Division of
 13 Los Angeles?
 14 MS. CENAR: Objection to form --
 15 THE DEPONENT: Yes.
 16 MS. CENAR: -- foundation.
 17 BY MR. DICKIE:
 18 Q. I'm sorry? Your answer was "Yes"?
 19 A. Yes.
 20 Q. So when I asked you if you had ever
 21 been a defendant in a lawsuit before and you said no,
 22 that answer was not truthful, was it?
 23 A. I just didn't --
 24 MS. CENAR: Objection; form.
 25 THE DEPONENT: It's been a while. I

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1 don't remember.
 2 MS. CENAR: -- foundation.
 3 MR. PINK: Objection.
 4 THE DEPONENT: I think that was
 5 settled. I didn't think that was -- you know that
 6 was settled already. I don't know why it has to come
 7 up again.
 8 BY MR. DICKIE:
 9 Q. Well, what was the nature of that
 10 lawsuit against you? Was it another copyrighted
 11 infringement claim?
 12 MS. CENAR: Objection; form,
 13 foundation.
 14 You can answer with respect to your
 15 personal knowledge.
 16 THE DEPONENT: What was -- what was
 17 the question again?
 18 BY MR. DICKIE:
 19 Q. I asked you whether or not that was a
 20 copyrighted infringement lawsuit.
 21 MS. CENAR: Same objections.
 22 THE DEPONENT: I don't remember.
 23 BY MR. DICKIE:
 24 Q. Do you remember who Chris Taylor
 25 was?

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1 A. Yes.
 2 Q. Who is Chris Taylor?
 3 A. It's a person that I work with.
 4 Q. Do you recall the nature of the claim
 5 that was brought by the person you work with?
 6 MS. CENAR: Objection; form,
 7 foundation, asked and answered.
 8 THE DEPONENT: I don't remember.
 9 MS. CENAR: Counsel, do you have some
 10 tie of this to the allegations in the Pringle case?
 11 This is a single contract infringement count.
 12 No answer.
 13 I move to strike.
 14 I ask you to please begin questioning
 15 the witness on questions relevant to the copyright
 16 infringement claim that is at issue in this
 17 lawsuit.
 18 MR. DICKIE: Ms. Cenar, I'm sure you
 19 know the credibility of a witness or a party is
 20 always relevant.
 21 This goes to the credibility of the
 22 witness and the integrity of the answers which he's
 23 previously given under oath.
 24 MS. CENAR: I disagree. And I ask you
 25 again to kindly stop harassing the witness and to

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1 kindly move to areas that are relevant to the
 2 lawsuit.
 3 MR. DICKIE: Oh. I see. I don't
 4 think you wear a black robe, so I don't care whether
 5 you disagree or not.
 6 The fact is, I answered why I believe
 7 it's relevant.
 8 BY MR. DICKIE:
 9 Q. Can you think of how many times,
 10 Mr. Pineda, you and The Black Eyed Peas have been
 11 sued for copyright infringement since you joined
 12 the group?
 13 MS. CENAR: Objection; form
 14 foundation.
 15 THE DEPONENT: Did I what?
 16 BY MR. DICKIE:
 17 Q. I asked you: Can you tell me how many
 18 times you and The Black Eyed Peas have been sued for
 19 copyright infringement since you formed the group?
 20 MS. CENAR: Same objections.
 21 THE DEPONENT: Oh. No, I can't. I
 22 can't remember.
 23 BY MR. DICKIE:
 24 Q. Is it your understanding, however,
 25 that that group has been sued on a number of

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1 occasions for copyright infringement since roughly
 2 1997?
 3 MS. CENAR: Objection; form,
 4 foundation.
 5 THE DEPONENT: Yeah, I've known a
 6 few.
 7 BY MR. DICKIE:
 8 Q. As you sit here, can you identify them
 9 for me --
 10 MS. CENAR: Same --
 11 BY MR. DICKIE:
 12 Q. -- or would you need to look at
 13 documents to do that?
 14 A. I only know "Boom Boom Pow" and "I
 15 Gotta Feeling."
 16 Q. Those are the only two copyright
 17 infringement lawsuits that have been brought against
 18 The Black Eyed Peas in which you're a party?
 19 MR. MCPHERSON: Objection;
 20 mischaracterizes.
 21 MS. CENAR: Objection to the form.
 22 THE DEPONENT: Yes.
 23 BY MR. DICKIE:
 24 Q. Well, were The Black Eyed Peas sued by
 25 George Clinton for unlawful sampling?

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1 MS. CENAR: Objection; form,
 2 foundation.
 3 THE DEPONENT: I don't know that
 4 answer.
 5 BY MR. DICKIE:
 6 Q. Is it your understanding that you are
 7 not a party to a lawsuit initiated by George Clinton
 8 for improper sampling?
 9 MS. CENAR: Objection; form,
 10 foundation.
 11 THE DEPONENT: I don't remember.
 12 BY MR. DICKIE:
 13 Q. Now, can you tell me a little bit
 14 about your formal education since high school?
 15 A. Graduated from high school.
 16 Q. What year?
 17 A. '93. '93.
 18 Q. And what high school was that,
 19 Mr. Pineda?
 20 A. John Marshall High School.
 21 Q. And where is that located?
 22 A. In Los Angeles, Los Feliz area.
 23 Q. And after leaving high school, did you
 24 have any formal education? College? University?
 25 A. Yeah, I enrolled at Los Angeles Trade

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1 Tech for a month.
 2 Q. Were you enrolled there at the same
 3 time as Mr. Adams was there?
 4 A. Yes.
 5 Q. Did you know one another in high
 6 school?
 7 A. Yes.
 8 Q. Were you friends in high school?
 9 A. Yes.
 10 Q. And what did you study at the
 11 Los Angeles Tech -- Trade Tech?
 12 A. Fashion design.
 13 Q. Now, can you -- after Los Angeles
 14 Tech, did you have any further formal education in
 15 a college or institution?
 16 A. No.
 17 Q. And when was it that you first had any
 18 formal training in music?
 19 MS. CENAR: Objection to form.
 20 THE DEPONENT: I had none.
 21 BY MR. DICKIE:
 22 Q. What music -- oh. I'm sorry?
 23 A. I had none. I taught myself.
 24 Q. And what instrument or instruments did
 25 you teach yourself to play?

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1 MS. CENAR: Objection to the form.
 2 THE DEPONENT: I play the drums and
 3 program the music.
 4 BY MR. DICKIE:
 5 Q. When you say "program the music," is
 6 that playing an instrument or is that working with
 7 some kind of computer system?
 8 A. That means working with software and
 9 programming drums.
 10 Q. And what is involved with programming
 11 drums and working with software?
 12 A. What's involved?
 13 Q. Uh-huh. Yes.
 14 A. A computer and a sequencer.
 15 Q. And what do each of those devices have
 16 to do with music? Can you tell me how they work
 17 together?
 18 MS. CENAR: Objection; form.
 19 THE DEPONENT: Well, you can record
 20 your live drums into the computer and fix them in
 21 there.
 22 BY MR. DICKIE:
 23 Q. What do you mean?
 24 A. You make them more on time.
 25 Q. What do you mean when you "fix them in

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1 there"?
 2 A. You -- you edit -- you edit the drums
 3 that you played into the computer to make it sound
 4 better.
 5 Q. So you're editing a computer program
 6 that controls the drum sounds?
 7 MS. CENAR: Objection to the form,
 8 foundation.
 9 THE DEPONENT: Yeah.
 10 BY MR. DICKIE:
 11 Q. And did you have any formal training
 12 or go to school for that kind of skill or is it
 13 something you just sort of learned tinkering with
 14 it?
 15 A. Yep, just -- just -- just learned it
 16 myself.
 17 Q. Do you play the piano?
 18 A. No.
 19 Q. Do you play any instrument?
 20 A. Play keyboards, just through -- jot
 21 down my ideas.
 22 Q. What does that mean? You work through
 23 chord progressions?
 24 A. Usually I just write a baseline.
 25 Q. What does writing a baseline mean?

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1 A. That means -- that means programming
 2 the baseline that I hear in my head.
 3 Q. So you hear something in your head,
 4 and then you put it down into the computer?
 5 A. Yes.
 6 Q. And put it into the computer through
 7 a keyboard like a piano rather than a computer
 8 keyboard?
 9 A. Well, you have a keyboard that
 10 triggers to the piano inside the computer.
 11 Q. Now, is that the keyboard of the
 12 computer itself or is that another kind of
 13 keyboard?
 14 A. It's called a Midi keyboard.
 15 DEPOSITION OFFICER: "Midi"?
 16 THE DEPONENT: Midi, M-i-d-i.
 17 BY MR. DICKIE:
 18 Q. As part of what you learned in
 19 training yourself, did you learn to read music?
 20 A. No.
 21 Q. Do you write music?
 22 A. By ear.
 23 Q. Do you write that down on paper or you
 24 just hear it and put it in the computer?
 25 MS. CENAR: Objection; form.

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1 THE DEPONENT: I just -- I just go by
 2 my ear and record it into the computer.
 3 BY MR. DICKIE:
 4 Q. Now, in addition to what you've
 5 learned, did you take any -- or receive any training
 6 in dance or choreography?
 7 A. Yeah.
 8 Q. Where and when?
 9 A. Well, we have a choreographer,
 10 Fatima Robinson.
 11 Q. What's her first name?
 12 A. Fatima.
 13 Q. F-a-t-i-m-a?
 14 A. Yes.
 15 Q. And Fatima Robinson, is she a
 16 choreographer that is employed by The Black Eyed
 17 Peas?
 18 MS. CENAR: Objection to the form.
 19 THE DEPONENT: Yes.
 20 BY MR. DICKIE:
 21 Q. And how long has she been a
 22 choreographer for The Black Eyed Peas?
 23 A. At least five years.
 24 Q. And has she -- Ms. Robinson --
 25 been involved in the choreographing of any Black Eyed

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1 Peas videos?
 2 A. Yes.
 3 Q. What was her first?
 4 MS. CENAR: Objection to the form.
 5 MR. PINK: Foundation.
 6 THE DEPONENT: "Hey Mama."
 7 BY MR. DICKIE:
 8 Q. What is it?
 9 A. "Hey Mama."
 10 Q. And in what year was that?
 11 A. I -- I don't remember.
 12 Q. What followed "Hey Mama"?
 13 MR. PINK: Form, foundation.
 14 THE DEPONENT: "Hey Mama"? I think
 15 "Shut Up."
 16 I can't remember. It was either
 17 "Shut Up," "Bump It," or "Get It Started." One of
 18 those. I don't remember the exact --
 19 BY MR. DICKIE:
 20 Q. Did she work on any video choreography
 21 for "I Gotta Feeling"?
 22 MS. CENAR: Objection to the form,
 23 foundation.
 24 THE DEPONENT: No.
 25 ///

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1 BY MR. DICKIE:
 2 Q. Was there any video of "I Gotta
 3 Feeling"?
 4 A. Is there a video?
 5 Q. Yes.
 6 A. Yes.
 7 Q. Does it have any choreography or dance
 8 moves in it?
 9 A. No.
 10 Q. When was it that you first -- strike
 11 that.
 12 If someone asks you what your business
 13 or occupation is, what would you say in response to
 14 that question?
 15 A. Recording artist.
 16 Q. And in connection with that business
 17 or occupation of a recording artist, do you write the
 18 musical tunes in which The Black Eyed Peas sing?
 19 MS. CENAR: Objection; form,
 20 foundation.
 21 THE DEPONENT: Say that again.
 22 BY MR. DICKIE:
 23 Q. Yes.
 24 Do you write the music for The Black
 25 Eyed Peas?

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1 MS. CENAR: Objection to the form.
 2 THE DEPONENT: I've written some music
 3 for The Black Eyed Peas. I actually produced some
 4 music for The Black Eyed Peas.
 5 BY MR. DICKIE:
 6 Q. When you say you "actually produced
 7 some music," what did that entail?
 8 MS. CENAR: Objection to the form.
 9 THE DEPONENT: That means I come up
 10 with an idea. I program the drums, put down my
 11 baseline idea, write the chorus and my part, and
 12 that's what I do. Tie it down.
 13 BY MR. DICKIE:
 14 Q. Do you write lyrics, too?
 15 A. Yes.
 16 Q. And can you tell me what specific part
 17 of the music for "I Gotta Feeling" you wrote?
 18 MS. CENAR: Objection to the form.
 19 Mr. DICKSTEIN: Objection; foundation.
 20 THE DEPONENT: I didn't write anything
 21 on "I Gotta Feeling."
 22 BY MR. DICKIE:
 23 Q. And did you write any of the lyrics to
 24 "I Gotta Feeling"?
 25 A. No, I didn't.

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1 Q. From where did the music come that was
 2 used in "I Gotta Feeling"?

3 MR. PINK: Objection; foundation.
 4 THE DEPONENT: Produced by David
 5 Guetta.

6 DEPOSITION OFFICER: "Purchased"?
 7 THE DEPONENT: Produced by
 8 David Guetta.

9 BY MR. DICKIE:
 10 Q. And did you have a discussion with
 11 Mr. Guetta about the music he produced?

12 A. No.

13 Q. Did you observe him producing any of
 14 the music for "I Gotta Feeling"?

15 A. No.

16 Q. And was this the first time that
 17 The Black Eyed Peas had used music which came from
 18 David Guetta in one of their songs?

19 MS. CENAR: Objection --
 20 THE DEPONENT: Say that again.
 21 MS. CENAR: -- to form.

22 BY MR. DICKIE:
 23 Q. Was this the first time that The Black
 24 Eyed Peas had music which came, as you understood it,
 25 from David Guetta?

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1 MR. DICKSTEIN: Objection; form.
 2 THE DEPONENT: Is that the first song,
 3 you mean?

4 BY MR. DICKIE:
 5 Q. Is that the first time that The Black
 6 Eyed Peas had gotten a song from David Guetta?

7 A. Yes.

8 Q. Now, do the Black Eyed -- strike that.
 9 Do you have any concern when getting
 10 music from someone who's not affiliated or a member
 11 of The Black Eyed Peas that that song might be
 12 infringing on someone else's copyright?

13 MS. CENAR: Objection; form,
 14 foundation.

15 THE DEPONENT: Can you repeat that
 16 question again?

17 BY MR. DICKIE:
 18 Q. Sure.
 19 Do you have any concern when obtaining
 20 the music from a nonmember of The Black Eyed Peas
 21 that the music that's being obtained from a third
 22 person might violate some copyright holder's rights?

23 MS. CENAR: Objection; form,
 24 foundation.
 25 THE DEPONENT: I -- I wasn't there

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1 when he made it. I don't know. I don't ask -- I
 2 don't know how to answer that question.

3 BY MR. DICKIE:
 4 Q. Well, my question was: Do you,
 5 Allan Pineda, have any concern that when you're
 6 getting music from a third party where you don't have
 7 any knowledge as to how it was created, whether that
 8 music might violate someone's copyright?

9 MS. CENAR: Objection; form,
 10 foundation.

11 THE DEPONENT: I -- I -- I don't know.
 12 I don't know that.

13 I mean, David Guetta's a big name,
 14 so -- and he -- he has produced a lot of hits, so...
 15 BY MR. DICKIE:
 16 Q. But that's not really responsive to my
 17 question; perhaps you didn't understand it.

18 Do you have any concern that when you
 19 get music from a third party that it might violate
 20 somebody's copyright?

21 MS. CENAR: Objection; form --
 22 THE DEPONENT: No.
 23 MS. CENAR: -- foundation.

24 BY MR. DICKIE:
 25 Q. Why not?

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1 MS. CENAR: Same objections.
 2 THE DEPONENT: Because I -- it's
 3 David Guetta. I'm a big fan of David Guetta, and
 4 he's a producer that I look up to.

5 BY MR. DICKIE:
 6 Q. Well, do you -- do The Black Eyed Peas
 7 have any policy among the group for verifying that
 8 there are no copyright violations on music which is
 9 provided by third parties?

10 MS. CENAR: Objection; form,
 11 foundation.

12 THE DEPONENT: I'm lost. Say that
 13 again.

14 BY MR. DICKIE:
 15 Q. Well, if I understand it correctly,
 16 David Guetta sent in music that no one in The Black
 17 Eyed Peas worked on or created; right?

18 MR. DICKSTEIN: Objection; form.
 19 MS. CENAR: Objection to the form.
 20 THE DEPONENT: Or what?

21 BY MR. DICKIE:
 22 Q. Or created.
 23 MS. CENAR: Are you talking about a
 24 specific song?
 25 ///

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1 BY MR. DICKIE:
 2 Q. We're talking about David Guetta's
 3 "I Gotta Feeling"; isn't that right? Isn't that what
 4 you told me?
 5 MS. CENAR: Objection to form.
 6 THE DEPONENT: Okay. I got confused
 7 with -- what's going on?
 8 BY MR. DICKIE:
 9 Q. Let me see if I can straighten it out.
 10 You told me David Guetta sent the
 11 music to The Black Eyed Peas and that no one at
 12 The Black Eyed Peas worked on the music?
 13 A. I heard -- Will told me that he
 14 sent it.
 15 Q. "He," meaning Mr. Guetta?
 16 A. Yeah.
 17 Q. So far as you are aware, did anyone at
 18 The Black Eyed Peas create the music for the song
 19 "I Gotta Feeling"?
 20 MR. PINK: Objection; form.
 21 THE DEPONENT: The music DATS?
 22 BY MR. DICKIE:
 23 Q. The music as opposed to the lyrics.
 24 A. Did any of The Black Eyed Peas work on
 25 it?

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1 Q. Yes -- no, created it. Or was it sent
 2 by David Guetta?
 3 MR. DICKSTEIN: Objection; form.
 4 THE DEPONENT: From what heard, it was
 5 sent by David Guetta.
 6 BY MR. DICKIE:
 7 Q. Was that the first time that The Black
 8 Eyed Peas received music that was created by people
 9 outside of The Black Eyed Peas?
 10 MS. CENAR: Objection to form.
 11 MR. PINK: And foundation.
 12 THE DEPONENT: I don't remember. I'm
 13 pretty sure there's some previous -- other producers
 14 we've worked with.
 15 We've worked with DJ Premier.
 16 BY MR. DICKIE:
 17 Q. All right. But my question is: Do
 18 The Black Eyed Peas have a policy that when they are
 19 working with people outside of The Black Eyed Peas to
 20 get music, that there's some way to verify or
 21 establish that their -- the music which is provided
 22 doesn't violate a copyright?
 23 MS. CENAR: Objection; form,
 24 foundation.
 25 THE DEPONENT: I don't understand the

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1 question.
 2 BY MR. DICKIE:
 3 Q. Well --
 4 A. Is there a policy between The Black
 5 Eyed Peas?
 6 Q. Inside The Black Eyed Peas to always
 7 make sure that whatever music you get from the
 8 outside doesn't violate someone else's copyright?
 9 MS. CENAR: Objection to the form.
 10 THE DEPONENT: I don't -- I don't know
 11 how to respond to that.
 12 I mean, we sit around -- we sit around
 13 and listen to it if it's dope, if it's cool.
 14 BY MR. DICKIE:
 15 Q. Do you, Allan Pineda, ever ask whether
 16 music obtained from a non-Black Eyed Peas source
 17 violates or might violate somebody's copyright?
 18 MS. CENAR: Objection; form,
 19 foundation.
 20 THE DEPONENT: I wouldn't know that.
 21 I'm just going for "I want to work
 22 with David Guetta." I -- I wasn't there when he was
 23 making it.
 24 BY MR. DICKIE:
 25 Q. I understand that. But that really

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1 wasn't my question, Mr. Pineda. Let me see if I can
 2 ask it again.
 3 Do you, Allan Pineda, ask whether a
 4 third party, when they send music to The Black Eyed
 5 Peas, has done anything to establish that there's no
 6 copyright violation?
 7 MS. CENAR: Objection; form.
 8 THE DEPONENT: No.
 9 MS. CENAR: -- foundation.
 10 BY MR. DICKIE:
 11 Q. And do The Black Eyed Peas, so as far
 12 as you know, routinely ask third-party sources of
 13 music whether they can verify that the music they are
 14 providing doesn't violate anyone's copyright --
 15 A. Do I ask?
 16 MS. CENAR: Wait, wait, wait.
 17 Are you done with your question?
 18 BY MR. DICKIE:
 19 Q. Do you or The Black Eyed Peas --
 20 MS. CENAR: Objection.
 21 BY MR. DICKIE:
 22 Q. -- ask that question?
 23 MS. CENAR: Objection; form,
 24 foundation.
 25 THE DEPONENT: Me? No.

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1 BY MR. DICKIE:
 2 Q. Can you tell us -- and you are a
 3 member of The Black Eyed Peas, if I understand it
 4 correctly; right?
 5 A. Yes.
 6 Q. Are you aware of The Black Eyed Peas
 7 ever asking a third-party supplier of music whether
 8 the music supplied might possibly violate someone's
 9 copyright?
 10 MS. CENAR: Objection; form,
 11 foundation.
 12 THE DEPONENT: Say that again.
 13 BY MR. DICKIE:
 14 Q. Are you aware of The Black Eyed Peas
 15 ever asking a third-party supplier of music whether,
 16 when they supplied the music, that music might
 17 violate some other person's copyright?
 18 MS. CENAR: Objection --
 19 THE DEPONENT: No.
 20 MS. CENAR: -- form, foundation.
 21 BY MR. DICKIE:
 22 Q. Now, have you ever been a member of a
 23 musical group other than The Black Eyed Peas?
 24 A. Yes.
 25 Q. What other musical group or groups

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1 have you been a member of?
 2 A. Atban Klann.
 3 Q. Anything else?
 4 A. Nope.
 5 Q. And when did you first become a member
 6 of Atban Klann?
 7 A. I believe 1993.
 8 Q. And who were the -- did you form or
 9 found that band?
 10 A. Yes. It just was me, Will, and
 11 Joshua Alvarez.
 12 Q. And how long did that group stay in
 13 business?
 14 A. Until '95.
 15 Q. Did that group ever sign with a record
 16 label?
 17 A. Yes.
 18 Q. And what record label did it sign
 19 with?
 20 A. Ruthless Records.
 21 Q. And for how long a period did Atban
 22 Klann remain a signed band for Atban Klann -- I mean
 23 with Ruthless Records?
 24 A. Oh. I don't remember. At least like
 25 three years.

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1 Q. And did Atban Klann ever -- or strike
 2 that.
 3 Did Ruthless Records ever sell a
 4 record made by Atban Klann that had been produced?
 5 A. No. It was never released.
 6 Q. Was an album created by Atban Klann?
 7 A. Yes.
 8 Q. If I understand this correctly, it was
 9 never released by Ruthless Records?
 10 A. Yes, it was never released.
 11 Q. After Atban -- and with Atban Klann,
 12 what was your role?
 13 A. I was writer, producer.
 14 Q. And what did you write --
 15 MR. PINK: Objection.
 16 BY MR. DICKIE:
 17 Q. -- at Atban Klann?
 18 MR. PINK: Objection.
 19 THE DEPONENT: My parts, my lyrics, my
 20 verses.
 21 BY MR. DICKIE:
 22 Q. When you say "my parts, my lyrics,"
 23 what do you mean by "my parts"?
 24 MS. CENAR: Objection to form.
 25 THE DEPONENT: Well, everybody has

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1 their individual part of the song, so I wrote my
 2 verse.
 3 BY MR. DICKIE:
 4 Q. And what was the genre of the music
 5 that you wrote for Ruthless Records?
 6 MS. CENAR: Objection to the form.
 7 MR. PINK: Also foundation.
 8 THE DEPONENT: There was no genre.
 9 BY MR. DICKIE:
 10 Q. Well, was it hip-hop? Was it rap?
 11 A. Yes, hip-hop.
 12 Q. And did you play an instrument in that
 13 Atban Klann group?
 14 A. No.
 15 Q. And did Atban Klann ever perform
 16 publicly?
 17 MR. PINK: Objection; form.
 18 THE DEPONENT: Did we what?
 19 BY MR. DICKIE:
 20 Q. Perform publicly?
 21 A. Yes.
 22 Q. And where did you perform?
 23 A. Ruthless Records events.
 24 Q. These Ruthless Records events, were
 25 they sort of promotional events to promote your band

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1 and other bands?
 2 A. I believe so, yeah.
 3 Q. And other than performing at a
 4 Ruthless Records promotional event, did Atban Klann
 5 ever perform publicly for which it was paid?
 6 A. No.
 7 Q. Now, when was it that you left Atban
 8 Klann?
 9 A. 1995.
 10 Q. And as of 1995, who were the members
 11 of Atban Klann besides yourself and Will.i.am?
 12 A. Joshua Alvarez.
 13 Q. Anyone else?
 14 A. No.
 15 Q. And --
 16 A. Oh. DJ Motiv8. I'm sorry.
 17 DEPOSITION OFFICER: "DJ Motiv8"?
 18 THE DEPONENT: Yeah.
 19 BY MR. DICKIE:
 20 Q. And did DJ Motiv8 have a formal name
 21 other than a stage name?
 22 A. Monroe Walker.
 23 Q. And by the way, you have a stage name,
 24 do you not?
 25 A. Me?

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1 Q. Yes.
 2 A. Yes.
 3 Q. And that stage name is what?
 4 A. Apl.de.ap.
 5 Q. And what's its origin? How did you
 6 come by that?
 7 A. It's my initials, Allan Pineda Lindo.
 8 "de" means "from." I'm from Angeles, Pampanga in the
 9 Philippines.
 10 Q. I'm sorry.
 11 Could you do that a little slower for
 12 me and for the court reporter?
 13 A. A-p-l is my initials: Allan Pineda
 14 Lindo. "De" means "from." Angeles, Pampanga. And
 15 that's what makes it "apl.de.ap."
 16 MS. CENAR: I'll get you a spelling on
 17 that.
 18 BY MR. DICKIE:
 19 Q. And were you apl.de.ap with the Atban
 20 Klann or did that come later?
 21 A. Yes, I was apl.de.ap with Atban
 22 Klann.
 23 Q. And then in 1995, what group or band
 24 did you join leaving Atban Klann?
 25 A. The Black Eyed Peas.

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1 Q. And since 1995, other than The Black
 2 Eyed Peas, have you ever been a member of any other
 3 band or organization --
 4 A. No.
 5 Q. -- musical organization?
 6 A. No.
 7 Q. And has your role with The Black Eyed
 8 Peas remained constant since joining it in 1995?
 9 MS. CENAR: Objection to the form.
 10 THE DEPONENT: Yes.
 11 BY MR. DICKIE:
 12 Q. And basically what is your role?
 13 What is it that you do with The Black
 14 Eyed Peas band?
 15 MR. PINK: Objection to form.
 16 THE DEPONENT: Produce and write.
 17 BY MR. DICKIE:
 18 Q. And when you produce for The Black
 19 Eyed Peas, what is it specifically you produce?
 20 A. The track, a beat.
 21 MS. CENAR: I'll hold that for you.
 22 BY MR. DICKIE:
 23 Q. Anything else?
 24 A. That's it. I produce the track and
 25 write my part.

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1 Q. Have you ever written the lyrics for
 2 an entire song?
 3 MR. PINK: Objection.
 4 MS. CENAR: Objection; form.
 5 THE DEPONENT: Yes.
 6 BY MR. DICKIE:
 7 Q. Which song or songs?
 8 A. It's called "Apl Song."
 9 Q. Was that a song that was recorded on a
 10 Black Eyed Peas record?
 11 A. Yes.
 12 Q. Which record?
 13 A. "Elephunk."
 14 Q. Is that E-l-e-p-h-u-n-k?
 15 A. E-l-e-p-h-u-n -- yes.
 16 Q. Did you write any other or compose any
 17 other complete song in terms of the lyrics?
 18 MR. PINK: Objection; form.
 19 THE DEPONENT: An entire song?
 20 BY MR. DICKIE:
 21 Q. Yes.
 22 A. No, that's about it.
 23 Q. And what about the music? Have you
 24 ever composed the entire musical score for a song?
 25 MS. CENAR: Objection; form.

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1 THE DEPONENT: Not the whole entire.
 2 I have my guitarist.
 3 BY MR. DICKIE:
 4 Q. You say you have your guitarist, what
 5 do you mean?
 6 A. I mean -- that means I produce the
 7 bulk of the song, the drums and the baseline, and
 8 then let my guitarist play over it.
 9 So I guess I didn't -- I didn't, I
 10 guess, create the whole entire song. I had my
 11 guitarist.
 12 Q. And who is that guitarist?
 13 A. For the "Apl Song," JC.
 14 Q. And what is JC's full name?
 15 A. I -- I don't know.
 16 Q. Other than the "Apl Song" and the
 17 music that you're talking about, have you ever
 18 written the entire music for any other song other
 19 than the "Apl Song"?
 20 MS. CENAR: Objection; form.
 21 THE DEPONENT: Nope.
 22 MR. PINK: Objection; relevancy.
 23 MS. CENAR: There hasn't been a single
 24 relevant question asked to date, and at this point in
 25 time it's 12:20.

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1 THE VIDEOGRAPHER: We need to change
 2 the tape here.
 3 MR. DICKIE: Okay. That's fine.
 4 MS. CENAR: So then why don't we break
 5 for lunch? It's 12:20.
 6 MR. DICKIE: If you'd like to do that,
 7 that's fine with me.
 8 THE VIDEOGRAPHER: This is the end of
 9 Media --
 10 MR. DICKIE: Sorry.
 11 BY MR. DICKIE:
 12 Q. Mr. Pineda --
 13 A. Huh?
 14 Q. -- I'm fine with that.
 15 MS. CENAR: Take your microphone
 16 off.
 17 THE VIDEOGRAPHER: This is the end of
 18 Media Number One in the deposition of Allan Pineda in
 19 the matter of "Bryan Pringle v. William Adams, et
 20 al."
 21 We are now going off the record. The
 22 time is 12:22 p.m.
 23 (WHEREUPON, A LUNCHEON RECESS WAS
 24 HELD FROM 12:22 P.M. TO 2:58 P.M.)
 25 ///

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1 BEVERLY HILLS, CALIFORNIA, TUESDAY
 2 July 26, 2011
 3 2:58 P.M.
 4
 5 THE VIDEOGRAPHER: This is the
 6 beginning of Media Number Two in the deposition of
 7 Allan Pineda 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 2:58 p.m.
 11
 12 EXAMINATION (RESUMED)
 13 BY MR. DICKIE:
 14 Q. All set to resume, Mr. Pineda?
 15 A. Yes.
 16 Q. Do you understand that you're still
 17 under oath?
 18 A. Yes.
 19 Q. Can you tell me what you did, if
 20 anything, to prepare for the deposition today?
 21 A. Just -- just talked with my lawyer,
 22 that I'm supposed to be here.
 23 Q. Did you meet with your lawyer?
 24 A. Yes.
 25 Q. Who was present when that meeting took

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1 place?
 2 A. Kara and Rachel.
 3 Q. Anyone else?
 4 A. No.
 5 Q. When did the meeting take place?
 6 A. Last night.
 7 Q. How long was the meeting?
 8 A. An hour and a half.
 9 Q. Did you review any testimony taken
 10 from any other witness in this case?
 11 A. No.
 12 Q. Did you review any documents to
 13 refresh your recollection regarding any events
 14 involved in this case?
 15 A. No.
 16 Q. Did you have a conversation with any
 17 member of the band of The Black Eyed Peas regarding
 18 your deposition?
 19 A. No.
 20 Q. Did you have a conversation with any
 21 member of The Black Eyed Peas regarding any testimony
 22 they may have given in this case?
 23 A. No.
 24 Q. When did you learn that you had been
 25 sued in this case?

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1 A. I don't remember the time frame,
 2 but -- I don't remember. I just -- maybe -- I know
 3 it's more than maybe a year ago.
 4 Q. And how did you become aware of the
 5 lawsuit?
 6 A. Through our lawyers.
 7 Q. Were you aware that there was a
 8 possibility of a lawsuit prior the time it was
 9 filed?
 10 A. Was I -- say that again.
 11 Q. Were you aware that there was a
 12 possibility of a lawsuit before the lawsuit was
 13 actually filed?
 14 A. No.
 15 Q. And when was the first time that
 16 anyone raised with you that there was an issue
 17 regarding a potential copyright-infringement claim
 18 about the song "I Gotta Feeling"?
 19 MS. CENAR: Objection; form.
 20 THE DEPONENT: When?
 21 BY MR. DICKIE:
 22 Q. -- was the first time that someone
 23 suggested to you --
 24 A. Oh.
 25 Q. -- that there might be an issue?

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1 A. I just found out, actually,
 2 yesterday.
 3 Q. You only found out yesterday that
 4 there was an issue about copyright infringement?
 5 A. Yeah. I only knew about "Boom Boom
 6 Pow." I never -- I didn't know about "I Gotta
 7 Feeling."
 8 Q. Well, let me see if I understand that
 9 correctly.
 10 Is it accurate to say that until
 11 yesterday, July 25th, you were unaware that you had
 12 been sued in a lawsuit involving a claim of copyright
 13 infringement over the song "I Gotta Feeling"?
 14 MS. CENAR: Objection; form,
 15 foundation.
 16 THE DEPONENT: That's correct.
 17 BY MR. DICKIE:
 18 Q. And would it be accurate, Mr. Pineda,
 19 to say that prior to yesterday you had no personal
 20 knowledge regarding any matters in a lawsuit
 21 involving Bryan Pringle and yourself about the song
 22 "I Gotta Feeling"?
 23 MS. CENAR: Objection; form,
 24 foundation.
 25 ///

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1 BY MR. DICKIE:
 2 Q. Is that correct?
 3 A. Uh-huh.
 4 Q. You have to answer "Yes."
 5 A. Yes. I -- I didn't know about --
 6 whatever his --
 7 Q. "I Gotta Feeling"?
 8 A. Pringle.
 9 Q. Pringle?
 10 A. I didn't know about him until -- prior
 11 to this lawsuit.
 12 Q. And when was the first time that you
 13 found out about Pringle? Was that yesterday?
 14 MS. CENAR: Objection to form.
 15 THE DEPONENT: Yes.
 16 BY MR. DICKIE:
 17 Q. Have you ever had occasion to look at
 18 the Complaint that was filed over the song "I Gotta
 19 Feeling" by Mr. Pringle?
 20 MS. CENAR: Objection to form.
 21 THE DEPONENT: Say -- say that again.
 22 BY MR. DICKIE:
 23 Q. Have you ever looked at the Complaint
 24 that was filed against you regarding the song "I
 25 Gotta Feeling"?

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1 MS. CENAR: Objection to form.
 2 THE DEPONENT: No.
 3 BY MR. DICKIE:
 4 Q. Now, did you ever, as a -- strike
 5 that.
 6 You told me earlier this morning that
 7 you were a recording artist, you described yourself
 8 as such?
 9 A. Yes.
 10 Q. What's the difference between a
 11 recording artist and a performance artist?
 12 MS. CENAR: Objection to form.
 13 MR. PINK: Lacks foundation.
 14 THE DEPONENT: I don't know.
 15 DEPOSITION OFFICER: Who was that?
 16 Was that you?
 17 MR. PINK: Lacks foundation.
 18 BY MR. DICKIE:
 19 Q. Now, did you ever do any rap as a
 20 member of The Black Eyed Peas?
 21 A. Yes.
 22 Q. When did you first start rapping as a
 23 member of The Black Eyed Peas?
 24 A. '95 -- 1995.
 25 Q. And did you rap as a member of the

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1 Atban Klann group?
 2 A. Yes.
 3 Q. And would it be accurate to say that,
 4 historically, the genre of The Black Eyed Peas was as
 5 a rap group?
 6 A. Yes.
 7 Q. And there was a point in time, I take
 8 it, when that genre changed somewhat; is that
 9 correct?
 10 MS. CENAR: Objection to form.
 11 THE DEPONENT: Musically, but it's
 12 always rapping. It's always rapping.
 13 BY MR. DICKIE:
 14 Q. So today The Black Eyed Peas are still
 15 a rap group?
 16 A. Yes.
 17 Q. And -- and with the addition of
 18 Stacy Ferguson to the group, it nonetheless remained
 19 a rap group; isn't that right?
 20 MS. CENAR: Objection to form.
 21 THE DEPONENT: It remains as a rap
 22 group?
 23 BY MR. DICKIE:
 24 Q. Yes.
 25 A. Yes. She raps, too.

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1 Q. Has the scope of the performances of
 2 The Black Eyed Peas expanded from just rap?
 3 MR. PINK: Objection to form.
 4 MS. CENAR: Objection to form.
 5 THE DEPONENT: Yes.
 6 BY MR. DICKIE:
 7 Q. How would you describe the expansion
 8 of the -- if you will, the scope of the work --
 9 musical works of The Black Eyed Peas?
 10 A. Say that again.
 11 Q. Well, how would you describe the
 12 current genre of The Black Eyed Peas --
 13 MS. CENAR: Objection to form.
 14 BY MR. DICKIE:
 15 Q. -- as a musical band?
 16 MR. PINK: Lacks foundation.
 17 THE DEPONENT: We have no genre.
 18 BY MR. DICKIE:
 19 Q. Well, are the performances of The
 20 Black Eyed Peas today the same as they were in 1995
 21 in terms of content of the music?
 22 MR. MCPHERSON: Objection; vague and
 23 ambiguous.
 24 MS. CENAR: Objection; form.
 25 THE DEPONENT: Yeah, same.

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1 BY MR. DICKIE:
 2 Q. Can you tell me how a rapper gets
 3 discovered in the music industry?
 4 MS. CENAR: Objection to form,
 5 foundation.
 6 THE DEPONENT: Well, from my
 7 experience it is performing at colleges, clubs, and
 8 create a following.
 9 BY MR. DICKIE:
 10 Q. Was it, in your experience, customary
 11 for a rapper to submit his music to as many people as
 12 possible in order to be heard?
 13 MS. CENAR: Objection; form,
 14 foundation.
 15 THE DEPONENT: Well, we -- we did it
 16 different. We started doing shows and created a
 17 following. And then -- you know, and then we got the
 18 attention of a record company.
 19 BY MR. DICKIE:
 20 Q. So if I understand your answer
 21 correctly, you started doing shows for the purpose of
 22 being noticed by a record company?
 23 A. Yes.
 24 Q. And what kind of shows were done?
 25 MS. CENAR: Objection; form.

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1 THE DEPONENT: Club shows, college
 2 lunchtime shows, charities.
 3 BY MR. DICKIE:
 4 Q. What club shows?
 5 MS. CENAR: Objection to form.
 6 THE DEPONENT: Like a show -- a show
 7 in a club, you'd perform it on a DJ booth.
 8 BY MR. DICKIE:
 9 Q. And you said "college lunchtime
 10 shows," what's that?
 11 A. That means you're performing at the --
 12 at the colleges during lunchtime, so, you know, you
 13 got an audience to watch you while outside of
 14 class.
 15 Q. And who -- did you do this -- these
 16 club shows and college lunchtime shows as The Black
 17 Eyed Peas or some other group?
 18 A. As The Black Eyed Peas.
 19 Q. And during what period of time was it
 20 that you were doing club shows and college lunchtime
 21 shows?
 22 A. From '95 to '98.
 23 Q. And between 1995 and 1998, were you
 24 signed with a record label as The Black Eyed Peas?
 25 A. No.

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1 Q. Between 1995 and 1998, was there any
 2 record or album that was published as The Black Eyed
 3 Peas?
 4 A. No.
 5 Q. And at some point in time did The
 6 Black Eyed Peas become signed as a band with a record
 7 label?
 8 A. Yes.
 9 Q. When was the first time that
 10 occurred?
 11 A. 1998.
 12 Q. And with whom were The Black Eyed Peas
 13 first signed by a record label?
 14 A. Interscope.
 15 MR. PINK: Objection; form.
 16 BY MR. DICKIE:
 17 Q. Now, were you involved in the
 18 negotiations which led to signing The Black Eyed Peas
 19 with Interscope?
 20 MS. CENAR: Objection to form.
 21 THE DEPONENT: In negotiations? No,
 22 I'm not involved.
 23 BY MR. DICKIE:
 24 Q. Were you involved in discussions with
 25 Interscope prior to 1998 about it becoming the label

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1 for The Black Eyed Peas?
 2 A. Yes.
 3 Q. With whom at Interscope did you
 4 discuss the possibility of The Black Eyed Peas
 5 becoming a band for Interscope?
 6 A. We had a meeting with Jimmy.
 7 Q. Is that Jimmy Iovine?
 8 A. Jimmy Iovine, yes.
 9 Q. And who was at the initial meeting
 10 with Jimmy Iovine?
 11 A. Yes.
 12 Q. Who was at that meeting?
 13 A. It was me, Will, and Taboo.
 14 Q. And was anyone else present with
 15 Mr. Jimmy Iovine?
 16 A. No, it was just the four of us.
 17 Q. And approximately when did that
 18 meeting take place?
 19 A. Sometime in ninety -- '98.
 20 Q. And when was it as a point in time
 21 that Interscope first signed The Black Eyed Peas as a
 22 group band?
 23 A. When?
 24 Q. Yes. When?
 25 A. There was -- I'd say at the end of

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1 1998.
 2 Q. Now, since the first signing, have you
 3 had other meetings with Mr. Jimmy Iovine regarding
 4 The Black Eyed Peas?
 5 MS. CENAR: Objection; form,
 6 foundation.
 7 THE DEPONENT: No. Just -- no to
 8 the --
 9 DEPOSITION OFFICER: "Just" what?
 10 THE DEPONENT: No meeting with, you
 11 know, The Black Eyed Peas. No to that question.
 12 But as for my solo stuff, yes, I've
 13 had meetings.
 14 BY MR. DICKIE:
 15 Q. With Mr. Iovine?
 16 A. Yes.
 17 Q. During what period of time or over
 18 what period of time have you had individual meetings
 19 with Mr. Iovine?
 20 A. Maybe three years ago.
 21 Q. 2008?
 22 A. I -- I don't exactly know the exact
 23 date, but around that time. Before -- before
 24 "The E.N.D."
 25 Q. When you say "before 'The E.N.D.,'"

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1 are you referring to the album?
 2 A. Yes.
 3 Q. And can you tell me what the purpose
 4 of your individual meetings were with Mr. Iovine
 5 sometime in 2008 or before "The E.N.D." album?
 6 A. I was trying to get a release for my
 7 solo album.
 8 Q. What do you mean you were "trying to
 9 get a release"?
 10 A. That means I was trying to get the
 11 blessings and the okay from Mr. Iovine if I could
 12 release a record.
 13 Q. By virtue of the earlier agreement you
 14 had with Interscope, did Interscope have the ability
 15 to prevent you from releasing a solo album?
 16 MS. CENAR: Objection; form,
 17 foundation.
 18 THE DEPONENT: Do they have what?
 19 BY MR. DICKIE:
 20 Q. Did you have to secure the approval of
 21 Interscope to release a solo album --
 22 MS. CENAR: Objection to form and
 23 foundation.
 24 BY MR. DICKIE:
 25 Q. -- and that's why you were talking to

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1 him about blessing your album?
 2 MS. CENAR: Objection; form,
 3 foundation.
 4 THE DEPONENT: Secure an approval?
 5 BY MR. DICKIE:
 6 Q. Yes.
 7 A. Yes.
 8 Q. And did you secure an approval for a
 9 solo album?
 10 A. What does that -- does that mean did I
 11 get -- did I try to get the yes from him?
 12 Q. Well, did you get the yes from him?
 13 A. Did I get the yes?
 14 Q. Yeah, that was my question.
 15 A. No. Ran out of time.
 16 Q. What do you mean you ran out of
 17 time?
 18 A. It was -- it was The Black Eyed Peas
 19 cycle again, so I didn't have enough time to release
 20 mine, and it would have bled with The Black Eyed Peas
 21 time -- timing.
 22 Q. Well, was your album -- were all of
 23 the tracks completed?
 24 MS. CENAR: Objection; form.
 25 THE DEPONENT: Yes.

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1 BY MR. DICKIE:
 2 Q. And were you -- was Interscope going
 3 to produce the label -- I mean produce the album?
 4 MS. CENAR: Objection; form,
 5 foundation.
 6 THE DEPONENT: If -- if I would have
 7 gotten the go, yes, it would have been, you know,
 8 distributed by Interscope.
 9 BY MR. DICKIE:
 10 Q. And what is Jeepney Music?
 11 A. It's my upcoming music label.
 12 Q. What do you mean your "upcoming music
 13 label"?
 14 A. Well, it's a company I started to
 15 produce other upcoming artists.
 16 Q. And you started that record label,
 17 Jeepney Music, when?
 18 A. Five years ago.
 19 Q. And is the name of that record label
 20 Jeepney Music?
 21 A. Yes.
 22 Q. Now, was anyone beside you involved in
 23 the formation of the Jeepney Music label from The
 24 Black Eyed Peas?
 25 A. No.

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1 Q. Was anyone else involved in
 2 establishing the Jeepney Music label besides
 3 yourself?
 4 MR. PINK: Objection to form.
 5 THE DEPONENT: Yeah, just -- at
 6 that time I would say Sean Larkin.
 7 BY MR. DICKIE:
 8 Q. Could you spell that for the
 9 reporter?
 10 A. S-e-a-n L-a-r-k-i-n.
 11 Q. Now, was Sean Larkin -- strike that.
 12 Jeepney Music, is that a corporation?
 13 A. Yes.
 14 Q. And besides yourself, is Mr. Larkin a
 15 shareholder?
 16 A. I -- I believe at one point.
 17 Q. Is he still a shareholder?
 18 A. I don't know about that.
 19 Q. And who handled the formation of this
 20 corporation? Do you know?
 21 MS. CENAR: Objection to the form.
 22 MR. PINK: Object on relevancy
 23 grounds.
 24 THE DEPONENT: Just me so far.
 25 ///

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1 BY MR. DICKIE:
 2 Q. And what is the kind of music or
 3 artist that your label is seeking to sign?
 4 MS. CENAR: Objection to form.
 5 THE DEPONENT: Upcoming Filipino
 6 artists from the Philippines.
 7 BY MR. DICKIE:
 8 Q. And has Jeepney Music signed any
 9 such --
 10 A. No.
 11 Q. -- artist as yet?
 12 A. No, not yet.
 13 Q. Has Jeep -- are you a signed artist
 14 with Jeepney Music?
 15 A. No.
 16 Q. Are any of The Black Eyed Peas signed
 17 artists with Jeepney Music?
 18 A. No.
 19 Q. Does Jeepney Music have any
 20 employees?
 21 MR. PINK: Objection; foundation.
 22 THE DEPONENT: Not yet.
 23 BY MR. DICKIE:
 24 Q. Does Jeepney Music -- has it engaged
 25 in any actual business activities in the development

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1 of these up-and-coming Filipino artists so far?
 2 A. Not -- no.
 3 THE VIDEOGRAPHER: You need to slide a
 4 little bit.
 5 No, not you.
 6 MS. CENAR: Him?
 7 Is that better?
 8 THE VIDEOGRAPHER: Perfect.
 9 Thank you.
 10 MR. DICKIE: Would you mark that the
 11 next exhibit, please.
 12 (WHEREUPON, PLAINTIFF'S EXHIBIT NUMBER
 13 15 WAS MARKED FOR IDENTIFICATION BY
 14 THE DEPOSITION OFFICER.)
 15 MR. DICKIE: No, no. They're just
 16 separated by groups stacked, Katharine.
 17 MR. MCPHERSON: So this goes --
 18 MR. DICKIE: Right. I think that's
 19 how they set them up.
 20 Would you hand that to the witness.
 21 MS. CENAR: Do you have a copy for me,
 22 Counsel?
 23 MR. DICKIE: I believe Mr. --
 24 MR. MCPHERSON: Dean, is this big one
 25 for the witness?

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1 MR. DICKIE: No. There is just a
 2 little one.
 3 MS. CENAR: No. The other big one is
 4 because Mr. Dickie complained that when we made a
 5 larger version for the witness --
 6 MR. MCPHERSON: Oh. I didn't know who
 7 copied it. I just don't know --
 8 MS. CENAR: So we made a second set so
 9 that Mr. Dickie would have the ability to question
 10 the witness from the exact format that the witness
 11 had before him so we wouldn't have the difficulty.
 12 MR. MCPHERSON: Okay. So this is his?
 13 MR. DICKIE: No, I have one. I
 14 already have one. I gave one to be passed out. I
 15 don't want that.
 16 MR. MCPHERSON: Well, I have an extra
 17 big one if anybody needs it.
 18 MS. CENAR: So what -- what is it that
 19 you've marked, because I don't have --
 20 MR. DICKIE: Why don't you look at the
 21 exhibit that's right there?
 22 MS. CENAR: Okay. Is this 15?
 23 BY MR. DICKIE:
 24 Q. Do you have the exhibit, Mr. Pineda?
 25 A. Yes.

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1 Q. Is this a home page from the Jeepney
 2 Music website?
 3 A. Yes.
 4 Q. And to whom is this website
 5 targeted?
 6 MS. CENAR: Objection; form,
 7 foundation.
 8 THE DEPONENT: What it was is Filipino
 9 artists could upload their music here and for -- for
 10 me to review.
 11 BY MR. DICKIE:
 12 Q. That would be like unsolicited music
 13 could be uploaded to you and you could review that?
 14 A. Yes.
 15 MS. CENAR: Objection; form,
 16 foundation.
 17 BY MR. DICKIE:
 18 Q. And the music that could be uploaded,
 19 did come in -- how would it be received by you? On
 20 the website?
 21 A. Yes.
 22 Q. And you'd be able to open it and look
 23 at it; is that right?
 24 A. Yeah. Listen to it, yeah.
 25 Q. Now, does Jeepney Music respond to

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1 every person who sends in a song or some music for
 2 you to listen to?
 3 MR. PINK: Objection to the form.
 4 THE DEPONENT: Some of them that
 5 interest me.
 6 BY MR. DICKIE:
 7 Q. And how do you record or memorialize
 8 whether somebody has sent something in to you?
 9 Do you keep a record of that?
 10 MS. CENAR: Objection to the form, and
 11 foundation.
 12 THE DEPONENT: A record disk comes
 13 through the website.
 14 BY MR. DICKIE:
 15 Q. Well, can you go back into your
 16 homepage website and see who has sent you unsolicited
 17 music?
 18 A. I don't know how to do that.
 19 Q. Are you the one who created the
 20 website?
 21 Yeah -- I mean, not me personally
 22 but --
 23 Q. That's what I asked.
 24 I meant did you actually create the
 25 website?

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1 A. No.
 2 Q. You had some webmaster or some person
 3 do that?
 4 A. Yeah.
 5 Q. And who was it that created the
 6 website?
 7 A. I don't know the name of the company.
 8 It was -- it was handled by my assistant at the
 9 time.
 10 Q. And your assistant at the time was
 11 whom?
 12 A. Suzanne Toro.
 13 Q. Is that S-o-r-r-o-w?
 14 A. "T." Suzanne Toro.
 15 Q. Oh, "Toro"? I'm sorry.
 16 A. Yes.
 17 DEPOSITION OFFICER: Can you spell
 18 Suzanne's name for me?
 19 THE DEPONENT: S-u-z-a-n-n-e.
 20 DEPOSITION OFFICER: And T-o-r-o?
 21 THE DEPONENT: Yeah.
 22 DEPOSITION OFFICER: Thank you.
 23 BY MR. DICKIE:
 24 Q. Also on your homepage, one of the
 25 pages that exists on that website, there's a

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1 discussion about collaborative initiatives.
 2 Are you familiar with that concept,
 3 Mr. Pineda?
 4 MS. CENAR: Objection to the form,
 5 foundation.
 6 THE DEPONENT: No.
 7 BY MR. DICKIE:
 8 Q. Have you done or asked anybody to
 9 submit music to you as a collaborative initiative?
 10 A. No, not yet.
 11 Q. Now, do you currently work as a solo
 12 artist?
 13 A. Not at the moment.
 14 Q. Have you ever worked as a solo
 15 artist?
 16 MR. PINK: Objection to form.
 17 THE DEPONENT: Not yet. I haven't had
 18 the chance yet.
 19 BY MR. DICKIE:
 20 Q. Have you ever performed a song as a
 21 solo artist?
 22 MS. CENAR: Objection to the form.
 23 THE DEPONENT: Yeah.
 24 BY MR. DICKIE:
 25 Q. What song have you performed from

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1 beginning to end as a soloist?
 2 MR. MCPHERSON: Form.
 3 MR. PINK: Objection; form.
 4 DEPOSITION OFFICER: Speak up, please.
 5 THE DEPONENT: Let me understand the
 6 question.
 7 Is it -- because I have a solo song
 8 on The Black Eyed Peas; is that considered a solo
 9 performance?
 10 BY MR. DICKIE:
 11 Q. Yeah.
 12 A. So, I guess.
 13 Q. And what song was that?
 14 A. It's called "Balita."
 15 Q. Other than that song, do you have any
 16 other solo songs?
 17 MS. CENAR: Objection; form.
 18 THE DEPONENT: "Take It To The
 19 Philippines."
 20 BY MR. DICKIE:
 21 Q. And what solo song is there where you
 22 were the only musician involved on "The E.N.D."
 23 album, if any?
 24 MS. CENAR: Objection to the form.
 25 THE DEPONENT: Solo song on "The

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1 E.N.D.," none.
 2 BY MR. DICKIE:
 3 Q. Have you written any song that was
 4 released and performed by any group where you were
 5 the only contributor to the song?
 6 A. No.
 7 Q. Now, have you written any songs where
 8 you've done so in collaboration with others?
 9 MR. PINK: Objection to form.
 10 MS. CENAR: Objection to form,
 11 foundation.
 12 THE DEPONENT: Have I collaborated
 13 with other people?
 14 BY MR. DICKIE:
 15 Q. Yes.
 16 A. Yeah.
 17 Q. Are there any songs that you've done
 18 where you collaborated with others that are on "The
 19 E.N.D."?
 20 MS. CENAR: Objection to the form.
 21 THE DEPONENT: Collaborate --
 22 BY MR. DICKIE:
 23 Q. In the writing of the music or the
 24 lyrics?
 25 A. Outside of "The E.N.D." like --

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1 Q. No. On "The E.N.D." itself --
 2 MS. CENAR: Objection to form.
 3 BY MR. DICKIE:
 4 Q. -- that album?
 5 A. No.
 6 Q. Now, do you know or can you tell me
 7 what the elements of a song are?
 8 MR. PINK: Objection foundation,
 9 form.
 10 MS. CENAR: Objection; form.
 11 THE DEPONENT: The elements of a song?
 12 BY MR. DICKIE:
 13 Q. Sure.
 14 A. An intro, a verse, a chorus, a bridge,
 15 a verse, and an outro.
 16 Q. And can you tell me what the word
 17 "rhythm" means to you?
 18 MS. CENAR: Objection; form.
 19 THE DEPONENT: Rhythm are the -- the
 20 drums.
 21 BY MR. DICKIE:
 22 Q. And what does the word "pitch" mean to
 23 you?
 24 A. The what?
 25 Q. Pitch. The word "pitch."

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1 A. "Pitch"?
 2 Q. Uh-huh.
 3 MS. CENAR: Objection to form.
 4 THE DEPONENT: I guess if you're
 5 trying to make it go higher or lower.
 6 BY MR. DICKIE:
 7 Q. You mean the sound higher or lower?
 8 A. Yeah, anything.
 9 Q. Other than higher or lower, do you --
 10 what do you understand the word "pitch" to mean in
 11 the context of a song?
 12 MR. PINK: Objection; form.
 13 THE DEPONENT: That's all I know --
 14 BY MR. DICKIE:
 15 Q. Okay.
 16 A. -- about pitch.
 17 Q. And can you tell me what you
 18 understand the concept of melody to be?
 19 MS. CENAR: Same objection to form.
 20 THE DEPONENT: The melody?
 21 BY MR. DICKIE:
 22 Q. What's the --
 23 A. That's the -- the melody is the --
 24 what you sing in the song.
 25 Q. And how does melody differ, if it

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1 does, from a harmony?
 2 MS. CENAR: Objection to form.
 3 MR. PINK: Also lacks foundation.
 4 THE DEPONENT: Harmony is what you add
 5 after you've done the melody.
 6 BY MR. DICKIE:
 7 Q. And in the context of The Black Eyed
 8 Peas' song on "The E.N.D." album, how was harmony
 9 added --
 10 MS. CENAR: Objection; form,
 11 foundation.
 12 BY MR. DICKIE:
 13 Q. -- if it was?
 14 A. How was harmony added? I don't --
 15 layer it -- you layer a certain part.
 16 Q. And when you say you "layer it," can
 17 you describe for me the process by which you layer
 18 the harmony after the melody is set?
 19 MS. CENAR: Objection; form,
 20 foundation.
 21 BY MR. DICKIE:
 22 Q. If you know.
 23 MS. CENAR: Same objections.
 24 THE DEPONENT: Yeah. If I say a word,
 25 "scream," and I wanted a higher part of it, "scream,"

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1 so that's -- that's harmony (indicating).
 2 BY MR. DICKIE:
 3 Q. All right. But how do you layer it?
 4 What is the process by which --
 5 A. Well, you get another track --
 6 MS. CENAR: Hold on. Let him finish
 7 his question.
 8 BY MR. DICKIE:
 9 Q. I'm asking you about a process.
 10 So tell me how you go about layering
 11 the harmony on top of the melody.
 12 MS. CENAR: Objection; form and
 13 foundation.
 14 THE DEPONENT: Well, you ask for
 15 another track, a new track, and you put on the part,
 16 the second part, the harmony.
 17 BY MR. DICKIE:
 18 Q. And who do you ask for that other
 19 track?
 20 MS. CENAR: Objection; form,
 21 foundation.
 22 THE DEPONENT: The engineer.
 23 BY MR. DICKIE:
 24 Q. And how does the engineer go about
 25 laying that other track?

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1 MS. CENAR: Objection to form,
 2 foundation.
 3 THE DEPONENT: By --
 4 DEPOSITION OFFICER: "By...?"
 5 THE DEPONENT: By pressing the chord.
 6 BY MR. DICKIE:
 7 Q. So you can take several tracks, and by
 8 pushing the buttons, combine them; is that it?
 9 A. Yes.
 10 MS. CENAR: Same objection.
 11 BY MR. DICKIE:
 12 Q. And when you talk about layering, are
 13 you talking about, for example, in dealing with the
 14 music, layering different kinds of instruments, one
 15 on top of the other, to form the whole melody or the
 16 whole musical basis for the song?
 17 MS. CENAR: Objection; form,
 18 foundation.
 19 THE DEPONENT: Well, it -- layering is
 20 for vocals.
 21 BY MR. DICKIE:
 22 Q. Just vocals?
 23 MS. CENAR: Objection to form --
 24 THE DEPONENT: Yes.
 25 MS. CENAR: -- foundation.

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1 BY MR. DICKIE:
 2 Q. So --
 3 A. Yeah.
 4 Q. So instrumentation is never layered in
 5 the musical, nonvocal part of the song?
 6 MS. CENAR: Objection; form,
 7 foundation.
 8 THE DEPONENT: Yeah, you could do
 9 that, too.
 10 BY MR. DICKIE:
 11 Q. Is that something you've done?
 12 MS. CENAR: Objection; form.
 13 THE DEPONENT: No.
 14 BY MR. DICKIE:
 15 Q. Do you know whether there was any
 16 layering done in the song -- for the music of "I
 17 Gotta Feeling"?
 18 MS. CENAR: Objection; form,
 19 foundation.
 20 THE DEPONENT: I wouldn't know. I
 21 didn't -- I wasn't there.
 22 BY MR. DICKIE:
 23 Q. Did you ask anybody how the music was
 24 created?
 25 A. No.

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1 MS. CENAR: Objection; form.
 2 BY MR. DICKIE:
 3 Q. Did you have occasion to talk to
 4 anyone regarding the manner in which the musical part
 5 of the song "I Gotta Feeling" was created?
 6 A. No.
 7 MS. CENAR: Objection to form.
 8 BY MR. DICKIE:
 9 Q. Were you ever present during any
 10 conversation with anyone where the subject of how the
 11 music to "I Gotta Feeling," the nonvocal part of that
 12 song, was created?
 13 A. No.
 14 Q. Have you had occasion to read any
 15 e-mail or other documentation that describes or
 16 discusses the manner in which the musical portion of
 17 the song "I Gotta Feeling" was created?
 18 A. No.
 19 Q. Do you know or are you familiar with
 20 the concept of music sequence?
 21 A. Yes.
 22 Q. What do you understand that concept to
 23 include?
 24 A. Music sequence is how you form the
 25 song from the end to the beginning -- from the

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1 beginning to the end.
 2 Q. You mean from what you put first, what
 3 you put in the middle, and what you put at the end?
 4 A. Yes.
 5 Q. Are you familiar with the musical term
 6 "loop"?
 7 A. Yes.
 8 Q. Do you know what a loop is?
 9 A. Yes.
 10 Q. Could you tell us, please?
 11 A. Well, it's something you -- you
 12 repeat over and over again.
 13 Q. Are there any loops in the song "I
 14 Gotta Feeling"?
 15 A. I have no -- I -- I don't know.
 16 Q. Do you know what a sound bank is?
 17 A. Yes.
 18 Q. What is a sound bank?
 19 A. It's where you get the sounds from --
 20 in the computer.
 21 Q. And do you know what a plugsound box
 22 is?
 23 MR. PINK: Objection to form.
 24 THE DEPONENT: Plugsound box?
 25 ///

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1 BY MR. DICKIE:
 2 Q. Yes.
 3 A. No.
 4 Q. Have you ever heard of a plugsound
 5 box?
 6 A. No.
 7 Q. Have you ever used or had access to a
 8 piece of equipment which had some prerecorded beats
 9 or musical sequences in them that could be then
 10 recorded into a track?
 11 MS. CENAR: Objection; form,
 12 foundation.
 13 THE DEPONENT: Yeah.
 14 BY MR. DICKIE:
 15 Q. What would you call that kind of
 16 device?
 17 A. I don't know what it's called, but I
 18 know a name: Stylist. It's one of those.
 19 Q. You're --
 20 A. It comes with -- it comes with
 21 presets.
 22 Q. What do you mean, it comes with
 23 "presets"?
 24 A. Presets are sounds that are already
 25 existing in there.

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1 Q. And then I take it somebody wanting
 2 to create something could take those presounds --
 3 presets and put them into some kind of a track,
 4 whether layered or otherwise?
 5 MS. CENAR: Objection to form.
 6 MR. PINK: Foundation.
 7 THE DEPONENT: Yeah.
 8 BY MR. DICKIE:
 9 Q. So there might be drums and you might
 10 have a guitar and you might have something else
 11 preset with a concern chord progression, wouldn't
 12 it?
 13 MS. CENAR: Objection to form.
 14 THE DEPONENT: Usually it's more --
 15 well, what I'm using, Stylist, it's more drums. Like
 16 already-made drums. I don't know if there's, you
 17 know --
 18 BY MR. DICKIE:
 19 Q. And can you select the beat that those
 20 already-made drums produce?
 21 A. Can you select some of them?
 22 Q. Yeah.
 23 A. Yeah, but it wouldn't be original, but
 24 yeah.
 25 Q. Are you familiar with the musical

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1 concept "hook"?
 2 A. "Hook"?
 3 Q. Yes.
 4 A. Yes.
 5 Q. Do most of the songs have a hook that
 6 you're familiar with --
 7 MS. CENAR: Objection; form --
 8 BY MR. DICKIE:
 9 Q. -- of some kind or another.
 10 MS. CENAR: Objection; form,
 11 foundation.
 12 THE DEPONENT: Say that again.
 13 BY MR. DICKIE:
 14 Q. Do most of the songs with which you're
 15 familiar have a hook of some kind?
 16 A. Every song -- yeah, every song got
 17 a -- has a hook.
 18 Q. And the purpose of the hook is to
 19 create some individual identity for that song; isn't
 20 that right?
 21 MS. CENAR: Objection; form,
 22 foundation.
 23 THE DEPONENT: Yes.
 24 BY MR. DICKIE:
 25 Q. And are there any -- is there a hook

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1 in "I Gotta Feeling"?
 2 A. Yes.
 3 Q. Is there more than one hook?
 4 A. No.
 5 Q. And is it, in your experience,
 6 possible to have both a lyrical hook as well as a
 7 musical hook?
 8 MS. CENAR: Objection to form.
 9 THE DEPONENT: Say that again.
 10 BY MR. DICKIE:
 11 Q. In your experience, can you have both
 12 a verbal or a lyrical hook as well as a musical
 13 hook?
 14 MS. CENAR: Same objection.
 15 THE DEPONENT: I don't -- I don't
 16 know. The hook to me is the chorus.
 17 BY MR. DICKIE:
 18 Q. And when you say "chorus," what do you
 19 mean by chorus?
 20 A. Chorus is like -- it's just something
 21 that -- that repeats, and it's usually the title of
 22 the song.
 23 For example, in "I Gotta Feeling" it's
 24 "I gotta feeling that tonight's going to be a good
 25 night." That's -- that's the hook.

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1 Q. And on that -- under those words, is
 2 there a certain melody or music that underlies the
 3 words you just spoke?
 4 MS. CENAR: Objection; form.
 5 THE DEPONENT: Is there music? Of
 6 course, yeah.
 7 BY MR. DICKIE:
 8 Q. And is the music -- whenever the words
 9 "I Gotta Feeling" are used in that song, is the music
 10 that's underneath it the same?
 11 A. I -- I don't know.
 12 MS. CENAR: Objection to form.
 13 THE DEPONENT: I would have to -- I
 14 didn't produce that track, so I --
 15 BY MR. DICKIE:
 16 Q. And when you talk about the presets,
 17 in something like the Stylist, I take those are not
 18 presets that when you use the Stylist you actually
 19 create, they are already in this piece of
 20 equipment?
 21 MS. CENAR: Objection to form.
 22 BY MR. DICKIE:
 23 Q. Is that right?
 24 A. Say that again.
 25 Q. When you talk about presets, as you

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1 were a moment ago, something like the Stylist, I take
 2 it those presets were not set into the Stylist by
 3 you, they were already in and placed in that device
 4 by somebody else?
 5 MS. CENAR: Objection to form.
 6 THE DEPONENT: Yeah. Usually the
 7 company you buy it from, yeah.
 8 BY MR. DICKIE:
 9 Q. All right. And is Stylist the name of
 10 a manufacturer?
 11 A. Stylist? No, I think it's by Native
 12 Instruments.
 13 DEPOSITION OFFICER: "Native...?"
 14 THE DEPONENT: Native Instruments,
 15 yeah.
 16 BY MR. DICKIE:
 17 Q. Is Native Instruments the only entity
 18 that creates a device with presets, so far as you
 19 know?
 20 MS. CENAR: Objection; form,
 21 foundation.
 22 THE DEPONENT: I don't know.
 23 That's -- that's all I know. That's -- I haven't
 24 explored any other.
 25 ///

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1 BY MR. DICKIE:
 2 Q. So there may be, you just don't
 3 know?
 4 MS. CENAR: Objection; form,
 5 foundation.
 6 BY MR. DICKIE:
 7 Q. Is that right?
 8 A. That's right.
 9 Q. Now, have you ever been involved in
 10 working on the establishment or creation of a dance
 11 song?
 12 MS. CENAR: Objection; form,
 13 foundation.
 14 THE DEPONENT: Have I been a part?
 15 BY MR. DICKIE:
 16 Q. Of creating a dance song.
 17 A. Oh, yeah, of course.
 18 Q. What is a dance song?
 19 MS. CENAR: Objection to form.
 20 THE DEPONENT: Any song would be a
 21 dance song; I mean, you know? Hip-hop could be a
 22 dance song.
 23 BY MR. DICKIE:
 24 Q. Well, what differentiates a dance song
 25 from some other kind of song?

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1 MR. PINK: Objection; form, also lacks
 2 foundation.
 3 THE DEPONENT: When you say dance song
 4 or dance music, dance music, you know, it's electro
 5 music. That's what's considered dance music now.
 6 BY MR. DICKIE:
 7 Q. When you say "electro music," what do
 8 you mean?
 9 A. Four on the floor, usually.
 10 Q. When you say "four on the floor," what
 11 does that mean?
 12 A. Four on the floor, usually it's
 13 just -- it's a beat like just goes (indicating) --
 14 that's usually the four on the floor.
 15 Q. You're referring to the number of
 16 beats?
 17 A. Yeah. The kick is always doing
 18 that.
 19 Q. When you say "the kick," what do you
 20 mean?
 21 A. That means the sounds, the kick drum.
 22 The kick drum is always constantly going.
 23 Q. So in the context of dance music,
 24 there is some kind of constant kick or constant
 25 beating which goes forward?

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1 A. Yeah, usually it's the kick.
 2 Q. And does that repeat?
 3 A. Yeah. Yep. Yes.
 4 Q. Now, are you familiar with the concept
 5 of "sampling"?
 6 MS. CENAR: Objection; form.
 7 THE DEPONENT: Yes.
 8 BY MR. DICKIE:
 9 Q. Have The Black Eyed Peas sampled the
 10 music of other artists?
 11 MS. CENAR: Objection to the form and
 12 foundation.
 13 THE DEPONENT: Yes.
 14 BY MR. DICKIE:
 15 Q. Have The Black Eyed Peas been involved
 16 in lawsuits involving the improper sampling of
 17 other's music?
 18 MS. CENAR: Objection; form,
 19 foundation.
 20 MR. PINK: Also calls for a legal
 21 conclusion.
 22 THE DEPONENT: Yeah.
 23 BY MR. DICKIE:
 24 Q. And as a member of The Black Eyed
 25 Peas, Mr. Pineda, have you ever sought to obtain

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1 approval from an artist who had a copyrighted song
 2 for purposes of using it as a sample in a Black Eyed
 3 Peas' song?
 4 MS. CENAR: Objection; foundation.
 5 THE DEPONENT: I don't -- I don't
 6 understand right now.
 7 Can you repeat that, please?
 8 BY MR. DICKIE:
 9 Q. Sure.
 10 You just told me that The Black Eyed
 11 Peas have been involved in the improper sampling of
 12 other's music.
 13 MS. CENAR: Objection;
 14 mischaracterization of the testimony.
 15 Move to strike.
 16 MR. DICKIE: Oh, please. Let me read
 17 it back to you, Ms. Cenar.
 18 MS. CENAR: Please.
 19 MR. DICKIE: "Question: Have The
 20 Black Eyed Peas been involved in lawsuits involving
 21 the improper sampling of other's music?
 22 "Answer: Yes."
 23 MS. CENAR: That's way different than
 24 what you just said, and you know it.
 25 MR. DICKIE: Oh, hardly. Let me read

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1 you what I just said:
 2 "You just told me that The Black Eyed
 3 Peas have been involved in the improper sampling of
 4 other's music."
 5 MS. CENAR: That's a
 6 mischaracterization directly of the witness's
 7 testimony, Counsel.
 8 MR. DICKIE: Here, let me ask it
 9 again, Ms. Cenar.
 10 BY MR. DICKIE:
 11 Q. As a member of The Black Eyed Peas,
 12 Mr. Pineda, have The Black Eyed Peas ever been
 13 involved in the improper sampling of another artist's
 14 music? "Yes" or "no"?
 15 MS. CENAR: Objection; form,
 16 foundation.
 17 MR. PINK: Calls for a legal
 18 conclusion.
 19 THE DEPONENT: There's been lawsuits.
 20 I mean, just like right now.
 21 BY MR. DICKIE:
 22 Q. Have The Black Eyed Peas ever
 23 improperly sampled the music of -- the copyrighted
 24 music of another artist?
 25 MS. CENAR: Objection; form,

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1 foundation.
 2 MR. MCPHERSON: Calls for a legal
 3 conclusion.
 4 MS. CENAR: Calls for a legal
 5 conclusion.
 6 THE DEPONENT: Everybody, yes. Yes.
 7 I mean, we've sampled.
 8 Is that what you're asking?
 9 BY MR. DICKIE:
 10 Q. Have you sampled the music of other --
 11 copyrighted music of other artists without first
 12 obtaining permission from those artists?
 13 MS. CENAR: Objection --
 14 THE DEPONENT: No.
 15 MS. CENAR: -- form, foundation.
 16 BY MR. DICKIE:
 17 Q. So would it be accurate then to say,
 18 Mr. Pineda, that on every instance where The Black
 19 Eyed Peas have sampled the music -- the copyrighted
 20 music of another, The Black Eyed Peas have obtained
 21 permission of that artist to sample his or her
 22 copyrighted music?
 23 MS. CENAR: Objection; form,
 24 foundation.
 25 MR. PINK: Calls for a legal

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1 conclusion.
 2 THE DEPONENT: What are you asking?
 3 Do we ask permission or do --
 4 BY MR. DICKIE:
 5 Q. Do you --
 6 A. If you are asking the question if you
 7 sample, you got to ask permission. Yes, we ask
 8 permission.
 9 Q. And you have -- you have -- The Black
 10 Eyed Peas have never sampled the copyrighted music of
 11 another artist without first receiving permission
 12 from that artist?
 13 A. No.
 14 Q. Is that correct?
 15 A. No.
 16 MS. CENAR: Objection; form,
 17 foundation.
 18 MR. PINK: Asked and answered, calls
 19 for a legal conclusion.
 20 BY MR. DICKIE:
 21 Q. Mr. -- I just want to make sure I'm
 22 clear on this, Mr. Pineda.
 23 I said, have the -- is it correct to
 24 say that The Black Eyed Peas have never sampled the
 25 copyrighted music of another artist without first

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1 receiving permission to do so from that artist?
 2 MS. CENAR: Objection; form,
 3 foundation.
 4 THE DEPONENT: I'm --
 5 MS. CENAR: Asked and answered --
 6 THE DEPONENT: I didn't understand.
 7 MS. CENAR: -- calls --
 8 DEPOSITION OFFICER: Hang on.
 9 MS. CENAR: -- for a legal conclusion,
 10 harassment of the witness.
 11 MR. PINK: Also lacks relevancy to
 12 this lawsuit.
 13 BY MR. DICKIE:
 14 Q. You can answer the question, sir.
 15 A. I don't -- I don't do the -- the
 16 clearing of the sample. But if you sample, you got
 17 to ask permission. I think that's what I'm getting
 18 at with the question.
 19 Q. So you understand that before you
 20 can use the copyrighted music of another, you have
 21 to obtain authorization from that artist?
 22 A. Well, of course. Of course.
 23 Q. And it would be wrong to use the
 24 copyrighted music of another artist without providing
 25 or receiving permission, would it not?

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1 MS. CENAR: Objection; form,
 2 foundation.
 3 THE DEPONENT: Yes.
 4 MS. CENAR: Calls for a legal
 5 conclusion.
 6 BY MR. DICKIE:
 7 Q. And in the course of your activities
 8 on behalf of The Black Eyed Peas, Mr. Pineda, have
 9 you ever contacted any artist and asked permission to
 10 use that artist's copyrighted music?
 11 MS. CENAR: Objection; form.
 12 THE DEPONENT: Not -- that's up to my
 13 legal -- my lawyers to do that.
 14 BY MR. DICKIE:
 15 Q. Is the answer to my question, no, you,
 16 Allan Pineda, have never done that?
 17 A. No.
 18 Q. Have you ever specifically asked
 19 anyone to obtain permission in advance of your
 20 involvement on behalf of The Black Eyed Peas in the
 21 sampling of the copyrighted music of another?
 22 MS. CENAR: Okay. I'm going to object
 23 to this question.
 24 You can answer it with a "yes" or
 25 "no."

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1 To the extent it involves
 2 communications with your counsel, what was discussed
 3 with your counsel is privileged, but you can answer
 4 this specific question with a yes or a no.
 5 THE DEPONENT: No.
 6 MR. PINK: Also object; legal
 7 conclusion.
 8 BY MR. DICKIE:
 9 Q. Who is it within The Black Eyed Peas
 10 band, the four members, who is responsible for making
 11 sure that permission is received from an artist
 12 before that artist's music is sampled?
 13 MS. CENAR: Objection; form,
 14 foundation.
 15 THE DEPONENT: The Peas? That's got
 16 to be for the lawyer.
 17 BY MR. DICKIE:
 18 Q. But isn't there someone within
 19 The Black Eyed Peas that, on behalf of the group, has
 20 that responsibility?
 21 MS. CENAR: Objection; form,
 22 foundation.
 23 THE DEPONENT: I don't know.
 24 That's -- that's -- I don't -- you know, I don't do
 25 that -- that job. That usually goes through the

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1 lawyer -- our lawyers.
 2 BY MR. DICKIE:
 3 Q. Well, let's talk a little bit about
 4 how The Black Eyed Peas sampled other music; okay?
 5 MS. CENAR: Objection to the form.
 6 Counsel, does this have a bearing to
 7 this lawsuit? Are you asking specifically about one
 8 song that's at issue in this lawsuit?
 9 BY MR. DICKIE:
 10 Q. Mr. Pineda, tell me the process by
 11 which The Black Eyed Peas will sample other's music.
 12 MS. CENAR: Objection; form,
 13 foundation, calls for speculation.
 14 THE DEPONENT: There's a lot of
 15 different ways.
 16 BY MR. DICKIE:
 17 Q. Well, tell me them.
 18 MS. CENAR: Objection; form,
 19 foundation.
 20 THE DEPONENT: Every -- every sample
 21 is different. I don't know -- you plug in the wire
 22 and record it.
 23 BY MR. DICKIE:
 24 Q. So how do you find the music to
 25 sample?

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1 MS. CENAR: Objection; form,
 2 foundation.
 3 THE DEPONENT: I don't know.
 4 BY MR. DICKIE:
 5 Q. Do you listen on the Internet? Do you
 6 go into the store?
 7 I mean, where do you find the music
 8 that you want to sample?
 9 MR. PINK: Objection; overly broad.
 10 MS. CENAR: Objection; form,
 11 foundation.
 12 THE DEPONENT: It depends. If I'm
 13 looking for an old '70s sample, I go to the record
 14 store. If I want to sample current, I go to iTunes.
 15 BY MR. DICKIE:
 16 Q. And when sampling takes place in the
 17 context of The Black Eyed Peas developing a song, how
 18 is the regular sampling activity communicated to
 19 people responsible for securing permission?
 20 MS. CENAR: Objection to the form of
 21 the question, mischaracterizes the testimony,
 22 foundation.
 23 MR. MCPHERSON: Calls for speculation
 24 as well.
 25 THE DEPONENT: I -- I don't -- I got

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1 to hear the answer again, please -- I mean the
 2 question.
 3 BY MR. DICKIE:
 4 Q. Well, you said that the idea of
 5 securing authorization or permission from an artist
 6 to sample was something that was handled by others.
 7 MS. CENAR: Objection to form.
 8 BY MR. DICKIE:
 9 Q. How is the actual sampling process
 10 regularly communicated to those others so they know
 11 that the sampling is going on?
 12 MS. CENAR: Objection; form.
 13 MR. MCPHERSON: Objection --
 14 MS. CENAR: -- foundation.
 15 DEPOSITION OFFICER: Ed, up.
 16 THE DEPONENT: Well, because there's a
 17 sample in the record when you turn it in.
 18 BY MR. DICKIE:
 19 Q. And when you say "turn it in," to whom
 20 is the track turned in to?
 21 MS. CENAR: Objection; form --
 22 THE DEPONENT: The record label.
 23 MS. CENAR: -- foundation.
 24 BY MR. DICKIE:
 25 Q. Is it routine on behalf of The Black

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1 Eyed Peas to turn in completed tracks to the lawyers
 2 before it goes to the record company?
 3 MS. CENAR: Objection; form,
 4 foundation.
 5 THE DEPONENT: I don't know the
 6 process. But before you turn in a record, you got to
 7 clear the samples. That's -- that's the only process
 8 I know.
 9 BY MR. DICKIE:
 10 Q. And tell me how The Black Eyed Peas do
 11 that.
 12 MS. CENAR: Objection; form
 13 foundation.
 14 THE DEPONENT: I -- I don't know. I'm
 15 not -- I don't do that.
 16 BY MR. DICKIE:
 17 Q. So would it be correct to say that
 18 you, as a member of the Black Eyed Peas, however, do
 19 not know how that process is done?
 20 MS. CENAR: Objection; form,
 21 foundation.
 22 THE DEPONENT: If I -- if I produced a
 23 record and they asked me if there's a sample, then if
 24 there's a sample, I say yes.
 25 ///

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1 BY MR. DICKIE:
 2 Q. Are you the individual at The Black
 3 Eyed Peas who turns in the completed tracks to the
 4 record label?
 5 MS. CENAR: Objection; form,
 6 foundation.
 7 THE DEPONENT: No.
 8 BY MR. DICKIE:
 9 Q. Who is the person at The Black Eyed
 10 Peas that turns in the finished tracks to the record
 11 label?
 12 A. I turn in mine.
 13 Q. To whom do you turn them in to?
 14 MS. CENAR: Objection; form.
 15 THE DEPONENT: I turn it into the
 16 album and then -- I don't know the whole -- the
 17 process.
 18 But, you know, you -- you -- whatever
 19 I produce goes in the album, and then the album
 20 gets -- you know, gets turned in, and then I get a
 21 call that they have a sample of my record.
 22 And that's the only process I know.
 23 MR. MCPHERSON: Can we take a break?
 24 MR. DICKIE: You may.
 25 MR. MCPHERSON: Can we? I know I

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1 can.
 2 MS. CENAR: Thanks.
 3 MR. DICKIE: Sure.
 4 THE VIDEOGRAPHER: This is the end of
 5 Media Number Two in the deposition Allan Pineda.
 6 We are now going off the record. The
 7 time is 3:09 p.m.
 8 (WHEREUPON, A RECESS WAS HELD
 9 FROM 3:09 P.M. TO 3:29 P.M.)
 10 THE VIDEOGRAPHER: This is the
 11 beginning of Media Number Three in the deposition
 12 of Allan Pineda in the matter of "Bryan Pringle v.
 13 William Adams, et al."
 14 We are now going back on the record.
 15 The time is 3:29 p.m.
 16 BY MR. DICKIE:
 17 Q. All set to begin, Mr. Pineda?
 18 A. Yes.
 19 Q. Do you understand you're still under
 20 oath?
 21 A. Yes.
 22 (WHEREUPON, PLAINTIFF'S EXHIBIT NUMBER
 23 5-A WAS MARKED FOR IDENTIFICATION BY
 24 THE DEPOSITION OFFICER.)
 25 ///

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1 BY MR. DICKIE:
 2 Q. I've asked the reporter to hand you
 3 what she marked as Exhibit 5-A. This Exhibit 5 was
 4 marked in a smaller version in this case earlier.
 5 And what I'd like you to do is take a
 6 look at 5-A when the reporter hands it to you.
 7 MS. CENAR: Are you done with 15?
 8 MR. DICKIE: Yes.
 9 BY MR. DICKIE:
 10 Q. Do you see Exhibit 5-A, Mr. Pineda?
 11 A. 5-A? Yeah, the front of it.
 12 Q. And this is an enlarged version of
 13 the basic little liner packet that is found inside
 14 "The E.N.D." album; isn't that correct?
 15 A. Yes.
 16 Q. And if you would, would you direct
 17 your attention to the page that has the numbers
 18 BEP-PR 41 on the right-hand corner.
 19 MS. CENAR: He's referring to these
 20 numbers here.
 21 So 41, you said, Dean?
 22 MR. DICKIE: Yep.
 23 MS. CENAR: So this is 41.
 24 THE DEPONENT: Okay.
 25 ///

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1 BY MR. DICKIE:
 2 Q. Do you have that?
 3 A. Yes.
 4 Q. And would you agree with me that this
 5 page is part of the liner notes that deal with each
 6 of the songs that are in the album "The E.N.D."?
 7 MS. CENAR: Objection to the form.
 8 Can you read that? Is that big enough
 9 for you?
 10 THE DEPONENT: I can't really read
 11 it.
 12 MS. CENAR: Okay. Can we make a
 13 larger version?
 14 MR. DICKIE: That's why I gave it to
 15 you before. That's the version that came back.
 16 MS. CENAR: But this particular print
 17 is particularly small in the original, so we haven't
 18 enlarged it enough.
 19 May we take a break to enlarge it?
 20 MR. DICKIE: Sure.
 21 THE VIDEOGRAPHER: We are going off
 22 the record. The time is 3:31 p.m.
 23 (WHEREUPON, A RECESS WAS HELD
 24 FROM 3:31 P.M. TO 3:44 P.M.)
 25 THE VIDEOGRAPHER: We are now going

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1 back on the record. The time is 3:44 p.m.
 2 HEREUPON, PLAINTIFF'S EXHIBIT NUMBER
 3 5-B IS MARKED FOR IDENTIFICATION BY
 4 THE DEPOSITION OFFICER.)
 5 BY MR. DICKIE:
 6 Q. Mr. Pineda, during the break, portions
 7 of Exhibit 5-A were enlarged and they've been put
 8 into an exhibit called 5-B.
 9 Do you have it?
 10 A. Yes.
 11 Q. And these are the further enlarged
 12 part of the liner notes from the album "The E.N.D.";
 13 isn't that right?
 14 A. Yes.
 15 Q. And I'd like to direct your attention
 16 to the segment that says "I Gotta Feeling," which is
 17 on page 2 of Exhibit 5-B.
 18 Do you see that?
 19 A. Yes.
 20 Q. Are you able to read that?
 21 A. Yeah.
 22 Q. Okay. As we look through it, did you
 23 write these liner notes?
 24 A. No.
 25 Q. Who wrote the liner notes?

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1 MS. CENAR: Objection; form,
 2 foundation.
 3 THE DEPONENT: I have -- I guess our
 4 lawyers.
 5 BY MR. DICKIE:
 6 Q. Well, do you typically participate in
 7 preparing liner notes for albums for The Black Eyed
 8 Peas?
 9 MS. CENAR: Objection; form.
 10 THE DEPONENT: Do I participate in
 11 doing this?
 12 BY MR. DICKIE:
 13 Q. Yeah, in writing the language for the
 14 liner notes.
 15 A. No.
 16 Q. Do you review the liner notes for
 17 accuracy before they are completed?
 18 A. No.
 19 Q. Let me direct your attention, then, to
 20 the text on this liner note for "I Gotta Feeling."
 21 It indicates that you were a writer for "I Gotta
 22 Feeling."
 23 Is that accurate?
 24 MS. CENAR: Objection to form.
 25 THE DEPONENT: Yeah.

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1 BY MR. DICKIE:
 2 Q. What did you write?
 3 A. I recited the same -- the same lyric.
 4 It's a new form of -- it's the first time we all
 5 rapped together all at once.
 6 Q. Did you write the words?
 7 MS. CENAR: Objection; form.
 8 THE DEPONENT: No.
 9 BY MR. DICKIE:
 10 Q. Where it says "written by," I'd like
 11 you to tell me what, if anything, you wrote on
 12 "I Gotta Feeling."
 13 MS. CENAR: Objection; asked and
 14 answered.
 15 THE DEPONENT: Say that again.
 16 BY MR. DICKIE:
 17 Q. What words did you write that are part
 18 of "I Gotta Feeling"?
 19 A. I performed the words.
 20 Q. But you did not write them; isn't that
 21 correct?
 22 A. That's right.
 23 MS. CENAR: Objection; form,
 24 foundation.
 25 ///

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1 BY MR. DICKIE:
 2 Q. What words did Jaime Gomez write?
 3 A. I -- I don't know.
 4 MS. CENAR: Objection; form --
 5 THE DEPONENT: I -- I don't know.
 6 MS. CENAR: -- foundation.
 7 THE DEPONENT: I don't know about
 8 that. I don't know what he wrote.
 9 BY MR. DICKIE:
 10 Q. And what did Stacy Ferguson write?
 11 MS. CENAR: Same objections.
 12 THE DEPONENT: I don't know.
 13 BY MR. DICKIE:
 14 Q. And can you tell me what David Guetta
 15 did to produce "I Gotta Feeling"?
 16 MS. CENAR: Objection to form,
 17 foundation.
 18 THE DEPONENT: No, I don't know. I
 19 wasn't present when he produced it.
 20 BY MR. DICKIE:
 21 Q. And then can you tell me whether you
 22 have ever met the second individual identified,
 23 Fred Riesterer?
 24 A. No.
 25 Q. You've never met him?

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1 A. Nope.
 2 Q. So would it be correct to say,
 3 Mr. Pineda, that you cannot tell me what, if
 4 anything, he did to co-produce "I Gotta Feeling"?
 5 A. Say that again.
 6 Q. Would it be correct to say that you
 7 cannot tell me anything that Mr. Riesterer did to
 8 justify his being a co-producer?
 9 A. No.
 10 MR. DICKSTEIN: Objection to form.
 11 MS. CENAR: Objection; form.
 12 BY MR. DICKIE:
 13 Q. So my statement is correct; right?
 14 MR. DICKSTEIN: Objection to form.
 15 MS. CENAR: Objection; form.
 16 THE DEPONENT: I don't know
 17 Frederic.
 18 BY MR. DICKIE:
 19 Q. So you have no knowledge about what he
 20 did; is that correct?
 21 A. No.
 22 Q. That is not correct?
 23 MS. CENAR: Objection; form.
 24 THE DEPONENT: No, I don't know who he
 25 is.

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1 BY MR. DICKIE:
 2 Q. Okay. So am I correct, Mr. Pineda,
 3 that you do not know what, if anything, he did to
 4 co-produce "I Gotta Feeling"?
 5 MS. CENAR: Objection; form.
 6 THE DEPONENT: Yes.
 7 BY MR. DICKIE:
 8 Q. Had, to your knowledge, The Black Eyed
 9 Peas ever used material they obtained from
 10 Fred Riesterer prior to "I Gotta Feeling"?
 11 MS. CENAR: Objection; form,
 12 foundation.
 13 MR. DICKSTEIN: Objection; form.
 14 THE DEPONENT: Rephrase that question,
 15 please.
 16 BY MR. DICKIE:
 17 Q. To your knowledge, had
 18 Frederic Riesterer ever provided material for a song
 19 to The Black Eyed Peas before "I Gotta Feeling"?
 20 MS. CENAR: Objection to the form, and
 21 foundation.
 22 THE DEPONENT: I don't know that. I
 23 don't know.
 24 BY MR. DICKIE:
 25 Q. Do you know whether anyone at --

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1 associated with The Black Eyed Peas did anything to
 2 ascertain Mr. Riesterer's reputation with respect to
 3 the use or non-use of the copyrighted music of other
 4 artists before using him in connection with "I Gotta
 5 Feeling"?
 6 MS. CENAR: Objection; form,
 7 foundation, assumes facts not in evidence.
 8 MR. DICKSTEIN: Vague and ambiguous.
 9 THE DEPONENT: Can you simpler --
 10 simplify the question, please?
 11 BY MR. DICKIE:
 12 Q. Yeah.
 13 Do you know whether The Black Eyed
 14 Peas did any due diligence with respect to whether
 15 Mr. Riesterer had a reputation for using the music of
 16 others --
 17 MS. CENAR: Objection.
 18 BY MR. DICKIE:
 19 Q. -- before using him in some way in
 20 connection with "I Gotta Feeling"?
 21 MS. CENAR: Objection; form,
 22 foundation.
 23 THE DEPONENT: I don't know that.
 24 BY MR. DICKIE:
 25 Q. You certainly didn't do anything;

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1 right?
 2 MS. CENAR: Objection --
 3 THE DEPONENT: Yes.
 4 MS. CENAR: -- form, foundation.
 5 BY MR. DICKIE:
 6 Q. And so far as you know, you never
 7 performed a song in connection with The Black Eyed
 8 Peas in which Mr. Riesterer had had a hand in either
 9 the music or the lyrics; right?
 10 MS. CENAR: Objection; form,
 11 foundation.
 12 THE DEPONENT: I don't understand the
 13 question. Can you rephrase that?
 14 BY MR. DICKIE:
 15 Q. Sure.
 16 As far as you know, did Mr. Riesterer
 17 ever have a hand in either the music or the lyrics of
 18 a prior Black Eyed Peas' song?
 19 A. I --
 20 MS. CENAR: Objection; form --
 21 THE DEPONENT: -- don't know.
 22 MS. CENAR: -- foundation.
 23 BY MR. DICKIE:
 24 Q. Do The Black Eyed Peas have some
 25 arrangement among themselves that on each album

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1 The Black Eyed Peas, all four of them, will receive
 2 writer credit for purposes of sharing in revenue?
 3 MS. CENAR: Objection to the form.
 4 THE DEPONENT: Do we have a -- say
 5 that again.
 6 BY MR. DICKIE:
 7 Q. Is there an internal agreement among
 8 The Black Eyed Peas by which you four have agreed
 9 that on each and every song the four of you will
 10 receive writer credit in connection with any song
 11 performed or contained on an album of The Black Eyed
 12 Peas?
 13 MS. CENAR: Objection; form,
 14 foundation.
 15 THE DEPONENT: I don't -- I don't know
 16 that. Only if you performed or sang -- sing to the
 17 song.
 18 BY MR. DICKIE:
 19 Q. And in connection with The Black Eyed
 20 Peas' song "I Gotta Feeling," is there a financial
 21 benefit to being named a writer?
 22 A. I don't know.
 23 Q. Well, artists receive revenue from
 24 downloads of music or album sales; isn't that
 25 correct?

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1 MS. CENAR: Objection; form --
 2 THE DEPONENT: Yes.
 3 MS. CENAR: -- foundation.
 4 BY MR. DICKIE:
 5 Q. And the artist revenue, is that in
 6 addition to being a producer and receiving producer
 7 revenue?
 8 MS. CENAR: Objection; form,
 9 foundation.
 10 THE DEPONENT: I don't know. I don't
 11 understand.
 12 BY MR. DICKIE:
 13 Q. Can you tell me what your percentage
 14 share is in the song "I Gotta Feeling"?
 15 MS. CENAR: Objection; form,
 16 foundation.
 17 THE DEPONENT: I don't remember. I
 18 don't remember that number.
 19 BY MR. DICKIE:
 20 Q. Is it 1.25 percent?
 21 A. I don't know.
 22 MS. CENAR: Objection to the form.
 23 BY MR. DICKIE:
 24 Q. Who would know that?
 25 A. Our lawyers.

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1 Q. And how much money have you received
 2 from the sale of the album "The E.N.D." or the
 3 downloads of any song on that album?
 4 MS. CENAR: Objection; form,
 5 foundation.
 6 THE DEPONENT: I don't know. I have
 7 no idea.
 8 BY MR. DICKIE:
 9 Q. And is there someone who keeps track
 10 of that information for you?
 11 A. I don't know. Probably our lawyer.
 12 Q. Well, if you look on Exhibit 5-B in
 13 the liner notes, you see where it says "Published by
 14 Will.i.am Music, (BMI), Jeepney Music, Inc.," and
 15 then in parentheses it's "(BMI)."
 16 What does BMI do for Jeepney Music?
 17 MS. CENAR: Objection; form,
 18 foundation.
 19 THE DEPONENT: I don't know.
 20 BY MR. DICKIE:
 21 Q. Isn't BMI the organization which
 22 tracks royalties due to you and to your publishing
 23 company --
 24 MS. CENAR: Objection.
 25 ///

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1 BY MR. DICKIE:
 2 Q. -- or your label?
 3 MS. CENAR: Objection; form,
 4 foundation.
 5 THE DEPONENT: I don't know that. I
 6 don't know.
 7 BY MR. DICKIE:
 8 Q. Well, can you tell me what Jeepney
 9 Music, Inc., did to publish "I Gotta Feeling"?
 10 MS. CENAR: Objection; form.
 11 THE DEPONENT: Perform.
 12 BY MR. DICKIE:
 13 Q. Well, Jeepney Music performed?
 14 A. Jeepney Music? No, not Jeepney Music.
 15 Allan Pineda performed.
 16 Q. But am I correct that you,
 17 Allan Pineda, do not have a signed artist agreement
 18 with Jeepney Music; isn't that correct?
 19 MS. CENAR: Objection; form.
 20 THE DEPONENT: I don't have what?
 21 BY MR. DICKIE:
 22 Q. A signed artist agreement with Jeepney
 23 Music.
 24 MR. MCPHERSON: Objection; vague and
 25 ambiguous.

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1 MS. CENAR: Objection to form.
 2 THE DEPONENT: I've got -- I'll have
 3 to check on that. I don't know.
 4 BY MR. DICKIE:
 5 Q. Does Jeepney Music receive any kind of
 6 revenue over and above artist splits by reason of
 7 being listed as a publisher in connection with "I
 8 Gotta Feeling"?
 9 MS. CENAR: Objection; form,
 10 foundation.
 11 THE DEPONENT: I don't know how to
 12 answer that question.
 13 BY MR. DICKIE:
 14 Q. You don't know the answer?
 15 A. No.
 16 Q. Now, do you know what is the
 17 relationship between Jeepney Music, Inc., and
 18 Cherry River Music company?
 19 MS. CENAR: Objection; form,
 20 foundation.
 21 THE DEPONENT: I don't know.
 22 BY MR. DICKIE:
 23 Q. Do you see on this Exhibit 5-B it
 24 says:
 25 "Worldwide rights for Will.i.am

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1 Music, Inc.," comma, "Jeepney Music,
 2 Inc.," comma, and "Tab Magnetic
 3 Publishing, administered by Cherry
 4 River Music Co."
 5 Do you see that?
 6 A. Yes.
 7 Q. What is it that Cherry River Music
 8 does for your entity Jeepney Music, Inc.?
 9 MS. CENAR: Objection to form,
 10 foundation.
 11 THE DEPONENT: I don't know.
 12 BY MR. DICKIE:
 13 Q. Why are they listed here, then?
 14 A. I have -- I have -- I have no idea.
 15 Q. And do you see, continuing along in
 16 that same line:
 17 "All rights for Headphone Junkie
 18 Publishing controlled and administered
 19 by EMI Music Publishing."
 20 And then it says "ASCAP."
 21 Do you see that?
 22 A. Yes.
 23 Q. Is there a relationship between
 24 Headphone Junkie Publishing and Stacy Ferguson?
 25 MS. CENAR: Objection; foundation.

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1 THE DEPONENT: I have no idea.
 2 BY MR. DICKIE:
 3 Q. Do you know what ASCAP is?
 4 A. I don't know. A publishing company?
 5 Q. And do you know what BMI is?
 6 MS. CENAR: Same objections.
 7 THE DEPONENT: I guess the same
 8 thing.
 9 BY MR. DICKIE:
 10 Q. Does BMI provide you, from time to
 11 time, royalty statements?
 12 A. I don't know. I don't know which
 13 company does that.
 14 Q. Well, do you receive monies from time
 15 to time from the sale of the album "The E.N.D."?
 16 MS. CENAR: Objection; form --
 17 THE DEPONENT: Yes.
 18 MS. CENAR: -- foundation.
 19 BY MR. DICKIE:
 20 Q. And when you receive the monies from
 21 "The E.N.D." sales, where do the monies go so that
 22 you can receive them.
 23 Do they go right to you or do they go
 24 to some other place?
 25 MS. CENAR: Objection; form.

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1 THE DEPONENT: I don't know. I don't
 2 know the procedure, but it's got to go somewhere --
 3 BY MR. DICKIE:
 4 Q. And how do you know --
 5 DEPOSITION OFFICER: "It's got to go
 6 somewhere to" what?
 7 THE DEPONENT: Yeah, I said it goes to
 8 me somewhere.
 9 BY MR. DICKIE:
 10 Q. And who is it or what entity is it
 11 that monitors on your behalf what revenue you are to
 12 receive as a result of your participating in creating
 13 the record "The E.N.D."?
 14 MS. CENAR: Hold on.
 15 THE DEPONENT: What is the question
 16 again?
 17 BY MR. DICKIE:
 18 Q. Who takes care of monitoring for you
 19 the revenue you're supposed to get from the sale
 20 proceeds of the record "The E.N.D."?
 21 MS. CENAR: Objection to form and
 22 foundation.
 23 THE DEPONENT: My business manager.
 24 BY MR. DICKIE:
 25 Q. And your business manager is whom?

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1 A. Sean Larkin.
 2 Q. That's the same Sean Larkin you
 3 identified earlier?
 4 A. Yes.
 5 Q. Is Mr. Larkin employed or part of a
 6 business entity?
 7 MS. CENAR: Objection to form.
 8 THE DEPONENT: Yeah, business -- my
 9 business manager.
 10 BY MR. DICKIE:
 11 Q. Yes, but is he employed by you
 12 individually, employed by Jeepney, or employed by
 13 somebody else?
 14 MS. CENAR: Objection to the form.
 15 THE DEPONENT: Me individually.
 16 BY MR. DICKIE:
 17 Q. And does Mr. Larkin provide you with
 18 income statements which set forth the amount of money
 19 you have earned from the sale of Black Eyed Peas
 20 albums and downloads?
 21 MR. MCPHERSON: Objection; compound.
 22 MS. CENAR: Objection; form,
 23 foundation.
 24 THE DEPONENT: I hope so.
 25 ///

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1 BY MR. DICKIE:
 2 Q. Well, do you get routine and regular
 3 statements from Mr. Larkin setting forth the amount
 4 of moneys you receive as a result of the sale of
 5 those albums or the performance of the those songs on
 6 those albums?
 7 MS. CENAR: Objection to the form, and
 8 foundation.
 9 What albums are you talking about,
 10 Counsel?
 11 BY MR. DICKIE:
 12 Q. You can answer the question.
 13 A. I guess, but I haven't seem them
 14 lately.
 15 Q. Well, how much money have you made
 16 from the sale of records and downloads on "The
 17 E.N.D."?
 18 MS. CENAR: Objection; form.
 19 THE DEPONENT: Oh, I don't know
 20 that.
 21 BY MR. DICKIE:
 22 Q. Who would know that?
 23 A. I guess, Sean.
 24 Q. And where is Mr. Larkin located?
 25 A. In Sherman Oaks.

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1 Q. Is that in California?
 2 A. Yes.
 3 Q. Is there, so far as you know, any
 4 financial benefit to your being listed as a writer
 5 and a producer in the liner notes for the album
 6 "The E.N.D."?
 7 MS. CENAR: Objection to form.
 8 THE DEPONENT: Say that again.
 9 BY MR. DICKIE:
 10 Q. Is there, so far as you are aware, any
 11 financial benefit to your being listed as a writer
 12 and Jeepney Music being listed as a publisher on the
 13 album notes for "The E.N.D."?
 14 MS. CENAR: Objection; form,
 15 foundation.
 16 THE DEPONENT: Yes, I hope so.
 17 BY MR. DICKIE:
 18 Q. What do you understand the financial
 19 or the pecuniary benefit to be?
 20 MS. CENAR: Objection; form.
 21 THE DEPONENT: What is that?
 22 BY MR. DICKIE:
 23 Q. What do you understand the financial
 24 benefit to be from your being listed in the liner
 25 notes?

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1 A. I don't -- I don't know about how to
 2 break that down.
 3 Q. Is there a sharing agreement among
 4 The Black Eyed Peas as to how revenue from the sale
 5 of Black Eyed Peas records is to be shared?
 6 A. Yeah, but it depends on what you
 7 contributed.
 8 Q. What do you mean?
 9 A. What you did on the song, what you --
 10 what you --
 11 Q. And how does that work?
 12 Is there an objective measurement
 13 regarding contribution that has attached to it a
 14 certain percentage?
 15 MS. CENAR: Objection to the form.
 16 THE DEPONENT: I -- I -- I don't know
 17 how break that down.
 18 BY MR. DICKIE:
 19 Q. Who decides whether or not the
 20 contribution of any member of The Black Eyed Peas is
 21 entitled to be rewarded with payment?
 22 MS. CENAR: Objection; form and
 23 foundation.
 24 THE DEPONENT: I guess it's -- it's
 25 what you provided.

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1 BY MR. DICKIE:
 2 Q. Well, how is that calculated?
 3 MS. CENAR: Objection; form.
 4 THE DEPONENT: I don't know. By
 5 chorus, by verse.
 6 BY MR. DICKIE:
 7 Q. Well, do you get paid by the word? By
 8 the line? By the amount of time you spent?
 9 How is it calculated?
 10 MS. CENAR: Objection; form.
 11 THE DEPONENT: For me, my verse.
 12 BY MR. DICKIE:
 13 Q. And how many words are there in your
 14 verse?
 15 MS. CENAR: Objection to the form.
 16 Which song are you referring to?
 17 BY MR. DICKIE:
 18 Q. Well, let's take "I Gotta Feeling."
 19 How many words did you write in
 20 "I Gotta Feeling"?
 21 MS. CENAR: Objection to the form.
 22 MR. DICKSTEIN: Asked and answered.
 23 THE DEPONENT: I performed on "I Gotta
 24 Feeling."
 25 ///

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1 BY MR. DICKIE:
 2 Q. You didn't write any words --
 3 A. No.
 4 Q. -- isn't that correct?
 5 MS. CENAR: Asked and answered.
 6 BY MR. DICKIE:
 7 Q. And how much are you paid for your
 8 contribution regarding the creation of the words on
 9 the song "I Gotta Feeling"?
 10 MS. CENAR: Objection; form.
 11 THE DEPONENT: I don't know.
 12 MR. DICKSTEIN: Foundation.
 13 BY MR. DICKIE:
 14 Q. Is that -- is the amount to which
 15 you're entitled for "I Gotta Feeling" something that
 16 was decided by Will.i.am?
 17 MS. CENAR: Objection; form.
 18 THE DEPONENT: I don't know who
 19 decided. I guess the main writer.
 20 BY MR. DICKIE:
 21 Q. Well, is Mr. Adams the main writer of
 22 the lyrics to "I Gotta Feeling"?
 23 A. I don't know who is. I don't know who
 24 he worked with.
 25 Q. Well, is it your understanding that

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1 Mr. -- someone other than Mr. Adams wrote --
 2 A. I don't --
 3 Q. -- the lyrics for "I Gotta Feeling"?
 4 A. I don't -- I don't know that
 5 information.
 6 Q. Have you been informed by any member
 7 of The Black Eyed Peas that there were individuals
 8 other than William Adams who created the lyrics to
 9 the song "I Gotta Feeling"?
 10 A. I don't know that.
 11 Q. Is there an agreement that exists -- a
 12 written agreement that exists between you and the
 13 other three members of The Black Eyed Peas which sets
 14 forth a methodology by which each of you are to be
 15 compensated for songs that end up on Black Eyed Peas
 16 records?
 17 MS. CENAR: Objection to the form.
 18 THE DEPONENT: Certain songs, if you
 19 written -- if you wrote, you get compensated. And if
 20 there's no room for you to contribute, then -- then
 21 there's an agreement.
 22 BY MR. DICKIE:
 23 Q. Okay. There is a written agreement
 24 which sets forth how each of you -- each of The Black
 25 Eyed Peas is to be compensated with respect to each

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1 song?
 2 A. If you contributed.
 3 Q. Well, how do you measure what you
 4 contribute?
 5 MS. CENAR: Objection; form,
 6 foundation.
 7 THE DEPONENT: I don't know. I don't
 8 know how to --
 9 BY MR. DICKIE:
 10 Q. Have you ever been involved in a
 11 dispute leading to an audit claim against Cherry
 12 Music or Interscope Records?
 13 MS. CENAR: Objection; form.
 14 THE DEPONENT: Have I what?
 15 BY MR. DICKIE:
 16 Q. Have you ever had a dispute with the
 17 label over the appropriate accounting for monies due
 18 The Black Eyed Peas from the sale of records?
 19 MS. CENAR: Objection to form.
 20 THE DEPONENT: I don't know.
 21 BY MR. DICKIE:
 22 Q. Have you had any discussions regarding
 23 the relative splits among the band members at any
 24 time with the other three members of The Black Eyed
 25 Peas?

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1 MS. CENAR: Objection to form,
 2 foundation.
 3 THE DEPONENT: No.
 4 BY MR. DICKIE:
 5 Q. Has there ever been a disagreement
 6 among members of The Black Eyed Peas regarding the
 7 relative splits between band members and any songs
 8 that were recorded and performed by The Black Eyed
 9 Peas?
 10 MS. CENAR: Objection; form,
 11 foundation.
 12 THE DEPONENT: No. No, not that I
 13 know of.
 14 BY MR. DICKIE:
 15 Q. And what is the status of The Black
 16 Eyed Peas as a band today? Have they broken up?
 17 MS. CENAR: Objection to the form.
 18 THE DEPONENT: No.
 19 BY MR. DICKIE:
 20 Q. Are they on a hiatus?
 21 A. On a break.
 22 Q. Well, what is --
 23 A. Well, not at the moment. We will be
 24 on a break.
 25 Q. When does the break start?

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1 A. I have no idea. When we finish the
 2 tours this year.
 3 Q. And how long is the expected break?
 4 MS. CENAR: Objection; form,
 5 foundation.
 6 THE DEPONENT: I have no idea.
 7 BY MR. DICKIE:
 8 Q. Was the break first announced by
 9 Stacy Ferguson in London?
 10 A. I don't know. I don't --
 11 Q. Were you present in London when
 12 Stacy Ferguson advised the crowd that The Black Eyed
 13 Peas were going on a hiatus?
 14 A. I wasn't there at the moment.
 15 MS. CENAR: Objection to form.
 16 BY MR. DICKIE:
 17 Q. You were not on stage?
 18 A. No.
 19 Q. Prior to the time the announcement was
 20 made on the stage in London, were you aware that
 21 Stacy Ferguson was going to make that announcement?
 22 MS. CENAR: Objection; foundation.
 23 THE DEPONENT: I didn't even know --
 24 MR. MCPHERSON: Objection;
 25 foundation.

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1 BY MR. DICKIE:
 2 Q. Pardon me?
 3 A. I don't know.
 4 Q. Well, were you aware? She told you
 5 she was going to do that before she did it?
 6 MS. CENAR: Objection; form.
 7 THE DEPONENT: I didn't even know it
 8 happened.
 9 BY MR. DICKIE:
 10 Q. When did you find out that it
 11 happened?
 12 A. I don't -- I don't know. From you.
 13 Q. Oh, so you were on -- until today, you
 14 were unaware that before a live audience in London,
 15 Stacy Ferguson said in words or substance that The
 16 Black Eyed Peas were going on a long hiatus, or words
 17 to that effect?
 18 MR. MCPHERSON: Objection;
 19 foundation.
 20 THE DEPONENT: I didn't know what --
 21 MS. CENAR: Objection; form,
 22 foundation, mischaracterization of his testimony.
 23 THE DEPONENT: I don't know it was
 24 announced, but I knew we were taking a break.
 25 ///

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1 BY MR. DICKIE:
 2 Q. And you knew that before it was
 3 announced; isn't that right?
 4 MS. CENAR: Objection to form.
 5 THE DEPONENT: I knew -- I didn't know
 6 she announced it, but I knew we were going to take a
 7 break.
 8 BY MR. DICKIE:
 9 Q. And when did you first know that you
 10 were going to take a break?
 11 A. I don't remember.
 12 MS. CENAR: Objection to form.
 13 THE DEPONENT: Sometime.
 14 BY MR. DICKIE:
 15 Q. Well, was it before or after you went
 16 to London?
 17 MS. CENAR: Objection; form.
 18 THE DEPONENT: Before, I guess.
 19 BY MR. DICKIE:
 20 Q. Was it while you were in Europe or
 21 before you went to Europe?
 22 MS. CENAR: Objection; form.
 23 THE DEPONENT: Way before.
 24 BY MR. DICKIE:
 25 Q. How long before?

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1 A. I don't know.
 2 Q. And what were the circumstances by
 3 which you first became aware of it?
 4 MS. CENAR: Objection; form.
 5 THE DEPONENT: "The circumstances"?
 6 What does that mean?
 7 BY MR. DICKIE:
 8 Q. How did you find out?
 9 MS. CENAR: Objection to form.
 10 THE DEPONENT: I don't -- I don't
 11 remember. It was just -- it was time to take a
 12 break. It's like our cycle.
 13 MS. CENAR: Counsel, does this have
 14 anything to do with this lawsuit? Because if not,
 15 we're harassing again.
 16 BY MR. DICKIE:
 17 Q. Now, did you have a discussion with
 18 anyone regarding the reasons for the break?
 19 MS. CENAR: Same objections; form,
 20 foundation, harassment.
 21 THE DEPONENT: No. It's always been
 22 our pattern --
 23 BY MR. DICKIE:
 24 Q. And --
 25 A. -- to take a break after a long run.

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1 Q. Do you know whether Stacy Ferguson was
 2 ever sued for copyright infringement before she
 3 joined The Black Eyed Peas?
 4 MS. CENAR: Objection; form --
 5 THE DEPONENT: No.
 6 MS. CENAR: -- foundation,
 7 harassment.
 8 THE DEPONENT: I don't know that.
 9 BY MR. DICKIE:
 10 Q. Have you ever discussed with her the
 11 significance of her being included in a copyright
 12 infringement lawsuit?
 13 A. No.
 14 MS. CENAR: Same objections.
 15 BY MR. DICKIE:
 16 Q. Do you know what each member of
 17 The Black Eyed Peas receives as artist royalties from
 18 the album "The E.N.D."?
 19 MS. CENAR: Objection; form,
 20 foundation.
 21 MR. MCPHERSON: Objection; vague and
 22 ambiguous.
 23 BY MR. DICKIE:
 24 Q. Do you know what you receive?
 25 MS. CENAR: Same objections.

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1 THE DEPONENT: No.
 2 BY MR. DICKIE:
 3 Q. Now, what is your understanding of
 4 what -- or what the arrangement is between The Black
 5 Eyed Peas and Cherry Lane Music Publishing Company?
 6 A. Say that again.
 7 MS. CENAR: Objection to form.
 8 BY MR. DICKIE:
 9 Q. Do you know who or what Cherry Lane
 10 Music Publishing Company is?
 11 A. Our music publisher.
 12 Q. Well, is it the label?
 13 MS. CENAR: Objection to form.
 14 THE DEPONENT: I don't know. It's a
 15 publishing company.
 16 BY MR. DICKIE:
 17 Q. Do you know what the difference is
 18 between a publishing company and a label?
 19 A. No.
 20 MR. DICKIE: Mark that as the next
 21 exhibit, if you would, Tracy, please.
 22 MS. CENAR: Are we done with the liner
 23 notes?
 24 MR. DICKIE: We are.
 25 ///

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1 (WHEREUPON, PLAINTIFF'S EXHIBIT NUMBER
 2 16 WAS MARKED FOR IDENTIFICATION BY
 3 THE DEPOSITION OFFICER.)
 4 MR. DICKIE: Counsel, do you know
 5 where the originals are that I gave to be enlarged
 6 during the lunch break?
 7 MS. CENAR: Everything that you
 8 gave --
 9 MR. DICKIE: I got the stack back.
 10 MS. CENAR: Everything that you gave
 11 was returned and set right next to your associate.
 12 MR. DICKIE: The enlargements are
 13 there.
 14 MS. CENAR: Everything that you handed
 15 and returned were given to you -- given to your
 16 associate.
 17 You weren't in the room at the time,
 18 but they were set next to her.
 19 MR. DICKIE: That's why I asked.
 20 Exhibit what?
 21 DEPOSITION OFFICER: 16.
 22 BY MR. DICKIE:
 23 Q. Mr. Adams --
 24 MS. CENAR: What is the Bates number
 25 on that? And this is not Mr. Adams.

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1 BY MR. DICKIE:
 2 Q. I mean Mr. Pineda, look at Exhibit 16,
 3 if you would, please.
 4 MS. CENAR: Counsel, for the record --
 5 MR. DICKSTEIN: Can you identify what
 6 the document is?
 7 MS. CENAR: Yeah.
 8 For the record, we don't have the
 9 Bates number on the enlargement.
 10 MR. DICKIE: It has CHERRY-PR 55.
 11 MS. CENAR: So it's 55 through --
 12 MR. DICKIE: 63.
 13 MS. CENAR: -- 63.
 14 BY MR. DICKIE:
 15 Q. Do you have that document, sir?
 16 A. Yeah.
 17 MS. CENAR: Is that large enough?
 18 THE DEPONENT: Yeah.
 19 BY MR. DICKIE:
 20 Q. If you would, turn to the page that
 21 has on it the production number 60 -- CHERRY-PR 60.
 22 It's generally found in the right-hand corner of each
 23 page, the numbers.
 24 (DOCUMENT REVIEWED BY THE DEPONENT.)
 25 ///

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1 BY MR. DICKIE:
 2 Q. Did you find that page, Mr. Pineda?
 3 A. Uh-huh.
 4 Q. And if you'll look down there near the
 5 bottom, there's a signature line that says:
 6 "Allan Pineda, individually
 7 and on behalf of any music
 8 publishing entities he may own or
 9 control, directly or indirectly,
 10 and on behalf of publisher and on
 11 behalf of BEP, Inc., as his interest
 12 may appear."
 13 Do you see that?
 14 A. Yeah.
 15 Q. And above that, there's a handwritten
 16 signature which appears to be that of Allan Pineda.
 17 Can you confirm for me, sir, that
 18 this is a true, correct, and accurate copy of the
 19 signature you placed on this document?
 20 A. Yes.
 21 Q. And do you know what this document
 22 is?
 23 MS. CENAR: Objection to form.
 24 THE DEPONENT: No.
 25 ///

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1 BY MR. DICKIE:
 2 Q. Do you see where in the opening
 3 sentence on the top it says:
 4 "Agreement dated as of June
 5 20th, 2003, between Cherry Lane
 6 Music Publishing Company, Inc., and
 7 Jaime Gomez, William Adams, Allan
 8 Pineda"?
 9 MS. CENAR: He's asking you to look at
 10 the first page.
 11 THE DEPONENT: Uh-huh.
 12 What's the question?
 13 BY MR. DICKIE:
 14 Q. The question is: Do you know what
 15 this document represents?
 16 MS. CENAR: Objection to form.
 17 THE DEPONENT: I guess it's Cherry
 18 Lane Publishing Company.
 19 BY MR. DICKIE:
 20 Q. Well, what was the reason that
 21 Jaime Gomez -- Jaime Gomez, William Adams, and
 22 Allan Pineda were entering into an agreement with
 23 Music Lane Publishing Company?
 24 A. I don't know.
 25 MS. CENAR: Objection; form,

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1 foundation.
 2 And you were saying "Cherry Lane Music
 3 Publishing Company"?
 4 MR. DICKIE: That's what it says.
 5 MS. CENAR: That's not what you said
 6 in your question.
 7 MR. DICKIE: Cherry Lane Music
 8 Publishing Company, Inc.
 9 BY MR. DICKIE:
 10 Q. Do you know why you signed this
 11 agreement, sir?
 12 MS. CENAR: Objection to form.
 13 THE WITNESS: I think this is what we
 14 assigned to them as our publisher -- our publishing
 15 company.
 16 BY MR. DICKIE:
 17 Q. And what is the -- what does
 18 Cherry Lane Music Publishing Company, Inc., do
 19 for yourself, Mr. Gomez, and Mr. Adams?
 20 MS. CENAR: Objection; form,
 21 foundation.
 22 THE DEPONENT: I guess they're the one
 23 that collects our -- our publishing.
 24 BY MR. DICKIE:
 25 Q. Well, when you say "collects our

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1 publishing," are you talking about collects your
 2 revenue for songs and performances?
 3 MS. CENAR: Objection; form,
 4 foundation.
 5 THE DEPONENT: I guess.
 6 BY MR. DICKIE:
 7 Q. Well, take a look at the last two
 8 pages of the document -- there are actually three
 9 pages. It's called Exhibit A to the agreement.
 10 Do you see that exhibit?
 11 MS. CENAR: What page number do you
 12 want him on?
 13 BY MR. DICKIE:
 14 Q. It's at the top and it's Bates Number
 15 page 61, but it's probably split up on that document.
 16 MS. CENAR: It's 61. You said the top
 17 of that page?
 18 MR. DICKIE: Yep.
 19 MS. CENAR: Okay. I think he's
 20 referring to this one.
 21 BY MR. DICKIE:
 22 Q. See where it says Exhibit A to the
 23 agreement?
 24 A. Yeah.
 25 Q. And then underneath it, there are a

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1 number of 14 separate entries which appear to be the
 2 title of songs; would you agree?
 3 A. Uh-huh.
 4 Q. Then do you see how it lists writers
 5 and sets out the copyright splits.
 6 Do you see that?
 7 A. Yep.
 8 Q. Are these the same copy- -- strike
 9 that.
 10 Is there an agreement that you have
 11 regarding -- by "you" I mean The Black Eyed Peas --
 12 have regarding the album "The E.N.D.," which in a
 13 similar fashion sets forth the specific copyright
 14 splits for each of the songs on "The E.N.D." album?
 15 MS. CENAR: Objection to form.
 16 THE DEPONENT: Yes.
 17 BY MR. DICKIE:
 18 Q. And what is the title of that
 19 agreement?
 20 A. I -- I don't know.
 21 Q. When was that agreement entered
 22 into?
 23 MS. CENAR: Objection to form.
 24 THE DEPONENT: I -- I don't know.
 25 ///

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1 BY MR. DICKIE:
 2 Q. And do you know who the parties to
 3 that agreement are?
 4 MS. CENAR: Objection to the form.
 5 THE DEPONENT: No. I mean, whoever
 6 wrote it, I guess.
 7 MR. DICKIE: Tracy.
 8 MS. CENAR: Is that one 16?
 9 MR. DICKIE: Yep.
 10 DEPOSITION OFFICER: There you go.
 11 BY MR. DICKIE:
 12 Q. Mr. Pineda --
 13 MS. CENAR: Sorry. Hold on.
 14 For the record, Exhibit Number 16 --
 15 or I'm sorry.
 16 Exhibit Number 17 is Bates Number 64?
 17 MR. DICKIE. Yeah, I'll take care of
 18 identifying the document.
 19 BY MR. DICKIE:
 20 Q. Mr. Pineda --
 21 MR. DICKSTEIN: Did you identify the
 22 document, Mr. Dickie?
 23 MR. DICKIE: What's that?
 24 MR. DICKSTEIN: You said you were
 25 going to identify.

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1 MR. DICKIE: I will.
 2 Exhibit 17 for identification is a
 3 document containing Bates Number PR 64. It is a
 4 one-page document. It has three numbered paragraphs
 5 and two signatures.
 6 (WHEREUPON, PLAINTIFF'S EXHIBIT NUMBER
 7 17 WAS MARKED FOR IDENTIFICATION BY
 8 THE DEPOSITION OFFICER.)
 9 BY MR. DICKIE:
 10 Q. Do you have that document in front of
 11 you, sir?
 12 A. Yeah.
 13 Q. And near the bottom of the -- what
 14 would appear to be the signature line, which is
 15 probably on the second document that you have -- or
 16 the second page of the Exhibit 17, does your name
 17 appear?
 18 A. My name?
 19 Q. Yep. And your signature.
 20 A. Well, it just -- it doesn't look like
 21 my signature.
 22 Q. What's that?
 23 A. I don't put one "L."
 24 Q. So is that -- is that or is that not
 25 your signature?

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1 A. Hm. Yeah, it is my name.
 2 Q. But is it your signature?
 3 A. It is -- it is signed, but I don't
 4 sign my name like that.
 5 Q. Do you recall authorizing somebody to
 6 sign your name?
 7 MS. CENAR: Objection to form.
 8 THE DEPONENT: This is one "L" on
 9 there.
 10 What do I do with that?
 11 BY MR. DICKIE:
 12 Q. Well, you can tell me whether that is
 13 or is not your signature.
 14 MS. CENAR: Objection; asked and
 15 answered.
 16 THE DEPONENT: That is my signature.
 17 BY MR. DICKIE:
 18 Q. And the "Elephunk" agreement, was that
 19 with respect to the album of the same name?
 20 MS. CENAR: Objection; form.
 21 THE DEPONENT: It's -- I don't -- I
 22 don't get the question.
 23 BY MR. DICKIE:
 24 Q. Was there an album called
 25 "Elephunk"?

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1 A. From us?
 2 Q. Yes.
 3 A. Yes.
 4 Q. And do see in Paragraph 1 of Exhibit
 5 17, Mr. Adams is deemed to be removed as a party to
 6 the June 20th agreement from 2003, Exhibit 16?
 7 MS. CENAR: Objection to the form of
 8 the question.
 9 Where are you reading, Counsel?
 10 MR. DICKIE: Just read the document,
 11 Counsel.
 12 MS. CENAR: Object to the form of the
 13 question. Move to strike.
 14 BY MR. DICKIE:
 15 Q. See the top -- the first line of this
 16 document, Exhibit 17, you see there where it says:
 17 "References made to a certain
 18 agreement dated as of June 20th, 2003"?
 19 A. Uh-huh.
 20 Q. And then it goes down to say in
 21 paragraph one:
 22 "William Adams is deemed removed
 23 as a party with regard to the Option
 24 Albums referred to in paragraph 6..."
 25 Of -- I believe it is the "June 20th, 2003,

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1 agreement.
 2 Do you know why Mr. Adams was
 3 removed?
 4 MS. CENAR: Objection under the Rule
 5 of Completeness, the line --
 6 THE DEPONENT: No.
 7 MS. CENAR: -- above that paragraph
 8 should be read.
 9 MR. DICKIE: That isn't the Rule of
 10 Completeness.
 11 BY MR. DICKIE:
 12 Q. If you look back at Exhibit 16 -- do
 13 you still have that exhibit, sir?
 14 A. Uh-huh.
 15 Q. If you look back to the list of songs
 16 that appear in that exhibit -- go to the last three
 17 pages, Mr. Pineda.
 18 Do you see the whole list of songs?
 19 A. Uh-huh.
 20 Q. Are those songs part of the Elephunk
 21 agreement -- album?
 22 MS. CENAR: Objection to the form.
 23 THE DEPONENT: Are these songs part of
 24 "Elephunk"?
 25 ///

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1 BY MR. DICKIE:
 2 Q. Pardon me?
 3 Are these songs part of --
 4 MS. CENAR: Want him to read off
 5 all --
 6 BY MR. DICKIE:
 7 Q. -- part of the "Elephunk" album?
 8 A. Are these songs on "Elephunk"?
 9 Q. Yes.
 10 A. Yes.
 11 Q. Do you know why -- strike that.
 12 Do you know when it was that
 13 Exhibit 17 was executed by you?
 14 MS. CENAR: Objection to the form.
 15 THE DEPONENT: Exhibit what?
 16 Exhibit 17?
 17 MS. CENAR: Exhibit 17?
 18 MR. DICKIE: Yep.
 19 MS. CENAR: He's asking about this
 20 one. This one is Exhibit 17.
 21 THE DEPONENT: Oh. No, I don't.
 22 BY MR. DICKIE:
 23 Q. And you don't know why that agreement
 24 came to be executed; right?
 25 A. No.

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1 Q. Have you ever heard of an entity
 2 called BEP Music, LLC?
 3 A. LLC? I'm not sure. I mean,
 4 there's -- I heard of BEP Music, Inc.
 5 Q. Yes, but I was asking you about
 6 BEP Music, LLC. Have you ever heard of it?
 7 A. No.
 8 Q. Have you ever heard of an entity
 9 called What A Music, Ltd.?
 10 A. No.
 11 MR. DICKIE: Could you mark that,
 12 Tracy, please.
 13 DEPOSITION OFFICER: Yes.
 14 (WHEREUPON, PLAINTIFF'S EXHIBIT NUMBER
 15 18 WAS MARKED FOR IDENTIFICATION BY
 16 THE DEPOSITION OFFICER.)
 17 BY MR. DICKIE:
 18 Q. I've asked the reporter, Mr. Pineda,
 19 to hand you what I've had marked as Exhibit 18.
 20 MS. CENAR: Counsel, hold on one
 21 second, please.
 22 This Exhibit 18 is designated as
 23 "highly confidential," Mr. Dickstein; is that okay?
 24 MR. DICKSTEIN: No problem.
 25 ///

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1 BY MR. DICKIE:
 2 Q. Mr. Pineda, the first sentence says:
 3 "This memorandum will set
 4 forth the material terms of the
 5 understanding and agreement between
 6 BEP Music, LLC, ("Company") on the
 7 one hand, and What A Music, Limited,
 8 ("Lender") on the other hand, for
 9 the non-exclusive services of
 10 David Guetta...." in connection with
 11 "...I Gotta Feeling."
 12 Did you have anything to do with the
 13 negotiation or establishment of the terms and
 14 conditions of this agreement?
 15 MR. DICKSTEIN: Objection to form;
 16 foundation.
 17 MS. CENAR: Same objections.
 18 MR. DICKSTEIN: His reading of the
 19 document.
 20 THE DEPONENT: No.
 21 BY MR. DICKIE:
 22 Q. Who on behalf of The Black Eyed Peas
 23 negotiated the arrangement with David Guetta as
 24 producer for purposes of the song "I Gotta
 25 Feeling"?

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1 MR. DICKSTEIN: Objection; foundation,
 2 form.
 3 MS. CENAR: Objection; form,
 4 foundation.
 5 THE DEPONENT: What is the question
 6 again?
 7 BY MR. DICKIE:
 8 Q. Who on behalf of The Black Eyed Peas
 9 negotiated the arrangement with David Guetta as
 10 producer for purposes of the song "I Gotta
 11 Feeling"?
 12 MR. MCPHERSON: Objection;
 13 speculation.
 14 MR. DICKSTEIN: Objection;
 15 foundation.
 16 THE DEPONENT: I don't know.
 17 BY MR. DICKIE:
 18 Q. Did you have any discussions with
 19 anyone regarding the arrangement by which Mr. Guetta
 20 became involved with the song "I Gotta Feeling"?
 21 A. No.
 22 MS. CENAR: Objection to the form, and
 23 foundation.
 24 THE DEPONENT: No.
 25 ///

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1 BY MR. DICKIE:
 2 Q. Are you aware of anyone within
 3 The Black Eyed Peas that had any involvement in this
 4 creation of this exhibit which appears at Riesterer,
 5 pages 10 through 31?
 6 MS. CENAR: Objection; form,
 7 foundation.
 8 THE DEPONENT: No.
 9 BY MR. DICKIE:
 10 Q. Have you ever seen this document
 11 before?
 12 A. No.
 13 Q. Do you know why this document was
 14 created and executed?
 15 MS. CENAR: Objection; form,
 16 foundation.
 17 THE DEPONENT: No.
 18 MS. CENAR: Are you done with the
 19 exhibit?
 20 MR. DICKIE: Yep. Yes, ma'am.
 21 BY MR. DICKIE:
 22 Q. Do you know who DAS or what
 23 DAS Communications, Limited, is?
 24 A. DAS Communication?
 25 Q. Yes.

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1 A. Yes.
 2 Q. What is it?
 3 A. Our management; Black Eyed Peas'
 4 management.
 5 Q. And what do you mean "The Black Eyed
 6 Peas' management"?
 7 MS. CENAR: Objection to form.
 8 THE DEPONENT: They manage The Black
 9 Eyed Peas.
 10 BY MR. DICKIE:
 11 Q. And for how long a period has DAS
 12 Communications managed The Black Eyed Peas?
 13 MR. PINK: Foundation.
 14 MS. CENAR: Objection to form.
 15 THE DEPONENT: I'm going to -- eight
 16 years, ten years. I don't remember.
 17 BY MR. DICKIE:
 18 Q. Are they still the management for
 19 The Black Eyed Peas?
 20 A. Yes.
 21 Q. Do you have any direct interaction
 22 with DAS Communications?
 23 MS. CENAR: Objection to form.
 24 THE DEPONENT: Yeah.
 25 ///

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1 BY MR. DICKIE:
 2 Q. And what is the nature and extent of
 3 your involvement with them? What do you and they do
 4 together?
 5 MS. CENAR: Objection to form.
 6 THE DEPONENT: I don't know. Schedule
 7 our tours and endorsement deals.
 8 BY MR. DICKIE:
 9 Q. Is that the entity with whom
 10 Scott Larkin -- or Sean Larkin is involved?
 11 A. Excuse me?
 12 Q. Is Sean Larkin involved with DAS
 13 Communications?
 14 MS. CENAR: Objection to form.
 15 THE DEPONENT: No.
 16 BY MR. DICKIE:
 17 Q. And who is Fred Goldring?
 18 MR. PINK: Lacks foundation.
 19 THE DEPONENT: I don't know.
 20 BY MR. DICKIE:
 21 Q. Do you know who Helen Yu is?
 22 A. Heard of her. I don't know what she
 23 does.
 24 Q. Do you interact with her?
 25 A. No.

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1 Q. And how about Peter Premont?
 2 A. No.
 3 MR. PINK: Counsel, do you know how
 4 much longer you'll be going today?
 5 MR. DICKIE: No, I don't.
 6 MR. PINK: Do you have an estimate?
 7 MR. DICKIE: I don't.
 8 MS. CENAR: I have --
 9 BY MR. DICKIE:
 10 Q. Are you aware of 315 Music, LLC?
 11 A. No.
 12 Q. Have you ever heard of that entity?
 13 A. No.
 14 Q. And am I correct that, to the best of
 15 your knowledge, you have no involvement with that
 16 entity?
 17 MS. CENAR: Objection; form,
 18 foundation.
 19 THE DEPONENT: Not that I know of.
 20 BY MR. DICKIE:
 21 Q. Now, are you indemnified by any person
 22 or entity in connection with this case?
 23 A. What does that --
 24 MS. CENAR: Objection; form,
 25 foundation, calls for a legal conclusion.

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1 THE DEPONENT: What was that? Can you
 2 rephrase that question?
 3 BY MR. DICKIE:
 4 Q. Sure.
 5 Are you familiar with the term
 6 "indemnification."
 7 A. Heard of it, but not really.
 8 Q. Has anyone told you that in the event
 9 of an adverse outcome in this case, someone other
 10 than you would be responsible for any damages?
 11 A. I don't know that.
 12 Q. Have you ever had a discussion about
 13 who is responsible, for example, for paying your
 14 attorneys' fees in this case?
 15 MS. CENAR: Objection to the form.
 16 THE DEPONENT: I don't --
 17 BY MR. DICKIE:
 18 Q. Are you aware of any agreement
 19 whereby someone other than yourself has agreed to pay
 20 the two lawyers for your defense in this case under
 21 an indemnification agreement?
 22 MS. CENAR: Objection; form,
 23 foundation.
 24 THE DEPONENT: I don't know.
 25 ///

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1 BY MR. DICKIE:
 2 Q. Now, Mr. Pineda, when The Black Eyed
 3 Peas are not on tour, do The Black Eyed Peas record
 4 and have regular band meetings?
 5 MS. CENAR: Objection to the form.
 6 THE DEPONENT: Not on tour?
 7 BY MR. DICKIE:
 8 Q. Right. Not on tour.
 9 A. Well, we're about to start a tour.
 10 Q. Well, but ordinarily when you're not
 11 on tour, do you meet regularly as a band?
 12 MS. CENAR: Objection; form.
 13 THE DEPONENT: No.
 14 BY MR. DICKIE:
 15 Q. Do you have regular practice sessions
 16 when you are not on tour?
 17 A. Only when we're about to go on tour.
 18 Q. And while you're not on tour, do you
 19 meet regularly with the other members of The Black
 20 Eyed Peas for purposes of doing joint music writing
 21 or lyric-writing sessions?
 22 MS. CENAR: Objection; form,
 23 foundation.
 24 THE DEPONENT: Yeah.
 25 ///

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1 BY MR. DICKIE:
 2 Q. With what frequency do you do that?
 3 MS. CENAR: Same objection.
 4 THE DEPONENT: We --
 5 BY MR. DICKIE:
 6 Q. How often?
 7 A. It depends how many songs we're doing.
 8 If it's one song, maybe we meet twice.
 9 Q. Now, can you tell me as a point in
 10 time when it was that you first began the process of
 11 creating the album "The E.N.D."?
 12 MS. CENAR: Objection to form.
 13 THE DEPONENT: Say that again.
 14 BY MR. DICKIE:
 15 Q. When was it as a point in time that
 16 The Black Eyed Peas first commenced their work on
 17 creating "The E.N.D." album?
 18 A. I don't remember.
 19 Q. And can you tell me as a point in time
 20 when it was in the creative development "The E.N.D."
 21 album, that the song "I Gotta Feeling" first came
 22 up?
 23 MS. CENAR: Objection to the form.
 24 THE DEPONENT: I don't know. I don't
 25 remember.

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1 BY MR. DICKIE:
 2 Q. Do you remember whether in the process
 3 it was the first song that came up or whether it was
 4 the last track that came up?
 5 MS. CENAR: Objection.
 6 BY MR. DICKIE:
 7 Q. Do you have any recollection one way
 8 or the other as to when that was?
 9 MS. CENAR: Objection to form.
 10 THE DEPONENT: No, I don't remember.
 11 BY MR. DICKIE:
 12 Q. When was it that you first heard the
 13 music that is found in "I Gotta Feeling"?
 14 MS. CENAR: Objection to form.
 15 THE DEPONENT: When did I hear it
 16 first?
 17 BY MR. DICKIE:
 18 Q. Yep.
 19 A. When I recorded my parts.
 20 Q. Well, when was that, sir?
 21 MS. CENAR: Objection to form.
 22 THE DEPONENT: I don't remember.
 23 BY MR. DICKIE:
 24 Q. Had the lyrics already been written?
 25 A. Yeah.

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1 Q. When was it that you first heard the
 2 lyrics for "I Gotta Feeling"?
 3 MS. CENAR: Objection to form.
 4 THE DEPONENT: I don't remember. I
 5 just came by.
 6 BY MR. DICKIE:
 7 Q. Mr. Pineda, I'd like to ask you a few
 8 questions about some people in the music business,
 9 and if you know them, please tell me and then I'll
 10 have some other questions.
 11 If not, we'll move right along.
 12 Are you familiar with an individual by
 13 the name of Flo Rida?
 14 MS. CENAR: Could you spell that for
 15 the record, please.
 16 MR. DICKIE: F-l-o R-i-d-a.
 17 THE DEPONENT: Yes.
 18 BY MR. DICKIE:
 19 Q. And who or what is that individual?
 20 A. Who is he?
 21 Q. Uh-huh. Yes.
 22 A. My artist from Miami.
 23 Q. Have you ever met with him or worked
 24 with him?
 25 MR. PINK: Object to the form.

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1 THE DEPONENT: No.
 2 BY MR. DICKIE:
 3 Q. Have you ever collaborated on any song
 4 with him?
 5 A. No.
 6 MS. CENAR: Objection to form.
 7 BY MR. DICKIE:
 8 Q. Are you acquainted with an individual
 9 by the name of Joachim Garraud?
 10 MS. CENAR: Could you spell that for
 11 the record, please?
 12 MR. DICKIE: J-o-a-c-h-i-m
 13 G-a-r-r-a-u-d.
 14 THE DEPONENT: No.
 15 BY MR. DICKIE:
 16 Q. Are you familiar with a band called
 17 Laroux?
 18 MS. CENAR: Could you spell that for
 19 the record, please?
 20 THE DEPONENT: No.
 21 MS. CENAR: Could you spell that for
 22 the record, please?
 23 MR. DICKIE: The court reporter has it
 24 already.
 25 MS. CENAR: I don't know the name or

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1 the spelling of it. Could you tell me the name of --
 2 the spelling of the man you just referred to, please?
 3 MR. DICKIE: It's L-a-r-o-u-x.
 4 MS. CENAR: Thank you.
 5 MR. DICKIE: If you would read the
 6 transcript, you would already see it. You wouldn't
 7 have to ask to have it repeated.
 8 MR. PINK: Let's try and be civil,
 9 shall we?
 10 MR. DICKIE: What's that?
 11 MR. PINK: I said, "Let's try and be
 12 civil, shall we?"
 13 BY MR. DICKIE:
 14 Q. Do you know anything about the band
 15 Laroux?
 16 A. No.
 17 Q. Do you know whether any of your
 18 compatriots at The Black Eyed Peas have ever done
 19 anything with the band Laroux?
 20 MS. CENAR: Objection to form,
 21 foundation.
 22 THE DEPONENT: I don't know.
 23 BY MR. DICKIE:
 24 Q. Do you know who Martin Kierszenbaum
 25 is?

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1 A. Yes.
 2 Q. He's affiliated with Interscope; isn't
 3 that correct?
 4 A. Yes.
 5 Q. And you've met Mr. Kierszenbaum from
 6 time to time; is that correct?
 7 A. Yes.
 8 Q. What is his position?
 9 A. I -- you know what? I don't know.
 10 Q. Have you ever communicated with
 11 Mr. Kierszenbaum regarding any musical compositions,
 12 lyrics, or any of the songs on any of The Black Eyed
 13 Peas albums?
 14 A. No.
 15 Q. Has he ever attended any recording
 16 sessions, so as far as you are aware, with The Black
 17 Eyed Peas?
 18 MS. CENAR: Objection to form.
 19 THE DEPONENT: I don't know.
 20 BY MR. DICKIE:
 21 Q. He's involved with international
 22 operations in some respect at Interscope; isn't that
 23 correct?
 24 MR. PINK: Lacks foundation.
 25 THE DEPONENT: I have no idea. I just

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1 know his name.
 2 BY MR. DICKIE:
 3 Q. Pardon me?
 4 A. I just -- I know he works for
 5 Interscope. I don't know his position.
 6 Q. Have you met him?
 7 A. Yes.
 8 Q. In what context?
 9 MR. PINK: Form.
 10 THE DEPONENT: Just introduced to me,
 11 but I didn't -- I know he works for Interscope. I
 12 don't know his title.
 13 BY MR. DICKIE:
 14 Q. And he was introduced to you by
 15 whom?
 16 A. Probably on a visit to Interscope.
 17 Q. And when -- during the visit, did you
 18 ever discuss -- were you with others, by the way?
 19 A. Excuse me?
 20 Q. Were you with others when you met
 21 Mr. Kierszenbaum?
 22 MS. CENAR: Objection to form.
 23 THE DEPONENT: Has to be with -- I
 24 don't know -- with the Peas or -- I can't recall
 25 which -- which time I --

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1 BY MR. DICKIE:
 2 Q. Do you know whether Mr. Adams has ever
 3 communicated with Mr. Kierszenbaum regarding any of
 4 the music or lyrics in any of The Black Eyed Peas
 5 songs?
 6 A. Oh, I don't know.
 7 MS. CENAR: Objection; form,
 8 foundation.
 9 BY MR. DICKIE:
 10 Q. Has Mr. Adams ever suggested to you
 11 that he and Mr. Kierszenbaum had spoken regarding
 12 musical composition for what The Black Eyed Peas
 13 would do or have done?
 14 MS. CENAR: Objection; form,
 15 foundation.
 16 THE DEPONENT: I don't know.
 17 BY MR. DICKIE:
 18 Q. You don't know whether he's ever said
 19 that to you?
 20 MS. CENAR: Objection; form.
 21 THE DEPONENT: Never said that to me,
 22 and I don't know what they talked about or
 23 something.
 24 BY MR. DICKIE:
 25 Q. Do you know an individual by the name

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1 of Ryan Tedder?
 2 A. No.
 3 Q. Do you know an artist by the name of
 4 Dr. Luke?
 5 MS. CENAR: Could you spell that for
 6 the record, please?
 7 MR. DICKIE: Luke, L-u-k-e.
 8 THE DEPONENT: Yes, I heard of
 9 Dr. Luke.
 10 BY MR. DICKIE:
 11 Q. Have you ever met Dr. Luke?
 12 A. No.
 13 Q. Do you know whether any of the folks
 14 at The Black Eyed Peas, your fellow band members,
 15 have ever collaborated with him on any songs?
 16 MS. CENAR: Objection; form,
 17 foundation.
 18 THE DEPONENT: I don't know.
 19 BY MR. DICKIE:
 20 Q. Do you know Printz Board?
 21 A. Yes.
 22 Q. And who is that?
 23 A. Our keyboardist.
 24 Q. And do you know whether your
 25 keyboardist has been with The Black Eyed Peas for a

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1 while?
 2 A. Yes.
 3 MS. CENAR: Objection; form.
 4 BY MR. DICKIE:
 5 Q. How long?
 6 A. Ten years.
 7 Q. Has he worked with any other groups or
 8 any other artists other than The Black Eyed Peas in
 9 that ten years?
 10 MR. PINK: Calls for speculation.
 11 THE DEPONENT: I don't know. I don't
 12 know that information.
 13 BY MR. DICKIE:
 14 Q. And what is it that he does -- that
 15 is, Mr. Printz -- for The Black Eyed Peas?
 16 MS. CENAR: Objection; form,
 17 foundation.
 18 THE DEPONENT: Plays keyboard for our
 19 band.
 20 BY MR. DICKIE:
 21 Q. Did he tour with the band?
 22 A. Yes.
 23 Q. He would have toured to France and
 24 other foreign countries?
 25 A. Yes.

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1 Q. And when was it that the band went to
 2 Europe for the first time?
 3 MR. PINK: Objection; form.
 4 MS. CENAR: Objection; form,
 5 foundation.
 6 THE DEPONENT: For the first time
 7 ever?
 8 BY MR. DICKIE:
 9 Q. Yes, as The Black Eyed Peas.
 10 MS. CENAR: I'm sorry. Is this the
 11 question "when the band went"?
 12 MR. DICKIE: That was the question.
 13 MS. CENAR: The band or The Black Eyed
 14 Peas?
 15 MR. DICKIE: The band, The Black Eyed
 16 Peas.
 17 MS. CENAR: The band or The Black Eyed
 18 Peas.
 19 MR. DICKIE: The band, The Black Eyed
 20 Peas.
 21 MS. CENAR: Okay. Then I object to
 22 the question as compound, vague, and ambiguous.
 23 MR. DICKIE: Fine.
 24 BY MR. DICKIE:
 25 Q. You can answer the question.

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1 A. Black Eyed Peas? 1998.
 2 Q. And between 1998 and the most recent
 3 tour, were you in Europe at any other time?
 4 MS. CENAR: Objection to the form.
 5 THE DEPONENT: The last I remember is
 6 the last recent tour.
 7 BY MR. DICKIE:
 8 Q. And the time before the most recent
 9 tour, the last time was 1998; is that right?
 10 MS. CENAR: Objection;
 11 mischaracterization of the testimony.
 12 THE DEPONENT: What?
 13 BY MR. DICKIE:
 14 Q. After 1998, when was the next time The
 15 Black Eyed Peas were in Europe?
 16 A. Well, I don't remember.
 17 Q. Well, were you there more than once?
 18 A. Yes.
 19 Q. Were you there more than twice?
 20 A. Yes.
 21 Q. Were you there more than three
 22 times?
 23 A. Yes.
 24 Q. Were you there annually from 1998 to
 25 the present -- the last tour?

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1 MS. CENAR: Objection to the form.
 2 THE DEPONENT: I don't know annually,
 3 but --
 4 DEPOSITION OFFICER: "I don't
 5 know...?"
 6 THE DEPONENT: I don't know if it's
 7 annually, but when we have breaks -- I don't know. I
 8 can't recall. It's not annually, I know that.
 9 BY MR. DICKIE:
 10 Q. When the band -- when The Black Eyed
 11 Peas were in Europe, do they visit clubs and other
 12 DJs?
 13 MS. CENAR: Objection to the form.
 14 THE DEPONENT: Do we go to clubs?
 15 BY MR. DICKIE:
 16 Q. Yeah.
 17 A. Yeah.
 18 Q. Do you visit with DJs and other music
 19 people in France or Europe when you're there?
 20 MS. CENAR: Objection; form,
 21 foundation.
 22 THE DEPONENT: Do we visit with other
 23 DJs?
 24 MS. CENAR: Form.
 25 ///

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1 BY MR. DICKIE:
 2 Q. Any music people: DJs, other artists,
 3 other songwriters?
 4 MS. CENAR: Objection; form.
 5 BY MR. DICKIE:
 6 Q. That's done from time to time, isn't
 7 it?
 8 A. No, usually we DJ.
 9 Q. In other words, you go and perform in
 10 clubs; is that what you're saying?
 11 A. Yeah, we D - Yeah, we DJ when we go
 12 out.
 13 Q. Did you ever perform or do anything in
 14 a club with David Guetta?
 15 MS. CENAR: Objection; form.
 16 THE DEPONENT: Yes.
 17 BY MR. DICKIE:
 18 Q. When was the first time you did
 19 that?
 20 A. Oh. I can't recall.
 21 Q. Did you do it after 1999?
 22 A. Yes.
 23 Q. And did you do it before the writing
 24 of the songs on "The E.N.D." album began?
 25 MS. CENAR: Objection to the form.

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1 MR. PINK: Also foundation.
 2 THE DEPONENT: Say that again.
 3 BY MR. DICKIE:
 4 Q. Yeah.
 5 When were you in Europe, did you meet
 6 with and go with -- or to the club with David Guetta
 7 before 2008, but after 1999?
 8 MS. CENAR: Objection; form --
 9 THE DEPONENT: No.
 10 MS. CENAR: -- foundation.
 11 BY MR. DICKIE:
 12 Q. When was the time that you met with --
 13 you said that you met with -- or went to someplace
 14 with David Guetta after 1999?
 15 Would it be correct to say that after
 16 1999 you never visited with David Guetta in Europe
 17 again?
 18 MR. DICKSTEIN: Objection; form.
 19 MS. CENAR: Objection to the form and
 20 mischaracterization of his testimony.
 21 THE DEPONENT: I don't -- I don't
 22 remember.
 23 BY MR. DICKIE:
 24 Q. Now, are you familiar with a song
 25 called "Meet Me Halfway"?

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1 A. Yes.
 2 Q. And what was your specific
 3 contribution to that song?
 4 MR. PINK: Objection to form.
 5 THE DEPONENT: My verse.
 6 BY MR. DICKIE:
 7 Q. And can you tell me what the source of
 8 your inspiration was for that verse?
 9 MS. CENAR: Objection to the form.
 10 THE DEPONENT: My source of
 11 inspiration?
 12 BY MR. DICKIE:
 13 Q. Yes, for that particular verse for
 14 that particular song.
 15 A. I guess trying to compromise with my
 16 ex-girlfriend.
 17 Q. Did you ever listen a song called
 18 "King For a Day"?
 19 MS. CENAR: Objection to the form.
 20 THE DEPONENT: No.
 21 BY MR. DICKIE:
 22 Q. How many song writers contributed to
 23 "Meet Me Halfway"?
 24 MR. PINK: Objection to form,
 25 foundation.

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1 THE DEPONENT: Maybe six, seven.
 2 BY MR. DICKIE:
 3 Q. Was there -- in that song, was there
 4 a --
 5 MR. PINK: Was the witness done
 6 speaking?
 7 MR. DICKIE: Yeah.
 8 BY MR. DICKIE:
 9 Q. Was there an effect in that song
 10 involving a wind sound?
 11 MS. CENAR: Objection to form --
 12 BY MR. DICKIE:
 13 Q. Do you recall?
 14 A. I don't know.
 15 MS. CENAR: Foundation.
 16 DEPOSITION OFFICER: I couldn't hear
 17 you.
 18 THE DEPONENT: I don't know. I didn't
 19 produce it.
 20 BY MR. DICKIE:
 21 Q. Are you -- was there -- are you
 22 familiar with a device called an effects processor?
 23 MS. CENAR: Objection to form.
 24 THE DEPONENT: No.
 25 ///

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1 BY MR. DICKIE:
 2 Q. Do you know whether in the connection
 3 with "Meet Me Halfway" there were any special
 4 instruments or processors -- music processors
 5 involved in creating the final song?
 6 MS. CENAR: Objection to form.
 7 THE DEPONENT: I don't know that.
 8 BY MR. DICKIE:
 9 Q. Now, is there a hook line sequence in
 10 "Meet Me Halfway" that's sung by Stacy Ferguson?
 11 MS. CENAR: Objection; form,
 12 foundation.
 13 THE DEPONENT: Is there a chorus?
 14 BY MR. DICKIE:
 15 Q. Well, is there a special hook line
 16 sung by Stacy Ferguson in that song?
 17 A. Yes.
 18 MS. CENAR: Objection to form.
 19 BY MR. DICKIE:
 20 Q. And do you know the origin of that
 21 hook line?
 22 MS. CENAR: Objection to form.
 23 THE DEPONENT: No.
 24 BY MR. DICKIE:
 25 Q. Now, are you aware of any copyrighted

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1 infringement suit in which Will.i.am and
 2 Stacy Ferguson were sued for a song called "Voodoo
 3 Doll"?
 4 A. No.
 5 Q. Are you familiar with any of the songs
 6 on Ms. Ferguson's "Dutchess" album?
 7 MS. CENAR: Objection to form.
 8 THE DEPONENT: Am I familiar?
 9 BY MR. DICKIE:
 10 Q. Yes.
 11 A. Yeah, "London Bridge" and "Big Girls."
 12 Q. Are you familiar with the song "Voodoo
 13 Doll"?
 14 A. No.
 15 MS. CENAR: Objection; asked and
 16 answered.
 17 BY MR. DICKIE:
 18 Q. Are you familiar with a song called
 19 "Showdown"?
 20 A. "Showdown"?
 21 Q. Yes.
 22 A. Yes.
 23 Q. Did you -- were you a writer of some
 24 versus for that song?
 25 A. Yes.

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1 Q. And is there a special guitar scrape
 2 in that song?
 3 MS. CENAR: Objection; form,
 4 foundation.
 5 THE DEPONENT: A special what?
 6 BY MR. DICKIE:
 7 Q. Guitar scrape.
 8 A. There's a guitar in that song, yes.
 9 Q. And do you know how the guitar is used
 10 in "Showdown"?
 11 MS. CENAR: Objection; form,
 12 foundation.
 13 BY MR. DICKIE:
 14 Q. Could you describe it?
 15 MS. CENAR: Same objections.
 16 THE DEPONENT: Say that again.
 17 BY MR. DICKIE:
 18 Q. Could you describe how the guitar is
 19 used in "Showdown"?
 20 MS. CENAR: Objection; form,
 21 foundation.
 22 THE DEPONENT: No.
 23 MS. CENAR: Counsel, what does this
 24 have to do with the copyright-infringement lawsuit
 25 involving "I Gotta Feeling"?

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1 MR. DICKIE: Well, if you'd read all
 2 of the allegations, there's a pattern-and-practice
 3 claim and it has to do with --
 4 MS. CENAR: There is no
 5 pattern-and-practice claim. It's a one-count
 6 copyright-infringement claim.
 7 MR. DICKIE: There's a
 8 pattern-and-practice claim that you tried to dismiss
 9 and it's not.
 10 MS. CENAR: I disagree. There is no
 11 count. And you are --
 12 MR. DICKIE: It's not a count.
 13 MS. CENAR: -- harassing this
 14 witness.
 15 MR. DICKIE: Oh. You can take it up
 16 if you think it's really harassment, but I don't.
 17 MS. CENAR: We do. And I would ask
 18 you to move to something relevant to the lawsuit.
 19 MR. DICKIE: Counsel, I'll ask my
 20 questions, and you won't tell me what to do. No
 21 matter how many times you try that, you won't direct
 22 what we're going to do here. And you don't wear a
 23 robe and decide what is or is not appropriate or
 24 relevant.
 25 So make an objection and move along.

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1 MS. CENAR: I've made my objection.
 2 MR. DICKIE: Good.
 3 MS. CENAR: And I've asked you to move
 4 along to something relevant.
 5 MR. DICKIE: And I'm doing that, and
 6 I'm dealing with what I think is appropriate in this
 7 case. And you will not dissuade me from doing
 8 that.
 9 Do I make myself clear?
 10 MS. CENAR: Will you kindly --
 11 MR. DICKIE: Do I make myself clear?
 12 MS. CENAR: -- ask the witness
 13 questions relevant to this lawsuit?
 14 MR. DICKIE: I believe I am. And
 15 whether you think so or not is immaterial.
 16 MS. CENAR: Kindly ask the questions
 17 of this witness that are relevant to this lawsuit.
 18 MR. DICKIE: I am.
 19 MS. CENAR: Move along, then, and do
 20 so, please.
 21 MR. DICKIE: I'll do it at my pace,
 22 not yours.
 23 MS. CENAR: Go ahead.
 24 MR. DICKIE: Are we clear?
 25 MS. CENAR: Counsel --

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1 MR. DICKIE: Are we clear,
 2 Ms. Cenar?
 3 MS. CENAR: Counsel -- Counsel, I wish
 4 the video camera would be on you so they could see
 5 what you are doing right now.
 6 But would you kindly ask the witness a
 7 question relevant to the lawsuit?
 8 MR. DICKIE: I will.
 9 And I kindly would ask you to simply
 10 refrain from trying to tell me how to take this
 11 deposition.
 12 MS. CENAR: Please ask the witness a
 13 question relevant to the lawsuit.
 14 BY MR. DICKIE:
 15 Q. Who wrote the music for "Showdown"?
 16 A. Replay.
 17 Q. Anyone else?
 18 A. Me, Replay, Will, Taboo, and a
 19 guitarist. I forgot his name. Our guitarist,
 20 Bryan Benito, or something like that. I don't -- I
 21 don't know.
 22 Q. Was any song -- any copyrighted song
 23 of another artist sampled in connection with
 24 "Showdown"?
 25 A. No.

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1 MS. CENAR: Objection; form,
 2 foundation.
 3 MR. DICKIE: Do you have to change the
 4 tapes?
 5 THE VIDEOGRAPHER: Yes.
 6 MR. DICKSTEIN: Can I ask question?
 7 How much time have we've consumed?
 8 THE VIDEOGRAPHER: Let me get off
 9 here.
 10 MR. DICKSTEIN: Sure. Thank you.
 11 THE VIDEOGRAPHER: This is the end of
 12 Media Number Three in the deposition of Allan Pineda
 13 in the matter of "Bryan Pringle v. William Adams,
 14 et al."
 15 We are now going off the record. The
 16 time is 4:55 p.m.
 17 (WHEREUPON, A RECESS WAS HELD
 18 FROM 4:55 P.M. TO 5:17 P.M.)
 19 (WHEREUPON, PLAINTIFF'S EXHIBIT NUMBER
 20 19 WAS MARKED FOR IDENTIFICATION BY
 21 THE DEPOSITION OFFICER.)
 22 THE VIDEOGRAPHER: This is the
 23 beginning of Media Number Three in the deposition of
 24 Allan Pineda in the matter of "Bryan Pringle v.
 25 William Adams, et al."

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1 We are now going back on the record.
 2 The time is 5:17 p.m.
 3 BY MR. DICKIE:
 4 Q. Ready to proceed, Mr. Pineda?
 5 A. Yes.
 6 Q. You understand you're still under
 7 oath?
 8 A. Yes.
 9 Q. I'd like to have the court reporter
 10 hand you what has been marked as -- premarked as
 11 Exhibit 19 for identification. It's --
 12 Do you have them there, Tracy?
 13 DEPOSITION OFFICER: Yes.
 14 MS. CENAR: Hold on one minute.
 15 MR. DICKIE: It's an enlarged version.
 16 MS. CENAR: For the record, Exhibit 19
 17 bears the Bates Number BEP-PR 000702 to 722.
 18 MR. MCPHERSON: Dean, do you have
 19 copies?
 20 MS. CENAR: And I need a copy, too.
 21 Thank you.
 22 MR. DICKIE: That's it.
 23 MS. CENAR: Do you have the
 24 regular-size copies?
 25 MR. DICKIE: Just the set I gave

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1 you.
 2 I have the smaller versions.
 3 MS. CENAR: Could you give the smaller
 4 version --
 5 MR. DICKIE: Sure.
 6 MS. CENAR: -- so that we can follow
 7 along with it?
 8 MR. DICKIE: It is going to be very
 9 quick. I promise you that.
 10 MR. DICKSTEIN: Thank you.
 11 BY MR. DICKIE:
 12 Q. Do you have Exhibit 19, Mr. Pineda?
 13 MS. CENAR: Hold on one minute. I
 14 still don't have my copy yet.
 15 MR. PINK: You can take this one.
 16 MS. CENAR: I'm sorry.
 17 Exhibit 20 --
 18 MR. DICKIE: 19.
 19 MS. CENAR: Exhibit 20, though,
 20 appears to be two different documents.
 21 MR. DICKIE: I don't know what
 22 Exhibit 20 is. That's all in one file when we got
 23 it, so...
 24 MS. CENAR: It wasn't, because one has
 25 BEP production numbers on it and parts of it have

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1 Cherry production numbers on it.
 2 MR. DICKIE: Yeah, I understand
 3 that.
 4 MS. CENAR: That's not how they were
 5 produced.
 6 MR. DICKIE: That's --
 7 MS. CENAR: So they're not
 8 documents --
 9 MR. DICKIE: -- how it came to me, so
 10 I don't --
 11 MS. CENAR: It's not --
 12 MR. DICKIE: You can sort it out.
 13 MS. CENAR: It's not -- it's not how
 14 it came to you because I know how they were sent to
 15 you.
 16 MR. DICKIE: How it came to me, I
 17 don't know.
 18 MS. CENAR: So I have an objection to
 19 Exhibit Number 20.
 20 MR. DICKIE: Well, why don't you
 21 wait --
 22 MS. CENAR: And I have --
 23 MR. DICKIE: -- until we get to
 24 Exhibit 20. We're not there.
 25 I gave the witness Exhibit 19.

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1 Why are you fussing about something
 2 that hasn't been given to the witness in advance?
 3 MS. CENAR: Well, now I have a concern
 4 about the integrity of the documents that you've
 5 placed in front of my --
 6 MR. DICKIE: I'm so glad you do.
 7 Why don't you look at Exhibit 19 and
 8 tell me what the concern is over that document.
 9 MS. CENAR: That's what I'm doing.
 10 The objection stands with
 11 Exhibit 20.
 12 BY MR. DICKIE:
 13 Q. Well, we're not looking at Exhibit 20,
 14 Mr. Pineda, we're looking at Exhibit 19; okay?
 15 A. Okay.
 16 Q. First, let me direct your attention to
 17 page -- numbered page 15 which has Production Number
 18 -716 on the right-hand corner. It's probably near
 19 the end of the document, way near the end, you know,
 20 four or five pages from the last page.
 21 MS. CENAR: You are to look at the
 22 exhibit --
 23 You said -716, Counsel?
 24 MR. DICKIE: Yep. Yes, sir.
 25 MS. CENAR: 716. Okay.

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1 BY MR. DICKIE:
 2 Q. Do you have that page, Mr. Pineda?
 3 A. Yes.
 4 Q. And does your signature -- a true,
 5 correct, and accurate copy of your signature appear
 6 on that page?
 7 A. Yes.
 8 Q. And can you tell me what this document
 9 is?
 10 (DOCUMENT REVIEWED BY THE DEPONENT.)
 11 THE DEPONENT: It's a -- I don't know
 12 what it is, but it's from Cherry Lane.
 13 BY MR. DICKIE:
 14 Q. Well, it says "Agreement made as of
 15 September 1, 2003."
 16 Can you tell me what agreement you
 17 made with Cherry Lane Music Company on September 1,
 18 2003?
 19 A. I don't know. I don't know what this
 20 is.
 21 Q. Now, did The Black Eyed Peas make an
 22 album called "Bridging The Gap"?
 23 A. Yes.
 24 Q. When was that album created?
 25 A. 2000 -- 2000-something. I'm not

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1 exactly sure.
 2 Q. What was the nature of that? Was that
 3 a rap album?
 4 A. Yeah.
 5 MS. CENAR: Objection to form.
 6 BY MR. DICKIE:
 7 Q. Now, let me ask you to take a look at
 8 Exhibit 20, if you would, please.
 9 MS. CENAR: Exhibit 20?
 10 MR. DICKIE: 20, yeah.
 11 THE DEPONENT: Is that right?
 12 MS. CENAR: I have a standing
 13 objection to Exhibit 20.
 14 MR. DICKIE: Fine.
 15 MS. CENAR: The integrity of the
 16 exhibit is in question.
 17 MR. DICKSTEIN: Could you identify
 18 what the Bates numbers are?
 19 MR. DICKIE: Sure. This has several
 20 different Bates numbers but the first go PR 656
 21 through --
 22 MS. CENAR: That's BEP.
 23 MR. DICKIE: BEP -656 through -665.
 24 And they are followed, then, by a
 25 production CHERRY-PR -112.

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1 And then there are some other
 2 documents from PR -346.
 3 MS. CENAR: CHERRY-PR -346.
 4 MR. DICKIE: And CHERRY -55, -56,
 5 through -- it looks like -63.
 6 MR. MCPHERSON: No.
 7 MS. CENAR: No.
 8 MR. MCPHERSON: It's goes from -57 to
 9 -61, I think.
 10 MS. CENAR: Right.
 11 So CHERRY-PR 112, CHERRY-PR --
 12 MR. DICKIE: Mine has 62 and 63 as
 13 well.
 14 MR. MCPHERSON: I know, but before 61
 15 there's a break.
 16 MS. CENAR: CHERRY 346, CHERRY 000055,
 17 000056, and -57.
 18 MR. MCPHERSON: And I don't have a --
 19 DEPOSITION OFFICER: You don't have a
 20 what?
 21 MR. MCPHERSON: 63.
 22 MS. CENAR: Right.
 23 And then there's a CHERRY-PR 000061,
 24 MR. DICKIE: I'll tell you what --
 25 MS. CENAR: 0000 --

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1 MR. DICKIE: -- let met withdraw
 2 this and straighten it out because it's obvious that
 3 Ms. Cenar is correct. The pages are all screwed up.
 4 So let's get it fixed right.
 5 MS. CENAR: Okay.
 6 MR. DICKIE: And we'll move on.
 7 MS. CENAR: Exhibit 20 is withdrawn.
 8 MR. DICKIE: Thank you, Mr. Pineda. I
 9 have no further questions.
 10 MS. CENAR: We're going take a break
 11 and I'm going check my notes and see if I have any
 12 questions.
 13 THE VIDEOGRAPHER: We are now going
 14 off the record. The time is 5:25 p.m.
 15 (WHEREUPON, A RECESS WAS HELD
 16 FROM 5:25 P.M. TO 5:57 P.M.)
 17 THE VIDEOGRAPHER: We are now going
 18 back on the record. The time is 5:57 p.m.
 19
 20 EXAMINATION
 21 BY MS. CENAR:
 22 Q. Mr. Pineda, I'd like to tender to you
 23 what Mr. Dickie marked as Exhibit Number 15.
 24 Why don't you take a moment and look
 25 at that, please.

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1 (DOCUMENT REVIEWED BY THE DEPONENT.)
 2 THE DEPONENT: Okay.
 3 BY MS. CENAR:
 4 Q. Do you recall being questioned about
 5 this document?
 6 A. Yes.
 7 Q. Can you tell me approximately when
 8 this website went up on the Internet?
 9 A. I want to say 2007, 2008.
 10 Q. Thank you.
 11 MS. CENAR: Do you know where the
 12 Exhibit 5-As are?
 13 DEPOSITION OFFICER: Should be in that
 14 stack.
 15 MR. DICKIE: 5-A?
 16 MS. CENAR: The 5-A and B, the liner
 17 note exhibits.
 18 DEPOSITION OFFICER: There are some
 19 over here. Here's a bunch.
 20 MS. CENAR: No. They were ones that
 21 were marked.
 22 Do we have those?
 23 MR. DICKIE: 5-A and 5-B. I've got my
 24 5-B as well.
 25 MS. CENAR: Those are the officially

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1 marked ones?
 2 DEPOSITION OFFICER: They are.
 3 MR. DICKIE: They have red on them,
 4 yeah.
 5 (A DISCUSSION WAS HELD OFF THE RECORD.)
 6 BY MS. CENAR:
 7 Q. Mr. Pineda, Mr. Dickie asked you some
 8 questions about scheduling for your deposition dates.
 9 Do people other than yourself handle
 10 your schedule?
 11 A. Yes.
 12 Q. And would scheduling dates that worked
 13 with your touring schedule be something that would
 14 have to be coordinated with those individuals?
 15 A. Yes.
 16 Q. And did you communicate with your
 17 counsel in connection with the "Boom Boom Pow"
 18 litigation that was filed against you?
 19 A. Yes.
 20 Q. And did you communicate with your
 21 counsel with respect to this current lawsuit that was
 22 filed against you?
 23 A. Yes.
 24 Q. I'm going to tender to you what's been
 25 marked as Exhibit Number 5, which was enlarged to 5-A

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1 and 5-B.
 2 Those exhibits reflect the -- the
 3 inside jacket for the CD for the album "The E.N.D.";
 4 is that right?
 5 A. Yes.
 6 Q. And there are a number of names that
 7 are reflected in the print underneath each song;
 8 correct?
 9 A. Yes.
 10 Q. Are those individuals that are under
 11 each song individuals that may have been involved in
 12 connection with those songs?
 13 A. Yes.
 14 Q. Mr. Dickie asked you some questions
 15 about your involvement with collaboration with other
 16 artists.
 17 Do you recall those questions?
 18 A. Yes.
 19 Q. And by collaboration with other
 20 artists, did you consider those questions to include
 21 the collaboration that you do with your fellow
 22 members of The Black Eyed Peas?
 23 A. Yes.
 24 Q. Okay. So when we talk about
 25 collaboration, did you collaborate with other members

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1 of The Black Eyed Peas for the songs that appear on
 2 "The E.N.D." album?
 3 A. Yes.
 4 Q. Mr. Dickie asked you some questions
 5 about whether you had ever performed in a club with
 6 an individual named David Guetta.
 7 Do you recall those questions being
 8 asked of you?
 9 A. Yes.
 10 Q. And Mr. Dickie set a time frame of
 11 after 1999 but before 2008.
 12 Did you perform in a club with
 13 David Guetta after 1999 but before 2008?
 14 A. No.
 15 Q. Mr. Dickie asked you some questions
 16 with respect to the process that's followed for
 17 clearing samples.
 18 Do you recall those questions?
 19 A. Yes.
 20 Q. Do people other than you clear samples
 21 on your behalf?
 22 A. Yes.
 23 Q. And are the samples cleared before
 24 they're used or after they're selected?
 25 A. After.

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1 Q. Mr. Dickie asked you some questions
 2 about the video for "I Gotta Feeling," and he asked
 3 you a compound question: "Does the video for 'I
 4 Gotta Feeling' have dance moves or choreography?"
 5 I'd like to ask you those as two
 6 separate questions.
 7 Does the video for "I Gotta Feeling"
 8 have dance moves?
 9 A. Yes.
 10 Q. Does the video for "I Gotta Feeling"
 11 have choreography?
 12 A. No.
 13 MS. CENAR: I have no further
 14 questions at this time.
 15
 16 EXAMINATION
 17 BY MR. DICKIE:
 18 Q. Mr. Pineda, I just have one question.
 19 During the 31-minute break between the
 20 time I stopped and you were out in the hall, did your
 21 counsel go over with you the questions she just
 22 asked?
 23 A. No.
 24 Q. Did you review any documents?
 25 A. No.

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1 Q. And tell us on what date it was that
 2 you met with David Guetta in a club in London or in
 3 Europe somewhere.
 4 A. What date?
 5 Q. Yes.
 6 MR. MCPHERSON: Objection to form.
 7 MS. CENAR: Objection to form.
 8 THE DEPONENT: Never. I've never met
 9 with him since -- from after '99 until 2008.
 10 BY MR. DICKIE:
 11 Q. I didn't draw a distinction about any
 12 time frame. I asked you when it was that you met
 13 Mr. Guetta at some club in London or Europe.
 14 A. No.
 15 MR. DICKSTEIN: Object to form?
 16 BY MR. DICKIE:
 17 Q. When did you do that?
 18 A. Never did.
 19 Q. Did you ever see David Guetta in a
 20 club anywhere in Europe?
 21 MR. PINK: Objection to form.
 22 MS. CENAR: Objection to form.
 23 THE DEPONENT: After -- after it was
 24 all done, not -- not before.
 25 ///

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1 BY MR. DICKIE:
 2 Q. So you are saying that at no time
 3 prior to 2009 did you ever meet David Guetta?
 4 A. No.
 5 Q. You never saw him in a club anywhere
 6 in London?
 7 A. No.
 8 Q. So are you saying that when you
 9 suggested that you did earlier today, you were
 10 mistaken?
 11 MS. CENAR: Objection to the form of
 12 the question and mischaracterization of his
 13 testimony.
 14 THE DEPONENT: I was thinking recently
 15 when I performed with him, and that's what I
 16 understood was the question.
 17 BY MR. DICKIE:
 18 Q. When was it that you performed with
 19 him? What was the date?
 20 A. The recent one was June 22nd.
 21 Q. What year?
 22 A. 2011.
 23 Q. And you said that was the recent one.
 24 Was there one before that?
 25 A. I can't remember what I was doing. I

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1 can't recall.
 2 Q. Would you entertain the possibility
 3 that there was one?
 4 MR. PINK: Objection to form.
 5 MS. CENAR: Objection to form.
 6 THE DEPONENT: Not in Europe.
 7 BY MR. DICKIE:
 8 Q. Somewhere else?
 9 A. Yeah. Well, yeah.
 10 Q. Did you ever talk to Mr. Guetta or see
 11 him in a club in Colorado?
 12 A. Colorado? Yes.
 13 MS. CENAR: Objection to form.
 14 THE DEPONENT: Yes, he was there.
 15 I can't remember. It was an after
 16 party where I opened up -- I opened up for him.
 17 BY MR. DICKIE:
 18 Q. But was that after 1999 and before
 19 June of 2011?
 20 DEPOSITION OFFICER: Hang on one
 21 second.
 22 THE DEPONENT: Excuse me?
 23 DEPOSITION OFFICER: Hang on one
 24 second. I need to go off the record.
 25 THE VIDEOGRAPHER: We are now going

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1 off the record. The time is 6:08 p.m.
 2 (BRIEF PAUSE IN THE PROCEEDINGS.)
 3 THE VIDEOGRAPHER: We're now going
 4 back on the record. The time is 6:10 p.m.
 5 BY MR. DICKIE:
 6 Q. Mr. Pineda, I just asked you did you
 7 ever talk to Mr. Guetta or see him in a club in
 8 Colorado and you said yes.
 9 My next question before the court
 10 reporter's screen went blank was: Did that -- when
 11 you saw Mr. Guetta in Colorado in a club, was that
 12 after 1999 and before June of 2011?
 13 MS. CENAR: Objection to the form of
 14 the question.
 15 Is that a question or a statement?
 16 BY MR. DICKIE:
 17 Q. Can you answer the question, please,
 18 Mr. Pineda?
 19 MS. CENAR: Move to strike counsel's
 20 colloquy.
 21 THE WITNESS: June 22nd, year --
 22 yeah.
 23 BY MR. DICKIE:
 24 Q. And can you tell me how long it was
 25 prior to 2011 that it was that you and Mr. Guetta

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1 were in the club in Colorado?
 2 MS. CENAR: Objection to the form of
 3 the question.
 4 THE WITNESS: I don't -- I don't
 5 remember the date.
 6 BY MR. DICKIE:
 7 Q. Well, was it more than ten years?
 8 MR. PINK: Objection.
 9 BY MR. DICKIE:
 10 Q. Less than ten years?
 11 MS. CENAR: Objection to form.
 12 THE DEPONENT: It's short -- I mean,
 13 it's shortly before June 22nd in Paris.
 14 BY MR. DICKIE:
 15 Q. Now, were you there with Mr. Adams in
 16 the club in Colorado?
 17 A. No.
 18 Q. Was anyone besides you from The Black
 19 Eyed Peas in this club in Colorado with Mr. Guetta?
 20 A. No.
 21 MR. PINK: Object to the form.
 22 MR. DICKIE: I have no further
 23 questions.
 24 Thank you.
 25 MR. MCPHERSON: Let me say a couple of

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1 things while we are still on.
 2 MS. CENAR: Hold on. I have one
 3 quick -- quick question.
 4 MR. MCPHERSON: Oh. I'm sorry. Take
 5 your time.
 6
 7 EXAMINATION
 8 BY MS. CENAR:
 9 Q. Did I understand you to say that the
 10 time in Colorado you said was shortly before June
 11 22nd in Paris?
 12 A. It's before that, before we went to
 13 Europe. Did a tour in the U.S. and then we DJ'd
 14 together at some club. I'm not exactly --
 15 Q. But isn't that the year 2011 or '10?
 16 A. -'10 -- 2010.
 17 Q. Okay. And the June 22nd in Paris,
 18 could that have been June 23rd?
 19 MR. DICKIE: Objection; calls for
 20 speculation.
 21 THE WITNESS: Yes, when it was the
 22 concert.
 23 BY MS. CENAR:
 24 Q. When it was the concert?
 25 A. Yes.

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1 Q. And as you sit here today, do you
 2 remember whether that concert was the 22nd or the
 3 23rd in Paris?
 4 A. No, I don't know the exact date.
 5 MS. CENAR: Okay. Ed, did you have
 6 something you wanted to say?
 7 MR. MCPHERSON: Yeah.
 8 Dean, I don't -- you do not want to do
 9 the stipulations Ira did yesterday.
 10 I don't know what your pleasure is
 11 today, but I told Kara that I would put on the record
 12 kind of a California stipulation.
 13 I think Tracy had problems with the
 14 stipulation yesterday as well, but it's up to you.
 15 MR. DICKIE: I just follow the federal
 16 rules.
 17 MR. MCPHERSON: Okay.
 18 MS. CENAR: But we're --
 19 MR. MCPHERSON: And then off the
 20 record we discussed that Ms. Ferguson will be coming
 21 here.
 22 She's in a shoot today that may last
 23 until midnight tonight, so Ms. Ferguson will not be
 24 here until noon tomorrow.
 25 And Mr. Dickie and I have discussed

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1 that off the record. And that's when we'll start
 2 unless you hear anything from me tonight, but as far
 3 as I know, that's -- that's the last word.
 4 MS. CENAR: Okay. And the transcript
 5 is marked "highly confidential," as is the videotape,
 6 and it may not be used for any other purpose pursuant
 7 to the stipulation.
 8 And the witness would like to review
 9 and sign.
 10 Is there a possibility of getting the
 11 transcript in a large font size?
 12 DEPOSITION OFFICER: I will look into
 13 that, absolutely.
 14 MS. CENAR: Okay.
 15 DEPOSITION OFFICER: I'll do my very
 16 best.
 17 MS. CENAR: Thank you.
 18 THE VIDEOGRAPHER: This is the end of
 19 Media Number Four. It concludes the videotape
 20 deposition of Allan Pineda in the matter of "Bryan
 21 Pringle v. William Adams, et al."
 22 The master tapes of today's testimony
 23 will remain in the custody of Tracy Fox & Associates.
 24 We are now going off the record. The
 25 time is 6:15 p.m.

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1
 2 * * *
 3 (WHEREUPON, AT 6:15 P.M., THE
 4 DEPOSITION PROCEEDINGS WERE CONCLUDED.)
 5 -000-
 6 ///
 7 ///
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1 ---o0o---
 2
 3 DEPONENT'S SIGNATURE
 4
 5 Please be advised I, _____,
 6 have read the foregoing deposition pages _____
 7 through _____, inclusive. I hereby state
 8 there are:
 9
 10 (CHECK ONE):
 11 _____ NO CORRECTIONS.
 12 _____ CORRECTIONS PER ATTACHED.
 13
 14
 15 _____
 16 (SIGNATURE OF THE DEPONENT)
 17 ---o0o---
 18
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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: ALLAN PINEDA
 8 CASE TITLE: BRYAN PRINGLE vs. WILLIAM ADAMS, et al.
 9 DATE OF DEPOSITION: TUESDAY, JULY 26, 2011
 10 I, _____,
 11 have the following corrections to make to my
 12 deposition:
 13 PAGE LINE CHANGE/ADD/DELETE
 14 _____
 15 _____
 16 _____
 17 _____
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 25 _____

1 STATE OF CALIFORNIA)
 2)SS
 3 COUNTY OF LOS ANGELES)
 4 I, TRACY M. FOX, CERTIFIED SHORTHAND
 5 REPORTER, CERTIFICATE NUMBER 10449, FOR THE
 6 STATE OF CALIFORNIA, HEREBY CERTIFY:
 7 THE FORGOING PROCEEDINGS WERE TAKEN
 8 BEFORE ME AT THE TIME AND PLACE THEREIN
 9 SET FORTH, AT WHICH TIME THE DEPONENT WAS PLACED
 10 UNDER OATH BY ME;
 11 THE TESTIMONY OF THE DEPONENT AND ALL
 12 OBJECTIONS MADE AT THE TIME OF THE EXAMINATION
 13 WERE RECORDED STENOGRAPHICALLY BY ME AND WERE
 14 THEREAFTER TRANSCRIBED;
 15 THE FOREGOING TRANSCRIPT IS A TRUE AND
 16 CORRECT TRANSCRIPT OF MY SHORTHAND NOTES SO TAKEN;
 17 I FURTHER CERTIFY THAT I AM NEITHER COUNSEL
 18 FOR NOR RELATED TO ANY PARTY TO SAID ACTION,
 19 NOR IN ANY WAY INTERESTED IN THE OUTCOME THEREOF.
 20 IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED
 21 MY NAME THIS 31st DAY OF JULY, 2011.
 22
 23 _____
 24 TRACY FOX, C.S.R. No. 10449
 25 CERTIFIED SHORTHAND REPORTER

1 ERRATA SHEET (CONTINUED:)
 2
 3
 4 PAGE LINE CHANGE/ADD/DELETE
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