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11 Attorneys for Plaintiff
 BRYAN PRINGLE

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

16 BRYAN PRINGLE, an individual,
 17 Plaintiff,
 18 v.
 19 WILLIAM ADAMS, JR.; STACY
 FERGUSON; ALLAN PINEDA; and
 20 JAIME GOMEZ, all individually and
 collectively as the music group The
 21 Black Eyed Peas, et al.,
 22 Defendants.

Case No. SACV 10-1656 JST(RZx)
**NOTICE OF MOTION AND
 MOTION TO WITHDRAW
 TRANSCRIPTS AND RE-FILE
 PORTIONS OF PREVIOUSLY
 FILED TRANSCRIPTS UNDER
 SEAL; MEMORANDUM OF
 POINTS AND AUTHORITIES**
 DATE: January 23, 2012
 TIME: 10 a.m.
 CTRM: 10A

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TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on January 23, 2012, at 10:00 A.M., or as soon thereafter as counsel may be heard in the courtroom of the Honorable Josephine Staton Tucker, United States District Judge, Central District of California, located at the Santa Ana Courthouse, 411 West Fourth Street, Courtroom 10A, Santa Ana, CA 92701-4516, Plaintiff Bryan Pringle will and hereby does move for an Order withdrawing the previously filed transcripts of Defendants William Adams, Stacy Ferguson, Jaime Gomez, Allan Pineda, David Guetta and Frederic Riesterer, which were filed in support of Plaintiff's Opposition to Defendants' Motion for Summary Judgment (Dckt. Nos. 195, 197) and replacing them with portions of the cited deposition testimony to be filed under seal. This motion is based on this Notice of Motion and Motion, the concurrently filed Memorandum of Points and Authorities, and the Declaration of Dean A. Dickie along with all exhibits thereto.

Dated: December 22, 2011

Dean A. Dickie (appearing Pro Hac Vice)
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By: /s/ Dean A. Dickie
Attorneys for Plaintiff Bryan Pringle

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. Introduction**

3 The parties filed a stipulated request for entry of a blanket protective order.
4 Even though the Court denied the parties’ stipulated request for entry of a blanket
5 protective order, Defendants nevertheless required Plaintiffs to agree to be bound by
6 the stipulated terms before Defendants would produce documents or proceed with
7 their depositions. Over Plaintiffs’ objections, Defendants subsequently marked
8 entire deposition transcripts as highly confidential “attorneys’ eyes only” material
9 under the stipulated protective order terms the Court had previously rejected.

10 In support of his opposition to Defendants’ motion for summary judgment,
11 Plaintiff Bryan Pringle submitted transcripts of Defendants’ deposition testimony
12 that Defendants had marked as highly confidential “attorneys’ eyes only” material.
13 Defendants now require Plaintiff to move the Court for entry of an order
14 withdrawing those transcripts and allowing Plaintiff to instead file the cited portions
15 of the transcripts under seal pursuant to the terms of the stipulated protective order
16 the Court previously rejected. Plaintiff brings this motion pursuant to Defendants’
17 requests.

18 **II. The Parties’ Stipulated Protective Order**

19 On June 20, 2011, at Defendants’ insistence, the parties filed a Stipulated
20 Protective Order Regarding Confidential Information (“Stipulated Protective
21 Order”). (See, Dckt. No. 137). Defendants had informed Plaintiff that they would
22 not provide any dates for depositions for any of the parties unless and until Plaintiff
23 agreed to a protective order. See, Declaration of Dean A. Dickie (“Dickie Decl.”) at
24 ¶ 2. In the parties’ jointly filed Rule 26 Report, Defendants conceded that Plaintiff
25 opposed entry of a protective order. (See, Rule 26 Report, Dckt. No. 110, p. 10:13-
26 20).

27 On June 23, 2011, the Court entered an order denying entry of the Stipulated
28 Protective Order, finding the parties had not shown good cause for entry of the

1 order. (See, Dckt. No. 139). Defendants continued to demand a protective order
2 and informed Plaintiff that despite the Court’s denial of the requested Stipulated
3 Protective Order, Defendants would not produce any documents unless Plaintiff
4 agreed to continue to abide by the stipulated terms the Court had rejected (the
5 “Stipulation”). See, Dickie Decl. at ¶ 3. Plaintiff ultimately consented to abide by
6 the Stipulation to avoid further delays in obtaining Defendants’ documents. See,
7 Dickie Decl. at ¶ 4.

8 **III. The Entire Deposition Transcripts Of Each Of The Individual**
9 **Defendants Are Marked Highly Confidential “Attorneys’ Eyes Only”**

10 On June 23, 2011, the deposition of Defendant Riesterer was taken. Counsel
11 for Defendant Riesterer marked the entire transcript as “Attorneys’ Eyes Only”
12 pursuant to the terms of the Stipulation.

13 On July 22, 2011, the deposition of Defendant Jaime Gomez was taken.
14 Counsel for Defendant Gomez marked the entire transcript as “Attorneys’ Eyes
15 Only” pursuant to the terms of the Stipulation.

16 On July 25, 2011, the deposition of Defendant Adams was taken. Counsel for
17 Defendant Adams marked the entire transcript as “Attorneys’ Eyes Only” pursuant
18 to the terms of the Stipulation. Plaintiff’s counsel objected to the wholesale
19 designation of the transcript as “Attorneys’ Eyes Only.”

20 On July 26, 2011, the deposition of Defendant Pineda was taken. Counsel for
21 Defendant Pineda marked the entire transcript as “Attorneys’ Eyes Only” pursuant
22 to the terms of the Stipulation. Plaintiff’s counsel objected to the wholesale
23 designation of the transcript as “Attorneys’ Eyes Only.”

24 On July 27, 2011, the deposition of Defendant Ferguson was taken. Counsel
25 for Defendant Ferguson marked the entire transcript as “Attorneys Eyes Only”
26 pursuant to the terms of the Stipulation. Plaintiff’s counsel objected to the
27 wholesale designation of the transcript as “Attorneys’ Eyes Only.”

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1 On September 26, 2011, the deposition of Defendant Guetta was taken.
2 Counsel for Defendant Guetta marked the entire transcript as “Attorneys Eyes Only”
3 pursuant to the terms of the Stipulation.

4 **IV. Plaintiff Files His Opposition to Defendants’ Motion for Summary**
5 **Judgment.**

6 On December 19, 2011, Plaintiff Bryan Pringle filed his response to
7 Defendants Guetta, Shapiro & Bernstein and Riesterer’s Motion for Summary
8 Judgment. (Dckt. Nos. 159, 195). The depositions of the Defendants were each
9 referenced in the Plaintiff’s opposition, and consequently, Plaintiff filed the
10 transcripts. (Dckt. Nos. 197).

11 On December 20 and December 21, 2011, counsel for Defendants requested
12 that Plaintiff withdraw the transcripts and re-file the referenced portions of the
13 depositions under seal pursuant to the terms of the Stipulation.

14 Plaintiff Bryan Pringle therefore requests that the Court withdraw the
15 previously filed transcripts of Defendants Adams, Ferguson, Gomez, Guetta, Pineda,
16 and Riesterer and allow Plaintiff to instead file the cited portions of the transcripts
17 under seal pursuant to the terms of the Stipulation.

18 Plaintiff is making the motion at the request of Defendants and thus,
19 Defendants concur in the requested relief.

20
21 Dated: December 22, 2011 Dean A. Dickie (appearing Pro Hac Vice)
22 Kathleen E. Koppenhoefer (appearing Pro Hac
23 Vice)
24 MILLER, CANFIELD, PADDOCK AND STONE,
25 P.L.C.

26 George L. Hampton IV (State Bar No. 144433)
27 Colin C. Holley (State Bar No. 191999)
28 HAMPTONHOLLEY LLP

29 By: /s/ Dean Dickie
30 Attorneys for Plaintiff BRYAN PRINGLE

CERTIFICATE OF SERVICE

1 On December 22, 2011, I electronically filed the foregoing NOTICE OF
2 MOTION AND MOTION TO WITHDRAW TRANSCRIPTS AND RE-FILE
3 PORTIONS OF PREVIOUSLY FILED TRANSCRIPTS UNDER SEAL;
4 MEMORANDUM OF POINTS AND AUTHORITIES using the CM/ECF system
5 which will send notification of such filing to the following registered CM/ECF

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27 I am unaware of any attorneys of record in this action who are not registered
28 for the CM/ECF system or who did not consent to electronic service.

1 I certify under penalty of perjury under the laws of the United States of
2 America that the foregoing statements are true and correct.

3 Dated: December 22, 2011 /s/Colin C. Holley

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