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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

BRYAN PRINGLE, an individual,
Plaintiff,
vs.
WILLIAM ADAMS, JR.; STACY
FERGUSON; ALLAN PINEDA; and
JAIME GOMEZ, all individually and
collectively as the music group The
Black Eyed Peas, *et al.*,
Defendants

Case No. SACV 8:10-CV-01656 JST
(RZx)

**DECLARATION OF FREDERIC
RIESTERER IN OPPOSITION TO
PLAINTIFF'S EX PARTE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE RE
INJUNCTION**

1 **DECLARATION OF FREDERIC RIESTERER**

2 I, FREDERIC RIESTERER, declare as follows:

3 1. I am a songwriter and co-author, along with David Guetta
4 (“Guetta”), of the musical background component of the hit song “I Gotta
5 Feeling”, the musical lyrics of which were composed by the group The Black
6 Eyed Peas.

7 2. I have personal knowledge of the facts hereinafter stated, and I
8 submit this declaration in opposition to Plaintiff’s Application for Temporary
9 Restraining Order and Order to Show Cause Re Preliminary Injunction.

10 3. I understand that Plaintiff claims that a portion of the hit song “I
11 Gotta Feeling” was copied from a derivative version of a song he composed
12 entitled “Take a Dive.” In particular, I understand that Plaintiff claims the
13 four-note “guitar twang sequence” of “I Gotta Feeling” was copied from
14 “Take a Dive.” This is not true. As discussed below, “I Gotta Feeling”,
15 including the guitar twang sequence, was independently created and was not
16 copied from any work by Plaintiff.

17 4. The guitar twang sequence of “I Gotta Feeling”, which I
18 composed in my personal studio in Paris from October 2008 through February
19 or March 2009, was derived from a song entitled “Love is Gone.” I
20 composed “Love is Gone” in my studio from November 2006 through May
21 2007 and the music mixing was recorded at Square Production Studios in
22 Paris in March 2007. The guitar twang sequence of “Love is Gone”, in turn,
23 was derived from a song titled “Never Mind”, which I composed on February
24 4, 2007.

25 5. The guitar twang sequence of “Never Mind” (which was
26 subsequently used in “Love is Gone” and then in “I Gotta Feeling”) was
27 licensed from a French music library known as Univers Sons. I have been
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working with the Univers Sons sound library, and participated in beta testing of its music library software, since January 2000.

6. The guitar twang sequence ultimately used in “I Gotta Feeling” was known as “Strat with SM57 Crunchy” in the Univers Sons music library. That musical sequence was recorded by Univers Sons in February 2001 using a Fender Stratocaster electric guitar, a Fender amplifier and a Shure SM57 microphone. It is my understanding that this musical sequence had its official launch in October 2004 and became part of what is known as “Plugsound Volume 2: Fretted Instruments” which became part of the Plugsound Box in 2004. I later took the music sequence from that Plugsound product for use in “Never Mind”.

7. I have never had access to any musical works created by Plaintiff Bryan Pringle, and no music publisher, record company, or other individual, ever provided me with a copy of any of Pringle’s works. As discussed above, the guitar twang sequence of “I Gotta Feeling” originated with, and was licensed from Univers Sons.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 23rd day of November 2010, at Paris, France.

/s/ Frederic Risterer
FREDERIC RIESTERER