

1 DONALD A. MILLER (SBN 228753)  
 dmiller@loeb.com  
 2 BARRY I. SLOTNICK (*Pro Hac Vice*)  
 bslotnick@loeb.com  
 3 TAL E. DICKSTEIN (*Pro Hac Vice*)  
 tdickstein@loeb.com  
 4 LOEB & LOEB LLP  
 10100 Santa Monica Boulevard, Suite 2200  
 5 Los Angeles, California 90067-4120  
 Telephone: 310-282-2000  
 6 Facsimile: 310-282-2200  
 7 Attorneys for SHAPIRO, BERNSTEIN  
 & CO., INC., FREDERIC  
 8 RIESTERER, AND DAVID GUETTA

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

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

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

**DECLARATION OF KARA E. F.  
 CENAR IN SUPPORT OF MOTION  
 FOR SUMMARY JUDGMENT BY  
 DEFENDANTS SHAPIRO,  
 BERNSTEIN & CO, INC.,  
 FREDERIC RIESTERER AND  
 DAVID GUETTA**

Complaint Filed: October 28, 2010  
 Trial Date: March 27, 2012  
 Hearing Date: January 30 2012  
 10:00 A.M.

1 I, KARA E. F. CENAR, declare as follows:

2 1. I am a partner of the law firm Bryan Cave LLP, attorneys for William  
3 Adams, Jr., Stacy Ferguson, Allan Pineda, Jaime Gomez, individually and  
4 collectively as the music group The Black Eyed Peas, Will.I.Am. Music, LLC, EMI  
5 April Music, Inc., Headphone Junkie Publishing, Jeepney Music, Inc., Tab Magnetic  
6 Publishing, and Cherry River Music Co. I am a member in good standing of the Bar  
7 of the State of Illinois and was admitted to practice in this Court *pro hac vice* by  
8 Order dated December 8, 2010 (Doc. 48). I have personal knowledge of the facts  
9 set forth hereinafter, and I submit this declaration in support of the Motion for  
10 Summary Judgment by Defendants Shapiro, Bernstein & Co, Inc., Frederic Riesterer  
11 and David Guetta (collectively the “Guetta Defendants”).

12 2. I have 23 years of experience litigating intellectual property cases  
13 throughout the United States. I am a frequent writer and speaker on intellectual  
14 property issues, including on behalf of the Practicing Law Institute, the Corporate  
15 Counsel Forum, and the IP Litigation Committee of ABA’s Litigation Section. I  
16 have also taught Advanced Trial Advocacy for Intellectual Property Cases at Kent  
17 Collect of Law.

18 3. On November 17, 2011, Tal Dickstein an attorney with the law firm  
19 Loeb & Loeb LLP, counsel for the Guetta Defendants, submitted a Declaration in  
20 support of Defendants’ pending Motion for Summary Judgment, in which he  
21 recounted a telephonic conference with Plaintiff’s counsel that took place on  
22 November 1, 2011. (Doc. 161 at ¶¶ 16-17).

23 4. On December 19, 2011, Kathleen Koppenhoefer, counsel for Plaintiff,  
24 submitted a Declaration in Opposition to Defendants’ Motion for Summary  
25 Judgment (Doc. 191), in which she stated that Mr. Dickstein’s recounting of the  
26 meet and confer call was “untrue and does not accurately reflect the discussion”,  
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1 although Ms. Koppenhoefer does not explain what discussion she believes occurred  
2 during the telephonic conference.

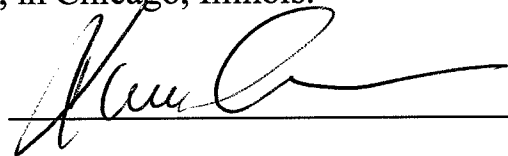
3 5. As confirmed by my own personal knowledge of the November 1, 2011  
4 telephonic conference, which is set forth below, Mr. Dickstein's Declaration is  
5 accurate in every respect.

6 6. On November 1, 2011, I participated in a telephonic conference,  
7 pursuant to Local Rule 7-3, with Plaintiff's counsel, including Ira Gould of Gould  
8 Law Group and Kathleen Koppenhoefer of Miller Canfield LLP, and counsel for co-  
9 defendants, regarding Defendants' intention to file a motion for summary judgment.  
10 During that call, certain Plaintiff's counsel initially stated that they would "not  
11 pursue" their sound recording claim. After questioning by Defendants' counsel,  
12 Plaintiff's counsel Ira Gould expressly and unequivocally stated that they were  
13 "withdrawing" their claim that Defendants had physically appropriated (i.e.,  
14 "sampled") portions of the "Take a Dive" (Dance Version) sound recording.

15 7. Other members of my firm were also present during the telephone call,  
16 namely Merili Seale, Justin Righettini and Jonathan Pink. I circulated my  
17 declaration to them to confirm that my recollection of the call was consistent with  
18 their recollection. All responded that my recollection of the call was consistent with  
19 their recollection.

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

21 Executed this 9th day of January, 2012, in Chicago, Illinois.

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24 KARA E. F. CENAR

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