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 9

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

13 BRYAN PRINGLE, an individual,  
 14 Plaintiff,

15 v.

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

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

**APPLICATION TO CONTINUE  
 HEARING DATE FOR  
 DEFENDANTS' SUMMARY  
 JUDGMENT MOTION, PRETRIAL  
 CONFERENCE DATE AND TRIAL  
 DATE**

Complaint Filed: October 28, 2010  
 Trial Date: March 27, 2012

1 Defendants David Guetta, Frederic Riesterer and Shapiro, Bernstein & Co.,  
2 Inc. (together the “Guetta Defendants”), respectfully submit this Application to  
3 Continue the Hearing Date for Defendants’ Summary Judgment Motion, the Pretrial  
4 Conference Date and Trial Date. This Application is supported by the  
5 accompanying declaration of Barry I. Slotnick, and is made with the consent of  
6 Defendants William Adams, Allan Pineda, Jaime Gomez, and Stacy Ferguson p/k/a  
7 Fergie, all individually and collectively known as the music group The Black Eyed  
8 Peas, will.i.am. music llc, Tab Magnetic Publishing, Headphone Junkie Publishing,  
9 LLC, Cherry River Music Co., Jeepney Music, Inc., EMI April Music (together the  
10 “Adams Defendants”), and of Defendants UMG Recordings, Inc. and Interscope  
11 Records (together the “UMG Defendants”), and is made with reference to the  
12 following facts:

13 1. WHEREAS, on November 17, 2011, the Guetta Defendants filed a  
14 motion for summary judgment (Doc. 159-172) (hereafter “Defendants’ MSJ”) and  
15 set a hearing date of December 19, 2011.

16 2. WHEREAS, on November 21, 2011, the Parties submitted a Stipulation  
17 and Proposed Order requesting, among other things, that the Court continue the  
18 hearing date for Defendants’ MSJ from December 19, 2011 to February 20, 2012.  
19 (Doc. 177.)

20 3. WHEREAS, by Order dated November 22, 2011 (Doc. 179), the Court  
21 granted in part and denied in part the Parties’ Stipulation and Proposed Order, and  
22 set the hearing date on Defendants’ MSJ for January 23, 2012. The Court’s  
23 November 22, 2011 Order also scheduled the final pretrial conference for March 12,  
24 2012, the exhibit conference for March 23, 2012, and a jury trial to commence on  
25 March 27, 2012. (Doc. 179.)

26 4. WHEREAS, on December 8, 2011, the parties submitted a stipulation  
27 requesting a one-week adjournment of the hearing date on the Defendants’ MSJ,  
28

1 from January 23, 2012 to January 30, 2012 to accommodate a scheduling conflict of  
2 the Guetta Defendants' lead trial counsel, Barry I. Slotnick, who was scheduled to  
3 begin a jury trial before Judge Pauley in the Southern District of New York on  
4 January 23, 2012, which trial was expected to last only five days and be concluded  
5 by January 27, 2012. (Doc. 182.) On December 13, 2011, the Court granted the  
6 parties' stipulated request, and continued the hearing date of Defendants' MSJ from  
7 January 23, 2012 to January 30, 2012. (Doc. 183)

8         5.       WHEREAS, on January 18, 2012, Mr. Slotnick appeared for a pretrial  
9 conference with Judge Pauley and learned that his jury trial scheduled to commence  
10 on January 23, 2012 will likely carry over to the following week and conflict with  
11 the January 30, 2012 hearing date for Defendants' MSJ.

12         6.       WHEREAS, the Guetta Defendants respectfully submit that, for the  
13 reasons discussed in their summary judgment reply papers (Doc. 213-223), ample  
14 grounds exists to grant Defendants' MSJ without the need to hold a hearing.  
15 Nevertheless, should the Court have any concerns granting Defendants' MSJ  
16 without a hearing, the Guetta Defendants respectfully request that the Court  
17 continue the MSJ hearing date to March 5, 2012, which is the next available hearing  
18 date on which all parties' respective lead counsel are available.

19         7.       WHEREAS, if the Court grants the Guetta Defendants' requested  
20 extension of the MSJ hearing date from January 30, 2012 to March 5, 2012, the  
21 Guetta Defendants respectfully request that the Court also grant a 45-day  
22 continuance of the final pretrial conference (from March 12, 2012 to April 23,  
23 2012), the exhibits conference (from March 23, 2012 to May 4, 2012), and trial  
24 (from March 27, 2012 to May 8, 2012). This will obviate the need for the parties to  
25 expend significant resources preparing the various pretrial materials and motions *in*  
26 *limine* without the benefit of the Court's decision on Defendants' MSJ, which will  
27 likely eliminate some or all of the issues to be tried.

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1           8.       WHEREAS, the Adams Defendants and the UMG Defendants consent  
2 to this requested adjournment.

3           9.       WHEREAS, the Guetta Defendants sought the consent of Plaintiff's  
4 counsel, but were advised that Plaintiff's lead counsel was in transit and could not  
5 be reached.

6           10.      BASED UPON THE FOREGOING FACTS, the Guetta Defendants  
7 respectfully request that the Court (i) continue the hearing date on Defendants' MSJ  
8 from January 30, 2012 to March 5, 2012, and, if that continuance is granted, (ii)  
9 grant a 45-day continuance of the Final Pretrial Conference (from March 12, 2012 to  
10 April 23, 2012 at 1:30 p.m.), the Exhibits Conference (from March 23, 2012 to May  
11 4, 2012 at 3:00 p.m.), and commencement of Trial (from March 27, 2012 to May 8,  
12 2012 at 9:00 a.m.).

13  
14 Dated: January 20, 2012

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17 By: /s/ Barry I. Slotnick  
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