

EXHIBIT

1

01 1 UNITED STATES DISTRICT COURT
02 CENTRAL DISTRICT OF CALIFORNIA
03 2 SOUTHERN DIVISION
04 3
05 BRYAN PRINGLE, an)
06 4 individual,)
07)
08 5 Plaintiff,)
09)
10 6 v.) Case No.
11) 8:10-cv-01656-JST-RZ
12 7 WILLIAM ADAMS, JR.;)
13 STACY FERGUSON; ALLAN)
14 8 PINEDA; and JAIME)
15 GOMEZ, all)
16 9 individually and)
17 collectively as the)
18 10 music group the Black)
19 Eyed Peas; DAVID)
20 11 GUETTA; FREDERICK)
21 RIESTERER; UMG)
22 12 RECORDINGS, INC.;)
23 INTERSCOPE RECORDS;)
24 13 EMI APRIL MUSIC,)
25 INC.; HEADPHONE)
26 14 JUNKIE PUBLISHING,)
27 LLC; WILL.I.AM MUSIC,)
28 15 LLC; JEEPNEY MUSIC,)
29 INC.; TAB MAGNETIC)
30 16 PUBLISHING; CHERRY)
31 RIVER MUSIC CO.;)
32 17 SQUARE RIVOLI)
33 PUBLISHING;)
34 18 RISTER EDITIONS;)
35 and SHAPIRO,)
36 19 BERNSTEIN & CO.,)
37)
38 20 Defendants.)
39 21
40 22 VIDEOTAPED DEPOSITION OF
41 BRYAN PRINGLE
42 23
43 Wednesday, August 24, 2011
44 24

01 1 VIDEOTAPED DEPOSITION OF BRYAN
02 2 PRINGLE, produced as a witness at the
03 3 instance of Defendants, and duly sworn, was
04 4 taken in the above styled and numbered cause
05 5 on Wednesday, August 24, 2011, from
06 6 10:21 a.m. to 7:10 p.m., before Susan Perry
07 7 Miller, CSR-TX, CCR-LA, CLR, CRR, RDR, Notary
08 8 Public in and for the State of Texas,
09 9 reported via Machine Shorthand with Realtime
10 10 Computer Translation at the offices of Watts
11 11 Guerra Craft, LLP, 300 Convent Street, Suite
12 12 100, San Antonio, Texas, pursuant to the
13 13 Federal Rules of Civil Procedure.

14 14
15 15
16 16
17 17
18 18
19 19
20 20
21 21
22 22
23 23
24 24

--oOo--

<p>01 1 to a cognitive decision and say I believe 02 2 this is infringing, or are you talking about 03 3 when do I believe they started infringing? 04 4 Q. No, when you believe. 05 5 A. Around -- I believe it was 11:21:47 06 6 around 2010, February. 07 7 Q. For any -- any song of yours? 08 8 A. Well, it was -- the first song 09 9 that I discovered was I Gotta Feeling 10 10 because it was so obvious that the sample was 11:22:02 11 11 taken from my song, but it was a period of 12 12 time. Like, for instance, just recently, 13 13 Where Them Girls At wasn't released until 14 14 I guess May of 2011, so it was different 15 15 dates. 11:22:22 16 16 But the first -- the first time 17 17 was around February of 2010 that I said, 18 18 Hey, I think there's a problem. I think 19 19 there's intentional, willful infringement. 20 20 Q. Had you -- have you ever spoken 11:22:40 21 21 to William Adams? 22 22 A. No. 23 23 Q. Have you ever met him? 24 24 A. No.</p> <p style="text-align: center;">63 - 0063</p>	<p>01 1 Q. Have you ever had any e-mail 02 2 communications with him? 03 3 A. No. 04 4 Q. Have you ever had any written 05 5 communications with him? 11:22:52 06 6 A. I did send William Allan -- 07 7 Adams a demo through Interscope, 2006, 08 8 roughly around that time frame. 09 9 And I also -- well, I couldn't 10 10 say specifically. That's the only time that 11:23:14 11 11 I recall sending specifically directly to 12 12 him, but it was through Interscope Records. 13 13 Q. Can you tell me what address 14 14 you sent it to? 15 15 A. I know it was in California. I 11:23:27 16 16 believe it was -- and this is just from what 17 17 I recall. I believe it's on Bur- -- Burbank 18 18 Drive? I don't recall it specifically. I 19 19 could look at the records that I have to 20 20 refresh that. 11:23:46 21 21 Q. What records do you have for 22 22 that mailing, sir? 23 23 A. Well, I believe my attorney has 24 24 records showing there is a -- what I'm</p> <p style="text-align: center;">64 - 0064</p>
<p>01 1 specifically referencing, when there was a 02 2 list, I believe it was Billboard's -- I 03 3 believe it was an excerpt from Billboard's 04 4 Guide to Touring and Promotion. That's what 05 5 I'm thinking in my mind and my attorney has a 11:24:16 06 6 copy. It's just the one page that has the 07 7 address of Interscope and a bunch of other 08 8 different record companies. 09 9 Q. How did you get Will Adams' 10 10 name to send to Interscope? 11:24:31 11 11 A. I don't specifically recall, 12 12 but, I mean, he's well known in the music 13 13 industry. Yeah, okay, that's... 14 14 I have a tendency, just to 15 15 clarify, I have been sending out demos since 11:24:49 16 16 early 1990s, and I get lists of record 17 17 companies. I also buy magazines that have 18 18 touring and promotion names. I also go to 19 19 the library and research managers, booking 20 20 agents, publishers, famous songwriters, so 11:25:11 21 21 it's possible. 22 22 But I can tell you more 23 23 specifically, he caught my attention with 24 24 Don't Phunk With My Heart. I thought when</p> <p style="text-align: center;">65 - 0065</p>	<p>01 1 I first heard that song that really came on 02 2 my screen, but prior to that, I mean, I knew 03 3 of him. 04 4 Q. Was there anything other than 05 5 hearing the song Don't Phunk With My Heart 11:25:37 06 6 that prompted you to specifically send a demo 07 7 to William Adams -- 08 8 A. Yes. 09 9 Q. -- at Interscope? 10 10 What? 11:25:46 11 11 A. I'm dogmatic. If you're in the 12 12 music industry, you're getting a demo from 13 13 me, because that's the way I am. I send 14 14 thousands of demos. I would say I almost 15 15 harass people, and I've been doing that 11:26:05 16 16 consistently for a long time. 17 17 Q. So this specific mailing that 18 18 you recall sending to Mr. Adams was in 2006? 19 19 A. I believe it was somewhere 20 20 around that time, which is not to say that I 11:26:17 21 21 didn't send him multiple mailings. But the 22 22 specific one that I recollect was around 23 23 2006, 2007 time period. 24 24 Q. Did you have anything other</p> <p style="text-align: center;">66 - 0066</p>

<p>01 1 than the demo CD and whatever it was that you 02 2 mailed to the Interscope address? 03 3 A. Do I still have it or did I 04 4 mail more -- 05 5 Q. What did you actually put in an 11:26:43 06 6 envelope and mail to Interscope that you 07 7 believe was directed to William Adams' 08 8 attention? 09 9 A. It was -- 10 10 THE WITNESS: Do you want me to 11:26:57 11 11 answer that? 12 12 MR. DICKIE: Sure. If you can. 13 13 THE WITNESS: You're suspect, 14 14 buddy. 15 15 A. Well, I can't specifically 11:27:03 16 16 state how many songs, but what I recall is 17 17 when I send out demos -- and more 18 18 specifically to William Adams, Take a Dive 19 19 Dance Version, other versions of Take a 20 20 Dive, also other songs that I created. 11:27:21 21 21 There was probably -- I'm 22 22 taking a stab at it, there's probably 20 23 23 songs, and I usually have a letter -- I 24 24 created a little guy, a little blue guy 67 - 0067</p>	<p>01 1 holding a flame that I put, it's called Dead 02 2 Beat Records, and I sent a, you know, a 03 3 letter. 04 4 I might have put on the package 05 5 To Sticky Fingers or something like that to 11:27:53 06 6 try to get past the A&R people, and maybe a 07 7 plastic sleeve to protect the CD, and 08 8 information regarding multiple websites that 09 9 I have and contact information. 10 10 Might have been a business card 11:28:19 11 11 in there, might have just been a letter. I 12 12 don't specifically recall what I sent to him 13 13 exactly, but that's pretty much the M.O. 14 14 BY MS. CENAR: 15 15 Q. So the letter, do you have any 11:28:29 16 16 copies of what that letter might look like? 17 17 A. That specific letter? 18 18 Q. Uh-huh. 19 19 A. I might. I might have a 20 20 letterhead still. Basically it's just a guy, 11:28:45 21 21 it's a little blue guy stick figure holding 22 22 this thing that says Dead Beat Records. 23 23 Q. Let me just back up a little 24 24 bit. Do you have a copy of the specific CD 68 - 0068</p>
<p>01 1 that you say you put in an envelope and 02 2 mailed to William Adams, care of Interscope? 03 3 A. Well, no. I mean, if I sent 04 4 it, I don't have any more. 05 5 Q. So you don't have any duplicate 11:29:13 06 6 copy of that in your possession today? 07 7 A. No. 08 8 Q. And do you have any at your 09 9 home or any storage facility or anyplace that 10 10 you can think of? 11:29:23 11 11 A. A duplicate copy of that 12 12 specific CD? 13 13 Q. Yep. 14 14 A. No. 15 15 Q. And do you have a copy of the 11:29:34 16 16 actual letter that you say you put in the 17 17 mailing to Mr. Adams? 18 18 A. No. 19 19 Q. Do you have a copy of anything 20 20 that would reflect that this actual mailing 11:29:46 21 21 occurred? 22 22 A. Mailing receipt, U.S. Postal 23 23 Service. 24 24 Q. And does that have Mr. Adams' 69 - 0069</p>	<p>01 1 name on it? 02 2 A. No. 03 3 Q. Does it reflect what the 04 4 content of the mailing would be? 05 5 A. I don't understand that 11:30:07 06 6 question, but I think what you're asking me, 07 7 does it specifically say on the receipt demo 08 8 CD or something? 09 9 Q. On any record that you may 10 10 have, is there anything that you have that 11:30:17 11 11 reflects what you actually put in this 12 12 envelope that you say you mailed to Mr. Adams 13 13 in 2006? 14 14 A. I would say yes. 15 15 Q. What? 11:30:30 16 16 A. Well, the specific receipts 17 17 that I'm referring to have a weight and a ZIP 18 18 code and the weight of -- where you see the 19 19 multiple CD's that were sent, they all 20 20 correspond to if you would actually sit down 11:30:44 21 21 and weigh a letter and a CD, it would 22 22 correspond and I could produce that to say, 23 23 hey, these are the exact same weights, so -- 24 24 and I'm just giving my opinion. I would say 70 - 0070</p>

<p>01 1 yes. 02 2 Q. Other than that receipt, do you 03 3 have any other document or anything else that 04 4 would tell us what was in the envelope? 05 5 A. No. It would just be personal 11:31:07 06 6 recollection. 07 7 Q. From 2006? 08 8 A. Yeah. 2006, 2007. 09 9 Q. So other than -- so was there 10 10 more than one mailing specifically to William 11:31:21 11 11 Adams? 12 12 MR. DICKIE: Objection, asked 13 13 and answered. 14 14 A. I object too, but I'll answer 15 15 that yes. 11:31:28 16 16 BY MS. CENAR: 17 17 Q. How many specific to William 18 18 Adams? 19 19 A. I couldn't answer that just 20 20 because -- I can only personally attest to 11:31:38 21 21 one that I know of, but I would have to say 22 22 yes because of my pattern and practice of 23 23 bombarding people. 24 24 So if you're getting one, 71 - 0071</p>	<p>01 1 you're probably going to get 10 or 20, so I 02 2 would say the answer to that is I believe 03 3 that there's more. I'm positive of it, but I 04 4 couldn't personally attest or provide any 05 5 information or evidence other than that one 11:32:10 06 6 mailing. 07 7 Q. Which is the 2006 one? 08 8 A. 2006, 2007. I'd have to 09 9 refresh my memory by looking at the actual 10 10 receipts. 11:32:21 11 11 Q. So other than the mailings that 12 12 you say you made to William Adams, have you 13 13 had any other form of communication with him? 14 14 A. You mean direct communication? 15 15 Q. Yes. 11:32:37 16 16 A. Because I flipped off the TV 17 17 once when he was on, but no. I felt that was 18 18 direct communication. For me it was 19 19 cathartic, but... 20 20 Q. Did you receive any 11:32:49 21 21 communication back from him that he actually 22 22 received any mailing that you sent? 23 23 A. He released an infringing song 24 24 called I Gotta Feeling, so I would say yes. 72 - 0072</p>
<p>01 1 But if as I understand what you're asking me, 02 2 did he write me a letter or e-mail me or 03 3 phone call me, no. 04 4 Q. Did you receive anything from 05 5 Mr. Adams indicating that this package that 11:33:10 06 6 you sent was received by him? 07 7 A. Well, again, I would say 08 8 releasing a song with part of a sample from 09 9 one of your songs is an indication. 10 10 But as I understand your 11:33:25 11 11 question, I didn't receive any letters, 12 12 e-mails, telephone calls, Twitters, blogs, 13 13 nothing of that nature, so -- 14 14 Q. Do you have any information as 15 15 to whether Mr. Adams accessed your music in 11:33:40 16 16 any other way other than your mailing? 17 17 A. Yes. He has a sample of part 18 18 of my song in I Gotta Feeling. 19 19 Q. I understand your position on 20 20 that, but other than that, do you have any 11:33:51 21 21 information from any source that Mr. Adams 22 22 accessed your music in any other way? 23 23 A. Yes. 24 24 Q. How? 73 - 0073</p>	<p>01 1 A. Well, starting around -- I 02 2 don't know the specific dates that his Songs 03 3 About Girls album was released, but again 04 4 this is just my personal -- you're asking me 05 5 a question, so I'm giving you my opinion, and 11:34:20 06 6 I investigated multiple songs on Will Adams' 07 7 Songs About Girls album and also The 08 8 Beginning album and also The E.N.D. album 09 9 and I'm giving you my opinion as a composer 10 10 and as a musician, a songwriter that's been 11:34:41 11 11 writing since I was 13 years old. 12 12 I examined multiple songs, and 13 13 it is incredibly obvious that Mr. Adams took 14 14 my songs, in my opinion, and constructed his 15 15 songs, including Invisible, I Gotta 11:35:01 16 16 Feeling, Meet Me Halfway. 17 17 There's even some loose -- 18 18 there's a song, I can't remember -- well, 19 19 photograph -- my song Photograph, there's a 20 20 sample from my song in his song Showdown. 11:35:18 21 21 There's also what appears to be a sample from 22 22 my song King For a Day which rhymes with 23 23 their song Meet Me Halfway. 24 24 There's a specific wind sound 74 - 0074</p>

<p>01 1 three pitches up, which is basically from G 02 2 to A sharp, G, G sharp, A, A sharp. That's 03 3 correct. 04 4 Q. Now, I want to take a step 05 5 back. You indicate in your filings with the 12:35:51 06 6 Court that you received, you know, a 07 7 handwritten letter from somebody that 08 8 received your music. Who was the handwritten 09 9 letter from? 10 10 A. You're going to have to be more 12:36:03 11 11 specific because I receive a lot of 12 12 handwritten letters. 13 13 Q. Did you receive any handwritten 14 14 letters from William Adams? 15 15 A. No. 12:36:11 16 16 Q. Jaime Gomez? 17 17 A. No. 18 18 Q. Allan Panina? 19 19 A. You mean Pineda? 20 20 Q. Did you receive a handwritten 12:36:19 21 21 letter from him, sir? 22 22 A. Is it Allan Pineda? Because I 23 23 thought you said Panina. 24 24 Q. The person that you've sued in 111 - 0111</p>	<p>01 1 this lawsuit, have you received a handwritten 02 2 letter from him? 03 3 A. Allan Pineda, no. 04 4 Q. Stacy Ferguson? 05 5 A. No. 12:36:39 06 6 Q. Anybody at Interscope send 07 7 you a -- 08 8 A. Yes. 09 9 Q. Who? 10 10 A. That I don't recall. I got 12:36:42 11 11 several handwritten letters over a period of 12 12 years from Interscope. 13 13 Q. From who? Name one. 14 14 A. I can't recall at this time, 15 15 but if I could look at the A&R roster for a 12:36:51 16 16 certain period of years, it might refresh my 17 17 memory. 18 18 Q. But as you sit here, you can't 19 19 name a single person from Interscope that 20 20 sent you a handwritten letter? 12:37:04 21 21 A. No. 22 22 Q. Do you have any of these 23 23 handwritten letters? 24 24 A. No. 112 - 0112</p>
<p>01 1 Q. Did you receive a handwritten 02 2 letter from Joachim Gaurraud? 03 3 A. That I don't recall. I mean, 04 4 that was like 2001, 2003. I don't recall. 05 5 As a matter of fact -- well, I don't recall 12:37:20 06 6 that. 07 7 Q. Do you recall receiving a 08 8 handwritten letter from David Guetta? 09 9 A. Well, no. The letter that 10 10 we're referring to, I don't recall if it was 12:37:29 11 11 typed or if it was handwritten. 12 12 Q. Do you -- are you familiar with 13 13 an individual, Fred Riesterer? 14 14 MR. DICKIE: Objection, asked 15 15 and answered. 12:37:43 16 16 THE WITNESS: Do you want me to 17 17 answer that? 18 18 MR. DICKIE: Yes. Yes, please. 19 19 A. Yes. 20 20 BY MS. CENAR: 12:37:49 21 21 Q. Who is he? 22 22 A. You want my opinion of who he 23 23 is? 24 24 Q. Who is he, sir? 113 - 0113</p>	<p>01 1 A. He's one of the defendants. 02 2 Q. All right. Beyond that, are 03 3 you familiar with him in any other way? 04 4 A. Yes. He's an individual who 05 5 has repeatedly, repeatedly infringed on my 12:38:06 06 6 music, and also I'm alleging he sampled part 07 7 of my song Crush into If We Ever, and he 08 8 also has -- and this is my opinion -- has 09 9 stolen riffs from me into other songs such 10 10 as -- and my understanding is that he is, for 12:38:26 11 11 better or for worse, an employee of Dave 12 12 Guetta, who has also infringed. 13 13 So I would say that he's a 14 14 repeat infringer on at least my music, but I 15 15 believe that my understanding of it is he's a 12:38:42 16 16 defendant and he's also an alleged cutting 17 17 edge songwriter. 18 18 Q. Have you ever met him? 19 19 A. No. 20 20 Q. Have you ever had any written 12:38:54 21 21 communications with him? 22 22 A. No, I have not. I have 23 23 absolutely no idea who he is other than what 24 24 I've seen on the Internet. 114 - 0114</p>

EXHIBIT

2

FILED UNDER SEAL

EXHIBIT

3

01 2 UNITED STATES DISTRICT COURT
02 CENTRAL DISTRICT OF CALIFORNIA
03 3 SOUTHERN DIVISION
04 4 -----

05 5 BRYAN PRINGLE, an individual,
06 6 Plaintiff,
07 vs.

08 7
09 CASE NO.:
10 8 SACV 10-1656 JST
11 9

12 WILLIAM ADAMS, JR.,; STACY FERGUSON; ALLAN
13 10 PINEDA; and JAIME GOMEZ, all individually
14 and collectively as the music group The
15 11 Black Eyed Peas, et al.,
16 12 Defendants.
17 13 -----

18 14
19 15 VIDEOTAPED DEPOSITION OF
20 16 ALEXANDER NORRIS
21 17 TUESDAY; JANUARY 3, 2012
22 18 10:00 A.M.
23 19
24 20
25 21
26 22

27 23 Reported by:
28 24 Adrienne M. Mignano, RPR
29 25 REF:6650

Page:1 - 0001

01 1
02 2
03 3
04 4
05 5
06 6
07 7
08 8
09 9
10 10
11 11
12 12
13 13
14 14
15 15
16 16
17 17
18 18
19 19
20 20
21 21
22 22
23 23
24 24
25 25

January 3, 2012
10:00 a.m.
New York, New York

Videotaped Deposition of ALEXANDER
NORRIS, held at the offices of Loeb & Loeb,
345 Park Avenue, New York, New York,
pursuant to Notice, before Adrienne M.
Mignano, a Notary Public of the State of New
York.

Page:2 - 0002

<p>01 1 Norris 02 2 content into the argument, but I wasn't 03 3 able to. 04 4 MR. RIGHETTINI: Let's introduce 05 5 this as 69. 06 6 (Whereupon, Report of Alexander 07 7 Stewart, dated November 28, 2011, was 08 8 marked as Exhibit 69 for 09 9 identification, as of this date.) 10 10 BY MR. RIGHETTINI: 11 11 Q Have you seen this document 12 12 before? 13 13 A This looks like a report from 14 14 Dr. Stewart. Yes, I have. 15 15 Q So we have just marked as 16 16 Exhibit 69 the November 28, 2011 report of 17 17 Dr. Alexander Stewart. 18 18 Would you please turn to page 11 19 19 of this report. Would you please read 20 20 aloud into the record Dr. Stewart's 21 21 analysis and finding on the third line, or 22 22 what begins on the third line of the first 23 23 full paragraph? 24 24 A The third line of the first full 25 25 paragraph?</p> <p style="text-align: center;">49 - 0049</p>	<p>01 1 Norris 02 2 Q Correct. 03 3 A Where the sentence begins? 04 4 Q Yes. 05 5 A Lyrically the songs deal with 06 6 very different subject matter. 07 7 Q Would you please read the next 08 8 sentence? 09 9 A Little in the way of common 10 10 words or lyrical phrases can be found in 11 11 both songs. 12 12 Q Do you agree with Dr. Stewart's 13 13 analysis and findings regarding the lyrics 14 14 in the original version of Take A Dive 15 15 and I Gotta Feeling? 16 16 A Yes. 17 17 MR. DICKIE: Objection. 18 18 Q Now, let's move on to the vocal 19 19 melodies in the original version of Take 20 20 A Dive and I Gotta Feeling. 21 21 Would you please read the next 22 22 sentence on page 11 on Dr. Stewart's 23 23 November 28, 2011 report where we left 24 24 off? 25 25 A The sentence after which I</p> <p style="text-align: center;">50 - 0050</p>
<p>01 1 Norris 02 2 spoke, just stated? 03 3 Q Yes, where we just left off. 04 4 A Moreover the main melodies of 05 5 the vocal parts are different. 06 6 Q Do you agree with Dr. Stewart's 07 7 analysis and findings regarding the vocal 08 8 melodies in the original version of Take 09 9 A Dive and I Gotta Feeling. 10 10 MR. DICKIE: Object to the form 11 11 of the question. Foundation. 12 12 A The main melodies and the vocal 13 13 parts are different. I agree with that 14 14 statement. 15 15 Q Isn't it true that in the 16 16 original version of Take A Dive, there 17 17 is no vamping guitar chord progression 18 18 like there is in I Gotta Feeling? 19 19 A That is true. 20 20 Q Isn't it true that the original 21 21 version of Take A Dive begins with an 22 22 intro that includes ambient sounds, but I 23 23 Gotta Feeling does not? 24 24 A That is true. 25 25 Q Isn't it true that the</p> <p style="text-align: center;">51 - 0051</p>	<p>01 1 Norris 02 2 introduction of Take A Dive original 03 3 version is unmeasured, but that's not the 04 4 case with respect to I Gotta Feeling. 05 5 MR. DICKIE: Object to the form 06 6 of the question. Foundation. 07 7 You can answer the question. 08 8 A It is true. 09 9 Q Isn't it true that after the 10 10 respective intros, I Gotta Feeling 11 11 begins with a chorus whereas Take A Dive 12 12 begins with a verse? 13 13 A Yes. 14 14 Q Would you please state for the 15 15 record how many verse sections are in 16 16 Take A Dive, the original version? 17 17 A How many verse sections? 18 18 Q Please. 19 19 A There are two verse sections in 20 20 the original version of Take A Dive. 21 21 Q Would you please state how many 22 22 verse sections are contained in I Gotta 23 23 Feeling? 24 24 A Let me see. 25 25 (Witness reviewing document)</p> <p style="text-align: center;">52 - 0052</p>

EXHIBIT

4

01 1
02 2 UNITED STATES DISTRICT COURT
03 3 CENTRAL DISTRICT OF CALIFORNIA
04 4 SOUTHERN DIVISION
05 5 -----
06 6 BRYAN PRINGLE, an individual,
07 7 Plaintiff,
08 8 vs.
09 9
10 10 CASE NO.:
11 11 SACV 10-1656 JST
12 12
13 13 WILLIAM ADAMS, JR.; STACY FERGUSON; ALLAN
14 14 PINEDA; and JAIME GOMEZ, all individually
15 15 and collectively as the music group The
16 16 Black Eyed Peas, et al.,
17 17 Defendants.
18 18 -----
19 19
20 20 VIDEOTAPED DEPOSITION OF
21 21 DR. ALEXANDER STEWART
22 22 WEDNESDAY, JANUARY 4, 2012
23 23 9:30 A.M.
24 24
25 25
26 26
27 27
28 28 Reported by:
29 29 Adrienne M. Mignano, RPR
30 30 REF: 6651

Page:1 - 0001

01 1
02 2
03 3
04 4
05 5
06 6
07 7
08 8
09 9
10 10
11 11
12 12
13 13
14 14
15 15
16 16
17 17
18 18
19 19
20 20
21 21
22 22
23 23
24 24
25 25

January 4, 2012
9:30 a.m.
New York, New York

Videotaped Deposition of DR.
ALEXANDER STEWART, held at the offices of
Loeb & Loeb, 345 Park Avenue, New York, New
York, pursuant to Notice, before Adrienne M.
Mignano, a Notary Public of the State of New
York.

Page:2 - 0002

<p>01 1 Stewart 02 2 A No, I don't. 03 3 Q Turning to Exhibit number 69, 04 4 again your report, let's go to page 10. 05 5 You state that there are 06 6 important differences between the original 07 7 version of Take A Dive -- 08 8 A Hold on one second. 69 we're on 09 9 now? 10 10 Q Your exhibit. 11 11 A Oh, that's my report again. 12 12 Yes, I'm sorry. 13 13 What page? 14 14 Q Page 11. I'm at the paragraph 15 15 entitled differences. 16 16 You note there are important 17 17 differences between Take A Dive 18 18 derivative version and I Gotta Feeling; 19 19 is that correct? 20 20 A Yes. 21 21 Q What are those important 22 22 differences? 23 23 A Well, the subject matter of both 24 24 songs is really quite different. 25 25 Lyrically they have very little in common.</p> <p style="text-align: center;">61 - 0061</p>	<p>01 1 Stewart 02 2 And then there are parts of details in 03 3 some of the inner parts of the 04 4 compositions that are different. 05 5 Q Are there any other differences? 06 6 A Those are the main important 07 7 differences. I mean, yeah, there are 08 8 other differences. There are all kinds of 09 9 minute details in both songs that are 10 10 going to be different. 11 11 Q A moment ago when you referred 12 12 to inner parts, what were you thinking of? 13 13 A I was thinking of, for example, 14 14 in I Gotta Feeling, there are some 15 15 synthesizer parts that I can point out. 16 16 There is a really good example. If you 17 17 look at Exhibit 68, since I happen to have , 18 18 it open to this page, the synthesizer part 19 19 in measure 49, which is the second line in 20 20 the score. 21 21 So there are differences and 22 22 that's what I'm trying to acknowledge 23 23 here. 24 24 Q Do you believe that when 25 25 comparing the original version of Take A</p> <p style="text-align: center;">62 - 0062</p>
<p>01 1 Stewart 02 2 Dive and I Gotta Feeling that there is 03 3 any evidence to support a finding that the 04 4 authors of I Gotta Feeling copied the 05 5 original version of Take A Dive? 06 6 A There is evidence of possible 07 7 copying. 08 8 Q Between the original version and 09 9 I Gotta Feeling? 10 10 A Yes. 11 11 Q I'm not talking at all about the 12 12 derivative version. 13 13 A Yes. 14 14 Q Okay. 15 15 Would you please identify the 16 16 evidence of possible copying between the 17 17 original version of Take A Dive and I 18 18 Gotta Feeling? 19 19 A The basic structure of the tunes 20 20 in terms of the 8 bar repeating pattern, 21 21 the bass note repeating, there's the 22 22 harmonic rhythm basically two measures for 23 23 each one of the bass notes of the harmony; 24 24 and then the fact that the harmony 25 25 actually lines up 50 percent of the time</p> <p style="text-align: center;">63 - 0063</p>	<p>01 1 Stewart 02 2 during part of the song and 75 percent 03 3 during another part of the song as I talk 04 4 about in my report. 05 5 So those are elements of -- that 06 6 could indicate possibly copying. 07 7 Q If the derivative version of 08 8 Take A Dive never existed and you only 09 9 compared the original version with I 10 10 Gotta Feeling, do you still maintain that 11 11 those similarities that you mentioned are 12 12 evidence of copying? 13 13 MR. DICKIE: Object to the form 14 14 of the question. Assumes facts and it 15 15 is outside the scope of his 16 16 engagement. 17 17 Q You can still answer it. 18 18 A I think the assumption is -- you 19 19 know, it is a hypothetical situation. 20 20 Q I'm entitled to ask 21 21 hypotheticals here. 22 22 A These similarities do not rise 23 23 to the level of a striking similarity as 24 24 to the guitar hook. So I don't think, as 25 25 I said, I don't think they</p> <p style="text-align: center;">64 - 0064</p>

EXHIBIT

5

FILED UNDER SEAL