

BRYAN CAVE LLP
3161 MICHELSON DRIVE, SUITE 1500
IRVINE, CALIFORNIA 92612-4414

1 **BRYAN CAVE LLP**
Jonathan Pink, California Bar No. 179685
2 jonathan.pink@bryancave.com
Justin M. Righettini, California Bar No. 245305
3 justin.righettini@bryancave.com
3161 Michelson Drive, Suite 1500
4 Irvine, California 92612-4414
Telephone: (949) 223-7000
5 Facsimile: (949) 223-7100

6 **BRYAN CAVE LLP**
Kara Cenar, (*Pro Hac Vice*)
7 kara.cenar@bryancave.com
Mariangela Seale, (*Pro Hac Vice*)
8 merili.seale@bryancave.com
161 North Clark Street, Suite 4300
9 Chicago, IL 60601-3315
Telephone: (312) 602-5000
10 Facsimile: (312) 602-5050

11 Attorneys for Defendants
WILLIAM ADAMS; STACY FERGUSON; ALLAN PINEDA; and JAIME
12 GOMEZ, all individually and collectively as the music group THE BLACK EYED
PEAS; will.i.am music, llc; TAB MAGNETIC PUBLISHING; CHERRY RIVER
13 MUSIC CO.; HEADPHONE JUNKIE PUBLISHING, LLC; JEEPNEY MUSIC,
INC.; EMI APRIL MUSIC, INC.

14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA, 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; DAVID GUETTA;
FREDERICK RIESTERER; UMG
22 RECORDINGS, INC.; INTERSCOPE
RECORDS; EMI APRIL MUSIC,
23 INC.; HEADPHONE JUNKIE
PUBLISHING, LLC; WILL.I.AM.
24 MUSIC, LLC; JEEPNEY MUSIC,
INC.; TAB MAGNETIC
25 PUBLISHING; CHERRY RIVER
MUSIC CO.; SQUARE RIVOLI
26 PUBLISHING; RISTER EDITIONS;
and SHAPIRO, BERNSTEIN & CO.,
27 Defendants.
28

Case No. SACV10-01656 JST (RZx)
Hon. Josephine Staton Tucker
Courtroom 10A

**APPLICATION TO CONTINUE
PRETRIAL CONFERENCE DATES
AND TRIAL DATE**

Complaint Filed: October 28, 2010
Trial Date: May 8, 2012

1 Defendants WILLIAM ADAMS; STACY FERGUSON; ALLAN PINEDA;
2 and JAIME GOMEZ, all individually and collectively as the music group THE
3 BLACK EYED PEAS; will.i.am music, llc; TAB MAGNETIC PUBLISHING;
4 CHERRY RIVER MUSIC CO.; HEADPHONE JUNKIE PUBLISHING, LLC;
5 JEEPNEY MUSIC, INC.; EMI APRIL MUSIC, INC. (“Adams Defendants”), along
6 with defendants SHAPIRO, BERNSTEIN & CO., INC.; RISTER EDITIONS;
7 DAVID GUETTA; and FREDERIC RIESTERER (“Guetta Defendants”), and UMG
8 RECORDINGS, INC. and INTERSCOPE RECORDS (“UMG Defendants”)
9 respectfully submit this Application to Continue Pretrial Conference Dates and Trial
10 Date, based on the following:¹

11 1. WHEREAS, on March 6, 2012, this Court heard oral argument on the
12 Guetta Defendants’ Motion for Summary Judgment (the “MSJ”);

13 2. WHEREAS, pursuant to this Court’s Order dated January 24, 2012, the
14 Final Pretrial Conference in this case is scheduled for April 23, 2012, and a jury trial
15 is scheduled to commence on May 8, 2012;

16 3. WHEREAS, given the currently scheduled pretrial conference and trial
17 dates in this matter, the parties are obligated to engage in certain pretrial conferences
18 and exchanges of documents (pursuant to Fed.R.Civ. P. Rule 16) beginning on
19 March 16, 2012;

20 4. WHEREAS, at the conclusion of the MSJ hearing, this Court stated
21 that if it did not issue a written ruling within several days of that hearing, it would
22 continue the currently scheduled pretrial conference and trial dates in this matter so
23 that the parties were not required to begin their Fed.R.Civ. P. Rule 16 meeting
24 obligations on March 16, 2012; and

25 5. WHEREAS, as of the date this Application was filed, the Court had yet
26 to issue a written ruling on the aforementioned MSJ;

27 ¹ The Adams Defendants invited plaintiff to join this Application, but Plaintiff did
28 not did not respond to that invitation by the time this document was filed.

1 6. WHEREAS a ruling on the MSJ may eliminate the need for a trial
2 and/or may materially impact issues required to be addressed in the Rule 16 pre-trial
3 materials and the parties' respective motions in limine;

4 7. WHEREAS, counsel for parties have an appellate briefs due in *Batts, et*
5 *al. v. Adams, et al.*² in April and May, with the Adams Defendants having an
6 answering brief due on May 9, 2012, and (in a related appeal) an opening brief due
7 on June 11, 2012 and a reply due on July 25, 2012;

8 8. WHEREAS, the briefing schedule for these Ninth Circuit appeals
9 creates a substantial hardship on the Adams Defendants' counsel if the trial date in
10 this case remains as currently scheduled;

11 9. WHEREAS, some of the Adams Defendants will be out of the country
12 for pre-existing business commitments at the time of the currently scheduled trial
13 date, which commitments create a substantial hardship on them if the trial date
14 remains as currently scheduled; and

15 10. WHEREAS, lead counsel for the Adams Defendants has a family
16 commitment (her parents' 75th birthday) shortly before the currently scheduled trial
17 date that creates a substantial hardship on the Adams Defendants if the trial date
18 remains as currently scheduled,

19 11. NOW THEREFORE, AND BASED UPON THE FOREGOING
20 FACTS, the Adams Defendants, the Guetta Defendants, and the UMG Defendants
21 respectfully request that the Court grant a 90-day continuance of the Final Pretrial
22 Conference (from April 23, 2012 to August 23, 2012), the Exhibits Conference
23 (from March 23, 2012 to July 23, 2012) and the commencement of trial (from May
24 8, 2012 to August 30, 2012).

25 _____
26 ² That case was filed by Plaintiff's counsel in this case, Mr. Dickie, against the same
27 Adams Defendants. The Adams Defendants moved for, and were granted, summary
28 judgment with a finding that "no reasonable jury could find that [the Adams
Defendants'] 'Boom Boom Pow' and [plaintiffs'] 'Boom Dynamite' are
substantially similar in idea and expression." Plaintiff appealed that ruling, and
Defendants appealed an order relating to their request for attorney fees.

1 Respectfully submitted

2 Dated: March 12, 2012

BRYAN CAVE LLP

3 By: /s/ Jonathan Pink

4 Jonathan Pink

5 Attorneys for Defendants

6 WILLIAM ADAMS; STACY
7 FERGUSON; ALLAN PINEDA; and
8 JAIME GOMEZ, all individually and
9 collectively as the music group THE
10 BLACK EYED PEAS; will.i.am
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13 MUSIC CO.; HEADPHONE JUNKIE
14 PUBLISHING, LLC; JEEPNEY
15 MUSIC, INC.; EMI APRIL MUSIC,
16 INC.

14 Dated: March 12, 2012

LOEB & LOEB LLP

15 By: /s/ Barry Slotnick

16 Barry I. Slotnick

17 Attorneys for Defendants

18 Shapiro, Bernstein & Co., Inc.; Rister
19 Editions; David Guetta; Frederic
20 Riesterer

20 Dated: March 12, 2012

**CALDWELL LESLIE AND PROCTOR
21 PC**

22 By: /s/ Linda Burrow

23 Linda M. Burrow Attorneys for
24 Defendants

25 UMG RECORDINGS, INC. and
26 INTERSCOPE RECORDS
27
28