

FILED - SOUTHERN DIVISION  
CLERK, U.S. DISTRICT COURT  
MAR 27 2012  
CENTRAL DISTRICT OF CALIFORNIA  
DEPUTY  
BY *[Signature]*

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11 Attorneys for Defendants WILLIAM ADAMS; STACY FERGUSON; ALLAN  
12 PINEDA; and JAIME GOMEZ, all individually and collectively as the music  
13 group THE BLACK EYED PEAS; will.i.am music, llc; TAB MAGNETIC  
PUBLISHING; CHERRY RIVER 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  
20 FERGUSON; ALLAN PINEDA; and  
21 JAIME GOMEZ, all individually and  
22 collectively as the music group the  
23 Black Eyed Peas; DAVID GUETTA;  
24 FREDERICK RIESTERER; UMG  
25 RECORDINGS, INC.; INTERSCOPE  
RECORDS; EMI APRIL MUSIC,  
26 INC.; HEADPHONE JUNKIE  
27 PUBLISHING, LLC; WILL.I.AM.  
28 MUSIC, LLC; JEEPNEY MUSIC,  
INC.; TAB MAGNETIC  
PUBLISHING; CHERRY RIVER  
MUSIC CO.; SQUARE RIVOLI  
PUBLISHING; RISTER EDITIONS;  
and SHAPIRO, BERNSTEIN & CO.,  
Defendants.

Case No. SACV10-1656 JST (RZx)  
Hon. Josephine Staton Tucker  
Courtroom 10A

**NOTICE OF APPLICATION AND  
APPLICATION FOR ORDER TO  
FILE DOCUMENTS UNDER SEAL  
RE: NOTICE OF JOINDER OF  
ADAMS DEFENDANTS TO  
MOTION FOR SANCTIONS  
AGAINST PLAINTIFF AND HIS  
COUNSEL PURSUANT TO FED. R.  
CIV. P. 11**

Date: April 16, 2012  
Time: 10:00 A.M.  
Dept.: 10A

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

CH01DOCS180333.1

APPLICATION TO FILE DOCUMENTS UNDER SEAL

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IRVINE, CALIFORNIA 92612-4414

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CLERK U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
BY *[Signature]*

ORIGINAL

1                   **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF**  
2 **RECORD:**

3                   **PLEASE TAKE NOTICE THAT** pursuant to L.R. 79-5.1 and the parties'  
4 agreement to treat certain documents, materials, and information as confidential,  
5 Defendants WILLIAM ADAMS; STACY FERGUSON; ALLAN PINEDA; and  
6 JAIME GOMEZ, all individually and collectively as the music group THE BLACK  
7 EYED PEAS; will.i.am music, llc; TAB MAGNETIC PUBLISHING; CHERRY  
8 RIVER MUSIC CO.; HEADPHONE JUNKIE PUBLISHING, LLC; JEEPNEY  
9 MUSIC, INC.; and EMI APRIL MUSIC, INC. ("Adams Defendants") seek an order  
10 of the Court permitting them to file certain documents under seal in connection with  
11 the Joinder of Adams Defendants to Motion for Sanctions Against Plaintiff and His  
12 Counsel Pursuant to Fed. R. Civ. P. 11 by Shapiro, Bernstein & Co, Inc., Frederic  
13 Riesterer and David Guetta.

14                   Specifically, the Adams Defendants request that the Court permit the  
15 following documents to be filed under seal or otherwise filed with Judge Tucker:

- 16                   (1) Exhibit "2" to the Declaration of Justin Righettini (relevant portions of  
17 the deposition transcript of William Adams); and  
18                   (2) Exhibit "5" to the Declaration of Justin Righettini (written agreement  
19 between BEP Music, LLC What a Music Limited, Frederic Riesterer,  
20 and David Guetta related to "I Gotta Feeling," dated September 28,  
21 2008).

22 The above documents have been designated as highly confidential or  
23 confidential pursuant to the parties' agreement to treat certain documents,  
24 materials, and information as confidential:

25  
26                   2.3 "CONFIDENTIAL" Information or Items: proprietary information  
27 not generally known to the public, including without limitation (i)  
28 trade secrets, financial and accounting information, profit margins,  
banking information, personal financial and personal banking  
information of the individual parties to this lawsuit, and/or

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1 confidential proprietary business information not readily available to  
2 the general public (including, without limitation, information related  
3 to the means, process or manner in which any musical compositions  
4 and/or recordings were created); (ii) information subject to a right of  
5 privacy; (iii) information that the Producing Party has verified is  
6 subject to a pre existing duty of confidentiality; or (iv) information the  
7 Court, after appropriate notice, an opportunity for the parties to be  
8 heard, and for good cause shown, rules shall be treated as  
9 CONFIDENTIAL pursuant to this Order. CONFIDENTIAL  
10 Information shall be labeled as "CONFIDENTIAL" and thereby  
11 designated as CONFIDENTIAL pursuant to this Order.

12 2.4 "HIGHLY CONFIDENTIAL" Information or Items:  
13 CONFIDENTIAL Information or Items, the disclosure of which to a  
14 Party or non-party would create a substantial risk of serious injury  
15 and/or competitive advantage or injury that could not be avoided by  
16 less restrictive means, and which is therefore entitled to a higher level  
17 of protection.

18 The foregoing documents are governed by the parties' agreement in this  
19 action, which specifies that none of the parties will publicly disseminate  
20 highly confidential or confidential documents and deposition transcripts:

21 7.2 Disclosure of "CONFIDENTIAL" Information or Items. Unless  
22 otherwise ordered by the Court or permitted in writing by the  
23 Designating Party, a Receiving Party may disclose any information or  
24 item designated CONFIDENTIAL only to:  
25 (a) the Receiving Party's Outside Counsel of record in this action, In-  
26 House Counsel who are actively involved in the prosecution or  
27 defense of this action, and employees of said Outside Counsel and In-  
28 House Counsel to whom it is essential to disclose the information for  
this litigation;  
(b) the Receiving Party and its officers, directors, and employees  
(including House Counsel) to whom disclosure is essential for this  
litigation;  
(c) Experts (as defined in this Order) of the Receiving Party to whom  
disclosure is essential for this litigation;  
(d) the Court and its personnel;  
(e) court reporters and their staff;  
(f) during their depositions, a deponent in the action to whom  
disclosure is essential and such deponent is otherwise able under the  
terms of this order to review Protected Material. Pages of transcribed  
deposition testimony, recordings of deposition testimony, or exhibits  
to depositions that reveal Protected Material must be designated as  
"CONFIDENTIAL" or Highly Confidential by the court reporter and  
may not be disclosed to anyone except as permitted under this  
Protective Order;  
(g) the author of the document or the original source of the  
information.

29 7.3 Disclosure of "HIGHLY CONFIDENTIAL" Information or Items.

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1 Unless otherwise ordered by the Court or permitted in writing by the  
2 Designating Party, a Receiving Party may disclose any information or  
3 item designated HIGHLY CONFIDENTIAL only to the categories of  
4 individuals in paragraphs (a), (c), (d), (e) and (g) of Section 7.2 above.  
5 To the extent anyone listed in Section 7.2, paragraph (c) is required to  
6 be shown any document or information designated as  
7 "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL," that person  
8 shall be required to sign the Acknowledgement and Agreement to Be  
9 Bound attached hereto as Exhibit A prior to such disclosure

6  
7 7.4 Non-Dissemination of Deposition Transcripts, Videos and  
8 Recordings. Regardless of whether or not any portion of a transcript,  
9 video or recording of a deposition taken in this action has been  
10 designated as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL,"  
11 no party receiving such hearing transcript, video or recording thereof,  
12 may cause such transcript, video or recording, or any portion thereof,  
13 to be publicly disseminated, including without limitation by posting  
14 such transcript, video or recording, or portion thereof, to a publicly  
15 available site or by any other means on the Internet or other electronic  
16 means of publication or distribution.

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1 Good cause exists to permit the submission of the above documents to the Court.  
2 They have been cited to or referenced in the Adams Defendants' Notice of Joinder,  
3 and Judge Tucker should be permitted to receive a copy of the documents to review  
4 first hand the testimony and documents cited in. Based on the foregoing,  
5 Defendants respectfully request that the Court grant this application and permit the  
6 above-specified documents to be filed under seal or in the alternative, to permit  
7 them with leave to otherwise file the relevant transcript portions as courtesy copies  
8 to Judge Tucker, and to the Court docket.

9  
10 Dated: March 1, 2012

**BRYAN CAVE LLP**

11 By: /s/ Justin Righettini

12 Justin Righettini

13 Attorneys for Defendants

14 WILLIAM ADAMS; STACY FERGUSON;  
15 ALLAN PINEDA; and JAIME GOMEZ, all  
16 individually and collectively as the music  
17 group THE BLACK EYED PEAS; will.i.am  
18 music, llc; TAB MAGNETIC  
19 PUBLISHING; CHERRY RIVER MUSIC  
20 CO.; HEADPHONE JUNKIE  
21 PUBLISHING, LLC; JEEPNEY MUSIC,  
22 INC.; EMI APRIL MUSIC, INC.

**PROOF OF SERVICE  
CCP 1013A(3) REVISED 5/1/88**

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is: 3161 Michelson Drive, Suite 1500, Irvine, CA 92612-4414.

On March 1, 2012, I served the foregoing document(s) described as:

**NOTICE OF APPLICATION AND APPLICATION FOR ORDER TO FILE DOCUMENTS UNDER SEAL RE: NOTICE OF JOINDER OF ADAMS DEFENDANTS TO MOTION FOR SANCTIONS AGAINST PLAINTIFF AND HIS COUNSEL PURSUANT TO FED. R. CIV. P. 11**

on all interested parties in this action by placing  a true copy  the original thereof enclosed in sealed envelopes addressed as follows:

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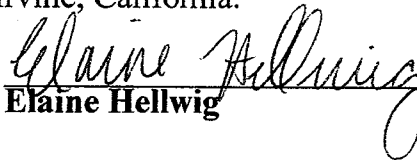
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BY MAIL - As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

FEDERAL - I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on March 1, 2012, at Irvine, California.

  
Elaine Hellwig