

Exhibit 1

Deposition of Manfred Mohr - August 11, 2011

1 UNITED STATES DISTRICT COURT
 2 FOR THE CENTRAL DISTRICT OF CALIFORNIA

3

4 EBONY LATRICE BATTIS, an)
 5 individual a/k/a Phoenix)
 6 Phenom, and MANFRED MOHR,)
 7 an individual,)
 8 Plaintiffs,)

**CERTIFIED
 TRANSCRIPT**

9 vs.) CV 10-8123 JFW (R2x)
 10 WILLIAM ADAMS JR.; et al.,)
 11 Defendants.)

12

13

14 The videotaped discovery deposition of
 15 MANFRED MOHR, taken in the above-entitled cause,
 16 before DERALYN GORDON FRIDELL, a notary public of
 17 Cook County, Illinois, on the 11th day of August,
 18 2011, at 161 North Clark Street, Suite 4300,
 19 Chicago, Illinois, beginning at approximately
 20 1:09 p.m., pursuant to Notice.

21

22

23 REPORTED BY: DERALYN GORDON FRIDELL, CSR, RPR, CRR
 24 LICENSE NO: 084-003957

VICTORIA COURT REPORTING SERVICE, INC. (312) 443-1025

Deposition of Manfred Mohr - August 11, 2011

1 PRESENT:

2

3

MILLER, CANFIELD, PADDOCK AND STONE, PLC

4

BY KATHARINE N. DUNN, ESQ.,

5

225 West Washington, Suite 2600

6

Chicago, Illinois 60606

7

(312) 460-4200

8

dunn@millercanfield.com

9

 appeared on behalf of plaintiffs;

10

11

GOULD LAW GROUP

12

BY IRA GOULD, ESQ., and

13

RYAN L. GREELY, ESQ.,

14

120 North LaSalle Street, Suite 2750

15

Chicago, Illinois 60602

16

(312) 781-0681

17

gould@igouldlaw.com

18

rgreely@igouldlaw.com

19

 appeared on behalf of plaintiffs and

20

the witness;

21

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Deposition of Manfred Mohr - August 11, 2011

1 **PRESENT:**

2

3

BRYAN CAVE

4

BY KARA CENAR, ESQ.,

5

161 North Clark Street, Suite 4300

6

Chicago, Illinois 60601

7

(312) 602-5000

8

kara.cenar@bryancave.com

9

-and-

10

BRYAN CAVE

11

BY JUSTIN RIGHETTINI, ESQ.,

12

3161 Michelson Drive, Suite 1500

13

Irvine, California 92612

14

(949) 223-7000

15

dickie@millercanfield.com

16

appeared on behalf of defendants

17

William Adams, Allan Pineda,

18

Jamie Gomez, Jamie Munson,

19

Will.i.am Music, LLC,

20

TAB Magnetic Publishing, Jeepney

21

Music, Inc., Cherry River Music Co.;

22

23

24

Deposition of Manfred Mohr - August 11, 2011

1 **PRESENT:**

2 **McPHERSON RANE LLP**
3 **BY EDWIN F. McPHERSON, ESQ.,**
4 **1801 Century Park East, 24th Floor**
5 **Los Angeles, California 90067**
6 **(310) 553-8833**
7 **emcpherson@mcphersonrane.com**

8 **appeared on behalf of defendants**
9 **Stacy Ferguson p/k/a Fergie,**
10 **Headphone Junkie Publishing, LLC,**
11 **and EMI April Music, Inc.;**

12
13 **GOULD LAW GROUP**
14 **BY IRA GOULD, ESQ., and**
15 **RYAN L. GREELY, ESQ.,**
16 **120 North LaSalle Street, Suite 2750**
17 **Chicago, Illinois 60602**
18 **(312) 781-0681**
19 **gould@igouldlaw.com**
20 **rgreely@igouldlaw.com**

21 **appeared on behalf of plaintiffs and**
22 **the witness;**

23 **ALSO PRESENT:**

24 **Mr. Joseph Beile, Videographer.**

Deposition of Manfred Mohr - August 11, 2011

1 Mr. Pharris Thomas was talking about with the
2 person on the phone, do you?

3 A. No. I don't know -- I can't recall
4 exactly what he was talking about honestly.

5 But I want to say that he was talking
6 about the record. And that's what kind of sparked
7 my hey, you know?

8 Q. In the material -- the song that was being
9 discussed, was that "Stuck Up"?

10 A. Yes, uh-huh. Yes, it was.

11 Q. Okay. So did you get an email address
12 from the person on the phone to send your
13 materials to?

14 A. No, because I had multiple songs, and I
15 actually got the address and everything.

16 Q. From who?

17 A. I had -- I have -- I had Interscope's
18 address I mean. And I want to say he gave it to
19 me, you know? But I can't recall. And I don't
20 want to sit up here and say something that I don't
21 actually recall, but, you know, Interscope's
22 address is their address, you know? You just put
23 "Attention: Troy Marshall" so.

24 Q. Where is Interscope located?

Deposition of Manfred Mohr - August 11, 2011

1 A. It's in New York City in Manhattan.

2 Q. Is that where you mailed this?

3 A. I -- honestly, I don't recall where I
4 mailed it honestly.

5 I mean, I know I sent it to him. I know I
6 packaged it up. So yes, I sent it to
7 Troy Marshall. I sent it to Interscope Records.
8 I don't remember the exact address.

9 Q. But it was a physical mailing, right?

10 A. Yeah, it was a -- uh-huh, yes.

11 Q. Okay.

12 A. I put it in bubble wrap, sent a picture, a
13 CD with about four to six songs, something like
14 that.

15 Q. Did you keep a record of the CD that you
16 sent?

17 A. What do you mean "a record"?

18 Q. Do you have a copy of what it was that you
19 say you mailed?

20 A. No. You know, I just -- at the time I
21 just kind of compiled the four, you know, four to
22 six songs that I thought, you know, were, you
23 know, were pretty hot that she had. And I sent it
24 to -- you know, I sent it.

Exhibit 2

WFLORAL 10
 SAN ANTONIO 2M
 10419 PLANTIN 0111L
 SAN ANTONIO TX 78214-0111
 051001.00 0778

Section Number 10
 051001.00 0778

1 First Class service 87
 Destination 90014
 Weight 0 lb 2 50 oz
 Total Cost 87
 Base Rate 87
 First Class service 87
 Destination 90437
 Weight 0 lb 2 50 oz
 Total Cost 87
 Base Rate 87
 First Class service 87
 Destination 90212
 Weight 0 lb 2 50 oz
 Total Cost 87
 Base Rate 87
 First Class service 87
 Destination 10019
 Weight 0 lb 2 50 oz
 Total Cost 87
 Base Rate 87
 First Class service 87
 Destination 90046
 Weight 0 lb 2 50 oz
 Total Cost 87
 Base Rate 87
 First Class service 87
 Destination 90405
 Weight 0 lb 2 50 oz
 Total Cost 87
 Base Rate 87
 First Class service 87
 Destination 90038
 Weight 0 lb 2 50 oz
 Total Cost 87
 Base Rate 87
 First Class service 87
 Destination 10011
 Weight 0 lb 2 50 oz
 Total Cost 87
 Base Rate 87
 First Class service 87
 Destination 10022
 Weight 0 lb 2 50 oz
 Total Cost 87
 Base Rate 87
 First Class service 87
 Destination 10018
 Weight 0 lb 2 50 oz
 Total Cost 87
 Base Rate 87

Subtotal 8.70
 Total Charged 8.70
 MasterCard 8.70

33-90248012A 98

MasterCard
 ACC# NUMBER 12345 6789
 XXXX XXXX XXXX XXXX 460 314837

Thanks

It's a pleasure to serve you

ALL FEES FINAL ON STAMPS AND POSTAGE
 REFUNDS FOR GUARANTEED SERVICE ONLY

WFLORAL 10
 SAN ANTONIO 2M
 10419 PLANTIN 0111L
 SAN ANTONIO TX 78214-0111
 051001.00 0778

Section Number 10
 051001.00 0778

1 First Class service 87
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 Base Rate 87
 First Class service 87
 Destination 90078
 Weight 0 lb 2 50 oz
 Total Cost 87
 Base Rate 87
 First Class service 87
 Destination 90046
 Weight 0 lb 2 50 oz
 Total Cost 87
 Base Rate 87
 First Class service 87
 Destination 90405
 Weight 0 lb 2 50 oz
 Total Cost 87
 Base Rate 87
 First Class service 87
 Destination 90038
 Weight 0 lb 2 50 oz
 Total Cost 87
 Base Rate 87
 First Class service 87
 Destination 10011
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 First Class service 87
 Destination 10022
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 Total Cost 87
 Base Rate 87
 First Class service 87
 Destination 10018
 Weight 0 lb 2 50 oz
 Total Cost 87
 Base Rate 87

Subtotal 8.70
 Total Charged 8.70
 MasterCard 8.70

73-00248012B 98

MasterCard
 ACC# NUMBER 12345 6789
 XXXX XXXX XXXX XXXX 460 314837

Thanks

It's a pleasure to serve you

ALL FEES FINAL ON STAMPS AND POSTAGE
 REFUNDS FOR GUARANTEED SERVICE ONLY

REC'D 10
 SAN ANTONIO GMF
 10410 P. HAN W. 1111
 SAN ANTONIO TX 78284-0782
 08/03/06 04 59AM

Transaction Number 9
 USPS # 487472-4558

1. First Class service 87
 Destination: 98038
 Weight: 0 lb. 2.50 oz
 Total Cost: 87
 Base Rate: 87
2. First Class service 87
 Destination: 92008
 Weight: 0 lb. 2.70 oz
 Total Cost: 87
 Base Rate: 87
3. First Class service 87
 Destination: 01428
 Weight: 0 lb. 2.50 oz
 Total Cost: 87
 Base Rate: 87
4. First Class service 87
 Destination: 98026
 Weight: 0 lb. 2.70 oz
 Total Cost: 87
 Base Rate: 87
5. First Class service 87
 Destination: 13036
 Weight: 0 lb. 2.88 oz
 Total Cost: 87
 Base Rate: 87
6. First Class service 87
 Destination: 10104
 Weight: 0 lb. 2.70 oz
 Total Cost: 87
 Base Rate: 87
7. First Class service 87
 Destination: 98211
 Weight: 0 lb. 2.60 oz
 Total Cost: 87
 Base Rate: 87
8. First Class service 87
 Destination: 98024
 Weight: 0 lb. 2.70 oz
 Total Cost: 87
 Base Rate: 87
9. First Class service 87
 Destination: 98404
 Weight: 0 lb. 2.80 oz
 Total Cost: 87
 Base Rate: 87
10. First Class service 87
 Destination: P2843
 Weight: 0 lb. 2.70 oz
 Total Cost: 87
 Base Rate: 87

Subtotal 8.70
 Total Charged 8.70
 MasterCard 6.70

25 98280126 405
 MasterCard
 ACK NUMBER IBANS # 4517
 XXXX XXXX XXXX 8873 458 25443

Thanks
 It's a pleasure to serve you
 ALL SALES FINAL ON STAMPS AND POSTAGE
 REFUNDS FOR GUARANTEED SERVICES ONLY

Exhibit 3

demo

From: **artemp1@sonybmj.com**

Sent: Mon 8/14/06 11:44 AM

To:

Thank you for sending us your demo. We greatly appreciate the time and commitment you have spent putting into it, however, at the present moment this is not what Columbia is looking for.

We urge you not to be disheartened by this as we receive many demos everyday and simply cannot look into every one, but we do wish you the very best of luck for the future.

A&R DEPARTMENT
COLUMBIA RECORDS

PL0021

Exhibit 4

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

EBONY LATRICE BATTS, ET AL.,)
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)
PLAINTIFFS,)
)
VS.) CASE CV 10-08123-JFW(RZX)
)
)
WILLIAM ADAMS, JR., ET AL.,) LOS ANGELES, CALIFORNIA
) SEPTEMBER 12, 2011
) (10:12 A.M. TO 10:18 A.M.)
DEFENDANTS.)
_____)

HEARING
BEFORE THE HONORABLE RALPH ZAREFSKY
UNITED STATES MAGISTRATE JUDGE

APPEARANCES: SEE NEXT PAGE
COURT REPORTER: RECORDED; COURT SMART
COURTROOM DEPUTY: ILENE BERNAL
TRANSCRIBER: DOROTHY BABYKIN
COURTHOUSE SERVICES
1218 VALEBROOK PLACE
GLENORA, CALIFORNIA 91740
(626) 963-0566

PROCEEDINGS RECORDED BY ELECTRONIC SOUND RECORDING;
TRANSCRIPT PRODUCED BY TRANSCRIPTION SERVICE.

1 APPEARANCES: (CONTINUED)
2 FOR THE PLAINTIFFS: HAMPTONHOLLEY LLP
3 BY: GEORGE LEO HAMPTON, IV
4 ATTORNEY AT LAW
5 2101 EAST COAST HIGHWAY
6 SUITE 260
7 CORONA DEL MAR, CALIFORNIA 92625

8
9 FOR WILLIAM ADAMS, JR., BRYAN CAVE LLP
10 ET AL: BY: JUSTIN MICHAEL RIGHETTINI
11 ATTORNEY AT LAW
12 3161 MICHELSON DRIVE
13 SUITE 1500
14 IRVINE, CALIFORNIA 92512

15
16 FOR STACY FERGUSON, MC PHERSON RANE LLP
17 HEADPHONE JUNKIE AND BY: TRACY B. RANE
18 EMI APRIL MUSIC: ATTORNEY AT LAW
19 1801 CENTURY PARK EAST
20 24TH FLOOR
21 LOS ANGELES, CALIFORNIA 90067

22
23 FOR UMG RECORDINGS, INC., CALDWELL LESLIE & PROCTOR PC
24 INTERSCOPE RECORDS: BY: ALISON M. MAC KENZIE
25 ATTORNEY AT LAW
1000 WILSHIRE BOULEVARD
SUITE 600
LOS ANGELES, CALIFORNIA 90017

I N D E X

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CASE NO. CV 10-08123-JFW(RZX)

SEPTEMBER 12, 2011

PROCEEDINGS: HEARING ON PLAINTIFFS' MOTION TO COMPEL
PRODUCTION

1 LOS ANGELES, CALIFORNIA; MONDAY, SEPTEMBER 12, 2011

2 10:12 A.M.

3 THE CLERK: ITEM NUMBER 4, CASE NUMBER
4 CV 10-08123-JFW(RZX), EBONY LATRICE BATTS, ET AL. VERSUS
5 WILLIAM ADAMS, JR., ET AL.

6 COUNSEL, PLEASE MAKE YOUR APPEARANCES.

7 MS. RANE: GOOD MORNING, YOUR HONOR.

8 TRACY RANE FOR DEFENDANT STACY FERGUSON, HEADPHONE
9 JUNKIE AND EMI APRIL MUSIC.

10 MR. RIGHETTINI: GOOD MORNING, YOUR HONOR.

11 JUSTIN RIGHETTINI FOR DEFENDANTS WILLIAM ADAMS,
12 ALLAN PINEDA, JAIME GOMEZ, INDIVIDUALLY AND COLLECTIVELY
13 KNOWN AS THE BLACK EYED PEAS; JAIME MUNSON, WILL.I.AM MUSIC,
14 TAB MAGNETIC PUBLISHING, CHERRY RIVER MUSIC, AND JEEPNEY
15 MUSIC.

16 MS. MAC KENZIE: GOOD MORNING, YOUR HONOR.

17 ALISON MAC KENZIE FOR DEFENDANTS UMG RECORDINGS AND
18 INTERSCOPE RECORDS.

19 MR. HAMPTON: GOOD MORNING, YOUR HONOR.

20 GEORGE HAMPTON APPEARING ON BEHALF OF THE
21 PLAINTIFFS.

22 THE COURT: ALL RIGHT. THERE DOESN'T SEEM TO BE A
23 WHOLE LOT AT ISSUE HERE.

24 DOES THE PLAINTIFF WISH TO BE HEARD?

25 MR. HAMPTON: JUST BRIEFLY, YOUR HONOR.

1 THE COURT: GO AHEAD.

2 MR. HAMPTON: UNLIKE THE CASES -- THE CENTRAL CASE
3 AND THE SEVEN FOR ALL MANKIND CASE, WHICH I BELIEVE ACTUALLY
4 YOU WERE THE MAGISTRATE REFERENCED IN THAT CASE, THIS CASE,
5 AND THE COMPLAINT IN IT SPECIFICALLY ALLEGES THAT THE
6 INFRINGING OR THE COPYING WAS PART OF A GENERAL PRACTICE -- A
7 PATTERN AND PRACTICE BY THE DEFENDANTS. SPECIFICALLY -- THE
8 COMPLAINT SPECIFICALLY CONTAINS THE ALLEGATIONS.

9 JUDGE WALTER DENIED DEFENDANTS' MOTION TO STRIKE
10 THAT ALLEGATION FROM THE COMPLAINT. AND THE DISCOVERY THAT
11 WE'RE REQUESTING GOES DIRECTLY TO THAT COMPLAINT -- OR THAT
12 ALLEGATION IN THE COMPLAINT.

13 THE COURT: AND IS IT AN ELEMENT OF YOUR PROOF?

14 MR. HAMPTON: NO, IT IS NOT AN ELEMENT -- IT IS NOT
15 AN ELEMENT OF OUR PROOF.

16 THE COURT: ALL RIGHT. THANK YOU.

17 WHO WISHES TO SPEAK ON THE DEFENSE SIDE, IF ANYONE?

18 MR. RIGHETTINI: I WOULD JUST LIKE TO BRIEFLY
19 REITERATE, YOUR HONOR, THAT A PRIMA FACIE CASE FOR COPYRIGHT
20 INFRINGEMENT IS NOT SET FORTH BY REFERENCING WORKS THAT ARE
21 NOT AT ISSUE IN THE CASE. THE WAY A PLAINTIFF PROVES HIS
22 CASE OR HER CASE IS TO ESTABLISH OWNERSHIP OF THE WORK WHICH
23 WE DO NOT DISPUTE AT THIS TIME. AND THAT THERE HAS BEEN
24 COPYING.

25 AND COPYING MAY BE PROVED TWO WAYS -- DIRECT

1 EVIDENCE OF COPYING, WHICH WOULD BE THE DEFENDANTS SAYING,
2 YES, I COPIED OR, PERHAPS, VIDEO FOOTAGE. AND IT'S
3 EXCEEDINGLY RARE.

4 AND, THEN, THE OTHER WAY IS INDIRECT -- OR EXCUSE
5 ME, CIRCUMSTANTIAL EVIDENCE OF COPYING WHICH IS ACCESS AND
6 SUBSTANTIAL SIMILARITY.

7 AND WHETHER OR NOT OUR CLIENTS HAVE BEEN ACCUSED OF
8 INFRINGING ANY WORK HAS NOTHING TO DO WITH WHETHER OR NOT THE
9 DEFENDANTS HEARD OR HAD A REASONABLE OPPORTUNITY TO HEAR
10 PLAINTIFFS' WORK. IT HAS NOTHING TO DO WITH WHETHER OR NOT
11 PLAINTIFFS' WORK CONTAINS PROTECTED MATERIAL IN IT. IT HAS
12 NOTHING TO DO WITH WHETHER OR NOT DEFENDANTS' WORK ALSO
13 CONTAINS PROTECTED MATERIAL FROM PLAINTIFFS' WORK AND A
14 SUFFICIENT QUANTUM SUCH THAT LIABILITY WOULD ATTACH.

15 OUR POSITION IS THAT THE REQUESTS ARE ENTIRELY
16 IRRELEVANT. THE ARGUMENT THAT IT SPEAKS TO HABIT IS ABSURD.
17 I DON'T THINK ANYBODY COMMITS A TORT OR A CRIME AS A MATTER
18 OF HABIT.

19 THAT'S --

20 THE COURT: WE HAVE SOME HABITUAL OFFENDERS.

21 MR. RIGHETTINI: OKAY. WELL, IN THIS CASE JUST
22 BECAUSE THE PLAINTIFFS HAVE ALLEGED THERE'S A PATTERN AND
23 PRACTICE OR THAT IT'S CHRONIC OR SYSTEMIC DOESN'T MEAN IT'S
24 TRUE. YOU KNOW, OUR CLIENTS TEND TO BE VERY COMMERCIALY
25 SUCCESSFUL. PEOPLE ALL THE TIME ACCUSE US OF THINGS.

1 AND THE REQUESTS THAT ARE AT ISSUE HERE ARE SO
2 OVERLY BROAD. THEY'RE NOT LIMITED TO ANY PERIOD OF TIME.
3 OUR BAND HAS BEEN TOGETHER SINCE 1995. IT'S ONLY BEEN
4 LIMITED TO THE CLASS OF WORK. IT COULD BE CALLING FOR WORKS
5 RELATED TO PAINTINGS OR FILMS. IT'S NOT EVEN RELATED TO
6 MUSICAL WORKS ONLY. IT'S JUST IMPERMISSIBLY BROAD AND
7 IRRELEVANT.

8 THE COURT: ALL RIGHT. THANK YOU.

9 MR. RIGHETTINI: THANK YOU.

10 THE COURT: ANYONE ELSE FROM THE DEFENSE?

11 MS. RANE: NO, YOUR HONOR.

12 MS. MAC KENZIE: NO, YOUR HONOR.

13 THE COURT: ANYTHING FURTHER, MR. HAMPTON?

14 MR. HAMPTON: YES, YOUR HONOR. JUST VERY BRIEFLY.

15 WHILE IT'S NOT AN ELEMENT OF OUR BURDEN OF PROOF AT
16 TRIAL, WE BELIEVE THAT WE -- THAT THERE IS A DISTINCTION
17 BETWEEN THE STANDARD OF RELEVANCE FOR ADMISSIBILITY OF
18 EVIDENCE AT TRIAL AND PERMISSIBLE DISCOVERY.

19 AND THAT'S WHAT THIS IS. WE BELIEVE THAT WE'RE
20 ENTITLED TO DISCOVER EVIDENCE OF THEIR PAST CONDUCT,
21 PARTICULARLY GIVEN THE ALLEGATIONS IN THE COMPLAINT.

22 AND NOTWITHSTANDING THAT IT'S NOT PART OF OUR
23 BURDEN OF PROOF, RULE 406 OF THE FEDERAL RULES OF EVIDENCE
24 PROVIDES THAT EVIDENCE OF A ROUTINE PRACTICE OF AN
25 ORGANIZATION IS RELEVANT TO PROVE THE CONDUCT OF AN

1 ORGANIZATION ON A PARTICULAR OCCASION AND CONFORMITY WITH
2 THAT CONDUCT. AND THAT'S WHY WE'RE REQUESTING THE DISCOVERY.

3 THE COURT: ALL RIGHT. THANK YOU.

4 IN THE COURT'S VIEW DOCUMENTS CONCERNING
5 ACCUSATIONS OF OTHER INFRINGEMENTS ARE NOT RELEVANT TO THE
6 CLAIMS AND DEFENSES CONCERNING THE INFRINGEMENT ALLEGED IN
7 THIS CASE.

8 AND IT'S ALSO THE COURT'S VIEW THAT IT WOULD BE
9 BURDENSOME TO RESPOND TO THE REQUESTS AS THEY ARE UNLIMITED
10 IN SCOPE. AND THEREFORE THE MOTION IS DENIED.

11 THANK YOU.

12 MR. HAMPTON: THANK YOU, YOUR HONOR.

13 MR. RIGHETTINI: THANK YOU, YOUR HONOR.

14 MS. RANE: THANK YOU.

15 (PROCEEDINGS CONCLUDED 10:18 A.M.)

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C E R T I F I C A T E

I CERTIFY THAT THE FOREGOING IS A CORRECT
TRANSCRIPT FROM THE ELECTRONIC SOUND RECORDING OF THE
PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

/S/ DOROTHY BABYKIN

2/2/12

FEDERALLY CERTIFIED TRANSCRIBER

DATED

DOROTHY BABYKIN

Exhibit 5

<p>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 1 - 0001</p>	<p>01 1 02 2 03 3 04 4 05 5 06 6 January 3, 2012 07 7 10:00 a.m. 08 8 New York, New York 09 9 10 10 Videotaped Deposition of ALEXANDER 11 11 NORRIS, held at the offices of Loeb & Loeb, 12 12 345 Park Avenue, New York, New York, 13 13 pursuant to Notice, before Adrienne M. 14 14 Mignano, a Notary Public of the State of New 15 15 York. 16 16 17 17 18 18 19 19 20 20 21 21 22 22 23 23 24 24 25 25 2 - 0002</p>
<p>01 1 02 2 A P P E A R A N C E S: 03 3 04 4 05 5 MILLER, CANFIELD, PADDOCK and STONE PLC 06 6 Attorneys for Plaintiff 07 7 225 W. Washington Street 08 8 Suite 2600 09 9 Chicago, Illinois 60606 10 10 BY: DEAN A. DICKIE, ESQ. 11 11 12 12 13 13 BRYAN CAVE LLP 14 14 Attorneys for Defendants 15 15 William Adams, Jr., Stacy Ferguson, 16 16 Allan Pineda and Jaime Gomez, individually 17 and collectively as the music group the 18 18 Black Eyed Peas, et al. 19 19 161 North Clark Street 20 20 Suite 4300 21 21 Chicago, Illinois 60601 22 22 BY: JUSTIN RIGHETTINI, ESQ. 23 23 24 24 25 25 26 26 27 27 3 - 0003</p>	<p>01 1 02 2 APPEARANCES CONTINUED: 03 3 04 4 05 5 LOEB & LOEB LLP 06 6 Attorneys for Defendants 07 7 Shapiro, Bernstein and Co, Inc., 08 8 David Guetta and Frederick Riesterer 09 9 345 Park Avenue 10 10 New York, New York 10154 11 11 BY: THOMAS D. NOLAN III, ESQ. 12 12 13 13 14 14 ALSO PRESENT: 15 15 RODOLFO DURAN 16 16 Legal Video Specialist 17 17 18 18 19 19 20 20 21 21 22 22 23 23 24 24 25 25 26 26 27 27 4 - 0004</p>

<p>01 1 Norris 02 2 A Yes, I see that. 03 3 Q Does that synth part occur in 04 4 Take A Dive original version? 05 5 A It does not. 06 6 Q Would you agree that in I Gotta 07 7 Feeling, the low synth line matches the 08 8 baseline and the chorus of I Gotta 09 9 Feeling? 10 10 A The low synth at the beginning 11 11 of I Gotta Feeling matches. 12 12 Q So if you compare measures 1 13 13 through 8 with, say, measures 33 through 14 14 40, would you agree that the low synth 15 15 line in measures 1 through 8 matches the 16 16 baseline in measures 33 through 40 with 17 17 the exception of the passing tone D? 18 18 A I'd -- not to me, no, it doesn't 19 19 match. 20 20 Q The pitches match; is that 21 21 correct? 22 22 MR. DICKIE: Object to the form 23 23 of the question. Misstates his 24 24 testimony. 25 25 A Let me see.</p> <p style="text-align: center;">77 - 0077</p>	<p>01 1 Norris 02 2 Well, those passing tones do 03 3 matter, but with the exception of those 04 4 passing tones, they do match and then 05 5 there's also an octave displacement. 06 6 Q True, but the first two measures 07 7 of the intro, the low synth are on G; is 08 8 that correct? 09 9 A Yes. 10 10 Q And that corresponds to the 11 11 first two measures of the chorus of I 12 12 Gotta Feeling? 13 13 A State that one more time, 14 14 please. 15 15 Q Isn't it true that the first two 16 16 measures of the chorus section of I Gotta 17 17 Feeling the pitches and the baseline are 18 18 also G? 19 19 A Yes. 20 20 Q Okay. 21 21 Moving to the second two 22 22 measures of the chorus -- excuse me, the 23 23 third and fourth measures of the chorus, 24 24 isn't it true that the baseline there is 25 25 on C?</p> <p style="text-align: center;">78 - 0078</p>
<p>01 1 Norris 02 2 A Yes. 03 3 Q And going back up to measures 3 04 4 and 4, with the exception of the passing 05 5 tone D, isn't it true that the low synth 06 6 line is articulated on the note C? 07 7 A I think I've lost a little bit 08 8 track of where you are. Are you on -- 09 9 you're on -- you're comparing -- 10 10 Q We're skipping between measures 11 11 1 through 8 and 33 through 40. 12 12 A Okay. So you're referring -- 13 13 right now, you're referring to -- 14 14 Q Let me ask it to you this way: 15 15 In putting aside the differences in the 16 16 rhythm and the passing tone D, would you 17 17 not agree that low synth line pitches 18 18 match the pitches for the baseline in 19 19 measures 33 through 40? 20 20 A Yes. 21 21 Q Okay. 22 22 Would you agree that the 23 23 instrumentation in I Gotta Feeling is 24 24 different from the instrumentation in 25 25 Take A Dive original version?</p> <p style="text-align: center;">79 - 0079</p>	<p>01 1 Norris 02 2 MR. DICKIE: Object to the form 03 3 of the question. 04 4 A There are some similarities. 05 5 Q I didn't ask you for any 06 6 similarities. 07 7 Isn't it true that there are 08 8 differences between the instrumentation 09 9 for those two works? 10 10 A Yes. 11 11 Q Isn't it true that there are no 12 12 vocals -- excuse me. 13 13 MR. RIGHETTINI: Strike that. 14 14 Q Would you agree that the 15 15 differences between the original version 16 16 of Take A Dive and I Gotta Feeling 17 17 outweigh any similarities that those two 18 18 works may share? 19 19 MR. DICKIE: Objection to form 20 20 of the question. 21 21 A Repeat the question please. 22 22 Q Would you not agree that the 23 23 differences between the original version 24 24 of Take A Dive and I Gotta Feeling 25 25 outweigh any similarities that those two</p> <p style="text-align: center;">80 - 0080</p>

<p>01 1 Norris 02 2 works might share? 03 3 A Yes. 04 4 Q Isn't it true that when you 05 5 strip away all of the differences between 06 6 Take A Dive original version and I 07 7 Gotta Feeling, any remaining similarities 08 8 would be limited to generic musical 09 9 building blocks? 10 10 MR. DICKIE: Object to the form 11 11 of the question. It's vague and 12 12 ambiguous. 13 13 A I don't think I'd agree with 14 14 that. 15 15 Q Well, isn't Mixolydian a generic 16 16 music building block? 17 17 A I don't know if it's generic. 18 18 It's -- I mean, a lot of songs are in 19 19 Mixolydian mode, but I don't think it's 20 20 generic. 21 21 Q How do you define the term 22 22 generic? 23 23 MR. DICKIE: Objection. It 24 24 wasn't his word; he didn't use it. 25 25 You can ask him how he understands it.</p> <p style="text-align: center;">81 - 0081</p>	<p>01 1 Norris 02 2 Q What's your understanding of the 03 3 word generic? 04 4 A Commonplace. 05 5 Q And is it your position that 06 6 Mixolydian is not commonplace in all of 07 7 western music? 08 8 A Well, if you're speaking of all 09 9 western music, that's a broad topic. I 10 10 don't know if it's -- I don't know all 11 11 western music, but it's common in certain 12 12 idioms. I believe it's common in a dance 13 13 pop idiom. But I don't -- I think there's 14 14 a difference between commonplace and 15 15 generic. 16 16 Q Well, simply pointing out that 17 17 two were trying to Mixolydian doesn't 18 18 speak to whether or not the work created 19 19 later in time copied the work created 20 20 earlier in time, does it? 21 21 MR. DICKIE: Objection. 22 22 Incomplete hypothetical. 23 23 A The Mixolydian mode, that's 24 24 true, it does not suggest, by itself it 25 25 does not suggest copying.</p> <p style="text-align: center;">82 - 0082</p>
<p>01 1 Norris 02 2 Q Would you agree that an eight 03 3 measure phrase format is a musical 04 4 building block? 05 5 MR. DICKIE: Objection. Asked 06 6 and answered. 07 7 A Eight bar phrases are common. 08 8 Q Isn't 4, 4 meter a building 09 9 block? 10 10 A Yes. 11 11 Q What about two works that have a 12 12 form that includes an intro, verse, chorus 13 13 section, wouldn't that be a building 14 14 block? 15 15 MR. DICKIE: Object to the form 16 16 of the question. It's an incomplete 17 17 hypothetical. 18 18 A That is a common formula in 19 19 western pop music. 20 20 Q And what about genre, just 21 21 because two works are -- 22 22 MR. RIGHETTINI: Strike that. 23 23 Q Would you characterize genre as 24 24 a building block? 25 25 A I can't answer that.</p> <p style="text-align: center;">83 - 0083</p>	<p>01 1 Norris 02 2 Q Why can't you? 03 3 A I don't know if -- I don't know 04 4 if genre is a building block. 05 5 Q So you set out to create a work 06 6 in the electronic dance genre or techno 07 7 genre, wouldn't that be somewhat of a 08 8 building block that you're using in 09 9 creating your composition? 10 10 MR. DICKIE: Objection. 11 11 Incomplete hypothetical. Calls for 12 12 speculation. 13 13 A Well, sometimes works, they 14 14 cross genres or they change genres. I 15 15 guess a good example is many show tunes 16 16 become jazz standards. 17 17 I would have to think about 18 18 this. Genre as a building block. I can't 19 19 say for sure. 20 20 Q Well, for purposes of copy, just 21 21 because two works happen to be in the same 22 22 genre, that by itself is not suggestive of 23 23 copying, is it? 24 24 A That by itself is not. 25 25 Q Okay.</p> <p style="text-align: center;">84 - 0084</p>

<p>01 1 Norris 02 2 Setting aside the derivative 03 3 version of Take A Dive, and only on the 04 4 basis of comparison of the original 05 5 version of Take A Dive and I Gotta 06 6 Feeling, would you agree that the 07 7 similarities in the use of musical 08 8 building blocks could be the result of 09 9 coincidence? 10 10 MR. DICKIE: Objection. Calls 11 11 for speculation. 12 12 A Well, between those two -- 13 13 Q Only between the original 14 14 version and I Gotta Feeling. 15 15 A I still feel like the derivative 16 16 version does play a role. 17 17 MR. RIGHETTINI: Motion to 18 18 strike as non-responsive. 19 19 Q I'm asking only about the 20 20 original version and I Gotta Feeling. 21 21 Any similarities in general 22 22 musical characteristics that result or 23 23 that appear in those works, could those 24 24 not be the result of coincidence? 25 25 MR. DICKIE: Object to the form 85 - 0085</p>	<p>01 1 Norris 02 2 of the question. It's a double 03 3 negative. 04 4 MR. RIGHETTINI: I think he 05 5 understands what I'm saying. 06 6 A Hypothetically they could be the 07 7 result of coincidence. 08 8 Q And would you agree that the 09 9 only -- or excuse me. 10 10 Would you expect that the only 11 11 explanation for such shared similarities 12 12 in musical building blocks is copying? 13 13 MR. DICKIE: Objection as an 14 14 incomplete hypothetical. No 15 15 foundation for the question as asked. 16 16 A I can't answer that. 17 17 Q Let me put it to you this way: 18 18 Isn't it possible for two works to be in 19 19 the same modality, same tempo, same meter, 20 20 both have a form that includes a chorus, 21 21 verse sections, and maybe an intro, altro 22 22 breakdown, isn't it possible for two works 23 23 to contain these general characteristics 24 24 independently of copying? 25 25 A It is possible. 86 - 0086</p>
<p>01 1 Norris 02 2 Q Okay. 03 3 Moving back to your report, 04 4 which we've marked as exhibit number 65. 05 5 MR. DICKIE: You're starting a 06 6 new section, a new area, would this be 07 7 a convenient place to break for lunch? 08 8 MR. RIGHETTINI: I was thinking 09 9 about -- 10 10 MR. DICKIE: It is noon. So, I 11 11 just -- if you're stopping now, then 12 12 let's break for lunch here and come 13 13 back in an hour, because I would like 14 14 lunch. It just seemed that you were 15 15 moving on to a different -- 16 16 MR. RIGHETTINI: Actually, why 17 17 don't we take lunch now. 18 18 MR. DICKIE: If it's okay. 19 19 THE WITNESS: Yes. 20 20 MR. DICKIE: Good. 21 21 THE VIDEOGRAPHER: The time is 22 22 12:11 p.m. and we're going off the 23 23 record. 24 24 (Thereupon, a recess was taken, 25 25 and then the proceedings continued as 87 - 0087</p>	<p>01 1 Norris 02 2 follows:) 03 3 A F T E R N O O N S E S S I O N 04 4 THE VIDEOGRAPHER: The time is 05 5 1:24 p.m. and we're back on the 06 6 record. 07 7 A-L-E-X-A-N-D-E-R N-O-R-R-I-S, resumed 08 8 and testified as follows: 09 9 EXAMINATION BY (Cont'd.) 10 10 MR. RIGHETTINI: 11 11 Q Welcome back. You understand 12 12 that you're still under oath, correct? 13 13 A Correct. 14 14 Q Okay. 15 15 Turning to Exhibit 65, your 16 16 November 28, 2011 report, at paragraph 9, 17 17 one sees a discussion of a hook; is that 18 18 correct? 19 19 A That is correct. 20 20 Q Would you please define that 21 21 term as used in your report? 22 22 A The hook to me is a critical 23 23 element of a song as it commands the 24 24 listener's attention and gives the 25 25 listener a concrete element that is 88 - 0088</p>