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BRYAN PRINGLE

12  
13 **UNITED STATES DISTRICT COURT**  
14 **CENTRAL DISTRICT OF CALIFORNIA**  
15 **SOUTHERN DIVISION**

16 BRYAN PRINGLE, an individual, ) Case No. SACV 10-1656 JST(RZx)  
17 Plaintiff, )  
18 v. ) **DECLARATION OF KATHLEEN**  
19 WILLIAM ADAMS, JR.; STACY ) **E. KOPPENHOEFER IN**  
FERGUSON; ALLAN PINEDA; and ) **SUPPORT OF PLAINTIFF BRYAN**  
20 JAIME GOMEZ, all individually and ) **PRINGLE'S MOTION FOR**  
collectively as the music group The Black ) **VOLUNTARY DISMISSAL OF**  
21 Eyed Peas, *et al.*, ) **CERTAIN PARTIES WITHOUT**  
22 Defendants. ) **PREJUDICE AND WITHOUT**  
 ) **FEES OR COSTS**  
 ) DATE: May 7, 2012  
 ) TIME: 10:00 a.m.  
 ) CTRM: 10A

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**KATHLEEN E. KOPPENHOEFER**

I, KATHLEEN E. KOPPENHOEFER, declare as follows:

1. I am a partner at the law firm of Miller, Canfield, Paddock and Stone, P.L.C. (“Miller Canfield”) and am one of the attorneys for plaintiff Bryan Pringle (“Plaintiff”) in the above-captioned action. If called as a witness, I could competently testify to the facts set forth in this declaration. Each of the facts set forth below is based on my personal knowledge.

2. On April 5, 2012, I participated in a telephone call with counsel for defendants regarding the status of the case, specifically as to the remaining defendants who did not move for summary judgment or make any request for joinder, per the Court’s April 2, 2012 Order requesting that the parties submit a joint status report. As part of that call, the parties met and conferred regarding Plaintiff’s intent to file a motion for voluntary dismissal of the remaining defendants without prejudice and without attorneys’ fees or costs.

3. During that call, Plaintiff’s counsel, through Dean A. Dickie and me, indicated that in light of the April 2, 2012 Order directing the parties to discuss the remaining defendants, Plaintiff would dismiss defendant Rister Editions pursuant to Fed. R. Civ. P. 41(a)(1) and move to dismiss the other non-moving defendants without prejudice pursuant to Fed. R. Civ. P. 41(a)(2). The parties discussed the issue meaningfully and at length. Each of the remaining non-moving defendants, through counsel, indicated that they will oppose Plaintiff’s motion. Those parties proposed a different procedural course which Plaintiff believes could potentially result in a waiver of his appellate rights. Plaintiff is not willing to risk a waiver of any appellate rights and thus intends to seek dismissal under Rule 41(a)(2), which would undoubtedly preserve Plaintiff’s rights while providing the non-moving Defendants with a dismissal, thereby obviating the need for further proceedings before the trial court. Plaintiff’s counsel expressed that position to defendants’ counsel.

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4. The parties were not able to reach a compromise on the issue, and none of the parties expressed any desire to discuss the issue further.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 6th day of April, 2012, at Chicago, Illinois.



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KATHLEEN E. KOPPENHOEFER

## CERTIFICATE OF SERVICE

1           On April 6, 2012, I electronically filed the foregoing DECLARATION OF  
2 KATHLEEN E. KOPPENHOEFER IN SUPPORT OF PLAINTIFF BRYAN  
3 PRINGLE'S MOTION FOR VOLUNTARY DISMISSAL OF CERTAIN PARTIES  
4 WITHOUT PREJUDICE AND WITHOUT FEES OR COSTS using the CM/ECF  
5 system which will send notification of such filing to the following registered  
6 CM/ECF Users:

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1 I am unaware of any attorneys of record in this action who are not registered  
2 for the CM/ECF system or who did not consent to electronic service.

3 I certify under penalty of perjury under the laws of the United States of  
4 America that the foregoing statements are true and correct.

5 Dated: April 6, 2012 /s/Colin C. Holley

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