2 3 4 5 6 7 8 9	Dean A. Dickie (appearing <i>Pro Hac Vice</i> Dickie@MillerCanfield.com Kathleen E. Koppenhoefer (appearing <i>Pr</i> Koppenhoefer@MillerCanfield.com MILLER, CANFIELD, PADDOCK ANI 225 West Washington Street, Suite 2600 Chicago, IL 60606 Telephone: 312.460.4200 Facsimile: 312.460.4288 George L. Hampton IV (State Bar No. 14 ghampton@hamptonholley.com Colin C. Holley (State Bar No. 191999) cholley@hamptonholley.com HAMPTONHOLLEY LLP 2101 East Coast Highway, Suite 260 Corona del Mar, California 92625 Telephone: 949.718.4550 Facsimile: 949.718.4580 Attorneys for Plaintiff BRYAN PRINGLE UNITED STATES	o Hac Vice) O STONE, P.L.C.	
	CENTRAL DISTRICT OF CALIFORNIA		
14 15	SOUTHERN DIVISION		
16	BRYAN PRINGLE, an individual,	) Case No. SACV 10-1656 JST(RZx)	
17	Plaintiff,	) DECLARATION OF KATHLEEN E. ) KOPPENHOEFER IN FURTHER	
18	V.	) SUPPORT OF PLAINTIFF BRYAN ) PRINGLE'S MOTION FOR	
	WILLIAM ADAMS, JR.; STACY FERGUSON; ALLAN PINEDA; and	) VOLUNTARY DISMISSAL OF ) CERTAIN PARTIES WITHOUT	
20	JAIME GOMEZ, all individually and collectively as the music group The	<ul> <li>PREJUDICE AND WITHOUT FEES</li> <li>OR COSTS</li> </ul>	
21	Black Eyed Peas, et al.,	) DATE: MAY 14, 2012	
22	Defendants.	) TIME: 10:00 A.M. ) CTRM: 10A	
23			
24		$\langle   \rangle$	
25			
26		)	
27			
27			

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,
 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.

6 2. On April 3, 2012, the parties exchanged a series of emails regarding the
7 status of the remaining defendants after the Court granted summary judgment to the
8 Guetta Defendants.

9 3. Kara Cenar, lead trial counsel for the Adams Defendants, asked if
10 Plaintiff would stipulate to the Court granting summary judgment against the
11 remaining Defendants. See, April 3 email from Kara Cenar, attached as Exhibit A.

4. I responded on behalf of the Plaintiff, and proposed having the
remaining Defendants file a joinder to the Guetta Defendants' Motion for Summary
Judgment. I also indicated that Plaintiff would not oppose the joinder. See, April 3
email from Kathleen E. Koppenhoefer, attached as Exhibit B.

16 5. In response, Justin Righettini, counsel for the Adams Defendants,
17 clarified that the Adams Defendants had no interest in any joinder: "Thank you.
18 We have not asked to file a joinder (late or otherwise)." He repeated Defendants'
19 request that Plaintiff stipulate to entry of judgment against him. See, April 3 email
20 from Justin Righettini, attached as Exhibit C.

6. During an April 5, 2012 call on the matter, I set forth Plaintiff's
opposition to a voluntary judgment, including the concern that such a stipulation
could potentially result in a waiver of his appellate rights.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on this 30th day of April, 2012, at Chicago, Illinois.

- 26
- 27
- 28

KEKOW

Kathleen E. Koppenhoefer

1

# Koppenhoefer, Kathleen E.

- From: Cenar, Kara [Kara.Cenar@bryancave.com]
- Sent: Tuesday, April 03, 2012 11:39 AM
- To: Dickie, Dean A.; George Hampton; Koppenhoefer, Kathleen E.
- Cc: 'Tal Dickstein'; 'Ed McPherson'; Linda M. Burrow; 'Barry Slotnick'; Righettini, Justin; Pink, Jonathan Stuart
- Subject: FW: Activity in Case 8:10-cv-01656-JST -RZ Bryan Pringle v. William Adams Jr et al Minutes of In Chambers Order/Directive no proceeding held

#### Counsel,

Pursuant to the Court's Order of yesterday granting summary judgment and granting dismissal for spoliation of evidence, and in furtherance of the Court's order below requesting a joint status report, would it be possible for everyone to briefly call in this afternoon say 2:00 Pacific, 4 pm Central.

My Dial in number is 1-800-300-1596 Passcode 312-602-5019

Also, Dean, George and Kate, would you be kind enough to let us know before the call if you intend to pursue the claims against the remaining defendants in view of the order, or whether you will stipulate to the Court granting summary judgment against the remaining Defendants pursuant to Rule 56(f) Fed.R.Civ.P. If you are willing to stipulate, I would like to get the stipulation on file today to avoid any further unnecessary attorneys fees and costs to any Defendant.

Thank you for your prompt attention to this matter, and please be kind enough to confirm your ability to call in at the designated time.

#### Kara

From: cacd\_ecfmail@cacd.uscourts.gov [mailto:cacd\_ecfmail@cacd.uscourts.gov]
Sent: Tuesday, April 03, 2012 12:09 AM
To: ecfnef@cacd.uscourts.gov
Subject: Activity in Case 8:10-cv-01656-JST -RZ Bryan Pringle v. William Adams Jr et al Minutes of In Chambers Order/Directive - no proceeding held

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# EXHIBIT A PAGE 000002

**Docket Text:** 

# MINUTE (IN CHAMBERS) by Judge Josephine Staton Tucker: Order for Case Status Report. The parties are ORDERED to file a joint report no later than April 10, 2012, as to the status of the case, specifically as to the remaining defendants. (mt)

# 8:10-cv-01656-JST -RZ Notice has been electronically mailed to:

Mariangela Seale merili.seale@bryancave.com				
Justin Michael Righettini justin.righettini@bryancave.com, elaine.hellwig@bryancave.com				
Barry Isaac Slotnick bslotnick@loeb.com				
Thomas D Nolan tnolan@loeb.com				
Tal Efriam Dickstein dickstein@loeb.com				
Linda M Burrow robinson@caldwell-leslie.com, wilson@caldwell-leslie.com, popescu@caldwell-leslie.com, burrow@caldwell-leslie.com				
Tracy B Rane trane@mcphersonrane.com				
Colin C Holley ghampton@hamptonholley.com, jkatz@hamptonholley.com, cholley@hamptonholley.com, mhoyer@hamptonholley.com				
Ryan Christopher Williams williamsr@millercanfield.com				
Joseph G Vernon wernon@millercanfield.com				
Kara E F Cenar kara.cenar@bryancave.com				
Robert C Levels levels@millercanfield.com				
Jeremy Tsvi Katz jkatz@hamptonholley.com				
Kathleen E Koppenhoefer koppenhoefer@millercanfield.com				
Edwin F McPherson astephan@mcphersonrane.com, emcpherson@mcphersonrane.com				
Rachel Aleeza Rappaport rrappaport@loeb.com				
Jonathan S Pink jonathan.pink@bryancave.com, elaine.hellwig@bryancave.com				
Dean A Dickie smithkaa@millercanfield.com, dickie@millercanfield.com, seaton@millercanfield.com, deuel@millercanfield.com_sumry, christensen@millercanfield.com				
James W McConkey mcconkey@millercanfield.com				
George Leo Hampton ghampton@hamptonholley.com, cholley@hamptonholley.com				

# EXHIBIT A PAGE 000003

## Donald A Miller dmiller@loeb.com, vmanssourian@loeb.com

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# Koppenhoefer, Kathleen E.

- From: Koppenhoefer, Kathleen E.
- Sent: Tuesday, April 03, 2012 2:04 PM
- To: Cenar, Kara; Dickie, Dean A.; George Hampton
- Cc: 'Tal Dickstein'; 'Ed McPherson'; Linda M. Burrow; 'Barry Slotnick'; Righettini, Justin; Pink, Jonathan Stuart
- Subject: RE: Activity in Case 8:10-cv-01656-JST -RZ Bryan Pringle v. William Adams Jr et al Minutes of In Chambers Order/Directive no proceeding held

#### Counsel:

Plaintiff will not object to the remaining defendants filing a late motion for joinder to the previously filed motion for summary judgment, presupposing the moving parties agree to be bound by any later appellate decision on the summary judgment motion.

### Kate

From: Cenar, Kara [mailto:Kara.Cenar@bryancave.com]

Sent: Tuesday, April 03, 2012 11:39 AM

To: Dickie, Dean A.; George Hampton; Koppenhoefer, Kathleen E.

**Cc:** 'Tal Dickstein'; 'Ed McPherson'; Linda M. Burrow; 'Barry Slotnick'; Righettini, Justin; Pink, Jonathan Stuart

**Subject:** FW: Activity in Case 8:10-cv-01656-JST -RZ Bryan Pringle v. William Adams Jr et al Minutes of In Chambers Order/Directive - no proceeding held

Counsel,

Pursuant to the Court's Order of yesterday granting summary judgment and granting dismissal for spoliation of evidence, and in furtherance of the Court's order below requesting a joint status report, would it be possible for everyone to briefly call in this afternoon say 2:00 Pacific, 4 pm Central.

My Dial in number is 1-800-300-1596 Passcode 312-602-5019

Also, Dean, George and Kate, would you be kind enough to let us know before the call if you intend to pursue the claims against the remaining defendants in view of the order, or whether you will stipulate to the Court granting summary judgment against the remaining Defendants pursuant to Rule 56(f) Fed.R.Civ.P. If you are willing to stipulate, I would like to get the stipulation on file today to avoid any further unnecessary attorneys fees and costs to any Defendant.

Thank you for your prompt attention to this matter, and please be kind enough to confirm your ability to call in at the designated time.

#### Kara

From: cacd\_ecfmail@cacd.uscourts.gov [mailto:cacd\_ecfmail@cacd.uscourts.gov]
Sent: Tuesday, April 03, 2012 12:09 AM
To: ecfnef@cacd.uscourts.gov
Subject: Activity in Case 8:10-cv-01656-JST -RZ Bryan Pringle v. William Adams Jr et al Minutes of In Chambers Order/Directive - no proceeding held

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> EXHIBIT B PAGE 000005

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# Docket Text: MINUTE (IN CHAMBERS) by Judge Josephine Staton Tucker: Order for Case Status Report. The parties are ORDERED to file a joint report no later than April 10, 2012, as to the status of the case, specifically as to the remaining defendants. (mt)

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- Barry Isaac Slotnick bslotnick@loeb.com
- Thomas D Nolan tnolan@loeb.com
- Tal Efriam Dickstein tdickstein@loeb.com

Linda M Burrow robinson@caldwell-leslie.com, wilson@caldwell-leslie.com, popescu@caldwell-leslie.com, burrow@caldwell-leslie.com

Tracy B Rane trane@mcphersonrane.com

Colin C Holley ghampton@hamptonholley.com, jkatz@hamptonholley.com, cholley@hamptonholley.com, mhoyer@hamptonholley.com

Ryan Christopher Williams williamsr@millercanfield.com

Joseph G Vernon vernon@millercanfield.com

- Kara E F Cenar kara.cenar@bryancave.com
- Robert C Levels levels@millercanfield.com

# EXHIBIT B PAGE 000006

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Edwin F McPherson astephan@mcphersonrane.com, emcpherson@mcphersonrane.com

Rachel Aleeza Rappaport rrappaport@loeb.com

Jonathan S Pink jonathan.pink@bryancave.com, elaine.hellwig@bryancave.com

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James W McConkey mcconkey@millercanfield.com

George Leo Hampton ghampton@hamptonholley.com, cholley@hamptonholley.com

Donald A Miller dmiller@loeb.com, vmanssourian@loeb.com

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# Koppenhoefer, Kathleen E.

From: Righettini, Justin [Justin.Righettini@bryancave.com]

Sent: Tuesday, April 03, 2012 3:38 PM

To: Koppenhoefer, Kathleen E.; Cenar, Kara; Dickie, Dean A.; George Hampton

Cc: 'Tal Dickstein'; 'Ed McPherson'; Linda M. Burrow; 'Barry Slotnick'; Pink, Jonathan Stuart

Subject: RE: Activity in Case 8:10-cv-01656-JST -RZ Bryan Pringle v. William Adams Jr et al Minutes of In Chambers Order/Directive - no proceeding held

### Kate:

Thank you. We have not asked to file a joinder (late or otherwise). The question was whether Plaintiff will stipulate to the Court granting summary judgment as to the remaining defendants under Fed. R. Civ. P. 56(f).

From: Koppenhoefer, Kathleen E. [mailto:koppenhoefer@millercanfield.com]
Sent: Tuesday, April 03, 2012 2:03 PM
To: Cenar, Kara; Dickie, Dean A.; George Hampton

**Cc:** 'Tal Dickstein'; 'Ed McPherson'; Linda M. Burrow; 'Barry Slotnick'; Righettini, Justin; Pink, Jonathan Stuart

**Subject:** RE: Activity in Case 8:10-cv-01656-JST -RZ Bryan Pringle v. William Adams Jr et al Minutes of In Chambers Order/Directive - no proceeding held

### Counsel:

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#### Kate

From: Cenar, Kara [mailto:Kara.Cenar@bryancave.com]

Sent: Tuesday, April 03, 2012 11:39 AM

**To:** Dickie, Dean A.; George Hampton; Koppenhoefer, Kathleen E.

**Cc:** 'Tal Dickstein'; 'Ed McPherson'; Linda M. Burrow; 'Barry Slotnick'; Righettini, Justin; Pink, Jonathan Stuart

**Subject:** FW: Activity in Case 8:10-cv-01656-JST -RZ Bryan Pringle v. William Adams Jr et al Minutes of In Chambers Order/Directive - no proceeding held

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Thank you for your prompt attention to this matter, and please be kind enough to confirm your ability to

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#### Kara

From: cacd\_ecfmail@cacd.uscourts.gov [mailto:cacd\_ecfmail@cacd.uscourts.gov]
Sent: Tuesday, April 03, 2012 12:09 AM
To: ecfnef@cacd.uscourts.gov
Subject: Activity in Case 8:10-cv-01656-JST -RZ Bryan Pringle v. William Adams Jr et al Minutes of In Chambers Order/Directive - no proceeding held

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# UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

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Justin Michael Righettini justin.righettini@bryancave.com, elaine.hellwig@bryancave.com

Barry Isaac Slotnick bslotnick@loeb.com

Thomas D Nolan tnolan@loeb.com

Tal Efriam Dickstein tdickstein@loeb.com

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Tracy B Rane trane@mcphersonrane.com

# EXHIBIT C PAGE 000009

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Joseph G Vernon vernon@millercanfield.com

Kara E F Cenar kara.cenar@bryancave.com

Robert C Levels levels@millercanfield.com

Jeremy Tsvi Katz jkatz@hamptonholley.com

Kathleen E Koppenhoefer koppenhoefer@millercanfield.com

Edwin F McPherson astephan@mcphersonrane.com, emcpherson@mcphersonrane.com

Rachel Aleeza Rappaport rrappaport@loeb.com

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James W McConkey mcconkey@millercanfield.com

George Leo Hampton ghampton@hamptonholley.com, cholley@hamptonholley.com

Donald A Miller dmiller@loeb.com, vmanssourian@loeb.com

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EXHIBIT C PAGE 000011

1	CERTIFICATE OF SERVICE				
1	On April 30, 2012, I electronically filed the foregoing DECLARATION OF				
2	KATHLEEN E. KOPPENHOEFER IN FURTHER SUPPORT OF PLAINTIFF				
3		IOTION FOR VOLUNTARY DISMISSAL OF CERTAIN			
4					
5		REJUDICE AND WITHOUT FEES OR COSTS using the			
6	CM/ECF system which	will send notification of such filing to the following			
7	registered CM/ECF Use	rs:			
-					
8	Barry I. Slotnick	bslotnick@loeb.com			
9	Donald A. Miller	dmiller@loeb.com, vmanssourian@loeb.com			
10	Tal Efriam Dickstein Linda M. Burrow	<u>tdickstein@loeb.com</u> <u>wilson@caldwell-leslie.com</u> , <u>burrow@caldwell-leslie.com</u> ,			
11	Linua Wi. Duitow	popescu@caldwell-leslie.com,			
		robinson@caldwell-leslie.com			
12	Ryan Christopher Willia	ms <u>williamsr@millercanfield.com</u>			
13	Kara E. F. Cenar	kara.cenar@bryancave.com			
14	Robert C. Levels	levels@millercanfield.com			
	Kathleen E. Koppenhoefer <u>koppenhoefer@millercanfield.com</u>				
15	Rachel Aleeza Rappapor Jonathan S. Pink	rt <u>rrappaport@loeb.com</u> jonathan.pink@bryancave.com,			
16	Jonaulan S. I mk	elaine.hellwig@bryancave.com			
17	Dean A. Dickie	dickie@millercanfield.com, smithkaa@millercanfield.com,			
18		deuel@millercanfield.com,			
		christensen@millercanfield.com,			
19		seaton@millercanfield.com			
20	Edwin F. McPherson	emcpherson@mcphersonrane.com,			
21	Joseph G. Vernon	astephan@mcphersonrane.com vernon@millercanfield.com			
	James W. McConkey	mcconkey@millercanfield.com			
22	•	i justin.righettini@bryancave.com,			
23		elaine.hellwig@bryancave.com			
24	Tracy B. Rane	trane@mcphersonrane.com			
	Thomas D. Nolan	tnolan@loeb.com			
25					
26					
27					
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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 stat	ements are true and correct.
5	Dated: April 30, 2012	/s/Colin C. Holley
6		George L. Hampton IV (State Bar No. 144433)
7		George L. Hampton IV (State Bar No. 144433) Colin C. Holley (State Bar No. 191999) HAMPTONHOLLEY LLP
8		2101 East Coast Highway, Suite 260 Corona del Mar, California 92625 Telephone: 949.718.4550 Facsimile: 949.718.4580
9		Facsimile: 949.718.4580
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