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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No. SACV 10-1656-JST (RZx)

Date: May 3, 2012

Title: Bryan Pringle v. William Adams, Jr., et al.

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Present: The Honorable JOSEPHINE STATON TUCKER, U.S. DISTRICT JUDGE

Ellen Matheson  
Deputy Clerk

N/A  
Court Reporter

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

Not Present

Not Present

**Proceedings: (In Chambers) ORDER (1) GRANTING SUMMARY JUDGMENT IN FAVOR OF REMAINING DEFENDANTS; AND (2) DENYING PLAINTIFF’S MOTION FOR VOLUNTARY DISMISSAL AS MOOT (Doc. 262)**

On March 30, 2012, the Court issued an Order Granting Summary Judgment in favor of Defendants Shapiro Bernstein & Co., Inc., Frederic Riesterer and David Guetta (collectively, the “Guetta Defendants”). (Order Granting Defs.’ Mot. for Summ. J., Doc. 252.) On April 2, 2012, the Court ordered the parties to submit a joint status report regarding the status of the nonmoving defendants. (Order for Case Status Report, Doc. 256.)

On April 5, 2012, Plaintiff filed a notice of dismissal as to Defendant Rister Editions. (Notice of Dismissal, Doc. 261), and, on April 6, 2012, Plaintiff filed a Motion to Dismiss without prejudice (“Motion”) Defendants William Adams, Jr., Stacy Ferguson, Allan Pineda, Jaime Gomez, UMG Recordings, Inc., Interscope Records, EMI April Music, Inc., Headphone Junkie Publishing, LLC, Will.I.Am. Music, LLC, Jeepney Music, Inc., Tab Magnetic Publishing, Cherry River Music Co., and Square Rivoli Publishing (collectively, the “Remaining Defendants”). (Mot., Doc. 262.) Then, on April 10, 2012, the parties submitted their joint status report, in which the Remaining Defendants indicated that the Court should grant summary judgment *sua sponte* in their favor because the Court’s bases for granting summary judgment to the Guetta Defendants apply equally to the Remaining Defendants. (Joint Status Report at 5, Doc. 264.)

On April 16, 2012, the Court granted the parties’ stipulation to continue the hearing on Plaintiff’s Motion to May 14, 2012, and advised the parties that “the Court will consider the appropriateness of granting summary judgment *sua sponte* in favor of remaining defendants, under Rule 56(f). The parties should use their Opposition and Reply briefs to address the issue.” (Order Continuing Hearing, Doc. 269.) Remaining Defendants opposed the Motion (Opp’n, Doc. 271; Joinder in Opp’n, Doc. 272), and Plaintiff replied (Reply, Doc. 273). For the reasons discussed below, the Court GRANTS summary judgment in favor of the Remaining Defendants, and DENIES AS MOOT Plaintiff’s Motion.

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Under Rule 56(f), a district court may grant summary judgment for a nonmovant after giving notice and a reasonable time to respond. Fed. R. Civ. P. 56(f)(1). The Ninth Circuit has explained that “[s]ua sponte grants of summary judgment are only appropriate if the losing party has reasonable notice that the sufficiency of [its] claim will be in issue.” *United States v. 14.02 Acres of Land More or Less in Fresno Cnty.*, 547 F.3d 943, 955 (9th Cir. 2008) (internal quotation marks omitted). “Reasonable notice implies adequate time to develop the facts on which the litigant will depend to oppose summary judgment.” *Portsmouth Square, Inc. v. S’holders Protective Comm.*, 770 F.2d 866, 869 (9th Cir. 1985).

The Court granted summary judgment in favor of the Guetta Defendants on the basis that (1) Plaintiff’s claim for infringement of “Take a Dive” (Dance Version) is foreclosed because he did not deposit a bona fide copy of “Take a Dive” (Dance Version”) with the United States Copyright Office, and therefore did not properly receive a copyright registration in “Take a Dive” (Dance Version) (Order Granting Defs.’ Mot. for Summ. J at 10); (2) Plaintiff failed to show any evidence of substantial similarity between the original version of “Take a Dive” and “I Gotta Feeling” (*id.* at 10-11); and (3) Plaintiff engaged in willful spoliation of his hard drives, which warranted dismissal (*id.* at 17). Plaintiff opposed the Guetta Defendants’ Motion for Summary Judgment (Opp’n to Summ. J, Doc. 195), and the Court heard oral argument from the parties (Min. of Defs.’ Mot. for Summ. J, Doc. 243) before issuing its ruling. The bases for granting summary judgment in favor of the Guetta Defendants are equally applicable to the Remaining Defendants. In fact, Plaintiff has not identified any reason why the Court’s ruling should be limited to the Guetta Defendants. (*See generally* Reply.)

In light of Plaintiff’s opportunity to be heard on the Guetta Defendants’ Motion for Summary Judgment, and failure to identify any reason why the Court’s ruling on that Motion is inapplicable to the Remaining Defendants, the Court GRANTS summary judgment in favor of the Remaining Defendants. Accordingly, Plaintiff’s Motion for Voluntary Dismissal is DENIED AS MOOT, and the hearing set for May 14, 2012 is VACATED. Defendants are ordered to prepare a proposed Judgment consistent with the Court’s rulings.

Initials of Preparer: enm