

Exhibit A

From: Ira Gould [mailto:gould@igouldlaw.com]
Sent: Thursday, May 13, 2010 6:06 PM
To: 'Cenar, Kara'; 'Ed McPherson'; tmcgarry@hinshawlaw.com; Linda Burrow
Cc: 'Ryan Greely'
Subject: Update

I am writing to advise you of a few things.

First, we plan to file our Complaint in the Phoenix Phenom case next week in the Southern District of New York, and I am attaching a draft of that pleading. Given your stated position as to the issues of personal jurisdiction and venue, and that I believe arguing these issues would have caused a delay of the proceedings and an unnecessary expense, I will agree that a different venue may be warranted, so thank you for flagging the issue in this regard. Hopefully the opportunity created by this venue change, as discussed below, will be beneficial in different ways to all concerned.

Second, we have been retained by another songwriter, Mr. Bryan Pringle, who will also be asserting a copyright infringement claim against your clients regarding their song "I Gotta Feeling." Certain of the facts in his case are included in the attached draft pleading, as they are material to the issues of willful infringement, and to establishing a pattern and practice of infringement by your clients. I am finishing my analysis of the matter of punitive damages in this set of circumstances, or with other claims, and am fully aware of all the case law on the subject.

We were contacted by Mr. Pringle, a songwriter who has been sending music to Interscope on a regular basis since 1996, and who maintains that the Black Eyed Peas copied and/or sampled, without permission, his song "Take a Dive" when they allegedly wrote "I Gotta Feeling." We conducted our own due diligence to determine the validity of his claim, which included hiring an experienced computer forensics expert to date the creation of his song, and have concluded that his claim is indeed valid.

Mr. Pringle wrote and copyrighted the original version of "Take a Dive" in 1998, and then subsequently wrote a dance version of the song in 1999, which is the version I am attaching and the same version which he submitted to Interscope on multiple occasions thereafter, up to 2006.

There is no question about the matter of substantial similarity as the melody portions of the songs are identical. In this connection, I have attached an MP3 of Mr. Pringle's song "Take a Dive", and will be sending another MP3 in a separate email (the files are too large to send together) of "Take a Dive" with the Black Eyed Peas' acapella for "I Gotta Feeling" placed directly over it, and it is the song "I Gotta Feeling."

The third reason for this communication, and for including the attachments, is to offer the Defendants in the current case, in advance of our filing the Phoenix Phenom and Pringle lawsuits against the same parties and additional ones, including the other co-writers of "I Gotta Feeling," David Guetta and Frederick Riesterer, an opportunity to begin to discuss a settlement structure that is meaningful in terms of the seriousness of the issues and the value involved. As you recall, we tried that approach at the outset, but it did not go anywhere when the request from you was that we first voluntarily dismiss the case in Chicago. We understand that this may be how infringement matters are typically handled in the music industry, but this is not a typical case and it is not the way I have ever conducted settlement discussions in a case. That being said, this appears to be another opportunity to sit down and have these discussions.

If any of the Defendants are interested in talking, we would ask that you advise us no later than Monday, May 17, one way or the other. If we do have discussions, which we hope would occur as a professional and good faith gesture at least, then we would insist that this be done on an expeditious basis. If Defendants do not wish to proceed in this fashion, then both lawsuits would be filed in New York next week.

While we feel very strongly about our clients' claims and the favorable legal positions of each case, both independently and collectively, we also understand that sometimes there is an opportunity to settle a matter before the parties lose control of things with the lawyers and discovery.

I look forward to hearing from all of you,

Ira Gould

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