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6 Attorneys for Defendants  
 7 UMG RECORDINGS, INC. and  
 INTERSCOPE RECORDS

8 **UNITED STATES DISTRICT COURT**  
 9 **CENTRAL DISTRICT OF CALIFORNIA**  
 10 **SOUTHERN DIVISION**

11  
 12 BRYAN PRINGLE, an individual,  
 13  
 14 Plaintiff,

15 v.

16 WILLIAM ADAMS, JR.; STACY  
 17 FERGUSON; ALAN PINEDA; and  
 18 JAIME GOMEZ, all individually and  
 collectively as the music group the  
 Black Eyed Peas; DAVID GUETTA;  
 19 FREDERICK RIESTERER; UMG  
 RECORDINGS, INC.; INTERSCOPE  
 RECORDS; EMI APRIL MUSIC,  
 20 INC.; HEAPHONE JUNKIE  
 PUBLISHING, LLC.; WILL.I.AM  
 MUSIC, LLC; JEEPNEY MUSIC,  
 21 INC.; TAB MAGNETIC  
 PUBLISHING; CHERRY RIVER  
 22 MUSIC, CO.; SQUARE RIVOLI  
 PUBLISHING; RISTER EDITIONS;  
 23 and SHAPIRO, BERNSTEIN & CO.,

24 Defendants.

Case No. SACV 10-1656 JST (RZx)

**DECLARATION OF IKE YOUSSEF  
 IN SUPPORT OF JOINDER TO  
 OPPOSITION AND OPPOSITION  
 TO EX PARTE APPLICATION FOR  
 TEMPORARY RESTRAINING  
 ORDER AND TO SHOW CAUSE  
 RE PRELIMINARY INJUNCTION**

Trial Date: None Set

1 **DECLARATION OF IKE YOUSSEF**

2  
3 I, Ike Youssef declare and state as follows:

4 1. I am Chief Financial Officer of Interscope Records, a division of UMG  
5 Recordings, Inc.. I submit this declaration in support of the Opposition to Plaintiff's  
6 *ex parte* Application for Temporary Restraining Order filed by UMG Recordings,  
7 Inc. and Interscope Records (collectively, "UMG"). I have personal knowledge of  
8 the facts stated herein, and could and would testify competently thereto if called as a  
9 witness in this matter.

10 2. I understand that the Plaintiff, Bryan Pringle, alleges that the song "I  
11 Gotta Feeling" by the group the "Black Eyed Peas" (the "BEP") infringes his  
12 copyright in another, preexisting work. "I Gotta Feeling" was the second single  
13 from the BEP's album "The E.N.D (Energy Never Dies)" (the "Album"). While the  
14 Album was released on June 9, 2009, "I Gotta Feeling" was released several weeks  
15 earlier, on May 21, 2009.

16 3. If the Court were to enjoin further exploitation of "I Gotta Feeling,"  
17 UMG would suffer hundreds of thousands, if not millions of dollars in harm. While  
18 I have not been able to perform a complete analysis in the short time that I have  
19 been provided, among other things, UMG would have to incur costs in contacting  
20 the approximately 7,000 retailers that carry the Album, working with those retailers  
21 to pull the Album from their shelves and would suffer financial losses from lost  
22 Album sales and loss of goodwill with those retailers. It is difficult to contemplate  
23 the enormous burden and expense from such a project. At minimum, however,  
24 Interscope could incur damages of at least \$900,000 related to returns of product  
25 that is already in the marketplace (i.e. product that Interscope has distributed to  
26 retailers that would need to be returned to us at our expense).


27 4. UMG would also incur overhead in working with on-line retailers, such  
28 as iTunes, to remove "I Gotta Feeling" from their inventory. Given the popularity

1 of "I Gotta Feeling," pulling the song from these online retailers would negatively  
2 affect sales of the Album and thus cause UMG to suffer additional losses.

3 5. Moreover, Interscope has licensed "I Gotta Feeling" for numerous uses,  
4 including on television programs such as "Oprah," "So You Think You Can Dance"  
5 and "American Dad" and for use in films including "G-Force" and "Alvin and the  
6 Chipmunks 2." An order prohibiting further exploitation could require Interscope to  
7 work with the producers of these programs to either modify their programs or pull  
8 them from future exhibition, whether in reruns, on cable, via the Internet or in DVD  
9 form, at an incalculable cost.

10  
11 I declare under penalty of perjury under the laws of the United States of  
12 America that the foregoing is true and correct.

13 Executed on November 23, 2010 at Santa Monica, California.

14  
15   
16 IKE YOUSSEF