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17 Attorneys for Plaintiff
BRYAN PRINGLE
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19 **UNITED STATES DISTRICT COURT**
20 **CENTRAL DISTRICT OF CALIFORNIA**
21 **SOUTHERN DIVISION**

22 BRYAN PRINGLE, an individual,
23 Plaintiff,
24 v.
25 WILLIAM ADAMS, JR.; STACY
26 FERGUSON; ALLAN PINEDA; and
27 JAIME GOMEZ, all individually and
collectively as the music group The Black
Eyed Peas, *et al.*,
28 Defendants.

) Case No. SACV 10-1656 JST(RZx)
) **PLAINTIFF'S RESPONSE TO**
) **DEFENDANT STACY**
) **FERGUSON'S FIRST SET OF**
) **INTERROGATORIES**
) **Complaint Filed: October 28, 2010**
) **Trial Date: January 24, 2012**

1 PROPOUNDING PARTY: Defendant STACY FERGUSON
2 RESPONDING PARTY: Plaintiff BRYAN PRINGLE
3 SET NO.: One
4

5 Plaintiff Bryan Pringle submits this Answer to Defendant, Stacy Ferguson's
6 ("Ferguson"), First Set of Interrogatories (the "Interrogatories").
7

8 **GENERAL OBJECTIONS**

9 1. Plaintiff objects to each interrogatory insofar as it is vague, overly
10 broad, not limited in time and scope, oppressive, harassing or vexatious, imposes
11 burden or expense that outweighs the likely benefit, seeks legal conclusions, and/or
12 seeks information not relevant to the lawsuit nor reasonably calculated to lead to the
13 discovery of admissible evidence.

14 2. Plaintiff objects to the extent that these interrogatories seek information
15 protected by the attorney/client or the work product privilege. Plaintiff will not
16 provide any such privileged information.

17 3. The following answers are given based upon the information and
18 documents of which Plaintiff's counsel is currently aware. Plaintiff's investigation
19 continues and Plaintiff specifically reserves the right to supplement the following
20 answers as this litigation proceeds. The following answers are given herein without
21 prejudice to Plaintiff's right to supplement or change its answers or objections and to
22 produce evidence of additional facts.

23 4. Plaintiff's answers are not an admission that any such information is
24 relevant or admissible.

25 5. Plaintiff objects to each interrogatory, instruction or definition that
26 purports to impose any obligation greater than or different from those required under
27 the Federal Rules of Civil Procedure and Local Orders of the Court.

28 6. Plaintiff specifically reserves the right to assert additional objections.

1 ANSWER: See answer and objections to Interrogatory No. 12.

2 Investigation continues.

3 INTERROGATORY NO. 15: State all FACTS that evidence that any of the
4 DEFENDANTS actually copied the MUSICAL COMPOSITION, TAKE A DIVE
5 (DANCE VERSION), when creating the MUSICAL COMPOSITION entitled "I
6 Gotta Feeling."

7 ANSWER: See answer and objections to Interrogatory No. 13.

8 Investigation continues.

9 INTERROGATORY NO. 16: State all FACTS that YOU contend demonstrate
10 that any of the DEFENDANTS had ACCESS to TAKE A DIVE (DANCE
11 VERSION) SR prior to 2009. The term "ACCESS" as used herein means to have
12 actually heard, or had a reasonable opportunity or possibility to hear, the SOUND
13 RECORDING at issue.

14 ANSWER: See answer and objections to Interrogatory No. 8.

15 Investigation continues.

16 INTERROGATORY NO. 17: List *in seriatim* and in full and explicit terms, each
17 similarity YOU perceive to exist between TAKE A DIVE (DANCE VERSION) SR
18 and "I Gotta Feeling."

19 ANSWER: See answer and objections to Interrogatory No. 13.

20 Investigation continues.

21 INTERROGATORY NO. 18: State all FACTS that any of the DEFENDANTS
22 physically appropriated any portion of TAKE A DIVE (DANCE VERSION) SR
23 when creating "I Gotta Feeling."

24 ANSWER: Objection. Plaintiff objects to Interrogatory No. 18
25 because it is overly broad, unduly burdensome and requires the
26

1 disclosure of attorney work product and attorney client privileged
2 information. Without waiving said objections, Plaintiff refers
3 Defendant to the report of expert Mark Rubel attached to Plaintiff's
4 Motion for Preliminary Injunction. Investigation continues.

5 **INTERROGATORY NO. 19:** State with specificity, and according to YOUR
6 personal knowledge, each and every PUBLIC PERFORMANCE, throughout the
7 world, of the MUSICAL COMPOSITION, TAKE A DIVE (DANCE VERSION),
8 including FACTS concerning when, where, by what means, and by whom the work
9 was performed.

10
11 **ANSWER:** Objection. Plaintiff objects to interrogatory No. 19 because
12 it is unduly burdensome. Without waiving his objection, TAKE A DIVE
13 (DANCE VERSION) was played throughout North America and
14 Western Europe on the internet and the radio. Investigation continues.

15 **INTERROGATORY NO. 20:** State with specificity, and according to YOUR
16 personal knowledge, each and every DISTRIBUTION, throughout the world, of the
17 MUSICAL COMPOSITION, TAKE A DIVE (DANCE VERSION), including
18 FACTS concerning when, where, by what means, by whom, and to whom the work
19 was distributed.

20
21 **ANSWER:** Objection. Plaintiff objects to Interrogatory No. 20 because
22 it is vague, overly broad and unduly burdensome. Without waiving his
23 objection, from around 1999 through 2006, Plaintiff submitted hundreds
24 of demo cd's and tapes, all of which included "Take a Dive (Dance
25 Version)," to various music publishers, record companies, talent
26 managers, songwriters, booking agents and radio stations, including but
27 not limited to: Universal (UMG), EMI, Interscope/Geffen, EMI Music
28 Publishing (Jody Gerson, Big Jon Platt, Benjamin Groff, Andy

1 that YOU claim were created prior to 2009 and YOU claim are relevant to this
2 lawsuit, please list all such adaptations.

3 **ANSWER:** Objection. Plaintiff objects to Interrogatory No. 25 because
4 it is vague and overly broad. Without waiving his objection, Plaintiff
5 states that there were multiple derivative versions of "Take a Dive" that
6 were included on Plaintiffs' demo cds and tapes, including several
7 where the guitar twang sequence was soloed out as the introduction of
8 the song. Plaintiff also states that the MUSICAL COMPOSITION is
9 based at least in part, on Plaintiff's song copyrighted songs "Faith" and
10 "Faith Re-mix". **Investigation continues.**

11
12 Dated: April 13, 2011

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By: 

Attorneys for Plaintiff Bryan Pringle

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VERIFICATION

I, Bryan Pringle, state that I have knowledge of the foregoing events, and that the answers made to Defendant Ferguson's First Set of Interrogatories are true and correct, to the best of my knowledge.

I declare the foregoing to be true under penalty of perjury.



Bryan Pringle

April 12, 2011.