

HAMPTONHOLLEY LLP
2101 East Coast Highway, Suite 260
Corona del Mar, California 92626

1 Dean A. Dickie (appearing *Pro Hac Vice*)
Dickie@MillerCanfield.com
2 Kathleen E. Koppenhoefer (appearing *Pro Hac Vice*)
Koppenhoefer@MillerCanfield.com
3 MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.
225 West Washington Street, Suite 2600
4 Chicago, IL 60606
Telephone: 312.460.4200
5 Facsimile: 312.460.4288

6 Ira Gould (appearing *Pro Hac Vice*)
Gould@igouldlaw.com
7 Ryan L. Greely (appearing *Pro Hac Vice*)
Rgreely@igouldlaw.com
8 GOULD LAW GROUP
120 North LaSalle Street, Suite 2750
9 Chicago, IL 60602
Telephone: 312.781.0680
10 Facsimile: 312.726.1328

11 George L. Hampton IV (State Bar No. 144433)
ghampton@hamptonholley.com
12 Colin C. Holley (State Bar No. 191999)
cholley@hamptonholley.com
13 HAMPTONHOLLEY LLP
2101 East Coast Highway, Suite 260
14 Corona del Mar, California 92625
Telephone: 949.718.4550
15 Facsimile: 949.718.4580

16 Attorneys for Plaintiff
BRYAN PRINGLE

18 **UNITED STATES DISTRICT COURT**
19 **CENTRAL DISTRICT OF CALIFORNIA**
20 **SOUTHERN DIVISION**

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

Case No. SACV 10-1656 JST(RZx)
**PLAINTIFF'S RULE 26
DISCLOSURES**

1 Plaintiff Bryan Pringle (“Plaintiff”) pursuant to Federal Rule of Civil
2 Procedure 26(a), submits these Initial Disclosures. The Initial Disclosures are based
3 on information reasonably available to Plaintiff to date. Plaintiff may not yet have
4 discovered witnesses or documents, or inadvertently may have omitted witnesses or
5 documents from his Initial Disclosures, which later may be deemed relevant.
6 Plaintiff reserves the right to make use of such information and documents as they
7 are discovered and to supplement these Initial Disclosures if desired or necessary.
8 Plaintiff incorporates into these disclosures all allegations and claims asserted in his
9 operative Complaint.

10 Subject to the foregoing, Plaintiff submits the following Rule 26 Initial
11 Disclosures:

12 **1. Rule 26(a)(1)(A)(i): The name and, if known, the address and**
13 **telephone number of each individual likely to have discoverable information—**
14 **along with the subjects of that information— that the disclosing party may use**
15 **to support its claims or defenses, unless solely for impeachment, identifying the**
16 **subjects of information:**

- 17 a. Bryan Pringle. Mr. Pringle is available through counsel. He has knowledge of
18 the writing and creation of the song “Take a Dive,” including each of the
19 derivative versions of it, its submission to the various Defendants, and the facts
20 and allegations contained within the Amended Complaint.
- 21 b. David Guetta. Mr. Guetta has knowledge of the manner in which Defendants
22 obtained “Take a Dive,” Defendants’ use of “Take a Dive” in creating “I Gotta
23 Feeling,” Defendants’ other instances of intentional copying, and the facts and
24 allegations contained within the Amended Complaint.
- 25 c. Frederick Riesterer. Mr. Riesterer has knowledge of the manner in which
26 Defendants obtained “Take a Dive,” Defendants’ use of “Take a Dive” in
27 creating “I Gotta Feeling,” Defendants’ other instances of intentional copying,
28 and the facts and allegations contained within the Amended Complaint.

- 1 d. William Adams, Jr. Defendant Adams has knowledge of his role as an A&R at
2 Interscope, the manner in which Defendants obtained “Take a Dive,”
3 Defendants’ use of “Take a Dive” in creating “I Gotta Feeling,” Defendants’
4 other instances of intentional copying, and the facts and allegations contained
5 within the Amended Complaint.
- 6 e. Stacy Ferguson. Defendant Ferguson has knowledge of the manner in which
7 Defendants obtained “Take a Dive,” Defendants’ use of “Take a Dive” in
8 creating “I Gotta Feeling,” Defendants’ other instances of intentional copying,
9 and the facts and allegations contained within the Amended Complaint.
- 10 f. Allan Pineda. Mr. Pineda has knowledge of the manner in which Defendants
11 obtained “Take a Dive,” Defendants’ use of “Take a Dive” in creating “I Gotta
12 Feeling,” Defendants’ other instances of intentional copying, and the facts and
13 allegations contained within the Amended Complaint.
- 14 g. Jaime Gomez. Mr. Gomez has knowledge of the manner in which Defendants
15 obtained “Take a Dive,” Defendants use of “Take a Dive” in creating “I Gotta
16 Feeling,” Defendants’ other instances of intentional copying, and the facts and
17 allegations contained within the Amended Complaint.
- 18 h. Ike Youseff. Mr. Youseff has knowledge of the profits earned by Defendants
19 from the sale and distribution of “I Gotta Feeling.”
- 20 i. UMG Recordings, Inc.’s corporate representative with knowledge of the facts
21 and circumstances regarding the creation, publication, and distribution of “I
22 Gotta Feeling.”
- 23 j. Interscope Records’ corporate representative with knowledge of the facts and
24 circumstances regarding the creation, publication, and distribution of “I Gotta
25 Feeling.”
- 26 k. EMI April Music, Inc.’s corporate representative with knowledge of the facts
27 and circumstances regarding the creation, publication, and distribution of “I
28 Gotta Feeling.”

- 1 l. Headphone Junkie Publishing, LLC’s corporate representative with knowledge
2 of the facts and circumstances regarding the creation, publication, and
3 distribution of “I Gotta Feeling.”
- 4 m. will.i.am music, llc’s corporate representative with knowledge of the facts and
5 circumstances regarding the creation, publication, and distribution of “I Gotta
6 Feeling.”
- 7 n. Jeepney Music, Inc.’s corporate representative with knowledge of the facts and
8 circumstances regarding the creation, publication, and distribution of “I Gotta
9 Feeling.”
- 10 o. Tab Magnetic Publishing’s corporate representative with knowledge of the
11 facts and circumstances regarding the creation, publication, and distribution of
12 “I Gotta Feeling.”
- 13 p. Cherry River Music Co.’s corporate representative with knowledge of the facts
14 and circumstances regarding the creation, publication, and distribution of “I
15 Gotta Feeling.”
- 16 q. Shapiro, Bernstein & Co., Inc.’s corporate representative with knowledge of the
17 facts and circumstances regarding the creation, publication, and distribution of
18 “I Gotta Feeling.”
- 19 r. Rister Editions’ corporate representative with knowledge of the facts and
20 circumstances regarding the creation, publication, and distribution of “I Gotta
21 Feeling.”
- 22 s. Square Rivoli Publishing’s corporate representative with knowledge of the
23 facts and circumstances regarding the creation, publication, and distribution of
24 “I Gotta Feeling.”
- 25 t. Grounded Music, Inc.’s corporate representative with knowledge of the facts
26 and circumstances regarding Defendants’ other instances of intentional
27 copying.
28

- 1 u. Adam Freeland. Mr. Freeland has knowledge of Defendants' other instances of
2 intentional copying.
- 3 v. George Clinton. Mr. Clinton has knowledge of Defendants' other instances of
4 intentional copying.
- 5 w. Plaintiff's investigation is ongoing. Plaintiff will attempt to identify through
6 discovery and investigation the names of other individuals and business entities
7 who may have knowledge regarding their claims and defenses. Thus, Plaintiff
8 reserves the right to supplement these disclosures and promptly disclose the
9 identities of these persons as they become known to Plaintiff in accordance
10 with Fed. R. Civ. P. 26(a),(e).

11 **2. Rule 26(a)(1)(A)(ii): A copy— or description by category and location**
12 **of— all documents, electronically stored information, and tangible things that**
13 **the disclosing party has in its possession, custody, or control and may use to**
14 **support its claims or defenses, unless the use would be solely for impeachment:**

- 15 a. Documents regarding the creation, publication, distribution, and copyright of “I
16 Gotta Feeling.”
- 17 b. **Communications with Defendants.**
- 18 c. Plaintiff's investigation is ongoing and Plaintiff will identify additional
19 categories of documents as they come into Plaintiff's possession in accordance
20 with Fed. R. Civ. P. 26(a),(e).

21 **3. Rule 26(a)(1)(A)(iii): A computation of any category of damages**
22 **claimed by the disclosing party, making available for inspection and copying as**
23 **under Rule 34 the documents or other evidentiary material, not privileged or**
24 **protected from disclosure, on which such computation is based, including**
25 **materials bearing on the nature and extent of injuries suffered:**

26 Plaintiff seeks injunctive relief and monetary recovery from the Defendants in
27 the form of Plaintiff's lost profits, royalties and songwriting credit, and/or
28 Defendants' profits. These damages will be provided by Plaintiff's damages expert

1 pursuant to 17 U.S.C. § 504 and 505. The calculations shall be provided in
2 accordance with Rule 26(a)(2) and this Court's Scheduling and Case Management
3 Order. The documents and other material, not privileged or protected from
4 disclosure, on which such computation is based, will be produced in accordance with
5 Rule 26(a)(2) and this Court's Scheduling and Case Management Order. Plaintiff
6 specifically incorporates any and all such reports to be provided by its damages
7 experts, and reserves the right to supplement these disclosures and promptly disclose
8 this information as it becomes known to Plaintiff in accordance with Fed. R. Civ. P.
9 26(a),(e). Plaintiff further seeks recovery of his attorneys' fees.

10 **4. Rule 26(a)(1)(A)(iv): For inspection and copying as under Rule 34 any**
11 **insurance agreement under which any person carrying on an insurance business**
12 **may be liable to satisfy part or all of a judgment which may be entered in the**
13 **action or to indemnify or reimburse for payments made to satisfy the judgment:**

14 None.

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16 Dated: February 28, 2011

17 Dean A. Dickie (appearing Pro Hac Vice)
Kathleen E. Koppenhoefer (appearing Pro Hac Vice)
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23 By: 
Attorneys for Plaintiff Bryan Pringle