

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

BRYAN PRINGLE, an individual,

Plaintiff,

vs.

CASE NO.:
SACV 10-1656 JST

WILLIAM ADAMS, JR,; STACY FERGUSON; ALLAN
PINEDA; and JAIME GOMEZ, all individually
and collectively as the music group The
Black Eyed Peas, et al.,

Defendants.

VIDEOTAPED DEPOSITION OF

ALEXANDER NORRIS

TUESDAY, JANUARY 3, 2012

10:00 A.M.

Reported by:

Adrienne M. Mignano, RPR

REF:6650

1 Norris

2 MR. DICKIE: Object to the form
3 of the question.

4 A There are some similarities.

5 Q I didn't ask you for any
6 similarities.

7 Isn't it true that there are
8 differences between the instrumentation
9 for those two works?

10 A Yes.

11 Q Isn't it true that there are no
12 vocals -- excuse me.

13 MR. RIGHETTINI: Strike that.

14 Q Would you agree that the
15 differences between the original version
16 of "Take A Dive" and "I Gotta Feeling"
17 outweigh any similarities that those two
18 works may share?

19 MR. DICKIE: Objection to form
20 of the question.

21 A Repeat the question please.

22 Q Would you not agree that the
23 differences between the original version
24 of "Take A Dive" and "I Gotta Feeling"
25 outweigh any similarities that those two

1 Norris

2 works might share?

3 A Yes.

4 Q Isn't it true that when you
5 strip away all of the differences between
6 "Take A Dive" original version and "I
7 Gotta Feeling", any remaining similarities
8 would be limited to generic musical
9 building blocks?

10 MR. DICKIE: Object to the form
11 of the question. It's vague and
12 ambiguous.

13 A I don't think I'd agree with
14 that.

15 Q Well, isn't Mixolydian a generic
16 music building block?

17 A I don't know if it's generic.
18 It's -- I mean, a lot of songs are in
19 Mixolydian mode, but I don't think it's
20 generic.

21 Q How do you define the term
22 generic?

23 MR. DICKIE: Objection. It
24 wasn't his word; he didn't use it.
25 You can ask him how he understands it.

1 Norris

2 key center of G Mixolydian, the 8 bar
3 structure, the drum pattern, the length,
4 and the orchestration, none of these
5 elements is original to "Take A Dive"
6 original version?

7 MR. DICKIE: Object to the form
8 of the question as phrased.

9 A They are not original.

10 Q And the same is true of "Take A
11 Dive" derivative version?

12 A Yes.

13 Q So in your opinion, all of those
14 elements are nonprotectable for both
15 songs?

16 A Yes.

17 Q Is it your opinion that the
18 combination of those elements is original
19 to "Take A Dive" original version?

20 A I cannot answer at this time.

21 Q As far as you know, are they
22 original?

23 MR. DICKIE: Objection. Asked
24 and answered. I believe we went over
25 this at some length. This is the same

