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10 Attorneys for Defendants WILLIAM ADAMS; STACY FERGUSON; ALLAN
 PINEDA; and JAIME GOMEZ, all individually and collectively as the music
 11 group THE BLACK EYED PEAS; will.i.am music, llc; TAB MAGNETIC
 PUBLISHING; CHERRY RIVER MUSIC CO.; HEADPHONE JUNKIE
 12 PUBLISHING, LLC; JEEPNEY MUSIC, INC.; EMI APRIL MUSIC, INC.

13 **UNITED STATES DISTRICT COURT**
 14 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

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

Case No. SACV10-1656 JST (RZx)
 Hon. Josephine Staton Tucker
 Courtroom 10A

**DECLARATION OF JONATHAN S.
 PINK IN SUPPORT OF
 DEFENDANTS' MOTION TO
 DISMISS, OR IN THE
 ALTERNATIVE, MOTION TO
 STRIKE AND FOR A MORE
 DEFINITE STATEMENT**

Hearing

Date: January 24, 2011
 Time: 10:00 a.m
 Courtroom: 10A

Complaint Filed: October 28, 2010
 Trial Date: Not Assigned

BRYAN CAVE LLP
 3161 MICHELSON DRIVE, SUITE 1500
 IRVINE, CALIFORNIA 92612-4414

DECLARATION OF JONATHAN S. PINK

I, Jonathan S. Pink, declare:

1. I am an attorney duly licensed to practice law before the courts of the State of California and all federal courts in the State of California. I am an attorney with the law firm of Bryan Cave LLP, counsel of record for Defendants WILLIAM ADAMS; STACY FERGUSON; ALLAN PINEDA; and JAIME GOMEZ, all individually and collectively as the music group THE BLACK EYED PEAS; will.i.am music, llc; TAB MAGNETIC PUBLISHING; CHERRY RIVER MUSIC CO.; HEADPHONE JUNKIE PUBLISHING, LCC; JEEPNEY MUSIC, INC.; and EMI APRIL MUSIC, INC. (“Defendants”). I have personal knowledge of the matters set forth in this Declaration and, if called upon to testify regarding such matters, I could and would competently do so.

2. On Monday, December 6, 2010, pursuant to Rule 7-3 of this Court’s Local Rules, I and my colleagues, Kara Cenar and Merili Seale, held a telephone conference with the following individuals, each of whom represents the Plaintiff: Ira Gould and Ryan Greely, Esq. of the Gould Law Group; Kathleen E. Koppenhoefer of Miller, Canfield, Paddoc and Stone, P.L.C.; and George L. Hampton IV of HamptonHolley, LLP.

3. The purpose of that call was to discuss the substance and merits of, and potentially resolve, Defendants’ planned motion: (1) to dismiss Plaintiff’s First Amended Complaint (“FAC”) pursuant to Rules 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted; (2) to dismiss pursuant to Federal Rules of Civil Procedure 8 (a)(2) for failure to plead a short and plain statement showing why Plaintiff is entitled to relief; (3) for an Order pursuant to Rule 12(e) requiring Plaintiff to provide a more definite statement on the basis that Paragraphs 31 through 39 of the First Amended Complaint; and (4) for an Order pursuant to Rule 12(f) of the Federal Rules of Civil Procedure striking those paragraphs in the FAC which are comprised of redundant, immaterial, impertinent,

1 or scandalous matter.

2 4. During our lengthy meet and confer discussion, I shared with Plaintiff's
3 counsel the various reasons for Defendants' planned motion. Our conference ended
4 without a resolution, however Plaintiff's counsel promised to respond in writing
5 later that afternoon as to whether they intended to address the defects identified in
6 their pleading.

7 5. Later that I afternoon, I received an email from Plaintiff's counsel, Ms.
8 Koppenhoefer, advising that Plaintiff would not withdraw his FAC or correct the
9 deficiencies identified therein. A true and correct copy of her correspondence is
10 attached hereto as Exhibit "1."

11 6. In light of Ms. Koppenhoefer's correspondence, Defendants have
12 moved forward with the filing of this motion.

13 I declare under penalty of perjury under the laws of the State of California
14 and the United States of America that the foregoing is true and correct.

15 Executed this 13th day of December, 2010, at Irvine, California.

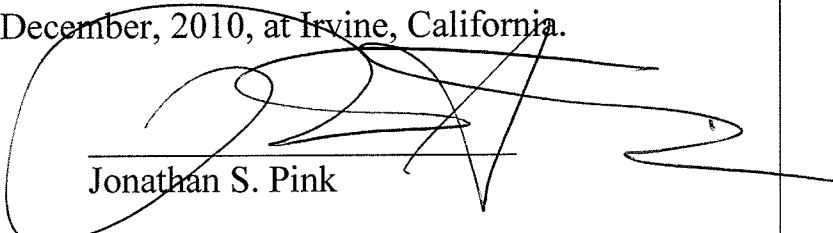
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17 
18 _____
19 Jonathan S. Pink
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Exhibit “1”

Pink, Jonathan Stuart

From: Koppenhoefer, Kathleen E. [koppenhoefer@millercanfield.com]
Sent: Monday, December 06, 2010 3:30 PM
To: George Hampton; Seale, Merili; Dickie, Dean A.; 'Ira Gould'
Cc: Pink, Jonathan Stuart; Cengar, Kara
Subject: RE: Black Eyed Peas Litigation: Meet and Confer Conference Calls [MCPS-ACTIVE.FID781168]
Attachments: mcslogo.gif

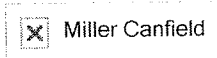
Counsel:

Thank you for the meet and confer call today. The plaintiffs' legal team has discussed the issues you've raised in your letters and during today's call. We believe that your positions are unfounded and will only serve to delay the case from being heard on the merits and otherwise to increase fees. For those reasons, we do not intend to withdraw or amend either complaint at this time and thus stand by them as filed. Defendants should proceed with any motion they believe to be well grounded on existing law.

Sincerely,

Kate Koppenhoefer

Kathleen E. Koppenhoefer



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 Chicago, Illinois 60606
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-----Original Message-----

From: George Hampton [mailto:ghampton@hamptonholley.com]
Sent: Monday, December 06, 2010 11:41 AM
To: Seale, Merili; Dickie, Dean A.; 'Ira Gould'
Cc: Pink, Jonathan Stuart; Cengar, Kara; Koppenhoefer, Kathleen E.
Subject: Black Eyed Peas Litigation: Meet and Confer Conference Calls

Ms. Seale,

The letters attached to your e-mails of last Friday are confusing as to the correct time of the respective calls. For example, 4:00 pm (eastern standard time) is 3:00 pm (central standard time) not 2:00 pm as stated in the letter. Be that as it may, this e-mail confirms that plaintiffs' counsel will participate by calling the telephone number listed in the letters at 2:00 pm (central standard time). We can then proceed with the conferences in any order you wish.

Additionally, please note "HamptonHolley LLP" is name of our limited liability partnership registered with the State

12/13/2010

Bar of California and with the California Secretary of State. The firm referenced in your letters as "Hampton & Holly" is not affiliated with our firm in any way, if it exists at all.

George Hampton

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