

1 KAREN R. THORLAND (SBN 172092)  
 kthorland@loeb.com  
 2 RACHEL A. RAPPAPORT (SBN 268836)  
 rrappaport@loeb.com  
 3 LOEB & LOEB LLP  
 10100 Santa Monica Boulevard, Suite 2200  
 4 Los Angeles, California 90067-4120  
 Telephone: 310-282-2000  
 5 Facsimile: 310-282-2200  
 6 Attorneys for Defendants SHAPIRO,  
 BERNSTEIN & CO., INC. (incorrectly  
 7 sued as Shapiro, Bernstein & Co.);  
 RISTER EDITIONS and DAVID  
 8 GUETTA

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UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA  
 SOUTHERN DIVISION

BRYAN PRINGLE, an individual,  
 Plaintiff,  
 v.  
 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.

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

**DEFENDANTS SHAPIRO,  
 BERNSTEIN & CO., INC.'S,  
 RISTER EDITIONS' AND DAVID  
 GUETTA'S NOTICE OF MOTION  
 TO DISMISS THE FIRST  
 AMENDED COMPLAINT**

Date: January 24, 2011  
 Time: 10:00 A.M.  
 Dept.: 10A

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

1 TO ALL PARTIES AND COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that, on January 24, 2011, at 10:00 A.M., or as  
3 soon thereafter as counsel may be heard in the courtroom of the Honorable  
4 Josephine Staton Tucker, United States District Judge, Central District of California,  
5 located at the Santa Ana Courthouse, 411 West Fourth Street, Courtroom 10A,  
6 Santa Ana, CA 92701-4516, Defendants Shapiro Bernstein & Co., Inc., David  
7 Guetta and Rister Editions (collectively "Defendants"), will and hereby do move for  
8 an Order dismissing Plaintiff's First Amended Complaint, and for such other relief  
9 as is requested in the Motion to Dismiss; Motion to Strike; and Motion for a More  
10 Definite Statement of Co-Defendants William Adams, Jr., Stacy Ferguson, Allan  
11 Pineda, Jaime Gomez, Tab Magnetic Publishing, Headphone Junkie Publishing,  
12 LLC, Will.I.Am. Music, LLC, Jeepney Music, Inc., Cherry River Music Co. and  
13 EMI April Music, Inc. (collectively "Co-Defendants").<sup>1</sup>

14 This Motion is made pursuant to Rules 12(b)(5) and 12(b)(6) of the Federal  
15 Rules of Civil Procedure, and is based on this Notice of Motion; Defendants'  
16 Memorandum and Points of Authorities; the Declaration of Karen R. Thorland and  
17 the exhibit thereto; the Court file; any reply Defendants may make; Co-Defendants'  
18 Notice of Motion and Memorandum and Points of Authorities; and any further  
19 argument as may be presented to the Court prior to or at the hearing on this motion,  
20 or subsequent thereto as permitted by the Court.

21 This motion is made following defendant Shapiro Bernstein & Co., Inc.'s  
22 participation in a conference of counsel pursuant to Local Rule 7-3 on December 6,  
23 2010, and Defendants' request for an additional conference of counsel pursuant to

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25 <sup>1</sup> This Motion is made without waiver, and with express reservation, of all defenses  
26 and objections as to service of process, and/or the sufficiency thereof, on Rister  
27 Editions. Moreover, Plaintiff has not served defendant Frederic Riesterer, either  
28 personally or through any other defendant, none of whom are authorized to accept  
service on his behalf.

1 Local Rule 7-3 on December 8, 2010, which request was rejected by counsel for  
2 Plaintiff.

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5 Dated: December 13, 2010

LOEB & LOEB LLP  
KAREN R. THORLAND  
RACHEL A. RAPPAPORT

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By: /s/ Karen R. Thorland  
Karen R. Thorland  
Attorneys for Defendants  
SHAPIRO, BERNSTEIN & CO., INC.  
(incorrectly sued as Shapiro, Bernstein &  
Co.); RISTER EDITIONS and DAVID  
GUETTA

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