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BERNSTEIN & CO., INC. (incorrectly  
8 sued as Shapiro, Bernstein & Co.);  
RISTER EDITIONS and DAVID GUETTA  
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10  
11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA  
13 SOUTHERN DIVISION  
14

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, et al.,

21 Defendants.  
22

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

) **DEFENDANTS' JOINT *EX PARTE***  
) **APPLICATION TO CONTINUE**  
) **THE HEARING DATE ON**  
) **DEFENDANTS' RULE 12**  
) **MOTIONS (FROM JANUARY 24**  
) **TO JANUARY 31) IN ORDER TO**  
) **CONSOLIDATE WITH HEARING**  
) **ON PLAINTIFF'S MOTION FOR**  
) **PRELIMINARY INJUNCTION**  
) **(SCHEDULED FOR JANUARY 31)**

1 **TO PLAINTIFF BRYAN PRINGLE AND HIS ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that pursuant to Local Rule 7-19, Defendants  
3 Adams, Ferguson, Gomez, and Pineda (individually and collectively as the music  
4 group The Black Eyed Peas), Tab Magnetic Publishing, Headphone Junkie  
5 Publishing LLC, Will.I.Am Music LLC, Jeepney Music Inc., Cherry River Music  
6 Co., and EMI April Music Inc (the “Black Eyed Peas Defendants”); Defendants  
7 Guetta, Rister Editions, Shapiro Bernstein & Co., Inc. (incorrectly sued as “Shapiro  
8 Bernstein Co.”) (the “Shapiro Bernstein Defendants”); and Defendants UMG  
9 Recordings Inc. and Interscope Records (the “UMG Defendants”) (collectively  
10 “Defendants”) hereby apply to the Court *ex parte* for an Order continuing the  
11 hearing date on Defendants’ previously filed and completely briefed Rule 12  
12 motions (Document Nos. 52, 53, 55, 56) (collectively, the “Rule 12 Motions”) in  
13 order to consolidate the hearing date for the Rule 12 Motions with the hearing date  
14 for Plaintiff’s previously filed motion for preliminary injunction (Document No. 73)  
15 (the “P.I. Motion”) (collectively, the Rule 12 Motions and the P.I. Motion are  
16 referred to as the “Motions”). The Rule 12 Motions are currently set for hearing on  
17 January 24. The P.I. Motion is currently set for hearing on January 31. Thus, by  
18 this *ex parte* application, Defendants request that the hearing on the Rule 12  
19 Motions be continued to January 31 so that all of the Motions are heard on the same  
20 date.

21 Defendants make this request in the interests of efficiency for all parties and  
22 for the convenience of the Court. The Black Eyed Peas Defendants and the Sharpiro  
23 Bernstein Defendants are the moving parties for the Rule 12 Motions, and counsel  
24 for the Black Eyed Peas Defendants will be traveling from Chicago and counsel for  
25 the Sharpiro Bernstein Defendants will be traveling from New York in order to  
26 attend the hearings and argue the Rule 12 Motions and the P.I. Motion. In addition,  
27 counsel for Plaintiff Pringle (represented by two firms located in Chicago)  
28 presumably will be traveling from Chicago. Thus, consolidating the hearings for the

1 Rule 12 Motions to the same date as the P.I. Motion will obviate the need for  
2 counsel for Defendants and Plaintiff to travel to Los Angeles for the hearings on the  
3 Motions twice within seven days.

4 The name, address and telephone number of Plaintiff's counsel is as follows:

5 Dean A Dickie  
6 Kathleen E Koppenhoefer  
7 Robert C Levels  
8 Ryan Christopher Williams  
9 Miller Canfield Paddock & Stone PLC  
10 225 West Washington Street Suite 2600  
11 Chicago, IL 60606-3439  
12 312-460-4217

13 Ira P Gould  
14 Ryan L Greely  
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16 120 North LaSalle Street Suite 2750  
17 Chicago, IL 60602  
18 312-781-0680

19 George L. Hampton IV  
20 Colin C. Holley  
21 HamptonHolley LLP  
22 2101 East Coast Highway, Suite 260  
23 Corona del Mar, CA 92625  
24 949.718.4551

25 Defendants previously sought Plaintiff's counsel's consent to continue the  
26 hearing on the Rule 12 Motions to January 31, but counsel refused. Because  
27 Plaintiff was not willing to stipulate to continue the hearing on the Rule 12 Motions,  
28 it is Defendants' understanding that Plaintiffs will oppose this application.

29 Dated: January 10, 2011

LOEB & LOEB LLP

30 By: /s/ Donald A. Miller

31 Donald A. Miller  
32 Barry I. Slotnick  
33 Tal E. Dickstein  
34 Attorneys for Defendants  
35 SHAPIRO, BERNSTEIN & CO., INC.  
36 (incorrectly sued as Shapiro, Bernstein &  
37 Co.); RISTER EDITIONS and DAVID  
38 GUETTA

1                                    **MEMORANDUM OF POINTS AND AUTHORITIES**

2            On December 13, 2010, the Black Eyed Peas Defendants filed a motion to  
3 dismiss the first amended complaint, a motion to strike, and a motion for more  
4 definite statement (Document No. 52) (the “Black Eyed Peas motions”), in which  
5 the UMG Defendants joined. Also on December 13, 2010, the Shapiro Bernstein  
6 Defendants filed a motion to dismiss the first amended complaint (Document No.  
7 53) (the “Shapiro Bernstein motion”), in which the Black Eyed Peas Defendants  
8 joined in part (Document No. 55) and the UMG Defendants joined in part  
9 (Document No. 56). The Black Eyed Peas motions and the Shapiro Bernstein  
10 motion are set for hearing on January 24, 2011. (The Black Eyed Peas motions and  
11 the Shapiro Bernstein motion are referred to collectively as the “Rule 12 Motions.”)  
12 The Rule 12 Motions have been fully briefed. Plaintiff filed his opposition papers in  
13 connection with the Rule 12 Motions on January 3, 2011 (Document Nos. 72, 74),  
14 and the Black Eyed Peas Defendants and the Shapiro Bernstein Defendants have  
15 filed their reply papers on January 10.

16            Three weeks after Defendants filed the Rule 12 Motions, on January 3, 2011,  
17 Plaintiff filed a motion for preliminary injunction (the “P.I. Motion”), which is set  
18 for hearing on January 31.

19            Counsel for the Black Eyed Peas Defendants and counsel for the Shapiro  
20 Bernstein Defendants will be traveling across the country in order to attend the  
21 hearings and argue the Rule 12 Motions and the P.I. Motion. Specifically, counsel  
22 for Black Eyed Peas Defendants will be traveling from Chicago, and counsel for the  
23 Shapiro Bernstein Defendants will be traveling from New York. In addition,  
24 because the Plaintiff is represented by two firms located in Chicago, his counsel  
25 presumably will also be traveling from Chicago in order to argue the Rule 12  
26 Motions and the P.I. Motion. Thus, in the interest of efficiency, obviating the need  
27 for counsel for all parties to travel to Los Angeles twice within the span of seven  
28

1 days for the hearings on the Rule 12 Motions and the P.I. Motion, the Court should  
2 continue the hearing on Defendant' Rule 12 Motions.

3 For the foregoing reasons, Defendants request that the Court grant  
4 Defendants' application and continue the hearing on Defendants' Rule 12 Motions  
5 (currently set for January 24, 2011) to January 31, 2011, so that they may be heard  
6 at the same time as Plaintiff's P.I. Motion.

7  
8 Dated: January 10, 2011

LOEB & LOEB LLP

9  
10 By: /s/ Donald A. Miller

11 Donald A. Miller  
12 Barry I. Slotnick  
13 Tal E. Dickstein  
14 Attorneys for Defendants  
SHAPIRO, BERNSTEIN & CO., INC.  
(incorrectly sued as Shapiro, Bernstein &  
15 Co.); RISTER EDITIONS and DAVID  
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