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9 Attorneys for Defendants  
10 WILLIAM ADAMS, JR.; STACY FERGUSON;  
ALLAN PINEDA; and JAIME GOMEZ, all individually  
11 and collectively as the music group the Black Eyed Peas;  
WILL.I.AM MUSIC, LLC; TAB MAGNETIC PUBLISHING;  
12 CHERRY RIVER MUSIC CO.

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

15 BRYAN PRINGLE, an individual,  
16 Plaintiff,  
17 v.

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

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.,

**DECLARATION OF KARA CENAR  
IN SUPPORT OF DEFENDANTS'  
OPPOSITION TO PLAINTIFF'S  
MOTION FOR PRELIMINARY  
INJUNCTION**

Date: January 31, 2011  
Time: 10:00 a.m.  
Dept.: 10A

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

26 Defendants.  
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**DECLARATION OF KARA CENAR**

I, Kara E. F. Cenar, submit this declaration in connection with the Defendants' Opposition to Plaintiff's Motion for Preliminary Injunction, and I have personal knowledge of the facts stated herein.

1. Attached hereto as Exhibit "1" is a true and correct copy of a letter I sent to opposing counsel on July 24, 2010.

2. Attached hereto as Exhibit "2" is a true and correct copy of an email I sent to opposing counsel on January 7, 2011.

3. Attached hereto as Exhibit "3" is a true and correct copy of a letter I received from opposing counsel dated January 7, 2011.

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

Executed this 10<sup>th</sup> day of January 2011, at Chicago, Illinois.

  
\_\_\_\_\_  
KARA CENAR

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

# EXHIBIT 1



Kara E. F. Cenar  
Direct: 312-602-5019  
kara.cenar@bryancave.com

July 24, 2010

**VIA E-MAIL, US MAIL AND HAND DELIVERY**

Ira P. Gould  
Law Offices of Ira Gould  
120 N. LaSalle Street, Suite 2750  
Chicago, Illinois 60602-2422

Re: Pringle Matter

Dear Ira and Ryan,

This letter is sent to confirm the information sent to you on Friday July 23, 2010 regarding the Pringle matter and to confirm, by letter, my request for preservation of evidence.

In my email of Friday July 23, 2010 I relayed the following information:

I also wanted to follow up with you regarding the Pringle matter as I know you intend to soon travel to meet him for the first time. During our meeting you affirmatively represented to me that you would never bring a claim if there were questions about its veracity. Your prior emails indicate your acknowledgement of the reputational harm that could be caused to my clients by the mere filing of a claim (legitimate or not). I share this information with you out of respect for you and Ryan and out of interest in keeping illegitimate claims where they belong.

I thought it was important to provide an example of the concerns I expressed during our meeting today. I also wanted to provide you with one example of why I have legitimate questions over the authenticity of Mr. Pringle's representations regarding the dates of his computer files. There are more examples, but this one should be sufficient. The basis for my concerns and my preservation request that follows is set forth below.

On May 21, 2010 you sent me a letter with several sets of two disc's, each set had a CD in an orange case and a CD in a purple case.

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Ira P. Gould  
July 24, 2010  
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You said in your letter that the CD in the Orange case was the Dance Version of Take a Dive, which was created in 1999. You represented that the CD in the purple case was the "Original Version of Take a Dive" which was copyrighted in 1998. We understand that these disc's were prepared by Mr. Pringle, and sent to you.

In the body of the May 21, 2010 letter you represent that Mr. Pringle wrote the Original Version of Take a Dive in 1997, and the Original Version was copyrighted in 1998.

I attach a pdf of a screen shot of the properties files of set one of the orange disc you sent me. The creation date and the modified date of this orange disc "Take a Dive Dance Version" file is December 31, 1994 at 7:00:02 pm. This is at least 5 years before you represent he allegedly created the Dance Version and three 3 years before he even allegedly wrote the original version of Take a Dive. The orange disc from set 2 of your May 21, 2010 letter has a different creation time. Interestingly, if you copy the file from the orange disc to your desk top, it changes these dates to the following: Created today, with a last modified date of December 31, 1994.

Would you please provide me with an explanation of the 1994 creation date?

I hope you share our genuine concerns regarding the computer files Mr. Pringle is using to try to convince you (and us) that his dates are what he is holding them out to be. I am sure you are aware that there are easy ways for Mr. Pringle to modify the Creation, Accessed and Modified dates of his computer files. There are software programs available on the internet that permit it, and there are articles all over the web with step by step instructions on how to alter these dates.

Since he is an "unsolicited client" from Texas that you have never represented before or met before, I am not sure how you can confront Mr. Pringle with this information without running the risk of him altering or tampering with computer files in the future to try to "fix" things. Given that you have advanced a claim on his behalf I am sure you have already advised Mr. Pringle of his duty to preserve all computer records. Out of caution, before Mr. Pringle is confronted with the topic of potential altered dates etc, it is likely appropriate for you to have an independent forensic computer person image his entire hard drive etc. to capture and preserve everything on his system before you confront him. It will be something we will necessarily request in discovery should this case ever reach a filed action. I leave the

Ira P. Gould  
July 24, 2010  
Page 3

preservation mechanism to your choice as long as there is a mechanism put in place to preserve the evidence before he is alerted to concerns over his file dating practices and inconsistencies.

On behalf of my clients', as I am sure you understand, I have to formally make a request for preservation of evidence. Please consider this email my formal request for preservation of evidence.

I am happy to discuss this with you further. I am hopeful that you will be candid with me. Since I am on the road, but still working (sigh), my cell number is the most appropriate way to reach me.

I wanted to reconfirm this by letter since I did not hear from you in response to my email, and because I believe it is important to keep preservation requests in a more formal correspondence.

Very truly yours,

/s/Kara Cenar

Kara E. F. Cenar

KEC

cc:

Ed McPherson  
Linda Burrow

# EXHIBIT 2

From: Kara CEAR [mailto:karaefcenar@gmail.com]  
Sent: Friday, January 07, 2011 7:52 AM  
To: Ira Gould Esq.; Dickie, Dean A.; George Hampton  
Cc: Jonathan Stuart Pink; Linda M. Burrow; Barry Slotnick  
Subject: Information Needed

Counsel,

Given the limited time frame for our response to the Motion for Preliminary Injunction, we ask that you provide the information below, today.

Please provide the names, addresses, phone number, dates and times of the specific individuals or entities Mr Pringle represents he sent a copy of the derivative version of the song Take A Dive.

Please provide the names, addresses, phone number of any individual that sent a response to Mr Pringle. And provide a copy of that response.

Please admit that Mr Pringle did not send a copy of Take A Dive (derivative version) to any individual member of The Black Eyed Peas.

Please admit that Mr Pringle did not send a copy of Take A Dive (original version) to any individual member of The Black Eyed Peas.

Please admit that Mr Pringle did not send a copy of Take A Dive (derivative version) to David Guetta.

Please admit that Mr Pringle did not send a copy of Take A Dive (original version) to David Guetta.

Please admit that Mr Pringle did not send a copy of Take A Dive (derivative version) to Frederick Riesterer

Please admit that Mr Pringle did not send a copy of Take A Dive (original version) to Frederick Riesterer

1. Was the NRG file the actual thing that was distributed to others?
2. Or was the song Mr Pringle represents he distributed in some other form?
3. Do you have the actual thing (ie song in the format) that Mr Pringle represents was actually sent out? If so please send to me today.
4. Have you provided us with all of the musicological testing done by your experts?
5. Have any of the experts conducted any musicological analysis or other analysis of the songs, not contained in their report? If so will the information from those analysis be provided today please?
6. Will you send me today copies of any document or thing Plaintiff expects to or May use at the Preliminary Injunction evidentiary hearing on the 31 st.
7. Please inform us today of the names of the actual equipment, software, internal or external sound banks used by Mr Pringle to create his song in the time frame he represents he created his song.
8. Please represent whether Mr Pringle is in possession of this exact equipment for inspection?



9. Please also provide us with an explanation of how Mr Pringle made copies of the song for distribution in 1999 including the process and the equipment and software used. If the answer is different for any subsequent year, please provide an answer separately for each year.
10. Please inform us of whether Mr Pringle is in possession of this exact equipment for inspection? And if so where?
11. Please identify the exact equipment, software, discs etc used to make the copies of the songs (and isolated tracks) to be sent to the experts that have filed or been referred to in the Preliminary Injunction Papers.
12. Please also provide an explanation of the exact process by which these songs and tracks (sent to the experts) were made, and the individuals involved in making the songs and tracks.
13. Please inform us as to whether this equipment is available for inspection, and where.
14. Please state when Mr Pringle has ever conducted any musicological analysis of the Song I Gotta Feeling, and if so please provide the specific musicological analysis conducted by Mr Pringle, any tracks, songs or other audio items he has that relate to his analysis, and identify the dates of analysis and the results of the analysis.
15. Please provide a detailed explanation from Mr Pringle of the creation, and any distribution of the old NRG file that was described in Footnote 4 of the Preliminary Injunction Papers.
16. Please have Mr Pringle describe in detail the "innocent mistake" made with respect to providing the disc to the expert, including each date, time, such NRG file was provided to the expert.
17. Please provide us with a copy of the NRG file claimed to have been mistakenly provided and please provide the new NRG file. Please explain each and every difference between the two ( the correct NRG file and the new NRG file)
18. Please provide copies of the NRG file, and the copies of the songs provided to counsel for the Black Eyed Peas when Mr Pringle first approached their counsel with the claim regarding the song I Gotta Feeling.

Given our one week response date, based on the scheduling of the Motion, we ask that this information be provided today.

Thank You for your prompt attention to this matter.

Kara

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NOTICE TO PERSONS SUBJECT TO UNITED STATES TAXATION (MCPS)

DISCLOSURE UNDER TREASURY CIRCULAR 230: The United States Federal tax advice, if any, contained in this document and its attachments may not be used or referred to in the promoting, marketing or recommending of any entity, investment plan or arrangement, nor is such advice intended or written to be used, and may not be used, by a taxpayer for the purpose of avoiding Federal tax penalties.

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# EXHIBIT 3

Founded in 1852  
by Sidney Davy Miller

# MILLER CANFIELD

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January 7, 2011

**Via Email**

Kara E.F. Cenar, Esq.  
BRYAN CAVE LLP  
161 North Clark Street, Suite 4300  
Chicago, IL 60601-3315

**Re: Pringle v. William Adams Jr., et al. - Case No. SACV10-1656 JST**

Dear Ms. Cenar:

We received your email dated today, January 7, 2011, demanding that Plaintiff provide you with immediate discovery responses, including what you don't call, but what are in fact, answers to interrogatories, responses to requests for production, and responses to requests to admit, by the close of business today. We respectfully decline your request. If you would like to issue discovery, you should do so as provided for by the Federal Rules of Civil Procedure. If you have some authority to support what you are seeking, please provide that authority to us and we will immediately consider it.

As far as we know, there is no obligation on the part of a litigant to provide its adversary with information and documents upon demand outside of the scope of what the Federal Rules of Civil Procedure provide, especially instantaneously. The requirements are no different in a preliminary injunction setting, whether in California or in Illinois for that matter, and there is no court order in place providing for expedited discovery. We note that you have in past motions and responses accused Plaintiff of refusing to give you information such as what you are requesting here. This suggestion that Plaintiff is somehow acting in bad faith by not ceding to your demand for informal and instantaneous discovery responses is not supported by the law, and is peculiar and puzzling to say the least.

As mentioned above, if you have some authority that suggests that it is Plaintiff's responsibility to provide such information, or even that your request is appropriate, please provide it and we will reconsider our position.

Very truly yours,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.



Dean A. Dickie

DAD/mbs

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.