

EXHIBIT B

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12:02:35 1 BLAND-RICKY ROBERTS
 12:02:39 2 A. Yes.
 12:02:56 3 Q. How many copies of Funky
 12:02:59 4 Drummer I were sold?
 12:03:01 5 A. About 3,000, 3,500, somewhere
 12:03:04 6 in there.
 12:03:17 7 Q. How long was Funky Drummer I
 12:03:18 8 offered for sale?
 12:03:22 9 A. Not very long. That's why
 12:03:23 10 there was a Funky Drummer II.
 12:03:25 11 Q. Okay.
 12:03:26 12 A. Because that particular record
 12:03:31 13 was a grass roots effort between Ralph and
 12:03:36 14 myself. More so myself than Ralph where, you
 12:03:38 15 know, I gave X amount of pieces to Indi. I
 12:03:43 16 gave X amount of pieces to various, what would
 12:03:47 17 be independent record stores where I was kind
 12:03:49 18 of selling it out of the trunk of the car, if
 12:03:52 19 you would.
 12:03:52 20 Q. Right.
 12:03:59 21 A. Within a week's time those
 12:04:00 22 units that I had, you know, given to those
 12:04:06 23 independent stores had sold. I mean this
 12:04:09 24 thing flew off the shelves. They were
 12:04:11 25 specialty record stores because you would have

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12:04:11 1 BLAND-RICKY ROBERTS
 12:04:13 2 the production guys go there and the rappers
 12:04:16 3 would go there. People who were into like
 12:04:22 4 record production, artists, you know, we had
 12:04:27 5 people like D'Angelo bought it. Major guys at
 12:04:31 6 the time bought that record.
 12:04:48 7 Q. What format was Funky Drummer I
 12:04:49 8 sold in?
 12:04:56 9 A. Both albums, strictly vinyl.
 12:04:57 10 Q. At any point when I am asking
 12:04:58 11 questions about Funky Drummer I and II and
 12:05:01 12 your answer applies to both, if you can answer
 12:05:03 13 it that way, that's fine. I am going to ask
 12:05:05 14 it individually so it is not a compound
 12:05:07 15 question.
 12:05:07 16 A. Okay.
 12:05:08 17 Q. But if you answer, that's fine
 12:05:09 18 we can save time that way if it is the same.
 12:05:11 19 A. Okay.
 12:05:12 20 Q. So Funky Drummer I and II were
 12:05:14 21 both on vinyl?
 12:05:15 22 A. Uh-huh.
 12:05:18 23 Q. Was Funky Drummer I ever
 12:05:20 24 released on any other media?
 12:05:23 25 A. We didn't release on any other.

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12:05:23 1 BLAND-RICKY ROBERTS
 12:05:30 2 Q. Was Funky Drummer II ever
 12:05:31 3 released on any other media other than vinyl?
 12:05:34 4 A. No.
 12:05:37 5 Q. Never on compact disk?
 12:05:39 6 A. No.
 12:05:40 7 Q. Never on cassette tape?
 12:05:41 8 A. No.
 12:05:44 9 Q. Who pressed the vinyl for Funky
 12:05:46 10 Drummer I?
 12:05:51 11 A. That is a good question, I
 12:05:52 12 don't remember whether I used Metropolitan,
 12:05:59 13 whether I used a pressing plant in Brooklyn,
 12:06:02 14 the name slips me right now. That really
 12:06:08 15 escapes me. I don't remember that name or if
 12:06:10 16 I used the Florida Records. I don't remember
 12:06:19 17 who I used for that. I don't remember who I
 12:06:24 18 used for I or II to be honest with you.
 12:06:27 19 Q. So for Funky Drummer I it could
 12:06:33 20 have been Metropolitan you said?
 12:06:35 21 A. Uh-huh.
 12:06:36 22 Q. Another place in Brooklyn.
 12:06:37 23 A. Yes. I don't remember that
 12:06:38 24 name, though.
 12:06:39 25 Q. And another place in Florida?

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12:06:39 1 BLAND-RICKY ROBERTS
 12:06:40 2 A. Florida Press. I think it was
 12:06:47 3 called Florida Press I think it was called.
 12:06:51 4 Q. Was Funky Drummer II pressed by
 12:06:53 5 the same company that pressed Funky Drummer I?
 12:06:58 6 A. Not necessarily. But I don't
 12:06:59 7 remember right now.
 12:07:02 8 Q. Okay. Were there any other
 12:07:06 9 companies who could have pressed Funky Drummer
 12:07:08 10 II?
 12:07:10 11 A. No.
 12:07:12 12 Q. Mr. Vargas had mentioned that
 12:07:13 13 he thought it was pressed in Brooklyn. Does
 12:07:15 14 that refresh your recollection?
 12:07:18 15 MR. CHIN: Objection.
 12:07:19 16 A. Well, I said Brooklyn but I
 12:07:20 17 don't remember the name of the company. I
 12:07:22 18 don't remember.
 12:07:28 19 Q. Do you know if that company is
 12:07:29 20 still in business?
 12:07:29 21 A. No, I don't.
 12:07:35 22 Q. How many copies of Funky
 12:07:36 23 Drummer I were pressed at first?
 12:07:43 24 A. At first?
 12:07:43 25 Q. Yes.

<p style="text-align: right;">Page 110</p> <p>12:12:23 1 BLAND-RICKY ROBERTS 12:12:26 2 untested I would go with 1,000. But Ralph was 12:12:30 3 so emphatic, he believed, I said, okay, we 12:12:34 4 will go 1,500. 12:12:38 5 Q. Just general information, when 12:12:39 6 you press a record, is there a minimum that 12:12:42 7 you have to have pressed, for example, you 12:12:45 8 couldn't go -- sorry, could you go and say I 12:12:48 9 want five copies of this, press the vinyl? 12:12:53 10 A. I doubt if you would do that, 12:12:54 11 it is too expensive. 12:12:55 12 Q. Was there like a minimum 12:12:58 13 threshold number for manufacturers? 12:13:02 14 MR. CHIN: Objection. You can 12:13:02 15 answer. 12:13:02 16 A. For the manufacturer the 12:13:06 17 numbers that they quote when they give you 12:13:08 18 their pricing sheet start with like 100 or 12:13:11 19 500. So I would say that would be your 12:13:13 20 minimum, I would say. 12:13:15 21 Q. Then the first pressing of 12:13:16 22 Funky Drummer II, you said it was 1,500 12:13:20 23 copies; right? 12:13:20 24 A. Yes. Yes. 12:13:28 25 Q. How many pressings of Funky</p>	<p style="text-align: right;">Page 112</p> <p>12:14:38 1 BLAND-RICKY ROBERTS 12:14:39 2 out of business. 12:14:43 3 Q. How soon before going out of 12:14:44 4 business was Funky Drummer II pressed? 12:14:50 5 A. I don't know. 12:14:54 6 Q. Was it a year before? 12:14:56 7 MR. CHIN: Objection. 12:14:56 8 A. I don't know. 12:15:17 9 Q. Who decided how many copies of 12:15:18 10 Funky Drummer II would be pressed? 12:15:22 11 A. I did. 12:15:23 12 Q. Was anyone else involved in 12:15:24 13 that decision? 12:15:26 14 A. No. It was mostly me. I mean 12:15:29 15 Ralph, you know, being excited about it, but I 12:15:33 16 made the determination. 12:15:34 17 Q. For Funky Drummer II did you 12:15:36 18 receive an invoice from the manufacturer for 12:15:39 19 any of the three pressings? 12:15:44 20 MR. CHIN: Objection. You can 12:15:44 21 answer. 12:15:48 22 A. I would assume so. 12:15:49 23 Q. Okay. 12:15:50 24 A. I just don't remember whether, 12:15:52 25 you know, it was the cash and carry as I</p>
<p style="text-align: right;">Page 111</p> <p>12:13:28 1 BLAND-RICKY ROBERTS 12:13:29 2 Drummer II were made? 12:13:31 3 A. There was three because of the 12:13:34 4 demand for the record. 12:13:39 5 Q. So, how many copies of Funky 12:13:41 6 Drummer II were pressed? 12:13:43 7 A. 4,000. 12:13:45 8 Q. So there was the first one of 12:13:46 9 1,500. 12:13:47 10 A. Correct. 12:13:48 11 Q. Then the second pressing? 12:13:49 12 A. 2,000. 12:13:52 13 Q. Then the third pressing? 12:13:53 14 A. 500. 12:13:54 15 Q. 500. What is the time frame 12:14:05 16 between the first pressing and the last 12:14:07 17 pressing? 12:14:13 18 A. A month, maybe. A month. 12:14:15 19 Q. One month? 12:14:15 20 A. Yeah. A month. 12:14:21 21 Q. So, do you remember when Funky 12:14:23 22 Drummer II was first pressed? 12:14:25 23 A. No. 12:14:34 24 Q. Do you recall the year? 12:14:38 25 A. No. But it was prior to going</p>	<p style="text-align: right;">Page 113</p> <p>12:15:52 1 BLAND-RICKY ROBERTS 12:15:55 2 stated earlier or if it was a situation -- I 12:15:57 3 would tend to believe there was a receipt 12:15:59 4 because I had to get with Ralph on costs. 12:16:06 5 Q. Okay. What were the costs of 12:16:11 6 pressing the Funky Drummer II album? 12:16:14 7 A. I don't know back then. I 12:16:16 8 couldn't tell you. 12:16:18 9 Q. Do you have a sense, was it 12:16:24 10 charged per unit? 12:16:27 11 A. Yes. It was a per unit price. 12:16:31 12 Q. For 1,500 copies of the album 12:16:34 13 would it cost \$8 per album? 12:16:37 14 A. No. 12:16:38 15 MR. CHIN: Objection. 12:16:41 16 Objection. You can answer. 12:16:43 17 A. No, it wouldn't have cost \$8 12:16:45 18 per. I just don't remember what the pressing 12:16:46 19 price was then. It was like you always fought 12:16:49 20 to get the best price. So somewhere around 12:16:51 21 \$1, \$1.10, \$1.15. In there. 12:16:59 22 Q. You said you had to get with 12:17:01 23 Mr. Vargas regarding the costs; what do you 12:17:04 24 mean by that? 12:17:05 25 A. Well, I would account to him</p>

<p style="text-align: right;">Page 118</p> <p>12:20:39 1 BLAND-RICKY ROBERTS 12:20:41 2 Objection. Now you can answer. 12:20:43 3 A. No. I didn't. See, what I was 12:20:48 4 saying to you earlier in me telling him about 12:20:50 5 the expenses and him having to pay for them, 12:20:53 6 he would pay for them out of the money that 12:20:56 7 say I would get from XYZ store. 12:20:58 8 Q. Okay. 12:20:59 9 A. Then I would take that money 12:21:00 10 back. 12:21:00 11 Q. Okay. 12:21:02 12 A. Okay. But in terms of him like 12:21:05 13 seeing the documents, they were there if he 12:21:07 14 needed to see them, but for the most part, I 12:21:09 15 don't think he did see them. 12:21:11 16 Q. Okay. 12:21:12 17 A. I did what I had to do to run a 12:21:14 18 record company. 12:21:19 19 Q. Those documents you referred 12:21:20 20 to, those would be, for example, invoices from 12:21:25 21 the manufacturer or receipt? 12:21:31 22 MR. CHIN: Objection. 12:21:32 23 A. Could be that or other invoices 12:21:33 24 that may have, monies that may have been 12:21:37 25 spent. Recording and this, that and the</p>	<p style="text-align: right;">Page 120</p> <p>12:22:48 1 BLAND-RICKY ROBERTS 12:22:51 2 of copies that you pressed? 12:23:01 3 MR. CHIN: Objection. 12:23:01 4 A. I don't know. Written notes 12:23:06 5 today? 12:23:07 6 Q. Yes. 12:23:07 7 A. No. No. 12:23:13 8 Q. Are the numbers you are saying 12:23:14 9 for pressing of Funky Drummer II, are you 12:23:17 10 relying only on your memory to testify to 12:23:20 11 those numbers? 12:23:24 12 MR. CHIN: Objection. 12:23:24 13 A. Pretty much. 12:23:27 14 Q. Other than your memory what 12:23:28 15 else are you relying on to say that 4,000 12:23:33 16 copies of Funky Drummer II were pressed? 12:23:39 17 A. It would strictly be memory. 12:23:41 18 Q. Anything else? 12:23:41 19 A. No. 12:23:42 20 Q. There is nothing else other 12:23:43 21 than your memory that you're relying on to 12:23:46 22 testify to the number of copies of Funky 12:23:49 23 Drummer II that were pressed? 12:23:55 24 MR. CHIN: Objection. 12:23:55 25 Q. You can answer.</p>
<p style="text-align: right;">Page 119</p> <p>12:21:37 1 BLAND-RICKY ROBERTS 12:21:40 2 other. 12:21:51 3 Q. Do you have, did you keep 12:21:53 4 copies of any of those documents reflecting 12:21:54 5 the number of copies of Funky Drummer II that 12:22:00 6 were manufactured? 12:22:01 7 A. If in fact I did receive them, 12:22:05 8 I would have had a copy back then. I don't 12:22:07 9 have one now. 12:22:08 10 Q. Okay. Does anyone else have a 12:22:09 11 copy of those documents? 12:22:12 12 A. Not to my knowledge. 12:22:13 13 Q. Would you know about it if 12:22:14 14 someone else did have a copy of those 12:22:16 15 documents? 12:22:17 16 MR. CHIN: Objection. You can 12:22:22 17 answer. 12:22:22 18 A. I would want to say yes, but 12:22:25 19 the answer would actually have to be no. If 12:22:27 20 someone from their organization that made the 12:22:29 21 Records, pressed the Records, if they had a 12:22:32 22 copy, I wouldn't know that. 12:22:35 23 Q. Okay. Would you have written 12:22:46 24 notes or any other, you know, memorialization 12:22:48 25 of the number of, an accounting of the number</p>	<p style="text-align: right;">Page 121</p> <p>12:23:55 1 BLAND-RICKY ROBERTS 12:23:58 2 A. Nothing but my memory. 12:23:59 3 Q. Did you review any documents at 12:24:03 4 all that gave you that number? 12:24:04 5 A. No. It's all recollection. 12:24:10 6 Q. So if your memory was mistaken, 12:24:13 7 there is no other way to know the total number 12:24:15 8 of copies of Funky Drummer II that were 12:24:18 9 pressed? 12:24:20 10 MR. CHIN: Objection. 12:24:21 11 A. Correct. 12:24:31 12 Q. I will go through the same 12:24:32 13 thing for Funky Drummer I. Are you relying 12:24:34 14 solely on your memory to testify to the 12:24:37 15 number of copies that were pressed of Funky 12:24:40 16 Drummer I? 12:24:41 17 A. Yes. 12:24:42 18 Q. Is there anything else? 12:24:44 19 MR. CHIN: Objection. 12:24:46 20 A. No. 12:24:48 21 Q. Did you review any documents 12:24:49 22 that gave you, that got you to the number 12:24:53 23 3,000 for the copies of Funky Drummer I that 12:24:55 24 were pressed? 12:24:58 25 MR. CHIN: Objection.</p>

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13:32:26 1 BLAND-RICKY ROBERTS
 13:32:27 2 house. Do you still have any copies of Funky
 13:32:42 3 Drummer Volume I?
 13:32:43 4 A. No.
 13:32:46 5 Q. Do you know -- strike that.
 13:33:07 6 Where were copies of Funky
 13:33:12 7 Drummer Volume II housed after they were
 13:33:14 8 pressed?
 13:33:16 9 A. Same as Volume I, they were
 13:33:18 10 housed with me.
 13:33:24 11 Q. And do you have any copies of
 13:33:26 12 Funky Drummer Volume II?
 13:33:29 13 A. No.
 13:33:45 14 Q. When was Funky Drummer I first
 13:33:48 15 offered for sale?
 13:33:55 16 A. Dates, I don't remember.
 13:34:07 17 Q. Sorry, I just want to step back
 13:34:09 18 for one minute. On the copies of Funky
 13:34:13 19 Drummer Volume I, do you know where any copies
 13:34:16 20 of that album might be?
 13:34:25 21 A. Presently?
 13:34:26 22 Q. Yes.
 13:34:39 23 A. No, I couldn't give you an
 13:34:42 24 honest answer on that.
 13:34:47 25 Q. For Funky Drummer Volume II do

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13:34:47 1 BLAND-RICKY ROBERTS
 13:34:49 2 you know where any copies of that album are
 13:34:53 3 presently?
 13:34:56 4 A. No.
 13:35:20 5 Q. You registered a copyright in
 13:35:26 6 the sound recording for Funky Drummer Volume
 13:35:28 7 II; didn't you?
 13:35:29 8 A. Yes.
 13:35:30 9 Q. Do you remember when that was?
 13:35:32 10 A. No. Can I ask you a question
 13:36:00 11 based on my last answer?
 13:36:02 12 Q. Sure.
 13:36:03 13 A. You asked me did I register a
 13:36:04 14 copy. I answered yes. Now would that include
 13:36:07 15 my agents, the person acting on my behalf to
 13:36:10 16 register that or was that me personally.
 13:36:16 17 Q. Do you personally have a
 13:36:17 18 copyright in the sound recording for Funky
 13:36:20 19 Drummer Volume II?
 13:36:21 20 A. Yes, I do.
 13:36:30 21 Q. Did you register that
 13:36:30 22 copyright? You personally.
 13:36:34 23 A. No.
 13:36:36 24 Q. Someone acting on your behalf
 13:36:37 25 register that copyright?

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13:36:37 1 BLAND-RICKY ROBERTS
 13:36:39 2 A. Yes.
 13:36:39 3 Q. Who was that?
 13:36:41 4 A. It was originally registered by
 13:36:45 5 Jane Peterer who was my, she was our agent
 13:36:50 6 for -- she was my publisher. And then it was
 13:36:56 7 later amended and that was registered by my
 13:36:58 8 attorney.
 13:37:03 9 Q. I am going to show you what has
 13:37:05 10 been marked Defendants' Exhibit 3. Do you
 13:37:16 11 recognize this document?
 13:37:18 12 A. Yes.
 13:37:22 13 Q. What is it?
 13:37:25 14 A. It is the Certificate of
 13:37:26 15 Registration of an SR Form, which stands for
 13:37:30 16 sound recording with the United States
 13:37:31 17 government, Copyright Office.
 13:37:36 18 Q. Do you see there in block
 13:37:38 19 number 1 where it says "title of this work?"
 13:37:41 20 A. Yes.
 13:37:42 21 Q. What does it say there?
 13:37:45 22 A. "Funky Drummer Volume II."
 13:37:50 23 Q. Is this the Certificate of
 13:37:51 24 Registration for the sound recording of Funky
 13:37:54 25 Drummer Volume II?

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13:37:54 1 BLAND-RICKY ROBERTS
 13:37:57 2 A. Sorry, I didn't hear you.
 13:37:59 3 Q. Is this the Certificate of
 13:38:01 4 Registration for the sound recording in Funky
 13:38:03 5 Drummer Volume II?
 13:38:04 6 A. Yes, it is.
 13:38:09 7 Q. Do you see there in block
 13:38:11 8 number 3 toward the bottom 3A it says "year in
 13:38:17 9 which creation of this work was completed?"
 13:38:20 10 A. Uh-huh.
 13:38:20 11 Q. What does it say there?
 13:38:24 12 A. "1994."
 13:38:31 13 Q. Does that refresh your
 13:38:33 14 recollection as to when the Funky Drummer
 13:38:37 15 Volume II was completed?
 13:38:42 16 A. Well, it says here 1994.
 13:38:51 17 Q. Do you remember, can you tell
 13:38:52 18 me when Funky Drummer Volume II was offered
 13:38:54 19 for sale?
 13:38:58 20 A. It would have been shortly
 13:38:59 21 thereafter the registration of this document.
 13:39:13 22 Q. You see there in 3B where it
 13:39:13 23 says the date and nation of the first
 13:39:13 24 publication of this particular work was
 13:39:13 25 February 11, 1994; do you see that?

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13:39:13 1 BLAND-RICKY ROBERTS
13:39:17 2 A. Yes, uh-huh.
13:39:21 3 Q. So, does that date on this form
13:39:28 4 reflect when Funky Drummer II was released for
13:39:31 5 sale?
13:39:32 6 MR. CHIN: Objection. You can
13:39:34 7 answer.
13:39:34 8 A. It says February 11, 1994.
13:39:38 9 Q. What does that mean to you when
13:39:40 10 it says "date of first publication, date and
13:39:45 11 nation of this first publication of this
13:39:46 12 work?"
13:39:49 13 MR. CHIN: Objection. The
13:39:50 14 issue of whether publication is a legal term.
13:39:53 15 But he can still answer.
13:39:55 16 Q. To the extent you know.
13:39:56 17 A. Publication would be the time
13:39:57 18 in which it is distributed or produced.
13:40:02 19 Q. Okay.
13:40:05 20 A. It states here it was done on
13:40:06 21 that date, so I would imagine that's the date.
13:40:17 22 Q. Is Funky Drummer Volume I,
13:40:22 23 sorry -- strike that.
13:40:23 24 Do you have any reason to doubt
13:40:24 25 the date that is on this form, that that's

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13:40:24 1 BLAND-RICKY ROBERTS
13:40:29 2 accurate?
13:40:30 3 A. I have no reason to doubt it.
13:40:36 4 Q. Is Funky Drummer Volume I still
13:40:38 5 for sale today?
13:40:43 6 A. When you ask me still for sale,
13:40:48 7 do you mean am I selling it?
13:40:51 8 Q. Sure. Are you selling it?
13:40:54 9 A. No. Not presently.
13:40:54 10 Q. Do you know if anyone is
13:40:55 11 selling it?
13:40:56 12 A. I have seen it on the internet
13:40:59 13 for sale once or twice.
13:41:03 14 Q. Is it still being sold first
13:41:06 15 end user sales?
13:41:07 16 A. No. Not first end.
13:41:08 17 Q. So if you have seen it for sale
13:41:10 18 it is a used copy being sold?
13:41:12 19 A. Correct. To my knowledge.
13:41:13 20 Because I didn't buy it, so to my knowledge it
13:41:15 21 is.
13:41:23 22 Q. When did you stop selling Funky
13:41:25 23 Drummer Volume I?
13:41:34 24 A. I don't know the exact date.
13:41:39 25 Q. Where did you see Funky Drummer

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13:41:39 1 BLAND-RICKY ROBERTS
13:41:41 2 Volume I offered for sale on the internet?
13:41:51 3 A. What site was that? It was on
13:41:52 4 one of those sites like an eBay site.
13:41:55 5 Q. Was it eBay?
13:41:57 6 A. I'm not a hundred percent sure,
13:42:00 7 but it was a site similar to that.
13:42:11 8 Q. Was that a copy of the Funky
13:42:12 9 Drummer Volume I the vinyl copy?
13:42:15 10 A. Yes, it was vinyl.
13:42:17 11 Q. When did you see that for sale?
13:42:25 12 A. When we first started this
13:42:26 13 case.
13:42:28 14 Q. When was that?
13:42:28 15 A. We have been doing this, what,
13:42:30 16 two years now. So it had to be about two
13:42:32 17 years ago.
13:42:33 18 Q. About 2004?
13:42:36 19 A. If we been doing this case for
13:42:38 20 two years -- it is either 2004, 2005. It is
13:42:41 21 whatever the time frame is that we've been
13:42:44 22 pursuing this case I saw it just prior to
13:42:47 23 that.
13:42:55 24 Q. Okay. Since then have you seen
13:42:58 25 Funky Drummer Volume I offered for sale on the

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13:42:58 1 BLAND-RICKY ROBERTS
13:43:00 2 internet?
13:43:01 3 A. No.
13:43:03 4 Q. How many times did you see it
13:43:04 5 for sale on the internet?
13:43:07 6 A. In the beginning? I saw it
13:43:14 7 once. I think it was once. Because one of my
13:43:16 8 kids was on the internet. That is how I
13:43:18 9 happened to see it.
13:43:43 10 Q. When did you stop selling --
13:43:45 11 sorry, is Funky Drummer Volume II still for
13:43:48 12 sale?
13:43:50 13 A. During what time frame?
13:43:52 14 Q. Presently.
13:43:53 15 A. Is it for sale now?
13:43:54 16 Q. Yes.
13:43:54 17 A. No, it is not.
13:43:57 18 Q. And when did you stop selling
13:43:58 19 Funky Drummer Volume II?
13:44:05 20 A. Shortly after the last
13:44:06 21 pressing.
13:44:09 22 Q. When was that?
13:44:10 23 A. Within that month time frame
13:44:11 24 that we spoke of earlier. Date, I couldn't
13:44:14 25 give you a date.

40 (Pages 154 to 157)

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13:44:14 1 BLAND-RICKY ROBERTS
 13:44:21 2 Q. So if we are going off of the
 13:44:24 3 approximate date of February 1994 when Funky
 13:44:32 4 Drummer Volume II was released, you stopped
 13:44:39 5 selling it shortly thereafter?
 13:44:43 6 A. March --
 13:44:45 7 MR. CHIN: Wait until she
 13:44:46 8 finishes.
 13:44:47 9 Q. Shortly thereafter?
 13:44:49 10 MR. CHIN: Objection.
 13:44:52 11 A. March, April, thereabout.
 13:45:06 12 Q. Have you ever seen copies of
 13:45:08 13 Funky Drummer Volume II offered for sale on
 13:45:10 14 the internet?
 13:45:12 15 A. No.
 13:45:21 16 Q. I just want to talk about the
 13:45:23 17 distribution process for Funky Drummers volume
 13:45:28 18 and we talked about your distributor generally
 13:45:31 19 for JBR Records. We will focus on Funky
 13:45:34 20 Drummer I first. Again I am going to ask you
 13:45:36 21 the questions specific to each album. If you
 13:45:38 22 say that it was the same for Funky Drummer II,
 13:45:40 23 you can tell us that and it will go faster.
 13:45:44 24 I'll ask separately otherwise.
 13:45:52 25 How was Funky Drummer I

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13:45:52 1 BLAND-RICKY ROBERTS
 13:45:53 2 distributed?
 13:45:56 3 A. It was distributed, as I stated
 13:45:58 4 earlier, through the trunk of the car, as well
 13:46:03 5 as through formal distributor channels.
 13:46:05 6 Q. When you say trunk of the car,
 13:46:07 7 you're talking about the trunk of your car?
 13:46:10 8 A. That's a term used loosely. As
 13:46:17 9 you mentioned a few minutes ago. You asked me
 13:46:19 10 about Mr. Vargas delivering Records to Rock
 13:46:23 11 and Soul.
 13:46:25 12 Q. Right.
 13:46:25 13 A. That would be considered out of
 13:46:27 14 the trunk of the car as opposed to that
 13:46:30 15 distribution entity that their salesperson
 13:46:33 16 selling that record we would be selling it.
 13:46:40 17 We call that out of the trunk of the car.
 13:46:40 18 Q. That is direct --
 13:46:40 19 A. Direct sales.
 13:46:40 20 Q. -- direct sales from the label
 13:46:42 21 and the artist in this case, you said
 13:46:44 22 Mr. Vargas is not an artist. So direct sales
 13:46:48 23 from the label and the musician; right?
 13:46:53 24 A. Okay.
 13:47:11 25 Q. For the sales of Funky Drummer

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13:47:11 1 BLAND-RICKY ROBERTS
 13:47:12 2 Volume I, you said there was also more formal
 13:47:16 3 distributor channels?
 13:47:18 4 A. Indi, we used Indi, we used
 13:47:21 5 Pearl which is a one stop out of Brooklyn. We
 13:47:33 6 used Tiger. Tiger. Tiger. The name slips me
 13:47:37 7 right now. Tiger something or something Tiger
 13:47:40 8 was an international distributor out of
 13:47:43 9 Jersey. Englewood, New Jersey. And we
 13:47:47 10 distributed product to all of those sources as
 13:47:57 11 well.
 13:47:58 12 Q. Other than Indi, Pearl or Tiger
 13:48:01 13 were there any other distribution sources what
 13:48:03 14 you were calling more the formal distribution
 13:48:06 15 for Funky Drummer Volume I?
 13:48:08 16 A. There was one other one that
 13:48:09 17 was located down the block from the Limelight.
 13:48:16 18 I just can't remember the name of that one. I
 13:48:18 19 know he distributed international as well.
 13:48:20 20 Q. You are talking about the
 13:48:21 21 Limelight here in New York City on Sixth
 13:48:24 22 Avenue.
 13:48:25 23 A. Yes.
 13:48:25 24 Q. Or what used to be there. It
 13:48:27 25 is something else already.

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13:48:27 1 BLAND-RICKY ROBERTS
 13:48:28 2 A. Right.
 13:48:28 3 Q. There was another distributor
 13:48:31 4 there, you just don't remember their name?
 13:48:33 5 A. I don't remember their name,
 13:48:34 6 the proper name.
 13:48:45 7 Q. You said you also made direct
 13:48:46 8 sales to record stores, were those record
 13:48:49 9 stores local here in New York?
 13:48:50 10 A. Yes.
 13:48:51 11 Q. What were the names of those
 13:48:52 12 stores?
 13:48:55 13 A. You had Rock and Soul. You had
 13:48:58 14 Downstairs. You had Downtown. You had
 13:49:05 15 Carmine Records. You had Vinyl-mania. Eight
 13:49:11 16 Ball Records. Eight Ball, by the way, was an
 13:49:20 17 international distributor because they had
 13:49:21 18 their own record company. So I know that they
 13:49:23 19 shipped product everywhere.
 13:49:31 20 One in the Bronx. There is a
 13:49:33 21 couple in the Bronx on Concourse, Grand
 13:49:39 22 Concourse, I can't remember. There was one on
 13:49:42 23 Fordham Road I know we went to. That's all I
 13:49:51 24 can remember.
 13:50:06 25 Q. Other than Rock and Soul,

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13:50:06 1 BLAND-RICKY ROBERTS
 13:50:08 2 Downstairs, Downtown, I think you said
 13:50:11 3 Carmine, Vinyl-mania, Eight Ball Records there
 13:50:16 4 were a couple, two, are you saying two in the
 13:50:19 5 Bronx?
 13:50:19 6 A. Let's say several.
 13:50:22 7 Q. Several in the Bronx?
 13:50:23 8 A. More than two. Maybe four.
 13:50:24 9 Q. Were there other record
 13:50:25 10 stores to which you distributed Funky Drummer
 13:50:29 11 Volume I?
 13:50:32 12 A. There very well may have been,
 13:50:33 13 I just can't remember names right now.
 13:50:43 14 Q. Where would you get that
 13:50:44 15 information if you had to, the names of any of
 13:50:49 16 those other stores?
 13:50:53 17 A. When you say had to, do you
 13:50:55 18 mean my life depends on it?
 13:50:57 19 Q. Sure.
 13:50:57 20 A. I'm in trouble.
 13:50:59 21 Q. Is there any document that
 13:51:01 22 reflects what record stores Funky Drummer
 13:51:05 23 Volume I was distributed to?
 13:51:08 24 A. That exists now?
 13:51:11 25 Q. No. That existed at the time

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13:51:11 1 BLAND-RICKY ROBERTS
 13:51:12 2 it was being sold.
 13:51:14 3 A. Oh, sure.
 13:51:16 4 Q. Who has those documents?
 13:51:21 5 A. Not being smart, probably a
 13:51:23 6 landfill somewhere.
 13:51:24 7 Q. So are there any documents that
 13:51:28 8 exist now?
 13:51:28 9 A. No.
 13:51:33 10 Q. Is any information about what
 13:51:36 11 stores Funky Drummer Volume I was distributed
 13:51:41 12 to through direct sales that any information
 13:51:47 13 you have, are you relying solely on your
 13:51:49 14 memory for that?
 13:51:51 15 A. Yes.
 13:51:55 16 Q. Any information about what
 13:51:58 17 distributors sold Funky Drummer Volume I, is
 13:52:02 18 that information from your memory?
 13:52:07 19 A. Yes. You can add another
 13:52:10 20 distributor. City Hall on the West Coast.
 13:52:13 21 City Hall also.
 13:52:15 22 Q. Did you just remember that?
 13:52:16 23 A. Yeah, based on you saying based
 13:52:18 24 on your memory.
 13:52:33 25 Q. Were there any other -- who was

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13:52:33 1 BLAND-RICKY ROBERTS
 13:52:37 2 responsible for distributing Funky Drummer
 13:52:41 3 Volume I?
 13:52:46 4 A. What do you mean by who was
 13:52:47 5 responsible?
 13:52:49 6 Q. Whose responsibility was it to
 13:52:50 7 see that Funky Drummer Volume I was
 13:52:52 8 distributed anywhere?
 13:52:54 9 A. Mine.
 13:52:56 10 Q. Was there anyone else who was
 13:52:57 11 responsible for that?
 13:52:58 12 A. No.
 13:53:00 13 Q. Was there anyone else who
 13:53:01 14 helped you distribute Funky Drummer I?
 13:53:05 15 A. Sure.
 13:53:07 16 Q. Who was that?
 13:53:08 17 A. Ralph and all of the above
 13:53:10 18 mentioned.
 13:53:14 19 Q. And all of the above mentioned,
 13:53:16 20 you mean --
 13:53:17 21 A. All those that you wrote down.
 13:53:19 22 Q. Each store?
 13:53:20 23 A. Yes.
 13:53:20 24 Q. Helped you distribute. As well
 13:53:23 25 as obviously each of the distributors?

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13:53:23 1 BLAND-RICKY ROBERTS
 13:53:25 2 A. Yes.
 13:53:35 3 Q. Did anyone at Globe Art help
 13:53:40 4 distribute the copies of Funky Drummer
 13:53:42 5 Volume I?
 13:53:43 6 A. No.
 13:53:44 7 Q. Did Jane Peterer, did she help
 13:53:46 8 distribute copies of Funky Drummer Volume I?
 13:53:48 9 A. No.
 13:53:51 10 Q. Then for Funky Drummer Volume
 13:53:59 11 II, how was that distributed?
 13:54:03 12 A. Same way. Volume I was
 13:54:04 13 distributed.
 13:54:05 14 Q. By that you mean there was
 13:54:06 15 direct sales to record stores; right?
 13:54:10 16 A. Direct sales to record stores
 13:54:12 17 as well as formal distribution channels.
 13:54:21 18 Q. For Funky Drummer Volume II,
 13:54:23 19 did any of those formal channels differ than
 13:54:26 20 what you testified to about Volume I?
 13:54:35 21 MR. CHIN: Objection.
 13:54:35 22 A. No.
 13:54:38 23 Q. Were any of the stores where
 13:54:39 24 you made direct sales of Funky Drummer II,
 13:54:42 25 were those different than the ones you listed

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13:54:42 1 BLAND-RICKY ROBERTS
 13:54:45 2 for Funky Drummer Volume I?
 13:54:48 3 MR. CHIN: Objection.
 13:54:50 4 Q. Was Funky Drummer Volume II
 13:54:52 5 sold in stores other than the ones you've said
 13:54:58 6 you distributed Funky Drummer Volume I to?
 13:55:02 7 MR. CHIN: Objection.
 13:55:02 8 A. Probably, yes.
 13:55:05 9 Q. Did you distribute copies of
 13:55:07 10 Funky Drummer Volume II to other record stores
 13:55:09 11 than the ones that you listed for Funky
 13:55:13 12 Drummer Volume I?
 13:55:15 13 MR. CHIN: Objection.
 13:55:16 14 A. I am sure I did, yes.
 13:55:22 15 Q. Do you mean there were other
 13:55:23 16 record stores you distributed to that you
 13:55:25 17 can't remember the names of right now?
 13:55:27 18 A. Correct.
 13:55:28 19 Q. Is that true for Funky Drummer
 13:55:30 20 Volume I as well?
 13:55:32 21 A. Correct.
 13:55:42 22 Q. Would it be fair to say the
 13:55:43 23 distribution for Funky Drummer Volume I and
 13:55:47 24 for Volume II were similar?
 13:55:51 25 A. Yes.

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13:55:51 1 BLAND-RICKY ROBERTS
 13:55:56 2 Q. I am going to show you what has
 13:55:57 3 been produced in this case plaintiffs Bates
 13:56:00 4 page marked 3. We can mark that as
 13:56:02 5 Defendants' Exhibit 18.
 13:56:02 6 (Defendants' Exhibit 18 for
 13:56:24 7 identification, Distribution List, production
 13:56:24 8 numbers 000003.)
 13:56:25 9 A. Oh, man.
 13:56:25 10 Q. I am showing you what is
 13:56:26 11 Defendants' Exhibit 18, page 3 of plaintiffs'
 13:56:32 12 production in this case. Do you recognize
 13:56:34 13 that document?
 13:56:37 14 A. Yeah. It was a listing of the
 13:56:45 15 of the places where Funky Drummer was
 13:56:46 16 distributed. It is on a JBR memorandum. This
 13:56:52 17 is something that I think I produced or found
 13:57:00 18 this. I don't know where I found this at.
 13:57:02 19 But I think I gave this to Mr. Chin. That is
 13:57:05 20 why when you asked me does it exist, I said no
 13:57:07 21 because I forgot all about this. That is why
 13:57:11 22 I said oh, my goodness, yeah.
 13:57:14 23 Q. So who wrote this memorandum?
 13:57:21 24 A. I believe I did.
 13:57:21 25 Q. Who is it to?

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13:57:21 1 BLAND-RICKY ROBERTS
 13:57:26 2 A. This was in general. I think I
 13:57:28 3 gave this to Sabrina. And I gave it to
 13:57:38 4 probably this would have went to Indi because
 13:57:41 5 they wanted to know who I gave the record to.
 13:57:44 6 If I am not mistaken. That is what this is.
 13:57:54 7 Q. Was this -- so this document
 13:57:55 8 was it created for this litigation?
 13:57:58 9 A. No. No.
 13:58:01 10 Q. When was it created?
 13:58:03 11 A. Gees, I don't know the date.
 13:58:05 12 It is a long time ago.
 13:58:12 13 Q. Was it created while JBR was
 13:58:15 14 still in business?
 13:58:16 15 A. Yes, it was.
 13:58:22 16 Q. Where was this found?
 13:58:26 17 A. My wife found it in a box.
 13:58:35 18 This was in it and some other documents
 13:58:37 19 pertaining to one other record. But that was
 13:58:39 20 the only two documents that was in that box.
 13:58:41 21 Then the rest of it was house stuff pertaining
 13:58:45 22 to our house.
 13:58:52 23 Q. Okay.
 13:58:53 24 A. So my guess is this was
 13:58:54 25 Sabrina's copy because I know everything else

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13:58:54 1 BLAND-RICKY ROBERTS
 13:58:57 2 was thrown in the dumpster.
 13:59:01 3 Q. So, of all the JBR documents
 13:59:04 4 pertaining to Funky Drummer I or -- pertaining
 13:59:09 5 to Funky Drummer I, is this the only document
 13:59:13 6 that you have found?
 13:59:18 7 A. It is the only one I found that
 13:59:21 8 I can remember. I didn't give anything else
 13:59:24 9 to Mr. Chin that I can remember. This is it.
 13:59:32 10 Q. Did you give to Mr. Chin all of
 13:59:34 11 the documents in your possession regarding
 13:59:40 12 Funky Drummer, either album, the series?
 13:59:44 13 A. I and II.
 13:59:45 14 Q. Yes.
 13:59:46 15 A. Yes, I gave him everything that
 13:59:48 16 I had. I think this and then he obtained the
 13:59:53 17 SR forms.
 13:59:58 18 Q. Okay. Did you ask your wife if
 13:59:59 19 she had any other JBR documents that would be
 14:00:03 20 relevant to this case?
 14:00:06 21 A. Yes. Once she found this I
 14:00:08 22 did.
 14:00:09 23 Q. Yes?
 14:00:09 24 A. Once she had found this I did
 14:00:11 25 ask her and she said I don't even know --

<p style="text-align: right;">Page 266</p> <p>16:26:34 1 BLAND-RICKY ROBERTS 16:26:36 2 letter dated June 8, 2004 that is Defendants' 16:26:40 3 Exhibit 10 -- 16:26:41 4 A. Yes. 16:26:46 5 Q. Was it at that point you 16:26:47 6 decided to file a lawsuit? 16:26:53 7 A. Yes. 16:26:54 8 Q. And did you talk to any other 16:26:55 9 lawyers, other than Kendell Minter or 16:26:58 10 Mr. Chin? 16:27:02 11 A. Yes, Mr. Chin's associates. So 16:27:11 12 the answer to the question would be yes. 16:27:13 13 Q. Who else was that? 16:27:21 14 MR. CHIN: Do you want the 16:27:21 15 names of the other attorneys. 16:27:23 16 MS. AHRENS: Yes. 16:27:24 17 MR. CHIN: Mark Samuels. 16:27:27 18 M-A-R-K, Samuels, S-A-M-U-E-L-S. 16:27:31 19 MS. AHRENS: Sorry, is Mark 16:27:32 20 Samuels your associate? 16:27:34 21 MR. CHIN: No, he was somebody 16:27:38 22 that I have done work with together. I work 16:27:39 23 with together. 16:27:40 24 MS. AHRENS: Okay. 16:27:44 25 MR. CHIN: Not associate that he</p>	<p style="text-align: right;">Page 268</p> <p>16:29:09 1 ROBERTS-CONFIDENTIAL ATTORNEYS' EYES 16:29:12 2 turn put me with Mr. Chin. 16:29:22 3 Q. Just to close out you didn't 16:29:23 4 have any discussions prior to the lawsuit with 16:29:25 5 East West Communications; did you? 16:29:27 6 A. No. 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 267</p> <p>16:27:44 1 BLAND-RICKY ROBERTS 16:27:46 2 is a part of my firm. 16:27:48 3 MS. AHRENS: In your office; 16:27:49 4 right? 16:27:50 5 MR. CHIN: You want the other 16:27:50 6 attorney? 16:27:51 7 MS. AHRENS: Yes. 16:27:52 8 MR. CHIN: James McMillan. 16:27:55 9 M-C capital M-I-L-L-A-N. There is a third 16:28:05 10 attorney in that office but the name escapes 16:28:07 11 me right now. 16:28:10 12 A. Suspenders. 16:28:11 13 MR. CHIN: Yes. I forgot his 16:28:12 14 name. 16:28:22 15 Q. Mr. Roberts, when did you first 16:28:24 16 speak to Mark Samuels about the Celebrex ad? 16:28:31 17 A. I can't give you a date. It 16:28:37 18 was shortly after this letter. 16:28:40 19 Q. This letter you mean? 16:28:42 20 A. The letter being Defendants' 16:28:43 21 Exhibit 10. I interviewed with Ralph two or 16:28:54 22 three other attorneys that couldn't handle the 16:29:02 23 scope of this type of litigation, thus I got 16:29:05 24 in touch with my attorney Kendell and he 16:29:09 25 turned me on to Mark Samuels' office who in</p>	<p style="text-align: right;">Page 269</p> <p>16:29:27 1 ROBERTS-CONFIDENTIAL ATTORNEYS' EYES 16:29:46 2 THE FOLLOWING IS A CONFIDENTIAL PORTION: 16:29:46 3 Q. You have settled your case 16:29:47 4 against Pfizer, Publicis and Fluid Music for 16:29:50 5 \$150,000; is that correct? 16:29:54 6 MR. CHIN: Objection. This 16:29:57 7 portion of the transcript should be governed 16:29:59 8 by the confidentially stipulation and agreed 16:30:03 9 confidentially order. 16:30:11 10 My objection is to form and 16:30:14 11 relevance, but I just want it to be known in 16:30:16 12 the record this section of the transcript 16:30:18 13 should be subject to the confidentially order. 16:30:21 14 Correct? 16:30:22 15 MS. AHRENS: Yes. That's 16:30:23 16 correct. 16:30:25 17 Q. You can answer. 16:30:28 18 A. You asked me did we settle? 16:30:30 19 Q. Yes. 16:30:30 20 A. Yes, we did. 16:30:31 21 Q. You settled for a payment of 16:30:33 22 \$150,000; is that right? 16:30:34 23 MR. CHIN: Objection. You can 16:30:35 24 answer. 16:30:36 25 A. Yes.</p>

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