

EXHIBIT DD

Analysis of Recreated "Aparthenonia"

I, Matthew Ritter, declare:

- 1) I have been asked and employed by the attorney representing Ralph Vargas and Bland-Ricky Roberts to analyze and transcribe two recreated versions of "Aparthenonia," which were given to me on a CD. I have also been asked to give my professional opinion as to whether or not these recreations are identical to the original "Aparthenonia."
- 2) In preparing this analysis report, I reviewed the following materials:
 - a) A CD containing two recreated versions of "Aparthenonia"
 - b) My transcriptions of the original "Aparthenonia"
 - c) A CD of the original "Aparthenonia"
 - d) My original declaration for formatting of this report
- 3) After listening to the above-mentioned CD's on my computer and portable CD player, I am of the opinion that the two recreated versions of "Aparthenonia" are very similar, though not identical, to the original "Aparthenonia." Both recreated versions of "Aparthenonia" ("NU Aparthenonia- W/TC" and "BT Nu Aparth") seem to be missing two snare drum ghost notes that appear in the original "Aparthenonia." "Ghost notes" are very light drum strokes sometimes played by drummers (usually on the snare drum) to fill the spaces between the more prominent notes of a rhythm. These ghost notes appear in the original "Aparthenonia" on the 16th note following beat 2 and the 16th note following

beat 4. In the recreated versions, these spots in the rhythm do have a sound variance that seems like it might be resulting from the cutting off of the snare sample. However, to my ear, it does not sound identical to the more obvious “ghost notes” of the original. The second recreated version of “Aparthenonia” (“BT New Aparth”) is also missing one of the open hi-hat sounds and the shifting of a bass drum note that occur in the 4th measure of the original “Aparthenonia.”

4) If the same person created all three versions of “Aparthenonia” (the original, as well as the two recreations), then I am unclear as to why these differences of nuance would appear. It seems to me that the creator of the original “Aparthenonia” would know and be able to hear the details of his own work and would thus be able to recreate it exactly.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct. Executed this 23rd day of January 2007 at Woodside, NY 11377.

A handwritten signature in black ink that reads "Matthew Ritter". The signature is written in a cursive style with some overlapping letters.

Matthew Ritter

Nu Aparth - W/TC

hi-hat
snare
bass

This system contains three staves. The top staff is labeled 'hi-hat' and shows a rhythmic pattern of eighth notes with accents and open hi-hat symbols (∅). The middle staff is labeled 'snare' and shows a simple pattern of quarter notes. The bottom staff is labeled 'bass' and shows a complex rhythmic pattern with eighth notes and rests.

hi-hat

This system contains one staff labeled 'hi-hat', showing a rhythmic pattern of eighth notes with accents and open hi-hat symbols (∅).

snare

This system contains one staff labeled 'snare', showing a simple pattern of quarter notes.

bass

This system contains one staff labeled 'bass', showing a complex rhythmic pattern with eighth notes and rests.

() = Ghost Note

♯ = Multiple Bounce Stroke

∅ = open hi-hat

BT New Aparth

hi-hat
snare
bass

hi-hat

snare

bass

() = Ghost Note

= Multiple Bounce Stroke

ø = open hi-hat