

EXHIBIT B

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----x

RALPH VARGAS and BLAND-RICKY ROBERTS,

Plaintiffs,

Civil Action

No.

-against- 04CV 9772 (JCF)

PFIZER, INC., PUBLICIS, INC.,

FLUID MUSIC, EAST WEST

COMMUNICATIONS, INC. and

BRIAN TRANSEAU p/k/a "BT",

Defendants

-----x

July 31, 2006

9:35 a.m.

Videotaped Deposition of

RALPH VARGAS, taken by Defendants, pursuant to

Notice, at the offices of Kirkland & Ellis,

153 East 53rd Street, New York, New York,

before TAMMEY M. PASTOR, a Registered

Professional Reporter, Certified LiveNote

Reporter and Notary Public within and for the

State of New York.

**CERTIFIED
COPY**



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1 RALPH VARGAS

2 A. There is some -- can I answer?

3 MR. CHIN: Yes. Sure.

4 A. I think there were some other
5 additional sounds for sound effects.

6 Q. So Mr. Chin is objecting,
7 sometimes for legal reasons or when he thinks
8 the record isn't clear, something like that.
9 But you can answer. If he ever wants you not
10 to answer he will definitely tell you. Just
11 so you know.

12 A. Okay.

13 Q. It is something we do as part
14 of the process.

15 You said additional sound
16 effects; is that right?

17 A. Yes.

18 Q. What do you mean by sound
19 effects?

20 A. Most of the times it is tones.

21 Q. Where do the tones come from?

22 A. The engineer.

23 Q. Who was the engineer on Funky
24 Drummer I and II?

25 A. Carlos Bess.

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RALPH VARGAS

Q. He engineered on both Volumes?

A. Yes.

Q. Who else was involved in making Funky Drummer I and II?

A. That was it. Him and me. That's it.

Q. So no one else played drums on Funky Drummer I or Funky Drummer II?

A. Carlos played on maybe four or five tracks.

Q. Is he also a drummer?

A. He was a drummer.

Q. What does Mr. Bess do currently?

A. Engineer.

Q. What is it that an engineer does?

A. He works behind the mixing board.

Q. What does he behind the mixing board?

A. He records you, you know, makes sure the sound is clean, it is mixed properly and the levels are correct.

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RALPH VARGAS

general information on how you made it to safe some time, I will just talk about them both together, but if there is differences between how you made Funky Drummer I and Funky Drummer II, will you try to let me know?

A. I will.

Q. Okay, great. You had set up when you were making Funky Drummer bass drum, snare and hi-hat; that's correct?

A. Yes.

Q. Then I would like you to take me through the process of what came next in this setup, the mics, mixing board to the recorder and all that. We will talk about each piece of equipment you used. Okay?

So after the drums, after those three drum pieces we talked about, what else was used?

MR. CHIN: Objection.

Q. There was a microphone next?

MR. CHIN: Objection.

A. Yes.

Q. Then the mic is connected to what?

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RALPH VARGAS

about why did you decide to make Funky Drummer
Volume I in the first place?

A. Well, the idea was conceived
about '93. At the time I noticed a lot of
producers were sampling drum sounds from
various records and I thought it would be a
great idea to go in and do a sample album with
just drum beats done live with no
instrumentation in the way where they can just
feel free to take what they wanted, you know,
from the record.

Q. So producers could use your
album to sample drum beats?

A. Uh-huh.

Q. And it would be easier to
sample drum beats off your album because there
are no other instruments in the way?

A. Right. Exactly. Yes.

Q. So would you call this a sample
album?

MR. CHIN: Objection.

A. It was a specialty record.

Q. What does that mean?

A. It didn't fall under the same

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RALPH VARGAS

A. I presented the idea to Rick Roberts.

Q. What did Mr. Roberts say about the idea?

A. He says it sounds good, go ahead and do it.

Q. Did you discuss at the time what his role would be?

A. Yes.

Q. What did you discuss?

A. He wanted to be in partners with this situation. So we worked it out.

Q. What were the terms of the partnership?

A. We pretty much had a handshake deal, we go half and half on everything.

Q. Did he help pay for the cost of producing Funky Drummer I and II?

A. Went right down the middle even.

Q. Did Mr. Bess pay for any of the cost of producing Funky Drummer I or II?

A. No.

Q. Did you discuss what label

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RALPH VARGAS

that help your recollection of when Funky
Drummer Volume II was recorded?

A. Yes.

Q. After reviewing these documents
what is your best estimate of when Funky
Drummer Volume II was recorded?

A. Between 1994 and '95.

Q. Do you see on Exhibit 3 that
page 1, where it says "effective date of
registration," it should be at the top of page
13?

A. Yes.

Q. I am looking at 13, not 15.

A. Yes. January 27.

MR. CHIN: No 1.

A. 1995. January 26.

Q. For Exhibit 3 which is the
sound recording copyright registration, does
it say "effective date of registration,
January 26, 1995?"

A. Yes.

Q. Then for Exhibit 2 which is the
composition registration, do you see where it
says "effective date of registration, January

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RALPH VARGAS

What did you use Varal
Publishing for?

A. For my works at the time that
is Varal Publishing.

Q. Sorry. Varal Publishing. How
long did you do business as Varal Publishing?

A. It's still being used as we
speak.

Q. When did you first start using
Varal Publishing?

A. In the beginning of this
project.

Q. This project being Funky
Drummer?

A. Yes.

Q. Volume I?

A. Yes.

Q. While we have these documents
out, do you see the address under Varal
Publishing there in block 4?

A. Yes.

Q. 530 East 76th Street.

A. Yes.

Q. Suite 26H?

1 RALPH VARGAS

2 Q. To your knowledge they worked
3 it out before any legal action?

4 A. Yes.

5 Q. How about with Sprite
6 commercial?

7 A. Same thing.

8 Q. After you had the DAT tape for
9 Funky Drummer Volume II, what did you do next
10 with that tape?

11 A. I handed it over to Rick
12 Roberts.

13 Q. And what happened next as far
14 as the --

15 A. He was in control of that. The
16 record label owned it.

17 Q. When you say he owned it, what
18 do you mean?

19 A. It belongs to the record label
20 because it was put out on JBR Records.

21 Q. So what happened next to
22 actually distribute the Funky Drummer Volume
23 II?

24 A. Well, II was manufactured
25 somewhere in Brooklyn. I forget the name of

1 RALPH VARGAS
2 the manufacturing house. We took it ourselves
3 to these records stores. The one shops, the
4 mom and pop stores.

5 Q. When you say it was
6 manufactured in Brooklyn, what do you mean?

7 A. They pressed the record and,
8 you know, put jackets on it and put the labels
9 on it.

10 Q. When you say press the record,
11 does that mean on to vinyl?

12 A. Yes. You know, they
13 manufactured the record, yeah.

14 Q. Was Funky Drummer II
15 distributed on any other media than vinyl?

16 A. No. The format was always
17 vinyl.

18 Q. How about Funky Drummer I?

19 A. Both. Always vinyl.

20 Q. Only distributed on vinyl.
21 They were never distributed on CDs?

22 A. We talked about doing that but
23 never did it.

24 Q. .Cassette tapes?

25 A. No.

1 RALPH VARGAS

2 Q. So, how many copies of Funky
3 Drummer II were pressed?

4 A. As far as I can remember, 1,500
5 of II. But then you'd have to ask Rick. He
6 took care of all of that stuff.

7 Q. How many were pressed of Funky
8 Drummer Volume I?

9 A. We had an initial pressing of
10 1,500. We sold out on that and got another
11 1,500 pressed up. I think that was it. You
12 have to ask Rick on that one, too. But that's
13 what I remember.

14 Q. All I'm asking you is your best
15 recollection.

16 A. Yeah. Yeah.

17 Q. When you were just talking,
18 about Funky Drummer Volume I in that last
19 answer?

20 A. The one that got pressed up
21 twice, yeah. I. II only got 1,500, Volume
22 II.

23 Q. So there was never a second
24 pressing of Volume II?

25 MR. CHIN: Objection. It is

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RALPH VARGAS

important that he don't guess. I don't want him to guess. I want him to give his best estimate to his personal knowledge. If he is guessing, I don't want him to guess.

MR. OLSON: All we're asking for is best estimates. Since all we have in this case are people's estimates, I am entitled to them.

MR. CHIN: Absolutely. You're entitled to his best estimates. But guessing is different than best estimates. I think we can agree on that.

MR. OLSON: All I am asking for is best estimates.

MR. CHIN: Okay.

Q. Mr. Vargas, with regard to Funky Drummer Volume II, was it pressed more than once, to your knowledge?

A. II, I remember 15. Rick could have pressed more, that is why I said he would have the answers to that, more accurate answers than I would. That was in his department.

Q. I understand that. All I am

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RALPH VARGAS

asking about is your knowledge?

A. 1,500 of II.

Q. So to your knowledge -- strike that.

As far as you know there wasn't a second pressing of Funky Drummer Volume II?

A. Yeah, as far as I can remember, yes.

Q. You said after it was pressed you took it to mom and pop record stores; right?

A. Yes.

Q. You said "we," who is we?

A. Rick Roberts, Bland-Ricky Roberts.

Q. And you?

A. And me, yes.

Q. Anyone else?

A. No.

Q. Other than distributing to mom and pop record stores, was Funky Drummer Volume II distributed in any other way?

A. Rick took it to different distribution houses around the city.

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RALPH VARGAS

Q. Do you remember any of those distribution houses?

A. Only a few. There was a lot more that he took care of. That all falls in his area.

Q. Can you give me the names of any you remember?

A. There was a record store called Rock 'N Soul, Downstairs Records, Downtown Records. There was another record store, then the rest was distribution houses he had, that he went to.

(Defendants' Exhibit 8 for identification, Distribution Lists Funky Drummer I and II, production numbers 000017.)

Q. I am handing you what has been marked as Defendants' Exhibit 8. It bears Plaintiffs' Bates production number of 17.

Could you read the title of the document at the top?

A. Distribution Lists Funky Drummer I and II.

Q. Have you seen this document before?

1 RALPH VARGAS
2 A. Yes.
3 Q. Did you help prepare this
4 document?
5 A. Somewhat, yeah.
6 Q. Where did the information for
7 this document come from?
8 A. Initially Rick had most of this
9 information.
10 Q. Where did he have the
11 information?
12 A. I guess he has the records or
13 he did a lot of this himself. I happened to
14 be with him a few times, that's why I know of
15 some of the places.
16 Q. When you say he did a lot of
17 this, do you mean compiling this document
18 Exhibit 8 --
19 A. Oh, no.
20 Q. -- or do you mean distribution?
21 A. Distribution.
22 Q. Plaintiffs recently produced
23 this document with the column on the right
24 which has a little bit of contact information
25 for some of the entities on the left. Are you

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RALPH VARGAS

aware of that, that this was recently
produced?

A. Yes.

Q. Did you help come up with the
contact information in the column on the
right?

A. Yes.

Q. Where did you get that
information from?

A. Some of them I went there
personally. So I had access and knew about
the addresses.

Q. Which Ones?

A. Downstairs Records, Eight Ball
Records, Rock and Soul.

Q. How about Downtown Records?

A. Downtown Records, too, they are
gone, they used to be on the 25th.

Q. How about Vinyl Mania?

A. Vinyl Mania, they are still
there, yes.

Q. Do you know what Tiger
Distribution is?

A. No. That was all under Rick's

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RALPH VARGAS

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handling.

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Q. Had you ever heard of them?

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A. No. Then there is a lot of

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them there I never heard of that Rick took

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care of.

7

Q. Had you ever heard of Indi

8

Distribution?

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A. Yes, Indi I heard of, yes.

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Q. What is Indi Distribution?

11

A. I don't know much about it, but

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I do remember hearing that a lot.

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Q. Do you know the extent of their

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distribution network?

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A. No.

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MR. CHIN: Objection.

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A. I don't know too much about

18

that, Rick does.

19

Q. How about City Hall, have you

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heard of that? It is the third from the top.

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A. City Hall, no.

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Q. So once the records had been

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taken to record stores and were being

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distributed, I want to talk about what

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happened next.

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RALPH VARGAS

What was the system to divide up proceeds from sales of Funky Drummer Volume II?

A. A lot of that stuff was on consignment to the stores. As they sold them we would come every week or every two weeks.

Q. Do you remember the price the Volume II sold in the stores?

A. I think it was like \$8 or something.

Q. Do you remember the deal, the consignment deal you had with the record stores?

A. No. Rick would know that. He handled that.

Q. What is your best estimate of how much of each sale you got when they were on consignment?

MR. CHIN: Objection.

A. I don't remember.

Q. Would it have been more than \$1?

MR. CHIN: Objection.

A. Yes, but the exact price, I

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RALPH VARGAS

get it back then.

MR. CHIN: What we will do, we can, as we always do, they can come and inspect it at our offices, listen to it if you like; right?

MR. OLSON: All right. Let me just get clear on the record the facts.

MR. CHIN: I just want to put on the record you do have the CD of it with nothing but Bust Dat Groove on it?

MR. OLSON: We have a CD of Bust Dat Groove but not the other tracks, right.

MR. CHIN: Right. None of the other tracks which are not a part of the litigation, right.

Q. Mr. Vargas, I want to get it clear, how many copies of Funky Drummer Volume II do you have?

A. My own personal copy.

Q. Just one copy?

A. One copy.

Q. Do you know where any other copies are?

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RALPH VARGAS

A. They don't exist anymore. They are out of print.

Q. How many copies of the masters do you have?

A. I have the two master reels of Volume I and II, the two inch tapes.

Q. What about the DAT tapes, do you know where they are?

A. Rick has those.

Q. Do you have any knowledge about how many of the, well -- strike that.

To the best of your knowledge how many copies of Funky Drummer Volume II were sold?

MR. CHIN: Objection. You can answer if you can.

A. I would think all of them. We didn't have any returns out of the initial pressing that we done on II.

Q. If they had been, if there had been any returns, would they come to you or to Mr. Roberts?

A. Mr. Roberts.

Q. So it is possible there were

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RALPH VARGAS

some returns you don't know about; is that correct?

MR. CHIN: Objection. That is not what he said.

Q. Let me rephrase the question then. Is it possible there were returns you don't know about?

MR. CHIN: Objection as to form.

A. As far as I know, none of them were returned.

Q. Okay. My question was a little bit different. All I want to know is, is it possible there were returns to Mr. Roberts and you wouldn't know about it?

MR. CHIN: Objection as to form.

A. He never mentioned to me that any was returned.

Q. If there were any returned, is it something you would expect Mr. Roberts to tell you?

MR. CHIN: Objection.

A. Yes.

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RALPH VARGAS

Q. Why is that?

A. Because we were partners.

Q. When you took copies of Funky Drummer Volume II to the record stores, how many would you take at a time to a particular store?

A. Might be 10, might be 15.

Q. Did there ever come a time when you went back to one of the stores with more copies of the album?

A. When they sold out. They would ask for more, they would double up on it when they saw it was moving.

Q. What does double up mean?

A. Whatever the order was, if we gave them 10 or 15 they would get 30 or 20. Whatever.

Q. What's your best estimate of the most copies of Funky Drummer Volume II that you provided to any store?

MR. CHIN: Objection. You can answer.

A. I would say no more than 15, maybe a little more than that.

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RALPH VARGAS

Q. What is your best estimate of the total number of copies you provided to any one particular store from the beginning of the time it was on sale through to the current?

MR. CHIN: Objection.

A. I can't recall. All of the stores had a different amount they took.

Q. Was there any store that took more than 500?

MR. CHIN: Objection.

A. I don't know what the total amount was.

Q. I am just asking for your best estimate. You were involved in taking 10 or 15 at a time?

A. I can't give it to you because I really don't know.

Q. So you don't know if -- I understand it is hard to re-create, but you were involved in taking copies of the records to the record stores; right?

MR. CHIN: I happen an objection. Why don't you ask him would the records you took to the store, what was the

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RALPH VARGAS

Q. When you made profits from playing with Total Remix, did you record that income on your income taxes?

MR. CHIN: Objection, relevance.

A. Yes, I have a separate tax ID number.

Q. Do you have an accountant who helps you with your taxes?

MR. CHIN: Objection, relevance?

A. I don't have a separate. Just a regular, you know, tax people.

Q. Who did your taxes, say in 1996?

MR. CHIN: Objection, relevance?

A. H&R.

Q. H&R Block?

A. Yes.

Q. Did you tell H&R Block that you had proceeds from sales of Funky Drummer Volume II that you needed to account for?

A. No.

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RALPH VARGAS

really don't.

Q. To your knowledge did Bust Dat Groove ever receive any radio airplay?

A. I've never heard it, no.

Q. To your knowledge did Bust Dat Groove ever receive any TV airplay?

A. Other than the Celebrex.

Q. Okay. Other than allegedly in the Celebrex ad, to your knowledge did Bust Dat Groove ever receive any TV airplay?

A. As far as I know. Sometimes, you know people use it and I'm not aware of it so I don't know.

Q. I'm just asking --

A. As far as I know.

Q. As far as you know the answer is?

A. I don't know.

Q. Let me ask it one more time just to get a yes or no answer. As far as you know -- strike that.

Other than allegedly in the Celebrex commercial, as far as you know did Bust Dat Groove ever receive any TV airplay?

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RALPH VARGAS

A. I don't know.

Q. Did Mr. Roberts ever give you any kind of written accounting for profits from the Funky Drummer II album?

A. No.

Q. Did you ever license any tracks from the Funky Drummer II album?

A. No.

Q. Do you know if anyone ever licensed any tracks from the Funky Drummer II album?

MR. CHIN: Objection.

A. I don't know.

Q. Did you try to license tracks from the Funky Drummer II album?

A. I didn't personally, but maybe Jane Peterer did.

Q. Do you have any knowledge of any attempts she made to license tracks from the Funky Drummer album?

A. No. But I got personal phone calls myself from people that wanted to use it and I would direct them to Jane Peterer.

Q. People who wanted to use tracks

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RALPH VARGAS

from Funky Drummer II?

A. Yeah.

Q. Which tracks?

A. I don't remember the exact tracks.

Q. Did anyone call wanting to use Bust Dat Groove?

A. I don't know. Sometimes they would call her directly, so...

Q. I am just asking with reference to the calls you stated you received, did anyone call with regard to Bust Dat Groove?

A. We didn't get into even finding out what track they wanted to use because I would direct them to Jane Peterer. She was handling all my publishing work, so...

Q. Did you follow up with Ms. Peterer after you directed people to her?

A. Yes. And she told me who was inquiring. But we didn't get into what track or anything like that, you know.

Q. Did any of those inquiries lead to someone paying for license to the track?

A. As far as I know, no.

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RALPH VARGAS

efforts on your behalf with respect to Funky
Drummer Volume II?

A. Yes.

Q. Did she help you obtain any
money for Funky Drummer II?

A. We had a lot of things pending
that she left hanging, she didn't complete.
So, I would say at this time, no.

Q. So, again, she didn't follow
through; is that correct? So no additional
funds resulted from her work with regard to
Funky Drummer Volume II; correct?

A. Correct.

Q. And with regard to Bust Dat
Groove specifically, it's correct it has never
been sold, licensed or assigned to any
third-party; is that correct?

A. As far as I know, yes.

Q. So let's talk about the
Celebrex ad. When did you first hear the
Celebrex ad at issue in this case?

A. I don't remember the exact
date, but they were playing it a lot.

Q. When I say the Celebrex ad, do

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C E R T I F I C A T E

STATE OF NEW YORK)

: SS.

COUNTY OF NEW YORK)

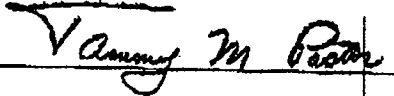
I, TAMMEY M. PASTOR, a Registered
Professional Reporter, Certified LiveNote
Reporter and Notary Public within and for the
State of New York, do hereby certify:

That RALPH VARGAS, the witness whose
deposition is hereinbefore set forth, was duly
sworn by me and that such deposition is a true
record of the testimony given by the witness.

I further certify that I am not
related to any of the parties to this action
by blood or marriage, and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 2nd day of

August, 2006.


TAMMEY M. PASTOR, RPR, CLR

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----x

RALPH VARGAS and BLAND-RICKY ROBERTS,

Plaintiffs,
Civil Action
No.

-against- 04CV 9772 (JCF)

PFIZER, INC., PUBLICIS, INC.,
FLUID MUSIC, EAST WEST
COMMUNICATIONS, INC. and
BRIAN TRANSEAU p/k/a "BT",

Defendants

CERTIFIED COPY

-----x
August 10, 2006
5:10 p.m.

Continued Videotaped Deposition of
RALPH VARGAS, taken by Defendants, pursuant to
Notice, at the offices of Kirkland & Ellis,
153 East 53rd Street, New York, New York,
before TAMMEY M. PASTOR, a Registered
Professional Reporter, Certified LiveNote
Reporter and Notary Public within and for the
State of New York.



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RALPH VARGAS

read.)

Q. Other than the similarity you perceived between Aparthenonia and Bust Dat Groove, let me withdraw that question.

Mr. Vargas --

A. Yes.

Q. -- you don't know of any evidence that defendants in this case had access to Funky Drummer Volume II prior to this case beginning; do you?

MR. CHIN: Objection.

A. Your client, BT?

Q. Sure.

A. Had access.

Q. Let's start with BT.

A. Ask the question again to me, please.

Q. Yes. You don't personally know of any evidence that BT had access to Bust Dat Groove Without Ride before he made Aparthenonia; do you?

MR. CHIN: Objection.

A. I believe he had access.

Q. What is that belief based on?

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RALPH VARGAS

MR. CHIN: Objection. You can answer.

A. Because I explained to you when I was here before that he has a lot of my compositions on his sound library CD.

Q. Mr. Vargas, are you seeking damages in this case for the use of any of your tracks other than Bust Dat Groove?

A. I have to talk with my lawyer Paul, if I may before I answer.

Q. Is it regarding privileged communications?

MR. CHIN: He wants to ask me a question. I have to find out if it privilege. Then I can tell him whether or not he can answer.

MR. OLSON: Go off.

VIDEOGRAPHER: Going off record. The time is 5:53.

(Recess taken.)

VIDEOGRAPHER: Back on the record. The time is 5:55.

Q. Mr. Vargas, are you suing BT in this case regarding any tracks other than Bust

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RALPH VARGAS

Q. We talked about that?

A. Yeah.

Q. Is my recollection correct you could not in your last deposition without your list available remember any of the tracks that were the same; is that correct?

A. Right.

Q. You didn't give me any similarities last time?

MR. CHIN: Objection you can answer.

A. No.

Q. So, Mr. Vargas, other than where you think that BT has the same or similar tracks on one of his albums as from one of your albums, other than that, do you have any evidence that BT had access to Funky Drummer Volume II before Aparthenonia was created?

MR. CHIN: Objection, asked and answered. You can answer again.

A. I don't know.

Q. You don't have any other evidence or you don't know?

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RALPH VARGAS

MR. CHIN: Objection.

A. I don't know.

Q. What would you need to determine that?

MR. CHIN: Objection.

A. I actually don't know. I am just going by what I heard on his CD and what is on my vinyl record that I can say with confidence. I mean if you're asking me did he have the actual record in his hand, I don't know. Or where did he get it from, I don't know.

Q. Sure. All I am trying to do is make sure I'm clear on the basis for your belief that it was copied. I understand that you believe there is work of BTs that is similar or the same to yours; right?

MR. CHIN: Objection. You can answer.

A. Yes. He has a lot of similarities and a lot that are exactly note for note.

Q. That makes you confident Aparthenonia is a copy of Bust Dat Groove;

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RALPH VARGAS

correct?

MR. CHIN: Objection. You can answer.

A. Absolutely without a doubt.

Q. I understand that. Other than on the basis of the similarities that you find between BT's recorded tracks and your recorded tracks, do you have any other personal knowledge that BT had access to Funky Drummer Volume II before Aparthenonia was created?

MR. CHIN: Objection.

A. No.

Q. Mr. Vargas, I am going to have marked as Defendants' Exhibit 32.

(Defendants' Exhibit 32 for identification, Track Listing and Information, production numbers 000019 through 21.)

Q. Sorry, Mr. Vargas, that is missing a page. If you hand it back to me I'll make sure it is complete. It was missing the last page.

For the record I will identify this as having been produced with plaintiffs'

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RALPH VARGAS

master. Listen to the question.

A. Okay.

Q. Can you sample the song without having the physical record itself?

A. If someone else sampled it?

Q. No. No. My question is this, you know how to sample?

A. Yes, you need the record, you need the physical record to sample, yes.

Q. Why do you need the physical record to sample?

A. Unless it is out there in some other form you actually need the record to sample it.

Q. Have you ever accidentally sampled a record before?

A. I don't quite understand that question.

Q. When you sampled a record did you do it intentionally?

A. I have done it intentionally, yes.

Q. Have you ever accidentally sampled something before?

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RALPH VARGAS

A. No.

Q. Have you ever heard of anybody
accidentally sampling something before?

A. Never heard of that before.

Q. Have you read Mr. Matthew
Ritter's report?

A. Yes.

Q. Have you seen his report?

A. Yes.

Q. Do you know what the
conclusions of his report are?

A. Yes.

Q. What did he conclude in his
report?

MR. OLSON: Objection.

A. It was the same.

Q. What was the same?

MR. OLSON: Objection.

A. The whole composition was the
same.

Q. What compositions? You got to
be clear here.

A. Bust Dat Groove was the same as
BT's version.

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C E R T I F I C A T E

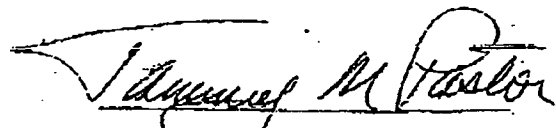
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IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of August, 2006.


TAMMEY M. PASTOR, RPR