

# **EXHIBIT 2**

1  
 2 UNITED STATES DISTRICT COURT  
 3 FOR THE SOUTHERN DISTRICT OF NEW YORK  
 4 -----  
 5 RALPH VARGAS and BLAND-RICKY ROBERTS,  
 6 Plaintiffs,  
 7 Civil Action  
 8 No.  
 9 against- 04CV 9772 (MCP)  
 10  
 11 PFIZER, INC., PUBLICIS, INC.,  
 12 FLUID MUSIC, EAST WIND  
 13 COMMUNICATIONS, INC. and  
 14 BRIAN TRANSEAU p/k/a "BC",  
 15 Defendants  
 16 -----  
 17 July 31, 2006  
 18 9:25 a.m.  
 19  
 20 Videotaped Deposition of  
 21 RALPH VARGAS, taken by Defendants, pursuant to  
 22 Notice, at the offices of Kirkland & Ellis,  
 23 155 East 53rd Street, New York, New York,  
 24 before TAMMEY M. FOSTER, a Registered  
 25 Professional Reporter, Certified LiveNote  
 Reporter and Notary Public within and for the  
 State of New York.

8/1/2006 11:20 AM

1  
 2 A P P E A R A N C E S:  
 3 LAW OFFICES OF PAUL A. CHIN  
 4 Attorneys for Plaintiff:  
 5 The Woolworth Building  
 6 130 Broadway  
 7 New York, New York 10007  
 8 BY: PAUL A. CHIN, ESQ.  
 9  
 10 KIRKLAND & ELLIS  
 11 Attorneys for Defendant Brian Transeau:  
 12 155 East 53rd Street  
 13 New York, New York 10011  
 14 BY: JULIE AHRENS, ESQ.  
 15  
 16 -and-  
 17 DAVID B. OLSON, ESQ.  
 18 STANFORD LAW SCHOOL  
 19 8700 Redwood Drive  
 20 131 Nathan Abbott Way  
 21 Stanford, California 94305-5010  
 22  
 23 ALSO PRESENT:  
 24 MATTHEW CHAVEZ, LegalLink Action Video

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7 VIDEOREPORTER: Here begins  
 8 Videotape number 1 in the deposition of Ralph  
 9 Vargas in the matter of Ralph Vargas and  
 10 Bland Ricky Roberts versus Pfizer, Inc., et  
 11 al. in the United States District Court,  
 12 Southern District of New York. Case number 04  
 13 CV 9772 JCB.  
 14  
 15 Today's date is July 31, 2006.  
 16 The time on the video monitor is 9:34 a.m. The  
 17 video operator today is Matthew Chavez, a  
 18 notary public contracted by LegalLink Video  
 19 Solutions San Francisco, California. This  
 20 video deposition is taking place at Kirkland &  
 21 Ellis, 155 East 53rd Street, New York, New  
 22 York.  
 23  
 24 Counsel, please voice identify  
 25 yourself, state whom you represent.  
 MR. OLSON: David Olson with  
 Stanford Law School, Center for Internet and  
 Society, attorney for defendant Brian  
 Transeau. With me is Julie Ahrens of Kirkland  
 & Ellis, another attorney for defendant  
 Transeau.  
 MR. CHIN: Paul Chin for

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2 plaintiffs Ralph Vargas and Bland-Ricky  
 3 Roberts.  
 4  
 5 VIDEOREPORTER: The court  
 6 reporter today is Tammy Foster of LegalLink.  
 7 Please swear the witness.  
 8 RALPH VARGAS,  
 9 having been first duly sworn by the Notary  
 10 Public (Tammy M. Foster), was examined and  
 11 testified as follows:  
 12 EXAMINATION CONDUCTED BY MR. OLSON:  
 13 Q. Good morning, Mr. Vargas.  
 14 A. Good morning.  
 15 Q. So as you just heard, my name  
 16 is David Olson. I am one of the attorneys for  
 17 one of the defendants in the case, Brian  
 18 Transeau. We are here today to take your  
 19 deposition in the case of Vargas v Pfizer.  
 20 You're aware of that?  
 21 A. Yes, I am.  
 22 Q. Before we get started on the  
 23 substantive stuff, I just want to go over some  
 24 kind of housekeeping details. So first I'll  
 25 just ask have you given a deposition before?

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2 C. Well then I think it makes  
3 sense for us to talk about how it works so  
4 you're -- we're all clear on everything. That  
5 kind of leads me to the first point. Although  
6 we have got a videographer, the court reporter  
7 needs to get down all of your responses on the  
8 written transcript. She can't record head  
9 nods or head shakes, you just need to make  
10 sure we all say yes or no when you're  
11 answering a question. Does that make sense?  
12 A. Yes.  
13 Q. Okay. Is there any reason this  
14 morning that you can't give full and competent  
15 testimony?  
16 A. No. No reason.  
17 Q. Great. There is no  
18 medications, prescription drugs, anything like  
19 that that would affect your ability to  
20 testify?  
21 A. No.  
22 Q. So the other thing is that as I  
23 ask questions, if they are not clear to you or  
24 if you don't understand anything, if you just  
25 let me know, I will try to clarify it for you.

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5

7/31/2006 Vargas, Ralph

1 Okay?  
2 A. Okay.  
3 Q. Then if you don't ask -- if you  
4 don't say it is unclear I'll assume you  
5 understand the question and we can proceed.  
6 Good. That sound fair?  
7 A. Yes.  
8 Q. Okay. Sorry, I am having a  
9 little interference on my speaker here. I  
10 will turn off my little portable speakers  
11 until we need them.  
12 All right. Let me just start  
13 out asking you some background information.  
14 First off, can you state your full name.  
15 A. My full name is Ralph Vargas.  
16 Q. What is your middle name, if  
17 any?  
18 A. I don't have any middle name.  
19 Q. Okay. So, just Ralph Vargas.  
20 If I have seen listings or trademarks for  
21 Ralph F. Vargas or Ralph Henry Vargas, that is  
22 someone else?  
23 A. Yes.  
24 Q. What is your birthday?

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6

7/31/2006 Vargas, Ralph

2 A. 9/1/56. September 1.  
3 Q. September 1. Got it. Where  
4 were you born?  
5 A. In New York City.  
6 Q. I would also like to ask you  
7 about your, just quickly kind of go over your  
8 educational background, musical training that  
9 sort of things. I will ask some questions  
10 about that. First off, did you complete high  
11 school?  
12 A. Yes.  
13 Q. Where did you go to high  
14 school?  
15 A. Barren High School.  
16 Q. Is that here in New York?  
17 A. Yes. It was on 58th and 105th  
18 Avenue. It is not there no longer.  
19 Q. Did you have any educational  
20 training beyond that?  
21 A. No.  
22 Q. What about musical training --  
23 well, let me backup a minute. Are you a  
24 professional musician?  
25 A. Yes, I am.

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7

7/31/2006 Vargas, Ralph

2 Q. When did you start, when did  
3 you first start getting into music?  
4 A. About 10 years ago I started  
5 playing drums.  
6 Q. How old were you at the time  
7 A. I guess I was around 14, 15,  
8 somewhere around there.  
9 Q. Did you play drums at home?  
10 A. Yeah, I played drums at home.  
11 Q. Did you take drum lessons or  
12 did you --  
13 A. After a while I did. I took a  
14 couple of different drum lessons. I used to  
15 study in the Bronx on Saturdays, my parents  
16 used to take me to a drum studio. So I would  
17 get some form of formal training. Then later  
18 on as I got older I went to the Jazz-mobile  
19 workshop. I used to go there on Saturdays to  
20 get some drum training.  
21 Q. What is the Jazz-mobile  
22 workshop?  
23 A. It is on 116th around 138th  
24 Street and Fifth Avenue. They would have  
25 professional drummers there as teachers. They

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8

2 you looking for?

3 A. A certain looseness sound where

4 when you do the roll that I did, it has a

5 certain feel to it where you can just know

6 from tuning and feel this is just right. Sort

7 of like cooking, you know when it's right.

8 That's the way I want it.

9 Q. Just to follow up a little bit

10 on obeying your Thirst and Wu-Tang Clan, did

11 you ever threaten to sue either one of them?

12 A. Either one of them meaning --

13 Q. Let me break it down. Did you

14 ever threaten to sue for Wu Tang Clan's use of

15 one of your tracks?

16 MR. CHIN: Objection. I think

17 the testimony in his publisher dealt with it.

18 A. That is what I was about to

19 say. She pretty much dealt with all of that.

20 Q. Do you know if she threatened

21 to sue on your behalf?

22 A. I know that she reached out to

23 them and she gave them a time limit, if they

24 didn't contact her that she would seek legal

25 action, but they worked it out.

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7/31/2006 Vargas, Ralph

1 Q. To your knowledge they worked

2 it out before any legal action?

3 A. Yes.

4 Q. How about with Sprite

5 commercially?

6 A. Same thing.

7 Q. After you had the DJT tape for

8 Funky Drummer Volume II, what did you do next

9 with that tape?

10 A. I handed it over to Rick

11 Rubenstein.

12 Q. And what happened next as far

13 as the --

14 A. He was in control of that. The

15 record label owned it.

16 Q. When you say he owned it, what

17 do you mean?

18 A. It belongs to the record label

19 because it was put out on J&R Records.

20 Q. So what happened next to

21 actually distribute the Funky Drummer Volume

22 II?

23 A. Well, it was manufactured

24 somewhere in Brooklyn. I forget the name of

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7/31/2006 Vargas, Ralph

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.

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7/31/2006 Vargas, Ralph

1 Q. So, how many copies of Funky

2 Drummer II were pressed?

3 A. As far as I can remember, 1,500

4 of it. But then you'd have to ask Rick. He

5 took care of all of that stuff.

6 Q. How many were pressed of Funky

7 Drummer Volume I?

8 A. We had an initial pressing of

9 1,500. We sold out on that and got another

10 1,500 pressed up. I think that was it. You

11 have to ask Rick on that one, too. But that's

12 what I remember.

13 Q. All I'm asking you is your best

14 recollection.

15 A. Yeah. Yeah.

16 Q. When you were just talking,

17 about Funky Drummer Volume I in that last

18 answer?

19 A. The one that got pressed up

20 twice, yeah. I. II only got 1,500, Volume

21 II.

22 Q. So there was never a second

23 pressing of Volume II?

24 MR. CHIN: Objection. It is

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

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

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

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

21 MR. CHIN: Okay.

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

25 A. If I remember the Kick could  
26 have pressed more, that is why I said he would  
27 have the answers to that, more accurate  
28 answers than I would. That was in his  
29 department.

30 Q. I understand that. All I am

31 Q. Do you remember any of those  
32 distribution houses?

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

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

38 A. There was a record store called  
39 Kick 'N Soul, Downstairs Records, Downlow  
40 Records. There was another record store, then  
41 the rest was distribution houses he had, that  
42 he went to.

43 (Defendants' Exhibit C  
44 for identification, Distribution Lists Funky  
45 Drummer I and II, production numbers 000917.1

46 Q. I am handing you what has been  
47 marked as Defendants' Exhibit 6. It bears  
48 Plaintiffs' Bates production number of 17.

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

51 A. Distribution Lists Funky  
52 Drummer I and II.

53 Q. Have you seen this document  
54 before?

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7/31/2006 Vargas, Ralph

7/31/2006 Vargas, Ralph

1 asking about is your knowledge?

2 A. None of it.

3 Q. So to your knowledge -- strike  
4 that.

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

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

9 Q. You said either it was pressed  
10 you took it to mom and pop record stores  
11 right?

12 A. Yes.

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

14 A. Rick Roberts, Blend Fiddy  
15 Roberts.

16 Q. And you?

17 A. And me, yes.

18 Q. Anyone else?

19 A. No.

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

23 A. Fisk took it to different  
24 distribution houses around the city.

25 A. Yes.

26 Q. Did you help prepare this  
27 document?

28 A. Somewhat, yeah.

29 Q. Where did the information for  
30 this document come from?

31 A. Initially Rick had most of this  
32 information.

33 Q. Where did he have the  
34 information?

35 A. I guess he has the records or  
36 he did a lot of this himself. I happened to  
37 be with him a few times, that's why I know of  
38 some of the places.

39 Q. When you say he did a lot of  
40 this, do you mean compiling this document  
41 Exhibit B --

42 A. Oh, no.

43 Q. -- or do you mean distribution?

44 A. Distribution.

45 Q. Plaintiffs recently produced  
46 this document with the column on the right  
47 which has a little bit of contact information  
48 for some of the entities on the left. Are you

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2 category as a regular record, you know, so it  
3 was filed under specialty.

4 Q. Who was the -- so the target  
5 audience for Funky Business I was who mainly?

6 A. It was mainly hip-hop, a lot of  
7 people in hip-hop music would gravitate to  
8 that type of record.

9 Q. Hip-hop producers?

10 A. Producers, DJs.

11 Q. Anybody else?

12 A. Remixers, production houses.

13 Q. So, was it intended for music  
14 listening consumers?

15 A. No.

16 Q. So it wasn't intended to be  
17 sold like, say, an M Cool 3 album for someone  
18 to listen to on their home stereo?

19 A. No.

20 Q. So you conceived the idea in  
21 1993. What were you doing at the time you  
22 conceived the idea?

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

25 A. At the time I was doing Ask

2 This case, also known as Bland-Ricky Roberts?

3 A. Yes.

4 Q. Do you know something I am  
5 curious about, do you know if Rick Roberts is  
6 his official legal name or Bland-Ricky?

7 A. Bland-Ricky.

8 Q. Okay. Who else worked for J&K  
9 Records in '93?

10 A. Sidel Carter.

11 Q. Anyone else?

12 A. There were at least four or  
13 five other people. I don't remember their  
14 names.

15 Q. How did you get to know  
16 Bland-Ricky Roberts?

17 A. We were friends, we still are  
18 friends, from the 70s.

19 Q. How did you meet?

20 A. I was brought in in a  
21 situation, his brother had a singing group  
22 called Truly Yours. And I was brought in by  
23 the bass player at that time. That is how I  
24 met Rick. He was doing a road managing for  
25 various recording groups on the road.

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7/31/2006 Vargas, Ralph

1 work for J&K Records part-time.

2 Q. What is Ask work?

3 A. Artist repertive.

4 Q. What's that mean?

5 A. I would be the one who would  
6 select certain tracks or songs that I felt  
7 would be ones that would sell or the ones that  
8 had most potential and select, you know, the  
9 songs.

10 Q. What is J&K Records?

11 A. It was an independent record  
12 label out of Queens.

13 Q. You said was is it not  
14 functioning anymore?

15 A. No.

16 Q. When did it stop functioning as  
17 a label?

18 A. I don't recall exactly when.

19 Q. What is your best estimate?

20 A. I guess around '99 maybe.

21 Q. Do you know who owned J&K

22 Records?

23 A. Rick Roberts.

24 Q. Is that your complaint if an

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7/31/2006 Vargas, Ralph

1 Q. Was he road manager for Truly  
2 Yours?

3 A. Yes. He was road manager for  
4 Truly Yours.

5 Q. When you say you were brought  
6 in to the group Truly Yours, what were you  
7 brought in to do?

8 A. Be the drummer. They needed a  
9 drummer.

10 Q. Were you the only drummer at  
11 that time for Truly Yours?

12 A. Yes.

13 Q. So, Roberts was managing, road  
14 managing the group Truly Yours while you were  
15 drumming for the group?

16 A. Yes.

17 Q. Did you become friends at that  
18 time?

19 A. Yes.

20 Q. What was your relationship  
21 after that? That was back in the 70s; did you  
22 stay in touch with Mr. Roberts from the 70s  
23 through '99?

24 A. Yes.

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2 page 3, paragraph 1, do you recall -- strike  
3 that.

4 Strike that question.

5 MR. CHIN: No further  
6 questions.

7 EXAMINATION CONDUCTED BY MR. OLSON:

8 Q. So, I think I was confused on  
9 one thing. I just want to ask a follow-up  
10 question or two, that I think I will be done,  
11 Mr. Vargas. Can I ask you a couple quick  
12 questions?

13 A. Sure.

14 Q. With regard to the payments you  
15 received from licensing to the Wu-Fang Clan  
16 for their album the 311 Crasher, do you recall  
17 talking with Mr. Chin about that?

18 A. Yes.

19 Q. You recall that we looked at a  
20 document that showed a check where you were  
21 paid \$1,982.77 related to that, right?

22 A. Yes.

23 Q. Did you say that was only a  
24 portion of what you were paid for that  
25 licensing?

2 MR. CHIN: I believe that is  
3 it. I just have to check the rules to make  
4 sure.

5 MR. OLSON: Okay. Let's just  
6 put on the record how long we have been on  
7 then.

8 VIDEOGRAPHER: Including that  
9 last question?

10 MR. OLSON: Sure. That's  
11 fine.

12 VIDEOGRAPHER: 5:51 you were  
13 on. 6:46 including --

17 (Continued on following page.)

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2 A. That was all that I got paid.

3 Q. That was all you got paid.

4 A. Yes.

5 MR. OLSON: Okay. I just  
6 understood. No further questions.

7 MR. CHIN: On the 18th -- so  
8 just keep it on the record.

9 MR. OLSON: Sorry, let's stay  
10 on the record a minute. I am not sure if we  
11 got it or not. As we've agreed, Mr. Chin,  
12 correct me if I am wrong, that we will  
13 continue this deposition on August 17th and  
14 we'll reiterate the exact details, but it will  
15 be on the same day that plaintiffs are taking  
16 the deposition of -- sorry, that defendants  
17 are taking the deposition of plaintiffs'   
18 expert Mr. Ritter.

19 MR. CHIN: Right. Then at that  
20 date we will work on how much time you are  
21 going to want for Mr. Vargas or beforehand  
22 we'll agree to how much time.

23 MR. OLSON: Okay. But we have  
24 an hour and ten minutes left, I believe on the  
25 record. Is that right, Mr. Chin?

1  
2 MR. CHIN: That includes both  
3 of us, 6:46?  
4 MR. OLSON: Yes. And 5:51 for  
5 defendants.

6 MR. CHIN: Thanks.  
7 VIDEOGRAPHER: Going off the  
8 record. The time is 6:22 this is the end of  
9 tape number 4.

11 (Time Noted: 6:21 p.m.)

14 \_\_\_\_\_  
15 RALPH VARGAS

16 Subscribed and sworn to before me  
17 this \_\_\_\_ day of \_\_\_\_\_, 2006.

19 \_\_\_\_\_

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1 RALPH VARGAS  
 2 STATE OF NEW YORK ) Pg. 1 of 2pgs  
 3 ) ss:  
 4 COUNTY OF NEW YORK )  
 5 I wish to make the following changes,  
 6 for the following reasons:  
 7 PAGE LINE  
 8 CHANGE: \_\_\_\_\_  
 9 REASON: \_\_\_\_\_  
 10 CHANGE: \_\_\_\_\_  
 11 REASON: \_\_\_\_\_  
 12 CHANGE: \_\_\_\_\_  
 13 REASON: \_\_\_\_\_  
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 24 CHANGE: \_\_\_\_\_  
 25 REASON: \_\_\_\_\_

2 J N D E X  
 3  
 4 E X H I B I T S  
 5  
 6 (Defendants' Exhibit 1 for PAGE  
 7 identification, Vargas Affidavit 145  
 8 7/27/05, no production numbers.)  
 9 (Defendants' Exhibit 2 for 148  
 10 identification, Bust Out Group  
 11 Copyright Certificate, production  
 12 numbers 000015 through 16.)  
 13 (Defendants' Exhibit 3 for 152  
 14 identification, Certificate of  
 15 Registration, production numbers  
 16 000013 and 14.)  
 17 (Defendants' Exhibit 4 for 165  
 18 identification, CD entitled James  
 19 Brown Funky Drummer Comparisons,  
 20 production no numbers.)  
 21 (Defendants' Exhibit 5 for 173  
 22 identification, Declaration of  
 23 Matthew Rattler, no production  
 24 numbers.)

2 C E R T I F I C A T E  
 3 STATE OF NEW YORK )  
 4 ) ss:  
 5 COUNTY OF NEW YORK )  
 6 I, TAMMEY M. PASTOR, a Registered  
 7 Professional Reporter, Certified LiveNote  
 8 Reporter and Notary Public within and for the  
 9 State of New York, do hereby certify:  
 10 That RALPH VARGAS, the witness whose  
 11 deposition is hereinbefore set forth, was duly  
 12 sworn by me and that such deposition is a true  
 13 record of the testimony given by the witness.  
 14 I further certify that I am not  
 15 related to any of the parties to this action  
 16 by blood or marriage, and that I am in no way  
 17 interested in the outcome of this matter.  
 18 IN WITNESS WHEREOF, I have  
 19 hereunto set my hand this \_\_\_\_ day of  
 20 \_\_\_\_\_, 2006.  
 21  
 22  
 23  
 24  
 25 TAMMEY M. PASTOR, RPR, CLR

2 (Defendants' Exhibit 6 for 181  
 3 identification, CD of Exhibit D  
 4 from the Ricciardi's declaration,  
 5 no production numbers.)  
 6 (Defendants' Exhibit 7 for 185  
 7 identification, Declaration of  
 8 Anthony Ricciardi, no production  
 9 numbers.)  
 10 (Defendants' Exhibit 8 for 191  
 11 identification, Distribution Lists  
 12 Funky Drummer I and II, production  
 13 numbers 000017.)  
 14 (Defendants' Exhibit 9 for 195  
 15 identification, Letter 5/2/07,  
 16 production numbers 000018.)  
 17 (Defendants' Exhibit 10 for 197  
 18 identification, Letter dated  
 19 6/6/14, production numbers 000004  
 20 through 5.)  
 21 (Defendants' Exhibit 11 for 200  
 22 identification, Second Amended  
 23 Complaint, no production numbers.)  
 24



2		
3	(Defendants' Exhibit 12 for	277
4	identification, Plaintiff's	
5	Supplemental Responses and	
6	Objections to Interrogatories, no	
7	production numbers.)	
8	(Defendants' Exhibit 13 for	278
9	identification, Contract Summary	
10	and check Check 1690 to Ralph	
11	Vargas, production numbers	
12	000001.)	
13	(Defendants' Exhibit 14 for	279
14	identification, Check 1805 7/10/04	
15	to Ralph Vargas, production	
16	numbers 000102.)	
17	(Defendants' Exhibit 15 for	280
18	identification, Signed	
19	Verification Page, no production	
20	numbers.)	
21	(Defendants' Exhibit 16 for	293
22	identification, Plaintiff's	
23	Supplemental Responses to Document	
24	Requests, no production numbers.)	

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2		
3	(Defendants' Exhibit 17 for	295
4	identification, Confidential	
5	Settlement Agreement and General	
6	Release, production numbers	
7	FL0001 through 14.)	
8		
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2 A. I would say somewhere around  
3 '80, '91.  
4 Q. During these 15 years did you  
5 continue to play music professionally?  
6 A. Yes.  
7 Q. Was it, did you always have a  
8 professional gig or was it on and off?  
9 A. On and off.  
10 Q. Just to be clear, when I say  
11 gig, you know what that means, right?  
12 A. Yes.  
13 Q. What does that mean to you?  
14 A. It is a performance, you know.  
15 Q. A job?  
16 A. A job, yeah.  
17 Q. Okay, good. So it was on and  
18 off. In '90 or '91 when you stopped doing  
19 painting maintenance, what was your next  
20 nonmusic job?  
21 A. At that time I started to do  
22 some traveling.  
23 Q. What was the purpose of your  
24 traveling?  
25 A. I got involved with some

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1 recording acts and went on the road with them.  
2 Q. So you were traveling as a  
3 musician?  
4 A. Yes.  
5 Q. What act did you first get  
6 involved with that you went on the road with?  
7 A. It was a group called New  
8 Edition.  
9 Q. I believe I'm familiar with  
10 that group. What kind of music did New  
11 Edition play?  
12 A. They did R&B, soul.  
13 Q. How long did you -- so I just  
14 want to make sure I understand this, were on a  
15 tour with them, you were drumming for them on  
16 one of their tours?  
17 A. Yes. I was with them about  
18 four and a half years.  
19 Q. So that would have been from  
20 what year to what year?  
21 A. It was somewhere in the early  
22 90s.  
23 Q. So maybe '90 to '97 or '91 to  
24 '93, somewhere in there?

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2 A. '90 to probably around '94 or  
3 '95, something like that. Yeah.  
4 Q. Okay. Why did you stop working  
5 with New Edition?  
6 A. I moved on to do other gigs  
7 with other groups.  
8 Q. What made you move on to other  
9 groups?  
10 A. I had an opportunity to record  
11 with a group that was just coming out on  
12 Capitol Records. The group was called 4 By 4.  
13 Q. Did you drum on their album  
14 that they were recording?  
15 A. On 4 by 4 I was on the album as  
16 the drummer.  
17 Q. How many albums was that, one  
18 album?  
19 A. One album.  
20 Q. Did you perform on any albums  
21 or recordings by New Edition?  
22 A. No.  
23 Q. How long were you with --  
24 first, what was the name of the album that 4  
25 By 4 recorded?

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2 A. 4 By 4.  
3 Q. Was this their debut album?  
4 A. Yes.  
5 Q. How long were you with 4 By 4.  
6 A. I'd say no more than about two  
7 and a half years.  
8 Q. Did you tour with them?  
9 A. Yes.  
10 Q. What instruments did you play  
11 with 4 By 4?  
12 A. I played drums and sang  
13 background vocals.  
14 Q. Had you done any singing  
15 professionally before 4 By 4?  
16 A. I was singing background with  
17 New Edition. That was the first time I  
18 started singing background.  
19 Q. Did you sing on the 4 By 4  
20 album?  
21 A. No.  
22 Q. Just drums?  
23 A. Just drums.  
24 Q. Why did you leave touring with  
25 or working with 4 By 4?

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2 A. They disbanded. They got  
3 dropped from the label.  
4 Q. What did you do next?  
5 A. I got involved in a lot of  
6 local acts.  
7 Q. When you say local, you mean  
8 around New York City?  
9 A. Around New York City.  
10 Q. So were you performing with  
11 more than one act during that --  
12 A. Yes. I was free-lancing.  
13 Q. What was the year that 4 By 4's  
14 album came out, to the best of your memory?  
15 A. I don't remember.  
16 Q. Well, maybe we can piece it  
17 together a little bit. You said you were with  
18 New Edition until maybe '94 or '95; is that  
19 correct?  
20 A. Yes.  
21 Q. Then you moved on to 4 By 4;  
22 correct?  
23 A. Yes.  
24 Q. Then you were with them about  
25 two and a half years; is that right?

2 A. No.  
3 Q. So somewhere in the late 80s  
4 then 4 By 4 disbanded to the best of your  
5 recollection; is that right?  
6 A. Yes.  
7 Q. How long did you free lance  
8 after 4 By 4 disbanded?  
9 A. I would say about six years.  
10 Q. Can you tell me the names of  
11 some of the acts you performed with?  
12 A. Platinum Back. CC Rogers.  
13 Quest Star. Flick. Atlantis. Black Ivory.  
14 That's all I can remember off the top of my  
15 head at this time.  
16 Q. Okay. And you play the drums  
17 with all of these groups?  
18 A. Yes.  
19 Q. Did you do background vocals  
20 for any of these groups?  
21 A. No.  
22 Q. After that six years of  
23 free-lancing, what did you do next?  
24 A. I landed a -- I started  
25 working at Chelsea Piers. That was a regular

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2 A. Yes.  
3 Q. So that would make it, what,  
4 '94 or '95, maybe '98, something like that?  
5 A. No, 1998 is too far up.  
6 Q. Sorry, that would be when they  
7 disbanded.  
8 A. Yes. I would say between '94  
9 and '96.  
10 Q. The album came out between '94  
11 and '96?  
12 A. Yeah.  
13 Q. Do you recall what year they  
14 disbanded?  
15 A. Probably about a year and a  
16 half to eight months after they broke up.  
17 Q. Just to make sure I'm clear,  
18 during the time you work with New Edition and  
19 4 By 4, were you doing any other non-music  
20 work?  
21 A. Yes.  
22 Q. Actually let me rephrase that  
23 so it is clear on the record. During the time  
24 you were with New Edition and 4 By 4 were you  
25 doing any non-musical work?

2 9 to 5.  
3 Q. That is Chelsea Piers here in  
4 New York City; right?  
5 A. Yes. On 12th Street, yes.  
6 Q. What did you do at -- well, let  
7 me strike that. When did you start working at  
8 Chelsea Piers?  
9 A. I believe '96 or '97.  
10 Q. Okay. How long did you work  
11 there?  
12 A. I worked there about seven and  
13 a half years.  
14 Q. What was your job?  
15 A. I was a site safety supervisor.  
16 Q. What were your job  
17 responsibilities?  
18 A. I dealt with the fire  
19 department, police department. And my job was  
20 to make sure the complex was totally safe in  
21 every way, sidewalks, roof.  
22 Q. So building and ground safety?  
23 A. Yes.  
24 Q. What about you said you dealt  
25 with the police department, were you involved

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