

COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re

Distribution of Satellite Royalty Funds

CONSOLIDATED PROCEEDING
DOCKET NUMBER 14-CRB-0011-SD
(2010-13)

ORDER REGARDING HEARING SCHEDULE AND PROCEDURES

On October 7, 2019, the Allocation Phase Parties (Parties)¹ filed with the Copyright Royalty Judges (Judges) their Stipulation Regarding Hearing Procedures ([Stipulation](#)). The Judges have considered the Stipulation and, finding it reasonable and calculated to facilitate an efficient presentation of evidence in the forthcoming hearing in the instant proceeding, incorporate it into the present Order with minor revisions.

I. Hearing Schedule and Logistics

The hearing relating to allocation of satellite royalty funds is scheduled to begin before the Copyright Royalty Judges (Judges) on Monday, October 21, 2019. The hearing will conclude on or before November 14, 2019.² All hearing sessions will occur in Room LM-408 of the Madison Building, Library of Congress, 101 Independence Avenue SE, Washington, D.C.

The first day of the hearing will begin at 9:30 a.m.; each subsequent day of the hearing will begin at 9:00 a.m. Hearings will be held Monday through Thursday of each week, unless otherwise ordered. In general, each hearing day will include a 15-minute break during the morning session, a 15-minute break during the afternoon session, and a one-hour break mid-day for lunch, and will conclude at 4:30 p.m. The Judges may, in their discretion, modify the daily schedule, *e.g.* to accommodate the schedule of witnesses or to otherwise facilitate the expeditious completion of the hearing.

Participants needing access to the hearing room for logistical preparations must contact the CRB Program Specialist, Ms. Anita Blaine, at 202-707-7658 or at crb@loc.gov, at least two business days in advance and follow her instructions regarding use of the Library of Congress loading dock and the hearing room. The hearing room will be available for setup on Friday, October 18, 2019.

II. Opening Statements

All Parties will present their opening statements at the outset of the hearing and in accordance with the following order of presentation and time limitations:

1. Joint Sports Claimants – 1 hour

¹ The Allocation Phase Parties identify themselves as Joint Sports Claimants, Commercial Television Claimants, Settling Devotional Claimants, and Program Suppliers.

² Closing arguments will take place on a later date, as described *infra*.

2. Commercial Television Claimants – 45 minutes
3. Settling Devotional Claimants – 45 minutes
4. Program Suppliers – 1 hour

III. Time Allocation

The Judges hereby allocate 84 hours of hearing time for the instant proceeding, apportioned among the participants as follows:

1. Joint Sports Claimants – 24.5 hours
2. Commercial Television Claimants – 17.5 hours
3. Settling Devotional Claimants – 17.5 hours
4. Program Suppliers – 24.5 hours

IV. Live Testimony

Each witness who appears at the hearing will testify only once, and will address together his or her written direct testimony, written rebuttal testimony, and any response to the written rebuttal testimony of other witnesses. The Parties shall present witnesses in the following order:

1. Joint Sports Claimants
2. Commercial Television Claimants
3. Settling Devotional Claimants
4. Program Suppliers

The parties shall file a list providing the order of witnesses to be presented by each Party by Thursday, October 17, 2019. Parties shall cooperate in good faith to accommodate witness schedules, including calling witnesses out of order, if necessary.

V. Admission of Written Testimony and Exhibits of Certain Witnesses without Live Appearances

The Parties waive oral direct and cross-examination when submitting the written testimony and accompanying exhibits of the following witness, and the Parties consent to the admission of such witness's written testimony and accompanying exhibits into the record without the need for the witness's live appearance during the hearing. If the Judges desire to hear live testimony from this witness, the witness shall be made available.

- Brad Adgate (Joint Sports Claimants)

VI. Sequestration of Witnesses

Pursuant to 37 C.F.R. § 351.9(f), witnesses, other than party representatives, are not permitted to listen to any testimony in this proceeding and are not allowed to review a transcript of any prior testimony in this proceeding. Witnesses are not permitted to discuss their testimony with counsel or others during breaks in their own examinations.

VII. Exchange of Exhibits

The Parties shall exchange electronic copies of the written direct testimony (including any attachments thereto) and written rebuttal testimony (including any attachments thereto) filed

in this case that they intend to offer as exhibits on Thursday, October 17, 2019. The exhibits shall be numbered as set forth below. The Parties shall exchange exhibit binders containing hard copies of all previously exchanged exhibits before the start of the hearing on October 21, 2019. Consistent with 37 C.F.R. § 351.9(d) and § 351.10(g), exhibits used solely for purposes of impeachment need not be exchanged in advance, but any other exhibits must be exchanged electronically at least 24 hours prior to being offered into evidence, and in hard copy on the day they are offered into evidence.

The SDC have notified the Parties of their intention to file a motion for leave to file a supplemental rebuttal statement attaching two exhibits based on discovery produced after the filing of written rebuttal statements. The Parties shall not object to the SDC’s motion for leave to file a supplemental rebuttal statement on grounds of timeliness if it is filed by October 11, 2019, but may object on other appropriate grounds.

VIII. Filing of Joint Proposed Hearing Exhibit List and Filing Exhibits in eCRB

The Parties shall jointly file a Joint Proposed Hearing Exhibit List no later than October 16, 2019. All exhibits identified on the Joint Proposed Hearing Exhibit List will be filed in eCRB by October 17, 2019. During the hearing, any new proposed exhibits must be filed in eCRB at least 24 hours prior to being offered. Any objections to an exhibit will be asserted at the time the exhibit is offered into evidence.

IX. Exhibit Numbers

Proposed hearing exhibits must be numbered using the following numbering convention, with each party assigned a unique number range to use for proposed exhibits. **Participants shall confer to ensure that no exhibit is given two numbers.** All exhibits shall be labelled in the **upper left-hand corner** with the words “Satellite Allocation Exhibit” and their assigned exhibit number from the ranges below.

Party	Exhibit Range
Joint Sports Claimants	1000-1999
Commercial Television Claimants	2000-2999
Settling Devotional Claimants	3000-3999
Program Suppliers	4000-4999
Designated Prior Testimony (all parties)	5000-5999

X. Closing Statements

The Parties shall present their closing statements after the submission of Proposed Findings of Fact and Conclusions of Law and any replies to the Proposed Findings of Fact and Conclusions of Law, on a date to be determined by the Judges.

SO ORDERED.

Jesse M. Feder
Chief Copyright Royalty Judge

DATED: October 7, 2019