

UNITED STATES COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re

**DISTRIBUTION OF 2000-2003 CABLE
ROYALTY FUNDS**

**DOCKET NO. 2008-2 CD 2000-03
(Phase II) (Remand)**

ORDER FOR FURTHER BRIEFING

On July 17, 2019, the Settling Devotional Claimants (SDC) and Independent Producers Group (IPG) filed a [Joint Notice of Settlement and Motion for Stay](#) with the Copyright Royalty Judges (Judges). The participants have now informed the Judges of a dispute as to whether they had in effect entered into a full and final settlement, and they have informed the Judges that they also disagree as to existence and contents of any final settlement. *See generally* Motion for Final Distribution under 17 U.S.C. § 801(b)(3)(A) (Jul. 25, 2019) ([SDC Motion](#)), IPG’s Opposition to SDC’s Motion for Final Distribution (Aug. 5, 2019) ([IPG Response in Opposition](#)), and SDC Reply in Support of Motion for Final Distribution (Aug. 8, 2019) ([SDC Reply](#)).

The Judges, having considered the SDC Motion, the IPG Response in Opposition, and the SDC Reply, hereby **ORDER** the participants to engage in further legal briefing of the following issues:

- (1) Does the filing with a court or other adjudicatory tribunal of a notice of settlement bind the parties to the settlement according to the contents of that notice, or would the settlement as noticed be considered conditional, subject to agreement on additional terms, before it is adopted by the court or other adjudicatory tribunal?
- (2) Does the phrase “distribution of such fees is not subject to controversy” in Section 801(b)(3)(A) of the Copyright Act apply only to the amount of royalties paid by users of copyrighted works or does the phrase apply more broadly to include issues such as the allocation and distribution of accrued interest on such royalties and the appointment of a common agent to facilitate such distributions?
- (3) To the extent that resolution of issues presented by the SDC Motion requires the Judges to interpret the phrase “the distribution of such fees is not subject to controversy” in Section 801(b)(3)(A) of the Copyright Act, have the Judges or their predecessors interpreted such phrase in the past or does the issue present a novel material question of substantive law on which the Judges must request a decision of the Register of Copyrights pursuant to Section 802(f)(1)(B) of the Copyright Act?

The Judges specifically **ORDER** the participants to support their arguments with citations to authorities, including judicial and administrative decisions and other authorities, as appropriate.

The Judges further **ORDER** that the parties shall file simultaneous briefs on the issue, not to exceed 25 pages, within 20 days of the date of this Order, and shall file simultaneous opposition briefs, not to exceed 15 pages, within ten days of the docketing of their initial briefs. Parties shall not file reply briefs without the prior approval of the Judges.

SO ORDERED.

Jesse M. Feder
Chief Copyright Royalty Judge

DATED: October 22, 2019.