

COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re

Distribution of Digital Audio Recording
Royalty Funds

CONSOLIDATED
Docket No. 2008-3 CRB DD
(2007-2011 SRF)

ORDER DENYING POWELL MOTION

On October 5, 2019, Mr. David Powell filed with the Copyright Royalty Judges (Judges) a document captioned “Verified motion for Coercive Relief damages out of time non reply by AARC” ([Motion](#)). On October 7, 2019, Powell filed a document captioned [Proposed] Order Nil Dicit Default Granted Claim For Coercive Relief Damages Sought Pray For Punitive and Compensatory Sua Sponte” ([Proposed Order](#)). No party filed a timely response to the Motion.

The Motion consists of one paragraph which reads:

Request for verified motion approve for 6-22-19 and 8-9-19 letter out of time non reply by deadline by AARC representatives for Coercive Relief damages filed by Pro Se CGN Inc. (members) d/b/a/ David Powell. Concerning Distribution of Dart Royalty funds SRF/CO.

Motion at 1.

The Judges are unable to determine with certainty the nature of the relief sought in the Motion.

The Proposed Order consists of two paragraphs which read:

On June 22, 2019 PTP filed and paid and refiled 8-9-19 again Circle God Network Inc. d/b/a David Powell w/ clarity filed a motion (the motion) claimant pray for Coercive Relief damages sought sua sponte immediate breach from AARC, Linda R. Bocchi Esq.. For non reply for damages by Circle God Network Inc. d/b/a David Powell.

Having consider [sic] the motion and all papers submitted to support of or in opposition to the motion, the Judges **GRANT** the motion and hereby **GRANT** \$30 million dollars w/ pray for treble punitive and compensatory damages sought by CGN INC. d/b/a David Powell sua sponte for immediate breach **NIL DICIT DEFAULT**.

Proposed Order at 1. Based on the Proposed Order it appears to the Judges that Mr. Powell is seeking compensatory and punitive damages in the amount of \$30 million.

Even if the Judges had inherent or statutory authority to award compensatory and punitive damages,¹ the Motion (as interpreted in light of the Proposed Order) provides no legal or evidentiary basis for granting that, or any other relief.

The Motion is **DENIED**.

SO ORDERED.

Jesse M. Feder
Chief Copyright Royalty Judge

DATED: October 25, 2019.

¹ The Judges find it unnecessary to address the issue of their authority to award damages in order to rule on the Motion.