

Before the
Copyright Royalty Judges
Washington, D.C.

_____)	
In the Matter of)	
)	
Distribution of)	Docket No. 2008-2 CRB CD
2000-2003)	2000-2003 (Phase 2)
Cable Royalty Funds)	
_____)	

**INDEPENDENT PRODUCERS GROUP’S RENEWED MOTION FOR
PARTIAL DISTRIBUTION OF 2000-2003 CABLE ROYALTIES**

Worldwide Subsidy Group LLC (a Texas limited liability company)
dba Independent Producers Group ("IPG") hereby submits its *Renewed
Motion for Partial Distribution of 2000-2003 Cable Royalties*.

On April 19, 2017, IPG filed its *Motion for Partial Distribution of
2000-2003 Cable Royalties*, seeking partial distribution of royalties
attributable to the devotional programming category. Despite the fact that
only IPG and the Settling Devotional Claimants (“SDC”) remained
participants in the 2000-2003 cable proceedings, IPG served its motion on

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all prior participants in such proceeding.¹ In response thereto, the SDC filed an opposition brief, to which IPG filed a reply.

Despite the only possible “interested parties” receiving actual notice of the motion, and filing a response, the Judges waited almost two years before announcing that in order to consider IPG’s motion, it was required to publish a *Federal Register* notice soliciting comment on such motion from “interested parties”.² See 84 Fed. Reg. 12295 (Apr. 1, 2019), Distribution of

¹ The Motion Picture Association of America had its award in such proceedings successfully affirmed two years prior, on June 30, 2015, by an order of the Court of Appeals for the District of Columbia Circuit. As such, it was no longer a participant in such proceedings. IPG nonetheless served such entity with IPG’s motion.

² As an initial matter, IPG found it unclear why further solicited briefing was necessary vis-à-vis a *Federal Register* notice. The IPG motion to which the *Federal Register* notice was issued only sought a partial distribution of devotional programming funds, and the only other party maintaining devotional programming claims in the above-referenced proceedings was the SDC. The Judges have concluded previously that the statutory requirement for published notice and a comment period is inapplicable after the filing of Petitions to Participate (“PTP”) and commencement of distribution proceedings. See *Order Denying IPG Motion for Partial Distribution*, Docket No. 2008-2 CRB 2000-2003 (Phase II), at 2 n. 1 (January 17, 2012); see also *Order Denying IPG Motion for Partial Distribution*, Docket No. 2008-2 CRB 2000-2003 (Phase II), at 3 n. 2 (February 11, 2014). Publication after the receipt of PTPs would be “unnecessary and duplicative” because only those claimants who submitted acceptable PTPs are entitled to

2000-2003 Cable Royalty Funds, *Order Requesting Comments*.

Nonetheless, the *Federal Register* notice expressly stated that the only “interested parties” qualified to object were “claimants that have filed petitions to participate in the proceeding (or are included in a petition to participate filed on their behalf)”, i.e., the same parties that had already previously received actual notice of IPG’s motion.³ Again, only the SDC – the only remaining “interested party” – filed comments in response to the *Federal Register* notice. IPG thereafter sought leave to file a response thereto, which was filed on May 10, 2019.

As of July 17, 2019, IPG believed that IPG’s motion, first filed over two years prior, was moot. IPG and the SDC had jointly provided notice to the Judges that they had settled their claims. See *Joint Notice of Settlement and Motion for Stay* (July 17, 2019). While issues remain regarding the SDC’s almost simultaneous breach thereof, and the consequence therefore, neither party disagrees that a settlement had occurred. See *SDC Motion for*

receive a Phase II distribution and only participants in the proceeding have standing to respond to the motion. *Id.*

³ Read literally, the description could have included the MPAA and its represented claimants, however the MPAA was no longer a participant in the proceeding, and could not reasonably be considered an “interested party”.

Final Distribution Under 17 U.S.C. § 801(b)(3)(A), filed July 25, 2019, and briefing related thereto.

Notwithstanding the foregoing, the Judges' *Order for Further Briefing*, issued on October 22, 2019, suggests that the Judges may not consider there to be an enforceable settlement. To the extent that such is the case, IPG hereby renews its *Motion for Partial Distribution of 2000-2003 Cable Royalties*, initially filed two and one-half years ago.

To place the timing of such motion in perspective, IPG submits a spreadsheet comparing IPG's motions for partial distribution, with those of other parties that have sought partial distribution. See **Exhibit A**. On literally every front – e.g., the time by which the CRB issues a *Federal Register* notice, the time by which the CRB rules -- IPG's motions for partial distribution have been addressed by the Judges on a basis dramatically less timely than other parties' motions for partial distribution. This is despite IPG being an "established claimant" in each of those circumstances, and despite there already being a finite, identified list of "interested parties" whom had already received actual notice of IPG's motions, thereby obviating the need for a *Federal Register* notice (according to CRB precedent).

CONCLUSION

As the briefing in this proceeding bears out, the SDC does not genuinely believe that IPG is not entitled to receive the requested partial distribution, and cannot make a “reasonable objection” to IPG receiving 21.52% of the royalty pools, an amount that is less than 75% of the minimum percentage that the SDC has ever advocated IPG is entitled in this proceeding. Each argument submitted by the SDC in order to block IPG’s partial distribution has been made in bad faith, typically based on unsubstantiated or irrelevant allegations, all for no purpose other than to harass.

Quite simply, the SDC have sought to accomplish this goal by requiring the Judges to engage in endless consideration of specious arguments which, by all appearances, the Judges still have not addressed. Nonetheless, IPG has methodically responded to each argument, and is reasonably frustrated with the delay in addressing this matter, and the delay of it receiving monies that were collected on behalf of its represented claimants almost twenty years ago.

The Judges should rule in IPG’s favor, without further delay.

Respectfully submitted,

Dated: October 25, 2019

_____/s/_____
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EXHIBIT A

Comparison of CRB response times for motions for partial distribution

Docket #	Docket	Motion for Distribution - Date	Renewed Motion for Distribution - Date	Federal Register Notice - Date	Federal Register Notice - Months after Motion for Distribution	Renewed Motion for Distribution - Date	Second Renewed Motion for Distribution - Date	Order Granting Partial Distribution - Date	Order Granting Distribution - Months after close of Federal Register Notice	Aggregate months in hands of CRB	NOTES
Phase I claimants motion for partial distribution											
14-CRB-0007 CD (2010-2012)	2012 Cable	07/25/14	09/12/14	10/01/14	2.25			12/23/14	1.75	4.00	
14-CRB-0008 SD (2010-2012)	2012 Satellite	07/25/14	09/12/14	10/01/14	2.25	02/26/15		03/03/15	4.00	6.25	Delay in order due to oversight.
14-CRB-0010 CD (2013)	2013 Cable	01/21/15		03/04/15	1.50			05/28/15	1.75	3.25	
14-CRB-0011 SD (2013)	2013 Satellite	01/21/15		02/11/15	1.00			05/28/15	2.50	3.50	
16-CRB-0009-CD (2014)	2014 Cable	02/05/16		02/29/16	0.75			08/15/16	4.50	5.25	
16-CRB-0010-SD (2014)	2014 Satellite	03/11/16		04/29/16	1.50			08/24/16	2.75	4.25	
16-CRB-0020 (2015)	2015 Cable	02/17/17		04/25/17	2.00			06/06/17	0.50	3.50	
17-CRB-0011-SD (2015)	2015 Satellite	02/17/17		04/17/17	2.00	09/29/17		11/07/18	0.50	17.00	
17-CRB-0017-CD (2016)	2016 Cable	05/18/18		06/04/18	0.50			unknown	unknown	unknown	
16-CRB-0010-SD (2014-17)	2016 Satellite	06/28/19		07/16/19	0.50			08/23/19	0.25	1.75	
16-CRB-0009-CD (2014-17)	2017 Cable	03/15/19		04/10/19	1.00			05/22/19	0.25	2.25	
16-CRB-0010-SD (2014-17)	2017 Satellite	06/28/19		07/16/19	0.50			08/23/19	0.25	1.75	
				Average	1.75				Average	4.80	
IPG motions for partial distribution											
2012-6 CRB CD (2004-2009), 2012-7 CRB SD (1999-2009)	2004-2009 Cable, 1999-2009 Satellite	09/18/15		12/16/15	3.00	06/06/15	08/25/16	11/09/16	10.00	14.00	
2008-2 CRB CD 2000-2003 (Phase 2)	2000-2003 Cable (Devotional)	04/19/17		04/01/19	24.00	10/24/19		n/a	n/a	30.00+	Order not yet issued.
				Average	13.50				Average	22.00+	

CERTIFICATE OF SERVICE

I hereby certify that on this October 25, 2019, a copy of the foregoing was electronically filed and served on the following parties via the eCRB system.

_____/s/_____
Brian D. Boydston

DEVOTIONAL CLAIMANTS:

Matthew MacLean
Michael Warley
Jessica Nyman
Pillsbury, Winthrop, et al.
1200 17th Street, NW
Washington, D.C. 20036

Proof of Delivery

I hereby certify that on Friday, October 25, 2019, I provided a true and correct copy of the Independent Producers Group's Renewed Motion for Partial Distribution of 2000-2003 Cable Royalties to the following:

Settling Devotional Claimants (SDC), represented by Matthew J MacLean, served via Electronic Service at matthew.maclea@pillsburylaw.com

Signed: /s/ Brian D Boydston