

Before the  
COPYRIGHT ROYALTY JUDGES  
Washington, D.C.

In the Matter of )  
)  
Distribution of )  
Cable Royalty Funds )  
)  
In the Matter of )  
)  
Distribution of )  
Satellite Royalty Funds )

CONSOLIDATED DOCKET NO.  
14-CRB-0010-CD/SD  
(2010-2013)

**MULTIGROUP CLAIMANTS’ MOTION FOR ORDER TO VACATE  
FINAL DISTRIBUTION TO MPA OF 2010-2013 SATELLITE ROYALTY FUNDS**

Brian D. Boydston, Esq.  
PICK & BOYDSTON, LLP  
2288 Westwood Blvd., Ste. 212  
Los Angeles, CA 90064

Telephone: (424)293-0111  
Email: brianb@ix.netcom.com

Attorneys for Multigroup Claimants

On Friday, January 10, 2020, the Motion Picture Association (“MPA”) filed its *MPA-Represented Program Suppliers’ Motion for Final Distribution of 2010-13 Satellite Royalties*.

Notably, the Judges did not allow for response to the motion, and one business day later, on Monday, January 13, 2020, the Judges issued their *Order Granting MPA’s Motion for Final Distribution of 2010-13 Satellite Royalty Funds*.

The MPA motion, and the Judges’ order, were expressly premised on the finding that Multigroup Claimants appealed the Judges’ Final Distribution Determination, seeking review of certain of the Judges’ interlocutory orders, but that on December 6, 2019 the U.S. Court of Appeals for the District of Columbia Circuit dismissed the appeal in an unpublished per curiam decision, finding that it lacked jurisdiction to entertain Multigroup Claimants’ appeal. According to the Judges’ order, “dismissal of the appeal . . . ends any remaining controversy with regard to the subject funds.”

In fact, the appeal has not concluded, and a controversy remains. On Wednesday, January 15, 2020, Multigroup Claimants filed with the U.S. Court of Appeals its *Petition for Panel Rehearing and/or Petition for En Banc Review*, on the grounds that the per curiam decision irreconcilably contradicted two published decisions of that Court, and was premised on the incorrect assertion that Multigroup Claimants had entered into a “settlement agreement” with the MPA.

One possibility, of course, is that Multigroup Claimants’ petition will be denied, and distribution to the MPA of substantially all of the funds attributable to the program suppliers category will be of no consequence. Another possibility, however, is that the petition will be

granted, the Court will turn to a review of Multigroup Claimants' appeal on the merits, and the 2010-2013 cable/satellite "distribution" proceeding will be remanded for further proceedings. In such event, a significant possibility exists that there will ultimately be a substantial difference between the respective parties' percentage awards from that set forth in the Final Distribution Determination. Given such possibility, it would be imprudent to distribute to MPA substantially all of the 2010-2013 satellite royalty funds in the program suppliers category, as will occur if the Judges' order is actually implemented. In fact, the identical reason for not previously issuing a distribution pursuant to the Final Distribution Determination during the pending appeal continues to apply at this time.

On such grounds, the Judges should immediately vacate their *Order Granting MPA's Motion for Final Distribution of 2010-13 Satellite Royalty Funds*.

Respectfully submitted,

January 16, 2020

\_\_\_\_\_/s/\_\_\_\_\_  
Brian D. Boydston, Esq.  
PICK & BOYDSTON, LLP  
2288 Westwood Blvd., Ste. 212  
Los Angeles, CA 90064

Telephone: (424) 293-0113  
Email: brianb@ix.netcom.com

Attorneys for Multigroup Claimants

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> day of January, 2020, I caused the foregoing to be served on all parties by filing through the eCRB system.

\_\_\_\_\_/s/\_\_\_\_\_  
Brian D. Boydston, Esq.

# Proof of Delivery

I hereby certify that on Thursday, January 16, 2020, I provided a true and correct copy of the MULTIGROUP CLAIMANTS' MOTION FOR ORDER TO VACATE FINAL DISTRIBUTION TO MPA OF 2010-2013 SATELLITE ROYALTY FUNDS to the following:

Canadian Claimants Group, represented by Lawrence K Satterfield, served via Electronic Service at lksatterfield@satterfield-pllc.com

Public Television Claimants (PTC), represented by Ronald G. Dove Jr., served via Electronic Service at rdove@cov.com

SESAC Performing Rights, LLC, represented by Christos P Badavas, served via Electronic Service at cbadavas@sesac.com

National Association of Broadcasters (NAB) aka CTV, represented by David J Ervin, served via Electronic Service at dervin@crowell.com

Settling Devotional Claimants (SDC), represented by Jessica T Nyman, served via Electronic Service at jessica.nyman@pillsburylaw.com

MPAA-Represented Program Suppliers (MPAA), represented by Alesha M Dominique, served via Electronic Service at amd@msk.com

Joint Sports Claimants (JSC), represented by Michael E Kientzle, served via Electronic Service at michael.kientzle@apks.com

Signed: /s/ Brian D Boydston