

COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re

Distribution of Digital Audio Recording
Royalty Funds

CONSOLIDATED

16-CRB-0013-DART-MWF (2012-13)

**ORDER DENYING DAVID POWELL AND CIRCLE GOD NETWORK MOTION
AGREEING TO ROYALTY DISTRIBUTION W/ SETTling PARTIES**

On October 6, 2019, Mr. David Powell, a *pro se* participant in this proceeding who purports to represent “circle god network inc d/b/a david powell” (CGN), filed with the Copyright Royalty Judges (Judges) a “Verified motion for CGN Inc. d/b/a David Powell agreeing yes to 95% and 5% Publishers MWF Royalty Distribution w/ settling parties.” ([Motion](#)). On October 6, 2019, CGN filed a document titled “(Proposed Order) money Judgment Post, Answer Default Granted Judgment claimed for Coercive Relief Damages sought sua sponte and added to all repayment agreement(s) permanently” ([Proposed Order](#)) in relation to the Motion. On October 18, 2019, Broadcast Music, Inc. (BMI), the American Society of Composers, Authors and Publishers (ASCAP), SESAC Performing Rights LLC, formerly SESAC, Inc., (SESAC), and The Harry Fox Agency LLC (HFA and, with BMI, ASCAP, and SESAC, the Settling Claimants) filed a response in opposition to the Motion ([Opposition](#)). CGN filed its reply on October 20, 2019 ([Reply](#)).¹

The Settling Claimants argue that, to the extent that the Motion can be interpreted as opposing the partial distribution of 2012-13 DART Musical Works Fund Royalties, the Motion is untimely, as the partial distribution occurred in 2017 and the Judges issued a notice seeking comment in May 2016. *See* Opposition at 1. Moreover, CGN was not a party to the Settling Claimants’ [Motion for Partial Distribution](#) (Apr. 8, 2016) that resulted in that 2017 partial distribution. *See* Opposition at 2. The Settling Claimants add that the Motion presents no basis for revisiting the Judges’ approval of the partial distribution of the 2012-2013 DART Musical Works Fund Royalties or for granting any of the requests for relief set forth in the Proposed Order. The Settling Claimants assert that CGN has not demonstrated entitlement to any DART Musical Works Fund royalties for the Publishers’ Subfund, either in the Motion, or in any prior DART proceeding since the Audio Home Recording Act was enacted in 1992. *See* Opposition at 1-2. The Settling Claimants conclude that the Motion should also be denied because it is “incoherent.” Opposition at 2.

CGN’s Reply contains no arguments or evidence that the Judges are able to discern which have any bearing on the issues raised in the Motion or the Opposition. *See generally* Reply.

¹ Mr. Powell’s document was captioned “Immediate Breach Counterclaim rebut to Joint Opposition settling parties False Statements and Sham Exception 10-18-19 letter Sua Sponte Coercive Relief Damages Granted.” The Judges deem it to be his Reply in support of the Motion.

The Judges determine that neither the Motion nor the Reply presents any evidence, authority or cogent arguments that would cause the Judges to revisit the 2017 partial distribution of 2012-13 DART Musical Works Fund Royalties.

For the foregoing reasons, the Motion is **DENIED**.

SO ORDERED.

Jesse M. Feder
Chief Copyright Royalty Judge

DATED: January 24, 2020.