

Before the
COPYRIGHT ROYALTY JUDGES
Washington, DC

DISTRIBUTION OF)
SATELLITE ROYALTY FUNDS)
_____)

NO. 14-CRB-0011-SD (2010-13)

**MOTION OF THE JOINT SPORTS CLAIMANTS AND COMMERCIAL TELEVISION
CLAIMANTS TO CLARIFY ORDER GRANTING SDC'S MOTION FOR FINAL
DISTRIBUTION OF 2010-13 SATELLITE ROYALTY FUNDS**

The undersigned representatives of the Joint Sports Claimants (“JSC”) and Commercial Television Claimants (“CTV”) file this motion to update the Copyright Royalty Judges’ (“Judges”) regarding their Motion for Final Distribution of 2010-13 Satellite Royalties (“Motion”) and to request clarification regarding the path forward.

The deadline for objecting to the Motion has passed, and no objections have been filed. Nor could any party validly object to the distribution requested in the Motion. No other party ever filed a Distribution Phase claim to Commercial Television royalties. Only one entity, Multigroup Claimants (“MGC”), attempted to claim Joint Sports royalties, but that claim has been rejected by the Judges and the United States Court of Appeals for the District of Columbia Circuit. Just this week, the D.C. Circuit denied MGC’s requests for rehearing and en banc review of its order dismissing MGC’s appeal of this issue. *Multigroup Claimants v. Copyright Royalty Bd.*, No. 18-1338, Doc. Nos. 1819031, 1827230, and 1827231 (D.C. Cir.). Accordingly, the Motion should be granted.

Additionally, JSC and CTV respectfully request clarification regarding the intersection between their Motion and the Judge’s January 13, 2020 Order Granting Settling Devotional Claimants’ Motion for Final Distribution of 2010-13 Satellite Royalty Funds (“Order”). The Order, which was issued prior to the filing of the Motion, requires that all parties, including JSC

and CTV, provide the Licensing Division with confidential information concerning their shares of the 2010-13 satellite royalty funds, as well as confidential shares of past partial distributions, on or before February 27, 2020. Order at 2.¹ However, as explained in the subsequently filed Motion, information regarding the JSC and CTV settlement shares is unnecessary in order for the Licensing Division to calculate the final distribution of 2010-13 satellite royalties to JSC and CTV. Motion at 1-2. The Allocation Phase Parties have agreed to a sum-certain joint final distribution to JSC and CTV in the amount of \$101,391,574.98, to be adjusted for certain changes in the funds subsequent to November 30, 2019. Motion at 4.

Likewise, information about JSC and CTV's settlement shares, and shares of prior partial distributions, is unnecessary for the Licensing Division to calculate the final distribution of royalties to the Settling Devotional Claimants ("SDC"). Under the Order, SDC will inform the Licensing Division of the confidential settlement share for the Devotional category and the amounts of past partial distributions to SDC. That information is sufficient for the Licensing Division to calculate the final distribution to SDC, including any "allocati[on of] interest and expenses within the Devotional category." Order at 2.

Accordingly, JSC and CTV respectfully request that the Judges grant their Motion, order prompt distribution to JSC and CTV, and clarify that JSC and CTV need not file confidential information regarding their settlement shares or shares of previous partial distributions with the Licensing Division.

¹ The Judges have also issued an order concerning the final distribution of 2010-13 satellite royalties to the Motion Picture Association. *See* Order Granting MPA's Motion for Final Distribution of 2010-13 Satellite Royalty Funds, 14-CRB-0011-SD (2010-13) (Jan. 13, 2020) ("MPA Order"). The MPA Order contained the same requirement, but has been stayed. *See* Order Staying Order of Final Distribution of 2010-13 Satellite Royalty Funds to MPA, 14-CRB-0011-SD (2010-13) (Jan. 16, 2020).

Respectfully submitted,

JOINT SPORTS CLAIMANTS

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Dated: February 7, 2020.

Proof of Delivery

I hereby certify that on Friday, February 07, 2020, I provided a true and correct copy of the Motion of JSC and CTV to Clarify Order Granting SDC's Motion for Final Distribution of 2010-13 Satellite Royalty Funds to the following:

Multigroup Claimants, represented by Brian D Boydston, served via Electronic Service at brianb@ix.netcom.com

Major League Soccer, LLC, represented by Edward S. Hammerman, served via Electronic Service at ted@copyrightroyalties.com

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

Spanish Language Producers, represented by Brian D Boydston, served via Electronic Service at brianb@ix.netcom.com

Broadcast Music, Inc., represented by Jennifer T. Criss, served via Electronic Service at jennifer.criss@dbr.com

Settling Devotional Claimants, represented by Benjamin S Sternberg, served via Electronic Service at ben@lutzker.com

MPA-Represented Program Suppliers, represented by Gregory O Olaniran, served via Electronic Service at goo@msk.com

Signed: /s/ Michael E Kientzle