

Before the  
COPYRIGHT ROYALTY JUDGES  
Washington, D.C.

In the Matter of	)	
	)	
Distribution of	)	CONSOLIDATED DOCKET NO.
<u>Cable Royalty Funds</u>	)	14-CRB-0010-CD/SD
	)	(2010-2013)
In the Matter of	)	
	)	
Distribution of	)	
<u>Satellite Royalty Funds</u>	)	
	)	
In the Matter of	)	CONSOLIDATED DOCKET NO.
	)	14-CRB-0011-SD
Distribution of	)	(2010-2013)
<u>Satellite Royalty Funds</u>	)	

**MULTIGROUP CLAIMANTS’ OPPOSITION TO MPA MOTION TO  
LIFT STAY OF FINAL DISTRIBUTION ORDER**

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On Friday, February 7, 2020, the Judges issued their *Order for Accelerated Briefing*, directing Multigroup Claimants to respond to *MPA-Represented Program Suppliers' Motion to Lift Stay of Final Distribution Order* no later than Tuesday, February 11, 2020. Multigroup Claimants responds as follows.

As the MPA motion and the Judges' *Order* both acknowledge, the Judges' prior stay of final distribution was in response to Multigroup Claimants' filing of its *Petition for Panel Rehearing and/or Petition for En Banc Review* with the U.S. Court of Appeals for the District of Columbia Circuit.<sup>1</sup> Multigroup Claimants' *Petition* to the Court of Appeals was denied on February 5, 2020, and the MPA now seek a lift of the stay of final distribution.

As the Judges may take judicial notice of, Multigroup Claimants' *Petition* was for a rehearing and/or en banc review of the Court of Appeals decision issued December 6, 2019. As expressly set forth in such Court of Appeals decision, the Court of Appeals dismissed Multigroup Claimants' appeal on the grounds that the Court of Appeals "lacked jurisdiction" to hear the merits of Multigroup Claimants appeal.

At this juncture, Multigroup Claimants is consulting with legal counsel regarding the foregoing matters in order to determine whether it desires to pursue the merits of its objections before a court that has jurisdiction to review such objections. If Multigroup Claimants elects to do so, it will likely occur no later than March 27, 2020. Multigroup Claimants has not yet made

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<sup>1</sup> The MPA filed its *Motion for Final Distribution of 2010-2013 Satellite Royalties* on Friday, January 10, 2020, which was granted by the Judges on Monday, January 13, 2020, prior to Multigroup Claimants' opportunity to respond. Multigroup Claimants filed its *Petition* with the Court of Appeals on January 15, 2020, and its *Motion for Order to Vacate Final Distribution to MPA of 2010-2013 Satellite Royalty Funds* on January 16, 2020. Soon thereafter, and presumably in response to Multigroup Claimants' motion, on January 16, 2020, the Judges issued their *Order Staying Order of Final Distribution of 2010-13 Satellite Royalty Funds To MPA*.

such determination, but is inclined to do so. On such grounds, Multigroup Claimants opposes the MPA motion to lift a stay for order of final distribution.

Notwithstanding the foregoing, in the event that the Judges nevertheless grant a lift of the stay of final distribution to the MPA, despite a likelihood that significant issues surrounding the proceeding remain unresolved, distribution of the applicable 2010-2013 satellite royalties cannot be to only one of the participating parties. Any order for distribution to the MPA mandates distribution to Multigroup Claimants on the same basis, at the same time. That is, an order cannot rationally issue for distribution to only certain parties, and not others, when the predicate of the motion – and the resulting order – is a “final distribution order” for distribution to both parties.

Moreover, in the event that the Judges nevertheless grant a lift of the stay of final distribution to the MPA, certain precautions must be taken. Initially, the same precautions as exist for advance distributions must be set in place, including a representation by both parties that they will return any distributed royalties that are later deemed to have been inappropriately distributed to them.

Finally, Multigroup Claimants observes that the identical bases cited by the Judges in order to accelerate the briefing schedule, requires response by the Judges to Multigroup Claimants’ motion for final distribution from the same royalty pool, for *uncontested* devotional royalties. Multigroup Claimants filed such motion on January 14, 2020, and all briefing thereon was completed on January 16, 2020.

Respectfully submitted,

February 10, 2020

\_\_\_\_\_/s/\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th of February, 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 Monday, February 10, 2020, I provided a true and correct copy of the MULTIGROUP CLAIMANTS' OPPOSITION TO MPA MOTION TO LIFT STAY OF FINAL DISTRIBUTION ORDER to the following:

Joint Sports Claimants (JSC), represented by Michael S Laane, served via Electronic Service at sean.laane@apks.com

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

Settling Devotional Claimants (SDC), represented by Michael A Warley, served via Electronic Service at michael.warley@pillsburylaw.com

Canadian Claimants Group, represented by Victor J Cosentino, served via Electronic Service at victor.cosentino@larsongaston.com

SESAC Performing Rights, LLC, represented by John C. Beiter, served via Electronic Service at john@beiterlaw.com

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

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

Signed: /s/ Brian D Boydston