

Public

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>)	

**MULTIGROUP CLAIMANTS’ EMERGENCY MOTION FOR
REMOVAL FROM PUBLIC RECORD, AND SANCTIONS
AGAINST SDC AND ITS COUNSEL**

Multigroup Claimants hereby submits its *Emergency Motion for Removal from Public Record, and Sanctions Against the Settling Devotional Claimants and its Counsel*.

INTRODUCTION

On February 28, 2020, Multigroup Claimants, an assumed business name of Worldwide Subsidy Group, LLC, filed its *Response to Order to Show Cause*. Therein, Multigroup Claimants designated three exhibits as “Restricted Materials”,

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pursuant to Section III. of the protective orders that, respectively, address the 2010-2013 cable and 2010-2013 satellite proceedings.¹

On March 2, 2020, SDC counsel informed Multigroup Claimants that it objected to the designation of “Restricted Materials”. On March 4, 2020, SDC counsel filed its *Motion to De-Designate Restricted Materials*.

In the event that the SDC took issue with Multigroup Claimants’ designation of restricted materials (and actually had a plausible reason to do so), the proper course of conduct was for the SDC to file a motion to de-designate the restricted materials. Notwithstanding, despite the fact that Multigroup Claimants followed the strict dictate of the protective orders in order to keep confidential its ownership and the transfer of interests thereto, the SDC’s “public version” of its *Motion to De-Designate Restricted Materials* effectively reveals such information, in violation of the protective orders.

A. REDACTED

¹ Such protective orders were both issued on March 31, 2016, and are substantively identical. The two proceedings were subsequently consolidated pursuant to the Judges’ *Order Consolidating Proceedings and Reinstating Case Schedule* (Dec. 22, 2017).

REDACTED

SDC motion at 2 (Section I. heading).

REDACTED

REDACTED

REDACTED

REDACTED

2

REDACTED

² REDACTED

REDACTED

REDACTED

C. THE SDC REFUSED TO WITHDRAW OR FURTHER REDACT THE PUBLIC VERSION OF ITS PLEADING IN ORDER TO OMIT THE RESTRICTED MATERIALS.

The SDC filed its motion on March 4, 2020. Because response thereto was not due until March 18, 2020, and Multigroup Claimants reasonably expected that the SDC would not violate the protective order, counsel did not review the SDC motion until March 12.

Multigroup Claimants immediately recognized that the SDC had violated the protective order by

REDACTED

REDACTED

Exhibit 1.

As the foregoing makes clear, withdrawing the public version of the SDC motion would have no bearing on the Judges' review thereof, only the public access to such private information. Nevertheless, and as Exhibit 1 reflects, the SDC's response reflected a personal animus and positions that simply defy credulity, including the following statements from Mr. MacLean:

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“Especially considering that you never told me what information you wanted to keep confidential or why, in spite of my request, I don't see how I was expected to anticipate what "deduction" somebody might draw on the basis of my filing.”³

REDACTED

Exhibit 1.

During this exchange, the SDC indicated that it would take certain remedial actions but, as the record reflects, *none* were made:

REDACTED

³ REDACTED

REDACTED

“Your purported motive to "prevent fraudulent conveyances" before they have even occurred, is belied by the fact that WSG and MGC have never been alleged to have been engaged in any "fraudulent conveyances" (except perhaps, unsuccessfully by you). Your argument is circular. Your purported interest in "protecting the public"

REDACTED

What is "despicable" is how you frequently and loosely accuse everybody of engaging in "fraudulent" conduct, when literally no evidence of the same exists. That issue will soon be remedied.”

REDACTED

Refusal of you to do it immediately, in light of what has already been brought to your attention, will only be further fodder for sanctions against you and your law firm. Submission of additional unredacted

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pleadings and exhibits that reveal the information we have asserted as "confidential", regardless of whether they were pulled from public records, will similarly only be further fodder for sanctions against you and your law firm.”

CONCLUSION

SDC counsel has asserted that his motion to de-designate restricted materials is based on “the public interest”, the interest of Multigroup Claimants-represented copyright owners, and the need to “prevent fraudulent conveyances”. If genuine, then the statements of SDC counsel set forth in correspondence between the parties reveals an almost bizarre delusion of grandiose.

Multigroup Claimants, however, believes that the SDC’s string of motions repeatedly attacking Multigroup Claimants for matters that all have benign explanations, and repeatedly asserting that they are the product of “fraud” or impending “fraud”, are grounded in the more base motive of peppering the CRB record with allegations of fraud. However, ignoble that strategy, the fact that the SDC and its counsel has now intentionally disregarded the protective orders in effect, and rationalized the disclosure of confidential information on a variety of legal bases that are *prima facie* invalid, warrants sanctions against the SDC and its legal counsel.

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Multigroup Claimants files this motion on an emergency basis, on the grounds that any delay further exposes the restricted materials to the public. To that end, Multigroup Claimants seeks the following:

- that the public version of the SDC's *Motion to De-Designate Restricted Materials* be immediately removed from the eCRB system;
- that the SDC and its legal counsel, specifically Matthew MacLean and the law firm Pillsbury, Winthrop, et al. be formally sanctioned for their violation of the applicable protective orders, in a manner that the Judges deem appropriate; and
- that all recipients of the public version of the SDC motion, including the SDC, be ordered to immediately inform Multigroup Claimants of any non-client persons or entities to whom the motion or its contents were communicated, and provide such communications.

The latter request is not random. As reflected in the SDC's *Further Briefing In Response to Multigroup Claimant's Response to Order to Show Cause*

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This connection

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deems possible, if not likely, that the SDC has already affirmatively passed onto such parties the information appearing in the SDC motion.

Moreover, and as the undersigned was preparing to file this pleading, it received a letter dated March 17, 2020, from the Chapter 7 bankruptcy trustee for the bankruptcy case of Alfred Galaz, indicating that “the bankruptcy estate may have an interest in the subject of this litigation”, and requesting the undersigned to contact him at his earliest opportunity. While Multigroup Claimants is certain that there is no valid interest to be asserted by the bankruptcy trustee, it will only follow after the unnecessary expenditure of attorneys fees that have been provoked as a result of the pleadings filed by the SDC in this matter, including a brief and 791-page appendix filed on March 16, 2020, which gratuitously included documents having nothing to do with the instant matter. What is evident, is that Mr. MacLean has enlisted the unknowing assistance of third parties by making its unsubstantiated accusations, and communicating confidential information that was protected by protective orders to those entities.

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Respectfully submitted,

Dated: March 18, 2020

_____/s/_____
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Attorneys for Independent
Producers Group

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EXHIBIT 1

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**Multigroup Claimants' Emergency Motion for
Removal from Public Record, and
Sanctions Against SDC and its Counsel**

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CERTIFICATE OF SERVICE

I hereby certify that on this 18th of March, 2020, a copy of the foregoing was filed with the eCRB system, and therefore sent by electronic mail to the parties listed on the attached Service List.

_____/s/_____
Brian D. Boydston, Esq.

National Association of Broadcasters (NAB) aka CTV, represented by John Stewart, served via Electronic Service at jstewart@crowell.com.

MPAA-Represented Program Suppliers (MPAA), represented by Lucy H Plovnick, served via Electronic Service at lh@msk.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

Joint Sports Claimants (JSC), represented by Ritchie T. Thomas, served via Electronic Service at ritchie.thomas@squirepb.com.

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

Proof of Delivery

I hereby certify that on Wednesday, March 18, 2020, I provided a true and correct copy of the Multigroup Claimants' Emergency Motion For Removal From Public Record, And Sanctions Against Sdc And Its Counsel to the following:

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

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

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

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

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

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

Signed: /s/ Brian D Boydston