

Before the  
COPYRIGHT ROYALTY JUDGES  
Washington, D.C.

In the Matter of	)	
	)	
Distribution of 2000, 2001, 2002	)	Docket No. 2008-2 CRB CD
And 2003 Cable Royalty Funds	)	2000-2003 (Phase II) (Second
	)	Remand)
_____	)	

**INDEPENDENT PRODUCERS GROUP’S EMERGENCY  
MOTION FOR ORDER TO COMPEL LICENSING DIVISION  
COMPLIANCE WITH JANUARY 9 ORDER, AND  
FINAL DISTRIBUTION OF ROYALTIES**

On October 1, 2019, Worldwide Subsidy Group LLC (a Texas limited liability company) dba Independent Producers Group ("IPG") filed its *Motion Requesting Order to Compel Release of Information by Licensing Division*. Such motion was the product of several emails over several months, requesting that the Copyright Office Licensing Division provide information relating to the 2000-2003 cable royalties for the devotional programming category, including information relating to collected amounts, distributed amounts, and interest derived from the investment of non-distributed royalties in “interest-bearing United States securities” (pursuant

to 17 U.S.C. Section 111(d)(2)). As noted in such motion, the Licensing Division had refused to provide the requested information, or even respond to IPG's requests for such information.

On January 9, 2020, the Judges issued their *Order Granting SDC Motion for Final Distribution*, wherein the Judges ordered final distribution of the subject royalties for the devotional programming category. In such ruling, the Judges stated that the ruling rendered "moot" IPG's *Motion Requesting Order to Compel Release of Information by Licensing Division*. See *Order* at 7.

According to the Judges' January 9, 2020 *Order*, the Judges:

"[A]uthorize the distribution of those royalty fees to the SDC and IPG in amounts to be calculated by the Licensing Division . . . The Judges will issue an order of final distribution of 2000-2003 cable royalties in due course *once the Licensing Division has completed its computations apportioning interest and expenses between the SDC and IPG.*"

*Order* at 5.

Notably, following the January 9 *Order*, the Judges issued two orders in a different proceeding, each directing the SDC and MPA to provide information "to the Licensing Division no later than February 27, 2020",

such that the Licensing Division can complete its computations, and that final distribution “shall take place on or after March 5, 2020.”<sup>1</sup>

On March 6, 2020, IPG reached out to the Licensing Division and CRB counsel, inquiring as to the status of its calculations, and in the correspondence that followed, IPG articulated the information above. The only response came from CRB counsel (rather than the Licensing Division) on March 9, 2020, when IPG was informed:

“I have inquired and was told that Licensing expects that the calculations necessary for a distribution will be completed by the end of this month.”

The task of the Licensing Division in the current proceeding, was directed *prior* to the other proceedings, and the Licensing Division required no information to fulfill its task. The accurate suggestion of the subsequent orders is that even more complex calculations can be performed in a week. Notwithstanding, after eleven (11) weeks, the Licensing Division *still* has

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<sup>1</sup> See *Order Granting Settling Devotional Claimants’ Motion for Final Distribution of 2010-2013 Satellite Royalty Funds* at 2 (January 13, 2020), and *Order Granting MPA’s Motion for Final Distribution of 2010-2013 Satellite Royalty Funds* at 2 (January 13, 2020).

not completed such task, *still* refuses to provide any information to IPG, and final distribution of royalties held for two decades has *still* not been ordered.

Presumably, the Judges' January 9 *Order* did not connote that the Licensing Division had an open calendar to provide its computations at its whim. Despite the fact that such computations would likely take no more than a few minutes to calculate, and despite the fact that nearly three months have already passed since the January 9 *Order*, the Licensing Division evidently needs to be explicitly directed to immediately provide such computations in order that the subject royalties – which have been held for up to two decades – be distributed immediately. Failure of the Licensing Division to engage in such computations, which is exclusively under its purview and for which the Licensing Division is under a statutory edict to assist the Judges (see 17 U.S.C. § 801(d)), is the equivalent of outright disregard of the Judges' *Order* and statutory law.

## CONCLUSION

For the reasons set forth above, IPG requests that the Judges issue an order directing the Licensing Division to engage in the computations

necessary to identify the royalties allocable to IPG and the Settling Devotional Claimants in this proceeding, as already directed by the January 9 Order, and that such computations be provided to the Judges no later than Tuesday, March 31, 2020.

Respectfully submitted,

Dated: March 26, 2020

\_\_\_\_\_/s/\_\_\_\_\_  
Brian D. Boydston, Esq.  
California State Bar No.155614

PICK & BOYDSTON, LLP  
2288 Westwood Blvd., Ste. 212  
Los Angeles, California 90064  
Telephone: (424)293-0111  
Email: brianb@ix.netcom.com

Attorneys for Independent  
Producers Group

## CERTIFICATE OF SERVICE

I hereby certify that on this March 26 2020, a copy of the foregoing was electronically filed and served on the following parties via the eCRB system.

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

### **DEVOTIONAL CLAIMANTS:**

Matthew MacLean  
Michael Warley  
Jessica Nyman  
Pillsbury, Winthrop, et al.  
1200 17<sup>th</sup> Street, NW  
Washington, D.C. 20036

# Proof of Delivery

I hereby certify that on Thursday, March 26, 2020, I provided a true and correct copy of the Independent Producers Group's Emergency Motion For Order To Compel Licensing Division Compliance With January 9 Order, And Final Distribution Of Royalties to the following:

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

Signed: /s/ Brian D Boydston