

Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
The Library of Congress

In the Matter of:

Determination of Rates and Terms for Digital
Performance of Sound Recordings and
Making of Ephemeral Copies to Facilitate
Those Performances (*Web V*)

Docket No. 19-CRB-0005-WR
(2021-2025)

NOTICE REGARDING WAIVER OF FACT WITNESS APPEARANCE AT TRIAL

On June 10, 2020, the Copyright Royalty Judges' ("Judges") issued their Order on Hearing Schedule and Related Prehearing Matters (the "Order"). Pursuant to Paragraphs 13 and 14 of the Order, the Participants¹ submit this notice to identify fact witnesses for whom they agree to waive direct and cross-examination. Subject to Paragraph 14 of the Order, which provides that this notification shall be non-binding, the undersigned participants request the appearance of the following witnesses be waived at trial:

- John Strohm (President of Rounder Records)
- Arpan Agrawal (Global Finance Lead for Content & Partners at YouTube)

¹ Collectively, (a) Google LLC ("Google"), (b) the National Association of Broadcasters ("NAB"), (c) the National Religious Broadcasters Noncommercial Music License Committee and Educational Media Foundation ("NRBNMLC"), (d) Pandora Media, LLC ("Pandora"), (e) Sirius XM Radio Inc. ("Sirius XM"), and (f) SoundExchange, Inc., American Federation of Musicians of the United States and Canada, Screen Actors Guild-American Federation of Television and Radio Artists, American Association of Independent Music, Sony Music Entertainment, UMG Recordings, Inc., Warner Music Group Corp., and Jagjaguwar Inc ("SoundExchange").

Notice Regarding Waiver of Fact Witnesses at Trial

- Dan Pifer (Compliance Strategy and Operations Lead at Google)

The participants will continue to meet and confer about whether they consent to waiving the examinations of additional fact witnesses and will timely notify the Judges if any further agreement is reached.

Date: June 26, 2020

Respectfully submitted,

By: /s/ David Handzo

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Counsel for Educational Media Foundation

Proof of Delivery

I hereby certify that on Friday, June 26, 2020, I provided a true and correct copy of the Notice Regarding Waiver of Fact Witness Appearance at Trial to the following:

Sirius XM Radio Inc., represented by Lucas F Tesoriero, served via ESERVICE at lucas.tesoriero@weil.com

Pandora Media, LLC, represented by Lucas F Tesoriero, served via ESERVICE at lucas.tesoriero@weil.com

National Association of Broadcasters, represented by Caroline Esser, served via ESERVICE at caroline.esser@lw.com

Google Inc., represented by Jason B Cunningham, served via ESERVICE at bcunningham@kslaw.com

National Religious Broadcasters Noncommercial Music License Committee, represented by Karyn K Ablin, served via ESERVICE at ablin@fhhlaw.com

Educational Media Foundation, represented by Jennifer Tatel, served via ESERVICE at jtatel@wbklaw.com

iHeartMedia, Inc., represented by John Thorne, served via ESERVICE at jthorne@kellogghansen.com

Signed: /s/ David A. Handzo