

Before the
COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re

**DISTRIBUTION OF CABLE
ROYALTY FUNDS**

**CONSOLIDATED DOCKET NO.
14-CRB-0010-CD/SD
(2010-13)**

**DISTRIBUTION OF SATELLITE
ROYALTY FUNDS**

**SETTLING DEVOTIONAL CLAIMANTS' OPPOSITION TO MULTIGROUP
CLAIMANTS' EMERGENCY MOTION FOR REMOVAL FROM PUBLIC RECORDS
AND SANCTIONS AGAINST SDC AND ITS COUNSEL (De-Designated)**

The Settling Devotional Claimants (“SDC”) oppose the motion for removal from public records and for sanctions filed by “Multigroup Claimants, an assumed business name of Worldwide Subsidy Group, LLC.” Because the only party in this proceeding by the assumed business name of “Multigroup Claimants” is Alfred Galaz, Worldwide Subsidy Group is not a “party” under the Protective Order, and has no standing to designate “Restricted” information or to file a motion. But even if it had standing, the motion should be denied.

The SDC filed a public redacted version of their Motion to De-Designate Restricted Materials (Mar. 4, 2020) with all Restricted information redacted, as the SDC were required to do. *See* Protective Order (Mar. 31, 2016) § V.C(2) (“When a party includes Restricted material in filings with the Judges, the party shall file simultaneously ... redacted papers for inclusion in the Judges’ public record ...”). Although the Judges’ regulations permit the filing of documents subject to a protective order as “restricted” documents, there is no authority permitting a party to file non-Restricted information under seal. *See* 37 C.F.R. § 303.5(i). Therefore, the SDC limited their redactions to the information that Multigroup Claimants had designated as “Restricted,” and did not redact public information.

[REDACTED]

Multigroup Claimants does not identify any “Restricted” information in the public redacted version of the SDC’s motion. Rather, Multigroup Claimants seems to contend that the redacted version of the SDC’s motion reveals publicly available information that would allow a reader, through a chain of inferences and speculation, to guess at information contained in “Restricted” documents. It is not the SDC’s responsibility to file public information under seal based on what somebody else might speculate. To the extent that somebody might be able to guess who currently claims ownership of Worldwide Subsidy Group and the assets of Multigroup Claimants, that is only because publicly available information already shows Ryan Galaz’s deep involvement as a beneficiary of a flow of assets formerly in the possession of Worldwide Subsidy Group.

The SDC’s abided by the Judges’ orders and regulations, including by redacting “Restricted” information and by filing non-Restricted information publicly. There is no basis to remove the public version of the SDC’s motion from the public record, and there is no basis for sanctions.

I. “Multigroup Claimants, an assumed business name of Worldwide Subsidy Group, LLC” Cannot Designate “Restricted” Information and Has No Standing to File a Motion.

The public portion of Multigroup Claimants’ motion states, “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’” Motion at 1-2.

But “Multigroup Claimants, an assumed business name of Worldwide Subsidy Group, LLC,” is not a party to this proceeding. The only party in this proceeding by the assumed business name of “Multigroup Claimants” is Alfred Galaz, who publicly claims that he no longer



owns the assets formerly associated with “Multigroup Claimants.” Worldwide Subsidy Group registered the assumed business name of “Multigroup Claimants” on January 6, 2020, (App. 130)¹ but Worldwide Subsidy Group has not moved to substitute itself in Alfred Galaz’s place. Therefore, Worldwide Subsidy Group, under any name, is not among the “parties” who are entitled to designate “Restricted” information under the Protective Order (*see* Protective Order § I, defining “parties”). Multigroup Claimants’ motion should be denied on this basis alone, without any need to reach the merits. *See* Order on Motion of SDC for Appropriate Relief, No. 2008-1 CRB CD 98-99 (Phase II) (July 15, 2014) (denying SDC motion to clarify duties under protective order because the designating party had not moved to intervene).

II. “Multigroup Claimants, an assumed business name of Worldwide Subsidy Group, LLC” Has Waived Any Claim of Confidentiality.

Relatedly, the public allegation that Worldwide Subsidy Group is “Multigroup Claimants” contradicts the very information that Multigroup Claimants contends is “Restricted.” The “Transfer of Ownership Interests” dated “[e]ffective” January 1, 2018, does not purport to convey the assets associated with Multigroup Claimants to Worldwide Subsidy Group. App. 10. It purports to convey the assets to Ryan Galaz. *Id.* If the Transfer of Ownership is genuine, then Ryan Galaz, and not Worldwide Subsidy Group, is the sole owner of whatever contractual right Alfred Galaz previously had to represent the claimants under the name “Multigroup Claimants.”

As with waiver of attorney-client privilege through selective disclosure, Worldwide Subsidy Group should not be permitted to make a tendentious public disclosure while keeping conflicting information “Restricted.” *In re Sealed Case*, 676 F.2d 793, 818 (D.C. Cir. 1982) (“[S]elective disclosure for tactical purposes waives the privilege. . . . Courts need not permit

¹ “App.” citations are to the Appendix to the SDC’s Response to Multigroup Claimants’ Response to Order to Show Cause.



hide-and-seek manipulation of confidences”). The Judges should find that Worldwide Subsidy Group, having made a selective public representation about its identity as “Multigroup Claimants,” has waived any right of confidentiality.

III. The Public Version of the SDC’s Motion Does Not Reveal Restricted Information.

The SDC’s header to Section I of their Motion to De-Designate, stating that “Multigroup Claimants and Worldwide Subsidy Group Have No Legitimate Interest in Keeping the Identities of Their Owners Confidential,” reveals no Restricted information. A party filing information under seal is required to provide “a description of the material sufficient to permit any entity not entitled to view the Restricted material (Reviewing Party) to challenge the designation of the material as ‘Restricted.’” Protective Order § V.C(3)(c). Information revealing only the general subject matter of Restricted documents cannot be Restricted. As one court recently put it while chastising counsel for overexuberant redactions:

One supposes an attorney taking a belt and suspenders approach might feint-heartedly redact [certain descriptive information], thinking that even a peripheral reference to the subject matter of a confidential snippet of information cannot be available for public view. But that’s along the lines of thinking that mentioning someone had a conversation with an attorney, as opposed to the substance of that conversation, is privileged. Of course it’s not.

See Motorola Solutions, Inc. v. Hytera Communications Corp., 367 F. Supp. 3d 813, 816-17 (N.D. Ill. 2019); *see also* Order Granting the SDC’s Motion to Compel, No. 14-CRB-0011-SD (2010-13) (July 18, 2019) (“[W]ithout supporting authority - CTV argues that even an order requiring CTV to state whether or not the requested documents even ‘exist’ would be an invasion of the ‘privilege.’ ... [T]he Judges reject CTV’s extraordinary argument”).

Aside from the header, Multigroup Claimants identifies four passages on three different pages that it alleges reveal “Restricted” information:

[REDACTED]

SDC Motion at 4:

Alfred Galaz has already publicly disclosed that he conveyed his interest in Worldwide Subsidy Group on January 1, 2018 [REDACTED]
[REDACTED], although he claimed in his bankruptcy petition that the conveyance was to his ex-wife, Ruth Galaz:

There is no reason why [REDACTED] in Exhibit G should be confidential. As with Exhibit F, above, Worldwide Subsidy Group was required to disclose its members in its public information report (notwithstanding the fact that Worldwide Subsidy Group’s public information report for 2018, apparently signed by Alfred Galaz as “Member” on June 23, 2018, does not identify [REDACTED]).

SDC Motion at 5:

multiple Copyright Royalty Board proceedings. Under Massachusetts law, [REDACTED]
[REDACTED], a person conducting business under an assumed name is required to file a certificate publicly in the city or town where the person does business. *See* Mass. Gen. Law ch. 110 § 5:

SDC Motion at 10:

[REDACTED]

Multigroup Claimants, Worldwide Subsidy Group, and the Galaz family cannot permissibly use the Judges' Protective Order to create one narrative in public (whether true or false) while advancing a different and contradictory narrative in restricted filings (whether true or false). The documents concerning transfers of interests in Worldwide Subsidy Group and Multigroup Claimants should be publicly available, and may the truth eventually prevail.

These passages do not reveal anything that is not already public.

The factual assertions in the first passage are that “Alfred Galaz has already publicly disclosed that he conveyed his interest in Worldwide Subsidy Group on January 1, 2018,” and that “he claimed in his bankruptcy petition that the conveyance was to his ex-wife, Ruth Galaz.” Alfred Galaz disclosed this information on his public bankruptcy petition, which there was no authority for the SDC to redact. App. 114. The Protective Order specifically excludes information that is in the “public records” of any federal or state government agency or that becomes “legitimately, public information.” Protective Order § IV.

Multigroup Claimants does not dispute that these disclosures were public, but rather claims that by use of the word “although,” the SDC “make evident that that a discrepancy exists between the assignee identified in a former owner’s bankruptcy petition, and Multigroup Claimants’ current owner” Motion at 3. First, the passage does not relate to the “owner” of Multigroup Claimants, and instead relates to the owner of Worldwide Subsidy Group. The SDC are not required to accept Multigroup Claimants’ repeated representation that it is now a pseudonym of Worldwide Subsidy Group, which specifically conflicts with the very information that Multigroup Claimants is trying to keep under seal.



Second, the word “although” does not contain the information that Multigroup Claimants believes the public would infer. “Although” does not necessarily imply a contradiction with the name “Ruth Galaz,” but only something that might be contrary to expectations. *See, e.g., Merriam-Webster.com* (“They are good friends, *although* they don’t see each other very often.”). It is only because Multigroup Claimants is aware of the content of the “Transfer of Ownership Interest” dated December 31, 2017, that it knows that Alfred Galaz’s identification of Ruth Galaz as the owner is directly contradicted. Without already knowing the content of the “Transfer of Ownership Interest,” the meaning of the word “although” can only be guessed.

Third, even if the word “although” were sufficient to reveal that Alfred Galaz’s identification of Ruth Galaz as the transferee was false, Multigroup Claimants has no legitimate confidentiality interest in publicly presenting false information as true. Alfred Galaz, the actual party currently before the Judges, has testified that he “presume[s]” that the only reason Ruth Galaz was identified instead of Ryan Galaz is that his bankruptcy attorney made an error. Alfred Galaz Declaration (Mar. 22, 2020) ¶ 5. If it was an error, he should have corrected it, both in the bankruptcy court and before the Judges. He has no right to keep the fact that there was an error confidential. At most, the passage reveals nothing more than that there may be a dispute over the accuracy of public information – a dispute that was thoroughly revealed in public documents long before Multigroup Claimants provided the “Transfers of Ownership Interests.” It does not reveal the content of Restricted information.

The second passage is similar. It states Texas law requiring Worldwide Subsidy Group to identify its members on its public information reports, and it states that the public information report for 2018 does not identify ... somebody or something. But, without knowing what is redacted, a reader can only speculate as to who or what was not identified, or why the SDC

[REDACTED]

would believe some identification should or would have been made. Alfred Galaz has publicly testified that Worldwide Subsidy Group’s 2018 public information report does not accurately identify its members (App. 134), and Multigroup Claimants has since made public that both the 2018 and 2019 public information reports “erringly identif[y] Alfred Galaz and Ruth Galaz as ‘partners’ and ‘directors.’” Multigroup Claimants’ Opposition to SDC’s Motion to De-Designate at 18 (public). As with Alfred Galaz’s bankruptcy petition above, Worldwide Subsidy Group has no legitimate confidentiality interest in publicly presenting false information as true. Again, the passage reveals, at most, the presence of an issue as to the accuracy of public information, not the content of any Restricted information.

The third passage reveals no facts at all. It reveals only the content of Massachusetts law, which is public. Without the redacted information, a reader can only speculate why the SDC believe Massachusetts law might apply, instead of Texas law as Multigroup Claimants has argued publicly. *See* Multigroup Claimants’ Opposition to SDC’s Motion for Order to Show Cause (Jan. 9, 2020) at 5. (For what it is worth, Texas law, like Massachusetts law, also requires a person or entity doing business under an assumed name to file an assumed name certificate. *See* Tex. Bus. & Comm. Code, tit. 5, §§ 71.015 and 71.101.)

Multigroup Claimants argues, in essence, that the identification of Massachusetts law can relate only to one person – Ryan Galaz – because, according to Multigroup Claimants, Ryan Galaz is the only Galaz with any connection to Massachusetts. If that is true, it is more than the SDC know. It is certainly more than any reader would know without knowledge of Restricted information. Even knowledge of the fact that Ryan Galaz resides in Massachusetts, which is public information, would not be sufficient to identify Ryan Galaz as an individual claiming ownership in Multigroup Claimants. There are any number of reasons why people from

[REDACTED]

anywhere in the country or the world might choose to do business in Massachusetts, a great and sovereign state with a population of almost 6.9 million people, according to U.S. Census Bureau estimates. <https://www.census.gov/quickfacts/MA> (visited Mar. 20, 2020).

Nevertheless, when Multigroup Claimants' counsel contacted the SDC's counsel about Multigroup Claimants' contention that the SDC's public filing had revealed Restricted information, the SDC disagreed, but offered to file a revised public version redacting the reference to Massachusetts law, if that would resolve the issue. Motion at Ex. 1. Multigroup Claimants' counsel rejected the offer. *Id.*

Finally, the fourth passage also does not reveal Restricted information. With the sole exception of Raul Galaz's former business partner, Marian Oshita, who no longer claims an interest in Worldwide Subsidy Group, every publicly identified past or present member of Worldwide Subsidy Group is a current or former family member of Worldwide Subsidy Group's founder, Raul Galaz: Alfred Galaz (father), Ruth Galaz (mother), Denise Vernon (sister), Lisa Katona Galaz (ex-wife). According to Worldwide Subsidy Group's most recent public information reports, Worldwide Subsidy Group is owned by Alfred Galaz and Ruth Galaz. App. 144. According to Alfred Galaz's publicly filed bankruptcy petition, Worldwide Subsidy Group is owned by Ruth Galaz. App. 114. As recently as January 6, 2020, Ruth Galaz signed an assumed name certificate on Worldwide Subsidy Group's behalf as an "officer, general partner, manager, representative or attorney-in-fact." App. 130. Ryan Galaz, Raul Galaz's son, testified publicly that Worldwide Subsidy Group is "a company that has been operated by my family." App. 698. The SDC's reference to the "Galaz family" reveals nothing that is not already public.

Aside from these four passages in the SDC's Motion to De-Designate, Multigroup Claimants also claims that the SDC revealed Restricted information by attaching Exhibits 5 and



6, which are *public* records showing, among other things, that Ryan Galaz is an owner of RTG, LLC, and that Worldwide Subsidy Group conveyed a condominium to RTG, LLC, valued at \$362,066.00, for no consideration. Public testimony by Ryan Galaz and other land records further establish that Raul Galaz lived in the condominium while it was owned by Worldwide Subsidy Group, that RTG, LLC and the assets it has received from Worldwide Subsidy Group are controlled in part by Raul Galaz (regardless of whether documents describing him as an “Authorized Member” of RTG are in error), and that Worldwide Subsidy Group has also conveyed to RTG, LLC undocumented “loans” totaling between \$900,000 and \$1,391,199.31. App. 300-24, 328, 695, and 698. Neither document identifies Ryan Galaz as an owner of either Worldwide Subsidy Group or Multigroup Claimants. If any reader were to speculate based on these documents that Ryan Galaz *might* be an owner of Worldwide Subsidy Group or Multigroup Claimants, it is only because they so clearly demonstrate a pattern of potentially fraudulent conveyances nominally for Ryan Galaz’s benefit. That is a matter of public record, not of any Restricted information.

IV. Counsel Are Not Free to File Non-Restricted Information Under Seal.

Contrary to Multigroup Claimants’ apparent supposition, counsel are not free to file non-Restricted information under seal, even in an abundance of caution, without a good faith basis to do so. The Protective Order itself reiterates the “strong presumption in favor of the public interest in access to the records of the subject proceeding.” Protective Order § II; *see also EEOC v. Nat’l Children’s Ctr.*, 98 F.3d 1406, 1409 (D.C. Cir. 1996) (“[T]he starting point in considering a motion to [un]seal court records is a ‘strong presumption in favor of public access to judicial proceedings.’” (quoting *Johnson v. Greater Southeast Community Hosp. Corp.*, 951 F.2d 1268, 1277 (D.C. Cir. 1991))). “Simply asserting ... that something should be filed under



seal is not enough. Even the agreement of the parties will not justify the entry of a protective order that ought not otherwise be entered.” *Motorola Solutions*, 367 F. Supp. 3d at 816. As noted above, counsel are and should be subject to chastisement, or possibly worse, for making unwarranted redactions in publicly filed documents. *Id.* at 816-17 (chastising counsel for “feint-heartedly redact[ing]” descriptive information about confidential documents).

A party producing Restricted information in discovery is required to “mark Restricted portions with highlighting or brackets and shall do so to *the narrowest extent possible to maintain confidentiality.*” Protective Order § V.A (emphasis added); *see also* Order Denying MPAA Motion to Strike Testimony of IPG Witness, Dr. Robinson, Nos. 2012-6 CRB CD 2004-09 (Phase II), 2012-7 CRB SD 1999-2009 (Phase II) (July 30, 2014) at 5 (“To be consistent with this public interest the limitations on use and disclosure of information imposed by the Protective Order should be tailored as narrowly as possible while still protecting against the business or competitive harm the Protective Order was intended to prevent.”). As noted above, parties filing pleadings that contain Restricted material are required simultaneously to file “redacted papers for inclusion in the Judges’ public record,” the clear implication being that only Restricted information may be redacted, to the narrowest extent possible. *Id.* at § V.C.2.

Therefore, the parties have duties *both* to redact Restricted information *and* to file non-Restricted information publicly. Even if reasonable minds might differ as to where to draw the line in particular circumstances, the SDC’s counsel discharged both duties reasonably.

V. Any Disclosure of Restricted Information Was Unintentional, and Does Not Warrant Sanctions.

The SDC complied with the Protective Order, and they redacted all Restricted information from the public version of their Motion to De-Designate. But even if the Judges were to find that further redactions were required to prevent the public from drawing possible

[REDACTED]

inferences about Restricted information, any breach of confidentiality by the SDC was unintentional. Sanctions are not warranted.

Multigroup Claimants alleges that the SDC's "true purpose ... was to find a means to expose the very information that Multigroup Claimants deemed confidential, a blatant breach of the protective orders. No reasonable person could conclude otherwise." Motion at 6. But the only support that Multigroup Claimants offers for this allegation are its contentions that the SDC's citation to Massachusetts law "had zero application to the issue at hand," that Exhibits 5 and 6 to the SDC's motion were "irrelevant," and that the SDC made a "fraudulent misrepresentation" of the Texas law requiring the filing of a public information report identifying Worldwide Subsidy Group's members. *Id.* at 5-9. Multigroup Claimants is entitled to its opinions, but it is wrong on the law and the facts.

Multigroup Claimants asserts that Massachusetts law, which requires a person using an assumed business name to file a public certificate, has "zero application" in this case, because, Multigroup Claimants claims, Multigroup Claimants is "a dba of a Texas limited liability company." But this is the very assertion that the "Transfer of Ownership Interests" dated January 1, 2018, contradicts. While Multigroup Claimants publicly holds itself out to be a dba of Worldwide Subsidy Group, it has submitted Restricted information suggesting that it is a dba of Ryan Galaz. If the Restricted document is genuine, then Massachusetts law would apply, and Ryan Galaz's identity cannot lawfully be kept confidential. This is relevant, particularly to the first and second *Hubbard* factors for determining whether information can be kept under seal, "the need for public access to the documents at issue," and "the extent of previous public access to the documents." *EEOC v. Nat'l Children's Ctr.*, 98 F.3d at 1409 (citing *United States v. Hubbard*, 650 F.2d 293, 317-22 (D.C. Cir. 1980)).

[REDACTED]

Exhibits 5 and 6 to the SDC's motion are also relevant. In addition to showing Ryan Galaz's ownership in RTG, LLC, Exhibit 5 shows the relationship between several of the current or former owners of Worldwide Subsidy Group and Multigroup Claimants, including Raul Galaz, Alfred Galaz, and Ruth Galaz. Exhibit 6 to the SDC's motion does not even mention Ryan Galaz by name. But, in connection with other public evidence, it demonstrates that Worldwide Subsidy Group has expended funds for the personal benefit of Raul Galaz (by purchasing a condominium for him to live in) and that it has made a large conveyance of assets to a company controlled by Raul Galaz and his son for no consideration. As is more fully presented in the SDC's Further Briefing in Response to Multigroup Claimants' Response to Order to Show Cause, this and other similar transactions between Worldwide Subsidy Group and RTG, LLC are practically covered in "badges of fraud." This likely existence of fraud in the collection and spiriting away of copyright royalties is also relevant, particularly to the first *Hubbard* factor, "the need for public access to the documents at issue." *EEOC v. Nat'l Children's Ctr.*, 98 F.3d at 1409. There is a clear public interest in information about where large disbursements from a government agency are going, particularly when indicia of fraud are present.

Finally, Multigroup Claimants is dead wrong in its interpretation of Texas law. Although Multigroup Claimants points out that identification of members of a limited liability company is not expressly listed among the information required by Tex. Tax Code § 171.203(a), Tex. Tax Code § 171.203(b) requires the limited liability company "file the report once a year *on a form prescribed by the comptroller*" (emphasis added). The form prescribed by the comptroller requires the limited liability company to identify the "[n]ame, title and mailing address of each ... *member* ..." of the limited liability company. If Worldwide Subsidy Group contested the

[REDACTED]

obligation to identify its members on the prescribed form, then it should have raised its objection openly. Instead, it filed the form with what it now claims to be inaccurate information and, apparently, a forged signature of Alfred Galaz. If the public information reports were in error, then Worldwide Subsidy Group should have corrected the errors, rather than trying to conceal them.

The requirement under Texas law to publicly identify the members of a limited liability company is relevant to the SDC's motion for the same reason as the requirement under Massachusetts law to publicly file a certification of an assumed business name is relevant. Both laws mean that Ryan Galaz has no legitimate right to keep his identity concealed through false public statements, and that, at a minimum, the public policy of both Texas and Massachusetts requires disclosure.

The arguments presented in the SDC's motion were presented for legitimate purposes, and not with any intent to reveal Ryan Galaz's identity publicly, through inference, speculation, or otherwise.

If the Judges find that the SDC should have done more to conceal Ryan Galaz's identity, and to allow Worldwide Subsidy Group's false public statements to go unchallenged in the public eye, then it was a mistake by the SDC's counsel, and nothing more. As the Judges recognized the last time Worldwide Subsidy Group filed a plainly retaliatory motion for sanctions against the SDC, inadvertent errors generally are not sanctionable. Order Reopening Record, No. 2008-02 CRB CD 2000-03 (Phase II) (Mar. 4, 2019) 2 n. 6 ("The Judges find, with respect to IPG's motion for admonition and sanctions, the series of unfortunate events eliciting the motion did not rise to the level of misconduct on either side. In the end, the inadvertent misapprehension, followed by a correction, leading to the filing of an erratum to correct the

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original misapprehension all became moot with the passage of time.”). The Judges similarly have declined to impose sanctions on Worldwide Subsidy Group for a technical but inconsequential breach of a protective order (and, indeed, the SDC came to Worldwide Subsidy Group’s defense on that occasion). Order Denying MPAA Motion to Strike Testimony of IPG Witness, Dr. Robinson, Nos. 2012-6 CRB CD 2004-09 (Phase II), 2012-7 CRB SD 1999-2009 (Phase II) (July 30, 2014) at 6 (“The Judges are not persuaded by MPAA’s taking refuge in legal formalism. MPAA would have the Judges sanction IPG for using materials lawfully in its possession that it would inevitably receive in discovery. The imposition of a sanction in these circumstances would not further the legitimate goals of the Protective Order”).

Other courts, too, have found that a one-time unintentional failure to redact protected information does not warrant sanctions:

[E]very lawyer in this case has acknowledged that these types of mistakes happen. In a case of this size and scope, it would be completely unreasonable to expect every person on every team to perform perfectly at all times. ... [I]f the court begins issuing sanctions every time a document is less than fully redacted, it will quickly lose any bandwidth to deal with any other matters.

Apple, Inc. v. Samsung Electronics Co., Ltd., 5:11-cv-01846-LHK, 2014 WL 12596470, at *7 (N.D. Cal. Sep. 14, 2014).

Although the court in that case went on to impose sanctions for the intentional further distribution of the incompletely redacted document (*id.*), no similar facts exist here. Multigroup Claimants has requested the Judges to order the SDC to disclose “any non-client persons or entities to whom the motion or its contents were communicated, and provide such communications.” Motion at 14. The SDC have mooted this request by making the requested disclosure. Counsel for the SDC have not communicated either the Restricted or the public redacted version of their Motion to De-Designate to any person outside their respective firms

[REDACTED]

other than by sending copies to counsel of record who were entitled to receive Restricted information. Declaration of Matthew MacLean ¶ 18.

Multigroup Claimants has correctly deduced that the SDC’s counsel has been in communication with Mr. Steven Soule, the bankruptcy trustee in Alfred Galaz’s Oklahoma bankruptcy case, and with the office of the United States Trustee responsible for the state of Oklahoma. *Id.* ¶ 20. The SDC’s counsel, Matthew MacLean, a proud member of the Oklahoma bar for his entire legal career, takes seriously his oath of admission, “to do no falsehood or consent that any be done in Court, and upon knowing of any to give knowledge thereof to the Judges of the court or some one of them, that it may be reformed.” *Id.* ¶ 3; *see also* Okla. Stat. tit. 5, § 2. Alfred Galaz’s bankruptcy petition is false in several respects, not least of which is his description of “Wordwide Subsidy” as “inactive, \$0 FMV,” when Alfred Galaz apparently had been the majority owner of Worldwide Subsidy Group while it diverted well over \$1 million in assets to a company controlled by Raul Galaz and his son. Whether or not the SDC’s counsel’s motivations were “grandiose,” as Multigroup Claimants charges (Motion at 13), he had a clear duty by oath to notify proper authorities, and he discharged that duty. *Id.* ¶ 24. The United States Trustee moved to reopen Alfred Galaz’s bankruptcy case on the ground that there were “certain assets, business interests or transfers that were not listed in the Debtors’ schedules.” *See* Ex. A. The bankruptcy court granted the motion on the next day, March 24, 2020. *See* Ex. B.²

Nevertheless, the SDC’s counsel’s communications with the bankruptcy trustee and the United States Trustee’s office commenced before Multigroup Claimants filed the Restricted

² The bankruptcy trustee has moved to intervene in this proceeding, although it appears that his motion was filed inadvertently under the cable allocation docket number, 14-CRB-0010-CD (2010-13), and not this consolidated docket number, 14-CRB-0010-CD/SD (2010-13).

[REDACTED]

information at issue in the SDC's motion, and the SDC have not communicated with either office at all regarding their Motion to De-Designate. MacLean Decl. ¶ 23.

Likewise, the SDC have been in communication with Mr. Royal Lea, counsel for Ms. Lisa Katona Fodera in *RTG, LLC v. Fodera*, principally for the purpose of requesting the non-protected deposition transcripts of Ryan Galaz and Alfred Galaz in that case and otherwise seeking information in the possession of Ms. Fodera. *Id.* ¶ 27. This communication commenced before the filing of the SDC's Motion to De-Designate, and the SDC have not provided either the Restricted or the public redacted version of their Motion to De-Designate to Ms. Fodera's counsel, either. *Id.* ¶ 28.

The SDC have fully complied with their obligations under the Protective Order. But even if the Judges disagree, any violation was unintentional and has not been repeated through further intentional dissemination. Sanctions are not warranted.

VI. The SDC Object to Consideration of a Motion for Sanctions on a Sealed Record.

The SDC and their counsel object to any consideration of sanctions on a sealed record. Although the Judges have the inherent or implied statutory authority to impose sanctions, as Multigroup Claimants effectively concedes by moving for sanctions, the Judges must abide by principles of due process. The public interest in an open record is particularly strong when punitive sanctions are potentially at issue. The SDC and their counsel also have a right to public consideration. "Judges deliberate in private but issue public decisions after public arguments based on public records." *Financial Stability Oversight Council v. Better Markets, Inc.*, 865 F.3d 661, 675 (D.C. Cir. 2017) (quoting *Matter of Krynicki*, 983 F.2d 74, 75 (7th Cir. 1992)). "Like the public trial guarantee of the Sixth Amendment, the right [of public inspection] serves to safeguard against any attempt to employ our courts as instruments of persecution, to promote the



search for truth, and to assure confidence in ... judicial remedies.” *Hubbard*, 650 F.2d at 315 n. 79 (internal quotations omitted).

This is especially true in this case, where the public portion of Multigroup Claimants’ motion is directly at odds with the very information that Multigroup Claimants has alleged the SDC revealed through implication. If sanctions are to be considered, it should be on a fair public record, with a public hearing, so that the SDC can present their defense in the public eye. Multigroup Claimants cannot pursue sanctions publicly while concealing from the public questions as to its own identity.

VII. Conclusion

Multigroup Claimants’ motion to remove the SDC’s public filing from the public record and to sanction the SDC and their counsel should be denied.

Date: March 27, 2020

Respectfully submitted,

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**Before the
COPYRIGHT ROYALTY JUDGES
The Library of Congress**

In re

**DISTRIBUTION OF CABLE
ROYALTY FUNDS**

**CONSOLIDATED DOCKET NO.
14-CRB-0010-CD/SD
(2010-13)**

**DISTRIBUTION OF SATELLITE
ROYALTY FUNDS**

**DECLARATION OF MATTHEW J. MACLEAN IN SUPPORT OF SETTLING
DEVOTIONAL CLAIMANTS' OPPOSITION TO MULTIGROUP CLAIMANTS'
EMERGENCY MOTION FOR REMOVAL FROM PUBLIC RECORDS AND
SANCTIONS AGAINST SDC AND ITS COUNSEL**

I, Matthew J. MacLean, hereby state and declare as follows:

1. I am a litigation partner in the law firm Pillsbury Winthrop Shaw Pittman LLP. I represent the Settling Devotional Claimants ("SDC") in this matter.

Professional Background

2. I am a member of the bars of several federal courts, the District of Columbia, and the states of Virginia, Maryland, and Tennessee. Most relevant to Multigroup Claimants' motion for sanctions, I am also a member of the bar of the state of Oklahoma, the first state to grant me the privilege and responsibility of serving as an officer of its courts.

3. I took the oath of admission to the Oklahoma bar on September 30, 1999, before the Supreme Court of Oklahoma, and I have remained a member in good standing ever since. I remember the occasion distinctly. The Oklahoma bar oath of admission requires me "to do no falsehood or consent that any be done in Court, and upon knowing of any to give knowledge thereof to the Judges of the court or some one of them, that it may be reformed." It is also enshrined in Oklahoma law. Okla. Stat. tit. 5, § 2. The content of the oath of admission appears



on my Oklahoma bar certificate, which hangs on the wall of my home office and is the only of my state bar certificates that I have on display.

4. Even though I have not practiced law in Oklahoma, I have done my best at all times to uphold the principles of the Oklahoma bar, first as a commissioned officer in the U.S. Army Judge Advocate General's Corps, where I served as a trial counsel (prosecutor) for the U.S. 2nd Infantry Division in the Republic of Korea, as the officer in charge of the trial defense service branch office at Fort Belvoir, Virginia, and as a government appellate counsel for the U.S. Army Government Appellate Division, and then in private practice with Shaw Pittman LLP and its successor by merger, Pillsbury Winthrop Shaw Pittman LLP.

5. I have worked hard to uphold this oath in the long-running series of proceedings before the Judges, since I first became involved in these proceedings seven years ago. When I have made an error, as I do from time to time, I have been the first to bring that error to the attention of the Judges. *See, e.g.,* Errata to Written Rebuttal Statement of the SDC, 2008-2 CRB CD 2000-2003 (Phase II), *et al.* (Jan. 16, 2018) (notifying the Judges that I had overlooked a correction filed by Worldwide Subsidy Group, LLC, and withdrawing a passage from the SDC's written rebuttal testimony criticizing Worldwide Subsidy Group's methodology). When I have become aware of false or inaccurate information submitted by others, I have not shrunk from my obligation first to raise it with the opposing party and then to try to make the Judges aware. *See, e.g.,* SDC's Motion to Enforce Order on Motion to Compel, and to De-Designate Restricted Material, No. 14-CRB-0011-SD (2010-13) (Aug. 12, 2019) (notifying Judges of discovery showing that an expert witness for Commercial Television Claimants had testified untruthfully in a prior phase of the copyright royalty proceeding); SDC's Motion for Order to Show Cause Why Multigroup Claimants Should Not Be Disqualified as an Agent to Receive Funds on Behalf of



Claimants, No. 14-CRB-0010-CD/SD (2010-13) (Dec. 26, 2019) (notifying Judges of potential discrepancy between Multigroup Claimants' filings and Alfred Galaz's bankruptcy petition, after efforts to resolve the discrepancy with Multigroup Claimants' counsel failed).

6. I have also done my best to abide by the Judges' protective orders. Even in the course of revealing false testimony to the Judges, I have carefully redacted anything that an opposing party has marked Restricted, and I have moved for de-designation as to materials that were inappropriately designated. *See, e.g.*, SDC's Motion to Enforce Order on Motion to Compel, and to De-Designate Restricted Material, No. 14-CRB-0011-SD (2010-13) (Aug. 12, 2019) (moving for de-designation of materials restricted by CTV); SDC's Motion to De-Designate Restricted Materials, No. 14-CRB-0010-CD/SD (2010-13) (Mar. 4, 2019) (moving for de-designation of materials marked restricted by Multigroup Claimants). I firmly believe that evidence of false testimony should be made public, particularly when the Judges have relied on it, and I believe it is an abuse of the protective order to mark information "Restricted" to conceal evidence of false statements from public view. But I have never intentionally made Restricted evidence public.

7. When I have wanted to use Restricted information obtained from one proceeding in the course of another proceeding, I have come to the Judges for permission, as required by the protective order. *See* Motion of the SDC for Relief from Protective Order, No. 2012-6 CRB CD 2004-09 (Phase II) (Apr. 12, 2019) (seeking advance permission to use Restricted information from one proceeding in another proceeding). When another party has asserted rights under a protective order, I have come to the Judges for guidance as to how to respect all parties' rights, without seeking sanctions and without engaging in self-help. *See* SDC's Motion for Appropriate Relief Regarding Alleged Violation of Protective Order, No. 2008-1 CRB CD 1998-1999 (Phase II) (June 30, 2014) (notifying Judges that MPAA had asserted confidentiality over Restricted



information produced to the SDC by Worldwide Subsidy Group, and seeking guidance as to permitted uses of the information).

8. At the same time, I have always tried not to hold others to a standard of perfection that I might not always meet myself. Although I have moved for sanctions or other relief against opposing parties on occasion, it has always been with great reluctance, and only for conduct that I truly believed was serious enough to warrant it. *See, e.g.,* SDC’s Motion to Strike Testimony of Gregory S. Crawford, Ph.D., No. 14-CRB-0010-CD (2010-13) (Mar. 1, 2018) (moving to strike testimony of CTV witness after discovery that CTV’s counsel had responded inaccurately to the SDC’s counsel’s request for information regarding an expert witness’s “successive attempts, if any, to arrive at [his] respective algorithms”); SDC’s Motion for Sanctions Against Independent Producers Group and Its Counsel, No. 2012-6 CRB CD 2004-09 (Phase II), *et al.* (Mar. 10, 2017) (motion for sanctions filed at the Judges’ invitation after Worldwide Subsidy Group’s counsel admitted to filing inaccurate expert testimony without reviewing it and for failing to preserve earlier iterations of an expert’s experimentations). Even in those instances when I have sought sanctions, I have expressly recognized that sanctions are generally not warranted for mere errors, and I have never advocated for sanctions based on what I believed to be merely an error:

The SDC are not faulting IPG or its counsel for failing to recognize an error in Dr. Cowan’s expert opinion. ... The SDC are faulting IPG and its counsel for filing a report without conducting any reasonable review or inquiry, and then burdening the parties and the Judges with multiple rounds of amended reports after conducting the review and inquiry that should have been conducted in the first place.

SDC’s Reply in Support of Motion for Sanctions Against Independent Producers Group and Its Counsel, No. 2012-6 CRB CD 2004-09 (Phase II), *et al.* (Apr. 14, 2017), at 6; *see also* SDC’s Reply in Support of Their Motion to Strike Amended Direct Statement of IPG, No. 2012-6 CRB



CD 2004-09 (Phase II), *et al.* (Sep. 22, 2016) (“[T]he SDC do not suggest that a party may never seek leave to amend a pleading to correct a genuine error or mistake ...”). As Justice Oliver Wendell Holmes observed, “[E]ven a dog distinguishes between being stumbled over and being kicked.” Oliver Wendell Holmes, *The Common Law*, Lecture I – Early Forms of Liability (1881).

9. I have even come to Worldwide Subsidy Group’s defense against sanctions for violating the Judges’ protective orders. When MPAA moved for sanctions against Worldwide Subsidy Group for using Restricted information in a proceeding other than the one in which it was produced, I opposed the sanctions:

It may be that MPAA is technically correct (“the best kind of correct” according to Bureaucrat 1.0 in *Futurama* season 2, episode 14). But the SDC do not read the Protective Order from the 2000-2003 cable distribution proceeding as categorically prohibiting the use of restricted data in subsequent proceedings. IPG and its expert were in lawful possession of the data, they were clearly entitled to receive the data in discovery, they do not appear to have actually disclosed any protected data as part of their direct case, and, as MPAA itself points out, a mechanism exists for disclosure of restricted data when that disclosure becomes appropriate. Much of IPG’s conduct in these and other royalty distribution proceedings has been blameworthy and even sanctionable. But this technical violation of the protective order, if a violation even occurred, does not seem high on the list. The purpose of the protective orders in these cases is to protect a party’s legitimate interests in confidentiality, not to enable a party to shape its opponents’ cases. Gamesmanship deserves to be called out, wherever it comes from.

SDC’s Motion to Compel MPAA-Represented Program Suppliers to Produce Documents, No. 2012-6 CRB CD 2004-09, *et al.* (June 12, 2014), at 7 n. 2. The Judges agreed, and appropriately did not sanction Worldwide Subsidy Group for the misconduct in that instance. Order Denying MPAA Motion to Strike Testimony of IPG Witness, Dr. Robinson, Nos. 2012-6 CRB CD 2004-09 (Phase II), 2012-7 CRB SD 1999-2009 (Phase II) (July 30, 2014) at 6 (“The Judges are not persuaded by MPAA’s taking refuge in legal formalism. MPAA would have the Judges sanction



IPG for using materials lawfully in its possession that it would inevitably receive in discovery.

The imposition of a sanction in these circumstances would not further the legitimate goals of the Protective Order”).

10. In short, although I will leave it to others to say if I am “grandiose,” as Multigroup Claimants has accused me of being, nothing I have done has been motivated by “personal animus.” *See* Multigroup Claimants’ Emergency Motion to Remove From Public Record and for Sanctions at 10, 13. Rather, every contention I have made against Worldwide Subsidy Group, Multigroup Claimants, or any other party has been backed by my firmly held beliefs based on my conclusions from the evidence.

11. Everything I have done in relation to the Judges’ Order to Show Cause Why Multigroup Claimants Should Not Be Disqualified as an Agent to Receive Funds on Behalf of Claimants, both leading up to and following the entry of the order, has been motivated by my desire to ensure that any falsehood before the Judges or any other tribunal is remedied and that the public interest is protected. This is required by my oath of admission and my duty of candor to the tribunal. It is also consistent with the interests of my clients, the SDC, repeat players in this process who want nothing more than a system capable of delivering results efficiently with confidence, consistency, and certainty. A system bedeviled by fraud and false testimony, or one that does its work in the dark, is inimical to that goal.

12. Therefore, I genuinely feel bad for Ryan Galaz, who appears to be a promising young man who has, perhaps naively, gotten himself mixed up in his father’s schemes to move and hide assets. I have no desire to see harm done to his privacy or his reputation. But my personal feelings are irrelevant. Multigroup Claimants’ use of the Judges’ Protective Order to shape a false public narrative in contradiction to other information (possibly true, possibly false) that is

[REDACTED]

kept in secret only furthers the efforts to hide assets, and only sinks the system deeper into fraud. That is why I moved to de-designate the “Transfers of Ownership Interests” that Multigroup Claimants has marked Restricted.

Redactions in the SDC’s Motion to De-Designate Restricted Materials

13. I personally redacted all “Restricted” information from the public version of the SDC’s Motion to De-Designate Restricted Materials, including every reference to Ryan Galaz’s potential ownership of Worldwide Subsidy Group or the assets associated with Multigroup Claimants. I did not redact references to Alfred Galaz’s bankruptcy petition, because it is a public document. *See* Protective Order § IV (excluding “public records” and other “legitimately, public information” from scope of Protective Order). I therefore do not believe that the Protective Order permits me to redact references to it. For the same reason, I did not redact references to Worldwide Subsidy Group’s public information reports, nor did I redact Ryan Galaz’s publicly-filed declaration in *RTG, LLC v. Fodera*, 5:19-cv-87-DAE (W.D. Tex.) or the publicly-filed deed conveying the Miami Beach condominium where Raul Galaz lived from Worldwide Subsidy Group to Ryan Galaz’s company. Those documents are all public, and I am aware of no authority that would permit me, much less require me, to file them under seal. To the contrary, the Protective Order requires me to mark Restricted portions “to the narrowest extent possible to maintain confidentiality.” Protective Order § V.A.

14. I also did not redact references to Massachusetts law. In previous public filings, Multigroup Claimants publicly argued that Texas law applies to the use of the assumed name “Multigroup Claimants,” and I did not consider choice of law to be a confidential matter. *See* Multigroup Claimants’ Opposition to SDC’s Motion for Order to Show Cause (Jan. 9, 2020) at 5 (public filing, citing Texas law on use of an assumed business name). Of course, the content of

[REDACTED]

Massachusetts law is public. I redacted the Restricted facts explaining why I believed Massachusetts law might apply. I did not intend to reveal Ryan Galaz’s possible identity as Multigroup Claimants. I was not aware, and I am not aware, that there are no other members of the Galaz family in Massachusetts. Even if I had been aware that there are no other Galazes in Massachusetts, there are many other possible explanations as to why a person or business from another state or country might choose to do business in Massachusetts, or why Massachusetts law might otherwise be argued to apply.

15. In an email exchange on March 11 and 12, 2020, a week after I filed the SDC’s Motion to De-Designate Restricted Materials, Multigroup Claimants’ counsel, Brian Boydston, objected for the first time to my redactions, and demanded that I ask the Copyright Royalty Board staff to remove the public version from the docket. Although I disagreed with Mr. Boydston’s contention that my redactions were insufficient, and I informed him that I would not redact public documents that reveal no Restricted information, I offered to file a substitute public redacted version that redacts reference to Massachusetts law, “[i]f it will resolve this redaction issue” I also offered to consent to expedited briefing on a motion to place more of the public redacted version under seal. Mr. Boydston rejected both offers. Our email exchange is attached as Exhibit 1 to Multigroup Claimants’ Emergency Motion to Remove from Public Record and for Sanctions.

16. Nevertheless, in spite of Multigroup Claimants’ counsel’s rejections of my offers seeking to resolve this matter, I have made good on my promise to “redact information identifying Ryan Galaz as an owner or potential owner of Worldwide Subsidy Group or the assets of Multigroup Claimants” in all pleadings I have filed.

[REDACTED]

Lack of Intent to Reveal Restricted Material, and Absence of Further Distribution

17. If the Judges believe that my redactions were insufficient, it was a mistake on my part, and was not intentional. As is further discussed in the SDC's Opposition to Multigroup Claimants' Emergency Motion to Remove from Public Record and for Sanctions, every argument I made and every exhibit I attached was specifically relevant to the question of whether the Restricted information should be kept under seal. None was offered for the purpose of revealing anything Restricted in the motion.

18. I have not further distributed either the Restricted or the public redacted version of the SDC's Motion to De-Designate Restricted Materials to any person outside my firm other than counsel of record for parties in these proceedings who are entitled to receive Restricted information that is filed with the Judges. I have confirmed with all other counsel for the SDC that they also have not distributed either the Restricted or the public redacted version of the SDC's Motion to De-Designate Restricted Materials to anybody.

19. Even within my firm, I have distributed the public redacted version of the SDC's Motion to De-Designate Restricted Materials only to one individual who is not counsel of record for the SDC in these proceedings. On March 18, 2020, after I received Multigroup Claimants' Emergency Motion to Remove from Public Record and for Sanctions, I sent the public redacted version of the SDC's Motion to De-Designate Restricted Materials and the public redacted version Multigroup Claimants' Emergency Motion to Remove from Public Record and for Sanctions to Marcia Pope, the General Counsel of Pillsbury Winthrop Shaw Pittman LLP, to make her aware that a motion for sanctions had been filed against our firm. I did not send her the Restricted version of either motion. Even now, my own firm's General Counsel has not seen the Restricted content of the motions, potentially inhibiting my firm's ability to respond on its



own behalf to the motion for sanctions against it – another serious cost to Multigroup Claimants’ excessive designations of Restricted information.

Communications with the Bankruptcy Trustee and Office of the U.S. Trustee

20. Multigroup Claimants has correctly surmised that I have been in communication with Alfred Galaz’s bankruptcy trustee and with the office of the U.S. Trustee with responsibility over the state of Oklahoma, but this communication commenced before Multigroup Claimants submitted the Restricted documents. My communications with them have not included any mention of the SDC’s Motion to De-Designate Restricted Materials, and I have not sent either the Restricted or the public redacted version of the motion to them.

21. I first contacted Alfred Galaz’s bankruptcy trustee, Steven Soule, in around late November, 2019, shortly after I learned of Alfred Galaz’s bankruptcy petition. I called and left a message seeking a transcript of any testimony that may have been given at the meeting of creditors. Mr. Soule did not return the call, and I did not contact him further at that time.

22. On February 25, 2020 - after the Judges issued their Order to Show Cause Why Multigroup Claimants Should Not Be Disqualified as an Agent to Receive Funds on Behalf of Claimants on February 24, 2020, but before Multigroup Claimants submitted its Restricted response on February 28, 2020 - I sent a copy of the Judges’ Order by letter to Mr. Soule and to Ms. Katherine Vance, the Assistant U.S. Trustee in Tulsa, Oklahoma, to notify them of the Judges’ Order. At the time of my letter, I had no knowledge of any potential involvement by Ryan Galaz, but I was instead laboring under Multigroup Claimants’ apparent misrepresentation that the assets had been conveyed to Worldwide Subsidy Group. I also did not know then that Worldwide Subsidy Group had conveyed a condominium and significant other assets to RTG, LLC, a company controlled by Raul Galaz and Ryan Galaz.



23. Mr. Soule wrote back by email, copying the U.S. Trustee's office, and we have maintained intermittent correspondence since then, all by email. I have since provided Mr. Soule with public information about the conveyances from Worldwide Subsidy Group to RTG, LLC. But I have not provided him or the U.S. Trustee's Office with any information concerning Ryan Galaz's possible ownership of Worldwide Subsidy Group or the assets of Multigroup Claimants.

24. My purpose in contacting Mr. Soule and the U.S. Trustee's office was to make them aware of apparently false statements in Alfred Galaz's bankruptcy petition, not least of which was his false statement that Worldwide Subsidy Group was "inactive, \$0 FMV" at the time of Alfred Galaz's purported conveyance (which I then believed was to Ruth Galaz). I believe it was necessary for me, as an Oklahoma lawyer, among other things, to make proper authorities aware of potential false statements in an Oklahoma bankruptcy petition consistent with my oath, "upon knowing of any [falsehood in Court] to give knowledge thereof to the Judges of the court or some one of them, that it may be reformed."

25. The U.S. Trustee moved on March 23, 2020, to reopen Alfred Galaz's bankruptcy case on the ground that there were "certain assets, business interests or transfers that were not listed in the Debtors' schedules." *See* Ex. A. The bankruptcy court granted the motion on the next day, March 24, 2020. *See* Ex. B. Any falsehood in Alfred Galaz's bankruptcy petition may now be reformed.

Communication with Counsel for Lisa Katona Fodera

26. Multigroup Claimants is also correct that I have been in communication with Mr. Royal Lea, counsel to Lisa Katona Fodera in *RTG, LLC v. Fodera*, 5:19-cv-87-DAE (W.D. Tex.). To the best of my recollection, I had never heard of Ryan Galaz before I read Multigroup Claimants' Response to Order to Show Cause, filed on February 28, 2020. But a few internet searches for



his name on March 3, 2020, opened a whole new window for me into Worldwide Subsidy Group's dealings. I quickly learned that Ryan Galaz, in addition to being Raul Galaz's son, is a principal of RTG, LLC, which has sued Lisa Katona Fodera, who is Ryan Galaz's mother and Raul Galaz's ex-wife. Publicly filed excerpts of deposition transcripts available in the case's public docket revealed that Ryan Galaz had been questioned about RTG, LLC's dealings with Worldwide Subsidy Group.

27. Therefore, on March 3, 2020, I called Mr. Lea to request copies of the full deposition transcripts and other information about RTG, LLC and Worldwide Subsidy Group. As background, I informed Mr. Lea about the Judges' Order to Show Cause, and I sent him copies of the Order, the pleadings on the SDC's Motion for Order to Show Cause, and the public redacted version of Multigroup Claimants' Response to the Order to Show Cause. I did not send Mr. Lea any Restricted materials, and I did not inform Mr. Lea of Ryan Galaz's potential ownership of Worldwide Subsidy Group or the assets associated with Multigroup Claimants. I did not send Mr. Lea a copy of the SDC's Motion to De-Designate Restricted Materials, which I had only just begun to write at the time I called him.

28. In return, Mr. Lea sent me a copy of the full deposition transcripts of Ryan Galaz and Alfred Galaz. I subsequently asked him for Exhibit 1 to Ryan Galaz's deposition, which was a handwriting exemplar. Mr. Lea did not ask why I was interested in this information, although we generally discussed Ryan Galaz's involvement with RTG, LLC and the potential for fraudulent conveyances from Worldwide Subsidy Group to RTG, LLC. Mr. Lea and I had some further email correspondence and telephone communications relating to Lisa Katona Fodera's involvement in and knowledge of Worldwide Subsidy Group's claim filings and revenues, but I



never sent Mr. Lea either the Restricted or the public redacted version of the SDC's Motion to De-Designate Restricted Materials.

Request for Public Consideration, and Objection to Consideration of Sanctions on a Sealed Record.

29. On behalf of both myself and my firm, Pillsbury Winthrop Shaw Pittman LLP, I request that any consideration of sanctions against me or my firm be made on a public record, and I object to consideration of a matter of this importance both to my firm and to me on a sealed record. My firm and I are entitled to public consideration, and not to be subject to potential sanctions on a sealed record.

Redactions in SDC's Opposition to Multigroup Claimants' Emergency Motion to Remove From Public Record and for Sanctions

30. The redacted portions of pages 2-10 and 12-14 of the public version of the SDC's Opposition to Multigroup Claimants' Emergency Motion to Remove From Public Record and for Sanctions and of pages 6-8 and 10-12 of the public version of this declaration are submitted as Restricted – Subject to Protective Orders in Docket No. 14-CRB-0010-CD/SD (2010-13) solely because they contain or may be argued to contain information that has been designated as Restricted by Multigroup Claimants either in Exhibits F, G, and H of Multigroup Claimants' Response to Order to Show Cause or in Multigroup Claimants' Emergency Motion to Remove From Public Record and for Sanctions. Solely because Multigroup Claimants has argued that certain portions of the SDC's Motion to De-Designate Materials may reveal Restricted information, I have redacted the excerpts of those portions of the SDC's motion, and I have redacted all arguments relating to choice of law. I do not believe these redactions are appropriate, however, and I make them only to allow Multigroup Claimants the opportunity to make its argument to the Judges.



I hereby declare under penalty of perjury that the foregoing is true and correct. Executed March 27, 2020, in Vienna, Virginia.

 /s/ Matthew J. MacLean
Matthew J. MacLean

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA**

| | | |
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| IN RE: |) | |
| |) | |
| ALFREDO CARLOS PAUL GALAZ and |) | Case No. 19-11098-R |
| LOIS MAY GALAZ, |) | (Chapter 7) |
| |) | |
| Debtors. |) | |

**UNITED STATES TRUSTEE’S MOTION FOR ORDER REOPENING CASE AND
FOR APPOINTMENT OF A CHAPTER 7 TRUSTEE**

Ilene J. Lashinsky, United States Trustee for Region 20 (the “U.S. Trustee”), by and through the undersigned counsel, hereby applies to this Court for an Order reopening the above-styled bankruptcy case pursuant to 11 U.S.C. § 350(b) and Rule 5010 of the Federal Rules of Bankruptcy Procedure. In support hereof, the U.S. Trustee would show the Court as follows:

RELEVANT FACTUAL AND PROCEDURAL BACKGROUND

1. Alfredo Carlos Paul and Lois May Galaz (the “Debtors”) filed a Voluntary Petition for Relief under Chapter 7 of the United States Bankruptcy Code, 11 U.S.C. §§ 101, *et seq.* (the “Bankruptcy Code”) on May 28, 2019 (the “Petition Date”).
2. Steven W. Soulé was the duly appointed Chapter 7 panel trustee (the “Chapter 7 Trustee”) in the Debtors’ case.
3. On June 27, 2019, the Chapter 7 Trustee filed his Report of No Distribution.
4. On September 19, 2019, a Final Decree was entered in the case.
5. The U.S. Trustee has since been informed of certain assets, business interests or transfers that were not listed in the Debtors’ schedules. Thus, there are possible assets to be administered.

RELIEF REQUESTED

6. The Debtors' case should be reopened and a Chapter 7 panel trustee should be appointed to administer the assets of the Debtors' estate.

ARGUMENT AND AUTHORITY

7. Section 350(b) of the Bankruptcy Code provides that a case may be reopened in order "to administer assets, to accord relief to the debtor, or for other cause." *See* 11 U.S.C. §350(b). As set forth above, assets may remain to be administered for the benefit of creditors.

8. As provided in Rule 5010 of the Federal Rules of Bankruptcy Procedure, the appointment of a Chapter 7 panel trustee is necessary in order "to protect the interests of creditors and the debtor," as well as to "insure efficient administration of the case." *See* FED. R. BANKR. P. 5010. In this instance, the U.S. Trustee states that such appointment is appropriate.

WHEREFORE, the U.S. Trustee prays that this Court enter an Order reopening this bankruptcy case for the purpose of further administration and directing the U.S. Trustee to appoint a Chapter 7 panel trustee.

Dated this 23rd day of March, 2020.

Respectfully submitted,

ILENE J. LASHINSKY
UNITED STATES TRUSTEE

/s/ Katherine Vance

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(918) 581-6671 – Telephone
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CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2020, a true and correct copy of the above document was electronically filed with the Court using the CM/ECF system, which sent notification to all parties of interest participating in the CM/ECF system.

Further, I certify that a copy was sent via U.S. Mail, first class, postage prepaid and properly addressed to the Official Matrix in the case, including the following:

Alfredo and Lois Galaz
3901 West Vandalia Street
Broken Arrow, OK 74012

/s/ Katherine Vance

Katherine Vance

EXHIBIT B



UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA

| | | |
|--------------------------------------|---|----------------------------|
| IN RE: |) | |
| |) | |
| ALFREDO CARLOS PAUL GALAZ and |) | Case No. 19-11098-R |
| LOIS MAY GALAZ, |) | (Chapter 7) |
| |) | |
| Debtors. |) | |

**ORDER GRANTING UNITED STATES TRUSTEE’S MOTION TO REOPEN CASE
AND APPOINT A PANEL TRUSTEE**

NOW before the Court this 24th day of March, 2020, comes the request of Ilene J. Lashinsky, United States Trustee for Region 20 (the “U.S. Trustee”), for an Order reopening the above-styled bankruptcy case and appointing a panel trustee, pursuant to 11 U.S.C. § 350(b) and Rule 5010 of the Federal Rules of Bankruptcy Procedure. After a review of the case file and pleadings herein, **THE COURT HEREBY FINDS AND ORDERS AS FOLLOWS:**

1. Cause exists to grant *United States Trustee’s Motion for Order Reopening Case and for Appointment a Chapter 7 Trustee.*
2. Pursuant to 11 U.S.C. § 350(b), the above-styled case is hereby reopened and the U.S. Trustee is directed to appoint a Chapter 7 trustee.

SO ORDERED this 24th day of March, 2020.

Submitted by:

ILENE J. LASHINSKY
UNITED STATES TRUSTEE
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DANA L. RASURE, CHIEF JUDGE
UNITED STATES BANKRUPTCY COURT

Proof of Delivery

I hereby certify that on Monday, June 29, 2020, I provided a true and correct copy of the Settling Devotional Claimants' Opposition to Multigroup Claimants' Emergency Motion for Removal from Public Records and Sanctions Against SDC and Its Counsel (De-Designated) to the following:

Multigroup Claimants (MGC), represented by Brian D Boydston, served via ESERVICE at brianb@ix.netcom.com

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

Canadian Claimants Group, represented by Lawrence K Satterfield, served via ESERVICE at lksatterfield@satterfield-pllc.com

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

MPA-Represented Program Suppliers (MPA), represented by Gregory O Olaniran, served via ESERVICE at goo@msk.com

Joint Sports Claimants (JSC), represented by Michael E Kientzle, served via ESERVICE at michael.kientzle@apks.com

Signed: /s/ Matthew J MacLean