

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’ REPLY IN SUPPORT OF
EMERGENCY MOTION FOR REMOVAL FROM PUBLIC
RECORD, AND SANCTIONS AGAINST SDC AND ITS COUNSEL**

**A. Multigroup Claimants is an acknowledged party to these proceedings,
and no “substitution of parties” is necessary.**

Because the SDC has no rational defense for its actions, it plays games, asking the Judges to rely on an already moot technicality to avoid the obvious conclusion that it violated the applicable protective orders. The SDC has made this pointless argument before, and Multigroup Claimants has already responded:

“At no time has Multigroup Claimants considered it necessary to file a ‘substitution of parties’ under circumstances as the foregoing, i.e., where all of the interests in an entity are transferred to another entity that is owned by the identical individual, and that continues to act in the stead of that entity formally utilizing the identical name.
Nonetheless, if the Judges consider it necessary to engage in such

formality, clarifying that Multigroup Claimants is no longer an assumed name for Alfred Galaz, but is now an assumed name for Worldwide Subsidy Group, LLC (which had been 99% owned by Alfred Galaz at the time of transfer), Multigroup Claimants will accommodate the Judges.”

See *Multigroup Claimants’ Opposition to Settling Devotional Claimants Motion for Order to Show Cause*, at 7-8 (Jan. 9, 2020) (emphasis added). Notably, in the issuance of its *Order to Show Cause* (Feb. 24, 2020), the Judges made no request for a formalized “substitution of parties”, and instead ordered Multigroup Claimants – the same entity that the SDC asserts has no standing to participate or file pleadings in this proceeding – to participate and file pleadings in this proceeding.

B. The SDC’s argument II., literally makes no sense. No confidentiality has been “waived”.

According to the SDC, Alfred Galaz’s transfer of all his interests in Multigroup Claimants (a sole proprietorship) meant that Ryan Galaz could only take such entity’s interests as a sole proprietorship of Ryan Galaz, instead of folding such interests into WSG, an entity held exclusively by Ryan Galaz. SDC at 3, 12. Incorrect on its face, the SDC use this remarkably inaccurate predicate to argue that public filings of Multigroup Claimants as a fictitious business name of

WSG somehow “waives” any confidentiality regarding WSG’s current ownership, i.e., Ryan Galaz’s *ownership* of WSG cannot be deemed “restricted”.

This argument lacks any string of logic. No contradiction exists between the folding of Multigroup’s Claimants’ interests into WSG, and the public disclosure of WSG’s use of “Multigroup Claimants” as a fictitious business name. As such, no basis exists for the SDC’s argument of “waiver”.

C. The SDC’s public version of its brief reveals the very information Multigroup Claimants has deemed “restricted”.

In an effort to excuse its behavior, the SDC feign that its attachment of documents having *nothing* to do with the issues at hand is *per se* incapable of violating the applicable protective orders, if such information is otherwise publicly-available. According to the SDC:

“It is not the SDC’s responsibility to file public information under seal based on what somebody else might speculate.” SDC at 2.

There is literally no basis in either logic or law for such contention, and the potential abuse of protective orders remains obvious if such a contention were to be adopted. A simple example suffices. Presume that a court order exists that prohibits disclosing the identity of a party or witness, perhaps because they were a victim, or to protect their continued safety or to protect their continued privacy.

Would it be satisfactory for a party subject to such court order to file pleadings that inexplicably and randomly attach (i) a declaration executed by such protected individual, or (ii) a document reflecting a real estate transaction in which the protected individual was involved? *Of course not*, yet that is exactly what the SDC seek to defend, and its only argument is that those documents are publicly available to anyone seeking them and, of course, Massachusetts law “is public”. SDC at 8.

The SDC clearly knew *exactly* what information Multigroup Claimants was deeming confidential – *the headings of its own brief reveals the SDC’s knowledge thereof*¹ – yet the SDC still feign ignorance. To be clear, the two documents identified above – a declaration in unrelated litigation, and a real estate transaction -- had *nothing* to do with the documented transfers of WSG or Multigroup Claimants that the SDC motion was seeking to be de-designated. That is, no legitimate purpose existed for attaching such documents to the SDC motion. Coupled with the fact that one document prominently reflects execution “at Cambridge, Massachusetts”, the SDC gratuitously refers to an inapplicable Massachusetts law, and refers to its application to a member of “the Galaz family”,

¹ See MGC motion at 3.

no doubt exists that the sole purpose of the documents and the textual reference to Massachusetts law was to reveal the very information Multigroup Claimants sought to deem restricted.

Nevertheless, the SDC rationalize by addressing each prohibited revelation in a vacuum, ignoring how each revelation relates to the other, and having the audacity to cite Massachusetts population statistics as a basis for arguing that a reader would simply believe that reference was to one of millions of Massachusetts residents – instead of the *one* Massachusetts resident the SDC identifies in its motion vis-à-vis an irrelevant and unrelated declaration taken from unrelated litigation. The contention is embarrassing.

The SDC’s superficial explanation for inclusion of the two documents is that the declaration establishes that Ryan Galaz is the owner of RTG, LLC, and that the real estate transaction reveals a “fraudulent” transfer from WSG to RTG. However, the SDC could have relied on other publicly available documents in the SDC’s possession reflecting that Ryan Galaz is RTG’s owner that make no reference to Massachusetts (see *SDC Further Briefing In Response to Multigroup Claimants’ Response to Order to Show Cause*, App. at 147-160 (Florida Secretary of State Records), yet chose not to do so. Moreover, the real estate transfer

involving RTG and Ryan Galaz was nothing more than that, a real estate transaction. Yet the SDC persist in characterizing it as a “fraudulent” transfer (SDC at 10), without any explanation what imaginary victim was defrauded. Yet again, the SDC’s explanation is embarrassing.

D. The SDC’s disclosure of restricted information was not unintentional.

The SDC’s selection of its exhibits was not by mistake, and for all its protestations that disclosure of the restricted material was “unintentional”, it clearly was not. It was calculated. Regardless of whether the SDC disagreed with Multigroup Claimants’ designation, it was not within its authority to release such information, and ask for forgiveness later. See Decl. of Matthew MacLean.

To rationalize its inclusion of exhibits as relevant to the issue of whether Multigroup Claimants’ restricted materials should be de-designated, the SDC again argue the applicability of Massachusetts law. Such law states that the use of a fictitious business name in Massachusetts must be registered in Massachusetts. The non-existent segue to Ryan Galaz is nothing more than that he lives in Massachusetts, i.e., not because Ryan Galaz is utilizing a fictitious business name, but because a Texas limited liability company he owns is utilizing a fictitious business name. Relying on its remarkably inaccurate argument that Ryan Galaz was only allowed to place Multigroup Claimants’ interests into a sole

proprietorship of Ryan Galaz, the SDC further attempt to rationalize some nexus to Massachusetts law. SDC at 12. Another embarrassing explanation.

Finally, the SDC argues that the selection of exhibits and reference to Massachusetts law was to “show the relationship between several of the current or former owners of Worldwide Subsidy Group and Multigroup Claimants”, again irrelevant to the issue being addressed, i.e., whether information surrounding the WSG and Multigroup transfers could be deemed “restricted”. Coupled with allegations that are neither reflected in any document, nor accurate (“[WSG] purchased a condominium for Raul Galaz to live in”; “[WSG] made a large conveyance of assets to a company controlled by Raul Galaz and his son for no consideration”), the SDC persist in characterizing acts as “fraudulent” that, *even if true*, would not be “fraudulent”.

Attempting to avoid being compelled to reveal its shameful acts, the SDC’s counsel Matthew MacLean acknowledges that he has forwarded unidentified materials relating to WSG and Multigroup Claimants to the U.S. bankruptcy trustee assigned to the Alfred Galaz bankruptcy in Tulsa, Oklahoma. No current member or representative of WSG had any knowledge of the Alfred Galaz bankruptcy petition until more than six months after its filing, and as was opined by Alfred Galaz’s bankruptcy counsel when various inaccuracies were discerned

by WSG and brought to that counsel's attention (e.g., misidentified transferee, possible omission of "Multigroup Claimants" and "Spanish Language Producers"), no amendment of that petition was necessary.² Still conspicuously omitted by Mr. MacLean was revelation of exactly what materials were sent by the SDC counsel. According to SDC counsel, the communications were not to provoke, not to incite, and not to gratuitously do harm, but merely to abide by his "serious" oath to "do no falsehood". Perhaps the most embarrassing explanation offered yet.³

² Exhibit A to the SDC opposition reflects a motion by the U.S. trustee to reopen the bankruptcy case. As the undersigned was informed, this was an act necessary for the sole purpose of allowing the appointed U.S. trustee, Mr. Steven Soule', to have authority to engage in any investigation. It is for that reason alone that the pro-forma motion was granted, without even notice to the debtors, as even such motion reveals only that there are "possible assets to be administered".

Based only on the SDC's incendiary allegations of "fraudulent transfers", the U.S. trustee informed the undersigned that he felt compelled to file a *Motion to Intervene* in this proceeding. Unfortunately, the undersigned was recently one of several thousand U.S. citizens stranded in Peru, and unable to speak with Mr. Soule' until April 1, 2020, and the matter was quickly dispelled. As the undersigned understands from Mr. Soule', his *Motion to Intervene* will most likely soon be withdrawn.

³ To be clear, Multigroup Claimants never contended that Mr. MacLean's "motivations" were grandiose, as he reports, but that he has "an almost bizarre *delusion* of grandiose". Following Mr. MacLean's rationalization for taking actions seeking to reopen the bankruptcy case of an 85-year old man and his spouse, Multigroup Claimants' qualification of "almost" was clearly being generous. See generally, the Declaration of Matthew MacLean, for a lengthier recitation of his personal belief system, his obligation to seek out truth, and his appeal that any revelation was "unintentional".

Mr. MacLean also reveals that he has communicated with legal counsel for Ryan Galaz's adversary in a legal proceeding in San Antonio, Texas, one which also has no relation to WSG or Multigroup Claimants. According to the SDC counsel, it was "principally for the purpose of requesting the nonprotected deposition transcripts of Ryan Galaz and Alfred Galaz in that case and otherwise seeking information in the possession of Ms. Fodera." In fact, the transcripts to which Mr. MacLean refers (see *SDC Further Briefing In Response to Multigroup Claimants' Response to Order to Show Cause*, App. at 636-754, 756-791), were already part of the public record in that proceeding, and easily accessible.

Consequently, Mr. MacLean's true purpose remains coyly undisclosed, as is also the information provided to such counsel. In this instance, Mr. MacLean identifies no "serious" oath to "assist counsel adverse to one's own adversary in unrelated litigation". Rather, his role as a provocateur is acknowledged.

E. All facets of a motion for sanctions for a breach of confidentiality order need not be subject to the public eye in order to afford due process.

According to the SDC, condemnation, censure, and sanctions for violation of a confidentiality protective order must be subject to a public record. Multigroup Claimants takes no position on such subject, but agrees that the SDC and its

counsel should be held accountable, publicly, for its intentional disregard of the protective orders.

The SDC and its counsel Matthew MacLean should further be subject to some formal censure for the malicious acts it/he has taken against the personal interests of individuals such as Alfred Galaz and Ryan Galaz, merely because of their prior/existent ownership of WSG. It is with this asserted cloak of “goodness” that Mr. MacLean contends, for example, that he engaged a handwriting analyst to review Ryan Galaz’s signatures *in unrelated legal proceedings*. As Mr. MacLean should be taught to understand, his actions are those of an agent provocateur, not one in pursuit of a noble oath “to do no falsehood”.

Notwithstanding, a “public hearing” does not require public revelation of the information that SDC counsel have inappropriately revealed, otherwise the purpose of sanctioning parties for their violative act would be obviated. Reference to the “restricted materials”, without their specific identification, will suffice.

Respectfully submitted,

Dated: April 3, 2020

_____/s/_____
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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd of April, 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.

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

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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.maclean@pillsburylaw.com.

Proof of Delivery

I hereby certify that on Tuesday, June 30, 2020, I provided a true and correct copy of the Multigroup Claimants' Reply In Support Of Emergency Motion For Removal From Public Record, And Sanctions Against Sdc And Its Counsel to the following:

Settling Devotional Claimants (SDC), represented by Matthew J MacLean, served via ESERVICE at matthew.maclean@pillsburylaw.com

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Signed: /s/ Brian D Boydston