

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' RESPONSE TO ORDER TO SHOW CAUSE**

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Multigroup Claimants hereby responds to the *Order to Show Cause* issued by the Judges on February 24, 2002, as follows:

**A. MULTIGROUP CLAIMANTS' RESPONSE TO INFORMATION SOUGHT BY THE JUDGES.**

**(1) The identity and legal status (i.e., whether the person is an individual, a limited liability company, or some other type of entity) of every person or entity that has or has had an interest in representing any of the claimants that Multigroup Claimants purports to represent in this proceeding, as well as the percentage of legal and/or beneficial ownership interests or interest that any person or entity held or holds in the claims asserted in this proceeding.**

The earliest appearances in this proceeding occurred on January 20, 2015, when Petitions to Participate were filed, respectively, for 2010-2012 cable royalties, and 2010-2012 satellite royalties. On September 9, 2015, the Judges issued their respective *Notice of Participants*, *Notice of Consolidation*, and *Order for Preliminary Action to Address Categories of Claims*, wherein the 2010-2013 cable claims were consolidated with each other, and separately, the 2010-2013 satellite claims were consolidated with each other. The 2010-2013 cable and 2010-2013 satellite claims were thereafter consolidated into a single proceeding on December 22, 2017, when the Judges issued their *Order Consolidating Proceedings and Reinstating Case Schedule*.

This proceeding, to the extent it issued distribution determinations in the devotional programming category, effectively concluded on July 18, 2018, when the Judges issued their *Final Determination Regarding Distribution of Royalties for Claimants in Devotional Category*.

This proceeding, to the extent it issued distribution determinations in the program suppliers category, effectively concluded on October 1, 2018, when the Judges issued their *Final Determination Regarding Distribution of Cable and Satellite Royalties in Program Suppliers Category*.

The identity and legal status of the requested entities during such time frames are as follows:

**Multigroup Claimants, a sole proprietorship of Alfred Galaz**

Organized on January 20, 2015, pursuant to a notarized filing by Alfred Galaz. See **Exhibit B**.

As of January 20, 2015, owner was Alfred Galaz (100%)

Alfred Galaz ownership transferred to Ryan Galaz on January 1, 2018. See **Exhibit H**.

**Spanish Language Producers, a sole proprietorship of Alfred Galaz**

Organized on January 20, 2015, pursuant to a notarized filing by Alfred Galaz. See **Exhibit C**.

As of January 20, 2015, owner was Alfred Galaz (100%)

Alfred Galaz ownership transferred to Ryan Galaz on January 1, 2018. See **Exhibit H**.

**Worldwide Subsidy Group, LLC dba Independent Producers Group**

Organized March 29, 1999. See **Exhibit A**.

As of January 20, 2015, owners were Denise Vernon (99%) and Ruth Galaz (1%).

Denise Vernon ownership transferred to Alfred Galaz on January 1, 2017. See **Exhibit F**.

Alfred Galaz and Ruth Galaz ownership transferred to Ryan Galaz on December 31, 2017.<sup>1</sup> See

**Exhibit G**.

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<sup>1</sup> Notably, and while irrelevant to the issues addressed herein, Alfred Galaz' Petition for Bankruptcy previously attached to the SDC's *Motion for Order to Show Cause*, erringly indicated that he transferred his interest in IPG to Ruth Galaz – not Ryan Galaz -- on January 1, 2018. SDC *Motion for Order to Show Cause*, at Exhibit 6, at 35.

No principal or representative of Multigroup Claimants had been aware of the Petition until it was brought to their attention nearly six months following its submission, and queried Alfred Galaz regarding such inaccuracy. According to Alfred Galaz, he had provided his bankruptcy

**Worldwide Subsidy Group, LLC dba Independent Producers Group dba Multigroup Claimants dba Spanish Language Producers**

As of January 1, 2018, there was a commonality of ownership of all the foregoing entities. To the extent that Multigroup Claimants and Spanish Language Producers were sole proprietorships of Alfred Galaz, of which he had conveyed all his interests thereto, rather than become sole proprietorships of Ryan Galaz, their interests were merged into that of Worldwide Subsidy Group, LLC.

As noted in prior briefing, in order to avoid any supposed confusion regarding such matters (as concocted by the SDC), Worldwide Subsidy Group, LLC, formally registered assumed name certificates with the State of Texas for both Multigroup Claimants and Spanish Language Producers. See **Exhibits I, J**. Notably, in the state of Texas (as in most, if not all jurisdictions), failure to file an assumed name certificate “does not impair the validity of any contract or act by the person or prevent the person from defending any action or proceeding”. Texas Business and Commerce Code, Section 71.202.

While not requested by the Judges, the ownership interests resulting from any of the foregoing transfers of ownership can be corroborated by the federal tax returns of all the individuals identified above.

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legal counsel all of his relevant papers, including the document attached hereto as **Exhibit G**. Alfred Galaz speculated that such legal counsel simply misread the document, and identified Ruth Galaz, a co-signatory to the document, as the transferee, not Ryan Galaz. When Alfred Galaz revisited the subject following the undersigned’s receipt of SDC emails (see SDC Exhibit 7), and inquired whether he should amend his bankruptcy petition solely to appease parties such as the SDC, he was informed by his bankruptcy legal counsel that because there would be literally zero consequence upon the merits of his bankruptcy filing, counsel considered amendment unnecessary.

**(2) For any person or entity identified in (1), provide the beginning and ending dates of such representation and the name under which that person or entity operated during that period (e.g., Alfred Galaz d/b/a Multigroup Claimants represented all claimants' interests from January 1, 2015 through January 1, 2018).**

Spanish Language Producers, a sole proprietorship of Alfred Galaz, began representation in this proceeding on January 20, 2015, representing solely Azteca International Corporation. Spanish Language Producers was originally organized as a separate entity in order to establish a separate Phase I/Allocation category for Spanish language programming. Notwithstanding, efforts were abandoned to establish Spanish-language programming as a separate Phase I/Allocation category, and the interests of Spanish Language Producers were assigned to Multigroup Claimants during the course of the proceeding. See *Ruling and Order Regarding Objections to Cable and Satellite Claims*, at fn. 2 (Oct. 23, 2017).

Multigroup Claimants, a sole proprietorship of Alfred Galaz, began representation in this proceeding on January 20, 2015. The interests of Multigroup Claimants were merged with Worldwide Subsidy Group, LLC (from whom Multigroup Claimants had previously acquired all its interests) on January 1, 2018, when a commonality of ownership arose, and Worldwide Subsidy Group LLC thereafter continued in the same capacity, adopting the fictitious business name Multigroup Claimants.

**(3) For any sale or transfer of interests between or among persons or entities identified in (1) provide documentation regarding the sale of interest or transfer of ownership. If no documentation is available, make an affirmative statement to that effect and provide a supporting affidavit of a person knowledgeable about such sale or transfer testifying to the transfer and explaining the absence of documentation.**

See Exhibits F, G, H, attached hereto.

**(4) For any entity identified in (1) that is not an individual provide any documentation identifying the legal status and ownership of the entity that was filed with any government agency (e.g., certificate of incorporation).**

See Exhibits A, B, C, I, J, attached hereto.

**(5) For any and all transfers of ownership of any of the parties in (1) provide copies of any communication made either to the Copyright Royalty Board or the Judges as well as any communication provided to the copyright claimants that Multigroup Claimants purports to represent as agent in this proceeding. If no such communication was provided, affirmatively state the reason why such communication was not made and provide a supporting affidavit from a person knowledgeable about the transfer of ownership.**

For purposes of clarification, Multigroup Claimants interprets that this is not a request for *all* communications between Multigroup Claimants and either the Copyright Royalty Board or represented copyright holders, as the request is arguably written, but only communications relating to the transfers of ownership identified in Part 1.

**Multigroup Claimants, a sole proprietorship of Alfred Galaz**

On March 16, 2016, the SDC submitted a discovery request for Multigroup Claimants to:

“Provide all documents relating to Multigroup Claimants’ legal structure, ownership and control.”

Multigroup Claimants objected to such request, and the SDC filed a motion to compel production. On September 14, 2016, the Judges granted the SDC motion, and shortly thereafter, on September 21, 2016, IPG produced in discovery to all parties in this proceeding a copy of the Certificate of Ownership for Multigroup Claimants, filed by Alfred Galaz on January 20, 2015.<sup>2</sup>

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<sup>2</sup> The SDC has asserted that the Certificate of Ownership filed in Bell County, Texas in January 2015, and executed by Alfred Galaz *before a notary public*, may be a “forgery.” Of course, the document is not a “forgery”, and literally no evidence exists that it is a forgery.

See **Exhibit B**. Discovery in this proceeding concluded on August 31, 2017, and the Judges rendered their *Ruling and Order Regarding Objections to Cable and Satellite Claims* on October 23, 2017.

On January 1, 2018, Alfred Galaz formally transferred all his interest in Multigroup Claimants to Ryan Galaz. See **Exhibit H**. As noted above, Alfred Galaz and Ruth Galaz had near-simultaneously transferred all their interests in IPG to Ryan Galaz. See **Exhibit G**. Upon such event, there was a merging of interests because of a commonality of ownership.

In response to the Judges' query, to Multigroup Claimants' knowledge, no communication was made to either the Judges or any copyright owner whose interests are represented in this proceeding, regarding the transfer of ownership in Multigroup Claimants. While there may have been communication at some point to a party whose interests were represented by Multigroup Claimants, no representative of Multigroup Claimants or IPG can recall a situation in which it would have occurred. That is, while such fact was not hidden, Multigroup Claimants had no purpose to notify any party, and knew of no obligation to do so. See Decl. of Boydston, para. 2.

In the current proceeding, discovery had already concluded several months prior to the transfer of Alfred Galaz' interest in Multigroup Claimants. More significantly, however, no ruling has ever issued that a change of ownership in any participant must be communicated to all other participants *ad infinitum*, or at all. In fact, in response to Multigroup Claimants' discovery request for information on the then-current ownership of the SDC participants in this proceeding,

the Judges expressly ruled that the SDC were not required to produce such documents.<sup>3</sup> *Order Granting In Part and Denying In Part Multigroup Claimants' Motion to Compel Production by Settling Devotional Claimants* (Sept. 14, 2016), at 4. *Ipsa facto*, Multigroup Claimants would not have had any obligation to update any party on its ownership status, any more than other parties (such as the SDC) had an obligation to update Multigroup Claimants. See Decl. of Boydston, para. 3.

Moreover, the Judges had already observed in their October 23, 2017 ruling that “[t]he same individuals who conducted IPG’s business now conduct [Multigroup Claimants’] business”<sup>4</sup> -- a fact of no apparent significance to which Multigroup Claimants never suggested otherwise.<sup>5</sup> Consequently, and in addition to the fact that there has never been a ruling that

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<sup>3</sup> As was noted in Multigroup Claimants’ prior pleadings, the SDC is comprised of almost twenty (20) entities in this proceeding alone, and has repeatedly informed the Judges that it is not a singular entity, but multiple entities, *each* an active participant in the allocation and distribution proceedings. Nonetheless, over the course of two decades, on not one occasion has the SDC ever notified IPG, Multigroup Claimants, or *any* adversary, of either the identity of the participants’ ownership, or that there has been a change of ownership, for any of its participant entities.

In fact, in this very proceeding the SDC affirmatively challenged Multigroup Claimants’ request for such ownership information, *and prevailed*. See *Order Granting in Part and Denying in Part Multigroup Claimants' Motion to Compel Production by Settling Devotional Claimants* at 4 (Sept. 14, 2016). This was despite the fact that the SDC’s challenge, and the Judges’ discovery ruling, was contrary to 37 C.F.R. § 360.4(c). Such provision applies to the filers of “July claims”, such as the separate entities that collectively refer to themselves as the SDC, but not to entities such as Multigroup Claimants, who filed no “July claims” for calendar years 2010-2013. See discussion, *infra*.

<sup>4</sup> *Ruling and Order Regarding Objection to Cable and Satellite Claims*, at 9.

<sup>5</sup> Multigroup Claimants has never asserted that there were different individuals involved in Multigroup Claimants’ business than IPG’s, only that ownership of the particular entities varied. As of the merging of interests of Multigroup Claimants and IPG as of January 1, 2018, there were no differences of ownership *or* involved parties, nor did Multigroup Claimants ever have reason to make any representation on the subject.



participants are expected to update other participants as to the status of their ownership, no apparent relevance existed to reporting the change of ownership in Multigroup Claimants, particularly where Multigroup Claimants' had merged its interests *back* with the entity from whom it had acquired all its interests (IPG), and because there was now a commonality of ownership with IPG, and a universally-acknowledged commonality of active representatives. See Decl. of Boydston, para. 6.

Finally, no requirement existed in any IPG client agreement to inform any represented copyright owner regarding changes in IPG *ownership*, much less the ownership of any subsequent transferee of interests, such as Multigroup Claimants.<sup>6</sup> In fact, and even as to the issue of IPG's transfer of interests to any other entity such as Multigroup Claimants, the Judges had already observed, months prior, that no restriction existed on IPG's authority to convey collection rights to any such third party. See *Ruling and Order Regarding Objections to Cable and Satellite Claims*, at 16 (Oct. 23, 2017). See Decl. of Boydston, para. 7.

As such, not only did the represented copyright holders have no ability to restrict IPG's ability to convey collection right to third parties, as regularly occurs on a worldwide basis, such represented copyright holders had no entitlement to be informed of such conveyances. Again, while this information was not kept secret, it was not communicated to represented copyright holders.

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<sup>6</sup> As the Judges observed “[a]s [Multigroup Claimants] correctly points out, it is a common practice for participants in distribution proceedings to contract with collecting societies and other entities that represent groups of claimants, without having a direct contractual relationship with the underlying right holders.” *Ruling and Order Regarding Objections to Cable and Satellite Claims*, at 14 (Oct. 23, 2017). Consequently, to suggest that there is an inherent obligation to apprise any represented copyright holder of *ownership* changes to subsequent transferees, when

**Worldwide Subsidy Group, LLC dba Independent Producers Group**

To IPG’s knowledge, no communication was made to either the Judges or any copyright owner whose interests are represented in this proceeding, regarding the transfers of ownership in IPG. Again, while such fact was not hidden, no purpose existed to notify any party, nor any obligation to do so. See Decl. of Boydston, para. 9.

Initially, no discovery request was ever made seeking documents relating to IPG’s ownership. See Decl. of Boydston, para. 10.

Second, even if such a discovery request had been made, no ruling has ever issued that a change of ownership in any participant must be communicated to all other participants *ad infinitum*, or at all, and the Judges had expressly ruled previously that the SDC were not required to produce such documents. See *supra*; Decl. of Boydston, para. 11.

Finally, no requirement existed in any IPG agreement to inform any represented copyright owner regarding changes in IPG ownership. See Decl. of Boydston, para. 12.

**(6) For any claimant whose representation agreement requires the claimant’s consent to an assignment of the agreement, documentation evidencing such consent. See, e.g., *Ruling and Order Regarding Objections to Cable and Satellite Claims*, at 15-16 (Oct. 23, 2017).**

As reflected in the cited ruling, all of the copyright owners whose interests were represented by Multigroup Claimants in this proceeding (202 parties) were represented pursuant to agreements entered into directly with Worldwide Subsidy Group, LLC, a Texas limited liability company dba Independent Producers Group (“IPG”). As also reflected by that ruling,

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there isn’t even an obligation to apprise a represented copyright holder of the existence of such transfer, defies logic.

with one exception (Azteca International Corporation), there are no restrictions on assignment. Consequently, IPG's assignment to Multigroup Claimants of the authority to represent the interests of such copyright owners and IPG in this proceeding was without restriction (see *Ruling and Order Regarding Objections to Cable and Satellite Claims*, at 16 (Oct. 23, 2017)), nor would there be any restriction on the subsequent merging of the Multigroup Claimants' interests back with IPG.

As regards the sole entity that had any assignment restriction, Azteca International Corporation ("AIC"), its agreement was directly with IPG. Because AIC already agreed to a transfer of IPG's contractual interests to Spanish Language Producers, and then Spanish Language Producers' contractual interests to Multigroup Claimants (after efforts to create a separate Spanish-language category were abandoned), the subsequent merging of Multigroup Claimants' interests back with IPG (the original contracting entity) would be of no consequence and would require no additional consent. Regardless, because none of the royalties of attributable to the devotional programming category were appropriated to AIC, and because the Judges already dismissed *all* claims for the programming of AIC (Id. at 40, 49), the issue of authorized assignment for AIC is moot.

**B. THE JUDGES CITE AN INAPPLICABLE REGULATION AS THE BASIS OF ITS RULING THAT MULTIGROUP CLAIMANTS WAS OBLIGATED TO INFORM THE JUDGES OF CHANGES IN ITS OWNERSHIP.**

Multigroup Claimants previously sought a sur-reply to the SDC's *Motion for Order to Show Cause*, on the grounds that the SDC asserted arguments in its reply brief that were neither mentioned in its moving brief, nor responsive to Multigroup Claimants' arguments, i.e., sandbagging. Among other arguments, Multigroup Claimants sought to address the SDC's

citation to 37 C.F.R. § 360.4(c) as a basis for asserting that Multigroup Claimants was obligated to inform the Judges regarding changes in its ownership.

No ruling was forthcoming on Multigroup Claimants' motion, so it was effectively denied. Notwithstanding, the Judges expressly and exclusively relied on the SDC argument, first raised in the SDC's reply brief, asserting that the dictate of 37 C.F.R. § 360.4(c) is "very clear" that Multigroup Claimants was obligated to inform the Judges as to changes in its ownership.

In fact, 37 C.F.R. § 360.4(c) is entirely inapplicable. As made clear within that regulation and the preceding regulations, that provision refers to and applies to "claims" filed by copyright owners "during the month of July each year", i.e., the "July claims". As such, by its plain language it does not apply to participants *engaged by the copyright owners* to represent them in these proceedings and, notably, Multigroup Claimants did not file *any* "July claims" applicable to the 2010-2013 royalty pools.<sup>7</sup>

Regardless, a portion of the provision not cited by either the SDC or the Judges states:

"... If the good faith efforts of the Copyright Royalty Board to contact the copyright owner or filer are frustrated because of outdated or otherwise inaccurate contact information, the claim may be subject to dismissal. . . ."

37 C.F.R. § 360.4(c). Such provision makes clear that the purpose of such provision is not to summarily dismiss a claim if the "legal name and/or address of the copyright owner entitled to

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<sup>7</sup> As noted above, the Judges previously ruled that the SDC's respective members were under no obligation to produce documents reflecting their ownership or structure. Section 360.4(c) would suggest otherwise, and applies to the filers of "July claims", such as the separate entities that collectively refer to themselves as the SDC, but not to entities such as Multigroup Claimants, who filed no "July claims" for calendar years 2010-2013.

royalties or the person or entity filing the claim changes”, but to address those changes, and seek to have the filer (of the July claim) amend their claim. As Multigroup Claimants already asserted in its *Opposition to SDC Motion for Order to Show Cause*, filed January 9, 2020:

“[I]f 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.”

*Multigroup Claimants’ Opposition to SDC Motion for Order to Show Cause* at 7-8 (Jan. 9, 2020). At this point, Multigroup has already done so, and provided the documentary evidence thereof.

## CONCLUSION

As noted in prior briefing, the genesis of the Judges’ *Order to Show Cause* is the product of the SDC’s trolling of legal filings by Alfred Galaz, and is based entirely on the SDC’s assertion of *allegedly* inconsistent statements made by Alfred Galaz and his spouse in a bankruptcy petition filed in May 2019. According to the SDC, such petition brought into issue whether Alfred Galaz was *ever* an owner of Multigroup Claimants because it did not mention Multigroup Claimants. *All* evidence as to such matter -- including the previously submitted declaration of Alfred Galaz, and notarized documents that the SDC accuses without basis are possible “forgeries” -- reflects the contrary.

Conspicuously absent from any SDC filing, despite the inquiry by Multigroup Claimants, is when the SDC first knew of the May 2019 filing, which is already known to have been at least

two months prior to the filing of the SDC motion on December 26, 2019. Conspicuously absent is any legal basis pursuant to which Multigroup Claimants was obligated to apprise the SDC of Multigroup Claimants' change of ownership. Conspicuously absent is any acknowledgment that any change of ownership occurred long after the close of discovery, did not result in a change of Multigroup Claimant representatives, and did not affect the legal obligations of Multigroup Claimants or any other party involved. Conspicuously absent is an acknowledgment that this Phase II/distribution proceeding concluded pursuant to a consent decree rendered 1½ years ago to which the SDC is bound. More to the point, the SDC's suggestion that a change of ownership to Multigroup Claimants, and thus the merging of its interests with the entity from whom it acquired all its interests, is somehow a "fraudulent" act, reflects nothing more than the inflammatory, failed analysis of the SDC and its counsel. Multigroup Claimants continued to act under the identical authority by which it first appeared in this proceeding, represented by the same individuals. No different than any entity whose ownership changes, such changes do not affect the standing of such entity in legal or contractual matters.

In light of these facts, the Judges are bound by the final distribution determination, issued July 18, 2018, and should immediately issue an order granting Multigroup Claimants' final distribution of its 2010-2013 satellite royalties for the devotional programming category.

Respectfully submitted,

February 28, 2020

\_\_\_\_\_/s/\_\_\_\_\_  
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## **CERTIFICATE OF SERVICE**

I hereby certify that on this 28th of February, 2020, a copy of the foregoing was 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](mailto:jstewart@crowell.com).

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

Canadian Claimants Group, represented by Victor J Cosentino, served via Electronic Service at [victor.cosentino@larsongaston.com](mailto:victor.cosentino@larsongaston.com).

SESAC Performing Rights, LLC, represented by John C. Beiter, served via Electronic Service at [john@beiterlaw.com](mailto:john@beiterlaw.com).

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

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

Settling Devotional Claimants (SDC), represented by Matthew MacLean, served via Electronic Service at [matthew.maclea@pillsburylaw.com](mailto:matthew.maclea@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' Response To Order To Show Cause to the following:

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

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

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

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

Public Television Claimants (PTC), represented by Dustin Cho, served via ESERVICE at dcho@cov.com

Signed: /s/ Brian D Boydston