

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>)	

**DECLARATION OF BRIAN BOYDSTON IN SUPPORT OF MULTIGROUP
CLAIMANTS' RESPONSE TO ORDER TO SHOW CAUSE**

I, Brian Boydston, declare:

1. I am over 18 years of age and an attorney at law duly licensed to practice law in the California. I am a partner in the law firm of Pick & Boydston, LLP, attorneys of record for Multigroup Claimants in this proceeding.
2. I am advised, and understand from publicly filed documents that on January 1, 2018, Alfred Galaz formally transferred all his interest in Multigroup Claimants to Ryan Galaz. To my 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 Worldwide Subsidy Group, LLC (doing business as Independent Producers Group ("IPG")) can recall a situation in which it would have occurred. That is, while such fact was not hidden, no purpose existed to notify any party, nor any obligation to do so.

3. In the current proceeding, discovery had already concluded several months prior to the transfer of Alfred Galaz' interest in Multigroup Claimants. More significantly, I was not aware of any ruling 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. *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*, I would not have believed there to be any obligation to update any party on Multigroup Claimants' ownership status, any more than other parties (such as the SDC) had an obligation to update Multigroup Claimants.

4. 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, during which I have been counsel in the proceedings the vast majority of which, 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.

5. 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.

6. 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” (*Ruling and Order Regarding Objection to Cable and Satellite Claims*, at 9) -- a fact to which Multigroup Claimants never suggested otherwise. Consequently, and in addition to the fact that there has never been a ruling that 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.

7. 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. 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).

8. 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.

9. To my 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.

10. No discovery request was ever made seeking documents relating to IPG's ownership.

11. 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.

12. No requirement existed in any IPG agreement to inform any represented copyright owner regarding changes in IPG ownership.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 28th day of February, 2020, at Los Angeles, California.

_____/s/_____
Brian D. Boydston, Esq.

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.

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

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

SESAC Performing Rights, LLC, represented by John C. Beiter, served via Electronic Service at john@beiterlaw.com.

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 Declaration Of Brian Boydston In Support Of Multigroup Claimants' Response To Order To Show Cause to the following:

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

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

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

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

Signed: /s/ Brian D Boydston