

Before the  
COPYRIGHT ROYALTY JUDGES  
Washington, D.C.

In the Matter of	)	
	)	
Distribution of 2000, 2001, 2002	)	Docket No. 2008-2 CRB CD
And 2003 Cable Royalty Funds	)	2000-2003 (Phase II) (Second
	)	Remand)
_____	)	

**INDEPENDENT PRODUCERS GROUP’S MOTION  
REQUESTING ORDER TO COMPEL RELEASE OF  
INFORMATION BY LICENSING DIVISION**

Worldwide Subsidy Group LLC (a Texas limited liability company)  
dba Independent Producers Group ("IPG") hereby submits its *Motion  
Requesting Order to Compel Release of Information by Licensing Division.*

**INTRODUCTION**

In the course of assessing its position relative to various settlement discussions, Independent Producers Group (“IPG”) has periodically sought information from the Licensing Division of the U.S. Copyright Office relating to the income and expenses attributable to various royalty pools of cable and satellite retransmission royalties, and the growth of undistributed royalties. The Licensing Division has long been responsible for the

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collection of such royalties, the investment of such royalties, and the maintenance of records thereof. As IPG understands, the Licensing Division is the primary, if not exclusive, controller of such information.

Notwithstanding the foregoing, on multiple prior occasions IPG has been denied information that would allow it the ability to calculate the amounts available for distribution that are attributable to particular royalty pools to which IPG has an established interest. As a recent example, upon IPG's request for information on July 15, 2019 relating to 2000-2003 cable royalties, such information still has not been provided. While IPG received an email asserting that the Licensing Division "[tries] to provide responses within 1 to 2 business days", the last communication to IPG was made on August 15, 2019. Subsequent emails requesting response continue to be ignored, and even after eleven emails over eleven weeks, the Licensing Division still fails to respond and has still failed to provide the information requested. See **Exhibit A**.

In fact, in order to make clear the purpose of the requested information, and its use in connection with distribution proceedings, IPG has

expressly articulated to the Licensing Division why such information is being requested.

“FYI, we are engaging in a settlement of the only outstanding proceeding in the 2000-2003 cable proceedings. However, as with other proceedings, because there have been various distributions of these funds, and only one of the parties has received advance distributions, we must assess what growth is attributable to the shares held by the two parties. This calculation has been performed previously, *but because the settlement is confidential*,<sup>1</sup> we must engage in this calculation ourselves.”

**Exhibit A** (July 17, 2019 email) (emphasis added).

“To put this in context, the only remaining parties to the distribution of these royalties from almost twenty years ago believe that they may have a settlement with each other, **HOWEVER** it cannot be accomplished unless we obtain the information that the Licensing Division has at its fingertips. Absent your cooperation, no settlement can be accomplished. Absent your cooperation, unnecessary proceedings advance at the significant cost of the remaining parties, and the Copyright Royalty Board.

Please appreciate the urgency of this matter.”

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<sup>1</sup> It bears noting that the SDC’s subsequent *Motion for Final Distribution Under 17 U.S.C. § 801(b)(3)(A)* (filed July 25, 2019), wherein the SDC revealed confidential settlement discussions and a confidential settlement, and IPG’s *Motion for Sanctions* (filed August 5, 2019), might have been obviated if the Licensing Division had simply provided the requested information. Providing such information would have made the revelation of the confidential information unnecessary, per the assertion of the SDC.

**Exhibit A** (July 24, 2019 email).

## **ARGUMENT**

Section 801(d) of Title 17 of the U.S. Code states the following:

**(d)Administrative Support.—**

The Librarian of Congress shall provide the Copyright Royalty Judges with the necessary administrative services related to proceedings under this chapter.

Moreover, the Judges have previously issued orders upon the Licensing Division and the Copyright Office, directing a variety of actions. See, e.g., *Order Directing Partial Distribution of Program Suppliers' Cable Royalties to IPG-Represented Claimants for 2004 through 2009* (Nov. 9, 2016), Docket nos. 2012-6 CRB CD 2004-2009 (Phase II) (“The Licensing Division shall make the advance distribution . . .”); *Order Granting Motion for Partial Distribution* (June 6, 2017), Docket no. 16-CRB-0020 CD (2015) (“The Copyright Office shall . . .”). Consequently, no issue exists that the Judges retain the authority to issue the order requested herein.

In fact, recognizing the interplay between amounts confidentially allocated amongst Phase I (i.e., “Allocation”) and Phase II (i.e.,

“Distribution”) participants, the Judges have previously ordered that parties to distribution proceedings provide information to the Licensing Division “to allow the Licensing Division to make an independent calculation consistent with the Judges’ Order.” *Order Granting In Part and Denying In Part IPG’s Motion for Partial Distribution of Program Suppliers’ Royalties* (Sept. 9, 2016), Docket nos. 2012-6 CRB CD 2004-2009 (Phase II).

While settlements are generally encouraged, they are necessarily encumbered when the parties have no ability to definitively discern what amounts are attributable to a particular royalty pool, or to a particular program category to which they retain an interest, because of information withheld by the Licensing Division. Information reflecting the amounts attributable to a royalty pool, distributions from such royalty pools, expenses attributed to such royalty pools, and the growth of undistributed royalties, all constitute categories of information that are not confidential, and should be a matter of public record.

## **CONCLUSION**

For the reasons set forth above, IPG requests that the Judges issue an order directing the Licensing Division to cooperate, and provide such

information as is within its possession necessary to calculate the income and expenses attributable to the 2000-2003 royalty pools of cable retransmission royalties, and the growth of such undistributed royalties.

Respectfully submitted,

Dated: October 1, 2019

\_\_\_\_\_/s/\_\_\_\_\_  
Brian D. Boydston, Esq.  
California State Bar No.155614

PICK & BOYDSTON, LLP  
2288 Westwood Blvd., Ste. 212  
Los Angeles, California 90064  
Telephone: (424)293-0111  
Email: brianb@ix.netcom.com

Attorneys for Independent  
Producers Group

## **CERTIFICATE OF SERVICE**

I hereby certify that on this October 1, 2019, a copy of the foregoing was electronically filed and served on the following parties via the eCRB system.

\_\_\_\_\_/s/\_\_\_\_\_  
Brian D. Boydston

### **DEVOTIONAL CLAIMANTS:**

Matthew MacLean  
Michael Warley  
Jessica Nyman  
Pillsbury, Winthrop, et al.  
1200 17<sup>th</sup> Street, NW  
Washington, D.C. 20036

## EXHIBIT A

**From:** Raul Galaz <raulgalaz1@aol.com> [Edit Address Book]

**To:** licensing@copyright.gov

**Cc:** brianb@ix.netcom.com, licfiscal@copyright.gov

**Subject:** Re: 2000-2003 cable retransmission royalties

**Date:** Sep 13, 2019 3:05 PM

Dear Sir/Madam,

does anyone from the Licensing Division ever plan to respond?

If response is not forthcoming no later than Monday, September 16, 2019, we will presume that none will be forthcoming.

Raul Galaz

**From:** Raul Galaz <raulgalaz1@aol.com> [Edit Address Book]

**To:** licensing@copyright.gov

**Cc:** brianb@ix.netcom.com, licfiscal@copyright.gov

**Subject:** Re: 2000-2003 cable retransmission royalties

**Date:** Sep 8, 2019 9:56 AM

To anonymous Licensing Division personnel,

at this point, it has been another three and a half weeks without response. Our initial inquiry of information that is at someone's fingertips, was made on July 15 (see email string), i.e., eight weeks ago.

Several weeks ago, we informed your office of the following:

"To put this in context, the only remaining parties to the distribution of these royalties from almost twenty years ago believe that they may have a settlement with each other, **HOWEVER** it cannot be accomplished unless we obtain the information that the Licensing Division has at its fingertips. Absent your cooperation, no settlement can be accomplished. Absent your cooperation, unnecessary proceedings advance at the significant cost of the remaining parties, and the Copyright Royalty Board."

We are at a loss to understand why there is such an obvious neglect as to this matter. Who do we need to speak to in order to obtain a response -- specifically, a name? Absent immediate response, we are



considering filing suit to compel the Licensing Division to provide this information, and seek attorneys fees and costs against the Copyright Office for requiring us to engage in this act that would be entirely unnecessary if the Licensing Division would just do its job, and take twenty minutes to compile the information related to these monies that have been in your possession for up to twenty years.

Raul Galaz

-----Original Message-----

From: Raul Galaz <raulgalaz1@aol.com>

To: licensing <licensing@copyright.gov>

Cc: licensing <licensing@copyright.gov>; brianb <brianb@ix.netcom.com>; licfiscal <licfiscal@copyright.gov>

Sent: Fri, Aug 16, 2019 6:02 pm

Subject: RE: 2000-2003 cable retransmission royalties

Thank you, however could you also respond to my other question? That is, could you please provide your name?

This issue is not academic. There are a variety of questions that could be better answered in the course of a single conversation than having to wait for several days, or weeks, for a response.

Raul Galaz

Sent from AOL Mobile Mail

Get the new AOL app: [mail.mobile.aol.com](mailto:mail.mobile.aol.com)

On Friday, August 16, 2019, Copyright Licensing <licensing@copyright.gov> wrote:

Good afternoon Mr. Galaz:

Your inquiry is currently with our fiscal section so that they can review and offer the relevant information. While we try to provide responses within 1 to 2 business days, inquiries related to financial matters may require additional time to assess. We appreciate your patience while our fiscal section reviews the matter.

Thank you,

**Licensing Division**

U.S. Copyright Office

101 Independence Ave SE, Washington, DC 20559-6001

202-707-8150 | [licensing@copyright.gov](mailto:licensing@copyright.gov)

To help us serve you better, please participate in an anonymous survey:

<https://www.surveymonkey.com/r/LDcustomerfeedback>

*Notice: Please be aware that any email correspondence associated with the examination of licensing documents may be considered part of the office's public record and may be subject to disclosure to other parties upon request.*

**From:** Raul Galaz [mailto:raulgalaz1@aol.com]  
**Sent:** Thursday, August 15, 2019 9:06 AM  
**To:** Copyright Licensing  
**Cc:** Licensing Fiscal; brianb@ix.netcom.com  
**Subject:** Fwd: 2000-2003 cable retransmission royalties

A response would still be helpful.

Is there some reason why the Licensing Division responses continue to remain anonymous? Could the respondent please provide their name?

Raul Galaz

-----Original Message-----

From: Raul Galaz <raulgalaz1@aol.com>  
To: licensing <licensing@copyright.gov>  
Cc: licfiscal <licfiscal@copyright.gov>; brianb <brianb@ix.netcom.com>  
Sent: Tue, Aug 13, 2019 12:34 am  
Subject: Fwd: 2000-2003 cable retransmission royalties

Could someone please respond?

Raul Galaz

-----Original Message-----

From: Raul Galaz <raulgalaz1@aol.com>  
To: licensing <licensing@copyright.gov>  
Cc: licfiscal <licfiscal@copyright.gov>; brianb <brianb@ix.netcom.com>  
Sent: Thu, Aug 8, 2019 12:02 pm  
Subject: Re: 2000-2003 cable retransmission royalties

Thank you. I have a basic question, however. How is it possible for the expenses associated with a royalty pool to remain the same, but the value of the pool to decrease? Are the funds invested in securities whose values fluctuate downward?

Raul Galaz

-----Original Message-----

From: Copyright Licensing <licensing@copyright.gov>  
To: 'Raul Galaz' <raulgalaz1@aol.com>; brianb@ix.netcom.com <brianb@ix.netcom.com>  
Cc: Licensing Fiscal <licfiscal@copyright.gov>; Copyright Licensing <licensing@copyright.gov>  
Sent: Thu, Aug 1, 2019 3:34 pm  
Subject: RE: 2000-2003 cable retransmission royalties

Good Afternoon Mr. Galaz,

We apologize for the delay. Attached are financial reports, similar to what you had attached earlier that reflect the current cable royalties balances for filing years 2000, 2001, 2002, and 2003. In addition, audited financial statements for the fiduciary assets held by the Copyright Office are available on the Licensing Division website at <https://www.copyright.gov/licensing/>. If further assistance is needed, please do not hesitate to contact the division.

Thank you,

**Licensing Division**

U.S. Copyright Office  
101 Independence Ave SE, Washington, DC 20559-6001  
202-707-8150 | [licensing@copyright.gov](mailto:licensing@copyright.gov)

To help us serve you better, please participate in an anonymous survey:  
<https://www.surveymonkey.com/r/LDcustomerfeedback>

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*Notice: Please be aware that any email correspondence associated with the examination of licensing documents may be considered part of the office's public record and may be subject to disclosure to other parties upon request.*

**From:** Raul Galaz [mailto:raulgalaz1@aol.com]  
**Sent:** Tuesday, July 30, 2019 10:42 AM  
**To:** Murzinski, Vincent; Licensing Fiscal  
**Cc:** brianb@ix.netcom.com; Copyright Licensing  
**Subject:** Re: 2000-2003 cable retransmission royalties

Dear Sirs/Madam:

we still have not heard from any representative of the Licensing Division, and it concerns us for the reasons set forth below.

Could someone please contact us?

Raul Galaz

-----Original Message-----

From: Raul Galaz <raulgalaz1@aol.com>  
To: vimur <vimur@copyright.gov>; licfiscal <licfiscal@copyright.gov>  
Cc: brianb <brianb@ix.netcom.com>; licensing <licensing@copyright.gov>  
Sent: Wed, Jul 24, 2019 1:02 pm  
Subject: Re: 2000-2003 cable retransmission royalties

Dear Sirs/Madams,

could someone from the Licensing Division please give me a call at (210) 789-9084 in order to discuss this matter?

To put this in context, the only remaining parties to the distribution of these royalties from almost twenty years ago believe that they may have a settlement with each other, **HOWEVER** it cannot be accomplished unless we obtain the information that the Licensing Division has at its fingertips. Absent your cooperation, no settlement can be accomplished. Absent your cooperation, unnecessary proceedings advance at the significant cost of the remaining parties, and the Copyright Royalty Board.

Please appreciate the urgency of this matter.

Raul Galaz

-----Original Message-----

From: Murzinski, Vincent <vimur@copyright.gov>  
To: 'Raul Galaz' <raulgalaz1@aol.com>; Licensing Fiscal <licfiscal@copyright.gov>  
Cc: brianb@ix.netcom.com <brianb@ix.netcom.com>; Copyright Licensing <licensing@copyright.gov>  
Sent: Fri, Jul 19, 2019 7:05 am

Subject: RE: 2000-2003 cable retransmission royalties

I am forwarding your email to [licensing@copyright.gov](mailto:licensing@copyright.gov). [licensing@copyright.gov](mailto:licensing@copyright.gov), is the Licensing Division's one-stop source for information about various statutory licenses.

**From:** Raul Galaz [<mailto:raulgalaz1@aol.com>]  
**Sent:** Thursday, July 18, 2019 6:41 PM  
**To:** Murzinski, Vincent; Licensing Fiscal  
**Cc:** [brianb@ix.netcom.com](mailto:brianb@ix.netcom.com)  
**Subject:** Fwd: 2000-2003 cable retransmission royalties

Dear Sir/Madam,

can you inform me who we should be speaking with as to this matter?

Raul

-----Original Message-----

From: Raul Galaz <[raulgalaz1@aol.com](mailto:raulgalaz1@aol.com)>  
To: vimur <[vimur@copyright.gov](mailto:vimur@copyright.gov)>; [licfiscal@copyright.gov](mailto:licfiscal@copyright.gov)  
Cc: [brianb@ix.netcom.com](mailto:brianb@ix.netcom.com)  
Sent: Wed, Jul 17, 2019 12:02 pm  
Subject: Re: 2000-2003 cable retransmission royalties

Vince, thanks, but for whatever reason the Annual Reports only show income/expenses for a particular royalty pool for that year. It does not provide the updated figures for each royalty pool, or what growth there has been in such pool from investments over the years. Where would I find that information?

FYI, we are engaging in a settlement of the only outstanding proceeding in the 2000-2003 cable proceedings. However, as with other proceedings, because there have been various distributions of these funds, and only one of the parties has received advance distributions, we must assess what growth is attributable to the shares held by the two parties. This calculation has been performed previously, but because the settlement is confidential, we must engage in this calculation ourselves.

Raul

-----Original Message-----

From: Murzinski, Vincent <[vimur@copyright.gov](mailto:vimur@copyright.gov)>  
To: 'Raul Galaz' <[raulgalaz1@aol.com](mailto:raulgalaz1@aol.com)>; Licensing Fiscal <[licfiscal@copyright.gov](mailto:licfiscal@copyright.gov)>  
Sent: Wed, Jul 17, 2019 10:37 am  
Subject: RE: 2000-2003 cable retransmission royalties

Mr. Galaz,

Annual Reports can be found here:

[https://www.copyright.gov/history/annual\\_reports.html](https://www.copyright.gov/history/annual_reports.html)

Fiscal Section  
Licensing Division

**From:** Raul Galaz [<mailto:raulgalaz1@aol.com>]  
**Sent:** Wednesday, July 17, 2019 10:10 AM  
**To:** Licensing Fiscal

**Cc:** Murzinski, Vincent  
**Subject:** Re: 2000-2003 cable retransmission royalties

Dear Sir/Madam,

thank you, but this is not really what I was looking for. In prior years, the Copyright Office issued Annual Reports that detailed the expenses allocated to each royalty pool. Attached is an example of what we have found in the past, and these figures get updated periodically, however we have located no comparable information online, and certainly no updated figures.

Do you have information comparable to what is attached?

Raul Galaz

-----Original Message-----

**From:** Licensing Fiscal <licfiscal@copyright.gov>  
**To:** raulgalaz1@aol.com <raulgalaz1@aol.com>  
**Cc:** Licensing Fiscal <licfiscal@copyright.gov>  
**Sent:** Wed, Jul 17, 2019 9:31 am  
**Subject:** RE: 2000-2003 cable retransmission royalties

Mr. Galaz,

Attached is the growth report as of June 30, 2019.

Fiscal Section  
Licensing Division

**From:** Raul Galaz [mailto:raulgalaz1@aol.com]  
**Sent:** Monday, July 15, 2019 11:02 PM  
**To:** Murzinski, Vincent  
**Subject:** 2000-2003 cable retransmission royalties

Dear Mr. Murzinski,

we were attempting to discern whatever figures exist for growth and expenses associated with the 200-2003 cable retransmission royalty pools. Is there a place online where that is available.

Your prompt response is appreciated.

Raul Galaz

## Proof of Delivery

I hereby certify that on Tuesday, October 01, 2019, I provided a true and correct copy of the INDEPENDENT PRODUCERS GROUP'S MOTION REQUESTING ORDER TO COMPEL RELEASE OF INFORMATION BY LICENSING DIVISION to the following:

Settling Devotional Claimants (SDC), represented by Michael A Warley, served via Electronic Service at michael.warley@pillsburylaw.com

Signed: /s/ Brian D Boydston