

**UNITED STATES COPYRIGHT ROYALTY JUDGES**  
**The Library of Congress**

**In re**

**Distribution of 2014 Digital Audio  
Recording Royalty Funds**

**Docket No. 15-CRB-0011-SRF (CO) (2014)**

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**NOTICE OF PARTICIPANTS, COMMENCEMENT OF VOLUNTARY NEGOTIATION  
PERIOD, AND CASE SCHEDULING ORDER**

On September 20, 2019, the Copyright Royalty Judges (Judges) published in the Federal Register a Notice announcing commencement of paper proceeding, requesting Petitions to Participate, and allowing comments ([Notice](#)). 84 Fed. Reg. 49562. The Judges directed interested parties to file Petitions to Participate no later than October 21, 2019. The Judges announced their intention to conduct a paper proceeding in accordance with 17 U.S.C. § 803(b)(5)(B). The Judges permitted any party wishing to comment on the Judges’ intention to conduct a paper proceeding to include such comments in its Petition to Participate.

**Identification of Participants**

Attachment A to this Order identifies the three parties that filed timely Petitions to Participate. By listing filers of Petitions to Participate, the Judges do not imply a finding that the petitions are valid or that the filing party has a significant interest in the proceeding as required by 17 U.S.C. § 803(b)(2)(C).

**Paper Proceeding**

In the Notice, the Judges explained that they found it “appropriate to conduct a paper proceeding in this matter in light of the relatively modest amount of royalties in dispute after previously approved partial distributions and the anticipated small number of non-settling claimants.” Notice at 49563. The sole participant that commented on the Judges’ intention to conduct a paper proceeding supported the Judges’ decision. The Judges’ will conduct a paper proceeding as described in this Order.

**Case Schedule**

The case schedule appended as Attachment B details the order of events in this proceeding and the timeline for those events. At any time, a participant may file a motion stating good cause to vary the schedule. If all participants agree and make a joint motion for alteration of the case schedule, the Judges will consider and weigh the parties’ proposal under their inherent authority to manage the proceedings and the explicit authority granted by section 801(c) of the Act.<sup>1</sup>

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<sup>1</sup> Section 801(c) provides that the Judges “may make any necessary procedural or evidentiary rulings in any proceeding under this chapter [8]....”

## Negotiation Period

Section 803(b)(3)(A)(ii) of the Copyright Act requires all participants in full proceedings to engage directly or by counsel in good faith settlement negotiations aimed at resolving controversies regarding distribution of royalty funds on deposit. By this Notice, the Judges act consistently with the Congressional intent that royalty proceedings be resolved, to the extent possible, by agreement. For that reason, the Judges designate a period for negotiation in this paper proceeding. At the conclusion of the negotiation period, the parties are to submit written notification to the Judges of the status of their negotiations. Parties may submit their written notification jointly or separately.

If the royalty claimants do not reach complete agreement for each fund for each royalty year at issue, the proceeding will continue according to the case schedule appended as Attachment B. Nothing in this Order limits parties' ability to continue negotiations and reach a settlement of their differences at any time during the course of the proceeding.

## Written Statements and Discovery Period

On or before the date noted on Attachment B, any participant having or asserting an issue in controversy shall file its Written Direct Statement.<sup>2</sup> The parties shall adhere to the discovery period set forth in Attachment B. On or before the date set in Attachment B, each participant may, but is not required to, file a Written Rebuttal Statement responding to each issue raised by an opposing party. Each participant may, but is not required to, file a Reply Statement on or before the deadline set forth in Attachment B addressing specifically issues raised in the Rebuttal Statements.

## Joint Settlement Conference

Following filing of all statements and legal arguments, the parties shall engage in a Joint Settlement Conference. If the participants' Joint Settlement Conference Report does not indicate full and final settlement of all issues with all parties, the Judges will make and publish their determination after consideration of the filed statements.

## Order

The Judges hereby **ORDER** that all participants adhere to the case schedule attached to this Order as Attachment B and refer to the foregoing narrative as needed for interpretation of the schedule. The Judges may sanction any participant that fails to follow the schedule or, if in doubt, fails to seek clarification of the schedule and its requirements.

**SO ORDERED.**

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Jesse M. Feder  
Chief Copyright Royalty Judge

DATED: October 25, 2019.

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<sup>2</sup> Unless the Judges order otherwise, all participants shall file electronically using eCRB and shall receive relevant documents electronically through eCRB. *See* 37 C.F.R. §§ 350.5, 350.6.

**ATTACHMENT A**  
**Participants**

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**ATTACHMENT B**  
**Case Schedule**

<b>Case event</b>	<b>Date</b>
Initiation (publication in FR)	September 20, 2019
Deadline for petitions to participate	October 21, 2019
Commencement of Voluntary Negotiation Period	October 28, 2019
End of Voluntary Negotiation Period	January 28, 2020
Parties' Notice Regarding Settlement	February 3, 2020
Non-Settling Parties file Written Direct Statements Commencement of Discovery Period	June 3, 2020
End of Discovery Period	July 20, 2020
Deadline to file Written Rebuttal Statements	August 3, 2020
Deadline to file Reply Statements Commencement of Settlement Conference Period	August 24, 2020
End of Settlement Conference Period	September 24, 2020
Deadline for Joint Settlement Conference Report	September 30, 2020
Initial Determination	TBD