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Before the
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Washington, D.C.

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In the Matter of)

Distribution of 2004, 2005, 2006,
2007, 2008 and 2009 Cable
Royalty Funds)

Docket No. 2012-6 CRB CD 2004-
2009 (Phase II)

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Copyright Royalty Board

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In the Matter of)

Distribution of 1999-2009 Satellite
Royalty Funds)

Docket No. 2012-7 CRB SD 1999-
2009 (Phase II)

**INDEPENDENT PRODUCERS GROUP'S SECOND REPLY IN SUPPORT
OF MOTION TO STRIKE REPLY BRIEFS FILED BY THE SETTLING
DEVOTIONAL CLAIMANTS AND THE MOTION PICTURE
ASSOCIATION OF AMERICA IN RESPONSE TO INDEPENDENT
PRODUCERS GROUP'S OPPOSITION TO MOTIONS FOR SANCTIONS**

Worldwide Subsidy Group LLC (a Texas limited liability company) dba
Independent Producers Group ("IPG") hereby submits its *Second Reply Brief In
Support of Motion to Strike Reply Briefs filed by the Settling Devotional Claimants*

*and Motion Picture Association of America In Response to IPG's Opposition to Motions for Sanctions.*¹

The MPAA argue that IPG's *Motion to Strike Reply Briefs* should just be disregarded, initially for the failure of the motion and reply brief to comply with the CRB regulations published on April 20, 2017. IPG's moving brief, its *Motion to Strike Reply Briefs filed by the Settling Devotional Claimants and Motion Picture Association of America In Response to IPG's Opposition to Motions for Sanctions*, was submitted by overnight mail on April 20, 2017, prior to notification of the Judges' issuance of amended regulations. Whereas the SDC responded in accordance with the timeframes in effect at IPG's submission, the MPAA responded in accordance with the timeframes set forth in the amended regulations. IPG reasonably assumed that the response times applicable at the start of the pleading cycle would apply, and that such response times would not be revised mid-pleading cycle.

¹ IPG's initial reply brief responded only to an opposition brief filed by the Settling Devotional Claimants ("SDC"), under IPG's expressly-stated understanding that the Motion Picture Association of America ("MPAA") was not filing an opposition brief.

Second, and no different than the SDC, the MPAA argue that because the Judges did not specifically prohibit the filing of a reply brief, a reply brief was allowed, ignoring the innumerable instances in which the Judges have directed a filings process varying from the standard process of submission of a moving brief, opposition brief, then reply brief. The MPAA opposition brief adds nothing to address the argument, simply referring to the then-existent regulations applicable to the filing of reply briefs under a pleading process that hasn't been specifically proscribed by the Judges.

Finally, the MPAA ask the Judges to simply ignore that the MPAA and the SDC have *both* discovered significant errors in their expert reports, that such errors were discovered by third parties, that the discoveries occurred several weeks following the submission of the expert reports and, in the case of the SDC, the SDC purposely withheld information about the discovered errors for 3 ½ weeks before reporting it. See generally, *IPG Reply Brief In Support of Motion to Strike Reply Briefs filed by the Settling Devotional Claimants and Motion Picture Association of America In Response to IPG's Opposition to Motions for Sanctions*. Remarkably, the MPAA finds less culpability with such actions than IPG's near-immediate discovery and reporting of expert error because, with the attestation of IPG's expert witness, IPG argued that such pre-discovery revisions were not a

revision of methodology but rather a revision of data error. In a phrase, the MPAA argument lacks common sense. Indeed, not only should the Judges consider such facts to strike the MPAA reply brief, but to place in context the significance of the underlying motion for sanctions filed by the MPAA and the SDC.

CONCLUSION

For the reasons set forth above, the MPAA and the SDC reply briefs should be stricken and not considered by the Judges.

DATED: May 5, 2017

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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of May, 2017, a copy of the foregoing was sent by electronic mail and next day mail to the parties listed on the attached Service List.

_____/s/_____
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