

Before the
COPYRIGHT ROYALTY JUDGES
Washington, DC

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In the Matter of)	
)	
Phase II Distribution of the 2000,)	Docket No. 2008-2
2001, 2002, and 2003 Cable)	CRB CD 2000-2003 (Phase II)
Royalty Funds)	
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SETTLING DEVOTIONAL CLAIMANTS’ COMMENTS ON COPYRIGHT ROYALTY JUDGES’ NOTICE OF CONCLUSION OF PROCEEDING AS A PAPER PROCEEDING

Pursuant to the Judges’ Scheduling Order and Notice of Conclusion of Proceeding as a Paper Proceeding, the Settling Devotional Claimants (“SDC”) hereby submit the following comments on the Judges’ intent to conclude this proceeding as a paper proceeding.

The SDC are currently unaware of any genuine issue of material fact on which the Judges should receive evidence at a hearing before deciding this matter. The methodology presented by IPG is substantially indistinguishable from, even if it is not identical to, the methodology the Judges rejected in the 2000-2003 case. *Final Distribution Order*, 78 Fed. Reg. 64,984, 64,998-65,002 and 65,005 (Oct. 30, 2013), *aff’d in part, Independent Producers Group v. Librarian of Congress*, 792 F.3d 132 (D.C. Cir. 2015), *and rev’d in part on other grounds, Settling Devotional Claimants v. Copyright Royalty Board*, 797 F.3d 1106 (D.C. Cir. 2015). The methodology presented by the SDC is substantially indistinguishable from the methodology adopted by the Judges in the 1999 case, and affirmed on appeal. *Final Distribution Determination*, 80 Fed. Reg. 13,423, 13,442-43 (Mar. 13, 2015), *aff’d, Settling Devotional Claimants v. Copyright Royalty Board*, No. 15-1084, 2017 WL 1483329 (D.C. Cir. Feb. 10, 2017) (per curiam).

Nevertheless, because the SDC do not know and cannot speculate whether IPG will raise a genuine factual dispute in its written rebuttal statement that should be tested through

presentation of oral testimony and cross-examination, the SDC respectfully suggest that the most prudent course would be for the Judges to provide an opportunity for further comment after the parties have submitted written rebuttal statements.

Therefore, the SDC request the Judges to solicit and receive further comment after the filing of written rebuttal statements.

Date: October 11, 2017

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Michael A. Warley, hereby certify that a copy of the foregoing was served electronically and via overnight delivery through Federal Express on October 11, 2017, to the following:

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/s/ Michael Warley
Michael A. Warley

Certificate of Service

I hereby certify that on Wednesday, October 11, 2017 I provided a true and correct copy of the Settling Devotional Claimants' Comments on Copyright Royalty Judges' Notice of Conclusion of Proceeding as a Paper Proceeding to the following:

Independent Producers Group (IPG), represented by Brian D Boydston served via Electronic Service at brianb@ix.netcom.com

Signed: /s/ Michael A Warley