

Before the  
COPYRIGHT ROYALTY JUDGES  
Washington, D.C.

_____ )	
In the Matter of )	CONSOLIDATED DOCKET NO.
)	14-CRB-0011-SD
Distribution of )	(2010-2013)
Satellite Royalty Funds )	
_____ )	

**MULTIGROUP CLAIMANTS' RESPONSE TO JSC AND CTV  
MOTION SEEKING CLARIFICATION OF ORDER GRANTING SDC FINAL  
DISTRIBUTION OF 2010-2013 SATELLITE ROYALTIES**

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On January 14, 2020, the Joint Sports Claimants and Commercial Television Claimants filed their joint *Motion for Final Distribution of 2010-2013 Satellite Royalties*, in the Allocation Phase of 2010-2013 satellite royalties. Specifically, such filing was for Consolidated Docket No. 14-CRB-0011-SD (2010-2013), an Allocation proceeding to which Multigroup Claimants is not a party, and therefore lacked standing to respond. (However, for reasons Multigroup Claimants can only speculate on, the eCRB system now lists Multigroup Claimants as a “participant” in Consolidated Docket No. 14-CRB-0011-SD (2010-2013).)

On February 7, 2020, the same parties filed their *Motion to Clarify Order Granting SDC’s Motion for Final Distribution of 2010-2013 Satellite Royalties*, also for the same Allocation proceeding.

Notably, the latter motion refers to the failure of any party to oppose the former motion, and cites to the recent rejection of Multigroup Claimants’ *Petition for Panel Rehearing and/or Petition for En Banc Review* with the U.S. Court of Appeals for the District of Columbia Circuit. That *Petition* sought review of a *different* CRB proceeding, a Distribution proceeding, Consolidated Docket No. 14-CRB-0010-CD/SD (2010-2013), and the JSC (and CTC) suggest that rejection of the *Petition* on February 5, 2020 clears a path for distribution of all 2010-2013 satellite royalties in the sports programming category.

As the Judges may take judicial notice of, Multigroup Claimants’ *Petition* was for a rehearing and/or en banc review of the Court of Appeals decision issued December 6, 2019. As expressly set forth in such Court of Appeals decision, the Court of Appeals dismissed Multigroup Claimants’ appeal on the grounds that the Court of Appeals “lacked jurisdiction” to hear the merits of Multigroup Claimants appeal.

At this juncture, Multigroup Claimants is consulting with legal counsel regarding the foregoing matters in order to determine whether it desires to pursue the merits of its objections before a court that has jurisdiction to review such objections. If Multigroup Claimants elects to do so, it will likely occur no later than March 27, 2020. Multigroup Claimants has not yet made such determination, but is inclined to do so. On such grounds, Multigroup Claimants opposes any motion for final distribution of 2010-2013 satellite royalties in the sports programming category.

Notwithstanding the foregoing, in the event that the Judges nevertheless grant distribution to the JSC of any further 2010-2013 satellite royalties, despite a likelihood that significant issues surrounding the proceeding remain unresolved, certain precautions must be taken. Initially, the same precautions as exist for advance distributions must be set in place, including a representation that the JSC will return any distributed royalties that are later deemed to have been inappropriately distributed to them.

Respectfully submitted,

February 10, 2020

\_\_\_\_\_/s/\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th of February, 2020, I caused the foregoing to be served on all parties by filing through the eCRB system.

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

# Proof of Delivery

I hereby certify that on Monday, February 10, 2020, I provided a true and correct copy of the MULTIGROUP CLAIMANTS' RESPONSE TO JSC AND CTV MOTION SEEKING CLARIFICATION OF ORDER GRANTING SDC FINAL DISTRIBUTION OF 2010-2013 SATELLITE ROYALTIES to the following:

Major League Soccer, LLC, represented by Edward S. Hammerman, served via Electronic Service at ted@copyrightroyalties.com

SESAC Performing Rights, LLC, represented by Christos P Badavas, served via Electronic Service at cbadavas@sesac.com

Settling Devotional Claimants, represented by Benjamin S Sternberg, served via Electronic Service at ben@lutzker.com

Joint Sports Claimants, represented by Michael E Kientzle, served via Electronic Service at michael.kientzle@apks.com

Broadcaster Claimants Group (CTV), represented by David J Ervin, served via Electronic Service at dervin@crowell.com

Broadcast Music, Inc., represented by Jennifer T. Criss, served via Electronic Service at jennifer.criss@dbr.com

MPA-Represented Program Suppliers, represented by Lucy H Plovnick, served via Electronic Service at lhp@msk.com

Spanish Language Producers, represented by Brian D Boydston, served via Electronic Service at brianb@ix.netcom.com

Signed: /s/ Brian D Boydston