

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) (Remand)
_____)

**INDEPENDENT PRODUCERS GROUP'S MOTION TO STRIKE
PORTION OF SETTLING DEVOTIONAL CLAIMANTS'
MEMORANDUM OF LAW, AND MOTION FOR SANCTIONS**

Worldwide Subsidy Group LLC (a Texas limited liability company)
dba Independent Producers Group ("IPG") hereby submits its *Motion to
Strike Portion of Settling Devotional Claimants' Memorandum of Law In
Response to Independent Producer Group's Written Rebuttal Statement.*

**A. THE SDC HAS AFFIRMATIVELY IGNORED THE
JUDGES' ORDER REGARDING THE CONTENT OF ITS
FILING.**

Pursuant to the Judges' *Scheduling Order and Notice of Conclusion of
Proceeding as Paper Proceeding*, issued October 6, 2017, the parties to this
proceeding were directed to file their respective Written Rebuttal Statements
no later than January 8, 2018. Pursuant to the same order, the parties were

allowed to file a memorandum of law *responding to* such rebuttal statements no later than March 9, 2018.

While such directive would appear clear enough, the Settling Devotional Claimants (“SDC”) nonetheless ignored the Judges' order, and utilized the final discretionary filing to provide additional rebuttal argument against IPG’s *Remand Direct Statement*. Specifically, the SDC’s *Memorandum of Law*, at Section E (pages 17-19), includes newly-posed arguments that do not respond to any argument raised in IPG’s *Written Rebuttal Statement*. Rather, therein, the SDC raise a variety of issues that IPG is now foreclosed from addressing absent seeking approval for a sur-reply.

Clearly, the SDC’s action was designed to “sandbag”, i.e., designed to preclude IPG from having any opportunity to respond to its late-submitted argument. IPG has oft-complained to the Judges about the SDC’s penchant for raising new arguments in reply briefs, and/or including motions for entirely separate relief as part of either opposition briefs or reply briefs. Obvious confusion results because adverse parties are compelled to respond, but are often prohibited from responding without filing motions requesting the submission of a sur-reply. Frustrating to IPG is that the SDC persists in

this sophomoric tactic despite the Judges periodic refusal to consider the SDC's improperly submitted arguments.

Presumably, the SDC persists because the only consequence to its submission of argument has thusfar been the Judges' express refusal to consider such argument. Notwithstanding, with each new instance of this common SDC tactic, the SDC requires IPG to engage in unnecessary briefing, coupled with all of the costs associated therewith.

IPG seeks to prohibit the SDC's litigation maneuver by actually having the SDC sanctioned. Whether by express admonition or other penalty, the SDC should be punished for these actions, which appear endemic to the SDC's legal counsel. Sanction is particularly warranted here because the SDC's submission of additional rebuttal argument blatantly ignored the dictate of the Judges as to the scope of the allowable briefing.

CONCLUSION

For the foregoing reasons, IPG moves that the Judges strike Section E (pages 17-19) of the SDC Memorandum of Law.

IPG further moves that the Judges impose an appropriate sanction against the SDC and its counsel sufficient to provide, and instruct the SDC from engaging in such blatant disregard of the Judges' scheduling order.

Respectfully submitted,

Dated: March 12, 2018

_____/s/_____
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CERTIFICATE OF SERVICE

I hereby certify that on this March 12, 2018, 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 17th Street, NW
Washington, D.C. 20036

Certificate of Service

I hereby certify that on Monday, March 12, 2018 I provided a true and correct copy of the INDEPENDENT PRODUCERS GROUP'S MOTION TO STRIKE PORTION OF SETTLING DEVOTIONAL CLAIMANTS' MEMORANDUM OF LAW, AND MOTION FOR SANCTIONS 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