

Before the  
**COPYRIGHT ROYALTY JUDGES**  
Washington, D.C.

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| In the Matter of                     | ) |                                    |
|                                      | ) |                                    |
| Distribution of the 2000, 2001, 2002 | ) | Docket No. 2008-2 CRB CD 2000-2003 |
| and 2003 Cable Royalty Funds         | ) | (Phase II) (Remand)                |
|                                      | ) |                                    |

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**MPA RESPONSE TO ORDER DIRECTING RECALCULATION OF ROYALTY  
ALLOCATIONS IN THE DEVOTIONAL CATEGORY  
AND SEEKING ADDITIONAL GUIDANCE**

The Motion Picture Association, Inc. (“MPA”), as the 2000-2003 Cable Program Suppliers category representative, submits the following preliminary response to the Copyright Royalty Judges’ (“Judges”) August 20, 2020 *Order Directing Recalculation Of Royalty Allocations In The Devotional Category And Seeking Additional Guidance* (“August 20 Order”). In the August 20 Order, the Judges summarize calculations that the Licensing Division reportedly performed in an effort to calculate the dollar amounts to be distributed to the Settling Devotional Claimants (“SDC”) and Independent Producers Group (“IPG”) as a final distribution for the Devotional Category as to the 2000-2003 cable royalty funds, describe discrepancies that SDC asserts it identified in those calculations, and seek guidance from the Allocation Phase Parties regarding how the Judges should address these issues. *See* August 20 Order at 1-4.

The Judges issued an order in this proceeding on May 5, 2020 asking the participants to “show cause, if any there be, why the Judges should not disclose” the restricted appendix containing the Licensing Division’s final distribution calculations for the Devotional category to MPA and the Joint Sports Claimants (“JSC”), *see Order To Show Cause Why Restricted Appendix To Order Directing Parties To Review Calculations Of Apportionment Of Accrued Interest Should Not Be Disclosed To MPA And JSC* (May 5, 2020), however, to date, the Judges

have not issued any ruling permitting MPA and JSC to access either the restricted appendix or the different restricted pleadings filed by SDC and IPG that are referenced in the August 20 Order, and MPA remains unable to access these documents in eCRB. Accordingly, MPA respectfully requests that the Judges issue an order granting MPA access to both the restricted Licensing Division calculations and the restricted pleadings that are referenced in the August 20 Order and provide MPA with a reasonable opportunity to review those documents and submit a supplemental response to the Judges once that review is complete.

Based on the limited documents that are currently available to MPA, it appears that the discrepancies identified by SDC may be related to different numbers utilized by the Phase I Parties and the Licensing Division as the “starting point” for their final distribution royalty allocations for the Program Suppliers and Devotional categories.<sup>1</sup> It is also possible that different Licensing Division methodologies for calculating interest could be the source of the discrepancies, as SDC suggests. However, without access to the restricted documents underlying the August 20 Order, MPA cannot fully evaluate the issues.

MPA requests leave to provide a more complete response to the August 20 Order once it has had an opportunity to access and review the restricted documents referenced in the August 20 Order. MPA agrees with SDC that all of the 2000-2003 cable royalty funds that remained on

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<sup>1</sup> For example, the percentage allocations of the funds remaining on reserve between the Program Suppliers category and the Devotional category set forth in the *Joint Response Of The Phase I Parties To IPG’s Motion For Final Distribution Of 2000, 2001, 2002, And 2003 Cable Royalty Funds In The Program Suppliers Category* (August 14, 2015) were calculated using the “Funds Available For Distribution” reported in the Licensing Division’s Growth In The Copyright Royalty Funds Report dated June 30, 2015 as the starting point for determining the amount of royalties on reserve that should be allocated to the Program Suppliers and Devotional categories, respectively, for the 2000-2003 cable royalty funds. However, it appears that the Licensing Division relied on different dollar amounts for each royalty year as the starting point for their calculations of the final distribution amounts to be distributed in the Program Suppliers category. See *Order Regarding IPG’s Motion For Clarification Of Order RE Final Distribution For The Program Suppliers Category* at Attachment A (December 23, 2016).

reserve as of August 14, 2015 were attributed solely to the Program Suppliers and Devotional Allocation Phase categories, *see Joint Response Of The Phase I Parties To IPG's Motion For Final Distribution Of 2000, 2001, 2002, And 2003 Cable Royalty Funds In The Program Suppliers Category* (August 14, 2015), and therefore any 2000-2003 Cable royalty funds remaining on reserve that are not attributed to the Devotional category should be attributed to the Program Suppliers category.

Respectfully submitted,

Dated: September 18, 2020

**MPA-REPRESENTED PROGRAM  
SUPPLIERS**

*/s/ Gregory O. Olaniran*

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**CERTIFICATE OF SERVICE**

I certify that on September 18, 2020, I caused a copy of the foregoing to be served on all parties registered to receive notice by eCRB by filing through the eCRB filing system.

*/s/ Lucy Holmes Plovnick*

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Lucy Holmes Plovnick

# Proof of Delivery

I hereby certify that on Friday, September 18, 2020, I provided a true and correct copy of the MPA Response To Order Directing Recalculation Of Royalty Allocations In The Devotional Category And Seeking Additional Guidance to the following:

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

Settling Devotional Claimants (SDC), represented by Michael A Warley, served via ESERVICE at michael.warley@pillsburylaw.com

Signed: /s/ Lucy H Plovnick