

UNITED STATES COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re

**DISTRIBUTION OF 2000-2003 CABLE
ROYALTY FUNDS**

**DOCKET NO. 2008-2 CD 2000-03
(Phase II) (Remand)**

**ORDER GRANTING MPA-REPRESENTED PROGRAM SUPPLIERS AND JOINT
SPORTS CLAIMANTS LEAVE TO FILE SUPPLEMENTAL RESPONSES TO
AUGUST 28 ORDER**

On August 28, 2020, the Copyright Royalty Judges (Judges) issued an *Order Directing Recalculation of Royalty Allocations in the Devotional Category and Seeking Additional Guidance* ([August 28 Order](#)). In that Order the Judges directed all Phase I (Allocation Phase) parties to provide input and guidance concerning alleged discrepancies previously identified by the Settling Devotional Claimants (SDC) between the amounts of 2000-2003 cable royalties available for distribution as calculated by the Licensing Division of the Copyright Office, and the amounts the SDC believes should be available for distribution. The Settling Devotional Claimants (SDC) and the MPA-Represented Program Suppliers (MPA) were the only Allocation Phase parties to respond.

In what it described as a “preliminary response,” MPA noted that the Judges had not yet issued a ruling pursuant to their *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) ([Show Cause Order](#)) that would permit MPA to review the Licensing Division’s calculations. See MPA Response to Order Directing Recalculation of Royalty Allocations in the Devotional Category and Seeking Additional Guidance, at 1-2 (Sep. 18, 2020) ([MPA Response](#)). MPA requested 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 [sic] 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.” *Id.* at 2.

The Judges have since issued their ruling pursuant to the *Show Cause Order* and directed the SDC to disclose to MPA and the Joint Sports Claimants (JSC) the restricted appendix to the Judges’ May 1, 2020 *Order Directing Parties to Review Calculations of Apportionment of Accrued Interest* (Restricted Appendix). See *Order Granting Settling Devotional Claimants Leave to Disclose Restricted Appendix to MPA-Represented Program Suppliers and Joint Sports Claimants* (Sep. 23, 2020) ([Order Granting Leave](#)). The Judges find MPA’s request for an opportunity to review the Restricted Appendix and provide a supplemental response to August 28 Order to be reasonable and appropriate, and likely to be of assistance to the Judges and the Licensing Division in resolving the issues that the SDC raised in its Notice in Response to Judges’ Order Directing Parties to Review Calculations of Apportionment of Interest (May 8, 2020) (SDC Notice). Moreover, the Judges find that it would be similarly reasonable and

appropriate to extend the same opportunity to the JSC, now that they, too, have access to the Restricted Appendix.

Although the issues concerning disclosure of the Restricted Appendix have been briefed and considered by the Judges, the same cannot be said of the “restricted pleadings that are referenced in” the *August 28 Order*. The Judges are not prepared to order the disclosure of those restricted documents to MPA without a proper motion and an opportunity for the other participants to respond.

For the foregoing reasons the Judges hereby **GRANT** MPA’s request in part. The Judges hereby **GRANT** MPA and the JSC **LEAVE** to file supplemental responses to the *August 28 Order* **no later than October 9, 2020**.

SO ORDERED.

Jesse M. Feder
Chief Copyright Royalty Judge

DATED: September 24, 2020.