

UNITED STATES COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re

**DETERMINATION OF ROYALTY RATES AND
TERMS FOR MAKING AND DISTRIBUTING
PHONORECORDS (Phonorecords III)**

**Docket No. 16-CRB-0003-PR
(2018-2022) (Remand)**

ORDER ADOPTING SCHEDULE FOR PROCEEDINGS ON REMAND

On December 22, 2020, Amazon.com Services LLC, Google LLC, Pandora Media, LLC, and Spotify USA Inc. (collectively, Services) and the National Music Publishers' Association, Inc., and the Nashville Songwriters Association International (collectively, Copyright Owners) filed with the Copyright Royalty Judges (Judges) their Joint Proposed Schedule for Proceedings on Remand ([Joint Proposal](#)) as ordered by the Judges in their [Order Regarding Proceedings on Remand](#) (Dec. 15, 2020).

The Judges find the proposed schedule and page limits to be reasonable and therefore find good cause for adopting it.¹

SCHEDULE FOR REMAND PROCEEDINGS

April 1, 2021	<ul style="list-style-type: none">• Filing of written briefs on each of the issues remanded to the Judges, subject to the following page limits:<ul style="list-style-type: none">• The Services and Apple Inc. (“Apple”) may file a joint brief or individual briefs (or a combination thereof), so long as the total number of pages across all Services’ briefs does not exceed 100 pages.• The Copyright Owners and George Johnson may file a joint brief or individual briefs, with the combined total pages not to exceed 100 pages.• Filing of evidence (which may include witness statements and accompanying exhibits) supporting each participant’s position on the rate structure issue.• Production of all documents relied upon in connection with the evidence (including agreements with record companies covering the period between January 1, 2016, and the present, and documents concerning the actual or expected impact the uncapped TCC prong has had or will have on company growth, revenues, profits, company value, brand, or ecosystem). Participants may refer to the production number of any document relied upon that was previously produced in the proceeding in lieu of producing the document anew.
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¹ The Judges have made minor revisions to the text of the schedule for clarity.

April 2, 2021	<p>Commencement of discovery relating to any filing that proffers new evidence. Discovery shall be limited to materials existing as of April 1, 2021.</p> <ul style="list-style-type: none"> • All interrogatories and initial document requests shall be served by April 9, 2021. Interrogatories shall be limited to five (5) per side; • Written responses and objections shall be served within one week of service, and respective participants shall be available to meet and confer on any disputed items within one week thereafter; • Responsive documents shall be produced on a rolling basis after service of requests, with all responsive documents to be produced within four (4) weeks of service; • Responses to interrogatories shall be served within four (4) weeks of service of the interrogatories; • Depositions shall be concluded by June 1, 2021, and are limited to no more than two (2) depositions per side; • The participants reserve the right to seek additional discovery with leave of the Judges for good cause; • The participants may request conference calls with the Judges where there is a good-faith belief that such conferences may avoid motion practice; • Discovery motions may be filed at any time after the respective initial discovery conferences. The participants must exchange discovery motions before filing the motions. After a movant serves another party with a discovery motion, the responding party must submit any response to the motion to the movant within five business days of receipt of the motion. The next business day following this exchange, the movant must file its motion to compel, the response, and any reply in one document.
June 25, 2021	Close of discovery
July 2, 2021	<ul style="list-style-type: none"> • Filing of written reply briefs on each of the issues remanded to the Judges, subject to the following page limits: <ul style="list-style-type: none"> • The Services and Apple may submit a joint reply brief or individual reply briefs (or a combination thereof), so long as the total number of pages across all Services' reply briefs does not exceed 100 pages. • The Copyright Owners and Mr. Johnson may submit a joint reply brief or individual reply briefs, with the combined total pages not to exceed 100 pages. • Filing of rebuttal evidence (which may include witness statements and accompanying exhibits). • Production of all documents relied upon in connection with the submission (to the extent not already produced).

The Judges hereby **ADOPT** the foregoing schedule. In accordance with the *Order Regarding Proceedings on Remand*, after the filing of reply briefs and rebuttal submissions the Judges will determine, in their discretion, whether to request additional briefing, oral argument, and/or live testimony.

SO ORDERED.

Jesse M. Feder
Chief Copyright Royalty Judge

Dated: December 23, 2020