

COPYRIGHT ROYALTY JUDGES
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In re

**DISTRIBUTION OF CABLE ROYALTY
FUNDS**

**DOCKET NO. 16-CRB-0010 SD
(2014-17)**

**SCHEDULING ORDER
AND NOTICE OF VOLUNTARY NEGOTIATION PERIOD**

On April 5, 2021, the Copyright Royalty Judges issued their *Order Lifting Stay and Adopting Claimant Categories (Order Lifting Stay)* in the captioned proceeding and the companion cable distribution proceeding (Docket No. 16-CRB-0009-CD (2014-17)). The Judges now adopt the initial schedule attached as Exhibit A, and announce the commencement of the voluntary negotiation period (VNP) required by 17 U.S.C. § 803(b)(3).

All participants shall participate in good faith settlement negotiations aimed at resolving the remaining controversies regarding ultimate distribution of the royalty funds for the years at issue in this proceeding, including all issues traditionally addressed in allocation phase and distribution phase proceedings. Five days after the end of the VNP, the participants shall (1) file a Notice of Final Settlement, *only if* all participants have agreed on (a) the categorization of every retransmitted program, (b) the amount and validity of all claims, and (c) a final royalty distribution plan or (2) file (a) a Notice of Partial Settlement, stating the nature and scope of agreement among the participants **and** (b) a Notice of Controversy.

If the participants do not file a Notice of Final Settlement, they shall include in the Notice of Controversy a statement of the nature of the controversy or controversies, identification of legal and factual issues that the participants intend to submit to the Judges, and a proposal for further proceedings.¹

Following the filing of a Notice of Controversy, the Judges will issue an Order for Further Proceedings setting forth the structure and schedule for resolution of the issues identified by the parties in the Notice.

SO ORDERED.

Jesse M. Feder
Chief Copyright Royalty Judge

DATED: April 5, 2021

¹ The participants shall identify and list separately any program claim in controversy that (1) the owner agrees is valued at less than \$10,000; or (2) as to which the owner agrees to limit recovery to a maximum of \$10,000; or (3) as to which the owner expressly seeks resolution by “paper proceedings.” The Judges will issue a separate case schedule regarding resolution of “small” claims or conduct of paper proceedings.

EXHIBIT A
Initial Schedule for Proceeding

Case Event	Date
Commencement of Voluntary Negotiation Period-Allocation (VNP)	April 12, 2021
End of VNP ²	July 12, 2021
Deadline for (1) Notice of Final Settlement or (2) Notice of Partial Settlement and Notice of Controversy	July 19, 2021
In the event of Notice of Final Settlement	
Order of Final Distribution	July 2021
In the event of Notice of Controversy	
Order for Further Proceedings and Further Scheduling Order ³	July 2021

² Nothing prohibits continuing good faith negotiations among the participants, notwithstanding the end of VNP.

³ Depending upon the issues in controversy, the Judges may order preliminary discovery to encourage greater efficiency in presentation of evidence in the required Written Direct Statements.