

Before the
Copyright Royalty Judges
Washington, D.C.

_____)	
In the Matter of)	
)	
Distribution of)	Docket No. 2008-2 CRB CD
2000-2003)	2000-2003 (Phase 2)
Cable Royalty Funds)	
_____)	

**Independent Producers Group’s Motion For Final Distribution Of
2000-2003 Cable Royalties Or, Alternatively, Second Renewed Motion
For Partial Distribution Of 2000-2003 Cable Royalties**

Worldwide Subsidy Group LLC (a Texas limited liability company)
dba Independent Producers Group ("IPG") hereby submits its *Motion for
Final Distribution of 2000-2003 Cable Royalties or, Alternatively, Second
Renewed Motion for Partial Distribution of 2000-2003 Cable Royalties.*

On April 19, 2017, IPG filed its *Motion for Partial Distribution of
2000-2003 Cable Royalties*, seeking partial distribution of royalties
attributable to the devotional programming category. Despite the fact that
only IPG and the Settling Devotional Claimants (“SDC”) remained

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participants in the 2000-2003 cable proceedings, IPG served its motion on all prior participants in such proceeding. In response thereto, the SDC filed an opposition brief, to which IPG filed a reply.

Despite the only possible “interested parties” receiving actual notice of the motion, and filing a response, the Judges waited almost two years before announcing that in order to consider IPG’s motion, it was required to publish a *Federal Register* notice soliciting comment on such motion from “interested parties”.¹ See 84 Fed. Reg. 12295 (Apr. 1, 2019), Distribution of

¹ IPG found it unclear why further solicited briefing was necessary vis-à-vis a *Federal Register* notice. The IPG motion to which the *Federal Register* notice was issued only sought a partial distribution of devotional programming funds, and the only other party maintaining devotional programming claims in the above-referenced proceedings was the SDC. The Judges have concluded previously that the statutory requirement for published notice and a comment period is inapplicable after the filing of Petitions to Participate (“PTP”) and commencement of distribution proceedings. See *Order Denying IPG Motion for Partial Distribution*, Docket No. 2008-2 CRB 2000-2003 (Phase II), at 2 n. 1 (January 17, 2012); see also *Order Denying IPG Motion for Partial Distribution*, Docket No. 2008-2 CRB 2000-2003 (Phase II), at 3 n. 2 (February 11, 2014). Publication after the receipt of PTPs would be “unnecessary and duplicative” because only those claimants who submitted acceptable PTPs are entitled to

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2000-2003 Cable Royalty Funds, *Order Requesting Comments*.

Nonetheless, the *Federal Register* notice expressly stated that the only “interested parties” qualified to object were “claimants that have filed petitions to participate in the proceeding (or are included in a petition to participate filed on their behalf)”, i.e., the same parties that had already previously received actual notice of IPG’s motion. Again, only the SDC – the only remaining “interested party” – filed comments in response to the *Federal Register* notice. IPG thereafter sought leave to file a response thereto, which was filed on May 10, 2019.

As of July 17, 2019, IPG believed that IPG’s motion, first filed over two years prior, was moot. IPG and the SDC had jointly provided notice to the Judges that they had settled their claims. See *Joint Notice of Settlement and Motion for Stay* (July 17, 2019). Therein, the SDC revealed the contents of a confidential settlement agreement with IPG, whereby IPG would receive 31.25% of the 2000-2003 cable royalty pools attributable to

receive a Phase II distribution and only participants in the proceeding have standing to respond to the motion. *Id.*

devotional programming. Notwithstanding the foregoing, the Judges' *Order for Further Briefing*, issued on October 22, 2019, suggested that the Judges considered that there may not have been an enforceable settlement, though neither IPG or the SDC challenged the existence of an agreement. To the extent that such was the case, on October 25, 2019 IPG renewed its *Motion for Partial Distribution of 2000-2003 Cable Royalties*, initially filed two and one-half years prior.²

Following submission of IPG's *Renewed Motion for Partial Distribution*, additional issues were raised by the SDC and other parties relating to the actual amount of the devotional category royalty pools, for

² In connection therewith, IPG submitted a spreadsheet comparing IPG's motions for partial distribution with those of other parties that have sought partial distribution, and demonstrating that on literally every front – e.g., the time by which the CRB issues a *Federal Register* notice, the time by which the CRB rules -- IPG's motions for partial distribution have been addressed by the Judges on a basis dramatically less timely than other parties' motions for partial distribution. This is despite IPG being an "established claimant" in each of those circumstances, and despite there already being a finite, identified list of "interested parties" whom had already received actual notice of IPG's motions, thereby obviating the need for a *Federal Register* notice (according to CRB precedent).

which the last briefing concluded on November 2, 2020.³ Regardless of any determination relating thereto, because of advance distributions to literally every other party participating in the 2000-2003 cable proceedings, the vast bulk of royalties yet to be distributed from the 2000-2003 cable devotional pool belong to IPG.

At this juncture, and particularly because of the lengthy delays that have already occurred, IPG moves that the Judges promptly issue a determination as to the last remaining issue in the 2000-2003 cable proceedings, and proceed to order a final distribution of royalties to IPG. Alternatively, IPG moves the Judges to issue an order for partial distribution to IPG consistent with IPG's original motion for partial distribution, dating back to April 19, 2017, as such motion presumably already retains the unenviable record for the longest period of time that a motion has not been ruled upon. Notwithstanding, no reasonable basis exists for not distributing to IPG the percentage to which it is entitled (31.25%) under settlement

³ See *MPA Response Permitted by Order Granting MPA Leave to Respond to SDC Motion for Leave* (Nov. 2, 2020).

agreement, qualified only by its application against the lowest figure that could possibly be accorded to the devotional 2000-2003 cable royalty pools.

CONCLUSION

For the reasons set forth above, IPG requests that the Judges promptly address the final issue applicable to the 2000-2003 cable royalty pools, in order that such matter be resolved and closed out, and issue an order for final distribution to IPG of the percentage to which it is entitled (31.25%) under the SDC-reported settlement agreement. Alternatively, no “reasonable objection” can be made to IPG receiving 31.25% of the devotional 2000-2003 cable royalty pools, as applied against the lowest figure that could possibly be accorded to the devotional 2000-2003 cable royalty pools.

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The Judges should rule in IPG's favor, without further delay.

Respectfully submitted,

Dated: July 23, 2021

_____/s/_____
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CERTIFICATE OF SERVICE

I certify that on July 23, 2021, I caused a copy of the foregoing pleading to be served on all parties registered to receive notice by eCRB by filing through the eCRB filing system.

_____/s/_____
Brian D. Boydston, Esq.

Proof of Delivery

I hereby certify that on Friday, July 23, 2021, I provided a true and correct copy of the Independent Producers Group's Motion For Final Distribution Of 2000-2003 Cable Royalties Or, Alternatively, Second Renewed Motion For Partial Distribution Of 2000-2003 Cable Royalties to the following:

Settling Devotional Claimants (SDC), represented by Benjamin S Sternberg, served via ESERVICE at ben@lutzker.com

Signed: /s/ Brian D Boydston