

COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re

DISTRIBUTION OF CABLE ROYALTY FUNDS	DOCKET NO. 16-CRB-0009 CD (2014-17)
DISTRIBUTION OF SATELLITE ROYALTY FUNDS	DOCKET NO. 16-CRB-0010 SD (2014-17)

SECOND DECLARATION OF LUCY HOLMES PLOVNIK

I, Lucy Holmes Plovnick, declare:

1. I am an attorney at law duly licensed to practice law in Rhode Island, Massachusetts, and the District of Columbia, and am an attorney of record for the Program Suppliers claimants represented by the Motion Picture Association, Inc. (“MPA”) in these proceedings.

2. I have personal knowledge of the following facts and, if called and sworn as a witness, could and would competently testify thereto.

3. The Phil Slater Associates termination letter was attached to a *Joint Notice Of Intent To Participate And Comments On The Existence Of Controversies* (“Notice”) that was filed with the Copyright Office in Docket No. 2003-2 CARP CD 2001 on September 12, 2003, and duly served on Multigroup Claimants’ (“MC”) predecessor, Independent Producers Group (“IPG”). MPA provided a copy of the Notice (with the Phil Slater Associates termination letter attached) to IPG in the 2000-2003 Cable Phase II Proceeding, as Exhibit Q to MPA’s August 3, 2012 motion seeking to dismiss IPG’s unauthorized claimants and claims in that proceeding, which was served on MC’s current counsel, Mr. Brian Boydston.

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4. The Notice was also admitted into evidence during the December 5, 2012 preliminary hearing in that proceeding as MPA Exhibit 310, over Mr. Boydston's objection (and while Mr. Raul Galaz was present). Attached hereto as **Exhibit 1** is a true and correct copy of an excerpt of the transcript from the December 5, 2012 preliminary hearing in Docket No. 2008-2 CRB CD 2000-2003 (Phase II) showing that the Notice was admitted into evidence as MPA Exhibit 310, over Mr. Boydston's objection.

5. Attached hereto as **Exhibit 2** is a true and correct copy of February 24, 2022 email correspondence between myself and Mr. Boydston.

6. In the 2014-17 Cable and Satellite Distribution Phase Proceedings, MPA has produced 7,552 of pages of bates-stamped documents in discovery production to MC in this proceeding to date, and more than 1,100 of those pages are MPA's representation agreements with its claimants. MPA's discovery production in past proceedings was no less comprehensive.

7. MPA produced a copy of its executed representation agreement with Cinemaginaire, Inc. ("Cinemaginaire") to MC in the 2010-13 Cable and Satellite Distribution Phase proceeding on July 29, 2016. Attached hereto as **Exhibit 3** is a true and correct copy of correspondence from myself to Mr. Boydston on July 29, 2016 transmitting MPA's supplemental discovery production in that proceeding.

8. Attached hereto as **Exhibit 4** is a true and correct copy of MPA's fully executed representation agreement with Cinemaginaire that was produced in the 2010-13 Cable and Satellite Distribution Phase Proceeding on July 29, 2016 (Bates Stamp Nos. MPAA-011474 – MPAA-011477 in that proceeding).

9. MPA also produced a copy of its executed representation agreement with Cinemaginaire in the current proceedings. The copy of the Cinemaginaire agreement that was

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“unexecuted by MPA” that MC references was also produced by MPA in these proceedings as an attachment to email correspondence MPA produced from Cinemaginaire dated April 20, 2016, sending MPA a copy of the representation agreement that had been executed by Cinemaginaire. A true and correct copy of the April 20, 2016 email correspondence from Cinemaginaire, which MPA produced in discovery in these proceedings, with the email attachment, is attached hereto as **Exhibit 5**.

10. Attached hereto as **Exhibit 6** is a true and correct copy of MPA’s Follow-Up Discovery Requests to MC, which were sent to MC on March 1, 2022.

11. Attached hereto as **Exhibit 7** is a true and correct copy of MC’s Responses to MPA’s Follow Up Discovery Requests, which MC sent to MPA on March 8, 2022.

12. MC has not produced any information in discovery to MPA in these proceedings that would allow MPA to determine whether the 1,406 works that MC is cross-claiming in these proceedings should fall in the Program Suppliers category, or the Canadian Claimants Group (“CCG”) category.

13. MC produced a revised version of the Microsoft Excel spreadsheet containing its claimants and claimed works for these proceedings to the parties in these proceedings on March 11, 2022 (*after* its February 25, 2022 settlement with CCG), entitled MC Represented Programs (w translations)(REVISED 03.11.22).xlsx. A true and correct copy of correspondence I received from Mr. Boydston transmitting MC’s March 11, 2022 supplemental discovery production is attached hereto as **Exhibit 8**.

14. As Mr. Boydston explained the March 11, 2022 cover letter accompanying its supplemental discovery production, MC revised its Microsoft Excel spreadsheet to move 5 programs from the Joint Sports Claimants category to the Program Suppliers category. All five

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of those programs were included in the worksheet MC Represented Programs (w translations)(REVISED 03.11.22).xlsx with the category designation “PS/CC,” and MC *maintained* the “PS/CC” designation on its spreadsheet for *all* of the works that it had previously cross-claimed—for a grand total of 1,406 cross-claimed works.

15. MC produced the file MC Represented Programs (w translations)(REVISED 03.11.22).xlsx in discovery to MPA on March 11, 2022 its native Microsoft Excel format.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 17th day of June, 2022, in Washington, D.C.

/s/ Lucy Holmes Plovnick

Lucy Holmes Plovnick

EXHIBIT 1

Capital Reporting Company
Distribution of Cable Royalty Funds 12-05-2012 -- Vol. III

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UNITED STATES COPYRIGHT ROYALTY JUDGES

WASHINGTON, D.C.

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

Washington, D.C.
Wednesday, December 5, 2012

The following pages constitute the proceedings held in the above-captioned matter, held at the Library of Congress, Madison Building, 101 Independence Avenue, Southeast, Washington, D.C., before Shari R. Broussard, RPR, CSR, of Capital Reporting Company, a Notary Public in and for the District of Columbia, beginning at approximately 9:33 a.m.

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Distribution of Cable Royalty Funds 12-05-2012 -- Vol. III

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1 A P P E A R A N C E S

2 Copyright Royalty Tribunal:

3 CHIEF JUDGE SUZANNE M. BARNETT
4 JUDGE WILLIAM ROBERTS
5 JUDGE RICHARD STRASSER

6 On behalf of Independent Producers Group:

7 BRIAN D. BOYDSTON, ESQUIRE
8 Pick & Boydston, L.L.P.
9 10786 LeConte Avenue
10 Los Angeles, California 90024
11 (213) 624-1996
12 bdb@pickboydston.com

13 On behalf of Joint Sports Claimants:

14 STEPHEN K. MARSH, ESQUIRE
15 ROBERT ALAN GARRETT, ESQUIRE
16 Arnold & Porter, L.L.P.
17 555 12th Street, Northwest
18 Washington, D.C. 20004-1206
19 (202) 942-5232
20 stephen.marsh@aporter.com
21 robert.garrett@aporter.com

22 On behalf of Settling Devotional Claimants:

CLIFFORD M. HARRINGTON, ESQUIRE
LAUREN A. BIRZON, ESQUIRE
MATTHEW MacLEAN, ESQUIRE
Pillsbury Winthrop Shaw Pittman, L.L.P.
2300 N Street, Northwest
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(202) 663-8000
clifford.harrington@pillsburylaw.com
lauren.birzon@pillsbury.com

21

22

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1 A P P E A R A N C E S (Cont'd.)

2 On behalf of Settling Devotional Claimants: (cont'd.)

3 ARNOLD LUTZKER, ESQUIRE
4 Lutzker & Lutzker, L.L.P.
5 1233 20th Street, Northwest
6 Washington, D.C. 20036
7 (202) 408-7600

8 On behalf of MPAA Represented Program Suppliers:

9 GREGORY O. OLANIRAN, ESQUIRE
10 LUCY HOLMES PLOVNICK, ESQUIRE
11 KIMBERLY P. NGUYEN, ESQUIRE
12 Mitchell Silberg & Knupp, L.L.P.
13 1818 N Street, Northwest, 8th Floor
14 Washington, D.C. 20036
15 (202) 355-7900
16 goo@msk.com
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18 kpn@msk.com

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20
21
22

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2	WITNESS:	PAGE
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1	IPG EXHIBITS	ADMITTED
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	MPAA EXHIBITS	ADMITTED
1		
2	301 - 307	505
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5	308	507
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9		
10		
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22		(*Exhibits were retained.)

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1 order refers to all the prior orders and incorporates
2 them as the final order on that proceeding, and that
3 was vacated.

4 CHIEF JUDGE BARNETT: We can read the
5 orders. We can interpret the orders. They'll be
6 admitted.

7 MS. PLOVNICK: Thank you, Your Honor.

8 (MPAA Exhibit Numbers 301 to 307
9 were received into evidence.)

10 JUDGE ROBERTS: Give the numbers again, Ms.
11 Plovnick.

12 MS. PLOVNICK: Yes. So the documents were
13 Exhibit 301 through 307 inclusive.

14 Now, moving on to the last few here,
15 Exhibits 308 through 310 are separately filed joint
16 notices of intent to participate in the 2000 and 2001
17 cable proceedings before the Copyright Office.

18 Exhibit 308 was filed by Fintage Publishing
19 and Collection BV, 309 was filed by Attorney Ted
20 Hammerman on behalf of Adler Media, O. Atlas
21 Enterprises, Sandra Carter Productions and Ward
22 Productions, 310 was also filed by Attorney Ted

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1 Hammerman on behalf of O. Atlas Enterprises, Phil
2 Slater Associates, Sandra Carter Productions, SGI,
3 Worldwide Television and Film, Ward Productions, and
4 we submit that these are relevant because they concern
5 the royalty years at issue in this proceeding and
6 IPG's authority or lack thereof to represent these
7 claimants in this proceeding. So we think that
8 they're relevant and should be admitted into evidence.

9 MR. BOYDSTON: Your Honor, we object on two
10 grounds. One on the grounds of relevance, Fintage has
11 not made an independent claim here they're not
12 represented in this, but, more importantly, it is also
13 hearsay because this is being offered to prove the
14 fact -- the assertion that Fintage, in fact, owns the
15 claims that are set forth in these documents, and that
16 violates the hearsay rule. They're offering it to
17 prove the matter asserted herein.

18 Fintage is not here to show up and say yes,
19 we own these properties. They're trying to use this
20 paper -- this file to suggest that they own these
21 properties. That's hearsay.

22 MS. PLOVNICK: If I may, first, hearsay is

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1 permitted in these proceedings pursuant to the Judges'
2 regulations within the Judges' discretion.

3 Secondly, Fintage is represented by MPAA
4 Represented Program Suppliers and they are on our list
5 of MPAA Represented Program Suppliers.

6 MR. BOYDSTON: Your Honor, even then there
7 is no sponsored witness for this. Fintage is not
8 here.

9 CHIEF JUDGE BARNETT: This is a Notice of
10 Intent to Participate, so those three will be
11 admitted.

12 (MPAA Exhibit Numbers 308, 309 and 310
13 were received into evidence.)

14 MS. PLOVNICK: Thank you, Your Honor.

15 MR. BOYDSTON: Your Honor, could it be at
16 least admitted for a limited purpose as just a notice
17 and it's not to be deemed as evidence of ownership of
18 the materials set forth therein? If it's a notice,
19 then it's not really hearsay because it's just notice.

20 CHIEF JUDGE BARNETT: Correct.

21 MR. BOYDSTON: Thank you.

22 MS. PLOVNICK: Now, Your Honor, the last

EXHIBIT 2

Plovnick, Lucy

From: Brian D. Boydston, Esq. <brianb@ix.netcom.com>
Sent: Thursday, February 24, 2022 7:09 AM
To: Plovnick, Lucy
Cc: Olaniran, Greg
Subject: [EXTERNAL] Re: 2014-17 Cable and Satellite, Meet and Confer Regarding 2-18-22 Production By Multigroup Claimants to MPA
Attachments: MC Represented Programs.xlsx

-EXTERNAL MESSAGE-

Lucy, I don't think we will need to speak regarding these, as your concerns are easily addressed.

First, if it wasn't already evident, MGC produced documents in response to each of your discovery requests. Further, since the vast bulk of documents are documents previously produced by MGC, and are segregated as to the types of documents they are, we would not think it necessary to provide any further clarification as to which document requests such documents are responsive. We will certainly do so if you insist, but I really doubt it will provide any clarification beyond what is already evident.

Second, we are unclear where the files reference in your point #2 appear in the data, as no files with such titles were part of the production. Was it found in the documents produced in response to the MPA requests? We suspect that during the file upload the file referenced in your point #3 was somehow partially replicated, and a different name applied. Further, we believe that this may be due to an endemic nuance that is occurring as part of the file upload to Google Drive as the SDC indicated that files with the identical file names existed in MGC's production to the SDC even though that production attached the same Excel file that was produced to the MPA.

Third, to clarify, the file MC Represented Programs.xlsx contains a comprehensive list of all MC-represented programs in the Program Supplier, Devotional, Sports, and Canadian Claimant categories. To make certain that you have such document in its truest form, I attach it hereto.

If that does not resolve these issues, please let me know.

Brian

-----Original Message-----

From: Plovnick, Lucy <lhp@msk.com>
Sent: Feb 23, 2022 2:32 PM
To: Brian D. Boydston (brianb@ix.netcom.com) <brianb@ix.netcom.com>
Cc: Olaniran, Greg <goo@msk.com>
Subject: 2014-17 Cable and Satellite, Meet and Confer Regarding 2-18-22 Production By Multigroup Claimants to MPA

Brian,

As contemplated by the parties' agreed discovery schedule, we wanted to reach out to you and have a meet and confer over email regarding MC's discovery production to MPA on February 18, 2022. MPA has three issues that we wanted to raise with you now in an effort to see if they can be resolved in advance of the parties' agreed deadline next week for Follow Up Discovery Requests:

1. MC's February 18, 2022 correspondence responding to MPA's initial discovery requests did not provide a clear response to each of MPA's four initial discovery requests explaining whether MC was producing responsive documents. MC also failed to produce an index or any other document identifying which documents and/or data files being produced were responsive to which MPA discovery request. The Judges' prior orders clearly require MC to provide such information as a part of its production. *See Order Granting In Part And Denying In Part MPAA-Represented Program Suppliers' Motion To Compel Production Of Documents From Independent Producers Group*, Docket No. 2008-2 CRB CD 2000-2003 (Phase II) at 1-2 (Sept. 25, 2012). Please provide this information to MPA.
2. MC produced three Microsoft Excel files to MPA that we are unable to open, and which appear to be unusable. The names of these unusable files are as follows:
 - a. ~\$_MC Represented Programs.xlsx
 - b. ~\$MC Represented Programs.xlsx
 - c. ~\$REVISED MC Represented Programs.xlsx

Please provide MPA with replacement copies of these files that are usable (i.e., that can be opened).

3. Please confirm that the Microsoft Excel file that MC produced in discovery to MPA entitled MC Represented Programs.xlsx contains a complete list of all of the claimants and programs for which MC is seeking royalties in this proceeding for the 2015-17 cable and satellite royalty years.

We look forward to hearing back from you regarding these issues.

Thanks,

Lucy



Lucy Holmes Plovnick | Partner, through her professional corporation

T: 202.355.7918 | lh@msk.com

Mitchell Silberberg & Knupp LLP | www.msk.com

1818 N Street NW, 7th Floor, Washington, DC 20036

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EXHIBIT 3



MITCHELL SILBERBERG & KNUPP LLP
A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

Lucy Holmes Plovnick
Partner
(202) 355-7918 Phone
(202) 355-7888 Fax
lhp@msk.com

July 29, 2016

VIA E-MAIL AND U.S. MAIL

Brian D. Boydston
Pick & Boydston LLP
10786 Le Conte Ave.
Los Angeles, CA 90024

Re: Docket Nos. 14-CRB-0010-CD (2010-13); MPAA Document Production to Multigroup Claimants

Dear Brian:

In light of the Judges' July 21, 2016 *Order Regarding Discovery* reinstating the case schedule, MPAA is producing today additional documents responsive to Multigroup Claimants' March 21, 2016 Request For Disclosure And Discovery Regarding Claims Disputes in the above referenced proceeding. With the exception of those documents that were previously served on Independent Producer's Group and entered into evidence in the 2004-2009 Cable and 1999-2009 Satellite Phase II proceeding, all of the documents were received by MPAA during the suspension of proceedings. You will receive via email a link to a secure FTP site from where the documents can be downloaded.

The bates-stamped documents are labeled MPAA-011474 through MPAA-012073, and several have been designated "**RESTRICTED — Subject to Protective Order in Docket Nos. 14-CRB-0010-CD (2010-13); 14-CRB-0011-SD (2010-13)**" ("Restricted Materials"). An index cross-referencing the produced documents with the document requests to which they respond and a brief description of the produced documents is enclosed herewith.

Sincerely,

Lucy Holmes Plovnick
Partner of
MITCHELL SILBERBERG & KNUPP LLP

Enclosures

MPAA DOCUMENT PRODUCTION TO MC, JULY 29, 2016

Consolidated Proceeding No. 14-CRB-0010-CD (2010-13)

<u>BATES STAMP RANGE/FILE NAME</u>	<u>MC DISCOVERY REQUEST NO.</u>	<u>DESCRIPTION</u>	<u>CONFIDENTIALITY DESIGNATION</u>
MPAA-011474 - MPAA-011481	1, 3	MPAA Representation Agreements (Redacted)	Restricted -- Subject to Protective Order in Docket Nos. 14-CRB-0010-CD (2010-13); 14-CRB-0011-SD (2010-13)
MPAA-011482 - MPAA-011580	1, 3	Documents Related to Conflicting Program Claims Between MPAA-represented Claimants and MC-represented Claimants	Restricted -- Subject to Protective Order in Docket Nos. 14-CRB-0010-CD (2010-13); 14-CRB-0011-SD (2010-13)
MPAA-011581 - MPAA-012073	1, 3	Documents From 2004-2009 Cable and 1999-2009 Satellite Phase II Proceeding Related to Conflicting Program Claims Between MPAA-represented Claimants and IPG-represented Claimants	N/A

EXHIBIT 4

REDACTED

EXHIBIT 5

REDACTED

EXHIBIT 6



March 1, 2022

VIA E-MAIL ONLY

Brian D. Boydston
Pick & Boydston, LLP
2288 Westwood Blvd., Ste. 212
Los Angeles, CA 90064

Re: Docket Nos. 16-CRB-0009-CD (2014-17) and 16-CRB-0010-SD (2014-17); Follow Up Requests For Disclosure And Discovery Regarding Claims Issues In The Program Suppliers Category, Multigroup Claimants (“MC”)

Dear Brian:

Please find below MPA’s follow-up discovery requests (“Follow-up Request(s)”) to MC. These Follow-up Requests are numbered sequentially, continuing from our January 28, 2022 Initial Requests.

In response to each Follow-Up Request, if MC believes it has already provided the requested documents, please state with particularity where in MC’s document production such documents may be found, and identify with specificity which document relates to each request. In each Follow-up Request, if no responsive documents exist, please state so clearly. If responsive documents exist, but MC is refusing to produce the documents, please state so clearly and clarify the basis for MC’s refusal.

In accordance with the discovery schedule adopted by the parties, MC’s responses to these requests are due no later than March 8, 2022. Production of documents in response to these requests is required on or before March 16, 2022.

FOLLOW-UP REQUESTS

5. Produce all correspondence Worldwide Subsidy Group LLC (“WSG”), Independent Producers Group (“IPG”), MC, or any of their principals, employees, or representatives received from the claimants identified in the file MC Represented Programs (w translations) (1).xlsx terminating or attempting to terminate WSG, IPG, or MC as their agent, or questioning WSG, IPG, or MC’s authority to represent their interests in Copyright Royalty Board proceedings.

6. Produce documents demonstrating that MC has authority to claim the programs identified in the file MC Represented Programs (w translations) (1).xlsx for the 2015-17 cable and satellite royalty years.

7. Produce documents demonstrating that each of the MC claimants identified in MC Represented Programs (w translations) (1).xlsx has authority to claim the programs that are attributed to them in MC Represented Programs (w translations) (1).xlsx for the 2015-17 cable and satellite royalty years. In cases where more than one claimant is associated with a particular program, please produce documents clarifying which MC claimant is claiming the program as to each of the 2015-17 cable and satellite royalty years.

8. Produce documents supporting MC's claim that certain titles in MC Represented Programs (w translations) (1).xlsx should be categorized in both the Program Suppliers and the Canadian Claimant Group categories.

9. Produce documents demonstrating that WSG, IPG, and/or MC notified the claimants identified in MC Represented Programs (w translations) (1).xlsx that they would not, or did not, file 2014 cable or satellite royalty claims on their behalf.

10. Produce documents demonstrating that WSG, IPG, and/or MC continued to have authority to represent the claimants identified in MC Represented Programs (w translations) (1).xlsx after failing to file 2014 cable or satellite royalty claims on their behalf.

Sincerely,

/s/ Lucy Holmes Plovnick

Lucy Holmes Plovnick

Partner of

MITCHELL SILBERBERG & KNUPP LLP

EXHIBIT 7

Pick & Boydston, LLP
732 West 9th Street, Suite 103
San Pedro, CA 90731
Telephone (310)987-2414

March 8, 2022

Email: goo@msk.com

Email: lhp@msk.com

MPA-REPRESENTED PROGRAM SUPPLIERS

Gregory O. Olaniran

Lucy Holmes Plovnick

Mitchell, Silberberg & Knupp LLP

1818 N Street, N.W., 8th Floor

Washington, D.C. 20036

**Re: *Docket Nos. 16-CRB-0009-CD (2014-2017), 16-CRB-0010-SD (2014-2017);
Distribution of the 2014-2017 Cable and Satellite Royalty Funds; Multigroup
Claimants' Document Discovery Requests on Claims Issues***

Dear Sir/Madam:

On behalf of Multigroup Claimants ("MC"), the following are the responses to the discovery requests and follow-up discovery requests propounded by the MPA-represented Program Suppliers, dated January 28, 2022 and March 1, 2022.

General Objections

MC will respond to the requests to the best of its ability; however, with respect to each of the requests, MC states the following General Objections:

- 1) MC objects to these requests to the extent that they are vague, ambiguous, or otherwise not susceptible to a response, and to the extent that they are overly broad, unduly burdensome, and seek the disclosure of documents and information not reasonably calculated to lead to the discovery of evidence admissible in this proceeding.
- 2) MC objects to these requests to the extent they call for the disclosure of information that is confidential to MC and/or third parties. Any information identified as "confidential" shall be subject to a General Protective Order proposed to the Copyright Royalty Judges for this proceeding.
- 3) MC objects to these requests to the extent that they seek disclosure of documents and information that is not subject to discovery pursuant to the regulations applicable to the Copyright Royalty Board, set forth at 37 C.F.R. Section 301.1, et seq.

- 4) MC objects to these requests to the extent that the definitions and instructions purport to impose obligations beyond those imposed by the regulations of the Copyright Royalty Board.
- 5) MC objects to these requests to the extent that they seek the disclosure of information and documents protected from disclosure by the attorney-client privilege and/or the attorney work product doctrine.
- 6) MC objects to these requests to the extent that they seek the disclosure of information and documents not within MC's possession, custody, or control.
- 7) MC objects to these requests to the extent that they seek the disclosure of information unrelated to these proceedings.
- 8) MC objects to these requests to the extent that they seek information in a form or format not regularly kept in the normal course of business.
- 9) MC objects to these requests to the extent that they request the preparation of documents that do not exist.
- 10) MC objects to these requests to the extent that they call for either responses or the production of documents in a format beyond what is required by the Copyright Royalty Board regulations, or in a format with which the responding party did not cooperate with MC, e.g., repeating each of the requests.
- 11) MC simultaneously served document requests on the propounding party herein. MC objects to these requests to the extent that they seek documents similarly requested by MC but to which the propounding party objects and will refuse to produce documents. Absent an order of the Copyright Royalty Board requiring reciprocal disclosure and production, MC will not produce such documents.
- 12) According to the January 10, 2022 order of the Judges, "Disclosures must not include duplicate claims or claims for a single program in more than one category." In many cases, complying with such order will deny a claimant comprehensive royalties for their program, if such program qualifies for placement in multiple categories according to the category definitions adopted by the Judges in their order of April 5, 2021. For example, non-U.S. producer programming qualifies for placement in the Canadian Claimants category to the extent that qualifying compensable broadcasts originate in Canada, while also qualifying in the Program Suppliers category to the extent that qualifying broadcasts originate in the U.S. Consequently, the nationality of the claimant, coupled with the origination of qualifying broadcast, dictate whether only one or multiple categories apply to program compensation in such situation. While not currently relevant, placement in both the non-commercial programming category and Program Suppliers category similarly occurs. MC has endeavored to clarify when this circumstance occurs, and interprets the Judges' order to prohibit placement of a program in multiple categories based on its content only (e.g., sports vs. entertainment vs. devotional).

INITIAL REQUESTS

For each of the 2015-17 cable and satellite royalty years, please provide:

1. The identity of the claimants you represent and documents supporting your authority to represent each claimant, and any documents that withdraw, revoke, deny, dispute, limit, qualify, or otherwise “may tend to undermine” your claimed authority to represent the claimant (*see Independent Producers Group v. Librarian of Congress*, 792 F.3d 132, 139 (D.C. Cir. 2015));
2. Accurate program identity information for each claimant identified (*e.g.*, correct title and other identifying information in cases in which titles may be confused, *etc.*); and
3. A clear statement of each represented claimant’s claim against each year’s royalty fund, for cable and satellite – *i.e.*, for each program title identified in response to paragraph no. 2 above, identify the royalty year(s) for which it is claimed and the unique Adopted Category in which the program is claimed.
4. Please provide all documents that MC has produced or produces in the future to any other party in this proceeding in response to any formal or informal request for discovery.

FOLLOW-UP REQUESTS

5. Produce all correspondence Worldwide Subsidy Group LLC (“WSG”), Independent Producers Group (“IPG”), MC, or any of their principals, employees, or representatives received from the claimants identified in the file MC Represented Programs (w translations) (1).xlsx terminating or attempting to terminate WSG, IPG, or MC as their agent, or questioning WSG, IPG, or MC’s authority to represent their interests in Copyright Royalty Board proceedings.

Response to Follow-Up Request no. 5: MC objects to the request on the grounds that such request is redundant of Request no. 1. No further documents will be produced.

6. Produce documents demonstrating that MC has authority to claim the programs identified in the file MC Represented Programs (w translations) (1).xlsx for the 2015-17 cable and satellite royalty years.

Response to Follow-Up Request no. 6: MC objects to the request on the grounds that such request is redundant of Request no. 1. No further documents will be produced.

7. Produce documents demonstrating that each of the MC claimants identified in MC Represented Programs (w translations) (1).xlsx has authority to claim the programs that are attributed to them in MC Represented Programs (w translations) (1).xlsx for the 2015 17 cable and satellite royalty years. In cases where more than one claimant is associated with a particular program, please produce documents clarifying which MC claimant is claiming the program as to each of the 2015-17 cable and satellite royalty years.

Response to Follow-Up Request no. 7: MC objects to the request on the grounds that the "presumption of validity" afforded to claimants includes the claimant's claim of ownership or entitlement to make claim for the program. Notwithstanding the foregoing, MC has no documents in its possession or of which it is aware that contradict the claimant's claim of ownership or entitlement to make claim for the identified programs.

MC also objects to this request as inappropriate because the Judges already ruled that it is "not reasonably calculated to lead to the discovery of admissible evidence" to the extent that it seeks production of documents relating to conflicting claims among represented claimants. *See Order Granting In Part Multigroup Claimants First Motion To Compel Production Of Documents By Motion Picture Association Of America*, Docket No. 14-CRB-0010-CD (2010-13) at 3-4 (Sept. 14, 2016). See also, *MPA's Responses to Multigroup Claimants' Document Discovery Requests on Claims Issues*, Response to Request no. 6 (Feb. 18, 2022). No further documents will be produced.

8. Produce documents supporting MC's claim that certain titles in MC Represented Programs (w translations) (1).xlsx should be categorized in both the Program Suppliers and the Canadian Claimant Group categories.

Response to Follow-Up Request no. 8: Subject to the General Objections, MC does not specifically object to the request. Notwithstanding, documents previously produced by MC in these proceedings demonstrate those instances in which certain titles in MC Represented Programs (w translations) (1).xlsx should be categorized in both the Program Suppliers and the Canadian Claimant Group categories. No further documents will be produced.

9. Produce documents demonstrating that WSG, IPG, and/or MC notified the claimants identified in MC Represented Programs (w translations) (1).xlsx that they would not, or did not, file 2014 cable or satellite royalty claims on their behalf.

Response to Request No. 9: MC objects to the request on the grounds that such request is irrelevant, as MC has made no claim relating to 2014 royalties. No further documents will be produced.

10. Produce documents demonstrating that WSG, IPG, and/or MC continued to have authority to represent the claimants identified in MC Represented Programs (w translations) (1).xlsx after failing to file 2014 cable or satellite royalty claims on their behalf.

Response to Request No. 10: MC objects to the request on the grounds that such request is redundant of Request no. 1. No further documents will be produced.

Subject to said objections, after making a diligent search of documents in its possession, MC will produce all documents responsive to these requests, pursuant to and protected by the terms of the Protective Order in place in this proceeding.

Sincerely,

/s/

Brian Boydston, Esq.

Counsel for Multigroup Claimants

EXHIBIT 8

Pick & Boydston, LLP
732 West 9th Street, Suite 103
San Pedro, CA 90731
Telephone (310)987-2414

March 11, 2022

Lucy Holmes Plovnik
Mitchell, Silberberg & Knupp, LLP
1818 N. Street N.W., 8th Floor
Washington, D.C., 20036

Via email: lhpm@msk.com

Michael Kientzle
Arnold & Porter
601 Massachusetts Ave., NW
Washington, District of Columbia 20001-3743

Via email: Michael.Kientzle@arnoldporter.com

Dear Lucy and Michael,

Further to my letter of March 2, 2022 relating to the categorization of certain program claims that were identified in the sports programming category, Multigroup Claimants has determined that five (5) of those programs are more likely to be deemed part of the program suppliers category, according to the definitions adopted in the Judges' *Order Lifting Stay and Adopting Claimant Category Definitions* (April 5, 2021).

Consequently, today we are producing an electronic file named, "MC Represented Programs (w translations)(REVISED 03.11.22).xlsx". This file is the same as the electronic file named, "MC Represented Programs (w translations).xlsx" that was previously produced, with the exception that five (5) programs within the sports programming category have been removed from that category and moved to the program suppliers category. For ease of location, those five programs now appear as the last five programs attributable to claimant Azteca International Corporation, at lines 589-593.

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We will additionally be producing documents responsive to certain JSC follow-up discovery requests.

Sincerely,

PICK & BOYDSTON, LLP

/s/

Brian D. Boydston

Proof of Delivery

I hereby certify that on Friday, June 17, 2022, I provided a true and correct copy of the Redacted Public Version, Second Declaration Of Lucy Holmes Plovnick to the following:

Devotional Claimants, represented by Matthew J MacLean, served via E-Service at matthew.maclean@pillsburylaw.com

Broadcaster Claimants Group, represented by John Stewart, served via E-Service at jstewart@crowell.com

Joint Sports Claimants, represented by Michael E Kientzle, served via E-Service at michael.kientzle@arnoldporter.com

American Society of Composers, Authors and Publishers (ASCAP), represented by Sam Mosenkis, served via E-Service at smosenkis@ascap.com

Global Music Rights, LLC, represented by Scott A Zebrak, served via E-Service at scott@oandzlaw.com

SESAC Performing Rights, LLC, represented by Timothy L Warnock, served via E-Service at twarnock@loeb.com

Major League Soccer, L.L.C., represented by Edward S. Hammerman, served via E-Service at ted@copyrightroyalties.com

Multigroup Claimants, represented by Brian D Boydston, served via E-Service at brianb@ix.netcom.com

Broadcast Music, Inc., represented by Jennifer T. Criss, served via E-Service at jennifer.criss@dbr.com

Signed: /s/ Lucy H Plovnick