

**Before the
COPYRIGHT ROYALTY JUDGES
The Library of Congress**

In re

**DISTRIBUTION OF
CABLE ROYALTY FUNDS**

**DOCKET NO. 16-CRB-0009 CD
(2014-17)**

**ORDER 40 DENYING PUBLIC TELEVISION CLAIMANTS' MOTION TO STRIKE
PORTIONS OF THE TESTIMONY OF R. GARRISON HARVEY**

I. Background

During the hearing, the Joint Sports Claimants (“JSC”) called R. Garrison Harvey to testify, and he was qualified as an expert in statistics and applied mathematics. At the hearing, the Public Television Claimants (“PTV”) argued that numerous portions of his testimony should be excluded. *See* 3/28/2023 Tr. 1762, 1777-1778, 1782-1786 (Harvey).

On June 16, 2023, PTV filed its “Motion to Strike Portions of the Testimony of R. Garrison Harvey” (eCRB no. 28322). *See* 6/12/2023. Tr. 5871-5875 (closing arguments) (background and briefing schedule).

On June 23, 2023, oppositions to PTV’s motion to strike were filed by the Settling Devotional Claimants (eCRB no. 28340) and JSC (eCRB no. 28356).

On June 28, 2023, PTV filed a reply in support of its motion (eCRB no. 28362).

II. Ruling

Mr. Harvey was not qualified as an economist or an industry expert. Yet, to the extent that portions of Mr. Harvey’s testimony may stray from a narrow understanding of statistics and applied mathematics, in many cases they inform the Copyright Royalty Judges (“Judges”) as to the assumptions that underpin his testimony. Furthermore, the Judges will accord portions of Mr. Harvey’s testimony greater or lesser weight (including no weight, if necessary) for reasons

pertaining to his expertise or any other appropriate factor. The Judges do not find it beneficial to strike the numerous portions of written and oral testimony at issue.

Accordingly, having considered all the arguments made in connection with the pending motion, PTV's motion to strike is **DENIED**.

SO ORDERED.

David P. Shaw
Chief Copyright Royalty Judge

DATED: September 5, 2023