

Before the
COPYRIGHT ROYALTY JUDGES
Washington, D.C.

In re)
)
) Docket No. 16-CRB-0010-SD (2014-17)
Distribution of Satellite Royalty Funds)
)

**SUPPLEMENTAL MEMORANDUM REGARDING THE ALLOCATION PHASE
PARTIES’ MOTION FOR FURTHER DISTRIBUTION OF 2015-17 SATELLITE
ROYALTIES**

On August 17, 2022, the undersigned Allocation Phase Parties filed a motion (“Motion”) for further distribution of 90% of the 2015-17 satellite royalty funds remaining on deposit with the Copyright Office.¹ The Motion seeks the distribution of approximately \$37.9 million in 2015-17 satellite royalties. The Allocation Phase Parties submit this supplemental memorandum to report on the status of the Motion, and to respectfully request that the Judges promptly order the requested further distribution.

Multigroup Claimants Group (“MGC”) opposed the Motion on August 30, 2022², and the Allocation Phase Parties submitted a reply in support of the Motion (“Reply”) on September 7, 2022.³ For the reasons set forth in the Reply, MGC’s Opposition fails to state a reasonable objection to the requested further distribution. Specifically, the Allocation Phase Parties explained that (1) the funds that would remain on deposit following the requested further distribution would far exceed any award of 2015-17 satellite royalties that MGC could reasonably expect to receive;

¹Joint Motion for Further Distribution of 2015-17 Satellite Royalties, Dkt. No. 16-CRB-0010-SD (2014-17) (Aug. 17, 2022).

² Multigroup Claimants’ Opposition to Allocation Parties’ Joint Motion for Further Distribution of 2015-17 Satellite Royalties, Dkt. No. 16-CRB-0010-SD (2014-17) (Aug. 30, 2022) (“Opposition”).

³ Allocation Phase Parties’ Reply in Support of Joint Motion for Further Distribution of 2015-17 Satellite Royalties, Dkt No. 16-CRB-0010-SD (2014-17) (Sept. 7, 2022).

(2) the information that the Allocation Phase Parties provided concerning each Party's confidential share of the 2015-17 satellite royalties, as well as each Party's share of prior partial distributions of those funds, minimized the risk of an unintentional overpayment; and (3) the Parties agreed to sign repayment agreements to provide additional assurances in the unlikely event that an overpayment occurs.

Notwithstanding MGC's Opposition, as required by Section 801(b)(3)(C), on December 13, 2022, the Judges published a notice in the Federal Register seeking comment on the Allocation Phase Parties' request for further distribution 2015-17 Satellite Royalties.⁴ Only MGC submitted a comment before the close of the comment period on January 12, 2023. In its comment, MGC objected to the requested further distribution on the same grounds it had asserted in its original Opposition.⁵ Therefore, for the same reasons the Allocation Phase Parties provided in their Reply, MGC's comment fails to raise a reasonable objection to the distribution.

As only MGC has objected to the requested further distribution of the 2015-17 Satellite Royalties, and MGC fails to raise a reasonable objection to the distribution, the Allocation Phase Parties respectfully request that the Judges grant their Motion at the Judges' first convenience.

⁴ Distribution of Satellite Royalty Funds, 87 Fed. Reg. 76,218 (Dec. 13, 2022).

⁵ Multigroup Claimants' Comments and Opposition to Allocation Phase Parties' Joint Motion for Further Distribution of 2015-17 Satellite Royalties, Dkt. No. 16-CRB-0010-SD (2014-17) (Jan. 4, 2023).

September 25, 2023

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of September, 2023, I caused a copy of the foregoing to be served on all parties registered to receive notice by eCRB by filing through the eCRB filing system.

/s/ Michael Kientzle
Michael Kientzle

Proof of Delivery

I hereby certify that on Monday, September 25, 2023, I provided a true and correct copy of the Supplemental Memorandum Regarding the Allocation Phase Parties' Motion for Further Distribution of 2015-17 Satellite Royalties to the following:

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

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

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

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

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Signed: /s/ Michael E Kientzle