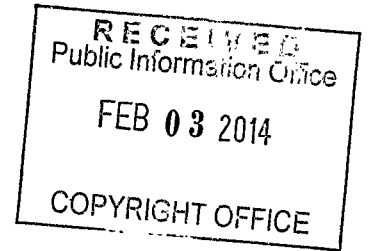


Before the
COPYRIGHT ROYALTY JUDGES
Washington, D.C.



In re :
:
:
Distribution of Digital : **Docket No. 2010-8 CRB DD 2005-2008 (MW)**
Audio Recording Technology :
Musical Works Royalty Funds :
:
:

**MOTION FOR FINAL DISTRIBUTION TO BROADCAST MUSIC, INC.,
AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS, SESAC,
INC., AND THE HARRY FOX AGENCY, INC., AS SETTLING PARTIES**

Broadcast Music, Inc. (“BMI”), the American Society of Composers, Authors and Publishers (“ASCAP”), SESAC, Inc. (“SESAC”) and The Harry Fox Agency, Inc. (“HFA”) (collectively, the “Settling Parties”) hereby move the Copyright Royalty Judges (“Judges”) to order distribution to the Settling Parties of the remaining five percent (5%) of royalties in the 2006 Digital Audio Recording Technologies (“DART”) Musical Works Fund, Writers and Publishers Subfunds (the “Funds at Issue”). Following the Judges’ decision that no controversy exists with regard to the royalties in the Funds at Issue, the Judges ordered that the Funds at Issue were available to the Settling Parties for final distribution. See Order Resolving Controversy and Concluding Paper Proceeding, in Docket No. 2010-8 CRB DD 2005-2008 (MW) (January 15, 2014) (the “Order”). Accordingly, the Settling Parties file this motion for such final distribution.

I. BACKGROUND

On December 16, 2013, the Settling Parties timely filed their direct case in the above-captioned proceeding as scheduled by the Judges in an order dated November 15, 2013. See Written Direct Case of Broadcast Music, Inc., American Society of Composers, Authors and

Publishers, SESAC, Inc., and The Harry Fox Agency, Inc. in Paper Proceeding, in Docket No. 2010-8 CRB DD 2005-2008 (MW) (December 16, 2013). Only one non-settling claimant, David Powell, filed a claim in the Funds at Issue and filed a Petition to Participate in this proceeding. Upon review of pleadings filed by Mr. Powell and the Settling Parties, the Judges concluded that “Mr. Powell has failed to demonstrate that he is entitled to any of the royalties in the 2006 Musical Works Fund.” See Order at 2.

II. MOTION FOR FINAL DISTRIBUTION TO THE SETTling PARTIES

In the Order, the Judges conclude that no controversy exists with regard to the Funds at Issue and that Mr. Powell has not shown entitlement to any of the royalties in the Funds at Issue. The Judges further ordered that “the balance of royalties held in the 2006 Musical Works Fund are available for final distribution to the Settling Parties.” Id.

The Judges have clear statutory authority to distribute all remaining funds when a controversy no longer exists. See, e.g., 17 U.S.C. §§ 801(b)(3)(A) and 801(c). Accordingly, the Settling Parties move for final distribution of the Funds at Issue to the Settling Parties.

III. CONCLUSION

For the reasons set forth above, the Settling Parties request that the Judges order distribution of the remaining five percent (5%) of royalties in the Funds at Issue to the Settling Parties.

Date: February 3, 2014

Respectfully submitted,

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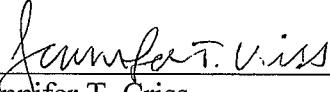
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CERTIFICATE OF SERVICE

I, Jennifer T. Criss, hereby certify that on this 3rd day of February, 2014, a copy of the foregoing Motion for Final Distribution to Broadcast Music, Inc., American Society of Composers, Authors and Publishers, SESAC, Inc., and The Harry Fox Agency, Inc., as Settling Parties was served by overnight delivery to the following:

David Powell
P.O. Box 010950
Miami, FL 33101



Jennifer T. Criss