

Before the
COPYRIGHT ROYALTY JUDGES
Washington, DC

IN THE MATTER OF:

Phase II Distribution of the 2000,
2001, 2002, and 2003 Cable Royalty Funds

Docket No. 2008-2 CRB CD
2000-2003 (Phase II) (Remand)

JOINT PROPOSED SCHEDULE FOR FURTHER PROCEEDINGS

The Settling Devotional Claimants (“SDC”) and Independent Producers Group (“IPG”) hereby submit their joint proposed schedule for further proceedings pursuant to the Judges’ Order Reopening Record (Mar. 4, 2019).

Action	Date
Deadline to file motion for resolution of protective order issue, if needed*	Apr. 12, 2019
Responses to motion for resolution of protective order issue, if any	Apr. 26, 2019
Reply in support of motion for resolution of protective order issue, if any	May 3, 2019
Parties file Written Direct Statements	45 days after resolution of issues regarding protective order, by agreement or by order
Parties complete discovery	45 days after filing of Written Direct Statements
Deadline to file Amended Written Direct Statements, if any (parties to agree on discovery schedule if Amended Written Direct Statements are filed)	15 days after completion of discovery
Parties file Joint Settlement Conference Report	30 days after completion of discovery
IF PARTIES DO NOT SETTLE:	
Parties file Written Rebuttal Statements and produce underlying documents	45 days after completion of discovery
Parties complete discovery on Written Rebuttal Statements	30 days after filing Written Rebuttal Statements

Deadline to file motion for live hearing, if appropriate	30 days after filing Written Rebuttal Statements
Parties file “one additional response” in the form of a memorandum of law	15 days after completion of discovery on Written Rebuttal Statements

- * In their Order Reopening Record, the Judges declined to adopt the SDC’s proposed methodology in part on the basis that the distant HHVH reports on which the SDC’s expert witness relied to conduct confirmatory analyses of his principal methodology could not be used “[w]ithout a proper foundation” and “without the underlying data in the record made available to IPG.” Order at 6.

The SDC believe that the only remaining obstacle to the SDC’s use of the data in this proceeding is the Protective Order in the 2004-09 cable royalty and 1999-2009 satellite royalty proceeding, which could be interpreted as prohibiting the use of the data in proceedings other than the proceeding in which it was produced. *But see* Order Denying MPAA Motion to Strike Testimony of IPG Witness Dr. Robinson, No. 2012-6 CRB CD 2004-09, 2012-7 CRB SD 1999-2009 (Phase II) (July 30, 2014) (involving the same underlying data at issue in this proceeding, and permitting protected information produced in one proceeding to be used in another proceeding between the same parties).

Counsel for the SDC are in discussions with MPAA to determine if MPAA will consent to the SDC’s use of the data in this proceeding. If MPAA’s consent cannot be obtained, the SDC intend to seek leave from the Judges to use the underlying data in this proceeding.

March 18, 2019

Respectfully submitted,

SETTLING DEVOTIONAL CLAIMANTS

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Proof of Delivery

I hereby certify that on Monday, March 18, 2019 I provided a true and correct copy of the Joint Motion for Entry of Scheduling Order to the following:

Independent Producers Group (IPG), represented by Brian D Boydston served via Electronic Service at brianb@ix.netcom.com

Signed: /s/ Matthew J MacLean