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Docket: 2012-6 CRB CD 2004-2009
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Before the
COPYRIGHT ROYALTY JUDGES
Washington, DC

In the Matter of **Distribution of the 2004-2009 Cable Royalty Funds**	Docket No. 2012-6 CRB CD 2004-2009 (Phase II) (Reopened)
In the Matter of **Distribution of the 1999-2009 Satellite Royalty Funds**	Docket No. 2012-7 CRB SD 1999-2009 (Phase II) (Reopened)
In the Matter of **Distribution of the 2000-2003 Cable Royalty Funds**	Docket No. 2008-2 CRB CD 2000-2003 (Phase II) (Remand) (Reopened)

SETTLING DEVOTIONAL CLAIMANTS' REPLY IN SUPPORT OF MOTION FOR RELIEF FROM PROTECTIVE ORDER

The Settling Devotional Claimants ("SDC") reply in support of their motion seeking leave to use data underlying their devotional Household Viewing Hours ("HHVH") reports in the 2000-03 re-opened cable distribution proceeding. The underlying data is Nielsen HHVH diary data and Tribune data used by Alan Whitt to develop the devotional HHVH reports for the SDC, and subsequently produced by MPAA to IPG in the 2000-03 cable proceeding and to both IPG and the SDC in the 2004-09 cable and 1999-2009 satellite proceeding.

A. Parties Should Be Allowed to Use Data in Proceedings in Which it Was Produced.

MPAA's primary concern appears to be "data poaching," because it claims the SDC should not be able to "exploit the discovery process to obtain, for free, the Data MPAA purchased for thousands of dollars." MPAA Opp. at 4. But the SDC are not seeking anything "for free." As shown in the attached Declaration of Arnold Lutzker and its exhibits, MPAA charged the SDC $17,500 for the "cost of the data," and the SDC paid. *See* Ex. A, Lutzker Decl.

The SDC presume that MPAA acted in accordance with all applicable license agreements when it accepted payment for the "cost of the data," so that Mr. Whitt could prepare the devotional HHVH reports on which the SDC rely. At any rate, the Judges have previously held that the existence of a license agreement does not prevent other parties from using data that is validly in their possession under a protective order. "All information relied upon by a party in the construction of its methodology is acquired at some economic cost," and "a party cannot preempt that discovery by relying upon a restrictive licensing arrangement." *Amended Joint Order on Discovery Motions*, Nos. 2012-6 CRB CD 2004-2009 (Phase II), 2012-7 CRB SD 1999-2009 (Phase II) (July 30, 2014), at 8-9 ("Order on Discovery Motions"). In the 2004-09 cable and 1999-2009 satellite proceeding, the Judges ruled that MPAA's use of the data made it "subject to discovery," and thus allowed IPG to use the data that it received in the 2000-03 cable proceeding, even before IPG was able to receive the data in discovery in the 2004-09 cable and 1999-2009 satellite proceeding. *Amended Order Denying MPAA Motion to Strike Testimony of IPG Witness, Dr. Robinson*, Nos. 2012-6 CRB CD 2004-2009 (Phase II), 2012-7 CRB SD 1999-2009 (Phase II) (July 30, 2014), at 5-6 ("Order Denying Motion to Strike"). The SDC merely seek to close the loop and confirm that they may use the data in the 2000-03 cable case in which it was originally produced.

MPAA argues, based on an email from Nielsen employee Mark Davis, that the SDC's use of the data in the 2000-03 cable proceeding would be a violation of Nielsen's license agreement.[1] This argument is inconsistent with MPAA's acceptance of payment for the data, and MPAA should therefore be estopped from making it. But the Judges have already reviewed Nielsen's license agreement, and ruled that it does not prevent another party's use of the data in a

[1] MPAA similarly argues that the Tribune data is "restricted, proprietary data," but provided no evidence of any licensing agreement or other restriction.

different proceeding. Order Denying Motion to Strike, at 4. *A fortiori*, it does not prevent the use of data in proceedings in which it has already been used and produced. The agreement itself is better evidence of whether there is any contractual issue than the opinion of Mr. Davis based on an incomplete summary of facts provided by MPAA's counsel (notably omitting the fact that the data in question was already used in the 2000-03 cable proceeding, and the fact that MPAA accepted payment from the SDC for use of the data).

Finally, MPAA notes that IPG seeks permission to use the data if the SDC are so permitted. But IPG already has the right to use the data in the 2000-03 proceeding, because MPAA produced it to IPG in that proceeding. Indeed, IPG has already used and produced restricted data in the 2000-03 proceeding that it received from MPAA. *See* Ex. B, Affidavit and Rule 11 Certification of Brian D. Boydston in Support of Designation of Protected Materials, at 2 (identifying produced documents that "were previously marked 'Restricted' in prior proceedings by various parties."). IPG's request that it be allowed to use the data produced by MPAA is therefore moot.

MPAA worries about the incentives it would create if the SDC's motion were granted. But if anything would incentivize improper behavior, it would be denying the SDC's request for leave to use the data in this case where it was originally used, after granting IPG the ability to use the same MPAA data in the 2004-09 cable and 1999-2009 satellite case. *See* Order Denying Motion to Strike, at 5-6. There is only one material distinction between this case and the Judges' Order Denying Motion to Strike: While the SDC have asked permission to use the data at every step of the way (and have even paid for the privilege), IPG asked neither permission nor forgiveness.

B. The SDC and IPG Both Received the Data in Discovery From MPAA.

IPG attempts to contest the chain of custody the SDC set forth in their original motion, but IPG is confused. IPG received the data in the 2000-03 cable distribution proceedings. *See* SDC Motion, at Ex. 4. IPG and MPAA subsequently produced the same data to the SDC in the 2004-09 cable and 1999-2009 satellite proceedings. *Id.* at Exs. 7 and 8. The Judges explained that, "IPG received the Nielsen viewing data, and provided it to Dr. Robinson, in the course of the 2000-2003 proceeding" and that, in the 2004-09 cable and 1999-2009 satellite proceeding, "Dr. Robinson relied on the Nielsen viewing data in preparing her Written Direct Statement." Order Denying Motion to Strike, at 4 n.1, 3. IPG then produced the data to support the methodology developed by Dr. Robinson. *See* Order on Discovery Motions, at 22-23 (ordering IPG to produce data it had received from MPAA). The SDC now ask – *in advance* – for the same latitude that was granted to IPG retroactively, only in the original proceeding where the data was first used and produced by MPAA.

IPG's confusion seems to arise from the fact that IPG argued in the 2000-03 cable proceeding that MPAA failed to produce the code files necessary to "replicate" the regression methodology presented by Dr. Jeffrey Gray. IPG apparently believes that the SDC are seeking "modification of the program code commands in order to apply the MPAA methodology to devotional programming." IPG Opp., at 3. To be clear, the SDC have no interest in Dr. Gray's regression methodology or in his code files, produced or not produced. Indeed, the SDC have even endorsed IPG's criticism of an important aspect of Dr. Gray's methodology – his inappropriate use of Nielsen National PeopleMeter data, which is essentially useless for valuation of programming in the Devotional category. *See* Tr., Nos. 2012-6 CRB CD 2004-2009 (Phase II), 2012-7 CRB SD 1999-2009 (Phase II) (May 24, 2018), at 516:24-517:1 ("Mr.

MacLean: … I'm going to try to address this point with a single five-syllable word. And that word is geo-stratified.").

The only information the SDC are interested in are the Nielsen and Tribune data files that underlie the devotional HHVH reports prepared for the SDC by Mr. Whitt (for which MPAA accepted payment), utilizing the procedures that Mr. Whitt has repeatedly described in testimony. No regression was involved. Indeed, the SDC might not even analyze the data anew, as IPG and its experts are perfectly capable of replicating Mr. Whitt's methodology based on his description. *See Final Distribution Determination*, No. 2008-1 CRB CD 98-99 (Phase II), 80 Fed. Reg. 13,423, 13,425 (Mar. 13, 2015) ("The Judges further concluded that the SDC's discovery responses were sufficient for IPG to 'test' the process Mr. Whitt used in compiling the report."). Although the SDC reserve the right to use the data for an alternative methodology, if necessary, the only use to which the SDC currently intend to put the data is to authenticate the HHVH reports that they purchased from Mr. Whitt and MPAA.

MPAA argues that IPG's use of the data in a separate proceeding from the one in which it was obtained was permissible because IPG "was an opposing party to MPAA in both Phase II proceedings," and IPG "used the Data in a way that brought it within the Protective Order's exception for aggregated information." MPAA Opp., at 4 n.1. But the SDC's proposed use of the data meets these criteria. The SDC received the data from IPG in the 2004-09 cable and 1999-2009 satellite proceeding, and are opposing parties to IPG both in that proceeding and in the present 2000-03 cable proceeding. The SDC also received the data from MPAA in the 2004-09 cable and 1999-2009 satellite proceeding, and were opposing parties of MPAA in both proceedings. The SDC seek to use the data now in the 2000-03 cable proceeding to respond to IPG's criticism (which was accepted by the Judges) that, because "the SDC has not produced"

the "underlying data that ostensibly resulted in the reports," the reports are "just numbers on a page." Order Reopening Record, No. 2008-2 CRB CD 2000-03 (Phase II) (Mar. 4, 2019), at 6. Those "numbers on a page" are aggregations of the underlying data, already in all parties' possession, that the SDC are seeking leave to use in this proceeding.

C. The SDC Would Have Been Entitled to Discovery of the Data in the 2000-03 Cable Proceeding if They Had Requested It.

Both MPAA and IPG suggest that the SDC would not have been entitled to receive the data in the original 2000-2003 cable distribution proceedings where it was first used because the SDC were not an "opposing party" to MPAA. The Judges have already ruled on this issue and concluded, in the context of the same data at issue in this motion, that the SDC and MPAA were "opposing parties." "[I]t is of no moment that the SDC did not assert claims in the Program Supplier category or, conversely, that MPAA did not assert claims in the Devotional Claimants category." Order on Discovery Motions, at 9. The Judges ruled that they "may utilize any party's methodology" and specifically could "decide to apply some or all of the MPAA methodology in ascertaining the relative value of programs in the Devotional Claimant category as well." *Id.* at 8. MPAA and the SDC therefore were "functional and economic" opposing parties, even though they were participants in different categories. *Id.* at 9.

The SDC did not receive the data in discovery in the original 2000-03 cable distribution proceeding only because they did not request its production from MPAA. In fairness, the SDC did not believe they needed the data at that time, because they had already purchased the devotional HHVH reports from MPAA, and they were aware that MPAA had produced the underlying data to IPG. Accordingly, the SDC did not believe they needed to act as a middleman to obtain the data from MPAA and then produce it again to IPG as data underlying

the HHVH reports. This does not change the fact that if the SDC had requested the data, they would have been entitled to receive and use it.

MPAA ignores language in the Protective Order in the 2000-03 cable case that clearly would have authorized the SDC's counsel and experts to receive the restricted information. Protective Order, No. 2008-2 CRB CD (Phase II) (July 10, 2012) ("'Reviewing Party' shall be defined as: outside counsel of record in this Proceeding … and any outside independent consultant or expert …."). MPAA focuses instead on language that limited further dissemination by "recipients" of Protected Materials. MPAA Opp., at 2. This language is inapposite. The SDC are not claiming a right to receive restricted material from any "recipient," and are not proposing to disclose restricted material to any party that is not already a "recipient." The only party to whom the SDC might disclose the data is IPG, and IPG has already received the information – twice – from MPAA, and has already produced it to the SDC.

MPAA's estoppel argument is also misplaced. It is certainly true that the SDC agreed to comply with applicable protective orders, and they have done so by seeking MPAA's consent to use the data and then applying to the Judges when MPAA denied consent, as Section IV(D) of the applicable protective orders expressly provides. But the SDC have never represented that the SDC and MPAA were not opposing parties in the 2000-03 cable proceeding. To the contrary, the SDC argued, and the Judges agreed, that "the SDC and MPAA are 'opposing parties' for the simple fact that they are advancing different and conflicting valuation methodologies," and that "[a]ll parties to these proceedings therefore have opposing interests." *SDC Motion to Compel MPAA*, Nos. 2012-6 CRB CD 2004-2009 (Phase II), 2012-7 CRB SD 1999-2009 (Phase II) (June 12, 2014), at 4-5. The SDC pointed out that Chief Judge Barnett ruled from the bench in

the 2000-03 cable proceeding that the SDC were entitled to receive copies of all documents, and that the SDC were permitted to cross-examine MPAA witnesses. *See id.* at 5-6.

Most importantly, the SDC did not argue that use of restricted information should or would be limited to the proceeding in which it was produced to the receiving party. In fact, the SDC argued precisely the opposite. Their motion to compel in the 2004-09 cable and 1999-09 satellite case marks a time that the SDC came to IPG's defense, arguing that IPG should not be prohibited from using data that it received from MPAA in the 2000-03 proceeding:

> [T]he SDC do not read the Protective Order from the 2000-2003 cable distribution proceeding as categorically prohibiting the use of restricted data in subsequent proceedings. IPG and its expert were in lawful possession of the data, they were clearly entitled to receive the data in discovery, they do not appear to have actually disclosed any protected data as part of their direct case, and, as MPAA itself points out, a mechanism exists for disclosure of restricted data when that disclosure becomes appropriate.

Id. at 7 n.2. Each of these factors exists here. The SDC and its experts are in lawful possession of the data (as is IPG), they were entitled to receive the data in discovery (as was IPG), they have not disclosed any protected data and do not intend to disclose protected data to anyone who has not already received it, and a mechanism exists for disclosure when appropriate. The SDC's position has always been consistent: "The purpose of the protective orders in these cases it to protect a party's legitimate interests in confidentiality, not to enable a party to shape its opponents' cases. Gamesmanship deserves to be called out, wherever it comes from." *Id.*

Conclusion

For the foregoing reasons, the SDC request the Judges to grant their Motion for Relief from Protective Order.

Respectfully submitted,

/s/ Michael Warley

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Counsel for the Settling Devotional Claimants

CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2019, a copy of this Reply in Support of Motion for Relief from Protective Order was electronically filed and served on the following via the eCRB system or email:

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Counsel to MPAA

/s/ Michael Warley
Michael Warley

Exhibit A

Before the
COPYRIGHT ROYALTY JUDGES
Washington, DC

In the Matter of **Distribution of the 2004-2009 Cable Royalty Funds**	Docket No. 2012-6 CRB CD 2004-2009 (Phase II) (Reopened)
In the Matter of **Distribution of the 1999-2009 Satellite Royalty Funds**	Docket No. 2012-7 CRB SD 1999-2009 (Phase II) (Reopened)
In the Matter of **Distribution of the 2000-2003 Cable Royalty Funds**	Docket No. 2008-2 CRB CD 2000-2003 (Phase II) (Remand) (Reopened)

DECLARATION OF ARNOLD P. LUTZKER IN SUPPORT OF SETTLING DEVOTIONAL CLAIMANTS' REPLY IN SUPPORT OF MOTION FOR RELIEF FROM PROTECTIVE ORDER

I, Arnold P. Lutzker, hereby state and declare as follows, based on my personal knowledge:

1. I am counsel for Crystal Cathedral Ministries, Inc., a claimant in these proceedings and one of the Settling Devotional Claimants ("SDC"), and I am lead counsel for the SDC in allocation phase proceedings. I am also the trustee of copyright royalty funds distributed to the SDC, in which capacity I am responsible for the payment of fees and expenses incurred by the SDC in these proceedings.

2. In about February, 2005, I had a discussion with Marsha Kessler, then MPAA's Vice President for Retransmission Royalty Distribution, about the possibility of purchasing a database of distant HHVH information for Devotional programs from MPAA's distant HHVH database for the years 1999-2003. As shown in Exhibit 6 to the SDC's Motion for Relief from

Protective Order, Ms. Kessler responded by introducing me to Mr. Alan Whitt, whose company, IT Processing, Inc., was the contractor responsible for preparing MPAA's database. Ms. Kessler left it to me to make arrangements for payment for Mr. Whitt's work, and she said, "I will email you separately as to the cost of the data." *See* Motion at Ex. 6.

3. I eventually followed up to obtain the reports, and on November 30, 2016, Mr. Whitt provided me with a price for his work, a total of $5,000 for the five years. *See id.* On December 13, 2006, I followed up with Ms. Kessler in an email requesting her to let me know "what your portion of the data cost will be, so I can begin the process of arranging payment by the Devos." Ms. Kessler responded on January 2, 2007, apologizing for the delay in responding, and telling me, "The cost of the data is $3,500 per year, or a total of $17,500." In the email chain that followed, Ms. Kessler asked me to "make the check payable to: MPAA Office of Copyright Royalty Distribution," and to send it to her attention. A true and correct copy of the email chain is attached hereto as Exhibit 1, redacted to remove information that is strictly personal to Ms. Kessler, and is unrelated to the transaction.

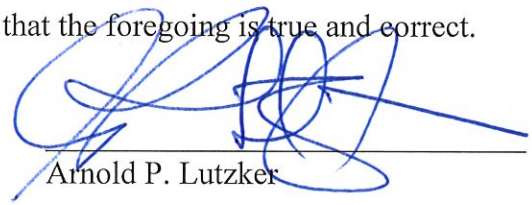
4. Out of SDC funds, I ordered the SDC Escrow Agent, Chevy Chase Trust ("CCT") to pay IT Processing $5,000 for Mr. Whitt's work, and MPAA $17,500 for access to the data. Evidence of the payments from the SDC 1999-2003 Escrow Accounts at CCT are attached hereto as Exhibit 2, redacted to remove information that is not relevant to the payments to Mr. Whitt and MPAA.

5. In my conversations with MPAA's counsel, Mr. Greg Olaniran, in which I requested MPAA's consent to use the data underlying the devotional HHVH reports referenced in the SDC's Motion, I repeatedly reminded him that the SDC had paid MPAA for access to the data. In my email of March 26, 2019, in which I formalized my request in writing, I reiterated

this point: "First, in 2006, SDC bought and paid for rights to the HHVH data from MPAA and Alan Whitt. The payments exceeded $22K." *See SDC Motion* at Ex. 1. At no point did Mr. Olaniran dispute my repeated statement that the SDC had paid MPAA for access to the data. The first time I learned that MPAA contends that the SDC did not pay MPAA for access to the data was when I read MPAA's Opposition to the SDC's Motion for Relief from Protective Order, filed on April 26, 2019.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on May 2, 2019



Arnold P. Lutzker

Exhibit 1

MacLean, Matthew J.

From: Arnie Lutzker <arnie@lutzker.com>
Sent: Friday, March 15, 2019 7:26 PM
To: Arnie Lutzker
Subject: FW: IT Processing Data

From: Marsha_Kessler@mpaa.org [mailto:Marsha_Kessler@mpaa.org]
Sent: Tuesday, January 2, 2007 2:24 PM
To: arnie@lutzker.com
Subject: RE: IT Processing Data

Thank you for your kind, and very wise, words. M.

From: Arnie Lutzker [mailto:arnie@lutzker.com]
Sent: Tuesday, January 02, 2007 11:52 AM
To: Kessler, Marsha
Subject: RE: IT Processing Data

[redacted]
Arnie

ARNOLD P. LUTZKER
LUTZKER & LUTZKER LLP
1233 20TH STREET, NW
SUITE 703
WASHINGTON, DC 20036
TEL. 202-408-7600 EXT. 1
FAX 202-408-7677
EMAIL: ARNIE@LUTZKER.COM
WEBSITE: WWW.LUTZKER.COM

-----Original Message-----
From: Marsha_Kessler@mpaa.org [mailto:Marsha_Kessler@mpaa.org]
Sent: Tuesday, January 02, 2007 11:21 AM
To: arnie@lutzker.com
Subject: RE: IT Processing Data

Thanks. [redacted]

As to the business side of things, you can have the funds wired to my personal account in the Grand Caimans.

Oops, did I say that?

Please make the check payable to: MPAA Office of Copyright Royalty Distribution. It can be sent to my attention:

Marsha E. Kessler
MPAA
1600 Eye Street, NW
Washington, DC 20006

M.

From: Arnie Lutzker [mailto:arnie@lutzker.com]
Sent: Tuesday, January 02, 2007 11:05 AM
To: Kessler, Marsha
Subject: RE: IT Processing Data

Sorry to hear that, Marsha. Hope all is well now and that the New Year is a good one for you and your family. I'll instruct Chevy Chase Trust to pay you. Check simply made out to MPAA?
A.

ARNOLD P. LUTZKER
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SUITE 703
WASHINGTON, DC 20036
TEL. 202-408-7600 EXT. 1
FAX 202-408-7677
EMAIL: ARNIE@LUTZKER.COM
WEBSITE: WWW.LUTZKER.COM

> -----Original Message-----
> **From:** Marsha_Kessler@mpaa.org [mailto:Marsha_Kessler@mpaa.org]
> **Sent:** Tuesday, January 02, 2007 10:46 AM
> **To:** arnie@lutzker.com
> **Subject:** RE: IT Processing Data
>
> My apologies for the tardy response. I had a critical family thing going on and was not at the office much from late November until just before the holidays.
>
> The cost of the data is $3,500 per year, or a total of $17,500.
>
> Marsha
>
> ---
>
> **From:** Arnie Lutzker [mailto:arnie@lutzker.com]
> **Sent:** Wednesday, December 13, 2006 5:26 PM
> **To:** Kessler, Marsha
> **Subject:** IT Processing Data

Marsha – Alan Whitt has sent me the 1999-2002 data. He's waiting to coordinate with you about the 2003. In the meantime, can you let me know what your portion of the data cost will be, so I can begin the process of arranging payment by the Devos?
Mucho thanks.
Arnie

Arnold P. Lutzker
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Suite 703
Washington, DC 20036
Tel. 202-408-7600 Ext. 1
Fax 202-408-7677
Email: arnie@lutzker.com
Website: www.lutzker.com

Exhibit 2

CHEVY CHASE TRUST
Personal Wealth Security

7501 Wisconsin Avenue, 14th Floor
Bethesda, Maryland 20814

Cover Page

Statement of Value and Activity

December 1, 2006 - December 31, 2006

Chevy Chase Trust Investment Advisor
for Devotional Claimant's Escrow -
1999 Cable Trust Escrow Account
CH600031

Administrator: Jennifer L. Fullmer
Phone #: 240 497-5081

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Glossary and Notices	***8***

We invite you to access your account online via Chevy Chase Trust Express for daily updates, account balances, and monthly statements.

Please visit *www.chevychasetrust.com* and click on the Chevy Chase Trust Express icon to register for this service.

Arnold P Lutzker, Esq.
Counsel for Crystal Cath. Mstr, Inc.
1233 20th Street, NW, Ste. 703
Washington, D.C. 20036

Transaction Detail Section (continued)

Statement of Value and Activity

December 1, 2006 - December 31, 2006

Date	Transaction Description	Principal Cash	Income Cash	Realized G/L
12/22/06	Cash Disbursement Paid to It Processing, LLC Other Prof Svc Pmt Paid for Arnold P. Lutzker, Esq. 1999 Mpaa Due	-$1,000.00	$0.00	$0.00
12/31/06	**Ending Balance**	-		

CHEVY CHASE TRUST
Personal Wealth Security

7501 Wisconsin Avenue, 14th Floor
Bethesda, Maryland 20814

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Statement of Value and Activity

December 1, 2006 - December 31, 2006

Chevy Chase Trust Investment Advisor
for Devotional Claimant's Escrow -
2000 Cable Trust Escrow Account
CH600024

Administrator: Jennifer L. Fullmer
Phone #: 240 497-5081

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Counsel for Crystal Cath. Mstr, Inc.
1233 20th Street, NW, Ste. 703
Washington, D.C. 20036

Transaction Detail Section (continued)

Statement of Value and Activity

December 1, 2006 - December 31, 2006

Date	Transaction Description	Cash
	Expenses	
12/22/06	Cash Disbursement Paid to It Processing, LLC Other Prof Svc Pmt Paid for Arnold P. Lutzker, Esq. 2000 Mpaa Due	-$1,000.00
		-$1,000.00
Total Disbursements		

CHEVY CHASE TRUST
Personal Wealth Security

7501 Wisconsin Avenue, 14th Floor
Bethesda, Maryland 20814

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Statement of Value and Activity

December 1, 2006 - December 31, 2006

Chevy Chase Trust Investment Advisor
for Devotional Claimant's Escrow -
2001 Cable Trust
CH600025

Administrator: Jennifer L. Fullmer
Phone #: 240 497-5081

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Washington, D.C. 20036

Transaction Detail Section (continued)

Statement of Value and Activity

December 1, 2006 - December 31, 2006

Date	Transaction Description	Principal	Income Cash	Realized G/L
		Cash -		
12/22/06	Cash Disbursement			
		-$1,000.00	$0.00	$0.00
	Paid to It Processing, LLC Other Prof Svc Pmt Paid for Arnold P. Lutzker, Esq. 2001 Mpaa Due			
12/31/06	**Ending Balance**			

CHEVY CHASE TRUST
Personal Wealth Security

7501 Wisconsin Avenue, 14th Floor
Bethesda, Maryland 20814

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Statement of Value and Activity

December 1, 2006 - December 31, 2006

Chevy Chase Trust Investment Advisor
for Devotional Claimant's Escrow -
2002 Cable Trust
CH600026

Administrator: Jennifer L. Fullmer
Phone #: 240 497-5081

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Transaction Detail Section (continued)

Statement of Value and Activity

December 1, 2006 - December 31, 2006

Date	Transaction Description	Principal Cash	Income Cash	Realized G/L
12/22/06	Cash Disbursement Paid to It Processing, LLC Other Prof Svc Pmt Paid for Arnold P. Lulzker, Esq. 2002 Mpaa Due	-$1,000.00	$0.00	$0.00
12/31/06	**Ending Balance**			

CHEVY CHASE TRUST
Personal Wealth Security

7501 Wisconsin Avenue, 14th Floor
Bethesda, Maryland 20814

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Statement of Value and Activity

February 1, 2007 - February 28, 2007

Chevy Chase Trust Investment Advisor
for Devotional Claimant's Escrow
2003 Cable Trust Escrow Account
CH600051

Administrator: Jennifer L. Fullmer
Phone #: 240 497-5081

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1233 20th Street, NW, Ste. 703
Washington, D.C. 20036

We invite you to access your account online via Chevy Chase Trust Express for daily updates, account balances, and monthly statements.

Please visit *www.chevychasetrust.com* and click on the Chevy Chase Trust Express icon to register for this service.

Transaction Detail Section

Statement of Value and Activity

February 1, 2007 - February 28, 2007

Transaction Details By Date

Date	Transaction Description	Principal Cash	Income Cash	Realized G/L
2/1/07	Beginning Balance			
2/1/07	Cash Disbursement Paid to It Processing, LLC Other Prof Svc Pmt Paid for Arnold P. Lutzker, Esq. 2003 Mpaa Due	-$1,000.00	$0.00	$0.00

CHEVY CHASE TRUST
Personal Wealth Security

7501 Wisconsin Avenue, 14th Floor
Bethesda, Maryland 20814

Cover Page

Statement of Value and Activity

January 1, 2007 - January 31, 2007

Chevy Chase Trust Investment Advisor
for Devotional Claimant's Escrow -
1999 Cable Trust Escrow Account
CH600031

Administrator: Jennifer L. Fullmer
Phone #: 240 497-5081

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Arnold P Lutzker, Esq.
Counsel for Crystal Cath. Mstr, Inc.
1233 20th Street, NW, Ste. 703
Washington, D.C. 20036

Transaction Detail Section

Statement of Value and Activity

January 1, 2007 - January 31, 2007

Transaction Details By Date

Date	Transaction Description	Principal Cash	Income Cash	Realized G/L
1/1/07	Beginning Balance			
1/3/07	Cash Disbursement Paid to Mpaa Other Prof Svc Pmt Paid for Arnold P. Lutzker, Esq.	-$3,500.00	$0.00	$0.00

CHEVY CHASE TRUST
Personal Wealth Security

7501 Wisconsin Avenue, 14th Floor
Bethesda, Maryland 20814

Cover Page

Statement of Value and Activity

January 1, 2007 - January 31, 2007

Chevy Chase Trust Investment Advisor
for Devotional Claimant's Escrow -
2000 Cable Trust Escrow Account
CH600024

Administrator: Jennifer L. Fullmer
Phone #: 240 497-5081

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Glossary and Notices	***7***

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Arnold P Lutzker, Esq.
Counsel for Crystal Cath. Mstr, Inc.
1233 20th Street, NW, Ste. 703
Washington, D.C. 20036

Transaction Detail Section

Statement of Value and Activity

January 1, 2007 - January 31, 2007

Date	*Transaction Description*	*Principal Cash*	*Income Cash*	*Realized G/L*
1/1/07	**Beginning Balance**			
	1			-
1/3/07	Cash Disbursement Paid to Mpaa Other Prof Svc Pmt Paid for Arnold P. Lutzker, Esq.	-$3,500.00	$0.00	$0.00
1				

CHEVY CHASE TRUST
Personal Wealth Security

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Bethesda, Maryland 20814

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Statement of Value and Activity

January 1, 2007 - January 31, 2007

Chevy Chase Trust Investment Advisor
for Devotional Claimant's Escrow -
2001 Cable Trust
CH600025

Administrator: Jennifer L. Fullmer
Phone #: 240 497-5081

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Arnold P Lutzker, Esq.
Counsel for Crystal Cath. Mstr, Inc.
1233 20th Street, NW, Ste. 703
Washington, D.C. 20036

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Transaction Detail Section

Statement of Value and Activity

January 1, 2007 - January 31, 2007

Date	*Transaction Description*	*Principal Cash*	*Income Cash*	*Realized G/L*
1/1/07	**Beginning Balance**			
1/3/07	Cash Disbursement Paid to Mpaa Other Prof Svc Pmt Paid for Arnold P. Lutzker, Esq.	-$3,500.00	$0.00	$0.00

CHEVY CHASE TRUST
Personal Wealth Security

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Cover Page

Statement of Value and Activity

January 1, 2007 - January 31, 2007

Chevy Chase Trust Investment Advisor
for Devotional Claimant's Escrow -
2002 Cable Trust
CH600026

Administrator: Jennifer L. Fullmer
Phone #: 240 497-5081

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Arnold P Lutzker, Esq.
Counsel for Crystal Cath. Mstr, Inc.
1233 20th Street, NW, Ste. 703
Washington, D.C. 20036

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Please visit *www.chevychasetrust.com* and click on the Chevy Chase Trust Express icon to register for this service.

Transaction Detail Section

Statement of Value and Activity

January 1, 2007 - January 31, 2007

Date	*Transaction Description*	*Principal*	*Income Cash*	*Realized G/L*
1/1/07	**Beginning Balance**	*Cash* -		
1/3/07	Cash Disbursement Paid to Mpaa Other Prof Svc Pmt Paid for Arnold P. Lutzker, Esq.	-$3,500.00	$0.00	$0.00

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Personal Wealth Security

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Cover Page

Statement of Value and Activity

January 1, 2007 - January 31, 2007

Chevy Chase Trust Investment Advisor
for Devotional Claimant's Escrow
2003 Cable Trust Escrow Account
CH600051

Administrator: Jennifer L. Fullmer
Phone #: 240 497-5081

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Arnold P Lutzker, Esq.
Counsel for Crystal Cath. Mstr, Inc.
1233 20th Street, NW, Ste. 703
Washington, D.C. 20036

Transaction Detail Section

Statement of Value and Activity

January 1, 2007 - January 31, 2007

Transaction Details By Date

Date	Transaction Description	Principal Cash	Income Cash	Realized G/L
1/1/07	**Beginning Balance**			

f

1/3/07	Cash Disbursement Paid to Mpaa Other Prof Svc Pmt Paid for Arnold P. Lutzker, Esq.	-$3,500.00	$0.00	$0.00

1

Exhibit B

Before the
COPYRIGHT ROYALTY JUDGES
Washington, D.C.

In the Matter of	)	
Distribution of 2000, 2001, 2002 And 2003 Cable Royalty Funds	)	Docket No. 2008-2 CRB CD 2000-2003 (Phase II Remand)

AFFIDAVIT AND RULE 11 CERTIFICATION OF BRIAN D. BOYDSTON IN SUPPORT OF DISIGNATION OF PROTECTED MATERIALS

1. I am a partner in the law firm of Pick & Boydston, LLP. I am counsel of record for Independent Producers Group ("IPG") in the above referenced matter and am authorized to submit this affidavit and certification on behalf of IPG.

2. I am familiar with the documents produced by IPG on May 18, 2016. The documents within the following files in that production have been marked "Restricted": "IPG Documents previously produced to SDC - Restricted #1(a)-(f)", "IPG Documents previously produced to SDC - Restricted #2", and all the Access files within the file "IPG Documents newly produced to SDC, 2000-2003 cable remand". Pursuant to 37

C.F.R. Section 350.4(e)(1), I hereby certify that these documents have been marked "Restricted" on the following grounds: with regard to the files "IPG Documents previously produced to SDC - Restricted #1(a)-(f)", and "IPG Documents previously produced to SDC - Restricted #2", those files were previously marked "Restricted" in prior proceedings by various parties; with regard to the Access files within the file "IPG Documents newly produced to SDC, 2000-2003 cable remand", the information therein is proprietary to IPG.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: May 18, 2016

_____/s/_____

Brian D. Boydston, Esq.
California State Bar No. 155614

PICK & BOYDSTON, LLP
10786 Le Conte Ave.
Los Angeles, California 90024
Telephone: (213) 624-1996
Facsimile: (213) 624-9073
Email: brianb@ix.netcom.com

Attorneys for Independent Producers Group

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of May, 2016, a copy of the foregoing was sent by electronic mail to the parties listed on the attached Service List.

_____/s/_____
Brian D. Boydston, Esq.

SETTLING DEVOTIONAL CLAIMANTS:
Matthew MacLean
Victoria Lynch-Draper
Pillsbury, Winthrop, et al.
P.O. Box 57197
Washington, D.C. 20036-9997

Proof of Delivery

I hereby certify that on Thursday, May 02, 2019 I provided a true and correct copy of the Reply in Support of Settling Devotional Claimants' Motion For Relief From Protective Order to the following:

MPAA-Represented Program Suppliers, represented by Lucy H Plovnick served via Electronic Service at lhp@msk.com

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

Signed: /s/ Michael A Warley