

Before the  
COPYRIGHT ROYALTY JUDGES  
Washington, D.C.

*In re*

<b>DISTRIBUTION OF CABLE ROYALTY FUNDS</b>	<b>DOCKET NO. 16-CRB-0009 CD (2014-17)</b>
<b>DISTRIBUTION OF SATELLITE ROYALTY FUNDS</b>	<b>DOCKET NO. 16-CRB-0010 SD (2014-17)</b>

**JOINT MOTION FOR RULING ON CLAIMS ISSUES AND ISSUANCE OF DISTRIBUTION PHASE SCHEDULING ORDER**

On January 10, 2022, the Copyright Royalty Judges (“Judges”) issued their *Order For Further Proceedings And Scheduling Case Events* (eCRB Docket No. 26021) (“January 10 Order”) in the proceedings captioned above. The January 10 Order included two procedural schedules that were attached as Exhibits A and B. Exhibit A to the January 10 Order set forth a procedural schedule for the Allocation Phase of the 2014-17 Cable proceeding, but did not schedule any specific deadlines for the Distribution Phase of the proceeding, saying only “Schedule TBD.” Exhibit B to the January 10 Order set forth a schedule for consolidated claims disputes and an early discovery process for the Distribution Phase in both the 2014-17 Cable and Satellite proceedings, including a procedural schedule for the submission of motions related to the allowance or disallowance of claims (“Claims Issues”) to run from January 10, 2022 to June 17, 2022, and ended with “Hearing of Claims Issues, if required,” and “Ruling on Claims Issues” listed as “TBD.” No further scheduling orders have been issued related to the Distribution Phase of the 2014-17 Cable and Satellite proceedings since the January 10 Order was issued more than two years ago.

Motions related to Claims Issues were filed and fully briefed during the spring and summer of 2022, and remain pending before the Judges. Since then, the Judges have held and concluded a proceeding regarding Allocation Phase issues for 2014-17 Cable and have issued their Final Determination for that proceeding, which was published in the Federal Register on June 28, 2024. *See Distribution of Cable Royalty Funds*, 89 Fed. Reg. 54166 (June 28, 2024).<sup>1</sup>

Now that Allocation Phase issues before the Judges requiring resolution have been addressed,<sup>2</sup> the undersigned parties with unresolved Distribution Phase issues respectfully request that the Judges rule on the pending motions related to Claims Issues and issue a procedural order setting forth deadlines for the methodology portion of the Distribution Phase of the 2014-17 Cable and Satellite proceedings. Until all Distribution Phase issues are resolved, the Judges will not be able to make a full and final distribution of 2014-17 Cable and 2015-17 Satellite royalties that are being held by the Licensing Section of the Copyright Office, which currently total **more than \$469 million dollars**. These royalties were originally deposited **seven to ten years ago**. The significant amount of time that has passed since the royalties were deposited (in some cases, a decade) is prejudicial to the copyright owners entitled to receive these royalties who cannot access them while Distribution Phase controversies remain pending—some of whom are small, independent producers who rely on these royalties for their business operations.

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<sup>1</sup> The Joint Sports Claimants and the Public Television Claimants both appealed the Final Determination to the D.C. Circuit on July 26, 2024. However, the fact that the Judges' Allocation Phase Final Determination is being appealed should not delay resolution of pending Distribution Phase controversies. Indeed, in past proceedings, the Judges have resolved Distribution Phase issues and Allocation Phase issues concurrently. *See Order Consolidating Proceedings And Reinstating Case Schedule*, Docket Nos. 14-CRB-0010-CD (2010-13) and 14-CRB-0011-SD (2010-13) at 1 (December 22, 2017) (eCRB Docket No. 1736) (“The scheduling order in the Cable Proceeding requires participants to move forward with litigation of distribution issues even while the Judges conduct deliberations on the allocation issues.”).

<sup>2</sup> As the Judges recognized in the January 10 Order, the Allocation Phase Parties reached a settlement of all Allocation Phase issues for the 2014-17 satellite royalty years. *See* January 10 Order at 2, n.8.

Accordingly, the undersigned parties respectfully request that the Judges act quickly to rule on the pending motions related to Claims Issues and issue a procedural schedule to resolve all outstanding Distribution Phase controversies related to 2014-17 Cable and 2015-17 Satellite royalties.

Respectfully submitted,

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Dated: August 8, 2024

**CERTIFICATE OF SERVICE**

I certify that on August 8, 2024, I caused a copy of the foregoing pleading to be served on all parties registered to receive notice by eCRB by filing through the eCRB filing system.

*/s/ Lucy Holmes Plovnick* \_\_\_\_\_  
Lucy Holmes Plovnick

# Proof of Delivery

I hereby certify that on Thursday, August 08, 2024, I provided a true and correct copy of the Joint Motion For Ruling On Claims Issues And Issuance Of Distribution Phase Scheduling Order to the following:

ASCAP, represented by Sam Mosenkis, served via E-Service at smosenkis@ascap.com

National Public Radio, represented by Amanda Huetinck, served via E-Service at ahuetinck@npr.org

Major League Soccer, L.L.C., represented by Edward S. Hammerman, served via E-Service at ted@copyrightroyalties.com

Public Television Claimants, represented by Ronald G. Dove Jr., served via E-Service at rdove@cov.com

Canadian Claimants, represented by Lawrence K Satterfield, served via E-Service at lksatterfield@satterfield-pllc.com

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

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

Multigroup Claimants, represented by Brian D Boydston, served via E-Service at brianb@ix.netcom.com

Commercial Television Claimants / National Association of Broadcasters, represented by David J Ervin, served via E-Service at dervin@crowell.com

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

Joint Sports Claimants, represented by Michael E Kientzle, served via E-Service at michael.kientzle@arnoldporter.com

Devotional Claimants, represented by Matthew J MacLean, served via E-Service at  
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Signed: /s/ Lucy H Plovnick