

**Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
The Library of Congress
Washington, D.C.**

<i>In re</i> DISTRIBUTION OF CABLE ROYALTY FUNDS	DOCKET NO. 19-CRB-0010-CD (2018)
<i>In re</i> DISTRIBUTION OF CABLE ROYALTY FUNDS	DOCKET NO. 20-CRB-0010-CD (2019)
<i>In re</i> DISTRIBUTION OF CABLE ROYALTY FUNDS	DOCKET NO. 21-CRB-0008 (2020)
<i>In re</i> DISTRIBUTION OF CABLE ROYALTY FUNDS	DOCKET NO. 22-CRB-0005-CD (2021)

**ORDER OF CONSOLIDATION, NOTICE OF PARTICIPANTS,
AND ORDER SETTING CASE SCHEDULE**

By notice published in the *Federal Register*, the Copyright Royalty Judges (Judges) initiated a proceeding to distribute royalty fees for cable retransmissions of broadcast television programming during the years 2018-2021. *See* 89 Fed. Reg. 65938 (Aug. 14, 2024). The notice sought a single Petition to Participate in either or both the allocation phase and distribution phase of the cable royalty proceedings and a separate Petition to Participate in either or both the allocation phase and the distribution phase of the satellite royalty proceedings¹. Title 8 of the Copyright Act (Act) and the procedural regulations adopted by the Judges and codified in Chapter III of title 37 of the Code of Federal Regulations (Rules) govern royalty distribution proceedings.

The Judges now adopt the initial schedule addressing the allocation phase, attached as Exhibit A, and announce the commencement of the voluntary negotiation period (VNP) required by 17 U.S.C. § 803(b)(3).

¹ The notice directed interested parties to file their Petitions to Participate in only one of the captioned proceedings, which proceeding had an adjusted docket number (19-CRB-0010-CD (2018-21)) in anticipation of consolidation of the four one-year-specific proceedings under that docket number.

All participants shall participate in good faith settlement negotiations aimed at resolving controversies regarding ultimate distribution of the royalty funds for the years at issue in this proceeding, including all issues traditionally addressed in allocation phase and distribution phase proceedings. Five days after the end of the VNP, the participants shall (1) file a Notice of Final Settlement, only if all participants have agreed on (a) the categorization of every retransmitted program, (b) the amount and validity of all claims, and (c) a final royalty distribution plan or (2) file (a) a Notice of Partial Settlement, stating the nature and scope of agreement among the participants and (b) a Notice of Controversy.

If the participants do not file a Notice of Final Settlement, they shall include in the Notice of Controversy a statement of the nature of the controversy or controversies, identification of legal and factual issues that the participants intend to submit to the Judges, and a proposal for further proceedings.²

Following the filing of a Notice of Controversy, the Judges will issue an Order for Further Proceedings setting forth the structure and schedule for resolution of the issues identified by the parties in the Notice.

Consolidation

In the interests of judicial economy and effective case management, the Judges hereby consolidate the four captioned proceedings for all purposes (including those traditionally addressed in allocation phase and distribution phases) and provide notice to all participants. Participants shall use the following caption when filing all future documents.

In re

**DISTRIBUTION OF CABLE
ROYALTY FUNDS**

CONSOLIDATED
DOCKET NO. 19-CRB-0010-CD (2018-21)

Participants

Participation in this proceeding is limited to copyright owners that 1) filed claims during the month of July following the end of at least one royalty year at issue in this proceeding and 2) are listed on a timely filed petition to participate. Claims include those filed individually by copyright owners and joint claims filed on behalf of more than one claimant, *provided* that the entity filing the joint claim was, at the time it filed the joint claim, an authorized representative of all claimants on the joint claim. Individuals who are copyright owners may participate in this proceeding personally. Organizational or corporate claimants or claimant representatives must appear by and through legal counsel.

² The participants shall identify and list separately any program claim in controversy that (1) the owner agrees is valued at less than \$10,000, (2) as to which the owner agrees to limit recovery to a maximum of \$10,000, or (3) as to which the owner expressly seeks resolution by “paper proceedings.” The Judges will issue a separate case schedule regarding resolution of “small” claims or conduct of paper proceedings.

Each participant is responsible for notifying the Copyright Royalty Board (CRB) of any change in representation and any change in address or contact information. Until a participant or participants resolve all controversies germane to continued participation in this proceeding, all other participants shall continue to deliver copies of all documents to the active participant(s) identified on the Participants List. Delivery to counsel of record is sufficient delivery to any listed Participant. Filing a document in the CRB electronic filing system (eCRB) results in automatic delivery to counsel of record and to *pro se* participants.

Attached to this Notice and Order as “Exhibit B” is a list of parties that filed timely Petitions to Participate for any of the years at issue in this consolidated proceeding. *See* 89 Fed. Reg. 65938, 65939 (Aug. 14, 2024).

SO ORDERED.

David P. Shaw
Chief Copyright Royalty Judge

Dated: October 30, 2024

EXHIBIT A

Initial Schedule for Proceeding

Case Event	Date
Commencement of Voluntary Negotiation Period-Allocation (VNP)	October 31, 2024
End of VNP ³	January 31, 2025
Deadline for (1) Notice of Final Settlement or (2) Notice of Partial Settlement and Notice of Controversy-Allocation	February 7, 2025
In the event of Notice of Final Settlement	
Order of Final Allocation	February 2025
In the event of Notice of Controversy	
Order for Further Proceedings and Further Scheduling Order ⁴ -Allocation	February 2025

³ Nothing prohibits continuing good faith negotiations among the participants, notwithstanding the end of the VNP.

⁴ Depending upon the issues in controversy, the Judges may order preliminary discovery to encourage greater efficiency in presentation of evidence in the required Written Direct Statements.

EXHIBIT B

Participants List

	Party	Contact	Firm	Address	Phone
	American Society of Composers, Authors and Publishers	Sam Mosenkis	ASCAP	250 West 57th Street New York, NY 10107 smosenkis@ascap.com	212-621-6450
		Jackson P Wagener	ASCAP	250 West 57th Street New York, NY 10107 jwagener@ascap.com	212-621-6018
	Broadcast Music, Inc.	Brian A Coleman	Faegre Drinker Biddle & Reath LLP	1500 K Street, N.W., Suite 1100 Washington, DC 20005 Brian.Coleman@faegredrinker.com	202-842-8868
		Katlyn M. Moseley	Faegre Drinker Biddle & Reath LLP	1500 K Street, N.W., Suite 1100 Washington, DC 20005 Katlyn.Moseley@faegredrinker.com	202-842-8868
		Hope Lloyd	Broadcast Music, Inc.	7 World Trade Center 250 Greenwich Street, 31st Floor New York, NY 10007-0030 hlloyd@bmi.com	212-220-3148
J	Canadian Claimants Group	Lawrence K. Satterfield	Satterfield PLLC	1629 K Street NW, Suite 300 Washington, DC 20006 lksatterfield@satterfield-pllc.com	703-585-3392

		Michelle Moy	Larson & Gaston, LLP	200 S. Los Robles Ave., Suite 530 Pasadena, CA 91101 michelle.moy@larsongaston.com	626-795-6001
		Victor J Cosentino	Larson & Gaston, LLP	200 S. Los Robles Ave, Suite 440 Pasadena, CA 91101 victor.cosentino@larsongaston.com	626-795-6001
J	Commercial Television Claimants	David J Ervin	Crowell & Moring LLP	1001 Pennsylvania Avenue, NW Washington, DC 20004 dervin@crowell.com	202-624-2622
		John Stewart	Crowell & Moring LLP	1001 Pennsylvania Avenue NW Washington, DC 20004 jstewart@crowell.com	202-624-2685
J	Devotional Claimants	Arnold P Lutzker	Lutzker & Lutzker LLP	1233 20th Street, NW, Suite 703 Washington, DC 20036 arnie@lutzker.com	202-408-7600
		Matthew J MacLean	Pillsbury Winthrop Shaw Pittman LLP	1200 Seventeenth Street NW Washington, DC 20036 matthew.maclean@pillsburylaw.com	202-663-8183
		Benjamin S Sternberg	Lutzker & Lutzker LLP	1233 20th Street, NW Suite 703 Washington, DC 20008 ben@lutzker.com	917-628-3503

		Caroline Block	Pillsbury Winthrop Shaw Pittman LLP	1200 17th St NW Washington, DC 20036 caroline.block@pillsburylaw.com	917-410-8855
		Michael A Warley	Pillsbury Winthrop Shaw Pittman LLP	1200 17th Street NW Washington, DC 20036 michael.warley@pillsburylaw.com	202-663-8807
		Jessica T Nyman	Pillsbury Winthrop Shaw Pittman LLP	1200 Seventeenth Street, NW Washington, DC 20036 jessica.nyman@pillsburylaw.com	202-663-8810
I	Global Music Rights, LLC	Scott A Zebrak	Oppenheim + Zebrak, LLP	4530 Wisconsin Avenue, NW 5th Floor Washington, DC 20016 carly@oandzlaw.com	202-420-9235
J	Joint Sports Claimants	Michael E Kientzle	Arnold & Porter Kaye Scholer LLP	601 Massachusetts Avenue, N.W. Washington, DC 20001 michael.kientzle@arnoldporter.com	202-942-5000
		Daniel A Cantor	Arnold & Porter Kaye Scholer LLP	601 Massachusetts Avenue, N.W. Washington, DC 20001 daniel.cantor@apks.com	202-942-5000
		Rosemary Szanyi	Arnold & Porter Kaye Scholer LLP	601 Massachusetts Ave. NW Washington, DC 20001 rosemary.szanyi@arnoldporter.com	202-942-6812
		Jeremy W Dutra	Squire Patton Boggs (US) LLP	2550 M Street, NW Washington, DC 22204 jeremy.dutra@squirepb.com	202-626-6237

		Philip R Hochberg	Law Offices of Philip R. Hochberg	12505 Park Potomac Ave. Suite 600 Potomac, MD 20854 phochberg@srgpe.com	301-230-6572
I	Major League Soccer, L.L.C.	Edward S. Hammerman	HAMMERMAN PLLC d/b/a Intermediary	5335 Wisconsin Avenue, NW Suite 440 Washington, DC 20015 ted@copyrightroyalties.com	202-686-2887
I	Multigroup Claimants	Brian D Boydston	Pick & Boydston, LLP	10786 Le Conte Ave. Los Angeles, CA 90024 brianb@ix.netcom.com Washington, DC 20002	213-624-1996
I	Powell, David	David Powell		pob 010950 Miami, FL 33101 davidpowell008@yahoo.com	305-539-1755
J	Program Suppliers	Lucy H Plovnick	Mitchell Silberberg & Knupp LLP	1818 N Street NW, 8th Floor Washington, DC 20036 lhp@msk.com	202-355-7918
		Gregory O Olaniran	Mitchell Silberberg & Knupp LLP	1818 N Street NW, 8th Floor Washington, DC 20036 goo@msk.com	202-355-7917

		Albina Gasanbekova	Mitchell Silberberg & Knupp LLP	437 Madison Ave., 25th Floor New York, NY 10022 alg@msk.com	917-546-7716
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		Jacob D. Albertson	Mitchell Silberberg & Knupp LLP	437 Madison Ave., 25th Floor New York, NY 10022 jla@msk.com	917-546-7714
J	Public Television Claimants	Ronald G. Dove Jr.	Covington & Burling LLP	850 Tenth Street, NW Washington, DC 20001 rdove@cov.com	202-662-5685
		Dustin Cho	Covington & Burling LLP	850 Tenth Street, NW Washington, DC 20001 sryu@cov.com	202-662-5458
	SESAC Performing Rights, LLC	Christos P Badavas	SESAC	152 West 57th Street, 57th Floor New York, NY 10019 cbadavas@sesac.com	212-586-3450
		Timothy L Warnock	Loeb & Loeb LLP	35 Music Square East, Suite 310 Nashville, TN 37203 twarnock@loeb.com	615-749-8301

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