

Before the  
COPYRIGHT ROYALTY JUDGES  
Washington, DC

<i>In re</i>	
<b>DISTRIBUTION OF CABLE ROYALTY FUNDS</b>	<b>Docket No. 16-CRB-0009-CD (2014-2017)</b>
<b>DISTRIBUTION OF SATELLITE ROYALTY FUNDS</b>	<b>Docket No. 16-CRB-0010-SD (2014-2017)</b>

**JOINT SPORTS CLAIMANTS, SETTling DEVOTIONAL CLAIMANTS, MPA-REPRESENTED PROGRAM SUPPLIERS, AND MUSIC CLAIMANTS' JOINT COMMENTS TO ORDER 49 REGARDING CONSOLIDATING PROCEEDINGS AND CONDUCTING PAPER PROCEEDINGS**

The Joint Sports Claimants, Settling Devotional Claimants, MPA-Represented Program Suppliers, and Music Claimants<sup>1</sup> (collectively, the “Joint Commenters”) comment jointly in response to Order 49 Regarding Consolidating Proceedings and Conducting Paper Proceedings, which seeks comments on (1) consolidation of the cable and satellite dockets for distribution phase proceedings related to the 2014-17 royalty years, and (2) resolution of those distribution phase controversies through a paper proceeding.

The Joint Commenters do not object to a consolidated proceeding for the litigation of issues relating to distribution methodologies for the cable and satellite claims in the above-captioned cases, and they believe such claims may be litigated efficiently in a consolidated proceeding.

The Joint Commenters do not object to consideration of all outstanding claims motions on the papers, without a hearing.

---

<sup>1</sup> For purposes of this submission Music Claimants consist of Broadcast Music, Inc. (“BMI”), the American Society of Composers, Authors, and Publishers (“ASCAP”) and SESAC, Inc. (“SESAC”).

However, once claims motions are decided, the Joint Commenters believe it would be most efficient for any remaining participants to exchange written direct and rebuttal testimony before taking a position on whether paper proceedings are appropriate. Depending upon the participants still at issue, the amounts at issue, the methodologies proposed, and the witnesses presented, cross-examination of witnesses may be desirable or necessary. It is also possible that paper proceedings would be appropriate in some claimant categories but not in others.

Therefore, the Joint Commenters request the Judges to defer their decision on whether paper proceedings are appropriate and to give the participants another opportunity to comment after decision on outstanding claims motions and submission of written direct and rebuttal testimony.

January 21, 2025

Respectfully submitted,

**JOINT SPORTS CLAIMANTS**

/s/ Michael Kientzle

Daniel A. Cantor (DC Bar No. 457115)  
Michael Kientzle (DC Bar No. 1008361)  
Rosemary Szanyi (D.C. Bar No. 997859)  
ARNOLD & PORTER KAYE SCHOLER  
LLP  
601 Massachusetts Avenue, N.W.  
Washington, DC 20001  
Telephone: (202) 942-5000  
Facsimile: (202) 942-5999  
[Daniel.Cantor@arnoldporter.com](mailto:Daniel.Cantor@arnoldporter.com)  
[Michael.Kientzle@arnoldporter.com](mailto:Michael.Kientzle@arnoldporter.com)  
[Rosemary.Szanyi@arnoldporter.com](mailto:Rosemary.Szanyi@arnoldporter.com)

**AMERICAN SOCIETY OF COMPOSERS,  
AUTHORS AND PUBLISHERS**

/s/ Samuel Mosenkis

Samuel Mosenkis (NY Bar No. 2628915)  
Jackson Wagener (NY Bar No. 4555819)  
ASCAP  
250 West 57th Street  
New York, NY 10107  
Telephone: (212) 621-6450  
Facsimile: (212) 787-1381  
[smosenkis@ascap.com](mailto:smosenkis@ascap.com)  
[jwagener@ascap.com](mailto:jwagener@ascap.com)

**SESAC PERFORMING RIGHTS, LLC**

**SETTLING DEVOTIONAL CLAIMANTS**

/s/ Matthew J. MacLean

Arnold P. Lutzker (D.C. Bar No. 108106)  
[arnie@lutzker.com](mailto:arnie@lutzker.com)  
Benjamin Sternberg (D.C. Bar No. 1016576)  
[ben@lutzker.com](mailto:ben@lutzker.com)

/s/ Keane Barger

Reid Waltz (TN 29547)  
35 Music Square East  
Nashville, TN 37203  
[rwaltz@sesac.com](mailto:rwaltz@sesac.com)  
615-963-3536

LUTZKER & LUTZKER LLP  
1850 M Street, NW  
Suite 1060  
Washington, DC 20036  
Tel: (202) 408-7600

Matthew J. MacLean (D.C. Bar No. 479257)  
[matthew.maclea@pillsburylaw.com](mailto:matthew.maclea@pillsburylaw.com)  
Jessica T. Nyman (D.C. Bar No. 1030613)  
[jessica.nyman@pillsburylaw.com](mailto:jessica.nyman@pillsburylaw.com)  
Michael A. Warley (D.C. Bar No. 1028686)  
[michael.warley@pillsburylaw.com](mailto:michael.warley@pillsburylaw.com)  
Caroline M. Block (D.C. Bar No. 90013938)  
[caroline.block@pillsburylaw.com](mailto:caroline.block@pillsburylaw.com)

PILLSBURY WINTHROP SHAW PITTMAN LLP  
1200 17th Street NW  
Washington, D.C. 20036  
Tel: (202) 663-8000

**MPA-REPRESENTED PROGRAM  
SUPPLIERS**

/s/ Lucy Holmes Plovnick

Gregory O. Olaniran (D.C. Bar No. 455784)  
Lucy Holmes Plovnick (D.C. Bar No.  
488752)

Jacob D. Albertson (N.Y. Bar No. 4898219)  
Brandon E. Hughes (C.A. Bar No. 329947)  
Andrew F. Nietes (N.Y. Bar No. 5799846)  
MITCHELL SILBERBERG & KNUPP LLP  
1818 N Street NW, 7th Floor  
Washington, D.C. 20036  
Tel: (202) 355-7917  
Fax: (202) 355-7887

[goo@msk.com](mailto:goo@msk.com)  
[lh@msk.com](mailto:lh@msk.com)  
[jla@msk.com](mailto:jla@msk.com)  
[beh@msk.com](mailto:beh@msk.com)  
[afn@msk.com](mailto:afn@msk.com)

JD Connell (TN 23568)  
35 Music Square East  
Nashville, TN 37203  
[jconnell@sesac.com](mailto:jconnell@sesac.com)  
615-963-3519

Timothy L. Warnock (TN 012844)  
LOEB & LOEB LLP  
35 Music Square East  
Suite 310  
Nashville, TN 37203  
[twarnock@loeb.com](mailto:twarnock@loeb.com)  
615-749-8300

Keane Barger (DC 90023661)  
LOEB & LOEB LLP  
901 New York Avenue NW  
Suite 300 East  
Washington, DC 20001  
(202) 618-5000  
(202) 618-5001 (facsimile)  
[kbarger@loeb.com](mailto:kbarger@loeb.com)

**BROADCAST MUSIC, INC.**

/s/ Katlyn M. Moseley

Brian A. Coleman (DC Bar No. 459201)  
Katlyn M. Moseley (DC Bar No. 1602076)  
Faegre Drinker Biddle & Reath LLP  
1500 K Street, N.W., Suite 1100  
Washington, DC 20005  
[Brian.Coleman@faegredrinker.com](mailto:Brian.Coleman@faegredrinker.com)  
[Katlyn.Moseley@faegredrinker.com](mailto:Katlyn.Moseley@faegredrinker.com)  
202-842-8868

Hope M. Lloyd (NY Bar No. 3903754)  
Broadcast Music, Inc.  
7 World Trade Center  
250 Greenwich Street, 31st Floor  
New York, NY 10007-0030  
[hlloyd@bmi.com](mailto:hlloyd@bmi.com)

**Certificate of Service**

I certify that on January 21, 2025, I caused the foregoing to be served on all parties through electronic filing on eCRB.

/s/ Matthew J. MacLean  
Matthew J. MacLean