

Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re

Determination and Allocation of Initial
Administrative Assessment to Fund
Mechanical Licensing Collective

Docket No. 19-CRB-0009-AA

**PARTICIPANTS' UNOPPOSED JOINT MOTION
TO MODIFY THE CASE SCHEDULING ORDER**

Pursuant to 37 C.F.R. § 303.7(b) and § 355.2(g)(2), and for good cause shown herein, the two required participants in this Administrative Assessment Proceeding (*see* 37 C.F.R. § 355.2(c)), the Mechanical Licensing Collective (the “MLC”) and the Digital Licensee Coordinator (the “DLC”) (the “Participants”)¹ jointly move the Copyright Royalty Judges (“Judges”) to make modest modifications to interim dates on the case schedule established in the Judges’ July 24, 2019 *Notice of Participants and Case Scheduling Order* (the “Case Scheduling Order”).

Appendix A to this motion sets forth the proposed revisions to Attachment B to the Case Scheduling Order (the “Case Schedule”).

The proposed modifications **do not** modify the date for commencement of the hearing.

The MLC Opening Submission and Written Disclosures. The Case Scheduling Order directs the MLC to file its Opening Submission and Written Disclosures on August 29, 2019. The Participants request a modest two-week extension of this deadline to September 13, 2019, to

¹ The MLC informed the other two entities that filed petitions to participate herein, Circle God Network Inc d/b/a David Powell and Songwriters Guild of America, Inc., of this intended motion to adjust interim dates, and sought consent or identification of any objection. Neither entity responded with any objection to the motion.

allow the Participants the opportunity to work cooperatively and in good faith towards a voluntary settlement. The MLC is at work collecting and preparing the necessary documentation required by 37 C.F.R. § 355.3(b) to be included in its opening submission and disclosures, and this process calls for substantial coordination, planning and research. The requested extension will provide the Participants essential time to properly collaborate and pursue settlement, and the Participants believe will significantly increase the chance that a voluntary settlement can be reached, which would save the Participants and the Judges considerable resources.

The remaining requested changes slightly shorten certain other interim periods, to allow for this extension without any change to the hearing date. The Participants believe that none of the changes requested will negatively impact the orderly conduct of the proceeding, but rather the relief requested herein will foster a more efficient resolution of this case.

The DLC's Discovery Period. The Case Scheduling Order currently sets the DLC's Discovery Period for August 30, 2019 through October 29, 2019. In light of the proposed extension discussed above, the Participants request that this period be modified to September 16, 2019 through November 15, 2019. This modification maintains the DLC's full discovery period.

Responsive Submissions/Written Disclosures from DLC and any other Participant. In light of the proposed extensions discussed above, the Participants request that the Judges modify the Case Schedule to extend this deadline from November 8, 2019 to November 19, 2019. This slightly shortens the period between the end of the DLC's discovery period and the date when its Responsive Submissions/Written Disclosure is due.

MLC's Discovery Period. The Case Scheduling Order currently sets the MLC's Discovery Period for November 12, 2019 through January 13, 2020. In light of the proposed extensions discussed above, the Participants request that this period be modified to November

22, 2019 through January 23, 2020. This modification maintains the MLC's full discovery period.

MLC Reply Submission. In light of the proposed extensions discussed above, the Participants request that the Judges modify the Case Schedule to extend this deadline from January 23, 2020 to January 27, 2020. This modification slightly shortens the period between the end of the MLC's discovery period and the date when its Reply Submission is due.

Joint Prehearing Submission. In light of the proposed extensions discussed above, the Participants request that the Judges modify the Case Schedule to extend this deadline from February 3, 2020 to February 6, 2020.

The Participants do not request any modification to the hearing commencement date or to any other dates not mentioned above or in Appendix A hereto.

If the Judges have any questions or concerns regarding this motion, the Participants are available for a scheduling conference call to discuss the relief requested and the Participants' concerns in greater detail.

Dated: August 7, 2019

Respectfully submitted,

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APPENDIX A

Case Schedule

Case Event	Date	Proposed Date
Initiation (publication in Fed. Reg.)	July 8, 2019	
Petitions to Participate	July 23, 2019	
Notice of Participants	July 24, 2019	
Motion to Adopt Protective Order	August 8, 2019	
MLC Opening Submission/Written Disclosures	August 29, 2019	Sept. 13, 2019
DLC's Discovery Period Starts	August 30, 2019	Sept. 16, 2019
End of First Negotiation Period	September 6, 2019	
Joint Written Notification of MLC and DLC Regarding Results of Negotiation	September 6, 2019	
If Parties Have Settled:		
Comments on Proposed Settlement (if any) by Non-settling Participants	September 13, 2019	
Settling Parties' Reply to Comments on Proposed Settlement (if any)	September 20, 2019	
DLC's Discovery Period Ends	October 29, 2019	Nov. 15, 2019
Responsive Submissions/Written Disclosures from DLC and any other Participant	November 8, 2019	Nov. 19, 2019
MLC's Discovery Period Begins	November 12, 2019	Nov. 22, 2019
MLC's Discovery Period Ends	January 13, 2020	Jan. 23, 2020
Second Negotiation Period Begins	January 14, 2020	
MLC Reply Submission	January 23, 2020	Jan. 27, 2020
End of Second Negotiation Period	January 28, 2020	
Joint Written Notification of MLC and DLC Regarding Results of Negotiation	January 28, 2020	
Joint Prehearing Submission	February 3, 2020	Feb. 6, 2020
If Parties Have Settled:		
Comments on Proposed Settlement (if any) by Non-settling Participants	February 4, 2020	
Settling Parties' Reply to Comments on Proposed Settlement (if any)	February 11, 2020	
Commencement of Hearing	February 18, 2020	
Determination of Initial Administrative Assessment	Not later than July 8, 2020	

Proof of Delivery

I hereby certify that on Wednesday, August 07, 2019, I provided a true and correct copy of the PARTICIPANTS' UNOPPOSED JOINT MOTION TO MODIFY THE CASE SCHEDULING ORDER to the following:

circle god network inc d/b/a david powell, represented by david powell, served via Electronic Service at davidpowell008@yahoo.com

Songwriters Guild of America, Inc., represented by Charles J Sanders, served via Electronic Service at csanderslaw@aol.com

Signed: /s/ Benjamin K Semel