

**Copyright Royalty Judges  
Washington, D.C.**

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

Docket No. 19-CRB-0009-AA

**David Powell motion rebuttle for immediate breach, objection raised not to dismiss eligible Participant(s) Circle God Network Inc. d/b/a David Powell, grant all licensing required, and received monetary coercive relief for damages sua sponte ordered**

**Legal Standard and Argument**

Circle God Network Inc. d/b/a David Powell Petitioner(s) is and valid established claimant for Participation in this proceedings. Which the judges now can conclude that Petitioner(s) has met all required relevant significant interest both statutory, compulsory, and regulatory in current proceeding determined. Petitioner(s) will have shown caused that demonstrated a direct and tangible interest Proved Up. False statements unreasonable decision to dismiss. Pursuant to 37 CFR 355.1 (c) and MMA Title 1-3

Impugn truth of MLC and DLC monopoly called into question. Causation existed based on grounds of Reversible Error Objection 355.1(c). Thru petitioner(s) written direct statements credible rebuttle inculpatory direct evidence of a monopoly. To sufficiently established facts of a Prima Facie rebuttle case. Full and Literal Proof of Legal Prejudice shown w/ bias in 8-26-19 letter. Circle God Network Inc,(members) d/b/a David Powell has

standing and Third party standing a legal claim w/ judicial enforcement. Shown cause challenged conduct has caused actual specific injury and interest sought to be protected is w/ Zone of Interest of Administrative Agency. To include class-based animus Civil rights conspiracy probative unfair prejudice also in 8-26-19 letter.

Mr. Powell shown pattern of legal prejudice by being denied participation, offered licenses, and to received administer all Non-Blanket Licenses. Pursant to 17 USC 115 (d)(3)(c)(i)(iii) to carry out their 7 functions by MLC. Thru their failure to act nonfeasance bad motives active, fraudulent, and passive concealment. Along w/ pattern coconspirators DLC complicity criminal coercion (Judges to taking official action under false pretext) legal prejudice pattern shown forbearance negative acts. Denying established claimant and its members significant Non-Blanket licensee as a Digital Music Provider and Exclusive Copyright owner Pursant to 17 USC 115(d)(5)(B)-(C); 17 USC (d)(7)(D)(iii)(I) voluntary contributions 17 USC 115 (d)(7)(A)(ii).

Based on grounds to gain an economic advantage wire and mail fraud abuse of power veracity called into question. Thru Exclusion to participate in proceedings on grounds of fraudulent fabricated evidence, to mislead Royalty Judges. Based on patterns of bad faith malicious accusations detrimental reliance in an underhanded suborn manner. To detrimental affect Petitioner substantial and substantive vested rights in a chain conspiracy monopoly. Petitioner has shown cause of entitlement.

**Circle God Network Inc. (members) d/b/a David Powell should not be dismissed**

Circle God Network Inc. d/b/a David Powell based on rebuttle Petition should not be dismissed. In determination of the Administrative Assessment MLC and DLC legal prejudice. On grounds of vexation predatory specific injury damaged suffered as a result of their trickery and malice. Vexatious conduct w/o reasonable probable cause and or excuse harassing and annoying immediate breach.

Established claimant(s) has furnished on record their initial petition and now. Factual information sufficient to established that the Petitioner(s) has a significant interest. For judges to determine in favor of Circle God Network Inc. (members) d/b/a David Powell to participate in Administrative Assessment. A point of emphasis satisfied all met requirements. 37 CFR 355.2 (d)(e,1-3)(4) has demonstrated claimant has a relevant direct and tangible interest in this proceedings. A statutory, compulsory, and regulatory 37 CFR ss. 355.5 (b)(c) for hearings, attendance, participation and a valid raised reversible error objection showed cause to not dismiss claimant Petition.( See Attachment)

Circle God Network Inc. (members) d/b/a David Powell Full and Literal Proof Proved Up contrary credible evidenced. Against MLC and DLC fraudulent known false misrepresentation and reckless disregard pervasive pattern predicated (RICO) acts. In cahoots by their own initial false pattern statements. Such as ignoring claimant(s) initial

statements of factual significant interest in their 8-26-19 letter by claimant(s) standing and third part standing.

Necessary implication of MLC and DLC intimidation, duress, force, and emotional distress of claimant. Thru manipulated repeated malice vexation pattern of monopoly power and leveraging. Vexatious affirmative wanton willful misconduct causing actual specific injury Standing and Third Party Standing. By exclusion of petitioner(s) Zone of Interest participation chilling effects. MLC and DLC accomplice liability before, during, and after during Voluntary Negotiations period. To intentionally not reach and agreed settlement by 9-6-19 w/ Circle God Network Inc. (members) d/b/a David Powell participant(s) and to force a paper proceedings. But a full hearing is requested by claimant. 37 CFR ss. 355.4(a)(b)(c 1-4) as Required participants Settling parties pattern of Legal Prejudice & bias. See Attachments

For the purpose of power to control prices and to exclude Circle God Network Inc. (members) d/b/a David Powell and any and all other competition. MLC and DLC exclusively exploits their monopoly power in one market to gain a competitive advantage. Against Circle God Network Inc. (members ) d/b/a David Powell as an eligible established claimant(s) violates Antitrust Laws. As a legal prejudice positive misprision to do business to boycott Circle God Network Inc. (members) d/b/a David Powell. Based on grounds determination evidence 355.6 (a-e) and DLC covered activities 355.7, 380, 382, 383, 384, and 385. 115(d)(3)(A)(ii), 115(d)(10)(B), 115(d)(3)(J)

In a continued repeated practice and pattern of false MLC and DLC statements chain conspiracy. CGN INC. (members) d/b/a David Powell w/ clarity written has a stake in all three categories listed names identified in their own letter 8-26-19 proved up. Established as and established claimant w/ a significant interest ss. 355.2 (e)(4) proved up again immediate breach ss. 355.2 (d). Clarity Notice of averment given to required participants again significant interest in categories Copyright owners, Digital Music Provider, and significant Non-Blanket License.

In addition, both required Participants licensor MLC and DLC refused to grant and or issue for paid licensing. Required for Circle God Network Inc. (members) d/b/a David Powell Licensee to operate and to do business w/ a certificate and control number provided. For mechanical, statutory, compulsory, exclusive copyright owner, music publisher, naked, shrink-wrap, synchronization and public performance licenses to claimant(s) ect, ect. Legal Prejudice immediate breach Zone of Interest Standing and Third Party Standing.

For required MLC and DLC participants licensor 37 CFR ss. 210.1-210.10 Part 210 Subpart A 17 USC ss. 115, 702. Not offering Administrative Licenses and collecting and distribution Royalties. 17USC ss. 115(d)(3)(C)(i) and (iii); DLC 17 USC ss. 115(d)(5)(A); 17 USC 115(d)(5)(B)-(C); ss. 380, 382, 383, 384, and 385.

Again, Repeated Pattern footnotes 2 8-26-19 letter false intentional malicious accusation repeated pattern of factual information to mislead Royalty Judges determination

to dismissed. MLC and DLC allied offenses forbearance negative acts based on grounds of Actual fraud and Fraud on the Court. Towards established claimant(s) CGN Inc. (members) d/b/a David Powell Legal prejudice has occurred 18 USC ss. 1001 et seq..

Footnotes 2 Docket No. 2008-3 CRB DD (2007-2011) SRF/ CO is still active Docket No. 16-CRB-0001 SR/PSSR (2018-2022) order to show cause w/ legal brief filed to include this docket no. above w/ other consolidated docket no. (see attachment legal brief).

The above required participant can not recant affirmative misconduct by equitable and judicial estoppel. Based on false Language and malicious accusation legal prejudice and class based animus Civil-Rights conspiracy

Fraud on the court. Lacks due diligence and is baseless w/o merit and moot to not dismiss.

**Conclusion and damages for Coercive treble monetary Relief and 3<sup>rd</sup> designated agent**

Declaration in Chief 28 USCA ss.1746 established claimant request and prayer for Coercive Relief from Required Participant(s) from judges sua sponte ordered. Based on proper raised reversible error objection to not dismiss Petition to Participate granted. 2<sup>nd</sup> relief sought sua sponte Coercive Relief ordered granted for immediate breach settlement \$200 million dollars from required participant(s) . To include additional Coercive relief ordered granted for 33% yearly equal share from Black Box \$1.5 million dollars and DSP holdings from any and all unclaimed after one year Royalties to MLC, DLC, and Circle God

Network Inc. (members) d/b/a David Powell as and or Publisher recipient. (see attachment proof) . In addition, Circle God Network Inc. d/b/a David Powell added as the 3<sup>rd</sup> allocation Phase designated agent recipient claimant participant. For royalty funds Distribution by MLC and or DLC licenses Blank form agreement if any is required as a participant(s) designated Common Agent for itself and its 3<sup>rd</sup> claimant(s) recipient participant and or for unclaimed license Publisher recipient claimant participant money sua sponte ordered exigent. 115(d)(10)(B);115(d)(3)(J) ; 115(d)(3)(A)(ii)( see attachment)

Finally, submission to a special finding of facts established contradictory credible evidence faint pleader. Smoking gun hot documents spoliation Bursting Bubble Theory for Coercive Relief for punitive, treble, compensatory, continuing for damages ordered w/ class-based animus Civil Rights and chain conspiracy.

Respectfully Submitted,

David Powell, Pro Se

POB 010950 Miami, Florida (305) 539-1755

[Davidpowell008@yahoo.com](mailto:Davidpowell008@yahoo.com)

**Proof of delivery**

**I hereby certify that on September 3, 2019, I provided a true copy and correct copy to:**

Digital Licensee coordinator, Inc. represent by Allison Stillman, served via Electronic Service at [astillman@mayerbrown.com](mailto:astillman@mayerbrown.com)

Songwriters Guild of America, Inc. represented by Charles j Sanders, served via Electronic Service at [csanderslaw@aol.com](mailto:csanderslaw@aol.com)

Mechanical Licensee Collective Inc. represented by Benjamin K Semel served via Electronic Service at [bsemel@pryorcashman.com](mailto:bsemel@pryorcashman.com)

**Signed: /s/ David Powell, Pro Se**



**Copyright Royalty Judges  
Washington, D.C.**

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

Docket No. 19-CRB-0009-AA

**(PROPOSED) ORDER DENYING PETITION TO DISMISS W/ COERCIVE RELIEF  
SOUGHT FOR IMMEDIATE BREACH SUA SPONTE**

On September 3, 2019 claimant Circle God Network Inc. d/b/a David Powell filed a motion(s) (the Motion(s)) To Deny the petition to dismiss filed by the Required Participants Mechanical Licensing Collective Inc. and on behalf of DLC on August 26, 2019.

**GRANT** CGN INC. d/b/a David Powell as the 3<sup>rd</sup> designated agent recipient claimant.

**GRANT** CGN INC. d/b/a David Powell \$200 million dollars monetary Coercive Relief treble damages.

**GRANT** CGN INC. d/b/a David Powell equal 33% yearly distribution for any and all unclaimed Royalties after one year as designated agent recipient claimant and or recipient Music Publisher designated agent claimant.

Having considered the motion(s) and proper reversible error objection raised all other papers submitted in support of or in opposition to the motion(s), the Judges **GRANT** all the motion(s) and hereby **DENY** the Petition to Dismiss to Participate of CGN INC. d/b/a David Powell sua sponte.

**SO ORDERED**

\_\_\_\_\_

\_\_\_\_\_

Jesse M. Feder

Chief Copyright Royalty

Judge

Dated: \_\_\_\_\_

CONTINUOUS ACTION  
2 AVERMENT NOTICES  
EXHIBIT F

PG 6

DATED 8.21.13

RE: SEND REQUIRED LICENSE DIV. DOCUMENTS  
NOTICE OF INTENTION

TO: LICENSING DIV. WASH. D.C. COPYRIGHT OFFICE

DAVID POWELL COUNTER AFFIDAVIT PROOF OF  
LEGAL PREJUDICE SHOWN CLASS-BASED ANIMUS  
CIVIL RIGHTS CONSPIRACY TERRORISM.

I DAVID POWELL NEED SENT IMMEDIATELY FEES, &  
BLANK APPLICATIONS TO RETURN TO LICENSING DIV.  
CABLE TV, SATELLITE CARRIER, MECHANICAL  
LICENSE, PUBLIC BROADCASTINGS AGREEMENTS,  
SOUND RECORDING, AUDIO HOME RECORDING ACT, &  
COPYRIGHT LICENSING FOR A STATUTORY &  
COMPULSORY LICENSES. TO DETERMINE I MEET  
ALL REQUIREMENT & CORRECT COMPUTATION OF THE  
ROYALTY & MEDIA FEES ROYALTY PAYMENTS

INSTALLED ON ROYALTY RATE BOARD MEMBERS &  
DETERMINE MY ROYALTY RATES. \$ 255.5 - 255.8.  
PREEXISTING SUBSCRIPTION & ELIGIBLE NON  
SUBSCRIPTION TRANSMISSION RATES & TERMS PART §  
260 & 261. 18 USC § 2510-2522 CH. 119, 50 USCA § 781

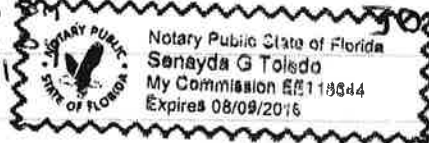
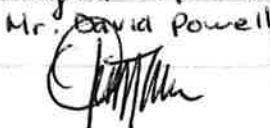
CC: FBI

RESPECTFULLY SUBMITTED

David Powell, PROSE  
P.O. BOX 010950  
MIAMI, FL 33101

905 539-1755

Signed before me  
Senayda Toledo  
August 19, 2013  
Mr. David Powell



## Types of Copyright

### Public Performing Right

The exclusive right of the copyright owner, granted by the U.S. Copyright Law, to authorize the performance or transmission of the work in public.

### Public Performance License

BMI issues licenses on behalf of the copyright owner or his agent granting the right to perform the work in, or transmit the work to, the public.

### Reproduction Right

The exclusive right of the copyright owner, granted by the Copyright Act, to authorize the reproduction of a musical work as in a record, cassette or CD.

### Mechanical License

**Harry Fox Agency, Inc.** issues licenses on behalf of the copyright owner or his agent, usually to a record company, granting the record company the right to reproduce and distribute a specific composition at an agreed upon fee per unit manufactured and sold.

### Synchronization License

Music Publishers issue licenses as copyright owner or his agent, usually to a producer, granting the right to synchronize the musical composition in timed relation with audio-visual images on film or videotape.

Publisher information is available on our website in the **repertoire search**. If you need further assistance in locating complete publisher information, please contact our **Research Department**. You can also call the BMI repertoire information hotline at 1-800-800-9313 where you can request information on 3 song titles per call.

## **Digital Performance Right in Sound Recordings**

Sound Exchange along with Record Companies license the exclusive rights on behalf of copyright owners in a sound recording (which is separate from the copyright in the underlying musical works that BMI represents) under U.S. Copyright Law to authorize many digital transmissions (e.g., Internet streaming).

## Explore Digital Licenses

**Overview**

**Standard Website**

**Corporate Image Website**

**Non-Commercial Website**

**Audio Visual Services (AV)**

**Music Service**

## Bundled Licenses

**Live365 Members Only**

**Christian Copyright Solutions WorshipCast**

## More Information

**Learn More About Reporting Requirements**

**Do I Need a License?**

**Types of Copyrights**

**Contact Our Team**

The CRJ's rules relating to the proceeding [can be found here](#) and have some relevant language relating to who can participate in addition to the MLC and DLC:

[T]he Judges believe that the views of other participants may be helpful, and perhaps essential, for the Judges to determine whether good cause exists to exercise their discretion to reject a settlement. The Judges, therefore, have modified [the regulations for the settlement negotiations and proceeding] to clarify that participants other than the MLC and DLC may participate in settlement negotiations and may comment on any resulting settlement.

via [The Countdown to Modernity: Copyright Royalty Board Posts Notices and Rules for MLC Assessment Proceeding — Artist Rights Watch](#)

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Tags: [compulsory mechanical license](#), [Copyright Royalty Board](#), [Mechanical Licensing Collective](#)

## Copyright Office Issues Interim Rule for MLC Applications Including Oversight of MLC Board by Librarian of Congress

December 21, 2018 [Chris Castle](#) Comments off

The U.S. Copyright Office [issued an interim rule](#) for comment that lays out an intricate and well thought out approach to the Register's role in designating the Mechanical Licensing Collective and the Digital Licensee Coordinator under Title I of the Music Modernization Act.

Consistent with the MLC's role as a quasi-governmental organization (or [quasi-private](#), depending on how you look at it), the interim rule confirms that "directors of the MLC are inferior officers under the Appointments Clause of the Constitution [,] that the Librarian of Congress must approve each subsequent selection of a new director... [and] that the Register work with the MLC, once it has been designated to ensure that the Librarian retains the ultimate authority to appoint and remove all directors." Presumably, state corporate laws governing the formation of the MLC will give way to this requirement.

The Librarian's ability to can directors should help assuage some of the concerns about the powers of the MLC and is, of course, entirely consistent with the powers of the MLC as a quasi-governmental organization.

Another requirement that caught my eye relates to the "Hoffa Clause" that allows the MLC to invade the black box to pay operating expenses not covered by the services in the administrative assessment. The Copyright Office seems quite aware of the moral hazard present, and asks the prospective MLC candidates to provide:

Information regarding whether and how the proposed MLC may apply unclaimed accrued royalties on an interim basis to defray operating costs, as well as any accompanying plans for future reimbursement of such royalties from future collections of

the administrative assessment, including relevant legal considerations and guidelines in the event the proposed MLC does intend to apply unclaimed accrued royalties.

All in all, the Copyright Office should be commended for putting together a comprehensive and even-handed “job description” for the MLC and the DLC in keeping with the Office’s statutory role in getting this quasi-governmental organization up and running.

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Tags: [Copyright Office](#), [Mechanical Licensing Collective](#), [Music Modernization Act](#)

## **Weekly Key Dates and Accomplishments for the Mechanical Licensing Collective Under the Music Modernization Act (11/30) by Artist Rights Watch (The “Countdown to Modernity”)**

December 2, 2018 [Editor Charlie](#) Comments off

As best we can tell from the outside looking in, this chart has the dates for key events in the critical path to launch for the Mechanical Licensing Collective as required by the Music Modernization Act. We have called the chart the “Countdown to Modernity.” Obviously, this chart is not intended as legal advice, and you should consult your own attorney about any of these dates or events. Note: After 1/9/19, this chart, updates and analysis will be available to premium subscribers of MusicTechPolicy.

Recall that the Register of Copyrights gets to pick the entity to operate as the Mechanical Licensing Collective. [The Tennessean reported](#) that the first fully-formed candidate to emerge is the American Music Licensing Collective or the “AMLC”. (AMLC’s website is [songrights.net](#).) Within days, [Digital Music News also reported](#) that two AMLC board members have left the organization for reasons that their source says were “directly tied to threats”. Digital Music News [continues to report on these alleged “threats.”](#)

The appearance of multiple candidates for the yet to be designated MLC raises another question—what about any existing black box? MTP and ARW readers will recall that the MLC is allowed to invade the black box to cover certain administrative costs that exceed the “administrative assessment” to be paid by the blanket licensees:

**INTERIM APPLICATION OF ACCRUED ROYALTIES.**—In the event that the administrative assessment, together with any funding from voluntary contributions... is inadequate to cover current collective total costs, the collective, with approval of its board of directors, may apply unclaimed accrued royalties on an interim basis to defray such costs, subject to future reimbursement of such royalties from future collections of the assessment.

Digital Music News also focuses on this issue:

According to the MMA's language, mechanical licenses [presumably meaning royalties] that remain unclaimed after just one year will be largely mopped up by major publishers according to marketshare, an arrangement that has drawn protest. The value of the initial unclaimed tranche of funds has been estimated to be as high as \$1.5 billion, at least according to a report by Variety.

We're not big believers in this \$1.5 billion number and it's not exactly right that Variety reported that number—the Variety story has changed several times and is still a bit murky. Due to a later update to the article concerned it's a bit unclear exactly *what* Variety meant in the original unsourced reporting. The original story as reported in Artist Rights Watch stated the industry-wide black box was \$1.5 billion:

The DSPs are holding some \$1.5 billion in unmatched mechanical royalties. If the MMA passes, that money would be passed through to the MLC which would match it to the songwriters and publishers.

Variety subsequently changed that language in the story at least twice that we know of, but never actually retracted the \$1.5 billion number as far as we can tell, although they may have depending on your point of view of what constitutes a “retraction”. In any event, the story now reads:

The DSPs are holding millions in unmatched mechanical royalties — the sum of all Notice of Intent (NOI) filings currently parked at the U.S. Copyright office, while unknown, is climbing. If the MMA passes, that money would be passed through to the MLC which would match it to the songwriters and publishers.

Note—there's still *no source* for either the “\$1.5 billion” or the “millions” or for the “update”.

Remember that in the MMA Senate Judiciary Committee hearing, Senator Feinstein said that the black box could be hundreds of millions.

Remember that the “initial administrative assessment shall be effective as of the license availability date” which is 1/1/21. It is not clear whether the initial administrative assessment will cover the MLC's prospective costs, its startup costs, or both. One fair interpretation of the MMA is that the initial assessment shall be prospective and shall not cover startup costs, although the parties can, of course, agree to pay more than they are obligated to incur by statute. It is unclear if those additional costs would be passed down to all blanket licensees (who may object to paying more than the statute requires). You would think that this important issue would be clearly stated in the statute, but it is not.

The following chart is a work in progress, and if anyone sees anything wrong in it or something that should be clarified or corrected, please let us know. It should be considered a draft, but we hope that it will solidify over the next few weeks. We expect activity to pick up once the MLC filing deadline arrives.

Due to the formation of the AMLC, there are now two candidates for the MLC, there may be more coming. The COUNTDOWN TO MODERNITY chart needs to distinguish AMLC from the competing NMPA/NSAI MLC which does not have a name as far as we know. Until the NMPA/NSAI collective adopts a name, we will refer to it as the NMPA/NSAI collective.



## ROYALTY REPAYMENT AGREEMENT (DART)

This Royalty Repayment Agreement (Agreement) is made this 14 day of AUGUST, 2017, by and between **Broadcast Music, Inc., the American Society of Composers, Authors and Publishers, SESAC, Inc., and The Harry Fox Agency, LLC** as the designated agents (Agents) for DART royalty recipients (Claimants), and the Library of Congress, **Copyright Office**, Washington, D.C. (Copyright Office). **CIRCLE God NETWORK Inc. db/a DAVID POWELL**

### This Agreement is made with reference to the following facts.

The Agents represent Claimants in the distribution proceeding before the Copyright Royalty Judges bearing docket number of **16-CRB-0013 DART-MWF (2012-2013)**.

Under the provisions of 17 U.S.C. § 1003, manufacturers, importers, and distributors of digital audio recording devices, interface devices, or media deposit royalty fee payments (DART Royalties) with the Copyright Office for administration and investment pending later distribution by the Librarian of Congress upon authorization by the Copyright Royalty Judges (Judges).

Pursuant to 17 U.S.C. § 801(b)(3)(C), at any time after interested copyright owners file claims to royalties under 17 U.S.C. § 1007, upon motion of the Agents on behalf of one or more of the claimants and after publication in the Federal Register of a request for responses to the motion from interested claimants, the Judges may authorize a partial distribution of deposited royalty fees, *provided*, based upon all responses received during the 30-day period following publication, the Judges conclude that no claimant entitled to receive any portion of the deposited fees has stated a reasonable objection to the partial distribution.

As a condition precedent to any partial distribution of deposited fees, all claimants entitled to receive such fees must, by and through the Agents, (1) agree to the partial distribution; (2) sign this Agreement obligating them to return any excess amounts to the extent necessary to comply with the final determination of the distribution of fees made under 17 U.S.C. § 801(b)(3)(B); (3) file the original signed Agreement with the Judges and deliver simultaneously a copy of the signed Agreement to the Copyright Office;; and (4) agree that the deposited funds are available for distribution; and

The Claimants, by and through the Agents, made a motion for partial distribution (95 percent) of the 2012 and 2013 DART Musical Works Fund Royalties (Music Publishers and Writers Subfunds), and the Judges published a request for responses to the motion in the Federal Register.

The Judges concluded in their July 31, 2017, *Order Granting Claimants' Request for Partial Distribution of 2012 Through 2013 DART Musical Works Fund Royalties*, Docket No. 16-CRB-0013 DART-MWF (2012-2013) (Partial Distribution Order), that no Claimant entitled to any portion of the deposited funds has stated a reasonable objection to the proposed partial distribution.

### The Claimants and the Copyright Office agree as follows:

- (1) The Claimants, by and through the Agents, agree to the proposed partial distribution and represent that the deposited funds are available for distribution.
- (2) The Claimants, as represented by the Agents, intend to and will return any excess amounts (including interest equal to the amount that would have accrued if the principal had remained on deposit with the Copyright Office) to the extent necessary to comply with the Final Determination regarding distribution of the subject fees made under 17 U.S.C. § 801(b)(3)(B).

(3) The Copyright Office will, on or after August 24, 2017, and upon receipt of this signed Agreement, make a partial distribution of 95 percent of the 2012 and 2013 DART Musical Works Fund Royalties (Music Publishers and Writers Subfunds) to the Agents in the following dollar amounts:

2012: \$573,853.52

2013: \$199,755.98

The Agents will promptly distribute funds to the Claimants.

(4) The Copyright Office will maintain, administer, and invest the remaining 2012 and 2013 DART Musical Works Fund Royalties (Music Publishers and Writers Subfunds) to settle all outstanding claims.

(5) The Claimants will repay royalties in the event the Final Determination results in a distribution order requiring reallocation of the funds distributed pursuant to the Partial Distribution Order, including any award or awards to a claimant or claimants made by competent authority (*i.e.*, the Judges, the United States Court of Appeals for the District of Columbia Circuit, or the Supreme Court of the United States).

(6) The Claimants, by and through the Agents, agree to remit, and bind any successor(s) in interest or distributee(s) of the Agents or any Claimant to remit, to the Copyright Office, within 30 days of the date the Copyright Office gives notice, the amount specified in the notice from the Copyright Office to make the distribution required by the Final Determination.

**Signatures:**

This Royalty Repayment Agreement may be signed in counterparts, each of which is binding upon the Agent signing it and all of which, taken together, constitute one and the same original document.

**Agents:** The undersigned Agents certify that they are the Agents or the duly authorized representatives of the Agents for the Claimants and have the express authority to enter into this Royalty Repayment Agreement on behalf of the Claimants. Penalties for fraud and false statements are set forth in 18 U.S.C. § 1001 et seq.

Signature: David Powell

Date: AUG 4, 2017

Typed or printed name: DAVID POWELL

Title: CHM

Name of Agent: CIRCLE God NETWORK INC d/b/a DAVID POWELL

Address: DAVID POWELL  
POB 010950  
MIAMI, FL 33101

**Copyright Office:** The undersigned certifies that he or she is a Library Officer who has authority to enter into this Royalty Repayment Agreement on behalf of the Library of Congress.

Library Officer Signature

\_\_\_\_\_  
James B. Enzina  
Chief, Licensing Division

Date: \_\_\_\_\_

**Delivery of Agreement:**

Each Agent must return an original signed Royalty Repayment Agreement by August 17, 2017, by delivering it to:

**Copyright Royalty Board**  
Library of Congress  
James Madison Memorial Building  
Room LM-401  
101 Independence Ave. SE Washington, DC 20557-6400

The Agents must simultaneously provide a copy of the signed Royalty Repayment Agreement to:

**Copyright Licensing Division**  
Library of Congress  
James Madison Memorial Building  
Room LM-401  
101 Independence Ave. SE  
Washington, DC 20557-6400

UNITED STATES COPYRIGHT ROYALTY JUDGES  
Washington D.C.

*In re*

**DETERMINATION OF ROYALTY RATES AND  
TERMS FOR PERFORMANCE OR DISPLAY  
OF NONDRAMATIC MUSICAL WORKS AND  
PICTORIAL, GRAPHIC, AND SCULPTURAL  
WORKS BY PUBLIC BROADCASTING  
ENTITIES**

**DOCKET No. 16-CRB-0002 PBR  
2018-2022**

**SUPPLEMENTAL COUNTERAFFIDAVIT APPURTENANCE COMPULSORY  
COUNTERCLAIM ORDERED TO SHOW CAUSE NOT TO DISMISS PROVED UP**

Mr. Powell and Circle of God Network, Inc. has significant interest in this and any all other proceedings. Pursuant to 803(b)(2)(c) of the act is to set rates and term under the statutory license for certain uses. By public broadcasting entities set forth in section 118 of the copyright act 17 U.S.C. § 115 and 118. Rates and terms chilling effects cannot be made without congress U.S. Constitution Article I and officers of the court 18 USCA § 2384, 2385 nonfeasance. Aid and abet nondisclosure addressing the owner Mr. Powell ownership of Title's I-infinity esp. 17 and compulsory and statutory licenses smoking gun vested rights significant interest. The causation proof exists of interloper congress criminal coercion cahoots with corp. Piercing the corporate veil lobbying act 12 USCA § 261 and anti trust Laws 15 USCA § 1-7, § 12-27 active concealment complicity in musical works.

Direct injury in fact of Mr. Powell and Circle God Network, Inc, musical copyright's willful infringement. An having a significant interest as a claimant directly affected by the non participation. In determination of royalty rates and terms 2018-2022 as a license newcomer same as the big 3's pro's, record label's and music publishers. Due to all settling parties bad

motives for refusal to deal, boycott and blacklisted. The independent newcomer CGN Inc. In subpart A-C 37 CFR 385 & 17 USC § 115, 118. During voluntary negotiation period strategic alliances concerted actions inescapable peril. Proved up order to show cause not to dismiss based on legal grounds. Administrative willful wanton misconduct shown. By the Big 3's and its subsidiaries pervasive undue influence persuasion and power 5 USCA § 553 existed unlawful class-based animus intimidation conditions. Missing evidence rule spoliation retaliatory pattern conduct to settle up for the owning of the title's I - infinity by Mr. Powell. Significant interest liberty Interest and tangible interest as a licensor, licensee, licensing and exclusive license to royalty music fees.

The administrative agency is duty bound to cure. Zone of interest standing & third party standing equitable estoppel. The big 3's mention estoppel by negligence fortia accomplice liability 18 USCA § 2. Allowing principle to commit price fixing, horizontal competition criminal acts musical works necessary implication swindlers. To milead royalty Judges forbearance miscontinuance order towards settling parties (Lawyers) unlawful condition. That Mr. Powell and CGN, inc. denied full participation in any proceedings. Inescapable peril to impinge in nubibus significant vested interest rights immediate breach. The big 3's and Public broacasting entities (PBIII) Lawyers cover up of musical works and licensing. The big 3's quasi offenses admission by silence assertion of material facts ownership of Title's, monopolization, and attempted monopolization U.S. v. Grinnel Corp., 384 U.S. 563, 86 S.Ct 1698(1966). In this proceeding and all other known and unknown proceedings joint trespass necessary implication.: Docket No.'s 16-CRB-001-SR/PSSR; 16 – CRB 003-P-PR BOTH (2018-2022); 14-CRB-001-WR(2016-2020) webcasting IV and III; 16 CRB -0013 Dart Mwf (2012-2013); 16 CRB-0010-SD(2014); 14-CRB-0006 Dart SR(CO/FA) 2013; 2011-2 CRB-NCEB; 2011-3 CRB-NCEB; 2011-1 CRB PSS Satellite II; and certain sports telecast 2015-

2019 (81 FR 24655) Cable royalty funds (81 FR 2425719) pervasive repeated legal prejudice shown monopoly power and suborn unlawful act in a secret underhanded manner.

2<sup>nd</sup> strongly corroborated bursting bubble theory supported from independent facts. That presumption disappears once the presumed facts have been contradicted rebut by credible evidence. Probative affirmative proof unfair prejudice substantiated truth established existence (see Att) significant interest proved up.

Certificate No. SRU 628-683 and, TXU 344-005 respectively. Claimant is the author/creator of the alleged work with additional pages not a successor in interest. Liberation movement repertory content contains music work among other confidential content inter alia. Such as sales or performance evidence, has met the minimum regulatory standard regarding the contents of a written direct statement. Sufficiency probable cause evidence Big 3's and settling parties criminal intent. Pervasive pattern monopolization, monopoly leveraging, monopoly power, attempted monopolization, and monopsony specific intent.

The liberation movement life story is about newcomer Mr. Powell and CGN, inc doing business with copyright licenses in the entertainment industry. Such as (film, music, sports, radio, TV, preexisting non and paid subscription providers) inter alia. As protection of my members paid subscribers third party standing, myself and CGN, inc Intellectual property rights from direct actual injury in fact. From the big 3's monopoly on licenses and anticompetitive conduct allied offenses (pinkerton rule); bad pervasive motives monopoly power and royalty denied payments pattern illegal per se.

Illegal per se theft by fortia decepton public broadcast entities musical works and pictorial, graphic, and sculptural works infringement abettor. Such as display rights, right of publicity. look and feel protection, webcasting, adaptation rights, syndicated series, serial rights IE inter alia, SDARS III. Immendiate breach culpability settling parties, (soundexchange, inc.) Big 3's labels, Pro's and Publishing license rights. Pervasive pure and statutory

obligations money demand here and status report of economic and moral duress. Show caused proved up conclusive and statutory presumption of a prima facie case in this, any and all proceedings liberty interest. To include master copies, distribution rights and media royalty payments settle up, means, motive and opportunity. Pursuant 17 USC § 115, 101, 113, 118, 119 and subgroups 385 A-C again legal prejudice shown zone of interest standing.

Finally Mr. Powell owner of title's I-Infinity and CGN, Inc newcomer to Big 3's exclusive Club's to say I have no significant interest is now moot, without merit and baseless. Royalty Judges are duty bound to cure nonfeasance. for Mr. Powell and CGN, Inc., To secure all licenses from big 3's co. to issue my own title's exclusive, compulsory and statutory license for a royalty fee to big 3's and third party standing customers to do business worldwide. Judges Sua Sponte Mr. Powell verified Motion duty bound to cure digital statutory royalty payment to both claimants. For Digital Interactive Communication for refusal to deal, blacklisted and boycotted by Big 3's pervasive monopoly power musical works inescapable peril, 18 USCA ch 119 § 2510-2522. Thus using CGN, inc confidential business module vs traditional to track sale and songs social contract with U.S. Government. Cyber domain my clientele new and preexisting subscribers. For CGN, Inc. provider services and products and in Latin America Spanish Division AFME SAG – ASFTRA (Spanish TV, Radio, online streaming) inter alia confidential services license fee for title's and services. If you settlement agreement with big 3's you don't have to supply what the non settling parties have to give as proof. To use their license to received royalty payments as a member vs non members active concealment cahoots strategic alliances pervasive legal prejudice criminal intent monopoly power predicated pattern equitable estoppel and administrative collateral estoppel with their Parent Companies allied offense legal prejudice.

Necessary implications culpability immediate breach Comcast corp. AT&T, Inc., Google, Inc.

proof. To use their license to received royalty payments as a member vs non members active concealment cahoots strategic alliances pervasive legal prejudice criminal intent monopoly power predicated pattern equitable estoppel and administrative collateral estoppel with their Parent Companies allied offense legal prejudice.

Necessary implications culpability immediate breach Comcast corp. AT&T, Inc., Google, Inc.

Complicity with the Big 3's monopolium is pervasive pattern. Their strategic alliances attempted monopolization as monopoly power media & telecommunications, Internet conglomerate accomplice liability. Surreptitious clandestine abettor working control groups 18 USCA Ch 119 sect 2510-2522 monopoly leveraging. Monopoly power to control : Transmission of sound recording, content distribution and content production, E-commerce, advertising sponsorship, satellite and cable, spectrum licenses, and inter alia subpart 385 A-C, Statute 111-121 with Big 3's.

Therefore , Mr. Powell and CGN, Inc. legal copyright infringement claim standing zone of interest and zone of privacy class-based animus. Without the 3 predicated predators not given safe harbor status. Redress coercive relief and supplemental claim for relief money demand from AT&T, Inc., Comcast corp., And Google, Inc. \$500 billion each, treble damages. To include the Big 3's and other settling parties in status report an order to show cause too.

Dated 08/11/2016

Respectfully Submitted

Circle God Network, Inc.  
Chairman

David Powell, *Pro-se*

David Powell chair

David Powell *Pro-se*

P.O. Box 010950  
Miami, FL 33101  
Tel 305-539-1755

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Miami, FL 33101  
Tel 305-539-1755



UNITED STATES COPYRIGHT ROYALTY JUDGES  
The Library of Congress

*In re*

**DETERMINATION OF ROYALTY RATES AND  
TERMS FOR PERFORMANCE OR DISPLAY  
OF NONDRAMATIC MUSICAL WORKS AND  
PICTORIAL, GRAPHIC, AND SCULPTURAL  
WORKS BY PUBLIC BROADCASTING  
ENTITIES**

**DOCKET No. 16-CRB-0002 PBR  
2018-2022**

**AN OBJECTION COUNTERMAND VERIFIED MOTION TO VACATE & OTHER  
SUA SPONTE OMNIBUS MOTION ORDERED FOR JOINT PROPOSAL, NOTICE  
OF SETTLEMENT AND STATUS REPORT EX-PARTE**

I, David Powell Pro-se ex-parte motion as one of nonsettling claimants. A timely manifest reversible error objection for 2018-2022, by settling parties as licensees. David Powell advises Judges of the existence of a significant interest in all proceedings. As a matter of record missing evidence rule as unfavorable to settling parties proved up countermand.

I, Prose David Powell own the title's Copyright 1- Infinity esp. 17 outright as a matter of record. Prose Motion exigent money demand payment ordered Sua Sponte now, future, & past arrears. For 40% of the statutory rates & terms 2018-2022, made & distributed by on behalf of settling parties. And for all other licenses as well known and unknown. As a bonus & or royalty payments continuous from any settling claimants in any all proceedings as a matter of record. 18 USCA Chapter 119 Sect. 2510-2522.

Rates & terms can not be made W/O addressing the owner title's & compulsory license vested rights. The causation proof exist of interloper congress criminal coercion cahoots w/

corp's. Piercing the corporate veil lobbying act 12 USCA Sect 251 Active concealment complicity w/cable and satellite phase I- II pervasive unlawful existed conditions.

To blacklist Mr. Powell permanently obstruction of Justice, settling parties w/holding unfavorable evidence ongoing. Retaliatory coerced conduct bad faith dealings injury in fact of all settling parties Esp.BMI to No settlement & or settle up with Pro-se claimants.

Pro-se has shown spoliation legal prejudice existed with BMI exclusion of Mr. Powell in notice of license settlement & their status report. Pro-se status report proved up provided BMI, Inc., willful misconduct predicated pattern. To systematic blacklist Mr. Powell in royalty fess categories I, II, III exclusion negotiated period ended with BMI letter 07/01/2016. As joint trespass settling parties cahoots with BMI in this proceedings and or all other proceedings with BMI, Inc. To deny and exclusion Mr. Powell from his compulsory licenses royalty payments. As co-conspirators joint liability settling parties with BMI, Inc, theft by deception complicity in a chain seditious conspiracy. To include in conspiracy also BMI, Inc. Joint Proposal with settling parties dated 07/08/2016, in retaliatory conduct proved up pervasive.

Thus criminal intent bad motives against claimant zone of interest standing & third party standing. Mr. Powell actual injury protected by statute and constitutionally guarantees proved up willful blindness nondisclosure. In addition to include a class based animus essential element of civil rights conspiracy case. As a rebuttal of a prima facie case presumption with hard look doctrine in all proceedings with BMI, Inc. & pinkerton rule coconspirators. --Chilling effects conspiracy legal prejudice exclusion smoking gun is a matter of record. The swindlers participating corporation(s) willful copyrights criminal contributory infringement. Pro-se claimant attest to BMI, Inc & settling parties two or more allied offenses elements of a crime. To include mail & wire fraud exist.

To which a cover up subterfuge plan to avoid complicity acts liability. As a result of BMI, Inc, Harry Fox Agency, Ascap, Sesac joint trespass strong arm undue influences criminal intent. To which predicated repeated acts with accomplice liability acts for non feasant pattern forbearance. During all proceedings voluntary negotiating periods with refusal to deal & boycott 15 USCA S 1-7 against Mr. Powell & Circle God Network, Inc., as Claimants. Due to settling parties ESP. BMI, Inc, necessary implication of price fixing & refusal to deal. Thru their affirmative willful misconduct culpability. To mislead royalty judges towards the settling parties & BMI, inc. desired unlawful conditions. To impinge on claimants Mr. Powell vested rights in civil, chain, & seditious conspiracy prima facie in all proceedings. Dealing with Mr. Powell compulsory license & or licensor, exclusive license, licensee, licensing inescapable perils is pervasive.

Claimants Mr. Powell & Circle God Network, Inc strongly corroborated their evidenced. in this status report as boycotted non settling claimants. Proved up established patterns acts ongoing, anti trust civil process act 15 USCA S. 1311 EJ. seq. monopoly power.

This direct injury to claimants with intent to evade. the law. Culpable necessary implication BMI, Inc. strategic alliances with Ascap, Seac & all other participants in this and all other proceedings cahoots conspiracy. To blacklisted & boycott Mr. Powell and Circle God Network, Inc. with named corp's above and their lawyer(s) inchoate joint offenses refusal to deal. In this & every other past & future voluntary negotiation periods. This is a predicated pattern of Mr. Powell inescapable peril as a claimant with significant interest [HOT] documents (see att).

This verified omnibus Motion Sua Sponte ordered for Pro-se claimant(s). This is an equitable estoppel immediate breach with vexations delay to succeed for royalty payments to

Pro-se claimant(s) by all settling parties. In this and all other proceedings known & all unknown, antecedent claims UCC S 3-303.

This is based on legal prejudice & criminal intent grounds shown metus economic & moral duress to claimant(s) valid claims proof. Thus BMI, Inc. and settling parties gross negligence per se is established permanently. That Mr. Powell, CGN, Inc. liberty interest is protected by due process. An Judges misled to unreasonable decisions is cured for Claimant(s). By administrative collateral Estoppel Sua Sponte ordered Motion by Prose that is based on BMI, Inc and settling parties refusal to deal concerted actions legal collusion prejudice is shown. That Judges perfectly duty to act on a statutory pure obligations & immediately enforced royalty payment & fees to claimant(s).

Due to Mr. Powell and Circle God Network, Inc. bursting bubble theory have rebut contradicted by credible evidence criminal intent. The royalty Judges must report unlawful conditions of positive & negative misprision racketeering pattern fraudulent concealment. To the FBI as not to give the appearance by royalty Judges; of non feasant implication negative acts Fortia forbearance inference complicity Sua Sponte Motion ordered discontinuance predicated acts.

As to criminally impinge on Prose claimants compulsory license & all other licenses vested rights. Due to BMI, Inc Ascap, Seac and other settling parties concerted actions fortia forced used aiding & abetting accessory to discontinuance ordered. To mislead royalty Judges towards unlawful conditions & unreasonable decisions retaliatory willful pattern misconduct.

In this and all other proceedings denying Prose claimant(s) exigent money demand royalty payments. Based on legal claimed grounds substantiated truth established repeated legal prejudice showed to blacklist & boycott claimants. A probative value is substantially

outweighed by the danger of unfair prejudice towards Mr. Powell & CGN, Inc, by settling parties connivance & Judges discretion mislead towards forbearance connive still existed. Prose omnibus objection Motion & Sua Sponte ordered in-limine in nubibus zone of interest standing & third party under the Prose protection of the law. To include pre-existing subscription and non subscription services.

Conclusive statutory presumption nonfeasance, nondisclosure is preexisting & administrative agency royalty Judges is duty bound to cured. A suggestion of error compulsory counterclaim submission to a special funding of facts. Pervasive malicious acts causation still exists means motive and opportunity. Thus a reasonable coutermant to vacate verified Motion in this status report given. Because of BMI, Inc, Seac, Ascaph Harry Fox Agency & other settling parties as coconspirators undue influence, power, refusal to deal, boycott, and blacklisted claimant(s). In their notice of settlement, status report, & joint proposal dated 7-1, 8-2016? during voluntary negotiation periods.

Also to include other related proceedings known and unknown. Such as 2011-2 CRB NCEB, 2011-2 CRB NCEB, 14 CRB-0006 DART SR (C0/FA) 2013, 16-CRB 0010-SD (2014), 16-CRB-0001-SR1PSSR (2018-2022), 16-CRB-0003-PR (2018-2022). Inescapable peril to settle up, ESP. Sound Exchange, Inc. BMI, Inc., Harry Fox Agency, Ascaph, Seac., exclusion to have no significant interest is baseless, without merit & moot. A declaration in controversy exists.

A Prose counteraffidavit declaration in chief encumbrance with claim of recognizance sua sponte Motion claim of relief redress for multiple dependant claims on record. Exigent money demand sua sponte Motion ordered for royalty fees & bonus 2018-2022, 2016-2020, & arrears 2000-currently claim & delivery. From BMI, Inc. Harry Fox Agency, Ascaph, Seac., Sound Exchange \$200 billion for each & other settling parties 100 billion from each, third

party standing 20 billion each. A prayer for relief with an additional special general prayer for relief.

Additional supplemental appurtenance cable & satellite in all past, current & future proceedings. A counteraffidavit significant interest valid claim for Mr. Powell & Circle God Network, Inc. Declaration of controversy. Based on grounds bad motives criminal intent coconspirators settling parties (Exh. A) list. Joint trespass accomplice liability, chain & seditious conspiracy predicated acts in voluntary negotiated period. Thru subversive activity complicity allied offenses subterfuge clever plan pattern necessary implication in a secret underhanded pervasive unlawful conditions. To mislead royalty Judges towards (fortia accessory force aid & abet) unlawful conditions. To allow settling parties to commit the crimes. For which royalty Judge are now aware of ( Exhibit A) positive misprision of felony & duty bound to cure. A Sua Sponte Motion by claimant Prose, unreasonable decision administrative collateral estoppel, judicial equitable estoppel by negligence omnibus Motions. A suggestion of (criminal) errors compulsory counterclaim asserted with countermand to vacate previous orders. An ongoing affirmative misconduct pattern proved up.

Based on grounds settling parties, class-based animus showed copyright willful infringement illegal per se acts of negligence joint quasi offenses. To not settle up royalty payments with claimant(s), through malice malicious acts undue influences, power refusal to deal, blacklisted and boycotted claimant(s) with FCC violations, 18 USCA Chapter 119 Sect. 2510-2522 inescapable peril. A claim of recognizance initiated & controverted.

Settling parties pervasive legal prejudice pattern showing ESP. joint sports claimants & Motion picture association of America, inc. Through undue persuasion clandestine means intimidation concerted actions. To continuedly deny claimant's compulsory, blanket licenses, &

media royalty payments. For settling pattern parties negligent immediate breach joint quasi offenses & active fraudulent concealment. Repeated bad motives metus moral & economic duress criminal intent against victim claimant(s) Phase I & II ongoing. Based on causation existed settling parties pure & statutory obligations cable & satellite pervasive predicated pattern cahoots conspiracy. To include all and any successors affiliates pattern means, motive & opportunity as above retaliatory conduct.

Claimant(s) encumbrances legal claim proved up statutory conclusive rebuttal presumption of prima facie case vested rights. To include subscription and nonsubscription pre-existing services. Motion for a formal hearing 37 CPR S. 351.3(a) above \$10,000.00 or more and ALJ notice of appeal 5 USCA S. 556(e) in all proceedings in this letter.

Declaration in chief Prose a verified Sua sponte Motion claim of relief redress ex-parte and for multiple dependent claims on records. For Royalty Fees, Bonus; & Title 18 Chapter 119, Section 2510-2522 claim & delivery in all and any proceeds in this letter. Exigent money demand in arrears, currently, and future Sua Sponte Motion, exparte ordered. From the 8 settling parties \$300 billion each, standing third standing party \$50 billion each.

A prayer with an additional special and general prayer for relief treble damages.

Dated 08/11/2016

Respectfully Submitted

Circle God Network, Inc.  
Chairman

David Powell, *Pro-se*

David Powell, Chairman

David Powell *Pro-se*

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PG 1 OF 5

DETERMINATION OF ROYALTY RATES  
AND TERMS FOR TRANSMISSION OF  
SOUND RECORDING BY SATELLITE  
RADIO & PREEXISTING SUBSCRIPTION  
SERVICES (SDARS III)

DOCKET NO. 16-CRB-  
00015R/PSSR  
(2018-2022)

OBJECTION FOR MOTION TO DISMISS CLAIM W/  
A COUNTERMAND VERIFIED MOTION TO VACATE &  
OTHER SUA SPONTE OMNIBUS MOTION ORDERED FOR  
EXTRA ORDINARY CIRCUMSTANCES EX-PARTE

I PRO SE DAVID POWELL COUNTERMAND  
VERIFIED MOTION AND MANIFEST REVERSIBLE ERROR  
OBJECTION 6.24.16 TO DISMISS PARTICIPATION.  
DUE TO MR. POWELL ONGOING EXTRA ORDINARY  
CIRCUMSTANCES AS GUARDIAN MEDICAL EMERGENCY  
FR. JUNE 5, 2016 AND CURRENTLY, JULY 7, 2016 ONGOING.  
SHOWN CAUSATION EXISTED FOR PERIOD MENTION  
FOR SUA SPONTE COUNTERMAND REVOCATION VACATED  
ORDERED FOR THE FOLLOWING CIRCUMSTANCES:.



THUS INCIDENTS PROVED UP UNAVOIDABLE PROXIMATE CAUSE WAS AN GOOD CAUSE SHOWN. SECONDLY, TO INFORM ROYALTY JUDGES OF PRO SE ENGAGEMENT SLIP CURRENTLY W/ANOTHER TWO PROCEEDINGS W/OVER 10 LAWYER PARTICIPANTS: DKT. NO. 16-CRB-0003 PR(2018-2022); 16-CRB-0002-PBR(2018-2022) VOLUNTARY NEGOTIATIONS.

THIRDLY, LEGAL PREJUDICE CONDITION SHOWN BY SOUND EXCHANGE A CLASS-BASED ANIMUS ZONE OF INTEREST STANDING. PRO SE REBUTLE PRESUMPTION OF A PRIMA FACIE CASE W/AN ESSENTIAL ELEMENT OF A CIVIL-RIGHTS CONSPIRACY AS A HARD LOOK DOCTRINE. IN ADDITION, MANIFEST REVERSIBLE ERROR OBJECTION FOR MOTION TO DISMISS & JOINT MOTION TO ADOPT PROTECTIVE ORDER SETTLEMENT DATED JUNE 7, 2016 & ALL OTHERS KNOWN & UNKNOWN DATES.

CAUSE OF ACTION PRO SE COUNTER AFFIDAVIT DECLARATION IN CHIEF IN ALL PROCEEDINGS. BASED ON GROUNDS FOR PRO SE AN ASSERTED COMPULSORY COUNTERCLAIM OF A SIGNIFICANT INTEREST. A MATTER OF RECORD OWNERSHIP OF TITLE'S I-INFINITY ESP. 17 OUTRIGHT SPOILIATION ACTIVE CONCEALMENT SMOKING GUN PROVED UP. MR. POWELL HAS AN VESTED RIGHT BURSTING BUBBLE THEORY SIGNIFICANT INTEREST SUBSTANTIATED AS A LICENSEE, LICENSOR & OR ARTIST SUBMISSION TO A SPECIAL FINDING. EXH. A

AN NONDISCLOSURE OF A PREEXISTING ULTIMATE FACTS FOR BEARANCE NONFEASANCE BY SOUND EXCHANGE AND SETTLEING PARTIES TO SETTLE UP. IMMEDIATE BREACH INJURY IN FACT BAD MOTIVES REDRESS, SUA SPONTE MONEY DEMAND EXIGENT.

DUE TO NECESSARY IMPLICATION TO MISLEAD ROYALTY JUDGES DISCRETION TOWARDS UNLAWFUL CONDITIONS. TO IMPINGE ON MR. POWELL VESTED RIGHTS. DIRECT INJURY W/ INTENT TO EVADE THE LAW. DUE TO MR. POWELL HAVE CONTRADICTED SOUND EXCHANGE BY CREDIBLE EVIDENCE. SOUND EXCHANGE VERACITY CALLED INTO QUESTION W/ EQUITABLE ESTOPPEL, MISSING EVIDENCE RULE UNFAVORABLE.

RATES & TERMS CAN NOT BE MADE W/O ADDRESSING THE OWNER OF THE TITLE'S MR. POWELL VESTED RIGHTS. SUA SPONTE MOTION APPROVAL ADOPTED. 02 CENT & OR 25% WHICH EVER IS GREATER OF THE STATUTORY RATES & TERMS 2018-2022. PRO SE MOTION EXIGENT MONEY DEMAND PAYMENT NOW, FUTURE, & PAST ARREARS. FOR DAVID POWELL BONUS & OR ROYALTY PAYMENTS OF 1 MILL. FROM ALL PARTICIPANTS & 2 MILLION FROM SOUND EXCHANGE. FOR MR. POWELL COMPULSORY LICENSE & THIRD PARTY STANDING VIRTUAL REPRESENTATION UPFRONT FEES FOR INESCAPABLE PERIL IN THIS PROCEEDINGS AS A MATTER OF RECORDS.

NONFEASANCE IS PREEXISTING & ADMIN. AGENCY IS DUTY BOUND TO CURE, OR AN APPEARANCE CRIME OF OMISSION, FAILURE TO ACT, FORBEARANCE STILL EXISTED. AS SOUND EXCHANGE & SETTLING PARTIES INFRINGER WILLFUL INFRINGEMENT, CONTRIBUTORY INFRINGEMENT, & COPYRIGHT INFRINGEMENT ONGOING.

PRO SE OMNIBUS MOTIONS & ORDERED IN-LIMINE IN NUBIBUS LAW INFRINGER(S). PROBATIVE VALUE IS SUBSTANTIALLY OUTWEIGHTED BY THE DANGER OF UNFAIR PREJUDICE TOWARDS MR. POWELL SUA SPONTE. ESP. PREEXISTING SUBSCRIPTION SVC. FEES.

MAIL & WIRE FRAUD TO GAIN UNFAIR ADVANTAGE  
 IN PROCEEDINGS. ON THE BASIS GROUNDS NO HOME  
 COMPUTER TO REC'D TIMELY EMAILS & POSTAL  
 EMPLOYEES DELAYING OR HOLDING MAIL DELIVERY  
 OF LAWYERS REPLY TO P.O. BOX IN ACCOMPLICE  
 LIABILITY COMPLICITY. A PREDICATED PATTERN  
 MALICIOUS ACTS OF ECONOMIC DURESS, HARDSHIP & FORCE  
 PRO SE MR. POWELL IN ESCAPABLE PERIL. ESPECIALLY  
 SUBSCRIPTION SERVICE FEES PAID TO MR. POWELL EXIGENT, 10 MILL.

LASTY AN SUGGESTION OF ERROR OBJECTION  
 EX-PARTE SUA SPONTE COUNTERMAND VACATED ON  
 6.24.16 ORDERED & OR REHEARING (SEE EXHIBIT A).  
 PRO SE OFFERED PROOF OF A VALID COMPELLING  
 CIRCUMSTANCES PROVED UP. PRO SE MOTION SUA  
 SPONTE FOR FAMILY LEAVE EMERGENCY APPROVAL  
 45 DAYS TO ATTEND TO FAMILY EMERGENCIES.

IF ALL MOTIONS DENIED PRO SE MOTIONS FOR  
 NOTICE OF ALJ APPEAL 5 USCA 5s 556(e). BASED ON MANIFEST  
 REVERSIBLE ERROR OBJECTION HARD LOOK DOCTRINE  
 DE NOVA JUDICIAL REVIEW. THANK YOU

EXHIBIT A  
PG 51-3 ENCLOSED

PG 5 of 5

FR: DAVID POWELL  
David Powell  
P.O. BOX 010950  
ITHACA, FL 33101  
305 539-1755

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CERTIFICATE OF SERVICE EX-PARTE TO:  
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FOR ALL SETTLING PARTIES VIEWING.  
PRO SE HEREBY CERTIFY EXPRESSED  
MAIL ON 7.7.16 SENT

© COPYRIGHT 2016

FR: DAVID POWELL  
David Powell PRO SE

# *State of Florida*

## *Department of State*

I certify from the records of this office that CIRCLE GOD NETWORK INC is a corporation organized under the laws of the State of Florida, filed on February 18, 2014, effective February 18, 2014.

The document number of this corporation is P14000015621.

I further certify that said corporation has paid all fees due this office through December 31, 2016, that its most recent annual report/uniform business report was filed on February 4, 2016, and that its status is active.

I further certify that said corporation has not filed Articles of Dissolution.

*Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capital, this  
the Fourth day of February, 2016*



*Ken Peterson*  
**Secretary of State**

Tracking Number: CC4583937716

To authenticate this certificate, visit the following site, enter this number, and then follow the instructions displayed.

<https://services.sunbiz.org/Filings/CertificateOfStatus/CertificateAuthentication>

...were imple-  
section 2421 of this  
ology.

c. (b) was re-  
ib. L. 103-322, this  
Stat. 1972.

c. (b) and directed  
/ substituting (a)  
in section 402  
for "(a) Whoever",  
is substitution for  
intent of Congress  
tion generally, re-  
aph provisions in-  
striking out subsec.

"Transportation of  
it of minor female"  
disting provision as  
relating to conduct  
minors for provi-  
ing the coercion or  
i added subsec. (b).

Zone. see section 14

SEE SECTIONS  
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or any other in-  
dividual within  
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the said arrange-  
of the white-slave  
nt concerning such  
ommissioner of Im-  
a; or  
ilfully states false-  
statement any fact,  
edge or belief with

reference to the age, nationality, or parentage of any such alien individual, or concerning that individual's procurement to come to this country—

Shall be fined under this title or imprisoned not more than two years, or both.

(b) In any prosecution brought under this section, if it appears that any such statement required is not on file in the office of the Commissioner of Immigration and Naturalization, the person whose duty it is to file such statement shall be presumed to have failed to file said statement, unless such person or persons shall prove otherwise. No person shall be excused from furnishing the statement, as required by this section, on the ground or for the reason that the statement as required by that person, or the information therein contained, might tend to criminate that person or subject that person to a penalty or forfeiture, but no information contained in the statement or any evidence which is directly or indirectly derived from such information may be used against any person making such statement in any criminal case, except a prosecution for perjury, giving a false statement or otherwise failing to comply with this section.

(June 25, 1948, ch. 645, 62 Stat. 813; Oct. 15, 1970, Pub. L. 91-452, title II, § 226, 84 Stat. 930; Nov. 7, 1966, Pub. L. 89-628, § 3(c), 100 Stat. 3511; Sept. 13, 1994, Pub. L. 103-322, title XXXIII, § 330016(1)(D), 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 402(2), (3) (June 25, 1910, ch. 395, § 6, 36 Stat. 826).

First paragraph of section 402 of title 18, U.S.C., 1940 ed., was omitted from this section and recommended for transfer to Title 8, Aliens and Nationality. Words "shall be deemed guilty of a misdemeanor" were omitted as unnecessary in view of the definition of a misdemeanor in section 1 of this title. (See reviser's note under section 212 of this title.) Minor changes were made in phraseology.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$2,000" in last par.

1986—Pub. L. 99-628, § 3(c)(1), substituted "individual" for "female" in section catchline.

Subsec. (a). Pub. L. 99-628, § 3(c)(2)-(4), (6), substituted "individual" for "woman or girl", "that individual" for "she", "that individual's" for "her", and "that person's" for "his" wherever appearing.

Subsec. (b). Pub. L. 99-628, § 3(c)(5), substituted "that person" for "him" wherever appearing.

1970—Subsec. (b). Pub. L. 91-452 substituted provisions that no information contained in the statement or any evidence directly or indirectly derived from such information be used against any person making such statement in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with this section, for provisions that no person be prosecuted or subjected to any penalty or forfeiture under any law of the United States for or on account of any transaction, etc., truthfully reported in his statement.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-452 effective on sixtieth day following Oct. 15, 1970, and not to affect any immunity to which any individual is entitled under this section by reason of any testimony given before sixtieth day following Oct. 15, 1970, see section 290 of Pub.

- 1713. Instance of money amount.
1714. Repealed.
1715. Firearms as nontransferable; regulations.
1716. Injurious articles as nontransferable.

L. 91-452, set out as an Effective Date; Savings Provision note under section 6001 of this title.

CANAL ZONE

Applicability of section to Canal Zone, see section 14 of this title.

CROSS REFERENCES

Importation of aliens for immoral purposes as forbidden, see section 1328 of Title 8, Aliens and Nationality.

International agreement signed May 12, 1904, for the suppression of the white-slave traffic is set forth, with the adherence of the United States thereto, in 38 Stat. 1979.

Prevention of transportation for foreign commerce of alien women and girls under international agreement, see section 1557 of Title 8, Aliens and Nationality.

SECTIONS REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 14, 1961 of this title.

BIG

CHAPTER 119—WIRE AND ELECTRONIC COMMUNICATIONS INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS

- Sec. 2510. Definitions.
2511. Interception and disclosure of wire, oral, or electronic communications prohibited.
2512. Manufacture, distribution, possession, and advertising of wire, oral, or electronic communication intercepting devices prohibited.
2513. Confiscation of wire, oral, or electronic communication intercepting devices.
[2514. Repealed.]
2515. Prohibition of use as evidence of intercepted wire or oral communications.
2516. Authorization for interception of wire, oral, or electronic communications.
2517. Authorization for disclosure and use of intercepted wire, oral, or electronic communications.
2518. Procedure for interception of wire, oral, or electronic communications.
2519. Reports concerning intercepted wire, oral, or electronic communications.
2520. Recovery of civil damages authorized.
2521. Injunction against illegal interception.
2522. Enforcement of the Communications Assistance for Law Enforcement Act.

AMENDMENTS

1994—Pub. L. 103-414, title II, § 201(b)(3), Oct. 25, 1994, 108 Stat. 4290, added item 2522.

1988—Pub. L. 100-690, title VII, § 7035, Nov. 18, 1988, 102 Stat. 4396, substituted "wire, oral, or electronic" for "wire or oral" in items 2511, 2512, 2513, 2516, 2517, 2518, and 2519.

1986—Pub. L. 99-508, title I, § 101(c)(2), 119(b), Oct. 21, 1986, 100 Stat. 1851, 1859, inserted "AND ELECTRONIC COMMUNICATIONS" in chapter heading and added item 2521.

1970—Pub. L. 91-452, title II, § 227(b), Oct. 15, 1970, 84 Stat. 930, struck out item 2514 "Immunity of witnesses", which section was repealed four years following the sixtieth day after Oct. 15, 1970.

1968—Pub. L. 90-351, title III, § 802, June 19, 1968, 82 Stat. 212, added chapter 119 and items 2510 to 2520.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1029, 2232 of this title; title 47 section 605; title 38 section 1906.

§ 2510. Definitions

As used in this chapter—

Forceful entry into railway or steamship... see section 2116 of this title. Mail fraud, see sections 1341, 1342 of this title.

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EXHIBIT A

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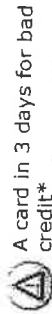
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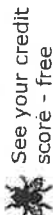
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*Marybeth Peters*

Register of Copyrights, United States of America

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For a Non-dramatic Literary Work  
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TXu 1-344-005



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**TITLE OF THIS WORK** ▼

David Powell Liberation Movement

**PREVIOUS OR ALTERNATIVE TITLES** ▼

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If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

2

**NAME OF AUTHOR** ▼

a David C. Powell Jr.

**DATES OF BIRTH AND DEATH**  
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?  
 Yes  
 No

**AUTHOR'S NATIONALITY OR DOMICILE**  
Name of Country  
OR { Citizen of ▶  
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**WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK**  
Anonymous?  Yes  No  
Pseudonymous?  Yes  No

**NATURE OF AUTHORSHIP** Briefly describe nature of material created by this author in which copyright is claimed. ▼  
All other text

**NAME OF AUTHOR** ▼

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**WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK**  
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 No

**AUTHOR'S NATIONALITY OR DOMICILE**  
Name of Country  
OR { Citizen of ▶  
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Year Born ▼ Year Died ▼

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3

**YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED**

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**DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK**

Month ▶ Day ▶ Year ▶  
Nation ▶

4

**COPYRIGHT CLAIMANT(S)** Name and address must be given even if the claimant is the same as the author given in space 2. ▼

David C. Powell Jr.  
P.O. Box 010950  
Miami, FL 33101

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### New Information

- 1 Name of service DAVID POWELL d/b/a CABLE SATELLITE MUSIC PUBLISHING ENTERTAINMENT INDUSTRY
- 2 Mailing address PO BOX 010950 MIAMI, FL 33101  
NOTE: A post office box is acceptable if it is the only address that can be used in that geographic location.
- 3 Telephone no. 305 539-1755
- 4 Fax no.
- 5 Website address of service http:// DAVID POWELL 008@YAHOO.COM  
NOTE: Information must be provided on how to gain access to the online website or home page of the service, or where information may be posted under the regulations concerning the use of sound recordings.

- 6 Nature of license and category of service: (Check all that apply)
  - a Statutory license for digital transmissions, 17 USC §114(d)(2)
    - Preexisting subscription service
    - Preexisting satellite digital audio radio service
    - Eligible nonsubscription transmission service
    - New subscription service
  - b Statutory license for making ephemeral phonorecords, 17 USC §112(e)
    - Preexisting subscription service
    - Preexisting satellite digital audio radio service
    - Eligible nonsubscription transmission service
    - New subscription service
  - A business establishment making ephemeral phonorecords in furtherance of an exempt digital transmission pursuant to 17 USC §114(d)(1)(C)(iv)
- 7 Date or expected date of
  - a Initial digital transmission of a sound recording JAN. 1, 2000
  - b Initial use of the §112(e) license for the purpose of making ephemeral recordings of sound recordings JAN. 1, 2000
- 8 Officer or authorized representative of service
  - a Name DAVID POWELL
  - b Title OWNER
  - c Date 9.12.2016
  - d Signature David Powell
  - e Email address DAVID POWELL 008@YAHOO.COM

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### New Information

- 1 Name of service
- 2 Mailing address
- 3 Telephone no.
- 4 Fax no.
- 5 Website address of service

CIRCLE God NETWORK INC  
P.O. BOX 010950 MIAMI, FL 33101

NOTE: A post office box is acceptable if it is the only address that can be used in that geographic location.

305 539-1755

http://DAVID.POWELL008@YAHOO.COM

NOTE: Information must be provided on how to gain access to the online website or home page of the service, or where information may be posted under the regulations concerning the use of sound recordings.

- 6 Nature of license and category of service: (Check all that apply)
  - a Statutory license for digital transmissions, 17 U.S.C. § 114(d)(2)
    - Preexisting subscription service
    - Preexisting satellite digital audio radio service
    - Eligible non-subscription transmission service
    - New subscription service
  - b Statutory license for making ephemeral phonorecords, 17 U.S.C. § 112(e)
    - Preexisting subscription service
    - Preexisting satellite digital audio radio service
    - Eligible non-subscription transmission service
    - New subscription service
  - A business establishment making ephemeral phonorecords in furtherance of an exempt digital transmission pursuant to 17 U.S.C. § 114(d)(1)(C)(iv)
- 7 Date or expected date of
  - a Initial digital transmission of a sound recording JAN 1, 2000
  - b Initial use of the section 112(e) license for the purpose of making ephemeral recordings of sound recordings JAN 1, 2000
- 8 Officer or authorized representative of service
  - a Name DAVID POWELL
  - b Title CHTM
  - c Date 1-27-2014
  - d Signature DAVID POWELL
  - e Email address DAVID.POWELL008@YAHOO.COM

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**Congress of the United States**  
**Washington, DC 20515**

February 26, 2010

Allan H. (Bud) Selig, Commissioner  
The Office of the Commissioner of Baseball  
On behalf of the Joint Sports Claimants  
245 Park Avenue, 31<sup>st</sup> Floor  
New York, NY 10167

Dan Glickman  
Chairman and Chief Executive Officer  
The Motion Picture Association of America  
1600 Eye Street, NW  
Washington, DC 20006

Michael D. White  
Chief Executive Officer  
DirecTV  
2230 East Imperial Highway  
El Segundo, CA 90245

Mike Mountford  
President and Chief Executive Officer  
National Programming Service  
7999 Knue Road, Suite 200  
Indianapolis, IN 46250


Dear Gentlemen,


Section 119 of the Copyright Act and related statutory provisions, which provide satellite carriers legal authority to retransmit broadcast signals to hundreds of thousands of viewers, are slated to expire after midnight on Sunday, February 28. Congress is working to enact a five year, comprehensive re-authorization of these and related provisions of law (currently entitled the "Satellite Television Extension and Localism Act," or "STELA"), the language of which has been agreed to and is ready for action by the full Congress. Absent an appropriate legislative vehicle for the comprehensive measure, Congress may enact a short, temporary extension – as was done in December 2009.


There is a possibility disputes not germane to the copyright law or satellite television may prevent Congress from enacting STELA or a short-term temporary extension before expiration. As the leaders of the House and Senate Judiciary Committees, we write to urge all parties – satellite television operators, broadcasters, networks, and copyright holders alike – to temporarily maintain the *status quo* in such an event in order to avoid disrupting the provision of "lifeline" network programming to hundreds of thousands of Americans. Should this occur, we intend to include a lookback provision in STELA to ensure that parties whose conduct was permitted under the law and regulation in effect immediately prior to expiration are held harmless. We appreciate your cooperation in our request and expect to work closely with you in the days and weeks ahead.


Allan H. (Bud) Selig  
Michael D. White  
Dan Glickman  
Mike Mountford  
February 26, 2010  
Page Two

Sincerely,

  
John Conyers, Jr.  
Chairman  
House Committee on the Judiciary

  
Lamar Smith  
Ranking Member  
House Committee on the Judiciary

  
Patrick J. Leahy  
Chairman  
Senate Committee on the Judiciary

  
Jeff Sessions  
Ranking Member  
Senate Committee on the Judiciary

cc: The American Society of Composers, Authors and Publishers (ASCAP)  
Broadcast Music, Inc. (BMI)  
The Copyright Alliance  
The National Association of Broadcasters (NAB)  
U.S. Copyright Office

CONCURRENT JURISDICTION

U.S. COURTS OF APPEALS  
11TH CIRCUIT ATL. GA

4-11-02

CONFIDENTIAL U.S. COURT OF APPEALS  
CONTINUOUS ACTION FOR THE FEDERAL CIRCUIT

PG  
8 OF 26

RE: 03-10816 EE  
RE: 05-5098

PG 10 of 8

C.I.A.

FRAP 44 (A,B)

DAVID POWELL, ETAL PLAINTIFF(S)

U.S. OF ATT. ETAL DEFENDANT(S)

Re: Payment of ATTORNEY'S FEES & AFFIDAVIT IN SUPPORT  
of ATTORNEY'S FEES IN EXCESS OF STATUTORY GUIDELINE  
To: SCOTTLAND YARD DIR

CLERK OF COURTS ATTENDMENTED

I'm filing motion w/the courts to Request NOW  
Payment of LAWYER FEES, ROYALTIES Fee & ALL OTHERS  
fees INCLUDING ALL COURT COST AND ALL Reimbursement.

In addition, I file motion w/the courts to be  
PAID ALL FUTURE LAWYER FEES, ROYALTIES FEES AND ALL OTHER  
FEES FOREVER FOR MYSELF, MY (I) AND ALL OTHERS  
SINGULARLY OR A CLASS ACTION LAWSUIT FOR ANY REPRESENTATION  
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& UNKNOWN) PAY ME OR MY TRUST 40% OF THEIR FINAL  
Judgement FOR ANY & ALL TYPE OF LEGAL COURT FORUM  
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This includes 1st time CERTIFIED QUESTION & 1st  
time certified challenge of opinion Rendered by  
the courts. Thank You for ANY Relief given.

INCLUDING FRAP 44 (A,B) ELECTORAL VOTES HAWAII ALASKA  
EQUAL FOOTING ENROLLED BILL UNIFORM ACT VOTING RIGHTS ACT  
92 USCA §§ 1971-1974 GUARANTEE TRUST  
CERTIFY CONCEPTION OF INVENTION.

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P.O. BOX 010950  
MIAMI, FL 33101

APR 17 2002

Judges of  
Compensation Claims  
Miami, Florida

EXHIBIT 10F



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CONTINUOUS ACTION FOREVER

CLAIM NO: POWELL, DAVID ETAL PLAINTIFF(S)  
U.S. HM ETAL DEFENDANT(S)

PG 2

ATTORNEY FEE DATA SHEET

- I. AMOUNT OF FEE: 40%
- II. PARTY PAYING FEE: CLAIMANT: \_\_\_\_\_ CARRIER: Both: v
- III. FEE IS PURSUANT TO: ORDER \_\_\_\_\_ STIPULATION: Both: v  
IF AGREEMENT: STRAIGHT STIPULATION: NO  
OR SETTLEMENT PER 440 20(1)(c) \_\_\_\_\_ OR (b) \_\_\_\_\_ OR (c)  OR (OTHER) YES
- IV. DATE OF ORDER AWARDED FEE OR APPROVING AGREEMENT: \_\_\_\_\_  
RULES 1, 17, 19, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000
- V. BASIS FEE:
  - 21 DAY RULE \_\_\_\_\_
  - CLAIM FOR MEDICAL BENEFITS ONLY \_\_\_\_\_ (01)
  - ISSUE OF COMPENSABILITY \_\_\_\_\_ (02)
  - FAILURE OF CARRIER TO COMPLY WITH PRIOR ORDER \_\_\_\_\_ (03)
  - MODIFICATION OF PRIOR ORDER AWARDED FEES \_\_\_\_\_ (04)
  - BAD FAITH HANDLING OF CLAIM BY CARRIER \_\_\_\_\_ (05)
  - PREPETITION DEPOSITION \_\_\_\_\_ (06)
  - SANCTIONS \_\_\_\_\_ (07)
  - NOTICE OF DENIAL \_\_\_\_\_ (08)
  - \_\_\_\_\_ (09)
- VI. FEE IS BASED UPON THE FOLLOWING CLASS OF BENEFITS: ALL of the ABOVE IN V KNOWN & UNKNOWN & 3 CERTIFICATION
- VII. MONETARY VALUE OF BENEFITS IS BASED ON, IF KNOWN: UNLIMITED
- VIII. FEE IS LESS THAN \_\_\_\_\_ EQUAL TO \_\_\_\_\_ MORE THAN   
STATUTORY FORMULA OF 25/20/15 OR IF APPLICABLE, 20/15/10.
- IX. AMOUNT AND REASON FOR VARIANCE: UNLIMITED 1ST TIME CERTIFIED  
QUESTIONS & CERTIFIED CHALLENGE, INTELLECTUAL PROPERTIES & ALL  
TRADE SECRETS, RECIPES, FORMULA KNOWN & UNKNOWN FOREVER W/ PLAGIARISM

THE ABOVE INFORMATION IS CERTIFIED AS TRUE AND CORRECT BY THE UNDERSIGNED.

David Powell Prose  
ATTORNEY FOR CLAIMANT

C.I.A  
DAVID POWELL ET AL  
VS  
U.S. OF AM. ET AL

DIV. OF WORKERS COMPENSATION  
CLAIM NO.: 1262192  
OFFICE OF JUDGES COMPENSATION  
CLAIM (O.J.C.C.)  
CLAIM NO. 91-000024 MIA  
PENDING PATENT DISCLOSURE DOCUMENT  
558098

AFFIDAVIT IN SUPPORT OF ATTORNEY'S FEES  
IN EXCESS OF STATUTORY GUIDELINE ATTENDED

STATE OF FLORIDA  
COUNTY OF DADE, U.S. & WORLD WIDE

After being duly sworn, David Powell Prose, Esq., attorney for

claimant in this matter, in support of approval of an attorney fee which exceeds the otherwise applicable statutory guideline fee, affirms and states as follows: IMMIGRATION, TITLE, GOLD BLOCKS,

1. The affiant has been instrumental in obtaining the following benefits for claimant: **ODD-LOT DOCTRINE**  
**(SETTING CERTIFIED) QUESTIONS, CHALLENGES, ENABLEMENT REQUIREMENTS**  
(List applicable monetary and/or medical benefits) PATENTS, COPYRIGHTS, TRADEMARKS, VOTING RIGHTS ACT, 42 USC 21101-21107  
TRADE SECRETS, RECIPES, FORMULAS, SERVICE MARKS, INTELLECTUAL PROPERTIES, TRADE SECRETS, RECIPES, FORMULAS, (AND) ALL OTHERS KNOWN & UNKNOWN EXCLUSIVE RIGHTS & PERMISSION RESERVED FOREVER, 42 USC 1911-1914
2. The guideline fee as set forth in §440.34, Florida Statutes (state applicable year) **PART 4(A, B) CERTIFY**  
 is \$ \_\_\_\_\_;
3. The affiant has expended (UNLIMITED) hours in securing the above on behalf of the claimant;
4. The statutory guideline fee should be enhanced because of the following statutory: **TUCKER ACT JURISDICTION**  
**U.S. CONSTITUTION, ARTICLE I BILL OF RIGHTS, ALL TITLES I-INFINITY, ALL TITLES U.S.C. I-INFINITY, ALL C.F.R. I-INFINITY, OHIO REVISED CODE I-INFINITY, INTERNATIONAL LAW**  
(List applicable statutory factors, including hourly rate claimed)  
**I-INFINITY (ARTICLE I-INFINITY NATO PEACE TREATY) ALL STATUTES & AMENDMENTS INCLUDING REVERSE DISCRIMINATION, INSTITUTIONAL DIS, 42 USC 21101-21107**
5. That a reasonable attorney fee for claimant counsel in this matter is in the amount **ELECTORAL #6 VOTE**  
 of \$ UNLIMITED; and BONUSES, PERKS, GRATUITY, KNOWN & UNKNOWN FOREVER INCLUDING ROYALTIES FEES, MINIMUM-ROYALTY CLAUSE, MEANS-PLUS-FUNCTION, HEAD-START INJUNCTION, GOLD BLOCKS, LOOK & FEEL PROTECTION, DISPLAY RIGHTS, & RIGHT OF PUBLICITY FOR, MANIFEST INJUSTICE OF LANDMARK DECISIONS W/ENABLING CLAUSE, ENACTING CLAUSE, & ENABLING SOURCE AFFORCEMENT EXIGENCY OF AFFIRMATIVE ACTIONS USC 17635 W/PLAGIARISM, POLITICAL OFFENSE FOR BANNITO DISPLACEMENT MALO ANITTO, ZONE-OF-DANGER RULE, DISPOSING CLAUSE, & WHITECAPPING. ZONE-OF-EMPLOYMENT, ZONE OF INTEREST STANDING THIRD PARTY STANDING CLASS-BASED ANIMUS W/ CONCEPTION OF INVENTION(S). AGE DISCRIMINATION IN EMPLOYMENT ACT 29 USC 621-634, LANDMARK DECISION. AGGRAVATION RULE & CHANGE OF CONDITION.

6. Claimant's counsel certifies that no fee for obtaining the above benefits has previously been paid.

PG 4

7. The affiant has fully discussed this matter with the claimant/client, who has agreed to payment of the fee as set forth above in paragraph no. 5.

DATED at Miami, Florida this 11 day of APRIL, 2002

DAVID POWELL  
(Claimant's attorney's name and address)  
P.O. BOX 010950  
MIAMI FL 33101

By: David Powell Prose  
(Claimant's attorney)  
FLORES P400163582864

SWORN TO AND SUBSCRIBED before me this 11 day of APRIL, 2002 by (Claimant's attorney), who is personally known to me and who did take an oath.

(Notary's name)  
**NOTARY PUBLIC**  
**STATE OF FLORIDA AT LARGE**



Martin A. Alexander  
MY COMMISSION # CC774057 EXPIRES  
February 22, 2005  
BONDED THIRD EXCESS FARM INSURANCE INC.

My commission expires:

EX 13 4 of 8

- EXCLUSIVE RIGHTS OF RE: VERIFIED MOTION OF PLAGIARISM,  
~~IDEAS~~, INTELLECTUAL PROPERTIES THEFT AND ATTORNEYS FEES  
 AFFIDAVIT 4-11-02 EXHIBIT B ENCLOSED W/ ALL OTHER IDEAS  
 NAMED KNOWN & UNKNOWN. INCLUDE ALL ROYALTIES, BONUSES  
 & ELECTORIAL COLLEGE VOTES ALONG W/ FCC VIOLATIONS,  
 AND FOREIGN JUDGMENT ISRAEL, ENGLAND, & R. 49.1.
3. PRO SE FILES MOTION W/ COURT THAT A CLERK MUST CERTIFY  
 THAT FACT TO BOTH: U.S. ATTORNEY GENERAL, ATTORNEY  
 GENERAL OF THE STATES (HAWAII & ALASKA). THANK YOU

SINCERELY

Dornd Powell Pro Se

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A TRUE & CORRECT COPY OF THIS LTR.  
 WAS SENT BY U.S. MAIL TO CLERK OF COURTS DEBORAH OWENS  
 & DRENDA W LEGMANN OF ATL. APPEALS COURT TO ISSUE TO  
 ATTORNEY GENERALS ON 2-14-04 ENCLOSED EXHIBIT A, B.

M. J. Powell

ENCLOSED 5 COPIES

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**DP** david powell <davidpowell008@yahoo.com> Sep 2 at 12:45 PM

To: David powell

Sent from my iPhone

**Subject:** Royalty Funds consolidated dkt. no. 2008-3 CRB DD (2007-2011 SRF) distribution of dart royalty funds motion for leave to file late petition to participate ss. 351.1 (d).pdf

**Status:** Approved

**Docket #:** CONSOLIDATED 2008-3 CRB DD (2007-2011 SRF)

**Caption:** Distribution of the 2007, 2008, 2009, 2010, and 2011 Digital Audio Recording Technology Royalty Funds for the Sound Recordings Funds

**Processed:** 06/24/2019 01:59 PM EDT

**Document(s):** Petition to Participate in the Dart Distribution Proceedings 2007-2011 SRF Legal Discussion Statutes and Regulations *distribution of dart royalty funds dkt. no 2008-3 CRB DD (2007-2011 SRF) motion for leave to file a late petition to participate ss. 351.1(d).pdf*

**Status:**

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**COPYRIGHT ROYALTY JUDGES**  
**The Library of Congress**

*In re*

Distribution Digital Audio Recording  
Royalty Funds

**CONSOLIDATED**  
Docket No. 2008-3 CRB DD  
(2007-2011 SRF)

---

**ORDER DENYING AARC'S MOTION TO REJECT POWELL'S  
ECRB COMPUTER SOFTWARE PROBLEMS NOTICE**

On April 23, 2019, the Alliance of Artists and Recording Companies (AARC) filed with the Copyright Royalty Judges (Judges) its Motion to Reject Powell's eCRB Computer Software Problems Notice (*Motion*). AARC asks the Judges to reject David Powell's *Notice* because, *inter alia*, Mr. Powell did not deliver the document to AARC. *See Motion* at 2-3.

AARC did not deliver its Motion to Mr. Powell through eCRB. *See Motion* at 7 (Proof of Delivery page). Moreover, the Judges have no basis to conclude that AARC delivered the Motion to Mr. Powell in any other manner. Ordinarily it would not be necessary for AARC to deliver pleadings to a nonparticipant in a proceeding. When, however, a motion seeks action directly related to a filing by that nonparticipant, basic fairness requires that that motion be delivered to the affected nonparticipant, and that the nonparticipant be given an opportunity to respond.

The Judges **DENY** the Motion without prejudice. AARC may refile the Motion with proof of delivery to Mr. Powell.

**SO ORDERED.**



Digitally signed  
by Jesse Feder  
Date: 2019.04.29  
10:03:16 -04'00'

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Jesse M. Feder  
Chief Copyright Royalty Judge

DATED: April 29, 2019.

**COPYRIGHT ROYALTY JUDGES**  
**The Library of Congress**

*In re*

Distribution of Digital Audio Recording  
Royalty Funds

**CONSOLIDATED**  
Docket No. 2008-3 CRB DD  
(2007-2011 SRF)

---

**ORDER GRANTING MOTION OF  
DAVID POWELL TO ACCEPT LATE PETITION TO PARTICIPATE**

On April 30, 2019, David Powell filed with the Copyright Royalty Judges (Judges) a Motion for Leave to File a Late Petition to Participate (*Motion*) in the captioned proceeding. On May 7, 2019, the Alliance of Artists and Recording Companies (AARC) filed an opposition (*Opposition*). Mr. Powell did not file a reply.

The Motion seeks to demonstrate good cause for Mr. Powell's failure to file an acceptable petition to participate (PTP) by the deadline (he filed two defective petitions during that time period). Mr. Powell alleges that he "is Guardian to a 71 years [sic] old woman" who "had to be hospitalized for 2 grand mal seizures [d]uring the period 24 Dec. 2018-Feb 28, 2019 [sic]." Motion at 2.

The Judges reviewed *in camera* exhibits in support of the Motion that Mr. Powell submitted and found that the exhibits established that the individual to whom Mr. Powell referred in the exhibits had been hospitalized for a seizure from January 17-19, 2019. The Judges granted AARC leave to file a response to address whether Mr. Powell's exhibits supported Mr. Powell's contention that there is substantial good cause for the Judges to permit Mr. Powell to file a late PTP in accordance with 37 C.F.R. § 351.1(d), and whether accepting a late petition would prejudice other parties in the proceeding. *Order Acknowledging Receipt of Responsive Exhibits from David Powell and Authorizing Response* (June 3, 2019).

AARC filed its Response to David Powell's Exhibits on June 13, 2019 (*Response*). AARC contends that the exhibits that Mr. Powell submitted do not support his contention that substantial good cause exists to accept his late PTP. AARC also contends that accepting Mr. Powell's petition would prejudice AARC by further delaying the distribution of the 2007 Sound Recordings Fund/Copyright Owners Subfund. AARC Response at 1. For the reasons discussed below, the Judges **GRANT** Mr. Powell's Motion and accept his PTP.

AARC acknowledges that the Judges have previously found taking care of a loved one who has been undergoing treatment for a serious medical condition may constitute substantial good cause for filing a late PTP. Response at 2 (citing *Order Granting Eugene Curry Leave to File Late Petition to Participate* at 2 (Apr. 19, 2019)). Nevertheless, AARC argues that "unlike Curry who provided an exhibit showing that the individual he allegedly cared for had been ill throughout the entire 30-day period for filing a Petition to Participate, Powell's exhibit shows that [the individual Mr. Powell is caring for was hospitalized] for only three days." Response at

3. AARC also argues that notwithstanding his caregiver responsibilities, Mr. Powell was able to submit two other PTP filings that the CRB rejected as defective. Response at 3. AARC notes that Mr. Powell has participated in numerous CRB proceedings and he therefore should be familiar with the requirements for filing a valid PTP. *Id.* AARC contends that the “substantial good cause” requirement for filing a late PTP was intended to set a higher bar than mere good cause and that granting Mr. Powell’s motion would eviscerate the “substantial” good cause requirement and “open the flood gates for requests to file late petitions.” *Id.* at 4.

In prior DART proceedings the Judges have accepted late PTPs from *pro se* claimants after receiving a reasoned explanation for the lateness of the filing. *See* Order Accepting Petition to Participate and Setting Schedule for Written Direct Statements, Docket No. 14-CRB-0006 DART SR (CO/FA) (2013) (accepting late PTP from Eugene “Lambchops” Curry whose reasons for “missing the original date” included “giv[ing] personal care to the friend I currently live with who has [arthritis and] limited function of her arms and hands.”).<sup>1</sup> Mr. Powell’s contention that he has been burdened by his responsibilities as a caregiver, a contention that the Judges found to be credible, provides the necessary substantial good cause for accepting Mr. Powell’s late PTP. The timing of any particular hospital visits are not relevant to this consideration, but only serve to underscore the seriousness of the person’s condition.

The Judges acknowledge that Mr. Powell was, notwithstanding his care giver responsibilities, able to make two attempts to file PTPs prior to the late filing that is the subject of this motion. The Judges reject AARC’s contention, however, that Mr. Powell’s attempts to continue to meet the deadlines of the proceeding should disqualify him from making a third attempt at filing a valid PTP. If anything, the earlier attempts indicate that Mr. Powell has been making a good faith effort to comply with the CRB timing requirements, notwithstanding his other personal obligations.

AARC further argues that accepting Mr. Powell’s late PTP would prejudice AARC because it would further delay distribution of the 2007 SRF/CO subfund royalties. Response at 4. According to AARC, if the CRB accepts Mr. Powell’s late petition, he will become the only party, other than AARC, in this consolidated proceeding claiming for the 2007 SRF/CO subfund royalties. *Id.* AARC reasons that had Mr. Powell been successful in filing his PTP on time, AARC and Mr. Powell would have had the opportunity to commence settlement negotiations before the end of the voluntary negotiation period. While it is technically accurate that the voluntary negotiation period has ended, the Judges remind AARC that it may engage in settlement negotiations with Mr. Powell (or any other participant) at any time prior to the Judges’ completion of a final determination. While the Judges hereby permit Mr. Powell to file a corrected PTP, they do not mean to suggest that AARC and Mr. Powell are precluded from settling the proceeding. Indeed, the Judges encourage such a settlement. Barring such settlement, however, AARC’s and Mr. Powell’s respective written direct statements are due no later than **October 3, 2019**. *See Notice of Participants, Commencement of Voluntary Negotiation Period, and Case Scheduling Order* (Feb. 27, 2019), Attachment B.

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<sup>1</sup> Notwithstanding AARC’s dire warning, the Judges’ acceptance of Mr. Curry’s late PTP has thus far not opened the proverbial floodgates for such filings.



The Judges **GRANT** Mr. Powell leave to file a late PTP no later than June 28, 2019. The Judges counsel Mr. Powell to take care to fulfill all of the requirements of 37 C.F.R. § 351.1(b)(2)(i),<sup>2</sup> and to identify with specificity the subfunds and years for which he claims royalties, bearing in mind that this proceeding only concerns royalties in the Sound Recordings Fund during the period 2007-2011. Mr. Powell must specify only subfunds and years for which he has filed a timely and valid claim.<sup>3</sup>

**SO ORDERED.**



Digitally signed  
by Jesse Feder  
Date: 2019.06.19  
11:05:18 -04'00'

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Jesse M. Feder  
Chief Copyright Royalty Judge

DATED: June 19, 2019.

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<sup>2</sup> 37 C.F.R. § 351.1(b)(2)(i) requires that a PTP for a single participant must include the petitioner's full name and contact information (address, telephone number, fax number (if any), and email address (if any)); and a description of the petitioner's significant interest in the subject matter of the proceeding. For PTPs filed using eCRB, the Judges have deemed the filer's profile information to fulfill the requirement for the petitioner's contact information if the filer and petitioner are the same person.

<sup>3</sup> The Judges' review of the DART claims lists for 2007-2011 indicates that Mr. Powell filed a claim for the 2007 sound recordings fund/copyright owners' subfund and for no other year or fund.

**COPYRIGHT ROYALTY JUDGES**  
**The Library of Congress**

*In re*

Distribution of Digital Audio Recording  
Royalty Funds

**CONSOLIDATED**  
Docket No. 2008-3 CRB DD  
(2007-2011 SRF)

---

**ORDER GRANTING MOTION OF  
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3. AARC also argues that notwithstanding his caregiver responsibilities, Mr. Powell was able to submit two other PTP filings that the CRB rejected as defective. Response at 3. AARC notes that Mr. Powell has participated in numerous CRB proceedings and he therefore should be familiar with the requirements for filing a valid PTP. *Id.* AARC contends that the “substantial good cause” requirement for filing a late PTP was intended to set a higher bar than mere good cause and that granting Mr. Powell’s motion would eviscerate the “substantial” good cause requirement and “open the flood gates for requests to file late petitions.” *Id.* at 4.

In prior DART proceedings the Judges have accepted late PTPs from *pro se* claimants after receiving a reasoned explanation for the lateness of the filing. *See* Order Accepting Petition to Participate and Setting Schedule for Written Direct Statements, Docket No. 14-CRB-0006 DART SR (CO/FA) (2013) (accepting late PTP from Eugene “Lambchops” Curry whose reasons for “missing the original date” included “giv[ing] personal care to the friend I currently live with who has [arthritis and] limited function of her arms and hands.”).<sup>1</sup> Mr. Powell’s contention that he has been burdened by his responsibilities as a caregiver, a contention that the Judges found to be credible, provides the necessary substantial good cause for accepting Mr. Powell’s late PTP. The timing of any particular hospital visits are not relevant to this consideration, but only serve to underscore the seriousness of the person’s condition.

The Judges acknowledge that Mr. Powell was, notwithstanding his care giver responsibilities, able to make two attempts to file PTPs prior to the late filing that is the subject of this motion. The Judges reject AARC’s contention, however, that Mr. Powell’s attempts to continue to meet the deadlines of the proceeding should disqualify him from making a third attempt at filing a valid PTP. If anything, the earlier attempts indicate that Mr. Powell has been making a good faith effort to comply with the CRB timing requirements, notwithstanding his other personal obligations.

AARC further argues that accepting Mr. Powell’s late PTP would prejudice AARC because it would further delay distribution of the 2007 SRF/CO subfund royalties. Response at 4. According to AARC, if the CRB accepts Mr. Powell’s late petition, he will become the only party, other than AARC, in this consolidated proceeding claiming for the 2007 SRF/CO subfund royalties. *Id.* AARC reasons that had Mr. Powell been successful in filing his PTP on time, AARC and Mr. Powell would have had the opportunity to commence settlement negotiations before the end of the voluntary negotiation period. While it is technically accurate that the voluntary negotiation period has ended, the Judges remind AARC that it may engage in settlement negotiations with Mr. Powell (or any other participant) at any time prior to the Judges’ completion of a final determination. While the Judges hereby permit Mr. Powell to file a corrected PTP, they do not mean to suggest that AARC and Mr. Powell are precluded from settling the proceeding. Indeed, the Judges encourage such a settlement. Barring such settlement, however, AARC’s and Mr. Powell’s respective written direct statements are due no later than **October 3, 2019**. *See Notice of Participants, Commencement of Voluntary Negotiation Period, and Case Scheduling Order* (Feb. 27, 2019), Attachment B.

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<sup>1</sup> Notwithstanding AARC’s dire warning, the Judges’ acceptance of Mr. Curry’s late PTP has thus far not opened the proverbial floodgates for such filings.

The Judges **GRANT** Mr. Powell leave to file a late PTP no later than June 28, 2019. The Judges counsel Mr. Powell to take care to fulfill all of the requirements of 37 C.F.R. § 351.1(b)(2)(i),<sup>2</sup> and to identify with specificity the subfunds and years for which he claims royalties, bearing in mind that this proceeding only concerns royalties in the Sound Recordings Fund during the period 2007-2011. Mr. Powell must specify only subfunds and years for which he has filed a timely and valid claim.<sup>3</sup>

**SO ORDERED.**



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by Jesse Feder  
Date: 2019.06.19  
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Jesse M. Feder  
Chief Copyright Royalty Judge

DATED: June 19, 2019.

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<sup>2</sup> 37 C.F.R. § 351.1(b)(2)(i) requires that a PTP for a single participant must include the petitioner's full name and contact information (address, telephone number, fax number (if any), and email address (if any)); and a description of the petitioner's significant interest in the subject matter of the proceeding. For PTPs filed using eCRB, the Judges have deemed the filer's profile information to fulfill the requirement for the petitioner's contact information if the filer and petitioner are the same person.

<sup>3</sup> The Judges' review of the DART claims lists for 2007-2011 indicates that Mr. Powell filed a claim for the 2007 sound recordings fund/copyright owners' subfund and for no other year or fund.

## Case Detail

### CAPTION

Distribution of the 2007, 2008, 2009, 2010, and 2011 Digital Audio Recording Technology Royalty Funds for the Sound Recordings Funds

### SHORT NAME

2007-2011 DART SRF

### DOCKET NUMBER

CONSOLIDATED 2008-3 CRB DD (2007-2011 SRF)

## Participant List

Participant ↓↑	Representative ↓↑	Firm ↓↑
AARC Ⓢ	Linda Bocchi, Esq Ⓢ	Alliance of Artists & Record Companies
circle god network inc d/b/a david powell Ⓢ	david powell Ⓢ	circle god network inc d/b/a david powell Pro Se

Participant ↓↑	Representative ↓↑	Firm ↓↑
Curry, Eugene ⊕	Eugene Curry Mr.	ProSe
Kelly, Herman ⊕	HERMAN KELLY MR ⓘ	HERMAN KELLY AND LIFE ProSe

## Case Detail

### CAPTION

Distribution of the 2007, 2008, 2009, 2010, and 2011 Digital Audio Recording Technology Royalty Funds for the Sound Recordings Funds

### SHORT NAME

2007-2011 DART SRF

### DOCKET NUMBER

CONSOLIDATED 2008-3 CRB DD (2007-2011 SRF)

**STATUS** Open

### CONSOLIDATED WITH

2011-6 CRB DD 2010  
2010-5 CRB DD 2009  
2009-3 CRB DD 2008  
2012-3 CRB DD 2011-SRF(CO)  
2008-3 CRB DD 2007

## Participant(s)

Filter participants...

- ▼ AARC
- ▼ Curry, Eugene
- ▼ Kelly, Herman

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▼ circle god network inc d/b/a david powell

## Documents

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#	Title	Type	Participant(s)	Date ↓
6268	Motion for Leave to File a Late Petition to Participate ss.351.1(d) Petition to Participate in the DART Proceedings 2007-2011 SRF Legal Discussion Statutes and Regulations	Petition to Participate	circle god network inc d/b/a david powell	06/24/2019 12:00 PM EDT
3992	Order Granting Motion of David Powell to Accept Late Petition to Participate	Order	Copyright Royalty Board	06/19/2019 11:37 AM EDT
3969	AARC's Response to Powell's Exhibits	Brief	AARC	06/13/2019 03:07 PM EDT
3966	Final Distribution Determination (84 FR 27362)	Published Determination	Copyright Royalty Board	06/12/2019 12:00 PM EDT
3953	Order Acknowledging Receipt of Responsive Exhibits from David Powell and Authorizing Response	Order	Copyright Royalty Board	06/06/2019 11:00 AM EDT
3946	AARC Settlement Report	Notice of Settlement	AARC	06/03/2019 12:11 PM EDT

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#	Title	Type	Participant(s)	Date ↓
3943	Order Denying AARC's Motion to Reject Eugene Curry's Late Petition to Participate	Order	Copyright Royalty Board	05/30/2019 11:37 AM EDT
3903	Attachment (In Response to Opposition to Participate in Response to Motion to Participate in the Consolidated Dart Sound Recording Fund Eugene Curry Consolidated 2008-3 CRB DD(2007-2011 SRF) Distribution of the 2008 2010 2011 Sound recording Fund	Attachment	Curry, Eugene	05/07/2019 05:39 PM EDT
3901	Proposed Order on Response in Opposition on Motion for Leave to File a Late Petition to Participate ss.351.1 (d)	Proposed Order	AARC	05/07/2019 04:13 PM EDT
3900	Response in Opposition on Motion for Leave to File a Late Petition to Participate ss.351.1 (d)	Response in Opposition	AARC	05/07/2019 03:33 PM EDT

← 1 2 3 4 5 6 →

Before the  
**COPYRIGHT ROYALTY BOARD**  
United States Copyright Office  
Washington, DC

*In re*

Distribution of Digital Audio Recording  
Royalty Funds

**CONSOLIDATED**  
Docket No. 2008-3 CRB DD  
(2007-2011 SRF)

**OPPOSITION TO CIRCLE GOD NETWORK INC. D/B/A DAVID POWELL'S  
MOTION FOR LEAVE TO FILE A LATE PETITION TO PARTICIPATE SS.351.1 (d)**

Pursuant to 17 U.S.C. § 803(b)(1)(A)(ii), 37 C.F.R. § 351.1(d) and the Copyright Royalty Board (“CRB”) order dated February 27, 2019 and in response to the motion filed by David Powell (“Powell”) in the name of “Circle God Network Inc d/b/a David Powell”<sup>1</sup>, the Alliance of Artists and Recording Companies (“AARC”) hereby files its opposition to Powell’s “Motion for Leave to File a Late Petition to Participate ss.351.1 (d).” 17 U.S.C. § 803(b)(1)(A)(ii) (2017); 37 C.F.R. § 351.1(d) (2019); Order Granting AARC Motion to Reject David Powell’s Defective Filings and Dismissing David Powell, In the Matter of Distribution of Digital Audio Recording Royalty Funds, CONSOLIDATED Docket No. 2008-3 CRB DD (2007-2011 SRF) (Feb. 27, 2019) (“Order Dismissing Powell”); Motion for Leave to File a Late Petition to Participate SS.351.1 (d), In the Matter of Distribution of Dart Royalty Funds, Docket No. CONSOLIDATED 2008-3 CRB DD (2007-2011) (Apr. 30, 2019) (“Powell Motion”).

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<sup>1</sup> Section 350.2 of the CRB regulations states that “[i]ndividual parties in proceedings before the Judges may represent themselves [ . . . a]ll other parties must be represented by an attorney.” 37 C.F.R. § 350.2 (2019). According to the eCRB participant list, “Powell, David” has withdrawn from the proceeding. eCRB, Participant List, <https://app.crb.gov/case/participants/CONSOLIDATED%202008-3%20CRB%20DD%20%282007-2011%20SRF%29> (last visited on May 5, 2019). Powell made several filings, including this motion, in the name of “circle god network inc d/b/a david powell” which, unlike other two “pro se” parties, is not labeled as a “pro se” filer in the eCRB system. *Id.* On the other hand, Powell signed the document as “David Powell, Pro Se” in his motion. Powell Motion at 5. Therefore, it is unclear whether this party is an individual or a corporate entity represented by Powell. If the party is the corporate entity, “Circle God Network Inc.,” this filing should be rejected pursuant to Section 350.2 because nothing in the record establishes that Powell is an attorney. 37 C.F.R. §350.2.

AARC respectfully requests that the Powell Motion be denied because it failed to show “substantial good cause” for the CRB to accept a late petition. 17 U.S.C. § 803(b)(1)(A)(ii); 37 C.F.R. § 351.1(d). Moreover, Powell failed to comply with the CRB’s specific order to “file a motion seeking leave to file a late Petition to Participate and *stating reasons (supported by facts and arguments)* the Judges should find that his request meets the conditions in section 351.1(d)” if he wanted to participate in this proceeding. Order Dismissing Powell at 3-4 (emphasis added); 37 C.F.R. § 351.1(d).

### **BACKGROUND**

On December 20, 2018, Powell filed his defective document through the e-filing system. Verified Motion Petition to Participate for Dart Partial and Final Distribution, Agreed Yes W/ Settling Parties and Allocation Phase Parties I and II and Added to Settlement List, In the Matter of Distribution of Any Consolidated Dart Royalty Funds, Docket No. CONSOLIDATED 2008-3 CRB DD (2007-2011 SRF) (Dec. 20, 2018) (“First Petition”). On January 24, 2019, Powell refiled an identical copy of the defective filing dated December 20, 2018. Verified Motion Petition to Participate for Dart Partial and Final Distribution, Agreed Yes W/ Settling Parties and Allocation Phase Parties I and II and Added to Settlement List, In the Matter of Distribution of Any Consolidated Dart Royalty Funds, Docket No. CONSOLIDATED 2008-3 CRB DD (2007-2011 SRF) (Jan. 24, 2019) (“Second Petition”).

On February 6, 2019, AARC filed the motion to reject Powell’s defective filings. Motion to Reject David Powell’s Defective Filings, In the Matter of Distribution of Digital Audio Recording Royalty Funds, Docket No. CONSOLIDATED 2008-3 CRB DD (Feb. 6, 2019). AARC’s motion was granted by the CRB pursuant to its order on February 27, 2019 which

rejected Powell's defective filings and dismissed Powell from this proceeding. Order Dismissing Powell.

On April 30, 2019, Powell filed the motion seeking leave to file a late Petition to Participate. Powell Motion. In his motion, Powell stated the following as his "substantial good cause":

Mr. Powell in fact did have a substantial good cause existed w/ extra ordinary circumstances. Facts unavoidable excusable neglect, casualty, & misfortune. Mr. Powell is Guardian to a 71 years old woman. She had to be hospitalized for 2 major grand mal seizures. During the period 24 Dec. 2018-Feb. 28,2019. Due to her medical needs I made several clerical errors. 2nd Substantial good cause existed, 1-20,24-2019 documented reported online technical repeated problems w/ pop up screen Petition to Participate matter of record. ss.350.5 m(1-3), 350.6 (b)(4). /sic/

Powell Motion at 2.

### ARGUMENT

Pursuant to Section 803(b)(1)(A)(ii) of the Copyright Act and Section 351.1(d) of the CRB regulations, a late-filed Petition to Participate will only be accepted by the CRB "for substantial good cause shown" and if acceptance of such late-filed petition does not prejudice the other timely-filed participants. 17 U.S.C. § 803(b)(1)(A)(ii); 37 C.F.R. § 351.1(d). The term "substantial good cause" imposes a higher threshold than "mere good cause." Procedural Regulations for the Copyright Royalty Board, Procedural Regulations for the Copyright Royalty Board, 70 Fed. Reg. 30,901, 30,903 (May 31, 2005). In its order dismissing Powell, the CRB also specifically and clearly notified Powell that if he wants an opportunity to file an untimely petition, he must first file a motion "stating reasons (supported by facts and arguments)" that the CRB can use to determine if such request meets the standard found in Section 351.1(d). Order Dismissing Powell at 3-4; 37 C.F.R. § 351.1(d).

In his motion, Powell stated two bases in support of his “substantial good cause,” however, none of them were “supported by facts.” Order Dismissing Powell at 4. Firstly, Powell asserted that he “is Guardian to a 71 years old woman” who was “hospitalized for 2 major grand mal seizures” from December 24, 2018 to February 28, 2019 and because of “her medical needs”, Powell “made several clerical errors” in his prior petitions. Powell Motion at 2. Interestingly, Powell’s excuse of caring for an ill person is remarkably similar to that used by another party in this proceeding, Eugene Curry (“Curry”), to show “substantial good cause.” See Motion to Re-consider AARC Proposed Order for Eugene Curry Dismissal Due to Extraordinary Circumstances, In the Matter of Distribution of Digital Audio Recording Royalty Funds, Docket No. CONSOLIDATED 2008-3 CRB DD (March 23, 2019). However, unlike Curry, who provided the CRB with medical records to substantiate his claim, Powell provided no medical record or other similar documents in support of his claim that the person he was allegedly caring for was “hospitalized for 2 major grand mal seizures” from December 24, 2018 to February 28, 2019. See Order Acknowledging Receipt of Responsive Exhibit from Eugene Curry and Authorizing Response, In the Matter of Distribution of Digital Audio Recording Royalty Funds, Docket No. CONSOLIDATED 2008-3 CRB DD (Apr. 4, 2019). The higher standard of “substantial good cause” and the CRB’s specific order to “state reasons (supported by facts and arguments)” cannot be satisfied with a bald assertion without any proof to support it.

Instead of supporting documents, Powell attached a Mingo Junction Police Department Compliant Report (“Compliant Report”) dated January 24, 2019, which appeared to be either irrelevant or contradictory to Powell’s claim that a person he was allegedly caring for was “hospitalized for 2 major grand mal seizures” from December 24, 2018 to February 28, 2019. Powell Motion at 6. Specifically, the Complaint Report is “in regards to adult protective services

requesting assistance from an officer” where the officer came to “st[and] by in the kitchen with Mr. Powell” while the government personnel was speaking with “Ms. Linda Courcier” to determine if there was any abuse going on in the residence. Id. If “Ms. Linda Courcier” mentioned in this Compliant Report is the woman that Powell alleged to be hospitalized during December 24, 2018 to February 28, 2019, this document rebuts Powell’s claim of “substantial good cause” since, according to the police record, the personnel “spoke with Ms. Courcier” at a residence on January 24, 2019. Id. at 2, 6. Therefore, Ms. Courcier was at home, not in the hospital, on January 24, 2019. On the other hand, if “Ms. Linda Courcier” is not the woman alleged to be hospitalized at that time, then this document is clearly irrelevant to Powell’s motion. Id. at 6. Nonetheless, either way, this Compliant Report did not support Powell’s assertion that he was allegedly caring for a person who was “hospitalized for 2 major grand mal seizures” from December 24, 2018 to February 28, 2019. Id. at 2.

Additionally, Powell appeared to claim “online technical repeated problems” as “substantial good cause” for the CRB to accept his late petition. Powell Motion at 2. However, it is unclear as to when such technical problems occurred and how they impaired Powell’s ability to timely file a valid Petition to Participate since Powell successfully uploaded two defective petitions, prior to the January 25, 2019 deadline for filing Petitions to Participate in this proceeding. First Petition; Second Petition. In fact, Powell did not file a notice of technical difficulty, as required in Section 350.5(m) of the CRB regulations, until almost two months after the Petition to Participate due date. 37 C.F.R. § 350.5(m) (2019). Additionally, Powell was able to file several documents, including this Powell Motion, after January 25, 2019. See Motion Averement /sic/ Notice Has Been Given Pursant /sic/ to SS. 360.24(A-D), In the Matter of Distribution of Digital Audio Recording Royalty Funds, CONSOLIDATED Docket No. 2008-3

CRB DD (2007-2011 SRF) (Mar. 11, 2019); see also Common Agent d/b/a David Powell & Circle God Network Inc. Motion for Seeking Leave for enlargement of Time to Cure Defects SS. 350.1(d), In the Matter of Distribution of Digital Audio Recording Royalty Funds, CONSOLIDATED Docket No. 2008-3 CRB DD (2007-2011 SRF) (Mar. 13, 2019) (“Motion for Enlargement”); see also Powell Motion. Finally, while Powell eventually filed the “eCRB Computer Software Problems Notice” with the CRB on March 21, 2019, it is unclear as to what documents he was trying to file when he experienced such technical difficulty. 3rd Notice of Averement /sic/ Continuous Action, In the Matter of Distribution of Digital Audio Recording Royalty Funds, Docket No. CONSOLIDATED 2008-3 CRB DD (2007-2011 SRF) (Mar. 21, 2019) (“Powell Notice”). Notably, the document that Powell claimed to be unable to upload in his notice, a motion “Seeking Leave for Enlargement of Time to refile Petition to Participate,” was successfully uploaded to the eCRB system well before he filed the Powell Notice. Id. at 1, 4; Motion for Enlargement. In fact, the Motion for Enlargement has already been addressed and dismissed by the CRB. Order Denying Powell Motion for Enlargement of Time, Docket No. CONSOLIDATED 2008-3CRB-DD (2007-2011 SRF) (March 25, 2019); Motion for Enlargement. Powell’s allegations of technical difficulties are contradicted by the facts and therefore, suspect.

Next, it seems that Powell consolidated his motion seeking leave to file a late Petition to Participate and his Petition to Participate in the Powell Motion. Powell Motion at 1-3. However, the CRB has not yet granted Powell the right to file a late petition. Therefore, AARC will not address, in this opposition, any statements in the Powell Motion regarding “significant interest,” the subfunds and years to which Powell is asserting a claim, and his opposition to a paper proceeding. Id.

Finally, much of the Powell Motion is incomprehensible. So, AARC cannot address many of Powell's allegations and statements, since we cannot address allegations and statements that we "cannot understand." See Order Denying Powell Motion, In the Matter of Distribution of Digital Audio Recording Royalty Funds, Docket No. CONSOLIDATED 2008-3 CRB DD (2007-2011 SRF) (Mar. 25, 2019).

WHEREFORE, in view of the foregoing, AARC respectfully requests that the CRB deny Powell's motion seeking leave to file a late petition for his failure to establish "substantial good cause" for filing late.

Respectfully submitted,  
On Behalf of AARC

/s/Linda R. Bocchi, Esq.

Linda R. Bocchi, Esq.

DC BAR# 338012

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May 7, 2019



## Proof of Delivery

I hereby certify that on Tuesday, May 07, 2019 I provided a true and correct copy of the Response in Opposition on Motion for Leave to File a Late Petition to Participate ss.351.1 (d) to the following:

Kelly, Herman, represented by HERMAN KELLY MR served via Electronic Service at [hermankelly@att.net](mailto:hermankelly@att.net)

Curry, Eugene, represented by Eugene Curry Mr. served via Electronic Service at [lambchopsmusic@voicenet.com](mailto:lambchopsmusic@voicenet.com)

circle god network inc d/b/a david powell, represented by david powell served via Electronic Service at [davidpowell008@yahoo.com](mailto:davidpowell008@yahoo.com)

Signed: /s/ Linda R Bocchi

# Proof of Delivery

I hereby certify that on Wednesday, September 04, 2019, I provided a true and correct copy of the dkt. no. motion rebuttle for immediate breach, objection raised not to dismiss eligible Participant(s) Circle God Network Inc. d/b/a David Powell, grant all licensing required, and received monetary coercive relief for damages sua sponte to the following:

Mechanical Licensing Collective, represented by Benjamin K Semel, served via Electronic Service at Bsemel@pryorcashman.com

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

Digital Licensee Coordinator, Inc., represented by Allison Stillman, served via Electronic Service at astillman@mayerbrown.com

Signed: /s/ david powell