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Before the
COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re **DISTRIBUTION OF 2014-2017 CABLE ROYALTY FUNDS**	**Consolidated Docket No. 16-CRB-0009-CD/SD (2014-2017)**
In re **DISTRIBUTION OF 2014-2017 SATELLITE ROYALTY FUNDS**	

SETTLING DEVOTIONAL CLAIMANTS' OPPOSITION TO MULTIGROUP CLAIMANTS' MOTIONS TO COMPEL PRODUCTION OF DOCUMENTS

On September 18, 2026, Multigroup Claimants ("MGC") filed two motions to compel the Settling Devotional Claimants ("SDC") to produce certain documents and other information in relation to designated testimony from prior proceedings identified in the SDC's Written Direct Statement. The SDC oppose both motions.

MGC's first motion asks the Judges to compel the SDC to produce the data underlying the designated testimony of Dr. Leslie Marx – a witness for Commercial Television Claimants ("CTV") in a prior proceeding – that was produced by CTV in that proceeding, mostly subject to a protective order. No SDC witness in this proceeding has relied on the data underlying Dr. Marx's testimony, and CTV has informed the SDC that it objects to the SDC producing its data to MGC.

MGC's second motion asks the Judges to compel the SDC to identify excerpts from the full designated testimony of certain witnesses, which the SDC provided in compliance with the requirements of 37 CFR § 351.4(b)(2). But the SDC complied with the rule by designating the

entirety of the witnesses' testimony and, at any rate, specific portions relied upon by SDC witnesses are cited in the SDC's witnesses' written testimony.

Both motions should be denied.

I. Statement of Facts

a. The SDC Engaged in Fulsome Discovery with MGC, in Good Faith, Despite Lack of Reciprocity.

The SDC made a fulsome voluntary production and actively engaged with MGC in an extended meet and confer process, during which the SDC made supplementary productions where possible and reasonable to do so. Where certain of MGC's requests were unreasonable and without basis in Copyright Royalty Board rules, the SDC clearly explained their objections throughout the discovery process.

As MGC notes, pursuant to the Judges' order of January 5, 2026, the SDC and MGC each filed Written Direct Statements ("WDS") on June 26, 2026. Over the following few weeks, the parties negotiated a discovery schedule and, in accordance with that schedule, the SDC made a complete, voluntary production on July 17, 2026, of documents and data underlying their WDS. On the same day, the parties exchanged discovery requests.

On July 30, 2026, in accordance with their agreed schedule, the parties then exchanged their responses and objections to the discovery requests. In response to the SDC's discovery requests, MGC made a modest production of documents to fill in some of the gaps left in its initial production. The SDC, however, had already produced all non-privileged documents responsive to MGC's requests in their initial production, with the exception of documents responsive to requests that the SDC objected to specifically, on which the SDC invited MGC to meet and confer. MGC claims inaccurately that "[a]s of [September 18, 2026], while

acknowledging its obligation to do so and promising to do so, the SDC has thus far failed to identify if there are MGC requests for which no documents are being produced in response and, if so, whether such failure to produce exists because of an asserted objection, or because of the nonexistence of responsive documents." MGC Motions at n.1. But the SDC's Responses and Objections of July 30, 2026, clearly indicate where "[n]o additional responsive, non-privileged documents are being withheld." The SDC's objections are likewise explicitly noted throughout.[1] *See* SDC Responses and Objections (July 30, 2026) (Ex. A). MGC also claims in its motions that the SDC "failed to produce even those documents for which no stated objection existed," MGC motions at 2, but provides no examples of any such failure. The SDC have produced the documents they said they would produce, and they have withheld documents only on the basis of specific objections, expressly stated.

After exchanging their responses and objections to discovery requests, the parties met and conferred first on August 4, 2026, and again on August 17, 2026, to discuss each party's objections and to negotiate possible additional productions. After the parties' initial meet and confer, the SDC again clarified its objections to MGC's demands, as well as where no non-privileged responsive documents existed.[2] *See* Warley-Boydston Email Exchange (August 10-11, 2026) (Ex. B). The parties agreed to another meet and confer, which occurred on August 17, 2026. Following this second meet and confer, the SDC agreed to make a supplemental

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[1] MGC claims in both motions that the SDC "failed to provide" a privilege log, but the SDC had agreed to provide a privilege log at MGC's request as part of the meet and confer process, and they provided that privilege log on the same day that MGC filed its motions. At the same time, the SDC provided MGC with supplemental responses and objections, as MGC had requested.

[2] As indicated in the exchange, the SDC also made formal supplemental document requests from MGC at this point, though MGC has refused to produce a single document since its production of July 30, 2026. Perversely, MGC now seeks to rebrand its unwillingness to accede to the SDC's reasonable requests as proof of the "timeliness" of its production, while labeling the SDC's supplemental production following the meet and confer process as tardy.

production of correspondence with its expert witnesses. The SDC made their supplemental production on August 28, 2026, the date agreed to by the parties. Although MGC responded to the SDC's production with abusive language directed toward the junior member of the SDC's litigation team, the SDC continued to engage with MGC and made every reasonable effort to accommodate them within the bounds of CRB procedural rules. *See* Boydston-Fitzgerald Email Exchange (August 28, 2026) (Ex. C); MacLean-Boydston Email Exchange (September 2-8, 2026) (Ex. D at 4-8).

b. MGC's Document Requests 1 and 11 Lack a Basis in the CRB Rules

The specific requests for documents that form the basis of MGC's Motions to Compel were and are particularly problematic.

i. MGC Request 1

MGC's Request 1, a narrowed version of which underlies MGC's First Motion to Compel, demands:

> "All documents produced by any party to the 2014-2017 cable or satellite royalty allocation proceedings, including but not limited to the Motion Picture Association, Settling Devotional Claimants, Joint Sports Claimants, Canadian Claimants Group, Commercial Television Claimants Group, and the Public Television Claimants."

While MGC has selected the portions of the SDC response it wished to engage with in its motion (MGC first motion at 4-5), we reproduce the response here in full:

> Response: The SDC object to this request. The allocation phase parties identified have all notified the SDC that they object to the production of materials they produced in the allocation phase. Pursuant to prior orders of the CRB, "As MGC was not a participant in the allocation phase of the captioned consolidated proceeding, MGC is not entitled to materials produced in allocation phase discovery." Order Granting in Part and Denying in Part Motions to Quash Discovery Requests of Multigroup Claimants, Consolidated Dkt. No. 14-CRB-0010-CD/SD (2010-13), at 2 (Mar. 26, 2018). MGC was not a participant in the allocation phase proceedings and is not entitled to discovery from that proceeding. Further, discovery in the allocation phase does not underlie the written testimony

> submitted by the SDC in this distribution phase, so the requested documents are irrelevant and outside the scope of discovery.
>
> To the extent MGC seeks these materials as a collateral attack on designated testimony from the allocation phase, the SDC object that such discovery is impermissible pursuant to prior orders of the CRB, and because such productions are unduly burdensome and beyond the scope of discovery (which only applies to documents underlying written testimony submitted by a party's witnesses), and because the regulations already require the submission of the entire designated witness' testimony to provide a full record of the testimony for use and scrutiny in subsequent proceedings. (Ex. A at 2-3)

Although MGC eventually narrowed its request to only the documents underlying CTV witness Dr. Leslie Marx's testimony in the 2014-17 Cable Allocation Proceeding, the SDC's objections remain the same. In addition to the SDC's own objections to the impropriety of MGC's continued demand for documents outside the scope of discovery, the documents are not the SDC's to produce. Counsel for the SDC informed MGC's counsel that if MGC were able to secure agreement from CTV to produce the documents, the SDC would consider doing so. *See* Ex. D at 2; *see also* CTV Objection to MGC request (July 28, 2026) (Ex. E).

ii. MGC Requests 11 and 49

Request Number 11, which underlies MGC's Second Motion to Compel, demands:

> Any designated testimony of Paul Lindstrom, John Sanders, Erkan Erdem, Toby Berlin, Jeffrey Gray, Christopher Bennett, or Leslie Marx, that was relied on by Dr. Erdem. [NOTE: request is for specific testimony within the designated testimony presented with the SDC Written Direct Statement, presented either by excerpt or citation.]

Request Number 49 is materially identical except it asks for testimony relied on by Mr. Sanders. The SDC responded to both requests:

> Response: The SDC object to this request, which is an interrogatory seeking to identify documents relied on by a witness. Materials considered were identified in the written testimony.

Ex. A at 5 and 9.

MGC does not deny that the SDC have produced the testimony sought. Rather, MGC contends that the SDC's designation of the entire testimony of the designated witnesses, which is expressly required by the letter of 37 CFR § 351.4(b)(2), somehow "flies in the face of the spirit" of the rule. But the MGC request is not really about designated testimony at all; it is an open-ended request to narrow the materials considered by Dr. Erdem and Mr. Sanders beyond what they identified and cited in their written testimony. The fact that they cited or relied on materials that also happened to be designated testimony does not impose on the SDC a burden to produce sub-sections of the testimony they would not otherwise be required to produce. The SDC have indisputably produced the documents those witnesses cited and relied on, which is their obligation in discovery.

Where an SDC witness's direct testimony in fact relied upon a specific portion of prior designated testimony, the SDC's witnesses made every effort to provide pinpoint citations. *See, e.g.*, SDC's WDS, Testimony of E. Erdem at 9 n.13 (providing a pinpoint citation from the 2000-2003 Testimony of Paul Lindstrom). Although MGC is not entitled to any excerpting or identification of specific portions of designated testimony, the SDC still attempted to engage MGC on this issue. On September 3, 2026, counsel for the SDC asked MGC's counsel whether any agreement had been reached on this topic in prior discussions, clearly indicating willingness to come to an agreement. MGC chose to ignore the question and not follow up on its request. *See* Ex. D at 4.

II. Argument

a. MGC has no right to receive, and the SDC have no right to produce, the documents underlying Dr. Marx's testimony in the 2014-17 Allocation Phase Proceeding.

As the SDC provided in its Responses and Objections of July 30, 2026, and as they discussed with MGC during their subsequent efforts to meet and confer, the documents underlying Dr. Marx's testimony in the 2014-17 Allocation proceeding are firmly outside the scope of discovery as they do not underlie any SDC witness's written direct testimony. Moreover, and particularly with respect to those that are protected by a protective order, they are not the SDC's documents to produce. CTV, the party with the right to produce those documents, also objected to MGC's request. Ex. E.

Although MGC narrowed its initial request to documents underlying the testimony of Dr. Marx, the request is improper regardless, especially without the consent of the party that owns the data. MGC's argument concerning the potential relevance of Dr. Marx's testimony in a different proceeding, including what use *MGC* would like to make of it, does not open the door to discovery of the documents. *See* MGC motion 1 at 4-5. Parties are only entitled to discovery in these proceedings if those documents are "*underlying* documents *related to the written exhibits and testimony*." 37 C.F.R. § 351.6 (emphasis added). The term "written exhibits and testimony" refers to the "testimony … along with all the exhibits," included in written direct statements under 37 C.F.R. § 351.6(1), not designated past records and testimony under 37 C.F.R. § 351.6(2).

In ruling on essentially the same discovery request in a prior proceeding, the Judges held, "MGC … failed to assert, let alone establish, how allocation phase documents, data, theories, or methodologies are 'related to' the Written Direct Testimony (WDT) of any SDC witness in the

distribution phase." Order Granting in Part and Denying in Part Motions to Quash Discovery Requests of Multigroup Claimants, Consolidated Dkt. No. 14-CRB-0010-CD/SD (2010-13), at 2 (Mar. 26, 2018). No SDC witness in this proceeding relied on or used the data or documents underlying Dr. Marx's prior testimony. *Id.* "As MGC was not a participant in the allocation phase of the captioned consolidated proceeding, MGC is not entitled to materials produced in allocation phase discovery." *Id.*

Nor does the SDC's designation of Dr. Marx's prior testimony change the conclusion. The Judges have held that documents underlying designated testimony from prior proceedings need not be produced unless they underlie testimony offered in the current proceeding: "Prior witnesses have been subjected to scrutiny and challenge. Parties with views controverting those of a witness filed rebuttal statements and had an opportunity to subject the witness to oral cross-examination. The record of a witness's prior testimony is the record of that testimony. Discovery of the underpinnings of that testimony is unwarranted and would constitute a collateral attack on a prior record without affording the witness or sponsoring party an opportunity to respond." *Id.* MGC's rejoinder that it intends to further develop a point made by Dr. Marx, rather than to collaterally attack it, misses the mark because MGC is not entitled to underlying discovery enabling it to develop this kind of springboard argument (in any direction) off of designated testimony, rather than written direct testimony.

The SDC properly objected to MGC's Request 1.

b. Having complied fully with the requirements of 37 CFR § 351.4(b)(2), the SDC are not bound by MGC's continued misreading of the rule.

The rule governing the designation of prior testimony in CRB proceedings is 37 CFR § 351.4(b)(2), which provides that if a party intends to rely on any part of the testimony of a

witness in a prior proceeding, it must designate the complete testimony of that witness, rather than any piece thereof.[3] MGC has insisted on misreading 37 CFR § 351.4(b)(2) for over a decade, and its Request 11 shows no signs of rethinking its reading, despite multiple rulings from the Judges clarifying that the rule requires designated testimony to be appended in its entirety, and *not* a selection of excerpts or truncated designations. *See* Order Denying in Part and Granting in Part MPAA Motions Relating to IPG Testimony and Exhibits, Nos. 2012-6 CRB CD 2004-09 (Phase II) and 2012-7 CRB SD 1999-2009 (Phase II) (July 20, 2015) at 4 (holding that a party may not selectively designate excerpts of prior testimony); Order Granting in Part Joint Motion *In Limine* and Denying Joint Motion for Summary Disposition, Nos. 2012-6 CRB CD 2004-09 (Phase II) and 2012-7 CRB SD 1999-2009 (Phase II) (April 6, 2018) at 2 (excluding designated prior testimony where designating party failed to submit the testimony in its entirety).

MGC points to language in the rule stating, "Each participating party *may designate a portion of past records*, including records of the Copyright Royalty Tribunal or Copyright Arbitration Royalty Panels, that it wants included in its direct statement." 37 CFR § 351.4(b)(2) (emphasis added). But MGC ignores the next sentence: "If a party intends to rely on any part of the testimony of a witness in a prior proceeding, *the complete testimony of that witness (i.e., direct, cross and redirect examination) must be designated.*" *Id.* (emphasis added). As noted above, the Judges have held, consistent with the plain language of the rule, that if any part of a witness's testimony from a prior proceeding is *relied upon*, the entirety of that witness's

[3] 37 CFR § 351.4(b)(2) provides:

Designated past records and testimony. Each participating party may designate a portion of past records, including records of the Copyright Royalty Tribunal or Copyright Arbitration Royalty Panels, that it wants included in its direct statement. If a party intends to rely on any part of the testimony of a witness in a prior proceeding, the complete testimony of that witness (i.e., direct, cross and redirect examination) must be designated. The party submitting such past records and/or testimony shall include a copy with the written direct statement.

testimony must be *designated*. Order Denying in Part and Granting in Part MPAA Motions Relating to IPG Testimony and Exhibits, Nos. 2012-6 CRB CD 2004-09 (Phase II) and 2012-7 CRB SD 1999-2009 (Phase II) (July 20, 2015) at 4; Order Granting in Part Joint Motion *In Limine* and Denying Joint Motion for Summary Disposition, Nos. 2012-6 CRB CD 2004-09 (Phase II) and 2012-7 CRB SD 1999-2009 (Phase II) (April 6, 2018). In other words, a party may designate a "portion" of past "records," but must designate "the complete testimony" of any witness whose testimony is designated. 37 CFR § 351.4(b)(2). That is what the SDC have done.

The SDC properly objected to MGC's Requests 11 and 49.

III. Conclusion

For the foregoing reasons, MGC's Motions to Compel should both be denied in full.

Respectfully submitted,

SETTLING DEVOTIONAL CLAIMANTS

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Dated: September 30, 2026

Before the
COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re **DISTRIBUTION OF 2014-2017 CABLE ROYALTY FUNDS**	**Consolidated Docket No. 16-CRB-0009-CD/SD (2014-2017)**
In re **DISTRIBUTION OF 2014-2017 SATELLITE ROYALTY FUNDS**	

DECLARATION OF MATTHEW J. MACLEAN IN SUPPORT OF SETTLING DEVOTIONAL CLAIMANTS' OPPOSITION TO MULTIGROUP CLAIMANTS' MOTIONS TO COMPEL PRODUCTION OF DOCUMENTS

I, Matthew J. MacLean, a partner in the litigation section of the law firm Pillsbury Winthrop Shaw Pittman LLP and an attorney for the Settling Devotional Claimants ("SDC") in this proceeding, hereby state and declare as follows, based on my personal knowledge:

1. Exhibit A, attached hereto, is a true and correct copy of the SDC's responses and objections, dated July 30, 2026, to Multigroup Claimants' discovery requests in this matter.

2. Exhibit B, attached hereto, is a true and correct copy of an email exchange between Michael Warley, attorney for the SDC, and Brian Boydston, attorney for Multigroup Claimants, dated August 10, 2026, through August 11, 2026, in relation to discovery in this matter. I was copied on this email exchange.

3. Exhibit C, attached hereto, is a true and correct copy of an email exchange between Rachel Fitzgerald, attorney for the SDC, and Mr. Boydston, dated August 28, 2026. I was copied on this email exchange.

4. Exhibit D, attached hereto, is a true and correct copy of an email exchange between me and Mr. Boydston, dated September 2, 2026, through September 8, 2026, in relation to discovery in this matter.

5. Exhibit E, attached hereto, is a true and correct copy of an email exchange between Mr. Warley and David Ervin, attorney for Commercial Television Claimants, dated July 28, 2026. I was copied on this email exchange.

I hereby declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed September 30, 2026.

/s/ Matthew J. MacLean
Matthew J. MacLean

Exhibit A

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July 30, 2026

Via Email

MULTIGROUP CLAIMANTS (MGC)
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Re: **Docket No. 16-CRB-0009-CD/SD (2014-2017)**
Distribution of the 2014-2017 Cable and Satellite Royalty Funds
Settling Devotional Claimants' Responses to MGC's Discovery Requests (Written Direct Statement on Distribution Issues)

Dear Counsel:

The Settling Devotional Claimants ("SDC") hereby submit the following responses and objections to the discovery requests with respect to the initial written direct testimony served by Multigroup Claimants ("MGC") in the 2014-17 cable and satellite royalty distribution proceedings, as referenced above. The SDC reserve the right to supplement these responses based on review of any forthcoming document production, privilege log or responses, and information revealed during the meet and confer process.

General Objections

These General Objections are incorporated into each of the following Responses.

1. Equal Access. The SDC object to these requests to the extent that they seek production of documents to which the parties have equal access, including but not limited to publicly available articles and CARP and CRB decisions and testimony.

2. Identification of Documents. The SDC object to these requests to the extent that they purport to require the SDC to identify specific materials that are responsive to the particular request, such as by providing Bates numbers, as overly broad, unduly burdensome, and seeking information beyond documents responsive to follow-up

discovery requests seeking documents underlying the testimony of SDC witnesses. Documents will be produced (and already have been produced) as they are collected and maintained in the ordinary course of preparing testimony, rather than in response to specific numbered requests.

3. Privilege. The SDC object to these requests to the extent that they seek the disclosure of information and documents protected from disclosure by any privilege, including, without limitation, the attorney-client privilege, common interest privilege, and the work product doctrine. Documents such as communications in furtherance of preparing testimony, notes, and drafts of testimony are withheld on this basis. To the extent we agree to produce documents, we will produce non-privileged documents only.

4. Privilege Log. The SDC propose a meet-and-confer to attempt to reach agreement on parameters for what needs to be included by all parties in any privilege log. The SDC object to the undue and unfair burden of producing a privilege log for categories of documents that MGC will not similarly identify on a privilege log, such as drafts or attorney-witness communications.

5. Indefinite Supplementation. The SDC object to the request for indefinite supplementation of responses as violating the scope and schedule of discovery, which requires the production of documents underlying the written testimony and contains cutoffs for discovery. The SDC will only produce materials after the discovery cutoff pursuant to agreements to resolve pre-existing discovery disputes or orders on motions to compel.

Requests

Allocation Proceedings for 2014-2017 Cable or Satellite Royalties

1) All documents produced by any party to the 2014-2017 cable or satellite royalty allocation proceedings, including but not limited to the Motion Picture Association, Settling Devotional Claimants, Joint Sports Claimants, Canadian Claimants Group, Commercial Television Claimants Group, and the Public Television Claimants.

Response: The SDC object to this request. The allocation phase parties identified have all notified the SDC that they object to the production of materials they produced in the allocation phase. Pursuant to prior orders of the CRB, "As MGC was not a participant in the allocation phase of the captioned consolidated proceeding, MGC is not entitled to materials produced in allocation phase discovery." Order Granting in Part and Denying in Part Motions to Quash Discovery Requests of

Multigroup Claimants, Consolidated Dkt. No. 14-CRB-0010-CD/SD (2010-13), at 2 (Mar. 26, 2018). MGC was not a participant in the allocation phase proceedings and is not entitled to discovery from that proceeding. Further, discovery in the allocation phase does not underlie the written testimony submitted by the SDC in this distribution phase, so the requested documents are irrelevant and outside the scope of discovery.

To the extent MGC seeks these materials as a collateral attack on designated testimony from the allocation phase, the SDC object that such discovery is impermissible pursuant to prior orders of the CRB, and because such productions are unduly burdensome and beyond the scope of discovery (which only applies to documents underlying written testimony submitted by a party's witnesses), and because the regulations already require the submission of the entire designated witness' testimony to provide a full record of the testimony for use and scrutiny in subsequent proceedings.

SDC Written Direct Statement

2) Any and all documents and data cited or underlying the preparation of the SDC Written Direct Statement (per July 9, 2026 agreement).

Response: No additional responsive, non-privileged documents are being withheld.

3) Any and all documents reflecting agreements entered into between the SDC, on the one hand, and either John Sanders, Dr. Erken Erdem, Toby Berlin, Cable Data Corporation, Nielsen Media Research, and BIA Advisory Service, on the other hand.

Response: The SDC object on grounds of relevance and scope of discovery. Documents that reflect agreements with witnesses and sources of data (such as licensing agreements) are confidential, irrelevant, and do not directly relate to or underlie the testimony.

The SDC are willing to meet and confer about a mutual production of such documents, subject to agreement on parameters such as the redaction of commercial terms.

4) Any and all correspondence between the SDC, on the one hand, and either John Sanders, Dr. Erken Erdem, Toby Berlin, Cable Data Corporation, Nielsen Media Research, and BIA Advisory Service, on the other hand.

Response: The SDC object that this request is overbroad, unduly burdensome, and

seeks irrelevant documents and documents outside the scope of discovery. The SDC has had long-running relationships with many of the entities and witnesses identified, and the request seeks "any and all correspondence" with them without any requirement that the documents be related to the written testimony or otherwise within the scope of discovery or a reasonable time frame. As set forth in the general objections, the SDC also object to the production of communications that are subject to privilege or work product protections.

The SDC are willing to meet and confer about a mutual production of correspondence with witnesses, subject to agreement on parameters for reasonable searches and limitations for burden, privilege, and work product protection.

5) Any and all documents supporting the SDC's claim to the percentages of the 2015-2017 cable or satellite royalties set forth in the SDC Written Direct Statement.

Response: No additional responsive, non-privileged documents are being withheld.

Testimony of Erkan Erdem

6) Any and all documents relied on by Erkan Erdem in order to form the statements and opinions expressed in his testimony, including but not limited to documents that would tend to undermine, deny, dispute, limit, or qualify any of the statements and opinions expressed in his testimony.

Response: No additional responsive, non-privileged documents are being withheld.

7) Any and all of the documents or materials considered by Dr. Erdem during the preparation of his written testimony, including but not limited to documents that would tend to undermine, deny, dispute, limit, or qualify any of the statements and opinions expressed in his testimony.

Response: No additional responsive, non-privileged documents are being withheld.

8) Any and all documents used to prepare any of the documents or materials considered by Dr. Erdem, including but not limited to any information and data described at 37 C.F.R. Section 351.10(e).

Response: No additional responsive, non-privileged documents are being withheld.

9) Any and all documents that outline or summarize the step-by-step processes employed by Dr. Erdem in order to reach the figures set forth at Figure 5 of Dr. Erdem's testimony.

Response: No additional responsive, non-privileged documents are being withheld.

10) Any and all documents reflecting methodological alternatives considered by Dr. Erdem.

Response: No additional responsive, non-privileged documents are being withheld.

11) Any designated testimony of Paul Lindstrom, John Sanders, Erkan Erdem, Toby Berlin, Jeffrey Gray, Christopher Bennett, or Leslie Marx, that was relied on by Dr. Erdem. [NOTE: request is for specific testimony within the designated testimony presented with the SDC Written Direct Statement, presented either by excerpt or citation.]

Response: The SDC object to this request, which is an interrogatory seeking to identify documents relied on by a witness. Materials considered were identified in the written testimony.

Any and all documents underlying or used to support the following statements:

12) "[Nielsen] information . . . is reliable" p.8

Response: No additional responsive, non-privileged documents are being withheld.

13) "The Nielsen Impression data replaced RODPs, providing more . . . robust information on distant viewership by program and market". p.13.

Response: No additional responsive, non-privileged documents are being withheld.

14) "If the viewer's location matches any of the geographic designations provided by any of the three sources, then that instance of an impression is determined to be 'local.'" p.14.

Response: No additional responsive, non-privileged documents are being withheld.

15) "Conversely, if the viewer's location falls outside of local designations from the three data sources, then that instance is classified as a potential "distant" record." p.14.

Response: No additional responsive, non-privileged documents are being withheld.

16) "I merge the Nielsen Impression data with the CDC data to verify that each station in the Nielsen Impression data with potential distant impressions

has corresponding distant subscribers (in the CDC data for either cable or satellite) in those distant markets. If there are Nielsen potential distant impression records without any distant cable subscribers or satellite subscribers in the CDC data, then they are excluded from any analyses that are based on distant impressions in subsequent sections." p.14.

Response: No additional responsive, non-privileged documents are being withheld.

17) "There is no reason to believe that the distribution of zero impressions has any correlation with the programs claimed by the SDC or MGC." p.16.

Response: No additional responsive, non-privileged documents are being withheld.

18) The specific econometric solution that I employ that is appropriate to deal with the features of the Nielsen Impression data is called a Zero-Inflated Negative Binomial (ZINB) regression. p.17.

Response: No additional responsive, non-privileged documents are being withheld.

Related Documents

19) "the lists of program titles claimed by SDC and MGC" p.3

Response: No additional responsive, non-privileged documents are being withheld.

20) "the . . . available viewership data for the devotional genre and included program titles from Nielsen for 2014-17". p.8.

Response: No additional responsive, non-privileged documents are being withheld.

21) "Reporting Standards" in the 2014-2015 Local Reference Supplement and the 2016-2017 Local Reference Supplement, Nielsen. p.11, fn.15.

Response: No additional responsive, non-privileged documents are being withheld.

Any and all documents underlying or used to create the following related figures and tables, including but not limited to correspondence related thereto:

22) Figure 2.a.

Response: No additional responsive, non-privileged documents are being withheld.

23) Figure 2.b.

Response: No additional responsive, non-privileged documents are being withheld.

24) Figure 3.

Response: No additional responsive, non-privileged documents are being withheld.

25) Figure 4.a.

Response: No additional responsive, non-privileged documents are being withheld.

26) Figure 4.b.

Response: No additional responsive, non-privileged documents are being withheld.

27) Figure 5.

Response: No additional responsive, non-privileged documents are being withheld.

28) Figure 6.

Response: No additional responsive, non-privileged documents are being withheld.

29) Appendix A, Figure A.1.

Response: No additional responsive, non-privileged documents are being withheld.

30) Appendix A, Figure A.2.

Response: No additional responsive, non-privileged documents are being withheld.

31) Appendix A, Figure A.3.

Response: No additional responsive, non-privileged documents are being withheld.

32) Appendix A, Figure A.4.

Response: No additional responsive, non-privileged documents are being withheld.

33) Appendix A, Figure A.5.

Response: No additional responsive, non-privileged documents are being withheld.

34) Appendix A, Figure A.6.

Response: No additional responsive, non-privileged documents are being withheld.

35) Appendix A, Figure A.7.

Response: No additional responsive, non-privileged documents are being withheld.

36) Appendix A, Figure A.8.

Response: No additional responsive, non-privileged documents are being withheld.

37) Appendix A, Figure A.9.

Response: No additional responsive, non-privileged documents are being withheld.

38) Appendix A, Figure A.10.

Response: No additional responsive, non-privileged documents are being withheld.

39) Appendix A, Figure A.11.

Response: No additional responsive, non-privileged documents are being withheld.

40) Appendix A, Figure A.12.

Response: No additional responsive, non-privileged documents are being withheld.

41) Appendix A, Figure A.13.

Response: No additional responsive, non-privileged documents are being withheld.

42) Appendix A, Figure A.14.

Response: No additional responsive, non-privileged documents are being withheld.

43) Appendix A, Figure A.15.

Response: No additional responsive, non-privileged documents are being withheld.

44) Appendix A, Figure A.16.

Response: No additional responsive, non-privileged documents are being withheld.

Testimony of John Sanders

45) Any and all documents relied on by Mr. Sanders in order to form the statements and opinions expressed in his testimony, including but not limited to documents that would tend to undermine, deny, dispute, limit, or qualify any of the statements and opinions expressed in his testimony.

Response: No additional responsive, non-privileged documents are being withheld.

46) Any and all of the documents or materials considered by Mr. Sanders during the preparation of his written testimony, including but not limited to documents that would tend to undermine, deny, dispute, limit, or qualify any of the statements and opinions expressed in his testimony.

Response: No additional responsive, non-privileged documents are being withheld.

47) Any and all documents used to prepare any of the documents or materials considered by Mr. Sanders, including but not limited to any information and data described at 37 C.F.R. Section 351.10(e).

Response: No additional responsive, non-privileged documents are being withheld.

48) Any and all documents reflecting methodological alternatives considered by Mr. Sanders.

Response: No additional responsive, non-privileged documents are being withheld.

49) Any designated testimony of Paul Lindstrom, John Sanders, Erkan Erdem, Toby Berlin, Jeffrey Gray, Christopher Bennett, or Leslie Marx, that was relied on by Mr. Sanders. [NOTE: request is for specific testimony within the designated testimony presented with the SDC Written Direct Statement, presented either by excerpt or citation.]

Response: The SDC object to this request, which is an interrogatory seeking to identify documents relied on by a witness. Materials considered were identified in the written testimony.

Any and all documents underlying or used to support the following statements:

50) "The programs claimed within the category of Devotional programming [can] be thought of as homogeneous . . . ."

Response: No additional responsive, non-privileged documents are being withheld.

51) "A religious program with a larger audience is more likely to attract and retain more subscribers for the cable system operator, and is therefore of proportionately higher value."

Response: No additional responsive, non-privileged documents are being withheld.

52) "During [2015-2017], Nielsen ratings data was the currency of program appeal in the broadcast, satellite and cable industries . . . ."

Response: No additional responsive, non-privileged documents are being withheld.

53) "… [C]able and satellite operators give consideration to specific programs on a local television channel in making a decision as to whether or not to carry it on a distant signal basis. . . ."

Response: No additional responsive, non-privileged documents are being withheld.

54) "[V]iewing, in general, is lower [for devotional programs airing in the morning]".

Response: No additional responsive, non-privileged documents are being withheld.

55) "This methodological approach comports with the procedures that are actually employed by broadcasters and MVPDs to make programming decisions."

Response: No additional responsive, non-privileged documents are being withheld.

56) "Media executives . . . typically employ audience measurement data predictively."

Response: No additional responsive, non-privileged documents are being withheld.

57) "[I]n the absence of detailed distant signal viewing data, local viewing data from other markets is used predictively."

Response: No additional responsive, non-privileged documents are being withheld.

58) "It is also interesting to note that, when the data from all four years included in the Nielsen Viewer Impressions data is aggregated, the Top 100

individual program line items, while accounting for only 0.1% of the instances (100/79,551), represent 10.5% of the viewer impressions (6,159,941/58,564,470).”

Response: No additional responsive, non-privileged documents are being withheld.

59) “Of these, a single program, SDCclaimed Joel Osteen, alone accounted for 77% of the airings and 72% of the Nielsen Viewer Impressions.”

Response: No additional responsive, non-privileged documents are being withheld.

60) “[T]here is a strong correlation between the local viewing for a program and its expected performance on a distant signal basis.”

Response: No additional responsive, non-privileged documents are being withheld.

Related Documents

61) Any “Nielsen data” in the possession of the SDC.

Response: The SDC object to this request as overbroad, unduly burdensome, and seeking documents beyond the scope of discovery and without relevance in this proceeding. The SDC have produced the data that underlies the witness testimony submitted, and are not obligated to produce any additional data that they may possess but which does not underlie the written testimony.

62) Any “CDC distant viewing data” in the possession of the SDC.

Response: The SDC object to this request as overbroad, unduly burdensome, and seeking documents beyond the scope of discovery and without relevance in this proceeding. The SDC have produced the data that underlies the witness testimony submitted, and are not obligated to produce any additional data that they may possess but which does not underlie the written testimony.

63) The “other market information and data relevant to the local and distant markets” referenced at p.87 of the SDC Written Direct Statement.

Response: No additional responsive, non-privileged documents are being withheld.

Any and all documents underlying or used to create the following related documents, including but not limited to correspondence related thereto:

64) Appendix B.

Response: No additional responsive, non-privileged documents are being withheld.

65) Appendix C-1, Gross Satellite Impressions.

Response: No additional responsive, non-privileged documents are being withheld.

66) Appendix C-2, Gross Cable Impressions.

Response: No additional responsive, non-privileged documents are being withheld.

Sincerely,

/s/ Michael Warley
Michael A. Warley
Counsel for SDC

Exhibit B

From:	Warley, Michael A.
To:	Brian D. Boydston, Esq.
Cc:	arnie@lutzker.com; MacLean, Matthew J.
Subject:	RE: Discovery matters
Date:	Tuesday, August 11, 2026 2:09:16 PM
Attachments:	image001.png 20260811 - 14-17 D - SDC Follow-up Discovery Requests.pdf

Brian,

To help with our conversation this afternoon, I interposed responses to your email below, and the SDC's follow-up requests are attached.

MGC Request no. 1: Production of documents produced in Allocation proceedings.

The SDC object to the production, citing a prior CRB ruling. However, that ruling is qualified, and states that a blanket request for all Allocation phase discovery would be overbroad. Order Granting in Part and Denying in Part Motions to Quash Discovery Requests of Multigroup Claimants, Consolidated Dkt. No. 14-CRB-0010-CD/SD (2010-13), at 2 (Mar. 26, 2018).

"In its renewed request for allocation phase discovery, MGC focused on the Judges' historical discovery rulings but failed to assert, let alone establish, how allocation phase documents, data, theories, or methodologies are "related to" the Written Direct Testimony (WDT) of any SDC witness in the distribution phase."

In the Allocation phase of this proceeding, Dr. Leslie Marx presented data from Nielsen Media Research relating to calendar years 2014-2017. Notwithstanding, Dr. Marx explicitly refrained from offering any opinion based on such Nielsen data relating to the Devotional programming category, "because the small size of the SDC category renders it less reliable and impactful." Moreover, in its Written Rebuttal Statements, both the MPA and SDC (Dr. Erdem) addressed such data, and opined on it, bearing directly on the same source of data (Nielsen) for the same years.

As such, MGC agrees to narrow its request to documents produced by CTV, and specifically only those in response to Dr. Marx' use (and non-use) of Nielsen viewership data.

SDC Response: CTV has objected to the production of documents underlying this testimony, and the SDC maintain their own objection. Your articulation of the potential relevance of Dr. Marx's testimony regarding Nielsen data in a different proceeding does not open the door to discovery of the documents underlying that separate testimony. Moreover, we do not believe Dr. Erdem did address Dr. Marx's Nielsen analysis in the 2014-17 allocation proceeding, but we are happy to review the portion of testimony you refer to if you provide a citation. Parties are not entitled to discovery merely because it could be relevant and in another party's possession unless those documents underlie testimony they have presented in the proceeding at hand. Dr. Erdem's testimony in this proceeding did not rely on or use the data or documents underlying the Marx testimony you mention.

To the extent MGC seeks documents produced by CTV to launch a collateral attack on her

designated testimony, that is also foreclosed on page 3 of the same ruling you cite above: "Prior witnesses have been subjected to scrutiny and challenge. Parties with views controverting those of a witness filed rebuttal statements and had an opportunity to subject the witness to oral cross-examination. The record of a witness's prior testimony is the record of that testimony. Discovery of the underpinnings of that testimony is unwarranted and would constitute a collateral attack on a prior record without affording the witness or sponsoring party an opportunity to respond."

MGC Request no. 3: Agreements with experts and for data acquisition.

The SDC agreed to produce responsive documents, subject to the redaction of financial information. At our "meet and confer" discussion, the SDC additionally demanded that it would only respond if there were a mutual exchange of the category of documents, even though such category of documents had not been requested by the SDC.

As MGC previously agreed, there is no issue with the redaction of compensation information, absent information that provided a "bounty" or bonus related to the success of the SDC's claims. The SDC represents that there are no such compensation provisions, and MGC accepts this representation. MGC similarly represents that no such compensation provisions exist in its agreements either for expert witness services or data acquisition. MGC does take issue with the SDC seeking to add to the list of requested documents beyond those requested prior to the deadline previously agreed upon by the parties. SDC offered to issue an additional document request, which obviates the point that a deadline had been agreed upon between the parties.

Notwithstanding, MGC agrees to narrow its request only to the agreement with Nielsen Media Research (or related entities), with the non-bonus compensation provisions redacted.

The SDC would agree to this narrowed scope, but continue to believe such production should be reciprocal. If data-acquisition or licensing agreements are properly within the scope of discovery as documents that underlie the testimony of the witness using the data, then MGC's data-acquisition agreements are covered by the parties' agreement to exchange underlying documents voluntarily, as well as various SDC requests. For example, SDC Request 16 seeks "All data sources and all analysis described, as well as all documents underlying, relating to, undermining, or supporting the statement that 'My analysis utilizes three data sources …." If data-acquisition agreements are within the scope of discovery as documents underlying the testimony, then they are documents that relate to or underlie the data sources identified in the testimony.

The SDC agree to limit the scope of the production to MGC's acquisition of SimplyTV data, and thus request MGC's agreements with SimplyTV (subject to the same redactions that can be applied to agreements with Nielsen Media Research). However, the written testimony did not disclose to the SDC that MGC also relied on Dr. Gray as a source of data or data processing, so the SDC had no opportunity to serve requests for agreements with him relating to data and data processing. Attached are formal requests, based on the information learned in MGC's initial productions, for such documents.

MGC Request no. 4: Correspondence between the SDC, on the one hand, and either John Sanders, Dr. Erken Erdem, Toby Berlin, Cable Data Corporation, Nielsen Media Research, and BIA Advisory Service, on the other hand.

The SDC object on multiple grounds, including relevance, burden, and outside the scope of discovery, largely related to such correspondence being unrelated to the written direct testimony of the witnesses or the providers of data in this proceeding. Although MGC believed that this was already imputed, MGC clarified that it accepts limiting the request to correspondence and data related to this proceeding.

SDC additionally asserted an objection based on either privilege or work product doctrine, specifically indicating that it objected to producing drafts of testimony shared with SDC counsel, citing FRCP 26. Finally, the SDC demanded that it would only respond if there were a mutual exchange of the category of documents, even though such category of documents had not been requested by the SDC.

As regards FRCP 26, there is no such application to this circumstance. Initially, the CRB has expressly taken the position that it is not subject to the Federal Rules of Civil Procedure, and the Court of Appeals for the D.C. Circuit has affirmed. Notwithstanding, even if it did apply, FRCP 26 explicitly does not allow for the withholding of draft testimony or draft reports shared between legal counsel and an expert witness wherein any commentary of the counsel is provided between the expert and legal counsel. See FRCP 26(b)(4)(C).

Finally, the SDC demanded that it would only respond if there were a mutual exchange of the category of documents, even though such category of documents had not been requested by the SDC. MGC has already produced all documents relating to its expert witnesses, including correspondence, that would have been responsive as documents on which MGC's expert witnesses could have relied. MGC made such production without objection, as such objection would have been frivolous.

As such, MGC agrees to narrow its request only to documents related to this proceeding, but including correspondence attaching draft testimony or reports wherein any commentary of the counsel exists between the expert and legal counsel. Notwithstanding the foregoing, the SDC may omit any correspondence between the SDC and Cable Data Corporation. As noted, MGC has already produced such category of documents without objection, relating to its expert witnesses, but not with its data acquisition, but declines to produce documents for which the SDC did not make a timely request.

MGC's representation that "MGC has already produced all documents relating to its expert witnesses, including correspondence, that would have been responsive as documents on which MGC's expert witnesses could have relied" appears incomplete. MGC did not produce drafts of testimony, comments from MGC's counsel on draft testimony, or communications between MGC and data sources like Dr. Gray or SimplyTV.

The SDC can produce documents similar to what MGC produced, which is correspondence between

the SDC and Mr. Sanders, Dr. Erdem, and Ms. Berlin that provided information on which the witnesses relied. The SDC will rely on the parameters set forth in FRCP 26(b)(4)(C) as a guideline, producing documents that provide facts, data, or assumptions to the witnesses as set forth in that section of the rule. Pursuant to FRCP 26(b)(4)(B), this would exclude drafts of testimony (unless they contain content that meet the facts/data/assumption exceptions), and would also exclude things like routine scheduling correspondence, collection of materials for production in discovery, and attorney mental impressions on regarding draft testimony or methodologies.

MGC Request nos. 11 and 49: Testimony designated by the SDC that was relied on by SDC's expert witness Erkan Erdem and John Sanders.

The SDC have characterized the request as an interrogatory, and further indicated that SDC expert testimony has already cited what portions of the designated testimony on which they rely. MGC counters that the SDC has not done so, and effectively offered for MGC to seek a needle in a haystack.

MGC notes the existence of designated testimony that finds no citation in any witness testimony, including:
Dkt. 2002-8 CRB CD 2000-2003 (Phase II) (Remand) • John Sanders

Dkt. 2012-6 CRB CD 2004-09 (Phase II) (Reopened) & 2012-7 CRB SD 1999-2009 (Phase II) (Reopened)
• Erkan Erdem
• John Sanders
• Toby Berlin

Dkt. 14-CRB-0010-CD/SD (2010-13) (Distribution Phase) • Paul Lindstrom • Jeffrey Gray • John Sanders

2014-17 Allocation
• Christopher Bennett
• Leslie Marx

In the handful of instances in which citation is made to the designated testimony, it is to the entirety of the testimony, without any specification.

MGC renews its request for which portions of the designated were relied on by SDC's expert witnesses.

There is nothing further to identify beyond what was identified by the witnesses in their testimony, and there are no documents to produce.

MGC Request nos. 61 and 62: Any Nielsen data and Cable Data Corporation data in the possession of the SDC.

The SDC object on multiple grounds, including relevance, burden, and outside the scope of discovery, largely related to such data being unrelated to the written direct testimony of the witnesses. Although MGC believed that this was already imputed, MGC clarified that it accepts limiting the request to correspondence and data related to this proceeding.

The SDC have produced all data relied on by its witnesses it preparing their written testimony.

MGC responses to SDC requests.

During our conversation, the SDC inquired about any data relating to alternative methodologies or data considered by MGC. MGC has already responded to the SDC's request, without objection, but the SDC made specific reference to an April 29 email relating to WGN figures. Going through the production, I think that was to an April 28 email, but regardless, there is nothing to produce. The reference was to a fleeting derivation of a file that was produced, and was attached to an April 29 email, and characterized within the April 28 email as a "crude" version of what was attached to an April 29 email (and produced). No additional documents exist to produce.

It is unclear how there are no documents to produce, when MGC's response indicates that a document was created and not produced, even if that document was a "fleeting derivation of a file that was produced."

On that topic, however, after reviewing the SDC's response, we see no production other than those producing the results set forth in the SDC Written Direct Statement.

MGC considers documents and data that were considered and rejected as responsive to the initial production made by both parties, so I am obligated to inquire whether the SDC considered alternative methodologies or data that were rejected, and if so, inquire why such information was not produced.

The SDC's written testimony disclosed all alternative methodologies considered and all underlying documents and data were produced.

Best,
Mike

Michael Warley | Counsel
Pillsbury Winthrop Shaw Pittman LLP
1200 Seventeenth Street NW | Washington, DC 20036-3006
t +1.202.663.8807 | m +1.301.639.7271
michael.warley@pillsburylaw.com | website bio
Pronouns: he/him/his

From: Brian D. Boydston, Esq. <brianb@ix.netcom.com>
Sent: Tuesday, August 11, 2026 11:21 AM

To: Warley, Michael A. <michael.warley@pillsburylaw.com>
Cc: arnie@lutzker.com; MacLean, Matthew J. <matthew.maclean@pillsburylaw.com>
Subject: RE: Discovery matters

Yes, please, that works.

Brian

-----Original Message-----
From: Warley, Michael A. <michael.warley@pillsburylaw.com>
Sent: Aug 10, 2026 7:53 PM
To: Brian D. Boydston, Esq. <brianb@ix.netcom.com>
Cc: arnie@lutzker.com <arnie@lutzker.com>, MacLean, Matthew J. <matthew.maclean@pillsburylaw.com>
Subject: RE: Discovery matters

Brian,

We could speak tomorrow afternoon at 3 pm ET (I'm in a deposition until 2, assuming it does not run long). I can send you a Zoom invitation if that works?

Best,
Mike

Michael Warley | Counsel
Pillsbury Winthrop Shaw Pittman LLP
1200 Seventeenth Street NW | Washington, DC 20036-3006
t +1.202.663.8807 | m +1.301.639.7271
michael.warley@pillsburylaw.com | website bio
Pronouns: he/him/his

AUSTIN BEIJING BOSTON DOHA HONG KONG HOUSTON LONDON
LOS ANGELES MIAMI NASHVILLE NEW YORK NORTHERN VIRGINIA
PALM BEACH RIYADH SACRAMENTO SAN DIEGO SAN FRANCISCO
SHANGHAI SILICON VALLEY TAIPEI TOKYO WASHINGTON, DC

-----Original Message-----
From: Brian D. Boydston, Esq. <brianb@ix.netcom.com>

Sent: Monday, August 10, 2026 4:56 PM
To: Warley, Michael A. <michael.warley@pillsburylaw.com>
Cc: arnie@lutzker.com; MacLean, Matthew J. <matthew.maclean@pillsburylaw.com>
Subject: Discovery matters

Hi Michael,

We indicated that we would speak again tomorrow, so wanted to touch base regarding the matters we previously discussed. In anticipation of our continued discussion regarding discovery, let me address each of the items in order:

MGC Request no. 1: Production of documents produced in Allocation proceedings.

The SDC object to the production, citing a prior CRB ruling. However, that ruling is qualified, and states that a blanket request for all Allocation phase discovery would be overbroad. Order Granting in Part and Denying in Part Motions to Quash Discovery Requests of Multigroup Claimants, Consolidated Dkt. No. 14-CRB-0010-CD/SD (2010-13), at 2 (Mar. 26, 2018).

“In its renewed request for allocation phase discovery, MGC focused on the Judges’ historical discovery rulings but failed to assert, let alone establish, how allocation phase documents, data, theories, or methodologies are “related to” the Written Direct Testimony (WDT) of any SDC witness in the distribution phase.”

In the Allocation phase of this proceeding, Dr. Leslie Marx presented data from Nielsen Media Research relating to calendar years 2014-2017. Notwithstanding, Dr. Marx explicitly refrained from offering any opinion based on such Nielsen data relating to the Devotional programming category, “because the small size of the SDC category renders it less reliable and impactful.” Moreover, in its Written Rebuttal Statements, both the MPA and SDC (Dr. Erdem) addressed such data, and opined on it, bearing directly on the same source of data (Nielsen) for the same years.

As such, MGC agrees to narrow its request to documents produced by CTV, and specifically only those in response to Dr. Marx’ use (and non-use) of Nielsen viewership data.

MGC Request no. 3: Agreements with experts and for data acquisition.

The SDC agreed to produce responsive documents, subject to the redaction of financial information. At our "meet and confer" discussion, the SDC additionally demanded that it would only respond if there were a mutual exchange of the category of documents, even though such category of documents had not been requested by the SDC.

As MGC previously agreed, there is no issue with the redaction of compensation information, absent information that provided a "bounty" or bonus related to the success of the SDC's claims. The SDC represents that there are no such compensation provisions, and MGC accepts this representation. MGC similarly represents that no such compensation provisions exist in its agreements either for expert witness services or data acquisition. MGC does take issue with the SDC seeking to add to the list of requested documents beyond those requested prior to the deadline previously agreed upon by the parties. SDC offered to issue an additional document request, which obviates the point that a deadline had been agreed upon between the parties.

Notwithstanding, MGC agrees to narrow its request only to the agreement with Nielsen Media Research (or related entities), with the non-bonus compensation provisions redacted.

MGC Request no. 4: Correspondence between the SDC, on the one hand, and either John Sanders, Dr. Erken Erdem, Toby Berlin, Cable Data Corporation, Nielsen Media Research, and BIA Advisory Service, on the other hand.

The SDC object on multiple grounds, including relevance, burden, and outside the scope of discovery, largely related to such correspondence being unrelated to the written direct testimony of the witnesses or the providers of data in this proceeding. Although MGC believed that this was already imputed, MGC clarified that it accepts limiting the request to correspondence and data related to this proceeding.

SDC additionally asserted an objection based on either privilege or work product doctrine, specifically indicating that it objected to producing drafts of testimony shared with SDC counsel, citing FRCP 26. Finally, the SDC demanded that it would only respond if there were a mutual exchange of the category of documents, even though such category of documents had not been requested by the SDC.

As regards FRCP 26, there is no such application to this circumstance. Initially, the CRB has expressly taken the position that it is not subject to the Federal Rules of Civil Procedure, and the Court of Appeals for the D.C. Circuit has affirmed. Notwithstanding, even if it did apply, FRCP 26 explicitly does not allow for the withholding of draft testimony or draft reports shared between legal counsel and an expert witness wherein any commentary of the counsel is provided between the expert and legal counsel. See FRCP 26(b)(4)(C).

Finally, the SDC demanded that it would only respond if there were a mutual exchange of the category of documents, even though such category of documents had not been requested by the SDC. MGC has already produced all documents relating to its expert witnesses, including correspondence, that would have been responsive as documents on which MGC's expert witnesses could have relied. MGC made such production without objection, as such objection would have been frivolous.

As such, MGC agrees to narrow its request only to documents related to this proceeding, but including correspondence attaching draft testimony or reports wherein any commentary of the counsel exists between the expert and legal counsel. Notwithstanding the foregoing, the SDC may omit any correspondence between the SDC and Cable Data Corporation. As noted, MGC has already produced such category of documents without objection, relating to its expert witnesses, but not with its data acquisition, but declines to produce documents for which the SDC did not make a timely request.

MGC Request nos. 11 and 49: Testimony designated by the SDC that was relied on by SDC's expert witness Erkan Erdem and John Sanders.

The SDC have characterized the request as an interrogatory, and further indicated that SDC expert testimony has already cited what portions of the designated testimony on which they rely. MGC counters that the SDC has not done so, and effectively offered for MGC to seek a needle in a haystack.

MGC notes the existence of designated testimony that finds no citation in any witness testimony, including:

Dkt. 2002-8 CRB CD 2000-2003 (Phase II) (Remand) • John Sanders

Dkt. 2012-6 CRB CD 2004-09 (Phase II) (Reopened) & 2012-7 CRB SD 1999-2009 (Phase
II) (Reopened)
• Erkan Erdem
• John Sanders
• Toby Berlin

Dkt. 14-CRB-0010-CD/SD (2010-13) (Distribution Phase) • Paul Lindstrom • Jeffrey Gray • John Sanders

2014-17 Allocation
• Christopher Bennett
• Leslie Marx

In the handful of instances in which citation is made to the designated testimony, it is to the entirety of the testimony, without any specification.
MGC renews its request for which portions of the designated were relied on by SDC's expert witnesses.

MGC Request nos. 61 and 62: Any Nielsen data and Cable Data Corporation data in the possession of the SDC.

The SDC object on multiple grounds, including relevance, burden, and outside the scope of discovery, largely related to such data being unrelated to the written direct testimony of the witnesses. Although MGC believed that this was already imputed, MGC clarified that it accepts limiting the request to correspondence and data related to this proceeding.

MGC responses to SDC requests.

During our conversation, the SDC inquired about any data relating to alternative methodologies or data considered by MGC. MGC has already responded to the SDC's request, without objection, but the SDC made specific reference to an April 29 email relating to WGN figures. Going through the production, I think that was to an April 28 email, but regardless, there is nothing to produce. The reference was to a fleeting derivation of a file that was produced, and was attached to an April 29 email, and characterized within the April 28 email as a "crude" version of what was attached to an April 29 email (and produced). No additional documents exist to produce.

On that topic, however, after reviewing the SDC's response, we see no production other than those producing the results set forth in the SDC Written Direct Statement.

MGC considers documents and data that were considered and rejected as responsive to the initial production made by both parties, so I am obligated to inquire whether the SDC considered alternative methodologies or data that were rejected, and if so, inquire why such information was not produced.

Thanks, and I look forward to speaking with everyone tomorrow. Do you want to set up another Zoom call?

Brian Boydston

The contents of this message, together with any attachments, are intended only for the use of the individual or entity to which they are addressed and may contain information that is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender or the Pillsbury Winthrop Shaw Pittman Service Desk at Tel: 800-477-0770, Option 1, immediately by telephone and delete this message, along with any attachments, from your computer. Nothing in this message may be construed as a digital or electronic signature of any employee of Pillsbury Winthrop Shaw Pittman. Thank you.

Exhibit C

From: Brian D. Boydston, Esq.
To: Fitzgerald, Rachel
Cc: MacLean, Matthew J.; Arnie Lutzker; Ben Sternberg; Nyman, Jessica T.; Warley, Michael A.; Block, Caroline M.
Subject: Re: SDC Production re 14-17 Distribution WDS
Date: Friday, August 28, 2026 11:18:43 PM
Attachments: image.png

Well, hold on, now it seems to be working. Why the F you can't just be normal and use PDF, I really don't know, but it looks like now after fooling with it I can read this.

It tempts me to next time put our stuff into Greek.

Brian Boydston

-----Original Message-----
From: Brian D. Boydston, Esq. <brianb@ix.netcom.com>
Sent: Aug 28, 2026 8:03 PM
To: Fitzgerald Rachel <rachel.fitzgerald@pillsburylaw.com>
Cc: MacLean Matthew J. <matthew.maclean@pillsburylaw.com>, Arnie Lutzker <arnie@lutzker.com>, Ben Sternberg <ben@lutzker.com>, Nyman Jessica T. <jessica.nyman@pillsburylaw.com>, Warley Michael A. <michael.warley@pillsburylaw.com>, Block Caroline M. <caroline.block@pillsburylaw.com>
Subject: Re: SDC Production re 14-17 Distribution WDS

These documents are essentially in gibberish. I do not know what a "tif" is. Can you please re-send this stuff in normal pdf documents?

Brian Boydston

-----Original Message-----
From: Fitzgerald, Rachel <rachel.fitzgerald@pillsburylaw.com>
Sent: Aug 28, 2026 4:45 PM
To: Brian D. Boydston, Esq. <brianb@ix.netcom.com>
Cc: MacLean, Matthew J. <matthew.maclean@pillsburylaw.com>, Arnie Lutzker

<arnie@lutzker.com>, Ben Sternberg <ben@lutzker.com>, Nyman, Jessica T. <jessica.nyman@pillsburylaw.com>, Warley, Michael A. <michael.warley@pillsburylaw.com>, Block, Caroline M. <caroline.block@pillsburylaw.com>
Subject: SDC Production re 14-17 Distribution WDS

Brian,

Please see attached and below regarding the SDC's production today.

The ShareFile link to the production is: https://pillsburylaw.sharefile.com/d-s69e7440b34374309bbd53cb4d97199da. You will be separately receiving an email with the password to access the restricted documents.

The ShareFile link will expire in approximately four weeks.

Best,

Rachel

Rachel Fitzgerald | Associate
Pillsbury Winthrop Shaw Pittman LLP
1200 Seventeenth Street NW | Washington, DC 20036-3006
t +1.202.663.8239
rachel.fitzgerald@pillsburylaw.com

AUSTIN BEIJING BOSTON DOHA HONG KONG HOUSTON LONDON
LOS ANGELES MIAMI NASHVILLE NEW YORK NORTHERN VIRGINIA
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SHANGHAI SILICON VALLEY TAIPEI TOKYO WASHINGTON, DC

pillsbury

*Admitted in Maryland. Practicing under the supervision of D.C. Bar members.

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Exhibit D

From: Brian D. Boydston, Esq.
To: MacLean, Matthew J.; Warley, Michael A.; arnie@lutzker.com; ben@lutzker.com; Fitzgerald, Rachel; Nyman, Jessica T.; Block, Caroline M.
Subject: RE: SDC Document Production
Date: Tuesday, September 8, 2026 2:47:12 PM
Attachments: image.png

Matt, as is always required in discovery, the SDC need to identify which documents are responsive to which requests, and if there are no documents being produced in response to a request, it needs to clarify whether it is because no responsive documents exist, or whether there are responsive documents that are being withheld based on an objection. I think you would agree, that this is a fairly universal standard across American jurisdictions.

As to your other specific comments, please see my responses below.

On Thursday, September 3, 2026 at 06:28:05 PM EDT, Brian D. Boydston, Esq. <brianb@ix.netcom.com> wrote:

> -----Forwarded Message-----
> From: MacLean, Matthew J. <matthew.maclean@pillsburylaw.com>
> Sent: Sep 3, 2026 2:24 PM
> To: Brian D. Boydston, Esq. <brianb@ix.netcom.com>, Warley, Michael A. <michael.warley@pillsburylaw.com>, arnie@lutzker.com <arnie@lutzker.com>, ben@lutzker.com <ben@lutzker.com>, Fitzgerald, Rachel <rachel.fitzgerald@pillsburylaw.com>, Nyman, Jessica T. <jessica.nyman@pillsburylaw.com>, Block, Caroline M. <caroline.block@pillsburylaw.com>
> Subject: RE: SDC Document Production
>
> Brian,
>
> As you might have seen, Mike is out on parental leave. You may be aware that we just had closing arguments in the 2018-21 cable case, so I have not been super focused on this discovery conversation, but I'm happy to work with you on this in Mike's absence.
>
> I infer based on your last email and this one that you do not have a platform for review of single-image tiffs with load file. Single-image tiffs with load file is the universal standard form of document production in civil cases, because it is efficient and provides an easy way to search and order documents by metadata fields. Although I understand that tiff files are searchable, so are pdf files. As to it being the "universal" standard, I have never had "single image tiff" produced in discovery before and, notably, no prior production by the SDC has ever been in the tiff format. Regardless, the issue is that the production identifies each page of an email as a separate document, despite being part of a larger

document, making review unwieldy and confusing. Please produce correspondence in its original state whether by tiff or pdf. To the extent documents are in families, the load file enables the review platform to show how those documents are associated so that any relationships are preserved and are clear. This is the way all law firms that I am aware of do it - and certainly all parties in the allocation phase cases. We can produce the documents to you in pdf format if you prefer. But because pdf format eliminates document metadata, it makes the documents harder to deal with, not easier. Please let us know.

I do not think it is accurate that we missed any response date. We produced documents and made timely, good faith objections to some requests. You did the same. Production was to occur on July 30. MGC complied on July 30. By contrast, the SDC only posed objections to certain aspects of certain MGC discovery requests, and produced no data/documents on such date. The SDC did not produce any documents or data until August 28, even those documents for which there was no stated objection. That is not "timely". Then we had discussions with you in which we agreed to produce certain additional documents, which we did. The points on which we agreed and disagreed are covered exhaustively in email between you and Mike, and they make clear what we are producing, in response to what. Are you asking us for some sort of more formal response restating what we said in emails?

For example, I see that we properly objected to your request for documents produced by other parties in the allocation phase case. You narrowed that request just to documents produced in connection with Dr. Marx's testimony, but we did not agree to produce those documents, based in part on an objection we received from CTV. I see that Mike informed you by email that we would not be producing documents in response to that request. In fact, there were conversations following the email to which you refer, and my email of August 19 memorializes those discussions. Specifically, the SDC designated both the testimony of Dr. Leslie Marx and Dr. Erdem's related testimony. The SDC asserted that it was challenging MGC's request for production of the Nielsen data that was the basis of Marx' and Erdem's testimony on the grounds that MGC was making a "collateral attack" on the designated testimony of Dr. Leslie Marx, and she would not be present to defend her position. On the contrary, the opposite is true. MGC agrees with Dr. Marx' testimony, and disagrees with Dr. Erdem's critique of it, which critique was designated by the SDC. Dr. Erdem will be present to defend his position. Regardless, if the SDC produces nothing, then the SDC needs to then formally respond that there are responsive documents in its possession, and clarify why it is not producing those documents, not simply make such statement in correspondence. Many of those documents are protected by a protective order, so they are not ours to produce, even if I wanted to produce them. If you were able to get agreement from CTV, I might reconsider that position, even though they are clearly outside the scope of discovery. So I think we were clear, but if you believe there are any requests as to which we were not clear, please let me know and we will clarify.

As for the Nielsen agreement, it was my understanding that you and Mike agreed that agreements for data acquisition need not be produced, and that you have not produced your own agreements for data acquisition. If I am mistaken on either of those points, please let me know. I'm not opposed to the idea of exchanging agreements for data acquisition, as long as we are agreed that it is a mutual obligation. That is not altogether accurate, and should review Michael Warley's August 11 email indicating the SDC's

> agreement that the Nielsen agreement would be produced.

> MGC needed to determine what information was ordered from Nielsen, which should logically have been reflected in any correspondence between the SDC and Nielsen, but is not mentioned anywhere in the documents that were produced. Absent all discussions regarding what the SDC was ordering from Nielsen being exclusively in phone conversations, which could be possible, only the data acquisition agreement with Nielsen will set forth what data was ordered. This information relating to the Nielsen data was the compromise that MGC was offering to forego the wealth of other responsive documents to which the SDC had only objected that the negotiated payments be omitted, and to which MGC had no issue to the SDC redacting.

> As regards mirror requests by the SDC for the expert agreements and data acquisition agreements, MGC similarly affirmed that there were no "bounty" provisions, and MGC/SDC had already agreed that payment terms need not be produced, explained at length the role of Dr. Gray as merely a conduit of the data that he was using in connection with an unrelated legal action in Los Angeles County, so no further information existed to produce in response to the SDC requests, but more significantly, the SDC requests were propounded almost four weeks delinquent in derivation of the discovery agreement amongst the parties, which never provided for an open-ended opportunity to continue broadening discovery following July 17. In fact, the SDC tried to recast its untimely requests as "follow-up" requests, even though they were not in follow-up to any data or documents previously produced, and even if "follow-up" requests were allowed, which were not, the SDC foreclosed MGC from issuing such requests by failing to produce a single item of data or documents on the July 30 production date that had been agreed upon amongst the parties.

> In sum, the SDC needs to either produce correspondence with Nielsen or a data acquisition agreement, in order to reflect specifically what Nielsen data was ordered.

> The correspondence that we produced in the supplemental production was in response to the scope that I understand Mike agreed to produce - correspondence with witnesses explaining facts/data/assumptions and excluding attorney mental impressions and drafts of testimony. I think that scope was also clear in the emails between you and Mike. And, at any rate, they were produced as they are kept in the ordinary course of business, which satisfies the standard, in a format that should make the documents very easy to search, sort, and use. However, if you really do think there is anything unclear about our production, I will do my best to clear it up. The SDC did not provide correspondence attaching a single version of their testimony, draft or otherwise, nor indicated that any existed, much less identifying them then providing a redaction or privilege log. If the basis of objection is FRCP 26, as Michael Warley previously suggested, this must be so identified. At minimum, this must occur.[Notably, the Federal Rules of Civil Procedure do not apply in these proceedings, a position that the SDC has expressly taken before the Court of Appeals.].

We have produced all CDC and Nielsen data acquired for use in this proceeding. The SDC cannot re-write MGC's discovery request. MGC did not request such data as was acquired for use in this proceeding or "relied on" in this this proceeding, but rather "all" CDC and Nielsen data.qualify its responsethe SDC needs to formally affirm in its discovery responses that no such data is being produced because no such data exists. As noted above, this does not include any data produced by other parties in the allocation phase proceeding, because that is not our data, we haven't licensed it, most of it is restricted under the protective order in that proceeding, and it was not used or considered by our witnesses for the distribution phase proceeding.

If you wouldn't mind helping me out on this one, what was your agreement with Mike regarding pinpoint citations in designated testimony?

Please let me know if you would like to discuss.

Matt

-----Original Message-----
From: MacLean, Matthew J. <matthew.maclean@pillsburylaw.com>
Sent: Sep 3, 2026 2:24 PM
To: Brian D. Boydston, Esq. <brianb@ix.netcom.com>, Warley, Michael A. <michael.warley@pillsburylaw.com>, arnie@lutzker.com <arnie@lutzker.com>, ben@lutzker.com <ben@lutzker.com>, Fitzgerald, Rachel <rachel.fitzgerald@pillsburylaw.com>, Nyman, Jessica T. <jessica.nyman@pillsburylaw.com>, Block, Caroline M. <caroline.block@pillsburylaw.com>
Subject: RE: SDC Document Production

Brian,

As you might have seen, Mike is out on parental leave. You may be aware that we just had closing arguments in the 2018-21 cable case, so I have not been super focused on this discovery conversation, but I'm happy to work with you on this in Mike's absence.

I infer based on your last email and this one that you do not have a platform for review of single-image tiffs with load file. Single-image tiffs with load file is the universal standard form of document production in civil cases, because it is efficient and provides an easy way to search and order documents by metadata fields. To the extent documents are in families, the load file enables the review platform to show how those documents are associated so that any relationships are preserved and are clear. This is the way all law firms that I am aware of do it - and certainly all parties in the allocation phase cases. We can produce the documents to you in pdf format if you prefer. But because pdf format eliminates document metadata, it makes the documents harder to deal with, not easier. Please let us know.

I do not think it is accurate that we missed any response date. We produced documents and

made timely, good faith objections to some requests. You did the same. Then we had discussions with you in which we agreed to produce certain additional documents, which we did. The points on which we agreed and disagreed are covered exhaustively in email between you and Mike, and they make clear what we are producing, in response to what. Are you asking us for some sort of more formal response restating what we said in emails?

For example, I see that we properly objected to your request for documents produced by other parties in the allocation phase case. You narrowed that request just to documents produced in connection with Dr. Marx's testimony, but we did not agree to produce those documents, based in part on an objection we received from CTV. I see that Mike informed you by email that we would not be producing documents in response to that request. Many of those documents are protected by a protective order, so they are not ours to produce, even if I wanted to produce them. If you were able to get agreement from CTV, I might reconsider that position, even though they are clearly outside the scope of discovery. So I think we were clear, but if you believe there are any requests as to which we were not clear, please let me know and we will clarify.

As for the Nielsen agreement, it was my understanding that you and Mike agreed that agreements for data acquisition need not be produced, and that you have not produced your own agreements for data acquisition. If I am mistaken on either of those points, please let me know. I'm not opposed to the idea of exchanging agreements for data acquisition, as long as we are agreed that it is a mutual obligation.

The correspondence that we produced in the supplemental production was in response to the scope that I understand Mike agreed to produce - correspondence with witnesses explaining facts/data/assumptions and excluding attorney mental impressions and drafts of testimony. I think that scope was also clear in the emails between you and Mike. And, at any rate, they were produced as they are kept in the ordinary course of business, which satisfies the standard, in a format that should make the documents very easy to search, sort, and use. However, if you really do think there is anything unclear about our production, I will do my best to clear it up.

We have produced all CDC and Nielsen data acquired for use in this proceeding. As noted above, this does not include any data produced by other parties in the allocation phase proceeding, because that is not our data, we haven't licensed it, most of it is restricted under the protective order in that proceeding, and it was not used or considered by our witnesses for the distribution phase proceeding.

If you wouldn't mind helping me out on this one, what was your agreement with Mike regarding pinpoint citations in designated testimony?

Please let me know if you would like to discuss.

Matt

Matthew MacLean | Partner
Pillsbury Winthrop Shaw Pittman LLP
1200 Seventeenth Street NW | Washington, DC 20036-3006
t +1.202.663.8183 | m +1.703.470.9276
matthew.maclean@pillsburylaw.com | website bio

-----Original Message-----
From: Brian D. Boydston, Esq. <brianb@ix.netcom.com>
Sent: Wednesday, September 2, 2026 7:01 PM
To: Warley, Michael A. <michael.warley@pillsburylaw.com>; MacLean, Matthew J. <matthew.maclean@pillsburylaw.com>; arnie@lutzker.com; ben@lutzker.com; Fitzgerald, Rachel <rachel.fitzgerald@pillsburylaw.com>; Nyman, Jessica T. <jessica.nyman@pillsburylaw.com>
Subject: Re: SDC Document Production

Dear Michael,

It is now also clear to me that you have failed to when no documents are being produced in response to a particular request, and whether or not such non-production is because no responsive documents exist, or if you are objecting to the request. This was addressed at paragraphs 1 and 3 of the instructions to our discovery requests, and you did not object to those instructions.

From your materials, it appears that you produced 18 emails and the attachments to those emails, and nothing else.

It appears that you have produced no CTV documents from the Allocation phase, or the agreement for acquisition of Nielsen data, or any correspondence regarding drafts of testimony, or any pinpoint cites for designated testimony. Please confirm that is the case and your intent. Also, you have previously represented that there was no Nielsen or CDC data other than what was already produced, but you have not formally stated in your responses that no such documents exist. Please do.

Brian Boydston

-----Original Message-----
From: Brian D. Boydston, Esq. <brianb@ix.netcom.com>
Sent: Sep 2, 2026 8:33 AM
To: <michael.warley@pillsburylaw.com>, <matthew.maclean@pillsburylaw.com>, <arnie@lutzker.com>, <ben@lutzker.com>, <rachel.fitzgerald@pillsburylaw.com>, <jessica.nyman@pillsburylaw.com>
Subject: SDC Document Production

Dear Michael,

Having now had a chance to try to piece together your document production, it is wholly unacceptable in its format.

To begin with, paragraph 6 of the "Introduction and Definitions" section of Multigroup Claimants' discovery requests directed the following:

"When responding, identify each discovery request by number and letter and specifically identify the documents that are being provided that are responsive to the request."

No objection was made by the SDC to this direction regarding the format for response, nor could one be reasonably made, as ample authority exists that a party cannot just dump all of its discovery responses on the other without identifying to which discovery requests they are responsive, or reasonably labeling them.

MGC's discovery requests were propounded on July 17, 2026 for an agreed upon July 30 response date. Although the SDC objected to the production of certain documents, it failed to produce any of the requested documents (even those to which it posed no objection) until August 28. Having taken an additional four weeks beyond the agreed upon response date, the SDC responses still fail to identify which data/documents are responsive to which discovery requests, and produce many of the responsive data/documents in a nonsensical state.

The SDC has produced 2 “Data” files, 658 “Images” files, 11 “Natives” files (all Excel files), and 36 “Text” files, with no explanation as to how they relate to each other, or to which discovery requests to which they are responsive. The numeric figures assigned to documents in one category appear to make them related, but even then is unclear.

For example;

SDC-000943.tif is a separate document appearing in “Images” that is an image of a single page that appears to be the first of three pages of an email that continues with SDC-000944, and concludes at SDC-000945. That is, rather than produce all of the email as a single document (that could be Bate-stamped 000943-000945), the SDC produced parts of a single document as though they were separate responsive documents, and leaving it to MGC to combine these into a single document in order to be readable. Continuing further,

SDC-000946.tif appearing in “Images” is an image of a single page that reads “Document produced in Native”.

SDC-000946 . . .xlsx appearing in “Natives” is an Excel spreadsheet that may or may not have been an attachment to the email appearing in “Images” at 000943-000945, as it reflects a different name than the document “Intab.Template.xlsx” that is referenced as a possible attachment to the email.

SDC-000946.txt in “Text” is an long strand of numbers and text.

At this point, the SDC’s response remains incomplete and incomprehensible. The SDC needs to immediately identify which documents are responsive to which discovery requests, and format them in a manner that is comprehensible.

Please promptly identify when the foregoing will occur.

Brian Boydston

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Exhibit E

From:	Ervin, David
To:	Warley, Michael A.; Dove, Ronald; dcho@cov.com; Ryu, Shinji; Plovnick, Lucy; Olaniran, Greg; Albertson, Jacob; Chakrabarti, Preetha; Giammalva, Suzanne; Kientzle, Michael; Daniel.Cantor@arnoldporter.com; Szanyi, Rosemary; Michelle Moy; victor.cosentino@larsongaston.com; LK Satterfield
Cc:	MacLean, Matthew J.; Arnie Lutzker; Block, Caroline M.; Nyman, Jessica T.; Fitzgerald, Rachel
Subject:	Re: Discovery Request re: 2014-17 Distribution Case
Date:	Tuesday, July 28, 2026 11:08:17 AM
Attachments:	image775407.png

Hi Mike.

CTV maintains our objection to MGC's document request.

Thanks,
Dave

David J. Ervin
Crowell & Moring LLP
dervin@crowell.com
O: 202.624.2622
M: 202.413.6881

From: Warley, Michael A. <michael.warley@pillsburylaw.com>
Sent: Tuesday, July 28, 2026 10:36 AM
To: Dove, Ronald <rdove@cov.com>; dcho@cov.com <dcho@cov.com>; Ryu, Shinji <sryu@cov.com>; Plovnick, Lucy <lhp@msk.com>; Olaniran, Greg <goo@msk.com>; Albertson, Jacob <j1a@msk.com>; Ervin, David <dervin@crowell.com>; Chakrabarti, Preetha <pchakrabarti@crowell.com>; Giammalva, Suzanne <sgiammalva@crowell.com>; Kientzle, Michael <michael.kientzle@arnoldporter.com>; Daniel.Cantor@arnoldporter.com <Daniel.Cantor@arnoldporter.com>; Szanyi, Rosemary <rosemary.szanyi@arnoldporter.com>; Michelle Moy <michelle.moy@larsongaston.com>; victor.cosentino@larsongaston.com <victor.cosentino@larsongaston.com>; LK Satterfield <lksatterfield@satterfield-pllc.com>
Cc: MacLean, Matthew J. <matthew.maclean@pillsburylaw.com>; Arnie Lutzker <arnie@lutzker.com>; Block, Caroline M. <caroline.block@pillsburylaw.com>; Nyman, Jessica T. <jessica.nyman@pillsburylaw.com>; Fitzgerald, Rachel <rachel.fitzgerald@pillsburylaw.com>
Subject: Discovery Request re: 2014-17 Distribution Case

Counsel,

The SDC are litigating a distribution phase dispute with Worldwide Subsidy Group (doing business as Multigroup Claimants, also known as Independent Producers Group) in the 2014-17 cable and satellite consolidated docket (16-CRB-0009-CD/SD (2014-17)). In connection with written direct statements, MGC has served the following discovery request on the SDC (their full set of requests is

attached for your reference):

1) **All documents produced by any party to the 2014-2017 cable or satellite royalty allocation proceedings**, including but not limited to the Motion Picture Association, Settling Devotional Claimants, Joint Sports Claimants, Canadian Claimants Group, Commercial Television Claimants Group, and the Public Television Claimants.

Some of you may recall a similar request was made by the same party in the 2010-13 distribution proceedings, and the allocation phase parties in that case objected to such a production to MGC, a party that did not participate in the allocation phase. The ruling on that objection is attached, in which the Judges cited allocation party objections as part of their rationale for ruling that, "As MGC was not a participant in the allocation phase of the captioned consolidated proceeding, MGC is not entitled to materials produced in allocation phase discovery."

Because you are the allocation phase parties that made the productions in the 2014-17 allocation phase, we are advising you of the MGC's discovery request. We respectfully request your position on whether you object to re-producing your allocation phase discovery to MGC in the distribution phase. We plan to serve our objections on Thursday, July 30, and would appreciate your positions before that date if possible.

Feel free to give me a call if you would like to discuss, as well.

Best,
Mike

Michael Warley | Counsel
Pillsbury Winthrop Shaw Pittman LLP
1200 Seventeenth Street NW | Washington, DC 20036-3006
t +1.202.663.8807 | m +1.301.639.7271
michael.warley@pillsburylaw.com | website bio
Pronouns: he/him/his

AUSTIN BEIJING BOSTON DOHA HONG KONG HOUSTON LONDON
LOS ANGELES MIAMI NASHVILLE NEW YORK NORTHERN VIRGINIA
PALM BEACH RIYADH SACRAMENTO SAN DIEGO SAN FRANCISCO
SHANGHAI SILICON VALLEY TAIPEI TOKYO WASHINGTON, DC

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your computer. Nothing in this message may be construed as a digital or electronic signature of any employee of Pillsbury Winthrop Shaw Pittman. Thank you.

Proof of Delivery

I hereby certify that on Wednesday, September 30, 2026, I provided a true and correct copy of the Settling Devotional Claimants' Opposition to Multigroup Claimants' Motions to Compel Production of Documents to the following:

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

American Society of Composers, Authors and Publishers (ASCAP), represented by Sam Mosenkis, served via E-Service at smosenkis@ascap.com

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

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

Broadcaster Claimants Group, represented by David J Ervin, served via E-Service at dervin@crowell.com

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

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

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

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

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

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

National Public Radio, represented by Gregory A Lewis, served via E-Service at glewis@npr.org

Program Suppliers, represented by Lucy H Plovnick, served via E-Service at lhp@msk.com

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

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

Signed: /s/ Matthew J MacLean