

## UNITED STATES COPYRIGHT ROYALTY JUDGES

**In the Matter of:**

**Digital Performance Right in Sound  
Recordings and Ephemeral Recordings**

**Docket No. 2009-1 CRB  
DTRA Webcasting III**

### DISCOVERY SCHEDULE

All parties that filed written direct statements in the proceeding filed on February 22, 2010, a joint, unopposed motion for entry of a discovery schedule they propose. The Copyright Royalty Judges adopt the joint, unopposed schedule proposed by all the parties.

<b>ACTION</b>	<b>DATE</b>
Motions <i>in Limine</i> on <i>Daubert</i> and relevance grounds	March 22, 2010
Oppositions to Motions <i>in Limine</i>	April 5, 2010
Direct case hearing	April 19-22, 26-28, May 3-4, 2010
Hearing on any objections to settlements	May 5, 2010
File Written Rebuttal Statements	June 7, 2010
Discovery begins. Serve documents witnesses reviewed and relied upon	June 14, 2010
Serve interrogatories and document requests	June 14, 2010
Last day to notice depositions	June 16, 2010
Produce documents and serve interrogatory responses and responses to document requests	July 9, 2010
End of discovery and deadline to file motions to compel	July 16, 2010
File oppositions to motions to compel (no replies to be filed)	July 22, 2010
Rebuttal case hearing	July 28, 29 August 2-5, 2010

Findings of Fact and Conclusions of Law	September 10, 2010
Replies to Findings of Fact and Conclusions of Law	September 27, 2010
Closing Arguments	September 30, 2010
Determination	December 16, 2010

In rebuttal discovery, SoundExchange is limited to 50 document requests; the other parties collectively are limited to 50 document requests; and each party may serve only one set of document requests. Parties shall serve all documents, responses, objections, notices, requests and interrogatories upon the appropriate party or parties by facsimile transmission, electronic transmission or by hand no later than 5 p.m. on the date of the deadline. No discovery is filed with the Copyright Royalty Board. Only motions and dates and times of depositions, as discussed below, are filed with the Board. The provisions of regulations of General Administrative Provisions, 37 C.F.R. Part 350, apply.

With respect to depositions, the parties noticing a deposition are responsible for informing the Board in writing of the name of the deponent, location, date, time and contact information for counsel for each deposition. Upon reasonable notice, the Board will arrange for one or more judges to be available by telephone during that time to resolve disputes that arise during a deposition. All parties to the deposition are responsible for agreeing to the arrangements for a deposition with resolutions of disputes by the Judges. Parties may reserve some of the depositions which they are entitled to take for the rebuttal phase of the proceeding.

**Trial days and allocation of time**

The trial days begin at 9:30 am and conclude approximately at 4:30 pm, to provide 6.0 hours of trial per day. Each party is charged with time consumed in presenting its witnesses, including questions asked by the Judges and deliberations by the Judges. Cross examination is charged to the questioning party. Time that is unused in a day because the party is not ready to proceed is charged against that party.

**Order of presentation**

SoundExchange presents first in direct phase and it presents last in the rebuttal phase.

**DATED: March 3, 2010**

**SO ORDERED.**

  
**JAMES SCOTT SLEDGE**  
Chief Copyright Royalty Judge