

**COPYRIGHT ROYALTY JUDGES**

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**In re** )  
**Electronic Filing of Documents** ) **Docket No. 16-CRB-0015-RM**  
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**Comments of Settling Devotional Claimants**

On behalf of the Settling Devotional Claimants (“SDC”),<sup>1</sup> we submit these comments on the Notice of Proposed Rulemaking, 81 FR 84526 (November 23, 2016) (“NPRM”), which would amend the rules of the Copyright Royalty Board (“CRB”) to allow for the electronic filing of documents.

The SDC applaud the plan for allowing parties to submit filings to the CRB electronically. This is an essential step in enhancing the efficiency for the Judges, the parties and the public. With limited exceptions, the SDC believes that the revised rules and procedures are clear and efficient. They will serve the public interest and, therefore, the SDC enthusiastically endorse the Judges’ decision to adopt e-filing rules.

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<sup>1</sup> The Settling Devotional Claimants are comprised of the following entities: Amazing Facts, Inc., American Religious Town Hall Meeting, Inc., Catholic Communications Corporation, Christian Television Network, Inc., The Christian Broadcasting Network, Inc., Coral Ridge Ministries Media, Inc., Cornerstone Television, Inc., Cottonwood Christian Center, Crenshaw Christian Center, Crystal Cathedral Ministries, Inc., Family Worship Center Church, Inc. (D/B/A Jimmy Swaggart Ministries), Free Chapel Worship Center, Inc., In Touch Ministries, Inc., It Is Written, Inc., John Hagee Ministries, Inc. (aka Global Evangelism Television), Joyce Meyer Ministries, Inc. (F/K/A Life In The Word, Inc.), Kerry Shook Ministries (aka Fellowship of the Woodlands), Lakewood Church (aka Joel Osteen Ministries), Liberty Broadcasting Network, Inc., Living Word Christian Center, Living Church of God (International), Inc., Messianic Vision, Inc., New Psalmist Baptist Church, Oral Roberts Evangelistic Association, Inc., Philadelphia Church of God, Inc., RBC Ministries, Rhema Bible Church (aka Kenneth Hagin Ministries), Ron Phillips Ministries, St. Ann's Media, The Potter's House Of Dallas, Inc. (d/b/a T.D. Jakes Ministries), Word of God Fellowship, Inc., d/b/a Daystar Television Network, Billy Graham Evangelistic Association, and Zola Levitt Ministries.

There are a few suggestions that the SDC have to modify the proposals:

First, as to §350.3(b)(3), which would require a party responding to a motion to provide a proposed order, the SDC suggests that only if the party is seeking alternative relief, as opposed to a denial of the relief requested by the motion, should a proposed order be required. If the responding party is seeking a denial of the motion that will be evident from the filing and an additional draft order seems superfluous.

Second, regarding the length of pleadings, §350.3 (c), the SDC support the principle of length limitation. In general, a party should be able to set forth the facts, law and relief requested in 20 pages/5,000 words for motions and responses and 10 pages/2,500 words for replies; moreover, the rule does provide for an opportunity, in unusual circumstances, for movants to seek an enlargement of the limits. However, the way the rule is phrased – “Motion must not exceed 20 pages or 5,000 words ...” – creates an ambiguity if the motion is more than 20 pages but less than 5,000 words or vice versa, whether such a pleading would be permitted. If it would, then the language is appropriate. However, if the intent is that a pleading not exceed either limit, then it would be clearer to say the pleading “must not exceed 20 pages and must not exceed 5000 words.”

Third, §350.4 would dictate the content *and format* that pleadings must take. While the content requirement identifies the main elements of most pertinent motions, the format requirement appears more appropriate for appellate level briefs. There may be situations where the required format would enlarge documents without making it any clearer. For example, a motion for the extension of time with the consent of other parties, presumably does not need the same format as a pleading to strike claims. Therefore, rather than restricting the pleadings to one

format, the Judges should indicate the required content and not dictate the format by striking “and conform to the following format.”

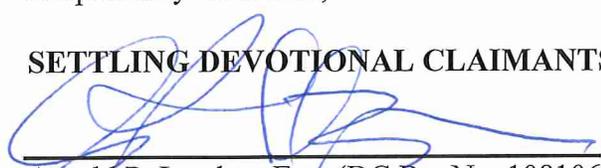
Fourth, regarding the deadlines for responses and replies, §350.6 (f), the SDC acknowledges that the deadlines for responses and replies are consistent with current practice. The SDC does believe these are tight deadlines, which are useful only when rulings are required in very short order. It would be appropriate to consider extending the deadlines to 10 days for responses and 7 days for replies, except in unusual circumstances specifically ordered by the Judges.

Finally, for most submissions to the CRB, participants in royalty distribution proceedings have adopted an informal procedure to serve each party electronically on the same day that pleadings are filed. Such practice ensures prompt receipt of documents and comes with no additional cost. While §350.6 (h)(1) perfects electronic service and delivery for most pleadings through the eCRB system, if documents are filed outside the eCRB system, §350.6 (h)(2) would require paper delivery of the documents. The SDC believes the Judges rules should also allow electronic service via email in lieu of paper delivery in such event, with a certificate of service to that effect.

Subject to these limited suggestions, the SDC believes the movement toward an e-filing system for CRB submissions is a very positive and appropriate step.

Respectfully submitted,

**SETTLING DEVOTIONAL CLAIMANTS**



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Arnold P. Lutzker, Esq. (DC Bar No. 108106)  
Benjamin Sternberg (DC Bar No. 1016576)  
Jeannette M. Carmadella, Esq. (DC Bar No. 500586)  
LUTZKER & LUTZKER LLP  
1233 20<sup>th</sup> Street, NW, Suite 703

Washington, DC 20036  
Telephone: (202) 408-7600  
Fax: (202) 408-7677  
[arnie@lutzker.com](mailto:arnie@lutzker.com)

Clifford M. Harrington (D.C. Bar No. 218107)  
Matthew J. MacLean (D.C. Bar No. 479257)  
Victoria N. Lynch-Draper (D.C. Bar No. 1001445)  
PILLSBURY WINTHROP SHAW PITTMAN LLP  
1200 Seventeenth Street, NW  
Washington, D.C. 20036-3006  
Telephone: 202-663-8525  
Facsimile: 202-663-8007  
E-Mail: [Clifford.Harrington@PillsburyLaw.com](mailto:Clifford.Harrington@PillsburyLaw.com)

*Counsel for Settling Devotional Claimants*