



# COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0127  
June 13, 2025

Francesco Santora  
CLAIMANT AND  
COUNTERCLAIM-RESPONDENT

v.

Metro-Goldwyn-Mayer Studios, Inc. and  
Tee & Charles Addams Foundation  
RESPONDENTS AND  
COUNTERCLAIMANTS

## ORDER DISMISSING CLAIMS FOR FAILURE TO PROSECUTE AND DIRECTING COUNTERCLAIMANTS TO SUBMIT DEFAULT DIRECT PARTY STATEMENT

Claimant and counterclaim-respondent Francesco Santora (Claimant) refused to attend the status conference on April 30, 2025, after filing several notices declaring that he would not appear. Dkt. 75, 76, 78. Claimant has failed to cure his default by submitting a proper response to the amended counterclaim as ordered.

The Copyright Claims Board (Board) issued notices of failure to prosecute and of default to Claimant on April 30, 2025, and on May 15, 2025. Dkt. 79, 83. Both notices ordered Claimant to meet a May 30, 2025 deadline to respond to the amended counterclaim. Claimant did not meet the deadline. Instead, on May 30, 2025, Claimant filed what he called a “Conditional Response to Amended Counterclaim” that failed to comply with multiple regulatory requirements for a counterclaim response before the Board. Dkt. 91. Among other things, it did not include the contact information required by 37 C.F.R. § 222.10(b)(1), or any statement describing the dispute and his factual position in detail as required by 37 C.F.R. § 222.10(b)(3). In fact, Claimant did not address the facts of the counterclaim at all, essentially just insisting Counterclaimants had no viable claim and challenging the Board’s ability to hear the counterclaim. *See* Dkt. 91. He also did not include a certification signed under penalty of perjury “that the information provided in the response to the counterclaim is accurate and truthful to the best of the certifying person’s knowledge,” as required by 37 C.F.R. § 222.10(b)(7), which would have been automatic if Claimant had used the Board-mandated response form.

While noting those shortcomings, the Board nevertheless extended Claimant’s deadline to file a response that complied with 37 C.F.R. § 222.10 and directed Claimant to file a counterclaim response by June 12, 2025. Order Regarding Counterclaim Response (Dkt. 93) at 1. In that Order, the Board explained each of the reasons (noted above) why Claimant’s “conditional response” is “not a counterclaim response that complies with the Board’s requirements.” *Id.* Nevertheless, Claimant did not meet that extended deadline. Instead, at 6:14 p.m. ET on June 11, 2025, the day before the due date, Claimant filed a notice arguing that no response was due, that the amended counterclaim had not been properly filed on eCCB under 37 C.F.R. § 222.9(b), and that the Board had not issued a proper notice of the amended counterclaim’s compliance under 37 C.F.R. § 224.1. Dkt. 98.

The record shows that those arguments have no merit. Counterclaimants Metro-Goldwyn-Mayer Studios, Inc. and Tee & Charles Addams Foundation (Counterclaimants) filed a compliant counterclaim of copyright infringement on January 3, 2025; the Board issued a notice of its compliance on January 7, 2025; and Claimant

initially filed a compliant response to that counterclaim on January 21, 2025. Dkt. 40-42. At a status conference on February 28, 2025, *see* Dkt. 51, the Board directed Counterclaimants to clarify it: whether Counterclaimants asserted infringement of only the single work named in the counterclaim’s “Works infringed” section, or of the hundreds of works listed in a document filed with the counterclaim. *See* Dkt. 40 (“Addams Family-Related Copyright Registrations” document). The Counterclaimants filed a request for leave to amend the counterclaim to clearly identify those hundreds of works as the allegedly infringed works. Dkt. 54. On March 19, 2025, when granting the request, the Board stated that it “deems the counterclaim amended. For the duration of this proceeding, it is understood that the counterclaim is claiming infringement of the ‘Wednesday’ character as depicted, described, and/or appearing in the works listed in Exhibit A to the Request.” Dkt. 57 at 2 (*citing* Dkt. 52). The Board’s conclusion that the counterclaim was compliant was clear from that order, as it also ordered Claimant to file a response to the counterclaim, as clarified, by April 18, 2025, noting: “After the counterclaim response an amended scheduling order will issue, rescheduling the date that the parties are due to exchange discovery and the date and time of a post-discovery status conference.” *Id.* at 2. There was no need for the Counterclaimants to refile their counterclaim on eCCB in March because, although deemed “amended,” it was identical to the counterclaim that the Board had already found compliant when filed on eCCB in January. The only change was to clarify which works they allege were infringed.

Claimant evidently understood that he was required to file a response to the amended counterclaim, since he ultimately filed his noncompliant “Conditional Response to Amended Counterclaim” on May 30, 2025, after the deadline was moved to that date. Dkt. 91. *See also* Dkt. 79, 83, 85. His belated argument, that no response was needed, even after the Order Regarding Counterclaim Response reiterated the requirement, is erroneous and does not justify his willful failure to comply. Claimant was repeatedly warned of the consequences of failing to follow Board orders to file a proper response, including the dismissal of his claims for failure to prosecute, and the Board directing Counterclaimants to submit their evidence in support of a default determination on the counterclaim based on Claimant’s failure to participate as required. Dkt. 79, 83, 93.

To be clear, the initial act that caused the Board to issue notices that Claimant has failed to prosecute his claims and that Claimant is in default was Claimant’s refusal to appear at the April 30, 2025 status conference. The Order Denying Claimant’s Requests, issued that morning, warned Claimant that –

The conference will proceed as scheduled. The Board reminds Claimant that “[a]ttendance at the status conference is not optional” and may trigger substantive consequences: “If you miss deadlines or requirements without good cause, and fail to cure the delinquency, the Board may ultimately dismiss your claims with prejudice and move toward a default determination against you on the infringement counterclaim.”

Dkt 77 at 3 (*quoting* Dkt. 70). In a judicial proceeding, failure to comply with an order to appear at a status conference would meet the requirements for a finding of contempt of court. *McNulty v. Middle East Forum*, No. CV 19-5029, 2020 WL 7769737, at \*2–3 (E.D. Pa. Dec. 30, 2020); Fed. R. Civ. P. 16(f)(1) & 37(b)(2)(A)(vii). To keep the case going forward in the wake of a plethora of impertinent filings by Claimant, the Board ordered Claimant to file a response to the amended Counterclaim to cure his default and failure to prosecute his claim. Instead,

Claimant has made another dozen filings since the issuance on April 30, 2025 of the first notice of his default and failure to prosecute, most of them on collateral matters.

Because of Claimant's default and failure to prosecute his claim by refusing to appear at the status conference and his failure to cure that delinquency by filing a response to the amended counterclaim that complies with the Board's regulations, Claimant's claim seeking a declaration of noninfringement and his claim of misrepresentation under 17 U.S.C. § 512(f) are dismissed with prejudice. 37 C.F.R. § 228.2(d). The Board will proceed on the infringement counterclaim according to the regulations governing a default determination. 37 C.F.R. §§ 227.2(a), 227.1(c).

The Board orders Counterclaimants to submit written direct testimony in support of a default determination. Written direct testimony consists of:

1. a **party statement** describing the Counterclaimants' position on the counterclaims and any defenses, as well as the facts and any law the Counterclaimants want to present that support their position;
2. Counterclaimants' documentary **evidence**, along with an **evidence list** that identifies and briefly describes each piece of evidence the Counterclaimants are submitting; and
3. optional but recommended **witness statements** from people with personal knowledge about the facts in the proceeding.

37 C.F.R. § 222.15(b). When uploading the written direct testimony, the Counterclaimants must certify that it is accurate and truthful. 37 C.F.R. § 222.15(d).

The Board cannot rule in favor of the Counterclaimants unless they present evidence (including facts properly set forth in written testimony) that proves all the elements of the claim, including identifying the protectible expression from Counterclaimants' works that were copied by Claimant and providing evidence that all of the allegedly infringed copyrightable expression was protected by copyright at the time of infringement (including meeting all applicable formalities, such as registration, renewal, and publication with copyright notice).

Counterclaimants are reminded to submit any evidence related to damages, regardless of whether they have selected actual or statutory damages. This may include evidence related to any revenues lost due to the infringement or the value of the copyright, including amounts charged in the past for licensing the works at issue or similar works, if applicable. Please see page 10 of the [Presenting Your Case](#) chapter of the CCB Handbook and the [Damages](#) chapter for more information. Document requirements, guidance, and instructions for submitting the party statement are included in a separate handout that will be emailed to the parties.

Copyright Claims Board