



COPYRIGHT CLAIMS BOARD

DOCKET NO. 22-CCB-0133

Leslie M Fradkin and RRO Entertainment LLC

CLAIMANT

V.

EMI / Capitol Records, Julie A Schwartz, Shami Media Group
Spirit Music Group, and Universal Music Group

RESPONDENT

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

PLEASE READ CAREFULLY

Claimant Leslie M. Fradkin initiated this proceeding (“*Fradkin I*”) against a single respondent on August 30, 2022. On October 12, 2022, the Copyright Claims Board issued a [noncompliance order](#) that notified him that the claim did not comply with the applicable statutory and regulatory requirements for filings before the Board. [37 C.F.R. § 224.1\(c\)\(2\)](#). Fradkin submitted an amended claim against five respondents on October 13, 2022 and added his record label RRO Entertainment LLC as a second claimant. The Board again found it noncompliant and issued a [second noncompliance order](#) on November 7, 2022. On November 21, 2022, the claimants submitted a second amended claim, which was their final opportunity to submit a compliant claim. [17 U.S.C. § 1506\(f\)\(1\)\(B\)](#); [37 C.F.R. § 224.1\(d\)](#).

A Copyright Claims Attorney reviewed the second amended claim and concluded that it is still noncompliant as the allegations against some of the respondents clearly do not state a claim upon which the Board may grant relief. [37 C.F.R. § 224.1\(b\)\(3\)](#). The Copyright Claims Attorney referred the second amended claim to me to confirm that it does not comply with the applicable statutory and regulatory requirements, and that this proceeding should therefore be dismissed without prejudice. 17 U.S.C. § 1506(f)(1)(B). I have reviewed the second amended claim, and I concur with and confirm the finding of noncompliance.

The facts set forth in the second amended claim are virtually identical to those alleged in the [amended claim](#) in *Leslie M. Fradkin and RRO Entertainment v. Capitol Records, Inc. et al.*, No. 22-CCB-0205 (“*Fradkin II*”), except that the claims in *Fradkin II* were for infringement of the copyrights in a musical work entitled “I’ll Be There Tonight” and a sound recording of that musical work, while this proceeding involves similar claims relating to a musical work entitled “Where Have All the Heroes Gone” and a sound recording of that musical work. The claim in this proceeding does not comply with the requirements of the CASE Act and related regulations for the same reasons set forth in the [Second Order to Amend Noncompliant Claim](#) in *Fradkin II*, issued April 21, 2023.

Under 17 U.S.C. § 1506(f)(1)(B), if any part of a second amended claim is noncompliant, the entire claim must be dismissed without prejudice. The Board cannot grant relief on these facts. Accordingly, the Board dismisses the claim without prejudice and closes this case.

April 21, 2023
Copyright Claims Officer