



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0408

November 19, 2024

Kenneth Rucker

CLAIMANT

v.

James H Dillard

RESPONDENT

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board (Board) finds that your claim, as amended, is still unclear and does not comply with the Board's September 18, 2024, Order Regarding Leave to Amend Claim (September 18th Order). The claim cannot move forward unless it is properly amended and your allegations are clarified.

Claimant Kenneth Rucker (Claimant) has until **December 19, 2024**, to submit his second amended claim, after which the Board will again conduct compliance review. The Board instructs the Claimant to follow the September 18th Order and this order's instructions exactly. Claimant will not be able to further amend the claim while it is in the Compliance Review process. After the Compliance Review process is complete, the Board will issue an order with further instructions.

To make the second amended claim compliant, the Claimant must resolve the issues identified below. The Claimant does not need to provide a legal argument in your claim – just a statement of facts and circumstances. Being specific in the description gives the other party and the Board more information about your claim. There is no character limit, so please be as detailed as possible.

Elements of Misrepresentation and Requirements of September 18th Order

The September 18th Order required Claimant to amend the claim as directed by the Board. Specifically, the Board asked Claimant to list in chronological order: (1) the names of the videos he is basing his claim on, (2) the hyperlink to the video, and (3) the date Claimant received a takedown or counter-notice. Additionally, Claimant was required to include all takedown notices and counter-notices pertaining to the videos at issue in this proceeding and provide the date on which his YouTube channel was terminated.

The Claimant's Amended Claim form includes general allegations but does not include the Board's required information. The Claimant did include a document titled "[Timeline of misrepresentation.docx](#)" as a supplemental document but it addresses some, but not all, of the items the Board specified.

The elements of a misrepresentation claim are that:

1. The respondent sent an online service provider either
 - a. a takedown notice claiming online content or activity was infringing, or

- b. a counter-notice denying infringement and claiming the online content was removed or disabled due to a mistake or a misidentification,
2. The respondent made a misrepresentation (a false or incorrect statement of fact) in the takedown notice or counter-notice,
3. The respondent knew the misrepresentation was false or incorrect,
4. The misrepresentation was important to the online service provider's decision to take down or repost the content,
5. The online service provider relied on the misrepresentation, and
6. You were harmed as a result.

17 U.S.C. § 512(f). The Board has reviewed the "Timeline of misrepresentation.docx" and has determined that several of the takedown notices detailed below do not qualify for a claim of misrepresentation under section 512.

Activities That are Not Misrepresentation

Some of the takedown and counter-notices detailed in in the amended claim and supplemental documents do not meet the requirements for a misrepresentation under section 512. Any references to activity on these dates must be removed from this claim:

- **July 19, 2023:** YouTube did not remove the video "RED PILL Shame & Blame Explained ft. Yanic."
- **July 23, 2023:** The takedown on this date refers to a privacy claim, not a copyright claim.
- **July 25, 2023:** The takedown on this date refers to a privacy claim, not a copyright claim.
- **July 26, 2023:** The Respondent submitted a delayed takedown request, giving the Claimant seven days before YouTube would remove the video and the Claimant could submit a counternotification. Claimant states that he removed the video himself, and that YouTube did not rely on the notice to remove the material.
- **July 27-31, 2023:** YouTube reinstated Claimant's video, "How To Make #peeweeherman scream the secret word! @djTorchLive goes a little overboard," (<https://www.youtube.com/watch?v=Qov8h0YiXCw>) on July 31, 2023, in response to his counternotification. Claimant has not demonstrated any harm because of the takedown.
- **August 7, 2023:** YouTube did not remove the video "Much Ado about Stalkers 2 Father's Day Edition."

Misrepresentation — Clarity

With regard to the other allegations in the amended claim that are listed below, the Board needs additional information from the Claimant for the claim to proceed. Any amended claim that Claimant files should be limited to providing clarity regarding the items below. The Board will not review or consider any copyright strikes that occurred after the original claim was filed. **Any documentation that does not address these three points should be removed from the second amended claim.**

- **July 30, 2023:** You have not provided any evidence of a takedown notice or counter-notice sent by the respondent on July 30, 2023. Exhibit J referenced in the “Timeline of misrepresentation.docx” appears to be mislabeled and was not included in your amended claim, and thus it is unclear if this document was included among your supplemental documents.

In your second amended claim, please state (1) if you received a takedown notice, (2) the date of the takedown notice, (3) a statement detailing whether or not you filed a counter-notice, (2) the date of any counter-notice, (3) the words that made up the alleged misrepresentation, (3) the actions taken by YouTube, and (4) the harm you suffered. You must also include the takedown notice and counter-notice with your second amended claim.

- **July 31, 2023:** In your amended claim you state that you received a takedown dated 7/31/2023 from the respondent regarding your video “Is a certain DJ on drugs? The Pot does call the Kettle Black!” (https://www.youtube.com/watch?v=Yl94Jh9_YwY). Documents submitted to the Board during the course of this claim show that the video was removed on July 31, 2023, that you filed a counter-notice on July 31, 2023, and your video was restored on August 14, 2024. Subsequently, it appears that the respondent provided YouTube with evidence of a claim (22-CCB-0266, *Dillard v. Lovell, et al*) before the Board and the video was removed again. In your amended claim, you provided a supplemental document (“[YouTube Copyright Legal 11-29-23](#)”) which shows a conversation between yourself and a YouTube representative. Also, you must describe the harm that you suffered as a result of the foregoing.
- **August 22, 2023:** You have attached an email from YouTube (“[8-22-23 Removal email Rucker Holding Group LLC Mail - Rucker Holding Group, we have removed your channel from YouTube.pdf](#)”) which states that one of your channels “Rucker Holding Group LLC” was removed from YouTube for violations of YouTube’s “Community Guidelines.” This removal does not appear to be related to any “copyright strikes” received. In your amended claim, you should provide documentation showing that your YouTube accounts were removed due to alleged copyright violations and not due to Community Guidelines.

Final Amendment

Your amended claim resolved none, of the compliance issues raised in the September 18th Order. **This is your third and final opportunity to submit a compliant claim in this proceeding.**

To submit a second amended claim, log into your eCCB account and take the following steps:

1. From your dashboard, click the “**Amend claim**” button and select your docket number from the dropdown list.
2. Your claim will unlock for editing. The information you originally entered will appear in the same order as in your original claim.

3. Make the necessary edits. If you have filed supplemental documents, you must re-upload any documents you wish to include in the amended claim on the “**Documentation**” page. Please include only documents directly related to your claim, and label them clearly.
4. Once you have completed your edits, continue to click through the fillable claim form until you reach the “**Review**” page. The Review page includes all the information that you have provided in the claim up to this point. Carefully double-check the information on this page. If you have any corrections, you can select “**Edit**” to revise any entries necessary. Each section of information has an “**Edit**” button, which will take you back to that section so you can make changes. After you make changes, you can click “**Save & review**” to return to the Review page. Please review your claim carefully. Once you submit your amended claim, you will be unable to edit the claim while it is in compliance review.
5. Once you have completed your review and any revisions, you must confirm that the information in your claim is accurate and truthful to the best of your knowledge. To complete the declaration, type your full name into the “**Digital signature**” box near the bottom of the “**Review filing**” page and click “**Agree & submit.**”

If you have questions, please contact asktheboard@ccb.gov. Include your docket number in the subject line. The Board is unable to provide legal advice. We can only provide legal information and assistance concerning Board procedures and requirements. If you would like to seek further guidance from a lawyer or a law student at reduced or no cost, please visit the [Pro Bono Assistance](#) page on ccb.gov. You may also refer to the [Compliance Review](#) chapter of the CCB Handbook for more assistance.

Copyright Claims Board