



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0139

June 10, 2024

Damon Lovell

CLAIMANT

v.

James H. Dillard, Jr

RESPONDENT

SECOND ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board finds that your claim, as amended, still does not comply with the requirements of the CASE Act and related regulations. The claim cannot move forward unless it is amended.

If you wish to proceed with this claim, you must file a second amended claim by **July 10, 2024**. If you do not, the Board must dismiss your claim without prejudice, although you may file again in the future before the Board or in federal court. There is no additional filing fee for an amended claim. If you file a second amended claim and it is found compliant, you will be notified and directed to proceed with service. However, if your second amended claim also is found not to comply, the Board will dismiss the proceeding without prejudice. 17 U.S.C. § 1506(f)(1)(B); 37 C.F.R. § 224.1(d).

To make your second amended claim compliant, you must resolve the issues identified below. 37 C.F.R. § 224.1(c)(2). You may also choose to correct or edit any errors or other information in your claim before you file it again. You do not need to provide a legal argument in your claim – just a statement of facts and circumstances. Being specific in your 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.

Misrepresentation – Clarity

You are bringing a claim of misrepresentation under 17 U.S.C. § 512(f) in connection with DMCA takedown notices that the respondent sent to YouTube on July 29 and July 31, 2023. You allege that the respondent made misrepresentations in those takedown notices, and that you sent counter-notices to YouTube on the same dates. However, in the part of the claim form inquiring whether the misrepresentation occurred in the takedown notice or the counter-notice, you checked both the “Notice” box and the “Counter notice” box. Checking “Counter notice” appears to be a mistake. In your second amended claim, to maintain the misrepresentation claim, you must check only the box in the claim form that indicates that the misrepresentations occurred in the respondent’s takedown notices, not the box that indicates that the misrepresentations occurred in your counter-notices.

Relief Requested

You selected the “smaller claims” option in the claim form. The smaller claims option is for claimants who wish to seek a maximum of \$5,000 in a proceeding. 17 U.S.C. § 1506(z); 37 C.F.R. § 226.1. However, the

“Description of harm suffered and relief sought” section of your amended claim includes a request for relief greater than the Board can grant: “I am asking for the maximum in damages the court allows, \$5000 or more.” If you want to proceed under the smaller claims option, you must reduce your demand for damages to an amount no greater than \$5,000, for example, by removing the words “or more” from that request for relief. If you want to seek damages above \$5,000, you must change your “smaller claims” selection in the claim form to “No.”

Final Amendment

Your amended claim resolved the compliance issues raised in the May 22, 2024 noncompliance order. This order identifies additional issues in the amended claim that also must be resolved for the claim to move forward.

This is your third and final opportunity to submit a compliant claim. If your claim remains noncompliant, the entire proceeding will be dismissed. 17 U.S.C. § 1506(f)(1)(B).

To submit an 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 Attorney