



COPYRIGHT CLAIMS BOARD

DOCKET NO. 22-CCB-0055

United States Copyright Claims Board

Freda J Day

CLAIMANT

v.

Pryor Cashman c/o Attorney Steve Berlowitz, Lions Gate
Entertainment, LLC, Craig Wright, and New Age World Publishing

RESPONDENT

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

PLEASE READ CAREFULLY

On August 11, 2022 and September 9, 2022, the Copyright Claims Board issued orders that notified the claimant that the claim and amended claim filed in this proceeding, respectively, did not comply with the applicable statutory and regulatory requirements for filings before the Board. [37 C.F.R. § 224.1\(c\)\(2\)](#). On September 30, 2022, the claimant submitted a second amended claim, which was the 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 on the following grounds:

Under 17 U.S.C. § 1504(d)(2), the Board cannot determine the copyright infringement claim against respondents Lions Gate Entertainment, LLC and Craig Wright because they were defendants in prior copyright litigation brought by the claimant. *See Day v. Winfrey et al.*, No. 3:19-cv-277-MOC-DCK, 2021 WL 1910784 (W.D.N.C. May 5, 2021) (granting summary judgment to defendants and dismissing with prejudice), *aff'd per curiam*, No. 21-1627, 2022 WL 2256311 (4th Cir. June 23, 2022), *cert. denied*, No. 22-5623 (Oct. 17, 2022). The second amended claim fails to allege facts that would provide a basis to find that either of the other respondents engaged in any acts of infringement. The claim of misrepresentation under 17 U.S.C. § 512(f) fails to allege any takedown notice sent to an online service provider. To the extent that any part of the second amended claim is not compliant, the proceeding must be dismissed without prejudice. 17 U.S.C. § 1506(f)(1)(B).

The Copyright Claims Attorney referred this claim to me to confirm that the second amended claim does not comply with the applicable statutory and regulatory requirements, and that this proceeding should therefore be dismissed without prejudice. I have reviewed the second amended claim, and I concur with and confirm the finding of noncompliance. Accordingly, the Copyright Claims Board dismisses the claim without prejudice and closes this case.

Date: October 21, 2022

David O. Carson
Copyright Claims Officer