



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0193

October 2, 2024

James H Dillard, II

CLAIMANT

v.

Kenneth Rucker, Damon Lovell,
and Marquis Edwards

RESPONDENTS

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

On July 1, 2024, the claimant filed claim 24-CCB-0193 with the Copyright Claims Board (Board). On July 3, 2024, the Board found this claim compliant and issued a Notice of Compliance and Direction to Serve.

A claimant has 90 days after receiving the Notice of Compliance to file a proof of service or waiver of service form with the Board. 17 U.S.C. § 1506(g); 37 C.F.R. § 222.5(b)(3)(i); 37 C.F.R. § 222.5(c)(5).

On September 30, 2024, the claimant filed a proof of service form and a United States Postal Service return receipt signed for by Kenneth Rucker (Rucker) in accordance with Tex. R. Civ. P. 107(c) and 17 U.S.C. § 1506(g). Rucker submitted an opt-out notice for this claim on October 1, 2024, within the 60-day opt-out period. 17 U.S.C. § 1506(i). Additionally, the claimant did not file a proof of service or waiver of service form for respondents Damon Lovell and Marquis Edwards within the 90-day period.

As a result, the Board dismisses this proceeding without prejudice and closes this case with respect to all parties. 17 U.S.C. § 1506(v)(1); 37 C.F.R. § 223.1(a). Dismissal without prejudice means the claimant may raise the allegations again by filing a new claim. However, if the claimant attempts to refile a claim with the Board against the same respondent who opted-out, covering in substance the same acts and the same theories of recovery as in this proceeding, the Board will again dismiss the claim, unless the claimant can demonstrate that that respondent affirmatively agreed to have the dispute resubmitted to the Board for resolution. 37 C.F.R. § 223.1(i). This does not preclude the claimant from filing their claim in federal court.

Copyright Claims Board