

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

1330 OLD RIVER, LLC d/b/a ROC BAR,	:	Case No. 1:08-cv-563
Applicant,	:	Magistrate Judge Timothy S. Black
vs.	:	
BROADCAST MUSIC INC.,	:	
Respondent.	:	
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P.I.G. INC., d/b/a THE BLIND PIG, <i>et al.</i> ,	:	Case No. 1:08-cv-730
Applicant,	:	Magistrate Judge Timothy S. Black
vs.	:	
BROADCAST MUSIC INC.,	:	
Respondent.	:	

REPORT AND RECOMMENDATION¹ THAT THESE CASES BE CLOSED

Pursuant to 17 U.S.C. § 513, the undersigned was assigned this matter in order to conduct all proceedings necessary and proper to determine a reasonable license fee for the named applicants. Upon completion, these proceedings were to be reviewed by the judge of the court with jurisdiction over the consent decree governing the Respondent Broadcast

¹ Attached hereto is a NOTICE to the parties regarding objections to this Report and Recommendation.

Music, Inc.² 17 U.S.C. § 513(6). On February 13, 2009, Applicants 1330 Old River, LLC d/b/a Roc Bar; P.I.G., Inc. d/b/a The Blind Pig; and West Sixth Street Partners, Inc. d/b/a The Velvet Dog withdrew their applications for a reasonable rate determination. (Doc. 16). After several follow-up conferences with the Court and the parties, all issues are resolved.

Accordingly, the undersigned submits his Report and Recommendation that these cases be closed.

IT IS SO RECOMMENDED.

Date: April 13, 2009

s/ Timothy S. Black
Timothy S. Black
United States Magistrate Judge

² The Consent Decree was entered in the United States District Court for the Southern District of New York in *United States v. Broadcast Music, Inc.*, No. 64 Civ. 3787, 1966 U.S. Dist. LEXIS 10449, 1966 Trade Cases (CCH) ¶ 71, 941 (S.D.N.Y. 1966), as amended by 1994 U.S. Dist. LEXIS 21476, 1996-1 Trade Cases (CCH) ¶ 71, 378 (S.D.N.Y. 1994).

United States District Court Judge Louis L. Stanton is the presiding rate court judge in this matter, and this Report and Recommendation is offered to him.

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BROADCAST MUSIC INC.,	:	
	:	
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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation (“R&R”) within **TEN (10) DAYS** of the filing date of this R&R. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **TEN (10) DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).