COPYRIGHT CLAIMS BOARD

**Docket number:** 25-CCB-0003
January 27, 2026

| Karen Holmes, Rebecca Estenssoro, and Karen Boeker | *v.* | Jennifer Darter |
|---|---|---|
| **CLAIMANTS** | | **RESPONDENT** |

## FIRST FAILURE TO PROSECUTE NOTICE

The Copyright Claims Board (Board) is issuing a First Failure to Prosecute Notice in the above-captioned claim because the claimants have not submitted their default testimony or informed the Board if they intend to continue to pursue this claim.

Claimants filed this claim on January 2, 2025. On January 14, 2025, the Board found the claim compliant and directed the claimants to effect service. A proof of service filed on March 21, 2025, stated that service was made on that date by hand delivery to the respondent personally. Despite multiple orders and default notices directing the respondent to register for eCCB, file a response to the claim, and attend an online, initial conference in this proceeding on August 19, 2025, the respondent did not attend the conference and has not registered for eCCB or filed a response. Because of the respondent's failure to participate, the Board issued an Order to Submit Direct Default Party Statement on September 22, 2025 (September 22 Order), which directed the claimants to submit their written direct testimony in support of a default determination against the respondent by November 6, 2025.

Even when a respondent fails to participate in a proceeding, the claimants still must show that they have a valid claim and a right to relief by submitting their default testimony, including evidence in support of the claim. The claimants have not submitted their default testimony in this proceeding.

On December 1, 2025, Board staff emailed the claimants about the missed deadline and asked if they intended to move forward with the claim. On December 3, 2025, in response to the email, Claimant Rebecca Estenssoro stated erroneously that she had uploaded a default party statement and accompanying documents for this claim; in fact, she had submitted such materials only for a different proceeding against different respondents (*Holmes et al. v. Nunes et al.*, Claim No. 24-CCB-0405). Ms. Estenssoro also informed the Board that Claimant Karen Holmes had passed away on November 20, 2025. In these circumstances, on its own accord, the Board extended the due date for the claimants' written testimony in this proceeding to January 9, 2026. No testimony was filed, and on January 14, 2026, Board staff again emailed Ms. Estenssoro and Claimant Karen Boeker and asked if they intended to pursue the claim. The Board has not received a response.

The Board hereby notifies Claimants that continued inaction may result in the Board issuing an order dismissing this claim. 37 C.F.R. § 228.2(b)(1). Claimants have until **February 26, 2026**, to submit their default testimony, as outlined in the September 22 Order. If the default testimony is filed by that date, the Board will resume

proceedings and determine whether the evidence submitted is sufficient to justify a default determination in favor of the Claimants. If no default testimony is filed by that date, the Board will dismiss the claim with prejudice, meaning it cannot be refiled.

For more information about procedures related to default and failure to prosecute, please refer to the **Missed Deadlines** chapter of the CCB Handbook. This notice will also be sent by mail and email to the contact information on file. For further questions, please contact **asktheboard@ccb.gov**.

Copyright Claims Board