

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No.: 1:11-cv-00830

RIGHTHAVEN, LLC,

Plaintiff,

v.

LELAND WOLF, an individual, and
IT MAKES SENSE BLOG, an entity of unknown
origin and nature

Defendants.

**STIPULATION TO JURISDICTIONAL DISCOVERY AND
SUPPLEMENTATION OF DEFENDANT’S MOTION TO DISMISS**

COMES NOW, the Defendants, Leland Wolf and the It Makes Sense Blog (hereinafter, collectively “Wolf,” or the “Defendant”), through Counsel, Contiguglia / Fazzone and Randazza Legal Group, and Plaintiff Righthaven LLC (hereinafter “Righthaven,” or the “Plaintiff”) hereby file the following stipulation with the Court concerning the pending Motions to Dismiss for lack of Subject Matter Jurisdiction and for Leave to Conduct Jurisdictional Discovery (Docs. # 11, 13):

1. Pursuant to D.C.Colo.LCivR Rule 7.1(a), both parties have met and conferred regarding the optimal manner to conduct this litigation, so as to quickly reach a conclusion while conserving party and Court resources.

2. Conditioned upon the Court's approval of this stipulation, the parties will stay all briefing on the pending Motion for Leave to Conduct Jurisdictional Discovery (Doc. # 13) indefinitely.

3. Instead of asking this Court to rule on the appropriateness of jurisdictional discovery, Plaintiff stipulates to provide limited jurisdictional discovery of the type described in Defendant's Motion for Leave to Conduct Jurisdictional Discovery. Specifically, Plaintiff stipulates to provide the Defendant with all contracts, agreements or documentation of arrangements between Righthaven and MediaNews Group relating to MediaNews Group's assignment of its copyrights to Righthaven.

4. Upon this Court approving this stipulation, Plaintiffs will propound a formal discovery request upon Righthaven for these documents.

5. During this time, the parties stipulate to a temporary stay in briefing on the Defendant's Motion to Dismiss for lack of Subject Matter Jurisdiction (Doc. # 11). Specifically, once this Court approves this stipulation and Wolf may propound the limited, agreed-upon discovery requests upon Righthaven, all briefing on the Motion to Dismiss will be stayed for 30 calendar days.

6. At the conclusion of this 30 day period, the parties agree that Wolf will be free to supplement the pending Motion to Dismiss with information and evidence relevant to Righthaven's subject matter jurisdiction, revealed during the limited jurisdictional discovery described in paragraphs 2-4.

7. Following Wolf's supplementation of the Motion to Dismiss (Doc. # 11), Righthaven will then have 21 days to oppose the supplemented motion, as provided for in

D.C.Colo.LCivR Rule 7.1(c). Wolf will have 14 days to reply to Righthaven's opposition, also consistent with D.C.Colo.LCivR Rule 7.1(c).

8. This stipulation is not filed for purposes of delay or for any improper purpose, but to provide both parties, and the Court, with an economical and efficient avenue for resolving the important question of subject matter jurisdiction. Neither party will be prejudiced by the Court granting this stipulation.

9. Undersigned counsel respectfully submits that good cause can therefore be shown for this stipulation, and requests that this Honorable Court adopt the jurisdictional discovery provisions set forth in this stipulation, as well as the briefing schedule contained herein.

Dated this 3rd day of June, 2011.

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CERTIFICATE OF SERVICE

Undersigned hereby certifies that a true and accurate copy of the foregoing **STIPULATION TO JURISDICTIONAL DISCOVERY AND SUPPLEMENTATION OF DEFENDANT'S MOTION TO DISMISS** was sent through the Court's CM/ECF system on this 3rd day of June 2011 to the following interested parties:

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/s/ J. Malcolm DeVoy IV
