

**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.

**DECLARATION OF J. MALCOLM DEVOY IV IN SUPPORT OF DEFENDANT'S
SUPPLEMENTAL MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT'S
MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION**

I, J. MALCOLM DEVOY IV hereby declare as follows:

1. I am a duly licensed attorney in Nevada and a member of the Nevada bar in good standing, attorney for the Randazza Legal Group law firm (alternatively, the "Firm"), and counsel of record with Andrew Contiguglia, Marc J. Randazza and Jason Fischer for the Defendants in this matter.

2. On the evening of July 6, 2011, Marc Randazza and I spoke with counsel for Righthaven, Shawn Mangano, in advance of filing this motion, in an effort to settle this matter with the Plaintiff.

3. Plaintiff, Righthaven LLC, has not accepted any offer of settlement at the time of this filing.

4. On July 6, 2011, Shawn Mangano sent me, via e-mail, an electronic copy of the

Copyright Alliance Agreement between Righthaven LLC and Media News Group, Incorporated.

5. A true and correct copy of this document is attached to the Supplemental Memorandum of Law as Exhibit A.

6. On July 6, 2011, Shawn Mangano also sent me, via e-mail, an electronic copy of Media News Group, Incorporated's executed copyright assignment of the work "Transportation Security Administration agents perform enhanced pat-downs."

7. A true and correct copy of this document is attached to the Supplemental Memorandum of Law as Exhibit B.

I declare under penalty of perjury that the above is true and correct

Dated July 8th, 2011.

By: /s/ J. Malcolm DeVoy IV
J. Malcolm DeVoy IV