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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 RIGHTHAVEN LLC, a Nevada limited-
12 liability company,

13
14 Plaintiff,

15 v.

16 EMTCITY.COM, an entity of unknown origin
17 and nature; and CHRISTOPHER J. MALLEY,
an individual,

18 Defendant.
19

Case No.: 2:10-cv-0854

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

20
21 Righthaven LLC (“Righthaven”) complains as follows against Emtcity.com (“EMT”) and
22 Christopher J. Malley (“Mr. Malley;” collectively with EMT known herein as the “Defendants”),
23 on information and belief:
24

25 **NATURE OF ACTION**

26 1. This is an action for copyright infringement pursuant to 17 U.S.C. §501.
27
28

PARTIES

1
2 2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-
3 liability company with its principal place of business in Nevada.

4 3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing
5 with the Nevada Secretary of State.

6 4. Mr. Malley is, and has been at all times relevant to this lawsuit, identified by the
7 current registrar, PairNIC.com (“PairNIC”), as the administrative contact for the Internet domain
8 found at <emtcity.com> (the “Domain”).

9 5. Mr. Malley is, and has been at all times relevant to this lawsuit, identified by
10 PairNIC as the technical contact for the Domain.

11 6. EMT is, and has been at all times relevant to this lawsuit, identified by PairNIC as
12 the registrant of the Domain.

13 7. EMT is, and has been at all times relevant to this lawsuit, an entity of unknown
14 origin and nature.

15 8. Attempts to find evidence of the formal organizational status in the respective
16 Secretary of State offices of Delaware, California, Illinois, New York, Texas, Tennessee, Nevada
17 and New Hampshire demonstrate that, at least with respect to these states, EMT is not a formally
18 organized business entity.

19
20 **JURISDICTION**

21 9. This Court has original subject matter jurisdiction over this copyright
22 infringement action pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1338(a).

23 10. EMT purposefully directs activities at Nevada residents, which activities have
24 resulted in the copyright infringement alleged herein.

25 11. Mr. Malley purposefully directs activities at Nevada residents, which activities
26 have resulted in the copyright infringement alleged herein.

1 12. Righthaven is the owner of the copyright in the literary work entitled, “NLV Fire
2 Department seeks more ambulance duties to save jobs” (the “Work”), attached hereto as Exhibit
3 1.

4 13. At all times relevant to this lawsuit, the Work depicted and depicts the original
5 source publication as the Las Vegas Review-Journal.

6 14. The Defendants willfully copied, on an unauthorized basis, the Work from a
7 source emanating from Nevada.

8 15. On or about February 20, 2010, the Defendants displayed and continue to display
9 an unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 2, as
10 part of the content accessible through the Domain (said content accessible through the Domain
11 known herein as the “Website”).

12 16. At all times relevant to this lawsuit, the Infringement depicted and depicts the
13 original source publication as the Las Vegas Review-Journal.

14 17. The subject matter, at least in part, of the Work and the Infringement, is the Las
15 Vegas, Nevada Fire Department.

16 18. At all times relevant to this lawsuit, the Defendants knew that the Work was
17 originally published in the Las Vegas Review-Journal.

18 19. At all times relevant to this lawsuit, the Defendants knew that the Infringement
19 was and is of specific interest to Las Vegas, Nevada residents.

20 20. The Defendants purposefully direct and effectuate the unauthorized reproduction
21 of a Righthaven-owned copyrighted work on the Website.

22 21. The Defendants’ unauthorized reproduction of a Righthaven-owned copyrighted
23 work found on the Website is purposefully targeted at Nevada residents.

24 22. The Defendants’ contacts with Nevada are continuous and systematic because the
25 Defendants published and publish, on the Website, content emanating from Nevada-based daily
26 publications.

1 34. The Defendants did not seek permission, in any manner, to reproduce, display, or
2 otherwise exploit the Work.

3 35. The Defendants were not granted permission, in any manner, to reproduce,
4 display, or otherwise exploit the Work.

5
6 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

7 36. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
8 35 above.

9 37. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17
10 U.S.C. §106(1).

11 38. Righthaven holds the exclusive right to prepare derivative works based upon the
12 Work, pursuant to 17 U.S.C. §106(2).

13 39. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
14 17 U.S.C. §106(3).

15 40. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17
16 U.S.C. §106(5).

17 41. The Defendants reproduced the Work in derogation of Righthaven's exclusive
18 rights under 17 U.S.C. §106(1).

19 42. The Defendants created an unauthorized derivative of the Work in derogation of
20 Righthaven's exclusive rights under 17 U.S.C. §106(2).

21 43. The Defendants distributed, and continue to distribute, an unauthorized
22 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
23 17 U.S.C. §106(3).

24 44. The Defendants publicly displayed, and continue to publicly display, an
25 unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive
26 rights under 17 U.S.C. §106(5).

27 45. EMT has willfully engaged in the copyright infringement of the Work.

28 46. Mr. Malley has willfully engaged in the copyright infringement of the Work.

1 47. The Defendants' acts as alleged herein, and the ongoing direct results of those
2 acts, have caused and will continue to cause irreparable harm to Righthaven in an amount
3 Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

4 48. Unless the Defendants are preliminarily and permanently enjoined from further
5 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
6 entitled to preliminary and permanent injunctive relief against further infringement by the
7 Defendants of the Work, pursuant to 17 U.S.C. §502.

8
9 **PRAYER FOR RELIEF**

10 Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

11 1. Preliminarily and permanently enjoin and restrain the Defendants, and the
12 Defendants' agents, servants, employees, attorneys, parents, subsidiaries, related companies,
13 partners, and all persons acting for, by, with, through, or under the Defendants, from directly or
14 indirectly infringing the Work by reproducing the Work, preparing derivative works based on the
15 Work, distributing the Work to the public, and/or displaying the Work, or ordering, directing,
16 participating in, or assisting in any such activity;

17 2. Direct the Defendants to preserve, retain, and deliver to Righthaven in hard copies
18 or electronic copies:

19 a. All evidence and documentation relating in any way to the Defendants'
20 use of the Work, in any form, including, without limitation, all such evidence and
21 documentation relating to the Website;

22 b. All evidence and documentation relating to the names and addresses
23 (whether electronic mail addresses or otherwise) of any person with whom the
24 Defendants have communicated regarding the Defendants' use of the Work; and

25 c. All financial evidence and documentation relating to the Defendants' use
26 of the Work;

27 3. Direct PairNIC and any successor domain name registrar for the Domain to lock
28 the Domain and transfer control of the Domain to Righthaven;

