

1 ANNE E. PIERONI, ESQ.
Nevada Bar No. 9650
2 apieroni@righthaven.com
Counsel at Righthaven LLC
3 RIGHTHAVEN LLC
9960 West Cheyenne Avenue, Suite 210
4 Las Vegas, Nevada 89129-7701
Tel.: (702) 527-5900
5 Fax: (702) 527-5909

6 SHAWN A. MANGANO, ESQ.
Nevada Bar No. 6730
7 shawn@manganolaw.com
SHAWN A. MANGANO, LTD.
8 9960 West Cheyenne Avenue, Suite 170
Las Vegas, Nevada 89129-7701
9 Tel.: (702) 304-0432
Fax: (702) 922-3851

10 *Attorneys for Plaintiff*

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

14 RIGHTHAVEN LLC, a Nevada limited-
15 liability company,

16
17 Plaintiff,

18 v.

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

21 Defendant.
22

Case No.: 2:10-cv-0854-JCM-GWF

**MOTION TO WITHDRAW
MOTION FOR ENTRY OF CLERK’S
DEFAULT and DEFENDANTS’
OPPOSITION [DE 32 and 33]
WITH CERTIFICATE OF SERVICE**

23
24 Plaintiff Righthaven LLC (“Righthaven”) hereby moves to withdraw its Motion for Entry
25 of Clerk’s Default [DE 32] and Defendants’ Opposition thereto [DE 33], so that the parties may
26 comply in the above captioned matter with LR IA 10-7(a), which applies “the Model Rules of
27 Professional Conduct as adopted and amended from time to time by the Supreme Court of
28 Nevada,...” and Nevada RPC 3.5A, so that the parties may confer regarding Defendants’

1 counsel's intention to proceed in the matter. Although Plaintiff's counsel has already complied
2 with the rule, by telephoning Defendants' counsel to inquire Friday regarding Defendants'
3 counsel 's intentions to proceed in the matter without response by Defendants' counsel, Plaintiff
4 would like to provide Defendants' counsel with more time so that it may confer with its out-of-
5 state client. There exists no intentional violation of the Local Rules of this Court or the Nevada
6 Rules of Professional Conduct. Therefore, Righthaven respectfully requests that this Court grant
7 the instant motion and withdraw the following pleadings from the record: Motion for Entry of
8 Clerk's Default [DE 32] and Defendants' Opposition [DE 33].

9 Dated this 14th day of March, 2011.

10
11 RIGHTHAVEN LLC

12
13 By: /s/ Anne E. Pieroni, Esq.
14 ANNE E. PIERONI, ESQ.
15 Nevada Bar No. 9650
16 apieroni@righthaven.com
17 *Counsel at Righthaven LLC*
18 9960 West Cheyenne Avenue, Suite 210
19 Las Vegas, Nevada 89129-7701
20 Tel.: (702) 527-5900
21 Fax: (702) 527-5909

22
23 SHAWN A. MANGANO, ESQ.
24 Nevada Bar No. 6730
25 shawn@manganolaw.com
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Fax: (702) 922-3851

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(b), I hereby certify that I am an employee of Righthaven LLC and that on this 14th day of March, 2011, I caused **MOTION TO WITHDRAW MOTION FOR ENTRY OF CLERK’S DEFAULT and DEFENDANTS’ OPPOSITION [DE 32 and 33] WITH CERTIFICATE OF SERVICE** to be to be served by the Court’s CM/ECF system.

By: /s/ Anne Pieroni
An Employee of Righthaven LLC
9960 West Cheyenne Avenue, Suite 210
Las Vegas, Nevada 89129-7701
Tel: (702) 527-5900