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

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

13
14 Plaintiff,

15 v.

16 BEN JONES, an individual;

17 Defendants.
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Case No: 2:10-cv-01046-HDM-LRL

**MOTION TO WITHDRAW AFFIDAVIT
OF SERVICE**

19 Plaintiff, Righthaven LLC (“Righthaven”) hereby moves this Court to withdraw
20 Righthaven’s Affidavit of Service (the “Affidavit”; Docket No. 7) for Defendant, Ben Jones
21 (“Mr. Jones”) on the grounds that the Complaint (Docket No. 1) and Summons (Docket No. 4)
22 were inadvertently served upon an improper person, rather than Mr. Jones.
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1 As such, Righthaven moves for withdraw of the Affidavit (Docket No. 7), and as grounds
2 thereof hereby attaches the Declaration of J. Charles Coons, Esq.

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4 Dated this third day of August, 2010.

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6 RIGHTHAVEN LLC

7 By: /s/ J. Charles Coons
8 STEVEN A. GIBSON, ESQ.
9 Nevada Bar No. 6656
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IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

DATED: 8-6-10

DECLARATION OF J. CHARLES COONS, ESQ.

J. Charles Coons, Esq., declares under the pains and penalties of perjury:

1. I am an attorney-at-law admitted to practice in all courts of the State of Nevada. I represent Righthaven LLC (“Righthaven”) in the matter of *Righthaven LLC v. Ben Jones*, case number 2:10-cv-01046-HDM-LRL in the United States District Court for the District of Nevada. I am over eighteen years old and I am competent to testify to the matters set forth herein.

2. On July 6, 2010, Righthaven filed its proposed summons (Docket No. 4) for Mr. Jones.

3. On July 7, 2010, this Court issued Righthaven a summons (the “Summons”; Docket No. 5) for Mr. Jones.

4. On or about July 20, 2010, I was advised by June’s Legal Service that service upon Mr. Jones at the address reflected on the summons (Docket No. 5) was unsuccessful.

5. On or about July 20, 2010, I was advised by June’s Legal Service that service was effectuated upon Mr. Jones at an alternate address.

6. On July 22, 2010, Righthaven filed the Affidavit (Docket No. 7) evidencing service upon Mr. Jones.

7. On or about August 3, 2010, I was contacted by an attorney representing an individual named Ben Jones, and was accordingly advised that this was not the person against whom Righthaven sought relief from for copyright infringements, as alleged in Righthaven’s Complaint (Docket No. 1).

Signed and affirmed this third day of August, 2010 under the pains and penalties of perjury of the State of Nevada and of the United States of America.

/s/ J. Charles Coons
J. CHARLES COONS, ESQ.