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7 *Attorneys for Plaintiff Righthaven LLC*
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9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**
12

13 RIGHTHAVEN LLC, a Nevada limited-
liability company,

14
15 Plaintiff,

16 v.

17 HOWARD HEYS, an individual;

18
19 Defendant.
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Case No.: 2:10-cv-01110-KJD-RJJ

**MOTION, PROPOSED ORDER AND
AFFIDAVIT FOR SERVICE OF
PROCESS BY PUBLICATION**

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22 Plaintiff, Righthaven LLC (“Righthaven”) respectfully requests this Court enter an Order
23 permitting Righthaven to serve defendant, Howard Heys (“Mr. Heys”), by publication.
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1 As such, Righthaven respectfully requests this Court enter an Order granting
2 Righthaven's Motion for Service of Process by Publication, and as grounds thereof hereby
3 attaches the Declaration of J. Charles Coons, Esq.

4 Dated this twenty-second day of November, 2010.

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6 RIGHTHAVEN LLC

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8 By: /s/ J. Charles Coons

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Attorneys for Plaintiff Righthaven LLC

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 in the matter of *Righthaven LLC v. Howard Heys*, case number 2:10-cv-01110-KJD-RJJ 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. The Complaint (Docket No. 1) in this matter was filed by Righthaven on July 7, 2010.

3. Righthaven attempted to serve Mr. Heys at the following address: 100 Western Avenue, Chicago, Illinois 60612, which Righthaven believed to be Mr. Heys last known address, evidenced by the Affidavit of Non-service, attached hereto as Exhibit 1.

4. The service attempt at the foregoing address was not effectuated, as the building was an abandoned, commercial building.

5. Righthaven has never been informed and has no reason to believe that Mr. Heys resides in Nevada.

6. Righthaven has been unable, through diligent search efforts, to locate Mr. Heys.

7. Righthaven believes that Mr. Heys may be residing in the Kalamazoo area of Michigan, but has been unable to substantiate same.

Signed and affirmed this twenty-second day of November, 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.

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 9 **UNITED STATES DISTRICT COURT**
 10 **DISTRICT OF NEVADA**
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12 RIGHTHAVEN LLC, a Nevada limited-
 13 liability company,

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 15 Plaintiff,

16 v.

17 HOWARD HEYS, an individual;

18
 19 Defendant.

Case No.: 2:10-cv-01110-KJD-RJJ

**ORDER FOR SERVICE OF
 PROCESS BY PUBLICATION**

20
 21 Righthaven LLC (“Righthaven”) submitted to this Court a Motion and Affidavit for
 22 Service of Process by Publication for service of process to be made upon defendant, Howard
 23 Heys (“Mr. Heys”).

24 Righthaven has made diligent efforts to serve process, but has not been able to complete
 25 service of process. Mr. Heys last known address is 100 Western Avenue, Chicago, Illinois
 26 60612.
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1 THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED THAT Righthaven may
2 serve process on Mr. Heyes by publication once a week for four weeks in the Nevada Legal
3 News or other similar publication, a paper of general circulation in Clark County, State of
4 Nevada. Righthaven shall file affidavits showing such service has been completed.

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6 DATED this _____ day of _____, 2010.

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9 **IT IS SO ORDERED.**

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11 _____
12 **UNITED STATES MAGISTRATE JUDGE**

13 **DATED:** _____
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