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

10
11 RIGHTHAVEN LLC, a Nevada limited-
12 liability company,

13
14 Plaintiff,

15 v.

16 DAVID WILLIAMS-PINKNEY, an
17 individual; and COLLEGESTARTERS, an
entity of unknown origin and nature,

18 Defendants.
19

Case No.: 2:10-cv-1126

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

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21 Righthaven LLC (“Righthaven”) complains as follows against David Williams-Pinkney
22 (“Mr. Williams-Pinkney”) and CollegeStarters (collectively with Mr. Williams-Pinkney known
23 herein as the “Defendants”), 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

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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. Williams-Pinkney is, and has been at all times relevant to this lawsuit,
7 identified by the current registrar, Register.com, as the registrant and administrative contact for
8 the Internet domain found at <collegestarters.com> (the “Domain”).

9 5. Mr. Williams-Pinkney is, and has been at all times relevant to this lawsuit, a
10 resident of Nevada.

11 6. CollegeStarters is, and has been at all times relevant to this lawsuit, the self-
12 proclaimed owner of the copyright(s) in the work(s) posted as part of the content accessible
13 through the Domain (said content accessible through the Domain known herein as the
14 “Website”), as evidenced by a copyright notice displayed on the Website: “© 2009 by
15 CollegeStarters. All Rights Reserved.”

16 7. CollegeStarters is, and has been at all times relevant to this lawsuit, an entity of
17 unknown origin and nature.

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

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23 **JURISDICTION**

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

26 10. Righthaven is the owner of the copyright in the literary work entitled:
27 “Millennium Scholarship fund short \$4.2 million for 2011, treasurer says” (the “Work”),
28 attached hereto as Exhibit 1.

1 11. At all times relevant to this lawsuit, the Work has depicted and depicts the
2 original source publication as the Las Vegas *Review-Journal*.

3 12. The Defendants willfully copied, on an unauthorized basis, the Work from a
4 source emanating from Nevada.

5 13. On or about May 4, 2010, the Defendants displayed, and continue to display, an
6 unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 2, on the
7 Website.

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10 **VENUE**

11 14. The United States District Court for the District of Nevada is an appropriate
12 venue, pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events giving rise to
13 the claim for relief are situated in Nevada.

14 15. The United States District Court for the District of Nevada is an appropriate
15 venue, pursuant to 28 U.S.C. § 1391(b)(3) and § 1400(a), because Mr. Williams-Pinkney may be
16 found in Nevada.

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19 **FACTS**

20 16. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §
21 102(a)(1).

22 17. Righthaven is the owner of the copyright in and to the Work.

23 18. The Work was originally published on May 3, 2010.

24 19. On June 23, 2010, the United States Copyright Office (the “USCO”) granted
25 Righthaven the registration to the Work, copyright registration number TX0007161077 (the
26 “Registration”) and attached hereto as Exhibit 3 is evidence of the Registration in the form of a
27 printout of the official USCO database record depicting the occurrence of the Registration.

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

4 32. Mr. Williams-Pinkney has willfully engaged in the copyright infringement of the
5 Work.

6 33. CollegeStarters has willfully engaged in the copyright infringement of the Work.

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

10 35. Unless the Defendants are preliminarily and permanently enjoined from further
11 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
12 entitled to preliminary and permanent injunctive relief against further infringement by the
13 Defendants of the Work, pursuant to 17 U.S.C. § 502.

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16 **PRAYER FOR RELIEF**

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

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

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

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

