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7 Attorneys for Plaintiff

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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 DANNY DOWNEY, an individual;

17 Defendant.
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Case No.: 2:10-cv-01172-RLH-RJJ

**MOTION TO WITHDRAW
AFFIDAVIT OF SERVICE**

19
20 Plaintiff, Righthaven LLC (“Righthaven”) hereby moves this Court to withdraw
21 Righthaven’s Affidavit of Service (the “Affidavit”; Docket No. 6) for Defendant, Danny
22 Downey (“Mr. Downey”) on the grounds that the Complaint (Docket No. 1) and Summons
23 (Docket No. 4) were inadvertently served upon an improper person, rather than Mr. Downey.
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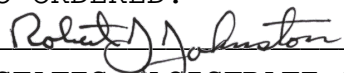
1 As such, Righthaven moves for withdraw of the Affidavit (Docket No. 6), and as grounds
2 thereof hereby attaches the Declaration of J. Charles Coons, Esq.

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4 Dated this nineteenth 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
10 J. CHARLES COONS, ESQ.
11 Nevada Bar No. 10553
12 JOSEPH C. CHU, ESQ.
13 Nevada Bar No. 11082
14 9960 West Cheyenne Avenue, Suite 210
15 Las Vegas, Nevada 89129-7701
16 Attorneys for Plaintiff

17 IT IS SO ORDERED.

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19 _____
20 UNITED STATES MAGISTRATE JUDGE
21 DATE: OCTOBER 15, 2010
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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. Danny Downey*, case number 2:10-cv-01172-RLH-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. On July 15, 2010, Righthaven filed its proposed summons (Docket No. 1, Exhibit No. 3) for Mr. Downey.

3. On July 22, 2010, this Court issued Righthaven a summons (the “Summons”; Docket No. 4) for Mr. Downey.

4. On or about July 24, 2010, I was advised by June’s Legal Service that service upon Mr. Downey was effectuated at the address reflected on the summons (Docket No. 4).

5. On July 27, 2010, Righthaven filed the Affidavit (Docket No. 6) evidencing service upon Mr. Downey.

6. I was thereafter contacted by an individual named Danny Downey, and was advised that he 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 nineteenth 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.