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16 DEMOCRATIC UNDERGROUND, LLC, and  
Defendant DAVID ALLEN

17 **UNITED STATES DISTRICT COURT**  
18 **FOR THE DISTRICT OF NEVADA**

19 RIGHTHAVEN LLC, a Nevada limited liability company,  
20 Plaintiff,  
21 v.  
22 DEMOCRATIC UNDERGROUND, LLC, a District of  
Columbia limited-liability company; and DAVID ALLEN,  
an individual,  
23 Defendants.  
24 DEMOCRATIC UNDERGROUND, LLC, a District of  
Columbia limited-liability company,  
25 Counterclaimant,  
26 v.  
27 RIGHTHAVEN LLC, a Nevada limited liability company,  
and STEPHENS MEDIA LLC, a Nevada limited-liability  
28 company,  
Counterdefendants.

Case No. 2:10-01356-RLH (GWF)

**JOINT STIPULATION AND**  
~~**[PROPOSED] ORDER TO**~~  
**EXTEND TIME TO FILE**  
**REVISED DISCOVERY**  
**SCHEDULE**

**(SECOND REQUEST)**

FENWICK & WEST LLP  
ATTORNEYS AT LAW  
MOUNTAIN VIEW

1 IT IS HEREBY STIPULATED BETWEEN Counterclaimant Democratic Underground,  
2 LLC (“Democratic Underground”) and Counterdefendant Stephens Media LLC  
3 (“Counterdefendant”), through their attorneys of record, as follows:

4 1. On February 24, 2011, this Court entered the Joint Stipulation and Order to Stay  
5 Discovery Conducted Pursuant to Federal Rules of Civil Procedure 20 and 45 Until Adjudication  
6 of Pending Motions (the “Stipulation and Order Staying Discovery”), which tolled discovery  
7 deadlines set forth in the Joint Discovery Plan and Scheduling Order (Docket “Dkt.” 54) “for the  
8 duration of time from February 10 until ruling by the Court on the pending Motions for Voluntary  
9 Dismissal, the Cross-MSJ, and the Motion to Dismiss” (collectively, “the Motions”). (Dkt. 71, ¶  
10 15).

11 2. Pursuant to the Stipulation and Order Staying Discovery, “[w]ithin 10 days of such  
12 ruling, the parties shall submit a proposed agreed order resetting discovery dates on an equivalent  
13 schedule.” (Dkt. 71, ¶ 15).

14 3. On June 14, 2011, the Court ruled on the Motions, dismissing Righthaven’s  
15 complaint in its entirety for Righthaven’s lack of standing and denying Stephens Media’s Motion  
16 to Dismiss. (Dkt. 116).

17 4. Democratic Underground’s Counterclaim still survives.

18 5. On June 23, 2011, Righthaven filed an Application to Intervene.

19 6. On June 29, 2011, Stephens Media filed a Motion for Reconsideration of the  
20 denial of its Motion to Dismiss.

21 7. Democratic Underground may seek a stipulation or leave to file an Amended  
22 Counterclaim.

23 8. The parties agree that it would be necessary and beneficial to determine who the  
24 parties are and what claims are at issue prior to submitting a proposed agreed order resetting  
25 discovery cutoff dates.

26 9. Accordingly, the parties respectfully request, and the parties have agreed, to  
27 extend the deadline for them to submit a proposed agreed order resetting discovery dates to the  
28 date within 10 days of the resolution of participation of parties and their pleadings in this action.

1 This is the second request related to the discovery plan. This stipulated extension is  
2 sought in good faith and not for purposes of delay.

3  
4 Dated this 30 day of June, 2011

5 FENWICK & WEST LLP

RIGHTHAVEN LLC

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8 By: /s/ Laurence Pulgram  
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By: /s/ Shawn A. Mangano  
SHAWN A. MANGANO, ESQ

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**ATTORNEY ATTESTATION**

I hereby attest that the concurrence in the filing of this document has been obtained from the signatory indicated by a “conformed” signature (/s/) within this e-filed document.

/s/ Laurence F. Pulgram  
Laurence F. Pulgram

**IT IS SO ORDERED:**

Dated: July 1, 2011

  
\_\_\_\_\_  
GEORGE W. FOLEY, Jr.  
United States Magistrate Judge

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