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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 RIGHTHAVEN LLC, a Nevada limited-liability
14 company,

15 Plaintiff,

16 v.

17 DEMOCRATIC UNDERGROUND, LLC, a District
18 of Columbia limited-liability company; and DAVID
ALLEN, an individual,

19 Defendants.
20

21 DEMOCRATIC UNDERGROUND, LLC, a District
22 of Columbia limited-liability company,

23 Counterclaimant,

24 v.

25 RIGHTHAVEN LLC, a Nevada limited-liability
26 company; and STEPHENS MEDIA LLC, a Nevada
limited-liability company,

27 Counterdefendants.
28

Case No.: 2:10-cv-01356-RLH-GWF

**JOINT STIPULATION AND
ORDER FOR EXTENSION OF
TIME AND TO REVISE BREIFING
SCHEDULE TO PERMIT LIMIED
SUR-REPLY CONCERNING
RIGHTHAVEN LLC'S
APPLICATION TO INTERVENE AS
OF RIGHT PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 24(A)(2) AND
STEPHENS MEDIA'S MOTION
FOR RECONSIDERATION**

**(FIRST REQUEST FOR
EXTENSION OF TIME AND
SECOND REQUEST TO REVISE
BRIEFING SCHEDULE)**

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

4 1. On June 14, 2011, the Court dismissed Righthaven’s complaint for lack of
5 standing and denied Stephens Media’s motion to dismiss Democratic Underground’s
6 counterclaim (Dkt. 116).

7 2. On June 23, 2011, Righthaven moved the Court to intervene in this action,
8 asserting its intervention was as of right pursuant Federal Rule of Civil Procedure 24(a)(2)
9 (“Application”). (Dkt. 120.) In its Application, Righthaven addressed the asserted basis for its
10 standing to sue for copyright infringement under the Clarification and Amendment to Strategic
11 Alliance Agreement (“Amendment”).

12 3. On June 28, 2011, Stephens Media moved for reconsideration of the Court’s
13 decision not to dismiss Democratic Underground’s counterclaim. (Dkt. 126.) Stephens Media
14 based its motion on its asserted lack of ownership of the copyright at issue under the
15 Amendment.

16 4. On July 11, 2011, Righthaven filed a supplemental memorandum in support of its
17 application to intervene, apprising the Court of the Amended and Restated Strategic Alliance
18 Agreement (“Restated and Amended SAA”), which was executed on July 7, 2011. Righthaven
19 and Stephens Media assert that they executed the Restated and Amended SAA in order to
20 address the concerns raised in *Righthaven LLC v. Hoehn*, where the Court in that case found that
21 Righthaven lacked standing to sue under the Amendment. Dkt. 28, Case. No. 2:11-CV-00050-
22 PMP-RJJ (D. Nev.) (Pro, J.)

23 5. On July 13, 2011, the Court entered the first joint stipulation and order setting a
24 briefing schedule requested by the parties concerning Righthaven’s application to intervene and
25 Stephen’s Media’s motion for reconsideration. (Dkt. 135.)

26 6. On July 13, 2011, Stephens Media supplemented its motion for reconsideration.
27 (Dkt. 136.)
28

1 7. On July 26, 2011, Democratic Underground filed its response to Righthaven's
2 application to intervene and Stephens Media's motion for reconsideration (Dkt. 140.)

3 8. Both Righthaven and Stephens Media would like an extension of time to file their
4 respective reply briefs in support of their pending motions. Democratic Underground would like
5 to have an opportunity to file a sur-reply not to exceed seven (7) pages in response to
6 Righthaven's and Stephens Media's submissions. Therefore, the parties agree to, and respectfully
7 request, a revised briefing schedule as follows:

- 8 • Stephens Media shall have ***until August 5, 2011*** to file its reply brief in support of
9 its motion for reconsideration and Righthaven shall have ***until August 5, 2011*** to
10 file its reply brief in support of its application to intervene.
- 11 • Democratic Underground shall have ***until August 12, 2011*** to file a single sur-
12 reply memorandum not to exceed seven (7) pages in length that responds to
13 Righthaven's reply in support of its application to intervene and Stephens Media's
14 reply in support of its motion for reconsideration.

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This stipulation is sought in good faith and not for purposes of delay.

Dated this 2nd day of August, 2011.

FENWICK & WEST

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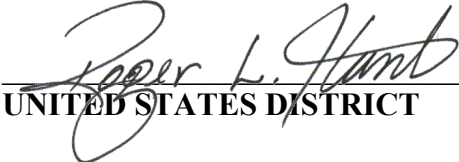
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IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

DATED: August 2, 2011