

1 DALE M. CENDALI, ESQ. (admitted *pro hac vice*)
dale.cendali@kirkland.com
2 KIRKLAND & ELLIS LLP
601 Lexington Avenue
3 New York, New York 10022
Tel: (212) 446-4800
4 Fax: (212) 446-4900

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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
10

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

Plaintiff,

13 v.

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

16 Defendants.
17

18 DEMOCRATIC UNDERGROUND, LLC, a District
19 of Columbia limited-liability company,
Counterclaimant,

20 v.

21 RIGHTHAVEN LLC, a Nevada limited-liability
company; and STEPHENS MEDIA LLC, a Nevada
22 limited-liability company,

Counterdefendants.
23

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

**DECLARATION OF DALE CENDALI,
ESQ. IN SUPPORT OF MOTION TO
WITHDRAW AS COUNSEL OF
RECORD**

24 I, Dale Cendali, declare, under penalty of perjury, that the following is true and correct:

25 1. I am a partner in the law firm of Kirkland & Ellis LLP. I have personal knowledge of
26 the facts set forth below and I believe them to be true. I am over eighteen years old and I am
27 competent to testify to the matters set forth herein.
28

1 2. Kirkland & Ellis LLP was retained by Righthaven LLC to represent the company in
2 the above-captioned matter solely in connection with the Court's June 14, 2011 Order dismissing
3 Righthaven for lack of standing (Dkt. 116) and Righthaven's subsequent motion to intervene (Dkt.
4 120).

5 3. The complaint had been filed on August 10, 2010, and I did not petition to appear *pro*
6 *hac vice* until June 22, 2011 (Dkt. 119).

7 4. I was instructed by Righthaven that my duties were limited to working with Shawn
8 Mangano, Righthaven's primary outside counsel, with the briefing relating to Righthaven's motion
9 to intervene and that Mr. Mangano would handle all other aspects of the case, including the day-to-
10 day running of the case.

11 5. The Court's Order denying Righthaven's motion to intervene issued in August 2011
12 (Dkt. 157). At that point we were told by our client that our job was done and that Mr. Mangano
13 would handle the rest of the case by himself.

14 6. Save for the initial retainer provided by Righthaven, Righthaven has not paid any of
15 the legal fees due to my firm, Kirkland & Ellis LLP. Neither I nor my firm has done any work for
16 Righthaven since August 2011, and we were told that Mr. Mangano was handling the case.

17 7. In light of the above, I am seeking leave to withdraw as counsel. Righthaven has
18 consented to my withdrawal.

19
20 Dated this 21st day of March, 2012.

21 By: /s/ Dale M. Cendali
22 DALE M. CENDALI, ESQ. (admitted *pro hac vice*)
23 KIRKLAND & ELLIS LLP
24 dale.cendali@kirkland.com
25 601 Lexington Avenue
26 New York, New York 10022
27 Tel: (212) 446-4800
28 Fax: (212) 446-4900

CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(b), I hereby certify that on this 21st day of March, 2012, I caused the foregoing document to be served by the Court's CM/ECF system on all counsel of record.

By: /s/ Dale M. Cendali
DALE M. CENDALI, ESQ. (admitted *pro hac vice*)
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