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11
12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**
14

15 RIGHTHAVEN LLC, a Nevada limited-
16 liability company,

17
18 Plaintiff,

19 v.
20 DEMOCRATIC UNDERGROUND, LLC, a
District of Columbia limited-liability
21 company; and DAVID ALLEN, an individual,

22 Defendants.
23

24 DEMOCRATIC UNDERGROUND, LLC, a
District of Columbia limited-liability
25 company,

26
27 Counterclaimant,
28 v.

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

**DECLARATION OF SHAWN A.
MANGANO IN SUPPORT OF REPLY IN
SUPPORT OF RIGHTHAVEN LLC'S
OPPOSITION TO DEFENDANTS'
CROSS-MOTION FOR SUMMARY
JUDGMENT**

1 RIGHTHAVEN LLC, a Nevada limited-
2 liability company; and STEPHENS MEDIA
3 LLC, a Nevada limited-liability company,

4 Counterdefendants.

5
6 I, Shawn A. Mangano, declare, under penalty of perjury, that the following is true and
7 correct:

8 1. I am an attorney-at-law admitted to practice before all courts of the State of
9 Nevada. I have personal knowledge of the facts set forth below, except for those factual
10 statements expressly made upon information and belief, and as to those facts, I believe them to
11 be true. I am over eighteen years old and I am competent to testify to the matters set forth
12 herein.

13 2. I represent Plaintiff/Counterdefendant Righthaven LLC (“Righthaven”) in the
14 above-referenced matter.

15 3. This declaration is made in support of Righthaven, LLC’s Opposition to
16 Defendants’ Cross-Motion for Summary Judgment.

17 4. On or about December 15, 2010, Righthaven received Defendant Democratic
18 Underground, LLC (“Democratic Underground”) and Defendant David Allen’s (collectively
19 with Democratic Underground known herein as the “Defendants”) Rule 26 Initial Disclosures. A
20 true and correct copy of Defendants’ initial disclosures are attached hereto as Exhibit “1”. These
21 initial disclosures do not list all purported employees of Democratic Underground.

22 5. On or about December 17, 2010, Righthaven received Democratic Underground’s
23 First Set of Interrogatories.

24 6. On or about December 17, 2010, Righthaven received Democratic Underground’s
25 First Set of Requests for Admission.

26 7. On or about December 17, 2010, Righthaven received Democratic Underground’s
27 First Set of Requests for Production of Documents.

1 8. Defendants additionally propounded requests for admission, interrogatories and
2 requests for production of documents on Stephens Media LLC in this action.

3 9. Defendants were fully aware of Righthaven's request to dismiss this case with
4 prejudice at the time they propounded written discovery requests on Righthaven and on Stephens
5 Media LLC.

6 10. On January 6, 2011, I participated in a meet and confer conference regarding the a
7 disagreement between Righthaven and Defendants about the perceived insufficiency of
8 Righthaven's identification of persons with knowledge, and despite Defendants' own disclosure
9 of all Righthaven personnel in their own initial disclosures. Four attorneys participated in the
10 telephonic meet and confer conference – two from Fenwick & West LLP, one attorney from
11 EFF, and Defendants' local counsel. The telephonic meet and confer conference call lasted
12 approximately 10 minutes. Having worked in the Northern California legal market for
13 approximately three years, it would not be surprising to learn that this 10-minute conference call
14 will likely result in \$500 to \$1,000 in attorneys' fees allegedly incurred in the defense of an
15 action that Righthaven has asked this Court to dismiss with prejudice.

16 11. Attached as Exhibit "2" is a true and correct copy of a publication from the
17 United States Copyright Office entitled "Reproduction of Copyrighted Works by Educators and
18 Librarians."

19 Signed and affirmed this seventh day of January, 2011 under the penalty of the United
20 States of America.

21
22 /s/ Shawn A. Mangano
23 SHAWN A. MANGANO, ESQ.
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CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(b), I hereby certify that I attempted to electronically file the foregoing document and related exhibits on the seventh day of January, 2011. However, due to Internet-related transmission issues and PDF conversion complications to the accompanying exhibits due to my firm's conversion to a an Apple-based computer system, my attempts to formally file this foregoing document and related exhibits could not be accomplished until January 10, 2011, which was done via the Court's CM/ECF system.

By: /s/ Shawn A. Mangano

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