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 8 **UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEVADA**  
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10 RIGHTHAVEN LLC, a Nevada limited liability )  
 company, )  
 11 )  
 Plaintiff, )  
 12 )  
 v. )  
 13 DEMOCRATIC UNDERGROUND, LLC, a )  
 District of Columbia limited-liability company; )  
 and DAVID ALLEN, an individual, )  
 14 )  
 Defendants. )  
 15 )  
 DEMOCRATIC UNDERGROUND, LLC, a )  
 District of Columbia limited-liability company, )  
 16 )  
 Counterclaimant, )  
 17 )  
 v. )  
 18 RIGHTHAVEN LLC, a Nevada limited liability )  
 company, and STEPHENS MEDIA LLC, a )  
 19 Nevada limited-liability company, )  
 Counterdefendants. )  
 20 )

Case No. 2:10-cv-01356-RLH (RJJ)

**JOINT STIPULATION AND  
 [PROPOSED] ORDER TO STAY  
 DISCOVERY CONDUCTED  
 PURSUANT TO FEDERAL RULES  
 OF CIVIL PROCEDURE 30 AND 45  
 UNTIL ADJUDICATION OF  
 PENDING MOTIONS  
 (FIRST REQUEST)**

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1 IT IS HERBY STIPULATED BETWEEN Plaintiff and Counter-defendant Righthaven LLC  
2 (“Righthaven”), through its attorney of record, and Defendants and Counterclaimant, Democratic Underground and  
3 David Allen (collectively “Defendants”), though their attorneys of record, and Counterdefendant Stephens Media  
4 LLC (“Stephens Media”), though their attorneys of record, as follows:

5 1. On November 15, 2010, Righthaven filed a Motion for Voluntary Dismissal With Prejudice And  
6 Adjudication of or Dismissal of Counterclaim (the “Motion for Voluntary Dismissal”). (Doc. # 36.)

7 2. On November 17, 2010, Stephens Media filed a Motion to Dismiss or Strike Counterclaim (the  
8 “Motion to Dismiss Counterclaim”). (Doc. # 38.)

9 3. On November 17, 2010, Stephens Media filed a Joinder in Righthaven’s Motion for Voluntary  
10 Dismissal With Prejudice And Adjudication of or Dismissal of Counterclaim (the “Joinder”). (Doc. # 39.)

11 4. On December 7, 2010, Defendants filed a Response to the Motion for Voluntary Dismissal. (Doc.  
12 # 44.)

13 5. On December 7, 2010, Defendants filed a Cross Motion for Summary Judgment (the “Cross-  
14 MSJ”). (Doc. # 45.)

15 6. On December 7, 2010, Defendants filed a Response to the Joinder. (Doc. # 46.)

16 7. On January 7, 2011, Stephens Media filed a Reply to Response to the Motion to Dismiss  
17 Counterclaim. (Doc. # 56.)

18 8. On January 7, 2011, Righthaven filed a Reply to Response to the Motion for Voluntary Dismissal.  
19 (Doc. # 57.)

20 9. On January 8, 2011, Righthaven filed a Response to the Cross-MSJ. (Doc. # 58.)

21 10. On January 28, 2011, Defendants filed a Reply to Response to the Cross-MSJ. (Doc. # 62.)

22 11. The Motion for Voluntary Dismissal, the Motion to Dismiss Counterclaim, the Joinder, and the  
23 Cross-MSJ are fully briefed and ripe for adjudication by the Court.

24 12. Discovery is currently set to close on May 30, 2011, with expert disclosure due to begin on March  
25 31, 2011. (Doc. # 54.)

26 13. Given the procedural posture of this action, namely, that resolution of the motions currently  
27 pending before the Court may be dispositive of the complaint or counterclaim, in the interest of reducing potentially  
28 unnecessary deposition and expense, the parties agree and respectfully propose to the Court to stay deposition-based

1 discovery conducted under Federal Rules of Civil Procedure 30 and 45, and to extend other discovery deadlines in  
2 this action for the time until the pending motions are adjudicated, under the conditions described in this motion.

3 14. Written discovery, in the form of requests for admission, requests for production and  
4 interrogatories, has been propounded by Defendants in this action. Stephens Media and Righthaven have responded  
5 to these written discovery requests, and Defendants maintain that those responses are inadequate. This stipulation  
6 shall not stay the parties' ability to conduct additional written discovery or to seek compliance with or rulings on  
7 responses and/or objections lodged with regard to previously propounded written discovery requests.

8 15. All current discovery deadlines in the Court's Scheduling Order (Doc. #14), including deadlines for  
9 initial and rebuttal expert disclosures, shall be tolled (extended) for the duration of time from February 10 until ruling  
10 by the Court on the pending Motions for Voluntary Dismissal, the Cross-MSJ, and the Motion to Dismiss  
11 Counterclaim. Within 10 days of such ruling, the parties shall submit a proposed agreed order resetting discovery  
12 dates on an equivalent schedule.

13 16. The stay is being sought so as to avoid the need for expensive and time consuming litigation efforts  
14 associated with the depositions of party and potential non-party witnesses and experts, in view of the pending  
15 Motions for Voluntary Dismissal, the Cross-MSJ, and the Motion to Dismiss Counterclaim. The adjudication of any  
16 one of the foregoing motions could significantly reduce the claims, defenses and related matters that could be the  
17 subject of examination at deposition.

18 17. This is the first request for such an extension of discovery. This stipulated extension of discovery is  
19 sought in good faith and not for the purposes of delay. Rather, this stay is sought in the interest of saving the parties  
20 the expense of deposition and expert-related attorneys' fees and costs until such time as the Court adjudicates the  
21 Pending Motions before it.

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Dated this 22nd day of February, 2011

FENWICK & WEST LLP

SHAWN A. MANGANO, LTD.

By:           /s/Laurence Pulgram            
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By:           /s/ Shawn A. Mangano            
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STEPHENS MEDIA LLC

**IT IS SO ORDERED:**

\_\_\_\_\_  
**UNITED STATES DISTRICT JUDGE**

**DATED:** \_\_\_\_\_