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6  
7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
9

10 RIGHTHAVEN LLC, a Nevada limited-  
liability company,

11 Plaintiff,

12 v.

13 CHRIS BROWN WEB NETWORK, an entity  
14 of unknown origin and nature; and  
DOMINIQUE HOUSTON, an individual,

15 Defendants.  
16

Case No.: 2:10-cv-01399-LRH-PAL

**FIRST AMENDED COMPLAINT AND  
DEMAND FOR JURY TRIAL**

17  
18 Righthaven LLC (“Righthaven”) complains as follows against Chris Brown Web  
19 Network (“Brown Web Network”) and Dominique Houston (“Mr. Houston”; collectively with  
20 Brown Web Network known herein as the “Defendants”), on information and belief:  
21

22 **NATURE OF ACTION**

- 23 1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.  
24

25 **PARTIES**

- 26 2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-  
27 liability company with its principal place of business in Nevada.  
28

1 3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing  
2 with the Nevada Secretary of State.

3 4. Brown Web Network is, and has been at all times relevant to this lawsuit, an  
4 entity of unknown origin and nature.

5 5. Attempts to find evidence of formal organizational status in the respective  
6 Secretary of State offices of Delaware, California, Illinois, New York, Texas, Tennessee, and  
7 Nevada demonstrate that, at least with respect to these states, Brown Web Network is not a  
8 formally organized business entity.

9 6. Brown Web Network is, and has been at all times relevant to this lawsuit,  
10 identified by the current registrar, GoDaddy.com, Inc. (“GoDaddy”), as the registrant of the  
11 Internet domain found at <chrisbrownconnection.com> (the “Domain”).

12 7. Brown Web Network is, and has been at all times relevant to this lawsuit,  
13 identified by GoDaddy as an administrative contact and technical contact for the Domain.

14 8. Mr. Houston is, and has been at all times relevant to this lawsuit, identified by  
15 GoDaddy as an administrative contact and technical contact for the Domain.

16  
17 **JURISDICTION**

18 9. This Court has original subject matter jurisdiction over this copyright  
19 infringement action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

20 10. As alleged herein, Righthaven is the owner of the copyright in and to the literary  
21 work entitled: “Citing cooperation in trial, judge gives man probation in tax case” (the “Work”),  
22 attached hereto as *Exhibit 1*.

23 11. At all times relevant to this lawsuit, the Work has depicted and depicts the  
24 original source publication as the Las Vegas *Review-Journal*.

25 12. The Defendants willfully copied, on an unauthorized basis, a substantial and  
26 significant portion of the Work from a source emanating from Nevada.

27 13. On or about June 2, 2010, the Defendants displayed, and continued to display  
28 until on or about August 4, 2010, an unauthorized reproduction of the Work (the

1 “Infringement”), attached hereto as Exhibit 2, as part of the content accessible through the  
2 Domain (said content accessible through the Domain and the Domain itself known herein as the  
3 “Website”).

4 14. At all times relevant to this lawsuit, the Infringement has depicted and depicts the  
5 original source publication as the *Las Vegas Review-Journal*.

6 15. At all times relevant to this lawsuit, the Defendants knew that the Work was  
7 originally published in the *Las Vegas Review-Journal*.

8 16. The Defendants’ display of the Infringement was and is purposefully directed at  
9 Nevada residents.

10 17. The subject matter, at least in part, of the Work and the Infringement, is a Federal  
11 District Court Judge for the Southern District of Nevada that sentenced a man to merely  
12 probation due to his cooperation with the United States Attorney’s office in the prosecution a tax  
13 fraud case.

14 18. The Defendants copied, on an unauthorized basis, a substantial and significant  
15 portion of the literary work entitled: “51s bobble lefty Mills’ solid start” (the “51s Article”),  
16 attached hereto as Exhibit 3, from a source emanating from Nevada.

17 19. On or about May 31, 2010, the Defendants displayed an unauthorized  
18 reproduction of the 51s Article on the Website.

19 20. The Defendants’ display of the 51s Article was purposefully directed at Nevada  
20 residents.

21 21. The Defendants knew, or reasonably should have known, that websites, such as  
22 the Website, are and were at all times relevant to this lawsuit, the habitual subject of postings by  
23 others of copyright-infringing content.

24 22. At all times relevant to this lawsuit, the Defendants did not institute any proactive  
25 policy of precluding or attempting to preclude the posting by others of copyright-infringing  
26 content on the Website.



1           31. Before the Assignment, Stephens Media and Righthaven had entered into a  
2 Strategic Alliance Agreement (the “SAA”), which governed the relationship between the two  
3 parties. On May 9, 2011, Stephens Media and Righthaven executed the Clarification and  
4 Amendment to Strategic License Agreement (the “Clarification”) in order to clarify the parties’  
5 intentions regarding copyright assignments to Righthaven, and to eliminate Stephens Media’s  
6 right of reversion and convert Stephens Media’s right to use an assigned copyright to a mere  
7 non-exclusive license. The Clarification is retroactive to the effective date of the SAA. At least  
8 since the execution of the Clarification, Righthaven has been the sole current owner of the  
9 copyright in and to the Work and has standing to sue Defendants’ for infringement of the Work.

10           32. On July 7, 2011, Stephens Media and Righthaven entered into an Amended and  
11 Restated Strategic Alliance Agreement (the “Restated Amendment”) to further clarify the  
12 parties’ intentions regarding copyright assignments to Righthaven, and to, among other things,  
13 grant Stephens non-exclusive license to exploit the Work, with a possibility that such non-  
14 exclusive license would terminate after five (5) years upon the voluntary election of an optional  
15 reversion. The Restated Amendment is retroactive to the effective date of the SAA. The  
16 Restated Amendment has sought to clarify, correct, amend and/or address issues identified in  
17 judicial decisions, which Righthaven respectfully disagrees with, that have determined  
18 Righthaven lacked standing to sue for past, present or future infringements of other copyrighted  
19 works in other cases. In view of the Assignment, the SAA, the Clarification, and now the  
20 Restated Amendment, Righthaven unquestionably owns the Work and has been properly  
21 conveyed the right to sue for past, present and future infringements of the Work, which includes  
22 Defendants’ infringing conduct alleged herein.

23           33. On August 16, 2010, the United States Copyright Office (the “USCO”) granted  
24 Righthaven the registration to the Work, copyright registration number TX0007190931 (the  
25 “Registration”) and attached hereto as Exhibit 4 is evidence of the Registration from the official  
26 USCO database record depicting the occurrence of the Registration.

27           34. On or about June 2, 2010, the Defendants displayed, and continued to display  
28 until on or about August 4, 2010, the Infringement on the Website.

1           35.     The Defendants did not seek permission, in any manner, to reproduce, display, or  
2 otherwise exploit the Work.

3           36.     The Defendants were not granted permission, in any manner, to reproduce,  
4 display, or otherwise exploit the Work.

5  
6                           **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

7           37.     Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through  
8 36 above.

9           38.     Righthaven holds the exclusive right to reproduce the Work, pursuant to 17  
10 U.S.C. § 106(1).

11           39.     Righthaven holds the exclusive right to prepare derivative works based upon the  
12 Work, pursuant to 17 U.S.C. § 106(2).

13           40.     Righthaven holds the exclusive right to distribute copies of the Work, pursuant to  
14 17 U.S.C. § 106(3).

15           41.     Righthaven holds the exclusive right to publicly display the Work, pursuant to 17  
16 U.S.C. § 106(5).

17           42.     The Defendants reproduced the Work in derogation of Righthaven's exclusive  
18 rights under 17 U.S.C. § 106(1).

19           43.     The Defendants created an unauthorized derivative of the Work in derogation of  
20 Righthaven's exclusive rights under 17 U.S.C. § 106(2).

21           44.     The Defendants distributed, and continued to distribute until on or about August  
22 4, 2010, an unauthorized reproduction of the Work on the Website, in derogation of  
23 Righthaven's exclusive rights under 17 U.S.C. § 106(3).

24           45.     The Defendants publicly displayed, and continued to publically display, an  
25 unauthorized reproduction of the Work on the Website until on or about August 4, 2010, in  
26 derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(5).

27           46.     Brown Web Network has willfully engaged in the copyright infringement of the  
28 Work.

1 47. Mr. Houston has willfully engaged in the copyright infringement of the Work.

2 48. The Defendants' acts as alleged herein, and the ongoing direct results of those  
3 acts, have caused and will continue to cause irreparable harm to Righthaven in an amount  
4 Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

5 49. Unless the Defendants are preliminarily and permanently enjoined from further  
6 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus  
7 entitled to preliminary and permanent injunctive relief against further infringement by the  
8 Defendants of the Work, pursuant to 17 U.S.C. § 502.

9  
10 **PRAYER FOR RELIEF**

11 Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

12 1. Preliminarily and permanently enjoin and restrain the Defendants, and the  
13 Defendants' officers, agents, servants, employees, attorneys, parents, subsidiaries, related  
14 companies, partners, and all persons acting for, by, with, through, or under the Defendants, from  
15 directly or indirectly infringing the Work by reproducing the Work, preparing derivative works  
16 based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering,  
17 directing, participating in, or assisting in any such activity;

18 2. Direct the Defendants to preserve, retain, and deliver to Righthaven in hard copies  
19 or electronic copies:

20 a. All evidence and documentation relating in any way to the Defendants'  
21 use of the Work, in any form, including, without limitation, all such evidence and  
22 documentation relating to the Website;

23 b. All evidence and documentation relating to the names and addresses  
24 (whether electronic mail addresses or otherwise) of any person with whom the  
25 Defendants have communicated regarding the Defendants' use of the Work; and

26 c. All financial evidence and documentation relating to the Defendants' use  
27 of the Work;  
28

1           3.       Order the surrender to Righthaven of all hardware, software, electronic media and  
2 domains, including the Domain, used to store, disseminate and display the unauthorized versions  
3 of any and all copyrighted Works as provided for under 17 U.S.C. § 505(b) and/or as authorized  
4 by Federal Rule of Civil Procedure 64;

5           4.       Award Righthaven statutory damages for the willful infringement of the Work,  
6 pursuant to 17 U.S.C. § 504(c);

7           5.       Award Righthaven costs, disbursements, and attorneys' fees incurred by  
8 Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

9           6.       Award Righthaven pre- and post-judgment interest in accordance with applicable  
10 law; and

11           7.       Grant Righthaven such other relief as this Court deems appropriate.

12  
13   **DEMAND FOR JURY TRIAL**

14           Righthaven requests a trial by jury pursuant to Fed. R. Civ. P. 38.

15           Dated this 7<sup>th</sup> day of July, 2011.

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