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

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

13
14 Plaintiff,

15 v.

16 HUSH-HUSH ENTERTAINMENT, INC., a
17 suspended California company; and PN
MEDIA, INC., a California company,

18 Defendants.
19

Case No.: 2:10-cv-01404

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

20 Righthaven LLC (“Righthaven”) complains as follows against Hush-Hush Entertainment,
21 Inc. (“Hush-Hush”) and PN Media, Inc. (“PN Media”; collectively with Hush-Hush known
22 herein as the “Defendants”), on information and belief:
23

24 **NATURE OF ACTION**

25 1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.
26
27
28

PARTIES

1
2 2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-
3 liability company with its principal place of business in Nevada.

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

6 4. PN Media is, and has been at all times relevant to this lawsuit, a California
7 company.

8 5. Hush-Hush is, and has been at all times relevant to this lawsuit, a suspended
9 California company.

10 6. PN Media is, and has been at all times relevant to this lawsuit, identified by the
11 current registrar, GoDaddy.com, Inc. (“GoDaddy”), as the registrant, administrative contact and
12 technical contact for the Internet domain found at <pornnewz.com> (the “Domain”).

13 7. Hush-Hush is, and has been at all times relevant to this lawsuit, identified by the
14 content found on the Domain (the content accessible through the Domain and the Domain itself
15 herein known as the “Website”), as the “Owner” of the Website, attached hereto as Exhibit 1.

16 8. PN Media is, and has been at all times relevant to this lawsuit, the self-proclaimed
17 owner of the copyright(s) in the work(s) posted on the Website, as evidenced by a copyright
18 notice displayed on the Website: “Copyright © 2008-2009 PornNewz.com, PN Media Inc. – All
19 rights reserved.”

20
21 **JURISDICTION**

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

24 10. Righthaven is the owner of the copyright in the literary work entitled:
25 “XXXChurch.com strives to demonstrate Jesus’ love overcomes any stigma” (the “Work”),
26 attached hereto as Exhibit 2.

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

1 12. The Defendants willfully copied, on an unauthorized basis, the Work from a
2 source emanating from Nevada.

3 13. On or about July 7, 2010, the Defendants displayed, and continue to display, an
4 unauthorized reproduction of the Work (the "Infringement"), attached hereto as Exhibit 3, on the
5 Website.

6 14. The subject matter, at least in part, of the Work and the Infringement, is a church
7 that ministers to pornography stars, exotic dancers and prostitutes in the Las Vegas, Nevada area.

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

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

13 17. At all times relevant to this lawsuit, the Defendants did not institute any proactive
14 policy of precluding or attempting to preclude the posting by others of copyright-infringing
15 content on the Website.

16 18. At all times relevant to this lawsuit, the Defendants did not institute any proactive
17 policy of monitoring or attempting to monitor the posting by others of copyright-infringing
18 content on the Website.

19 19. At all times relevant to this lawsuit, the Defendants did not institute any proactive
20 policy of deleting or attempting to delete the posting by others of copyright-infringing content on
21 the Website.

22 20. At all times relevant to this lawsuit, the Defendants' failure to institute any
23 proactive policies intended to address the posting by others of copyright-infringing content on
24 the Website constituted and constitutes the Defendants' willful blindness to copyright
25 infringements occurring on the Website.

26 21. At all times relevant to this lawsuit, the Defendants knew that the infringement
27 was and is of specific interest to Nevada residents.
28

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

3 33. 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 34. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
8 33 above.

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

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

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

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

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

19 40. 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 41. The Defendants distributed, and continue to distribute, an unauthorized
22 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
23 17 U.S.C. § 106(3).

24 42. The Defendants publicly displayed, and continue to publicly display, an
25 unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive
26 rights under 17 U.S.C. § 106(5).

27 43. Hush-Hush has willfully engaged in the copyright infringement of the Work.

28 44. PN Media has willfully engaged in the copyright infringement of the Work.

