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

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

12
13 Plaintiff,

14 v.

15 WEHATEGRINGOS.COM, an entity of
unknown origin and nature; LINDA
16 MULLER, an individual; and NATHAN
MULLER, an individual,
17

18 Defendants.
19

Case No.: 2:10-cv-01457

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

20
21 Righthaven LLC (“Righthaven”) complains as follows against Wehategringos.com
22 (“Wehategringos”), Linda Muller (“Ms. Muller”) and Nathan Muller (“Mr. Muller”); collectively
23 with Wehategringos.com and Ms. Muller known herein as the “Defendants”), on information and
24 belief:

25
26 **NATURE OF ACTION**

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

28 **PARTIES**

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

3 13. The Defendants willfully copied, on an unauthorized basis, the Work from a
4 source emanating from Nevada.

5 14. On or about July 11, 2010, the Defendants displayed, and continue to display, an
6 unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 2, on the
7 Website.

8 15. The subject matter, at least in part, of the Work and the Infringement, is that
9 United States Senator for the State of Nevada, Harry Reid, has not taken a position on the lawsuit
10 filed by the United States Justice Department alleging that Arizona’s new immigration law is
11 unconstitutional.

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

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

16 18. At all times relevant to this lawsuit, the Defendants knew that the Infringement
17 was and is of specific interest to Nevada residents.

18 19. The Defendants attached various “tags” to the Infringement including, but not
19 limited to “Nevada” and “Harry Reid”, in order to identify the content of the Infringement as
20 related to Nevada.

21 20. The Defendants’ display of the Infringement was and is purposefully directed at
22 Nevada residents.

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

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

1 32. On or about July 11, 2010, the Defendants displayed, and continue to display, the
2 Infringement on the Website.

3 33. The Defendants did not seek permission, in any manner, to reproduce, display, or
4 otherwise exploit the Work.

5 34. The Defendants were not granted permission, in any manner, to reproduce,
6 display, or otherwise exploit the Work.

7
8 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

9 35. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
10 34 above.

11 36. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17
12 U.S.C. § 106(1).

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

15 38. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
16 17 U.S.C. § 106(3).

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

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

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

23 42. The Defendants distributed, and continue to distribute, an unauthorized
24 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
25 17 U.S.C. § 106(3).

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

1 44. Wehategringos has willfully engaged in the copyright infringement of the Work.

2 45. Ms. Muller has willfully engaged in the copyright infringement of the Work.

3 46. Mr. Muller has willfully engaged in the copyright infringement of the Work.

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

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

11
12 **PRAYER FOR RELIEF**

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

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

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

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

25 b. All evidence and documentation relating to the names and addresses
26 (whether electronic mail addresses or otherwise) of any person with whom the
27 Defendants have communicated regarding the Defendants' use of the Work; and
28

1 c. All financial evidence and documentation relating to the Defendants' use
2 of the Work;

3 3. Direct GoDaddy, the current registrar, and any successor domain name registrar
4 for the Domain to lock the Domain and transfer control of the Domain to Righthaven;

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 twenty-sixth day of August, 2010.

16 RIGHTHAVEN LLC

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18 By: /s/ Joseph C. Chu
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