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10 *Righthaven LLC*

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

13  
14 RIGHTHAVEN LLC, a Nevada limited-  
liability company,

Case No.: 2:10-cv-01457-LRH-GWF

15  
16 Plaintiff,

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

17 v.

18 WEHATEGRINGOS.COM, an entity of  
19 unknown origin and nature; BRAD HILL, an  
individual,

20 Defendants.  
21

22  
23 Righthaven LLC (“Righthaven”) complains as follows against Wehategringos.com  
24 (“WHG”) and Brad Hill (“Mr. Hill”; collectively with WHG known herein as the “Defendants”),  
25 on information and belief:

26 **NATURE OF ACTION**

27 1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.  
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. WHG is, and has been at all times relevant to this lawsuit, an entity of unknown  
7 origin and nature.

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

12 6. Mr. Hill is, and has been at all times relevant to this lawsuit, the owner of the  
13 Internet domain, found at <wehategringos.com> (the “Domain”; the content accessible through  
14 the Domain, its sub-domain found at <new.wehategringos.com> and the Domain itself  
15 collectively known herein as the “Website”).

16 7. Mr. Hill is, and has been at all times relevant to this lawsuit, the owner of WHG.

17 8. WHG is, and has been at all times relevant to this lawsuit, the self-proclaimed  
18 owner of the copyright(s) in the work(s) posted on the Website, as evidenced by a copyright  
19 notice displayed on the Website: “Copyright © 2010 wehategringos.com - All Rights Reserved”.

**JURISDICTION**

20  
21 9. This Court has original subject matter jurisdiction over this copyright  
22 infringement action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

23 10. Righthaven is the owner of the copyright in the literary work entitled: “Reid takes  
24 no stand on Arizona lawsuit” (the “Work”), attached hereto as Exhibit 1.

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

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

1           13.    On or about July 11, 2010, the Defendants displayed, an unauthorized  
2 reproduction of the Work (the “Infringement”), attached hereto as Exhibit 2, on the Website.

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

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

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

11          17.    The Defendants attached various “tags” to the Infringement including, but not  
12 limited to “Nevada” and “Harry Reid”, in order to identify the content of the Infringement as  
13 related to Nevada.

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

16          19.    At all times relevant to this lawsuit, the Infringement, as publically displayed on  
17 the Website was and is accessible in Nevada.

18          20.    At all times relevant to this lawsuit, the Infringement occurred and continues to  
19 occur in Nevada.

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

22                                    **VENUE**

23          22.    The United States District Court for the District of Nevada is an appropriate  
24 venue, pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events giving rise to  
25 the claim for relief are situated in Nevada.

26          23.    The United States District Court for the District of Nevada is an appropriate  
27 venue, pursuant to 28 U.S.C. § 1400(a), because the Defendants are subject to personal  
28 jurisdiction in Nevada.

**FACTS**

24. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. § 102(a)(1).

25. Righthaven is the owner of the copyright in and to the Work.

26. The Work was originally published on July 8, 2010.

27. On August 25, 2010, the United State Copyright Office (the “USCO”) received Righthaven’s official submittal for the registration of the Work including the application, the deposit copy, and the registration fee (the “Complete Application”), Service Request No. 1-477052328, attached hereto as Exhibit 3.

28. On or about July 11, 2010, the Defendants displayed the Infringement on the Website.

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

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

**CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

31. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through 30 above.

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

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

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

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

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



1           a.       All evidence and documentation relating in any way to the Defendants’  
2 use of the Work, in any form, including, without limitation, all such evidence and  
3 documentation relating to the Website;

4           b.       All evidence and documentation relating to the names and addresses  
5 (whether electronic mail addresses or otherwise) of any person with whom the  
6 Defendants have communicated regarding the Defendants’ use of the Work; and

7           c.       All financial evidence and documentation relating to the Defendants’ use  
8 of the Work;

9           3.       Direct GoDaddy.com, the current registrar, and any successor domain name  
10 registrar for the Domain to lock the Domain, as well as any and all sub-domains, and transfer  
11 control of the Domain to Righthaven;

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

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

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

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

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**DEMAND FOR JURY TRIAL**

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

Dated this 8<sup>th</sup> day of March, 2011.

SHAWN A. MANGANO, LTD.

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