

1 J. CHARLES COONS, ESQ.
 Nevada Bar No. 10553
 2 ccoons@righthaven.com
Assistant General Counsel at Righthaven
 3 JOSEPH C. CHU, ESQ.
 Nevada Bar No. 11082
 4 jchu@righthaven.com
Staff Attorney at Righthaven
 5 Righthaven LLC
 9960 West Cheyenne Avenue, Suite 210
 6 Las Vegas, Nevada 89129-7701
 (702) 527-5900
 7 *Attorneys for Plaintiff*

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

11 RIGHTHAVEN LLC, a Nevada limited-
 liability company,

12 Plaintiff,

14 v.

15 AMERICANS FOR LEGAL IMMIGRATION
 16 POLITICAL ACTION COMMITTEE; and
 WILLIAM GHEEN, an individual,

17 Defendants.
 18

Case No.: 2:10-cv-01483

**COMPLAINT AND DEMAND
 FOR JURY TRIAL**

19 Righthaven LLC (“Righthaven”) complains as follows against Americans for Legal
 20 Immigration Political Action Committee (“ALIPAC”) and William Gheen (“Mr. Gheen”;
 21 collectively with ALIPAC known herein as the “Defendants”), on information and belief:
 22

23 **NATURE OF ACTION**

- 24 1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.
 25

26 **PARTIES**

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

1 13. The subject matter, at least in part, of the Work and the Infringement, is a speech
2 made by Nevada United States Senator, Harry Reid, at a Latino Summit that was held at
3 University of Nevada Las Vegas.

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

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

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

10
11 **VENUE**

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

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

18
19 **FACTS**

20 19. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §
21 102(a)(1).

22 20. Righthaven is the owner of the copyright in and to the Work.

23 21. The Work was originally published on February 18, 2010.

24 22. On May 18, 2010, the United State Copyright Office (the “USCO”) received
25 Righthaven’s official submittal for the registration of the Work including the application, the
26 deposit copy, and the registration fee (the “Complete Application”), Service Request No. 1-
27 403372342, attached hereto as Exhibit 4.
28

1 23. On or about February 20, 2010, the Defendants displayed, and continue to
2 display, the Infringement on the Website.

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

5 25. 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 26. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
10 25 above.

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

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

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

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

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

21 32. 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 33. 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 34. 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 35. ALIPAC has willfully engaged in the copyright infringement of the Work.

2 36. Mr. Gheen has willfully engaged in the copyright infringement of the Work.

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

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

10
11 **PRAYER FOR RELIEF**

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

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

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

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

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

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

1 3. Direct Dotster and any successor domain name registrar for the Domain to lock
2 the Domain and transfer control of the Domain to Righthaven;

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

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

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

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

10
11 **DEMAND FOR JURY TRIAL**

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

13 Dated this thirty-first day of August 2010.

14
15 RIGHTHAVEN LLC

16
17 By: /s/ J. Charles Coons
18 J. CHARLES COONS, ESQ.
19 Nevada Bar No. 10553
20 JOSEPH C. CHU, ESQ.
21 Nevada Bar No. 11082
22 9960 West Cheyenne Avenue, Suite 210
23 Las Vegas, Nevada 89129-7701
24 Attorneys for Plaintiff
25
26
27
28