

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

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

10 RIGHTHAVEN LLC, a Nevada limited-  
 liability company,

11  
 12  
 13 Plaintiff,

14 v.

15 BRETT EDMUNDS, an individual,

16 Defendant.  
 17

Case No.: 2:10-cv-01492

**COMPLAINT AND DEMAND  
 FOR JURY TRIAL**

18  
 19 Righthaven LLC (“Righthaven”) complains as follows against Brett Edmunds (“Mr.  
 20 Edmunds”), 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. Mr. Edmunds is, and has been at all times relevant to this lawsuit, a resident of  
4 Nevada.

5 5. Mr. Edmunds is, and has been at all times relevant to this lawsuit, the owner of  
6 the Internet domain found at <topfreeforum.com/nevadawrestling> (the “Domain”; the content  
7 accessible through the Domain and the Domain itself known herein as the “ Website”).

8 6. Mr. Edmunds maintains, and has maintained at all times relevant to this lawsuit,  
9 administrative control of the content found on the Website.

10 7. Mr. Edmunds is, and has been at all times relevant to this lawsuit, responsible for  
11 the content found on the Website.

12  
13 **JURISDICTION**

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

16 9. Righthaven is the owner of the copyright in and to the literary work entitled: “Oh,  
17 brother: Wildcats cruise” (the “Work”), attached hereto as Exhibit 1.

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

20 11. Mr. Edmunds willfully copied, on an unauthorized basis, the Work from a source  
21 emanating from Nevada.

22 12. On or about February 21, 2010, Mr. Edmunds displayed, and continues to display  
23 an unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 2, on  
24 the Website.

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

27 14. The subject matter, at least in part, of the Work and the Infringement, is two  
28 brothers that wrestle for Las Vegas High School.

1 15. At all times relevant to this lawsuit, Mr. Edmunds knew that the Work was  
2 originally published in the Las Vegas *Review-Journal*.

3 16. At all times relevant to this lawsuit, Mr. Edmunds knew that the Infringement was  
4 and is of specific interest to Nevada residents.

5 17. Mr. Edmunds's display of the Infringement was and is purposefully directed at  
6 Nevada residents.

7 18. Mr. Edmunds knew, or reasonably should have known, that websites, such as the  
8 Website, are and were at all times relevant to this lawsuit, the habitual subject of postings by  
9 others of copyright-infringing content.

10 19. At all times relevant to this lawsuit, Mr. Edmunds did not institute any proactive  
11 policy of precluding or attempting to preclude the posting by others of copyright-infringing  
12 content on the Website.

13 20. At all times relevant to this lawsuit, Mr. Edmunds did not institute any proactive  
14 policy of monitoring or attempting to monitor the posting by others of copyright-infringing  
15 content on the Website.

16 21. At all times relevant to this lawsuit, Mr. Edmunds did not institute any proactive  
17 policy of deleting or attempting to delete the posting by others of copyright-infringing content on  
18 the Website.

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

23  
24 **VENUE**

25 23. The United States District Court for the District of Nevada is an appropriate  
26 venue, pursuant to 28 U.S.C. § 1391(b)(1), because Mr. Edmunds is a resident of Nevada.  
27  
28

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

4 25. The United States District Court for the District of Nevada is an appropriate  
5 venue, pursuant to 28 U.S.C. § 1400(a), because Mr. Edmunds is subject to personal jurisdiction  
6 in Nevada.

7  
8 **FACTS**

9 26. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C.  
10 §102(a)(1).

11 27. Righthaven is the owner of the copyright in and to the Work.

12 28. The Work was originally published on February 21, 2010.

13 29. On May 18, 2010, the United State Copyright Office (the “USCO”) received  
14 Righthaven’s official submittal for the registration of the Work including the application, the  
15 deposit copy, and the registration fee (the “Complete Application”), Service Request No. 1-  
16 403372484, attached hereto as Exhibit 3.

17 30. On or about February 21, 2010, Mr. Edmunds displayed, and continues to display,  
18 the Infringement on the Website.

19 31. Mr. Edmunds did not seek permission, in any manner, to reproduce, display, or  
20 otherwise exploit the Work.

21 32. Mr. Edmunds was not granted permission, in any manner, to reproduce, display,  
22 or otherwise exploit the Work.

23  
24 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

25 33. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through  
26 32 above.

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

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

3 36. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to  
4 17 U.S.C. § 106(3).

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

7 38. Mr. Edmunds reproduced the Work in derogation of Righthaven's exclusive  
8 rights under 17 U.S.C. § 106(1).

9 39. Mr. Edmunds created an unauthorized derivative of the Work in derogation of  
10 Righthaven's exclusive rights under 17 U.S.C. § 106(2).

11 40. Mr. Edmunds distributed, and continues to distribute, an unauthorized  
12 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under  
13 17 U.S.C. § 106(3).

14 41. Mr. Edmunds publicly displayed, and continues to publically display, an  
15 unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive  
16 rights under 17 U.S.C. § 106(5).

17 42. Mr. Edmunds has willfully engaged in the copyright infringement of the Work.

18 43. Mr. Edmunds's acts as alleged herein, and the ongoing direct results of those acts,  
19 have caused and will continue to cause irreparable harm to Righthaven in an amount Righthaven  
20 cannot ascertain, leaving Righthaven with no adequate remedy at law.

21 44. Unless Mr. Edmunds is preliminarily and permanently enjoined from further  
22 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus  
23 entitled to preliminary and permanent injunctive relief against further infringement by the  
24 Defendants of the Work, pursuant to 17 U.S.C. § 502.

25  
26 **PRAYER FOR RELIEF**

27 Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:  
28

1           1.       Preliminarily and permanently enjoin and restrain Mr. Edmunds, and Mr.  
2 Edmunds's officers, agents, servants, employees, attorneys, parents, subsidiaries, related  
3 companies, partners, and all persons acting for, by, with, through, or under Mr. Edmunds, from  
4 directly or indirectly infringing the Work by reproducing the Work, preparing derivative works  
5 based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering,  
6 directing, participating in, or assisting in any such activity;

7           2.       Direct Mr. Edmunds to preserve, retain, and deliver to Righthaven in hard copies  
8 or electronic copies:

9               a.       All evidence and documentation relating in any way to Mr. Edmunds's use  
10 of the Work, in any form, including, without limitation, all such evidence and  
11 documentation relating to the Website;

12               b.       All evidence and documentation relating to the names and addresses  
13 (whether electronic mail addresses or otherwise) of any person with whom the  
14 Defendants have communicated regarding Mr. Edmunds's use of the Work; and

15               c.       All financial evidence and documentation relating to Mr. Edmunds's use  
16 of the Work;

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

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

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

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

26           7.       Grant Righthaven such other relief as this Court deems appropriate.  
27  
28

**DEMAND FOR JURY TRIAL**

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

Dated this thirty-first day of August, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons  
J. CHARLES COONS, ESQ.  
Nevada Bar No. 10553  
JOSEPH C. CHU, ESQ.  
Nevada Bar No. 11082  
9960 West Cheyenne Avenue, Suite 210  
Las Vegas, Nevada 89129-7701  
Attorneys for Plaintiff

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28