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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**
11

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

14 Plaintiff,
15

16 v.

17 HAWAII TOURISM ASSOCIATION, INC., a
Hawaii domestic corporation; and JUERGEN
18 T. STEINMETZ, an individual,

19 Defendant.
20

Case No.: 2:10-cv-01543-GMN-PAL

**PLAINTIFF RIGHTHAVEN LLC’S
INTERIM STATUS REPORT PURSUANT
TO LR 26-3**

21 Plaintiff Righthaven LLC (“Righthaven”) hereby submits this Interim Status Report
22 pursuant to LR 26-3 and the Court’s September 6, 2011 Minute Order (Doc. # 14). For the
23 reasons set forth herein, Righthaven does not anticipate this action proceeding to trial.

24 On September 10, 2010, Righthaven commenced this action against Defendants Hawaii
25 Tourism Association, Inc. (“Hawaii Tourism”) and Juergen T. Steinmetz (“Steinmetz”) for
26 copyright infringement. Hawaii Tourism was served with the Summons and Complaint on
27 January 25, 2011. (Doc. # 10.) Service could not be effectuated as to Steinmetz. As a result, the
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1 Court dismissed Righthaven's claims against Steinmetz without prejudice pursuant to Federal
2 Rule of Civil Procedure 4(m). (Doc. # 11.)

3 Hawaii Tourism was required to answer or otherwise appear in this action on or before
4 February 15, 2011. (Doc. # 10.) Hawaii Tourism has failed to do so. Accordingly, Righthaven
5 will be applying to the Clerk of the Court for entry of default against Hawaii Tourism, thereby
6 terminating its right to defend in this case.

7 Righthaven, however, certainly appreciates the fact that this Court has a renewed motion
8 to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1) ("Rule 12(b)(1)") presently
9 pending before it in *Righthaven LLC v. Virginia Citizens Defense League, Inc.*, Case No. 2:10-
10 cv-01683-GMN-PAL ("*Virginia Citizens*"). The Court previously determined in *Virginia*
11 *Citizens* that Righthaven's allegations sufficiently establish standing to bring a copyright
12 infringement claim under the pleading requirements of Federal Rule of Civil Procedure 8(a).
13 *Virginia Citizens Defense League, Inc.*, Case No. 2:10-cv-01683-GMN-PAL (D. Nev. June 23,
14 2011) (Doc. # 26 at 13:3-4,13:14-17). Nevertheless, the defendants in *Virginia Citizens* renewed
15 request for dismissal for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) request for
16 dismissal for lack of subject matter jurisdiction is awaiting adjudication by the Court. Should the
17 Court deny the defendants' renewed Rule 12(b)(1) motion in *Virginia Citizens*, it would affirm
18 Righthaven's entitlement to seek entry of a default judgment against Hawaii Tourism in this
19 case. Accordingly, upon resolution of the pending Rule 12(b)(1) motion in *Virginia Citizens*,
20 Righthaven anticipates that this action can be fully and finally adjudicated without the need for
21 trial by entry of a default judgment against Hawaii Tourism.

22 Dated this 21st day of September, 2011.

23 SHAWN A. MANGANO, LTD.

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25 By: /s/ Shawn A. Mangano
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CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(b) and as provided for under the applicable Local Rules of Civil Practice, I certify that on this 21st day of September, 2011, I caused a true and correct copy of foregoing document to be served pursuant to the Court's ECF system.

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