



1 II. FACTS

2 Defendant Michael Scaccia (sometimes referred to herein as "Scaccia") was a long-time  
3 resident of California. His business was construction management. He retired a few years ago  
4 and moved to Pahrump, Nevada.

5 His community is very important to him, and he published an Internet blog, Pahrump  
6 Life, about the community, and particularly about the private prison (or prisons for profits) issue  
7 and how it will affect Pahrump.

8 Plaintiff Righthaven LLC (sometimes referred to herein as "Righthaven") sued Defendant  
9 Michael Scaccia for copyright infringement.

10 Righthaven appears to exist only as a vehicle for bringing suits. That is, it appears to  
11 really be a law firm that is operating an entity that purports to own copyrights. The real party in  
12 interest appears to be Stephens Media LLC (sometimes referred to herein as "Stephens Media"),  
13 the publisher of Las Vegas Review-Journal

14 Righthaven also named Maren Scaccia as a defendant, but no service of process was  
15 served on her, despite a proof of service that Righthaven filed with the Court. Maren Scaccia has  
16 never resided in Nevada, and neither is nor ever was a wife of Michael Scaccia as indicated in  
17 the proof of service that Righthaven filed. Maren Scaccia is Michael Scaccia's daughter.

18 Plaintiff Righthaven also named "Pahrump Life" as a defendant, but "Pahrump Life" is  
19 not an entity. It is the name of a blog started by Scaccia to educate people about problems  
20 associated with privately run prisons. This, of course, was, and is, an issue of concern in view of  
21 the opening of a privately run prison in Pahrump. (Maren Scaccia's **only** involvement with  
22 "Pahrump Life" was the registering of the domain name "parhrumplife.org." She has no  
23 involvement in the publishing of the blog or in its content.)

24 As of the time that this memorandum is being written, Righthaven and Stephens Media  
25 have refused to provide written evidence that either one owns the copyright in the article at issue  
26 in the case, even though there is no dispute that an individual named Dave Hawkins is the actual  
27 author of the article.

28

1 "Pahrump Life" is a blog published by Scaccia. Its primary purpose is to provide  
2 education and commentary about quality of life issues, including those regarding the private  
3 prison industry and how it may have a significant detrimental effect upon Pahrump, Nevada.

4 No fee was ever charged to view the Pahrump Life blog, and no advertising was ever run  
5 on the Pahrump Life blog. Neither Scaccia nor the Pahrump Life blog has ever sought or  
6 received, directly or indirectly or in any manner, revenues or income of any kind.

7 Upon information and belief, Stevens Media publishes Las Vegas Review-Journal  
8 (sometimes hereinafter referred to as "LVRJ"), a newspaper that is distributed in print form and  
9 is distributed online at <<http://www.lvrj.com>>.

10 On August 14, 2010, Stevens Media published at least in its online version of LVRJ the  
11 following article (hereinafter referred to as the "Article"):

12 **Warden, other employees resign from prison in escape fallout**

13 DAVE HAWKINS  
14 SPECIAL TO THE LAS VEGAS REVIEW-JOURNAL  
15 August 14, 2010

16 KINGMAN, Ariz. -- Key personnel have resigned their posts at a privately  
17 operated state prison where three dangerous inmates escaped last month. The  
18 Management & Training Corporation, which houses 3,500 minimum- and  
19 medium-security inmates at the Arizona State Prison-Kingman, confirmed the  
20 departures Friday.

21 "MTC accepted the resignation of Warden Lori Lieder and her unit's chief of  
22 security this week," MTC spokesman Carl Stuart said. Lieder and the security  
23 chief were administrators at the Hualapai Unit, the medium security wing of the  
24 complex from which the inmates made their July 30 getaway.

25 Arizona Department of Corrections Director Charles Ryan said he has directed  
26 changes and upgrades in security and operations protocols at the prison. Increased  
27 perimeter patrols and increased control and restriction of inmate movement within  
28 the units are among his directives. MTC operates 11 private prisons, including  
two in Arizona.

Two convicted killers who escaped from the facility have been recaptured, but  
John McCluskey, convicted of attempted murder and other charges, and fiancée  
Casslyn Welch remain at large.

Welch was detained after trying to bring heroin into the prison six weeks before  
the escape. Police reports show Welch admitted she had delivered heroin to the

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facility on three prior occasions, picking up the drugs from two men in Phoenix she believed were members of the Aryan Brotherhood.

Jamie Clark, supervisor of a Kingman-based narcotics task force, confirmed Friday that Welch had agreed to serve as an informant in the prison drug smuggling investigation to avoid being charged. State and federal authorities said she instead returned to the facility and supplied a getaway vehicle, cash, clothes, weapons and a tool the inmates used to cut through fences and escape.

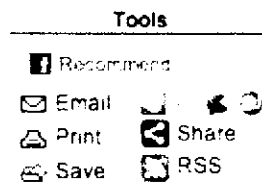
On August 14, 2010, and for a period of time extending beyond the posting on August 15, 2010 of the Article on the Pahrump Life blog, the Article was available on the Las Vegas Review-Journal web site to be viewed by any reader, and any reader could, directly from the Las Vegas Review-Journal website, email the article to anyone else for free.

Even as of the writing of this Memorandum, the Article is STILL AVAILABLE for FREE on the LVRJ website at <<http://www.lvrj.com/news/warden--other-employees-resign-from-prison-in-escape-fallout-100678314.html>>, and a link to that page can still be emailed by a reader from that website to anyone else for free. See **Exhibit A** attached to this motion. In addition, readers are encouraged to print copies of the Article without paying any fee to Stephens Media or to anyone else.

The Article, consisting of less than 300 words, is a recitation of facts regarding an escape by three men convicted of murder or attempted murder from a privately run prison in Arizona and related fall-out from that escape.

The Article was emailed to Scaccia's Pahrump Life blog by a third party.

Scaccia read the Article on LVRJ's website. The web page for the Article, which looked substantially like it does today as shown in **Exhibit A**, expressly encouraged sharing of the Article, as indicated by the "tool box" on the web page. Note: The tool box, which now appears this way,



1 may have changed somewhat over time. But it functioned in August, 2010 in essentially the  
2 same way that it functions now.

3 Note that the image of the Article that is shown as Exhibit 1 to the Complaint is what the  
4 article looks like when one clicks on the "Print" icon in the tool box.

5 Scaccia thought the Article contained important information relating to the private prison  
6 issue. To report that news and provide comment about the dangers and other problems  
7 associated with private prisons, to people in Pahrump and elsewhere, on August 15, 2010,  
8 Scaccia posted the Article in the Pahrump Life blog following this commentary by him:

9 "MTC sacks AW and Security Chief at Kingman

10 "Here is yet another story - told this time by the Las Vegas Review Journal -  
11 about a typical sorry 'For Profit Private Prison,' with a sorry staff, over all,  
12 exemplifying a sorry state of affairs. Understaffed, continually promising before  
13 and after the fact, breaking promises, promising to do better but clearly continuing  
14 to engender and enable riots and escapes, the For Profit Prison System is a gold  
mine for some and their attorneys. This should have been clear and should be, day  
by day, getting clearer to our commissioners who authorized the prison and its  
location in Pahrump Nevada right smack in the middle of town. Do they care?"

15 Full attribution to Las Vegas Review-Journal and Dave Hawkins, along with a web link  
16 back to the original source of the article (i.e., to Las Vegas Review-Journal's web page) was  
17 given by Defendant in the Pahrump Life blog entry. Shown below is how that portion of the  
18 Pahrump Life blog appeared. Note that the column along the right side of the image includes  
19 other information and links relating to quality of life issues, particularly the private prison issue.  
20 The content in the main column shifts relative to the content in the right column as more content  
21 added to the blog.

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**MTC sacks AW and Security Chief at Kingman**

Here is yet another story - told this time by the Las Vegas Review Journal - about a typical sorry "For Profit Private Prison," with a sorry staff, over all, exemplifying a sorry state of affairs. Understaffed, continually promising before and after the fact, breaking promises, promising to do better but clearly continuing to engender and enable riots and escapes, the For Profit Prison System is a gold mine for some and their attorneys. This should have been clear and should be, day by day, getting clearer to our commissioners who authorized the prison and its location in Pahrump Nevada right smack in the middle of town. Do they care?

The following sent by Frank Smith FYI:

<http://www.lvrj.com/news/warden--other-employees-resign-from-prison-in-escape-fallout-100678314.html>

Las Vegas Review-Journal  
Aug. 14, 2010

"Warden, other employees resign from prison in escape fallout"

DAVE HAWKINS

SPECIAL TO THE LAS VEGAS REVIEW-JOURNAL

KINGMAN, Ariz. -- Key personnel have resigned their posts at a privately operated state prison where three dangerous inmates escaped last month. The Management & Training Corporation, which houses 3,500 minimum- and medium-security inmates at the Arizona State Prison-Kingman, confirmed the departures Friday.

"MTC accepted the resignation of Warden Lori Lieder and her unit's chief of security this week," MTC spokesman Carl Stuart said. Lieder and the security chief were administrators at the Hualapai Unit, the medium security wing of the complex from which the inmates made their July 30 getaway.

Arizona Department of Corrections Director Charles Ryan said he has directed changes and upgrades in security and operations protocols at the prison. Increased perimeter patrols and increased control and restriction of inmate movement within the units are among his directives. MTC operates 11 private prisons, including two in Arizona.

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Welch was detained after trying to bring heroin into the prison six weeks before the escape. Police reports show Welch admitted she had delivered heroin to the facility on three prior occasions, picking up the drugs from two men in Phoenix she believed were members of the Aryan Brotherhood.

Jamie Clark, supervisor of a Kingman-based narcotics task force, confirmed Friday that Welch had agreed to serve as an informant in the prison drug smuggling investigation to avoid being charged. State and federal authorities said she instead returned to the facility and supplied a getaway vehicle, cash, clothes, weapons and a tool the inmates used to cut through fences and escape.

POSTED BY MICHAEL SCACCIA PAHRUMLIFE AT 8:15/2010 02:00:00 PM  
0 COMMENTS

BOCC Meetings: First and Third Tuesdays, 10:00 a.m.

Town Board Meetings: Second and Fourth Tuesdays, 7:00 p.m.

PRESENTATION OF SOME OF THE OCTOBER 2009 OBJECTION LETTERS TO THE PUCN

Short Form Letter to the PUCN Oct. 09

MS Form letter to the PUCN, Oct. 09

Mike Miraglia's Letter  
Kerry Bent's Letter

CONTACT INFO

[pahrump1ife@yahoo.com](mailto:pahrump1ife@yahoo.com)

OVER 150 OF THESE LETTERS SIGNED AND SENT TO THE PUCN ON OR BEFORE JUNE 10, 2009

PUCN Hearing Request - Short  
PUCN Hearing Request - Long

IMPORTANT HISTORICAL DOCUMENTS

[Please be patient when downloading - some files are big.]

After viewing these URLs, use the back arrow at the upper left to get back to Pahrump Life.

Zone Change Special Conditions of Approval

Mike Miraglia's Letter, Observations re RPC

Willow Creek Complaint February 2009

Carol Kollipp's Letter re VEA Rate Hike and Prison Advocacy

Ordinance 336

Venue Change Motion - OFDT Case Nov, 09

Officer Sues CCA for \$14 m/\$ From Frank Smith Oct 31, 09

IRONY OF IRONIES/Frank Smith Oct 09

WE ARE THE EXPERIMENT, FLYER

Dan Rather Reports - Private Prisons - Episode One Transcript - June 2009

Franks Letter to the PUCN June 2009

1 Scaccia's purpose in publishing the Article was (i) to provide news reporting about an  
2 escape from a private prison and the after-the-fact security "upgrades" ordered by the state of  
3 Arizona, and (ii) to comment about private prison companies' making exaggerated promises and  
4 delivering inferior services, while they (i.e., the private prison companies) put the public at risk.

5 Scaccia at no time intended to commit an infringement of copyright. Scaccia did not  
6 believe he was committing a copyright infringement, as he provided full attribution to the author,  
7 David Hawkins, and to LVRJ, along with a link back to LVRJ's web page for the Article, which  
8 web page itself, as discussed above, expressly encouraged sharing of the Article. That is,  
9 Scaccia believed that he was acting with the encouragement of LVRJ.

10 As indicated above, Scaccia has received no revenues or profits from his Pahrump Life  
11 blog. In particular, he has received no revenues or profits as a result of his posting the Article on  
12 his Pahrump Life blog.

13 It appears highly unlikely that Stephens Media, or LVRJ or Righthaven, has incurred  
14 damages as a result of Scaccia's posting of the Article on the Pahrump Life blog. As noted  
15 above, the Article, from the date it was first published through today, has always been freely  
16 accessible for no fee at the LVRJ's web site. LVRJ lost no sales of the article, because it is  
17 available for no fee. If anything, the posting of the Article on the Pahrump Life blog may have  
18 caused additional visits to the LVRJ web site which would make the LVRJ website more  
19 attractive to LVRJ's advertisers.

20 Dave Hawkins is named right above the Article as the author of the Article. On  
21 information and belief, Dave Hawkins is the news director at radio station KGMN in Kingman,  
22 Arizona. On information and belief, KGMN is owned by New West Broadcasting Systems, Inc.  
23 On information and belief, the author of the Article, Dave Hawkins, was not an employee of  
24 Righthaven, Stephens Media or LVRJ when he wrote the Article.

25 To date, none of Righthaven, Stephens Media or LVRJ has produced a written document  
26 evidencing ownership by any of them, as opposed to Dave Hawkins, in the copyright in the  
27 Article despite several requests that such document be shown to the attorney that had been  
28 helping Scaccia.

1 The copyright application, a copy of which is attached as Exhibit 3 to the Complaint, lists  
2 Stephens Media as the author, with the Article being a work made for hire.

3 As indicated above, Dave Hawkins is the author, and without an appropriate written  
4 document signed by Mr. Hawkins, the Article is not a work made for hire. If that is the case,  
5 Plaintiff will not be entitled to statutory damages or attorney fees.

6 III. ARGUMENT

7 A. Scaccia's Use of the Article Is a Fair Use, and Not Infringement

8 Even if the Article were protectable by copyright, and even if Righthaven were the owner  
9 of the copyright, Scaccia's use of the Article was a fair use, and thus "is not an infringement of  
10 copyright." 17 U.S.C. § 107.

11 17 U.S.C. § 107 is set in full here:

12 Notwithstanding the provisions of sections 106 and 106A, the fair use of a  
13 copyrighted work, including such use by reproduction in copies or phonorecords  
14 or by any other means specified by that section, for purposes such as criticism,  
15 comment, news reporting, teaching (including multiple copies for classroom use),  
16 scholarship, or research, is not an infringement of copyright. In determining  
17 whether the use made of a work in any particular case is a fair use the factors to  
18 be considered shall include —

19 (1) the purpose and character of the use, including whether such use is of a  
20 commercial nature or is for nonprofit educational purposes;

21 (2) the nature of the copyrighted work;

22 (3) the amount and substantiality of the portion used in relation to the  
23 copyrighted work as a whole; and

24 (4) the effect of the use upon the potential market for or value of the  
25 copyrighted work.

26 The fact that a work is unpublished shall not itself bar a finding of fair use if such  
27 finding is made upon consideration of all the above factors.

28 1. Purpose and Character of Use

It is indisputable that the Article was reproduced in the Pahrump Life blog for the  
purposes of news reporting and comment. The private prison issue is one of great import to  
Pahrump and Nevada.



1 The Pahrump Life blog is completely non-commercial. No revenues for it have been  
2 sought or received.

3 The purpose of reproducing the Article was to raise the awareness in the community  
4 about potential problems that will directly impact Pahrump, namely the problems associated with  
5 the opening of a privately-run prison in Pahrump.

6 Because Scaccia's use of the Article was for news reporting and comment (purposes  
7 expressly mentioned in the statute), because the subject matter was and is of important public  
8 concern, and because the use was in no way commercial, the factor of purpose and character of  
9 use weighs heavily in favor of a finding of fair use.

10 2. Nature of the Copyrighted Work

11 The Article is strictly informational. As noted above, it contains less than 300 words. As  
12 the Court can see, the Article is merely a recitation of facts, composed primarily of quotes or  
13 paraphrases of reports by corporate or government officials.

14 The information in the Article is of important public concern.

15 In a similar case, Los Angeles News Service v. CBS Broadcasting, Inc., 305 F. 3d 924,  
16 940 (9th Cir. 2002), the Ninth Circuit ruled as follows:

17 We have analyzed the "nature of the copyrighted work" factor extensively in prior  
18 LANS litigation. "The Denny beating tape is informational and factual and news;  
19 each characteristic strongly favors [the user]. Likewise the fact that the tape was  
20 published before its use by [the alleged infringer]. Although the Videotape is not  
21 without creative aspect in that it is the result of [Marika] Tur's skills with a  
22 camera, still this factor makes it a great deal easier to find fair use." KCAL-TV,  
108 F.3d at 1122; accord Reuters, 149 F.3d at 994; see also Harper & Row, 471  
U.S. at 563, 105 S.Ct. 2218 ("The law generally recognizes a greater need to  
disseminate factual works than works of fiction or fantasy."); L.A. News Serv. v.  
Tullo, 973 F.2d 791, 798 (9th Cir.1992). This factor clearly points toward fair use.

23 In this case, too, this factor clearly points toward fair use.

24 3. The Amount Used in Relation to the Copyrighted Work as a Whole

25 The Article was reproduced in its entirety.

26 However, even if this factor were found to point away from a finding of fair use, the  
27 Court should still find fair use here in view of all the other factors. See, Hustler Magazine, Inc.  
28 v. Moral Majority, Inc., 796 F.2d 1148, 1155 (9th Cir. 1986), in which the Court of Appeals

1 affirmed a summary judgment for defendant based on fair use despite the copying of the entire  
2 work:

3 Sony Corp. [of America v. Universal City Studios, Inc.], 464 U.S. 417, 104 S.Ct.  
4 774, 78 L.Ed.2d 574 (1984)] teaches us that the copying of an entire work does  
5 not preclude fair use *per se*.

6 Also to be considered in connection with this factor is that the Article is less than 300  
7 words and is a recitation of facts. In order to get those facts passed on to Pahrump Life readers,  
8 the whole of the Article essentially had to be reproduced. See, Kelly v. Arriba Soft Corp., 280 F.  
9 3d 934, 943 (9th Cir. 2002): "If the secondary user only copies as much as is necessary for his or  
10 her intended use, then this factor will not weigh against him or her."

11 This factor should be considered to be neutral.

12 4. Effect of the Use Upon The Potential Market for or Value of the  
13 Copyrighted Work

14 The Review-Journal implicitly grants its readers the right to disseminate its articles to  
15 third parties. Assuming that neither Righthaven nor Stephens Media changes the operation of  
16 the web page at <[http://www.lvrj.com/news/warden--other-employees-resign-from-prison-in-  
17 escape-fallout-100678314.html](http://www.lvrj.com/news/warden--other-employees-resign-from-prison-in-escape-fallout-100678314.html)> (as shown in **Exhibit A**), the Court can see that Stephens Media  
18 invites third parties to copy, paste and print the Article, and to disseminate the Article to other  
19 third parties. Readers can share articles with third parties by selecting an icon that is simply  
20 "Email," and another icon labeled "Print" links to another page in which the Article is  
21 reformatted for easy printing on reader's own printer, or for easy saving to a reader's own  
22 computer. Simply put, Righthaven/Stephens Media encourages its readers to disseminate its  
23 articles to third parties.

24 Pursuant to 17 U.S.C. 107(4), the Court must determine whether Scaccia's use adversely  
25 affects the potential market for the Article. Because the article is available for free, the value of  
26 the Article is in its ability to draw readers to the LVRJ website and its advertisers. In light of the  
27 specific facts of this use, the Court can easily conclude that Scaccia's use did not diminish the  
28 value of the Article, and may actually have increased traffic on Stephens Media's LVRJ website.  
As noted above, the Pahrump Life blog provided full attribution to LVRJ and a web link to the

1 LVRJ website. Further, the Article did not appear in the Pahrump Life blog until the day after it  
2 was published on the LVRJ website. LVRJ readers would have already seen the Article before it  
3 appeared in the Pahrump Life blog. It is thus reasonable to conclude that readers of the Pahrump  
4 Life blog that may not have been aware of the LVRJ website were introduced by the blog to the  
5 LVRJ website.

6 The reproduction of the Article in the Pahrump Life blog would not have reduced the  
7 amount of LVRJ readers, and likely increased the number of LVRJ readers.

8 Therefore, the fourth factor points to fair use.

9 With all four factors taken into account, the Court should find that Scaccia's use in his  
10 Pahrump Life blog of the Article is a fair use.

11 This Court has ruled in a similar case involving Righthaven/Stephens Media that the  
12 reproduction of an article from LVRJ in a blog was fair use. See, Righthaven, LLC v. Realty  
13 One Group, Inc., Case No, 2:10-cv-I 036-LRH-PAL, decided October 18, 2010. In that case the  
14 accused infringer used the work in a blog having commercial purposes in addition to educational  
15 purposes. In that case, a total of eight sentences were reproduced. In this case, the Pahrump Life  
16 blog has only educational and commentary purposes; it has no commercial purpose, and only  
17 twelve sentences were reproduced. The Reality One case confirms the argument made here - the  
18 use of the Article in Pahrump Life was a fair use.

19 B. Other Issues

20 With respect to the following issues, Defendant does not yet seek a ruling of summary  
21 judgment. A finding of fair use would render them moot. However, Defendant does want to  
22 make note of them.

23 1. The Article Lacks Sufficient Originality of Expression to Be Protectable  
24 by Copyright

25 The Article is less than 300 words in length. It includes only twelve sentences. The  
26 Article contains no commentary. Instead, it is a restatement of facts from corporate and  
27 government statements and reports.

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1 A mere recitation of facts is not copyrightable. Feist Publications, Inc. v. Rural  
2 Telephone Service Co., 499 US 340, 111 S. Ct. 1282, 113 L. Ed. 2d 358.

3 2. The Copyright Registration May Be Invalid, and  
4 Even If a Valid Registration Were to Ultimately Issue, Its Effective Date  
5 Would Be Too Late to Allow Plaintiff to Elect Statutory Damages or to  
6 Collect Attorney Fees

6 As indicated above, the author of the Article is Dave Hawkins, and he was not an  
7 employee of Stephens Media. Plaintiff has refused to provide any written documentation that  
8 Dave Hawkins has assigned any copyright in the article to Las Vegas Review-Journal, Stephens  
9 Media LLC, or Plaintiff Righthaven LLC, or that the article is a work that was specially ordered  
10 or commissioned for use as a contribution to a collective work and that Dave Hawkins signed a  
11 written instrument that the Article was to be considered a work made for hire.

12 Also as indicated above, the application for copyright registration filed by Plaintiff,  
13 attached as Exhibit 3 to the Complaint, names Stephens Media LLC as the author, with the work  
14 being a "work made for hire." However, without a written instrument signed by Dave Hawkins,  
15 the Article is not a work made for hire

16 The assertion of authorship in a work is not a mere formality. 17 U.S.C. § 302 provides  
17 that copyright in a work made for hire endures for a term of 95 years, while 17 U.S.C. § 203  
18 provides that for works other than a work made for hire, an author may revoke a transfer or  
19 license by the end of the 40th year after publication.

20 If Dave Hawkins did not sign an appropriate instrument setting forth that the Article was  
21 to be a work made for hire (which seems to be the case in view of Plaintiff's refusal to produce  
22 such a document), then if a valid registration of copyright with respect to the Article were ever to  
23 issue, the effective date of such registration should not be earlier than at least three months after  
24 the initial publication of the Article. It would follow that Plaintiff would not be entitled to  
25 statutory damages or to an award of attorney fees if Plaintiff were to prevail in this case.

26 Because Plaintiff suffered no damages and Defendant made no profits, Plaintiff should be  
27 awarded no money even if Plaintiff were to prevail in this action.

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IV. IN VIEW OF THE UNDISPUTED FACTS RELATING TO FAIR USE, DISCOVERY RELATING TO THAT ISSUE IS NOT NECESSARY

Even a cursory review of Exhibit 2 attached to the Complaint, which shows the Pahrump Life blog, confirms that there is no monetary commerce associated with the blog.

Discovery of Michael Scaccia will do nothing more than confirm what is stated in this brief, namely that Maren Scaccia, who is his daughter and **not** his wife, was not served with a summons or the Complaint, that he neither sought nor obtained any revenues, or profits, from the Pahrump Life blog, and that his purpose in reproducing the Article was to educate readers in Pahrump regarding potential problems with private prisons, and to provide his own commentary on the issue in view of the facts set forth in the Article.

V. CONCLUSION

First, the Complaint should be dismissed to the extent that it names Maren Scaccia as a defendant because she has never been served with a summons or with the Complaint.

Second, in view of the foregoing, the reproduction of the Article in the Pahrump Life blog should be declared a fair use. Because a fair use is not an infringement, the Complaint, in its entirety, should be dismissed with prejudice.

Respectfully submitted,

Dated: February 4, 2011

By:



Michael Scaccia  
4191 West Quail Run Road  
P.O. Box 9466  
Pahrump, Nevada 89060  
Tel: 775-537-1135  
Defendant *pro se*