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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 RIGHTHAVEN LLC, a Nevada limited-
11 liability company,
12 Plaintiff,
13 v.
14 PAHRUMP LIFE, MAREN SCACCIA and
MICHAEL SCACCIA
15 Defendants.
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CASE NO.: 2: 10-cv-01575-JCM -PAL
**MOTION OF PROFESSOR JASON
SCHULTZ TO FILE AN *AMICUS*
CURIAE BRIEF**

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1 **MOTION TO FILE AMICUS CURIAE BRIEF**

2 Non-party Professor Jason Schultz (“*Amicus*”) hereby moves for leave to file an *amicus*
3 *curiae* brief in the above-captioned case responding to Righthaven’s response to this Court’s
4 April 28, 2011 Order To Show Cause (“OSC”) why this case should not be dismissed for lack of
5 standing. *Amicus* seeks leave to file a brief to address the legal issues presented in Righthaven’s
6 OSC submission (Dkt. 15). Because defendants are represented *pro se*, *amicus* is concerned that
7 the important copyright issues raised in that submission will not be sufficiently addressed by the
8 defendants.

9 To properly address these issues, *amicus* will need some time to draft a brief, and will
10 not be able to get a brief on file before the May 12 hearing. Accordingly, *amicus* respectfully
11 requests leave to file a responsive brief within two weeks of the granting of this motion.

12 *Amicus* is an Assistant Clinical Professor of Law and the co-director of the Samuelson
13 Law, Technology & Public Policy Clinic at the University of California’s Boalt Hall School of
14 Law.¹ *Amicus* has no personal stake in the outcome of this case. Instead, he has an interest in
15 ensuring that copyright laws are interpreted in a manner that advances the purposes of the
16 Copyright Act. In support of that interest, *Amicus* seeks leave to file an *amicus curiae* brief in
17 response to the brief filed by Righthaven. The proposed brief will focus on the difference
18 between assignment of a bare right to sue and a true assignment of ownership in a copyrighted
19 work. It will also address the important policy implications that this Court’s ruling could have
20 other similar and future cases.

21 This court has already granted *amicus* leave to file a brief and to appear in another
22 Righthaven case. *Righthaven LLC v. Ctr. For Intercultural Organizing*, 2:10-cv-01322, Dkt.
23 Nos. 19 & 23; *see also Righthaven LLC v. Hyatt*, 2:10-cv-01736-KJD -RJJ, Dkt. No. 28
24 (granting leave to file *amicus* brief). Indeed, district courts routinely consider *amicus* briefs. *See*
25 *Elektra Enter. Group v. Barker*, 551 F. Supp. 2d 234, 237 (S.D.N.Y. 2008) (accepting brief of

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27 ¹ Professor Schultz submits this brief on his own behalf, not on behalf of the Samuelson Law Clinic
28 or the Boalt Hall School of Law. His counsel represents defendants in several other actions pending in
this court that have been filed by Righthaven. *See e.g.* Case Nos. 10-cv-01343, 10-cv-01356.

1 *amici curiae*); *U.S. v. Perelman*, Case No. 09-CR-00443-KJD-LRL, 2010 WL 3312627 (D. Nev.
2 Aug. 19, 2010) (considering *amicus* brief from the ACLU); *PEST Committee v. Miller*, 648 F.
3 Supp. 2d 1202, 1214 (D. Nev. 2009) (denying motion to intervene, but treating the submissions
4 of proposed intervenors as *amici* briefs). *Amicus* respectfully submits that the proposed brief
5 will be useful to the Court in ruling on the OSC.

6 For the foregoing reasons, *amicus* respectfully requests that the Court grant the motion
7 for leave to file an *amicus curiae* brief within two weeks of the date of this order.

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9 Dated: May 10, 2010

Respectfully submitted,

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CHAD A. BOWERS, LTD.

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By: /s/ Chad Bowers

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