

1 SHAWN A. MANGANO, ESQ.
Nevada Bar No. 6730
2 shawn@manganolaw.com
SHAWN A. MANGANO, LTD.
3 9960 West Cheyenne Avenue, Suite 170
Las Vegas, Nevada 89129-7701
4 Tel: (702) 304-0432
Fax: (702) 922-3851

5 DALE M. CENDALI, ESQ. (admitted *pro hac vice*)
6 dale.cendali@kirkland.com
KIRKLAND & ELLIS LLP
7 601 Lexington Avenue
New York, New York 10022
8 Tel: (212) 446-4800
Fax: (212) 446-4900

9 *Attorneys for Plaintiff Righthaven LLC*

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

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

15
16 Plaintiff,

17 v.

18 PAHRUMP LIFE, an entity of unknown origin
19 and nature; MAREN SCACCIA, an
individual; and MICHAEL SCACCIA, an
20 individual,

21 Defendants.

Case No.: 2:10-cv-01575-JCM-PAL

**PLAINTIFF RIGHTHAVEN LLC'S *EX*
PARTE APPLICATION FOR LEAVE TO
FILE OMNIBUS RESPONSE TO THE
AMICUS CURIAE BRIEFS OF
DEMOCRATIC UNDERGROUND, LLC
AND PROFESSOR JASON SCHULTZ**

22
23
24 Pursuant to the Joint Stipulation Requesting the Rescheduling of the Order to Show
25 Cause Hearing (Doc. # 37) as well as the Court's order granting the Stipulation (Doc. # 38),
26 Righthaven LLC ("Righthaven") hereby moves this Court *ex parte*, pursuant to Rule 7-5 of this
27 Court's Local Rules of Civil Procedure, for an Order granting Righthaven leave to file an
28 omnibus response brief to the Amicus Curiae briefs of Democratic Underground (Doc. # 32) and

1 Professor Jason Schultz (Doc. # 36). The Court's order is necessary in order to give Righthaven
2 the opportunity to respond to the arguments made by the *amici*, which go to the case-critical
3 issue of whether Righthaven has standing to maintain this action. There is good cause to grant
4 this *ex parte* motion, given that Righthaven has not had any other opportunity to respond to the
5 *amici's* arguments, there is still two weeks before the Court will hear oral argument on the
6 standing issue (Doc. # 38), and the additional briefing will provide the Court with law that may
7 assist in the resolution of the standing issue. Further, Righthaven was required to file this *ex*
8 *parte* motion because not all *amici* agreed to additional briefing. Therefore, Righthaven
9 respectfully requests that its *ex parte* motion be granted.

10 Dated this 15th day of June, 2011.

11 SHAWN A. MANGANO, LTD.

12 By: /s/ Shawn A. Mangano
13 SHAWN A. MANGANO, ESQ.
14 Nevada Bar No. 6730
15 shawn@manganolaw.com
16 9960 West Cheyenne Avenue, Suite 170
17 Las Vegas, Nevada 89129-7701
18 Tel: (702) 304-0432
19 Fax: (702) 922-3851

20 KIRKLAND & ELLIS LLP
21 DALE M. CENDALI, ESQ. (admitted *pro hac vice*)
22 dale.cendali@kirkland.com
23 601 Lexington Avenue
24 New York, New York 10022
25 Tel: (212) 446-4800
26 Fax: (212) 446-4900

27 *Attorneys for Righthaven LLC*
28

CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(b), I hereby certify that I on this 15th day of June, 2011, I caused the foregoing document to be served by the Court's CM/ECF system and to be served via U.S. Mail and via Electronic Mail when possible to:

Michael Scaccia:
4191 West Quail Run Road
P.O. Box 9466
Pahrump, Nevada 89060

FENWICK & WEST

By: /s/ Laurence F. Pulgram
LAURENCE F. PULGRAM, ESQ.
555 California Street, 12th Floor
San Francisco, California 94104

KURT OPSAHL, ESQ.
ELECTRONIC FRONTIER FOUNDATION
454 Shotwell Street
San Francisco, California 94110

Attorneys for Amicus Democratic

CHAD A. BOWERS, LTD.

By: /s/ Chad A. Bowers
CHAD A. BOWERS, ESQ.
Nevada Bar No. 7283
bowers@lawyer.com
3202 West Charleston Boulevard
Las Vegas, Nevada 89102

*Attorney for Amici Democratic
Underground, LLC and Jason
Schultz*

RANDAZZA LEGAL GROUP

By: /s/ J. Malcom DeVoy IV
J. MALCOM DEVOY IV, ESQ.
Nevada Bar No. 11950
jmd@Randazza.com
7001 W. Charleston Blvd., # 1043
Las Vegas, Nevada 89117

*Attorneys for Amicus Media Bloggers
Association*

SHAWN A. MANGANO, LTD.

By: /s/ Shawn A. Mangano
SHAWN A. MANGANO, ESQ.
Nevada Bar No. 6730
shawn@manganolaw.com
9960 West Cheyenne Avenue, Suite 170
Las Vegas, Nevada 89129-770

Attorney for Righthaven