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**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEVADA**

FENWICK & WEST LLP  
ATTORNEYS AT LAW  
SAN FRANCISCO, CA

14 RIGHTHAVEN LLC, a Nevada limited liability  
15 company,

16 Plaintiff,

17 v.

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

21 Defendants.

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

**AMICUS CURIAE DEMOCRATIC  
UNDERGROUND LLC'S RESPONSE  
TO PLAINTIFF RIGHTHAVEN  
LLC'S *EX PARTE* APPLICATION  
FOR LEAVE TO FILE OMNIBUS  
RESPONSE**

1 To assist this Court in evaluating Righthaven LLC's response to its Order to Show Cause  
 2 (Dkt. 25), *amicus curiae* Democratic Underground ("amicus") filed an exact copy of its Reply  
 3 Brief and the supporting Declaration of Laurence Pulgram that were originally filed in  
 4 *Righthaven LLC v. Democratic Underground, LLC et al.*, Case No. 2:10-cv-01356-RLH (GWF)  
 5 (Dkt. 32). That Reply Brief responded to a brief by Righthaven on the standing issue that was  
 6 remarkably similar to the OSC Response Righthaven filed here. That Reply Brief completed the  
 7 briefing in *Democratic Underground*. Nothing further was required there—or is required here.

8 While *amicus* does not believe that additional briefing in this matter is necessary, *amicus*  
 9 nonetheless would have no objection to Righthaven following suit, by filing copies of briefing  
 10 Righthaven has previously filed in other cases before this Court. However, to the extent that  
 11 Righthaven wishes to use Democratic Underground's filing of the Reply Brief for this Court's  
 12 consideration as an excuse to file a new brief, to raise new issues, or to respond to Chief Judge  
 13 Rodger L. Hunt's well-reasoned order dismissing for lack of standing its copyright claim in  
 14 *Democratic Underground* (see June 14, 2011 Order, Case No. 2:10-cv-01356, at Dkt. 116),  
 15 *amicus* Democratic Underground respectfully suggests that such additional briefing is  
 16 unnecessary and inappropriate at this stage.

17 Should this Court, nonetheless, believe that yet another round of briefing, above and  
 18 beyond what has been completed in the *Democratic Underground* case and this one, is  
 19 appropriate and warranted, *amicus* respectfully requests the opportunity to respond to any new  
 20 brief and arguments raised by Righthaven. Further, *amicus* suggests that in such event, no more  
 21 than 10 pages per side should be necessary for any such briefing.

22 Dated: June 15, 2011

Respectfully,

FENWICK & WEST LLP

25 By: /s/ Laurence F. Pulgram

Laurence F. Pulgram

27 Attorneys for Amicus Curiae  
 28 DEMOCRATIC UNDERGROUND, LLC