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*Attorneys for Plaintiff Righthaven LLC*

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

13 RIGHTHAVEN LLC, a Nevada limited-  
liability company,

14 Plaintiff,

15 vs.

16 PAHRUMP LIFE, an entity of unknown origin  
17 and nature; MAREN SCACCIA, an individual; and  
MICHAEL SCACCIA, an individual,

18 Defendants.  
19

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

**[PROPOSED] FIRST AMENDED  
COMPLAINT AND DEMAND FOR  
JURY TRIAL**

20  
21 Righthaven LLC (“Righthaven”) complains as follows against Pahrump Life, Maren Scaccia  
22 (“Ms. Scaccia”), and Michael Scaccia (“Mr. Scaccia”; collectively with Pahrump Life and Ms.  
23 Scaccia known herein as the “Defendants”) on information and belief:  
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25 **NATURE OF ACTION**

26 1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.  
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**PARTIES**

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Nevada Secretary of State.

4. Pahrump Life is, and has been at all times relevant to this lawsuit, an entity of unknown origin and nature.

5. Attempts to find evidence of formal organizational status in the respective Secretary of State offices of Delaware, California, Illinois, New York, Texas, Tennessee, and Nevada demonstrate that, at least with respect to these states, Pahrump Life is not a formally organized business entity.

6. Pahrump Life is, and has been at all times relevant to this lawsuit, identified by the current registrar, GoDaddy.com, Inc. (“GoDaddy”), as the registrant, administrative contact, and technical contact for the Internet domain found at <pahrumplife.org> (the “Domain”).

7. Ms. Scaccia is, and has been at all times relevant to this lawsuit, identified by GoDaddy as an administrative contact and technical contact for the Domain.

8. Mr. Scaccia reproduced an unauthorized copy of the Righthaven-owned literary work entitled: “Warden, other employees resign from prison in escape fallout” (the “Work”), attached hereto as Exhibit 1, and posted said unauthorized copy (the “Infringement”), attached hereto as Exhibit 2, as part of the content accessible through the Domain (said content accessible through the Domain known herein as the “Website”).

**JURISDICTION**

9. This Court has original subject matter jurisdiction over this copyright infringement action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

10. Righthaven is the owner of the copyright in the Work.

11. At all times relevant to this lawsuit, the Work has depicted and depicts the original source publication as the *Las Vegas Review-Journal*.



1 intentions regarding copyright assignments to Righthaven, and to eliminate Stephens Media’s right  
2 of reversion and convert Stephens Media’s right to use an assigned copyright to a mere non-  
3 exclusive license. (Dkt. 26, Ex. 3.) At least since the execution of the Amendment, Righthaven has  
4 been the sole current owner of the copyright in and to the Work and has standing to sue Defendants’  
5 for infringement of its copyright.

6 22. On September 9, 2010, the United States Copyright Office (the “USCO”) received  
7 Righthaven’s official submittal for the registration to the Work, including the application, the deposit  
8 copy, and the registration fee (the “Complete Application”), Service Request No. 1-484454233, and  
9 attached hereto as Exhibit 3 is the official USCO application submittal for the Work depicting the  
10 occurrence of the Complete Application.

11 23. On or about August 15, 2010, Mr. Scaccia posted the Infringement on the Website,  
12 and the indication of Mr. Scaccia’s posting of the Infringement is depicted in Exhibit 2, wherein the  
13 Website states: “POSTED BY MICHAEL SCACCIA PAHRUMLIFE AT 8/15/2010  
14 02:00:00 PM,” immediately beneath the Infringement.

15 24. On or about August 15, 2010, the Defendants displayed, and continue to display, the  
16 Infringement on the Website.

17 25. The Defendants did not seek permission, in any manner, to reproduce, display, or  
18 otherwise exploit the Work.

19 26. The Defendants were not granted permission, in any manner, to reproduce, display, or  
20 otherwise exploit the Work.

21 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

22 27. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through 26  
23 above.

24 28. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17 U.S.C. §  
25 106(1).

26 29. Righthaven holds the exclusive right to prepare derivative works based upon the  
27 Work, pursuant to 17 U.S.C. § 106(2).

28 30. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to

1 17 U.S.C. § 106(3).

2 31. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17  
3 U.S.C. § 106(5).

4 32. The Defendants reproduced the Work in derogation of Righthaven's exclusive rights  
5 under 17 U.S.C. § 106(1).

6 33. The Defendants created an unauthorized derivative of the Work in derogation of  
7 Righthaven's exclusive rights under 17 U.S.C. § 106(2).

8 34. The Defendants distributed, and continue to distribute, an unauthorized reproduction  
9 of the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C.  
10 § 106(3).

11 35. The Defendants publicly displayed, and continue to publicly display, an unauthorized  
12 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under 17  
13 U.S.C. § 106(5).

14 36. Pahrump Life has willfully engaged in the copyright infringement of the Work.

15 37. Ms. Scaccia has willfully engaged in the copyright infringement of the Work.

16 38. Mr. Scaccia has willfully engaged in the copyright infringement of the Work.

17 39. The Defendants' acts as alleged herein, and the ongoing direct results of those acts,  
18 have caused and will continue to cause irreparable harm to Righthaven in an amount Righthaven  
19 cannot ascertain, leaving Righthaven with no adequate remedy at law.

20 40. Unless the Defendants are preliminarily and permanently enjoined from further  
21 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus entitled to  
22 preliminary and permanent injunctive relief against further infringement by the Defendants of the  
23 Work, pursuant to 17 U.S.C. § 502.

24 **PRAYER FOR RELIEF**

25 Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

26 1. Preliminarily and permanently enjoin and restrain the Defendants, and the  
27 Defendants' officers, agents, servants, employees, attorneys, parents, subsidiaries, related  
28 companies, partners, and all persons acting for, by, with, through, or under the Defendants, from

1 directly or indirectly infringing the Work by reproducing the Work, preparing derivative works  
2 based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering,  
3 directing, participating in, or assisting in any such activity;

4 2. Direct the Defendants to preserve, retain, and deliver to Righthaven in hard copies or  
5 electronic copies:

6 a. All evidence and documentation relating in any way to the Defendants' use of  
7 the Work, in any form, including, without limitation, all such evidence and documentation  
8 relating to the Website;

9 b. All evidence and documentation relating to the names and addresses (whether  
10 electronic mail addresses or otherwise) of any person with whom the Defendants have  
11 communicated regarding the Defendants' use of the Work; and

12 c. All financial evidence and documentation relating to the Defendants' use of  
13 the Work;

14 3. Order the surrender to Righthaven all hardware, software, electronic media and  
15 domains, including the Domain, used to store, disseminate and display the unauthorized versions of  
16 any and all copyrighted Works as provided for under 17 U.S.C. § 505(b) and/or as authorized by  
17 Federal Rule of Civil Procedure 64;

18 4. Award Righthaven statutory damages for the willful infringement of the Work,  
19 pursuant to 17 U.S.C. § 504(c);

20 5. Award Righthaven costs, disbursements, and attorneys' fees incurred by Righthaven  
21 in bringing this action, pursuant to 17 U.S.C. § 505;

22 6. Award Righthaven pre- and post-judgment interest in accordance with applicable law;  
23 and

24 7. Grant Righthaven such other relief as this Court deems appropriate.  
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**DEMAND FOR JURY TRIAL**

Righthaven requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated this 23rd day of June, 2011.

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CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(b), I hereby certify that I on this 23rd 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 to:

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

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