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8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

11 RIGHTHAVEN LLC, a Nevada limited-
 liability company,

13 Plaintiff,

14 v.

15 ROD BROOKS, an individual; and I AM A
 16 911 OPERATOR, an entity of unknown origin
 and nature,

18 Defendants.

Case No.: 2:10-cv-01654

**COMPLAINT AND DEMAND
 FOR JURY TRIAL**

21 Righthaven LLC (“Righthaven”) complains as follows against Rod Brooks (“Mr.
 22 Brooks”) and I am a 911 Operator (“911 Operator”; collectively with Mr. Brooks known herein
 23 as the “Defendants”) on information and belief:

26 **NATURE OF ACTION**

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

1 11. On or about July 16, 2010, the Defendants displayed, and continue to display, an
2 unauthorized copy of the Work (the “Infringement”), attached hereto as Exhibit 3, on the
3 Website.

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

6 13. The subject matter, at least in part, of the Work and the Infringement, is the 911
7 recording of a Las Vegas, Nevada-based police officer.

8 14. At all times relevant to this lawsuit, the Defendants knew that the Work was
9 originally published in the *Las Vegas Review-Journal*.

10 15. At all times relevant to this lawsuit, the Defendants knew that the Infringement
11 was and is of specific interest to Nevada residents.

12 16. The Defendants’ display of the Infringement was and is purposefully directed at
13 Nevada residents.

14 17. The Defendants knew, or reasonably should have known, that websites, such as
15 the Website, are and were at all times relevant to this lawsuit, the habitual subject of postings by
16 others of copyright-infringing content.

17 18. At all times relevant to this lawsuit, the Defendants did not institute any proactive
18 policy of precluding, or attempting to preclude, the postings by others of copyright-infringing
19 content on the Website.

20 19. At all times relevant to this lawsuit, the Defendants did not institute any proactive
21 policy of monitoring, or attempting to monitor, the postings by others of copyright-infringing
22 content on the Website.

23 20. At all times relevant to this lawsuit, the Defendants did not institute any proactive
24 policy of deleting, or attempting to delete, the postings by others of copyright-infringing content
25 on the Website.

26 21. At all times relevant to this lawsuit, the Defendants’ failure to institute any
27 proactive policies intended to address the postings by others of copyright-infringing content on
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1 the Website constituted and constitutes the Defendants' willful blindness to copyright
2 infringements occurring on the Website.

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5 **VENUE**

6 22. The United States District Court for the District of Nevada is an appropriate
7 venue, pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events giving rise to
8 the claim for relief are situated in Nevada.

9 23. The United States District Court for the District of Nevada is an appropriate
10 venue, pursuant to 28 U.S.C. § 1400 (a), because the Defendants are subject to personal
11 jurisdiction in Nevada.

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14 **FACTS**

15 24. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §
16 102(a)(1).

17 25. Righthaven is the owner of the copyright in and to the Work.

18 26. The Work was originally published on or about July 14, 2010.

19 27. On September 21, 2010, the United States Copyright Office (the "USCO")
20 received Righthaven's official submittal for the registration to the Work, including the
21 application, the deposit copy, and the registration fee (the "Complete Application"), Service
22 Request No. 1-490417798, and attached hereto as Exhibit 4 is the official USCO application
23 submittal for the Work depicting the occurrence of the Complete Application.

24 28. On or about July 16, 2010, the Defendants displayed, and continue to display, the
25 Infringement on the Website.

26 29. The Defendants did not seek permission, in any manner, to reproduce, display, or
27 otherwise exploit the Work.

1 30. The Defendants were not granted permission, in any manner, to reproduce,
2 display, or otherwise exploit the Work.

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5 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

6 31. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
7 30 above.

8 32. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17
9 U.S.C. § 106(1).

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

12 34. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
13 17 U.S.C. § 106(3).

14 35. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17
15 U.S.C. § 106(5).

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

18 37. The Defendants distributed, and continue to distribute, an unauthorized
19 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
20 17 U.S.C. § 106(3).

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

24 39. Mr. Brooks has willfully engaged in the copyright infringement of the Work.

25 40. 911 Operator has willfully engaged in the copyright infringement of the Work.

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

1 42. Unless the Defendants are preliminarily and permanently enjoined from further
2 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
3 entitled to preliminary and permanent injunctive relief against further infringement by the
4 Defendants of the Work, pursuant to 17 U.S.C. § 502.

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7 **PRAYER FOR RELIEF**

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

9 1. Preliminarily and permanently enjoin and restrain the Defendants, and the
10 Defendants' officers, agents, servants, employees, attorneys, parents, subsidiaries, related
11 companies, partners, and all persons acting for, by, with, through, or under the Defendants, from
12 directly or indirectly infringing the Work by reproducing the Work, preparing derivative works
13 based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering,
14 directing, participating in, or assisting in any such activity;

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

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

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

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

25 3. Direct the current registrar for the Domain, Netfirms, Inc., and any successor
26 domain name registrar for the Domain, to lock the Domain and transfer control of the Domain to
27 Righthaven;

