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6
7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
9

10 RIGHTHAVEN LLC, a Nevada limited-
11 liability company,
12
13 Plaintiff,
14
15 v.
16 ROD BROOKS, an individual; and I AM A
911 OPERATOR, an entity of unknown origin
and nature,
17
18 Defendants.

Case No.: 2:10-cv-01654-GMN-LRL
STATUS REPORT

19 Righthaven LLC (“Righthaven”) hereby submits its Status Report (“Status Report”), and
20 in support thereof alleges as follows:

21 Righthaven filed its Complaint (Docket No. 1) in the above-captioned matter on
22 September 24, 2010, and effectuated service on Defendant, Rod Brooks (“Mr. Brooks”;
23 collectively with I Am A 911 Operator (“911 Operator”) known herein as the “Defendants”) in
24 person, by a process server in British Columbia, Canada, on or about September 28, 2010
25 (Docket No. 5). Defendants filed their Answer *pro se*, on October 19, 2010 (Docket No. 7). The
26 address on the Defendants’ Answer was different than that indicated on the proof of service,
27 where Mr. Brooks had been served. The Defendants did not provide a telephone number or
28 electronic address on the Answer (Docket No. 7).

1 On October 22, 2010, Righthaven prepared correspondence to Defendants and sent it via
2 United States Mail to the address that was included on the Defendants' Answer, with first-class
3 postage affixed thereto, requesting that the Defendants contact Righthaven to schedule the
4 discovery conference, pursuant to Local Rule 26-1(d) (the "Discovery Conference"). A copy of
5 the letter dated October 22, 2010 is attached hereto as Exhibit "A." Righthaven received no
6 response from the Defendants.

7 On December 8, 2010, Righthaven again prepared correspondence to Defendants and
8 sent it via United States Mail, with first-class postage affixed thereto, requesting that the
9 Defendants contact Righthaven to schedule the Discovery Conference. A copy of the letter dated
10 December 8, 2010 is attached hereto as Exhibit "B." Righthaven again received no response
11 from the Defendants.

12 On or about January 24, 2011, Righthaven received correspondence from the Defendants,
13 dated January 17, 2011, which is attached hereto as Exhibit "C." The Defendants stated that they
14 received Righthaven's correspondence dated December 8, 2010, and that he had provided
15 Righthaven and the Court with an incorrect address. Righthaven would like to note to the Court
16 that the address on the Defendants' correspondence dated January 17, 2011, is different from that
17 on his revised pleading, attached to the correspondence, which he claims to have sent to the
18 Court for correction. *See*, Exhibit "C." Consequently, Righthaven remains unsure which
19 address is the correct address to reach the Defendants.

20 While it is not apparent whether or not Mr. Brooks received the first correspondence
21 dated October 22, 2010, Mr. Brooks certainly did receive the second correspondence dated
22 December 8, 2010, as it was referenced in the letter dated January 17, 2011, which is attached
23 hereto as Exhibit "C". However, rather than contacting Righthaven in an effort to schedule the
24 Discovery Conference, as requested in the letters, Mr. Brooks merely provided some information
25 regarding discovery, along with other information that is not applicable to the Joint Discovery
26 Plan and Scheduling Order, in order to comply with his obligation under LR 26-1. Mr. Brooks
27 also did not provide Righthaven with any contact information other than his physical address,
28 which, as discussed above, remains an issue.

1 Given the Defendants' unwillingness to be responsive to Righthaven's request to
2 schedule the Discovery Conference, the obvious confusion regarding the Defendants' correct
3 address, and the lack of any other contact information for the Defendants which would enable to
4 Righthaven to contact the Defendants' directly, it has been difficult to coordinate the discussion
5 and filing of the Joint Discovery Plan and Scheduling Order.

6 As such, Righthaven requests that the Court provide Righthaven with thirty (30) days
7 from the date of the Order, if any, regarding the issues raised in this Status Report to attempt to
8 contact Mr. Brooks, to hold the Discovery Conference and to file a Joint Discovery Plan and
9 Scheduling Order; provided, however, that if Mr. Brooks does not respond to Righthaven's
10 written request to hold the Discovery Conference, which will be directed to both of the
11 Defendants' potential addresses, that Righthaven shall be permitted to file an Individual
12 Discovery Plan and Scheduling Order. Righthaven further requests the Court enter an Order
13 directing the Defendants to provide Righthaven with the Defendants' current phone number, in
14 compliance with LR 10-2(a), so that Righthaven has a means of communicating with the
15 Defendants other than just regular mail.

16
17 Dated this 18th day of April, 2011.

18 By: /s/ Shawn A. Mangano
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27 *Attorney for Righthaven LLC*
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CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(b), I hereby certify that I am an employee of Righthaven LLC and that on this 18th day of April, 2011, I caused **STATUS REPORT** to be served by the Court's CM/ECF system, as well as deposited in a sealed envelope, a copy of in the United States Mail, with first-class postage affixed thereto, to the following persons:

ROD BROOKS
21-71 Dallas Road
Victoria, B.C.
Canada V8V 1A2

I AM A 911 OPERATOR
c/o Rod Brooks
21-71 Dallas Road
Victoria, B.C.
Canada V8V 1A2

and

ROD BROOKS
21-72 Dallas Road
Victoria, B.C.
Canada V8V 1A2

I AM A 911 OPERATOR
c/o Rod Brooks
21-72 Dallas Road
Victoria, B.C.
Canada V8V 1A2

Pro Se Defendants

By: /s/ Josh Aronson
An Employee of Righthaven LLC
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