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9 Appearance Attorney for Defendant,  
10 *Michael Leon*

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

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

Case No. 2:10-cv-01672

15 Plaintiff,

**DECLARATION OF J. MALCOLM  
DEVOY IV IN SUPPORT OF  
MOTION FOR PRELIMINARY  
INJUNCTION**

16 vs.

17 MICHAEL LEON, an individual; DENISE  
18 NICHOLS, an individual; and MEDBILLZ,  
19 INC., a corporation of unknown origin,

20 Defendants.

**DECLARATION OF J. MALCOLM DEVOY IV IN SUPPORT  
OF MOTION FOR PRELIMINARY INJUNCTION**

21 I, J. MALCOLM DEVOY IV, hereby declare as follows:

22 1. I am a duly licensed attorney in Nevada and a member of the Nevada bar in good  
23 standing, attorney for the Randazza Legal Group law firm (alternatively, the “Firm”), and served  
24 as counsel of record with Marc J. Randazza for Wayne Hoehn (“Hoehn”) in this matter.

25 2. On July 5, 2011, Judge Gloria Navarro of the District of Nevada issued an Order  
26 granting my motion, on behalf of Randazza Legal Group, seeking fees of \$3,815 arising from my  
27 participation in *Righthaven LLC v. Leon et al*, 2:10-cv-01672 (Doc. # 52).

28 3. Judgment was also entered in that amount. *Leon*, 2:10-cv-01672 (Doc. # 53).

4. On July 5, I was not contacted by Righthaven LLC (“Righthaven”), nor its outside  
counsel, regarding the Court’s Order or entry of judgment (Docs. # 52, 53).

1 5. Concerned that more drastic measures would be needed to collect the judgment, I  
2 contacted Righthaven's outside counsel, Shawn Mangano, via phone on July 6, 2011.

3 6. Apparently, the topic of paying this judgment had already been discussed between  
4 Attorney Mangano and Righthaven.

5 7. My impression from the conversation was that Righthaven was unwilling to pay all,  
6 if any, of the fees awarded by this Court.

7 8. Based on prior discussions of attorney's fees with Righthaven during the month of  
8 April 2011, in which I tried to resolve this Court's Order allowing the pursuit of attorney's fees  
9 (Doc. # 37), which never resulted in a settlement – and necessitated a much costlier fee award  
10 than the amount originally sought by Randazza Legal Group – I do not believe Righthaven  
11 intends to pay fees to Randazza Legal Group in this matter, nor any defendant, despite any  
12 attempts by Attorney Mangano to intervene upon the judgment-holders' behalf.

13 9. I believe, based on past experiences negotiating with Righthaven in this matter, and  
14 my July 6 conversation with Attorney Mangano, that Righthaven will not make a good faith  
15 effort to heed this Court's July 5, 2011 Order awarding \$3,815.00 in fees to Randazza Legal  
16 Group, and will take all steps necessary to avoid payment of my and the Firm's judgment against  
17 it (Doc. # 53), even if Randazza Legal Group pursues a Writ of Execution against Righthaven.

18 10. I further believe, based on past experience and my latest interactions with  
19 Righthaven's counsel, that it is Righthaven's goal to not honor this Court's Order or judgment,  
20 and it will liquidate, disgorge or otherwise conceal its assets in order to do so – an outcome  
21 facilitated by its business model as a limited liability company owned by two other limited  
22 liability companies.

23 I declare under penalty of perjury that the foregoing is true and correct.

24 Dated: July 9, 2011

25  
26 By: /s/ J. Malcolm DeVoy IV

27 J. Malcolm DeVoy IV