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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10
11 RIGHTHAVEN LLC, a Nevada limited-
liability company,

12
13 Plaintiff,

14 v.

15 MICHAEL LEON, an individual; DENISE
16 NICHOLS, an individual; and MEDBILLZ,
INC., a corporation of unknown origin,

17
18 Defendants.

Case No.: 2:10-cv-01672-GMN-LRL

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT AND DEMAND
FOR JURY TRIAL**

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20 Righthaven LLC (“Righthaven”) complains as follows against Michael Leon (“Mr.
21 Leon”), Denise Nichols (“Ms. Nichols”) and MedBillz, Inc. (“Medbillz”; collectively with Mr.
22 Leon and Ms. Nichols known herein as the “Defendants”) on information and belief:
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24
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

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

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

6 4. MedBillz is, and has been at all times relevant to this lawsuit, a corporation of
7 unknown origin.

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

13
14 6. Medbillz's principal place of business is, and has been at all times relevant to this
15 lawsuit, located in California at the following address: 9840 Via de la Amistad, #3-C304, San
16 Diego, California 92154.

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18 7. MedBillz is, and has been at all times relevant to this lawsuit, identified by the
19 current registrar, GoDaddy.com, Inc. ("GoDaddy"), as the registrant of the Internet domain
20 found at <veteranstoday.com> (the "Domain").

21 8. Mr. Leon is, and has been at all times relevant to this lawsuit, identified by the
22 content accessible through the Domain (said content accessible through the Domain known
23 herein as the "Website") as the "Managing Editor" of the Website, attached hereto as Exhibit 1.

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25 9. Mr. Leon maintains, and has maintained at all times relevant to this lawsuit,
26 editorial control of the Website.

1 18. The United States District Court for the Southern District of California is an
2 appropriate venue, pursuant to 28 U.S.C. § 1391(c), because Medbillz is subject to personal
3 jurisdiction in California.

4 19. The United States District Court for the Southern District of California is an
5 appropriate venue, pursuant to 28 U.S.C. § 1400 (a), because Medbillz is subject to personal
6 jurisdiction in California.

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8 **FACTS**

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10 20. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §
11 102(a)(1).

12 21. Righthaven is the owner of the copyright in and to the Work.

13 22. The Work was originally published on or about September 26, 2010.

14 23. On November 19, 2010, the United States Copyright Office (the “USCO”)
15 received Righthaven’s official submittal for the registration to the Work, including the
16 application, the deposit copy, and the registration fee (the “Complete Application”), Service
17 Request No. 1-521992552, and attached hereto as Exhibit 4 is the official USCO application
18 submittal for the Work depicting the occurrence of the Complete Application.
19

20 24. On or about September 26, 2010, Ms. Nichols posted the Infringement on the
21 Website, and the indication of Ms. Nichols’s posting of the Infringement on the Website is
22 depicted in Exhibit 3, wherein the Infringement states: “September 26, 2010 posted by Denise
23 Nichols.”
24

25 25. On or about September 26, 2010, the Defendants displayed, and continue to
26 display, the Infringement on the Website.
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1 26. The Defendants did not seek permission, in any manner, to reproduce, display, or
2 otherwise exploit the Work.

3 27. The Defendants were not granted permission, in any manner, to reproduce,
4 display, or otherwise exploit the Work.

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7 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

8 28. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
9 27 above.

10 29. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17
11 U.S.C. § 106(1).

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

14 31. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
15 17 U.S.C. § 106(3).

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

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

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

22 35. The Defendants distributed, and continue to distribute, an unauthorized
23 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
24 17 U.S.C. § 106(3).
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1 2. Direct the Defendants to preserve, retain, and deliver to Righthaven in hard copies
2 or electronic copies:

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

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

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

12 3. Direct GoDaddy, and any successor domain name registrar for the Domain, to
13 lock the Domain and transfer control of the Domain to Righthaven;
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15 4. Award Righthaven statutory damages for the willful infringement of the Work,
16 pursuant to 17 U.S.C. § 504(c);
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18 5. Award Righthaven costs, disbursements, and attorneys' fees incurred by
19 Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

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

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

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

4 Dated this twenty-fourth day of November, 2010.

6 RIGHTHAVEN LLC

7 By: /s/ J. Shawn A. Mangano

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