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1 2 3 4 5 6 7	J. CHARLES COONS, ESQ. Nevada Bar No. 10553 <u>ccoons@righthaven.com</u> Assistant General Counsel at Righthaven JOSEPH C. CHU, ESQ. Nevada Bar No. 11082 <u>jchu@righthaven.com</u> Staff Attorney at Righthaven Righthaven LLC 9960 West Cheyenne Avenue, Suite 210 Las Vegas, Nevada 89129-7701 (702) 527-5900 Attorneys for Plaintiff				
8	UNITED STATES DISTRICT COURT				
9	DISTRICT OF NEVADA				
10					
11	RIGHTHAVEN LLC, a Nevada limited-	Case No	o.: 2:10-cv-01771		
12	liability company,		LAINT AND DEI JRY TRIAL	MAND	
13	Plaintiff,				
14	v.				
15 16 17	THE SECOND AMENDMENT FOUNDATION, a Washington nonprofit corporation; and KEEVA SEGAL, an individual,				
18 19	Defendants.				
20					
21	Righthaven LLC ("Righthaven") complains as follows against Second Amendment				
22 23	Foundation ("SAF") and Keeva Segal ("Ms. Segal"; collectively with Ms. Segal known herein as				
23	the "Defendants") on information and belief:				
25					
26	NATURE OF ACTION				
27	1. This is an action for copyright i	infringement	t pursuant to 17 U	.S.C. § 501.	
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		1			

PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limitedliability 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. SAF is, and has been at all times relevant to this lawsuit, a Washington nonprofit corporation.

5. Ms. Segal is, and has been at all times relevant to this lawsuit, identified by the current registrar, Network Solutions, LLC ("Network Solutions"), as the administrative contact and technical contact for the Internet domain found at <womenshooters.com> (the "Domain").

6. Ms. Segal is, and has been at all times relevant to this lawsuit, identified by the content accessible through the Domain (said content accessible through the Domain known herein as the "Website") as the "Designe[r]" of the Website.

7. SAF is, and has been at all times relevant to this lawsuit, the self-proclaimed owner of the copyright(s) in the work(s) posted on the Website, as evidenced by a copyright notice displayed on the Website: "© 2010 by Second Amendment Foundation."

8. SAF is, and has been at all times relevant to this lawsuit, identified by the Website as the publisher of the work(s) posted on the Website.

9. Ms. Segal is, and has been at all times relevant to this lawsuit, identified by the "Message Board" section of the Website as the "Administrator" of the "Message Board" section of the Website.

JURISDICTION

10. 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).

11. Righthaven is the owner of the copyright in the literary work entitled: "Change sought for concealed weapons permits" (the "Work"), attached hereto as Exhibit 1.

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

13. The Defendants willfully copied, on an unauthorized basis, the Work from a source emanating from Nevada.

14. On or about August 5, 2010, the Defendants displayed, and continue to display, an unauthorized copy of the Work (the "Infringement"), attached hereto as Exhibit 2, on the "Message Board" section of the Website.

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

16. The subject matter, at least in part, of the Work and the Infringement, is the consideration of gun rights reform by Nevada lawmakers.

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

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

19. The Defendants' display of the Infringement was and is purposefully directed at Nevada residents.

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

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

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

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

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

VENUE

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

26. The United States District Court for the District of Nevada is an appropriate venue, pursuant to 28 U.S.C. § 1391(c), because SAF is subject to personal jurisdiction in Nevada.

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

FACTS

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

29. Righthaven is the owner of the copyright in and to the Work.

30. The Work was originally published on or about August 4, 2010.

31. On October 6, 2010, the United States Copyright Office (the "USCO") received Righthaven's official submittal for the registration to the Work, including the application, the

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deposit copy, and the registration fee (the "Complete Application"), Service Request No. 1498243788, and attached hereto as Exhibit 3 is the official USCO application submittal for the
Work depicting the occurrence of the Complete Application.

32. On or about August 5, 2010, the Defendants displayed, and continue to display, the Infringement on the "Message Board" section of the Website.

33. The "Message Board" section of the Website, located at the Internet URL:
<womenandguns.servertalk.in>, is prominently featured on the Website.

34. The Website provides hyperlinks to the "Message Board" section of the Website.

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

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

CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT

37. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through36 above.

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

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

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

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

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

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

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

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

46. SAF has willfully engaged in the copyright infringement of the Work.

47. Ms. Segal has willfully engaged in the copyright infringement of the Work.

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

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

PRAYER FOR RELIEF

Righthaven requests that this Court grant Righthaven's claim for relief herein as follows: 1. Preliminarily and permanently enjoin and restrain the Defendants, and the Defendants' officers, agents, servants, employees, attorneys, parents, subsidiaries, related companies, partners, and all persons acting for, by, with, through, or under the Defendants, from directly or indirectly infringing the Work by reproducing the Work, preparing derivative works based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering, directing, participating in, or assisting in any such activity;

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 2. Direct the Defendants to preserve, retain, and deliver to Righthaven in hard copies

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 or electronic copies:

7.

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

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

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

3. Direct Network Solutions, and any successor domain name registrar for the Domain, to lock the Domain and transfer control of the Domain to Righthaven;

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

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

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

Grant Righthaven such other relief as this Court deems appropriate.

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1	DEMAND FOR JURY TRIAL				
2	Righthaven requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil				
3	Procedure.				
4	Dated this twelfth day of October, 2010.				
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6	RIGHTHAVEN LLC				
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8	By: /s/ J. Charles Coons J. CHARLES COONS, ESQ.				
9	Nevada Bar No. 10553				
10	JOSEPH C. CHU, ESQ. Nevada Bar No. 11082 9960 West Chevenne Avenue, Suite 210				
11	9960 West Cheyenne Avenue, Suite 210 Las Vegas, Nevada 89129-7701 Attorneys for Plaintiff				
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