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13

14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**
16

17 RIGHTHAVEN LLC, a Nevada limited-
liability company,
18

19 Plaintiff,
20

21 v.

22 SITESTOWATCHMOVIES.INFO, an entity
of unknown origin and nature; and DAVID
23 WALKER, an individual,
24

25 Defendants.
26
27
28

Case No.: 2:10-cv-02058

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

1 Righthaven LLC (“Righthaven”) complains as follows against Sitestowatchmovies.info
2 (“Sitestowatchmovies”) and David Walker (“Mr. Walker”; collectively with Sitestowatchmovies
3 known herein as the “Defendants”), on information and belief:
4

5 **NATURE OF ACTION**

6 1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.
7

8 **PARTIES**

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

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

13 4. Sitestowatchmovies is, and has been at all times relevant to this lawsuit, an entity
14 of unknown origin and nature.

15 5. Attempts to find evidence of the formal organizational status in the respective
16 Secretary of State offices of California, Delaware, Illinois, Nevada, New York, Texas, Tennessee
17 and Washington demonstrate that, at least with respect to these states, Sitestowatchmovies is not
18 a formally organized business entity.

19 6. Mr. Walker is, and has been at all times relevant to this lawsuit, identified by the
20 current registrar, GoDaddy.com, Inc. (“GoDaddy”), as the registrant, administrative contact and
21 technical contact of the Internet domain found at <sitestowatchmovies.info> (the “Domain”).

22 7. Sitestowatchmovies is, and has been at all times relevant to this lawsuit, the self-
23 proclaimed owner of the copyright(s) in the work(s) posted as part of the content accessible
24 through the Domain (said content accessible through the Domain and the Domain itself known
25 herein as the “Website”), as evidenced by a copyright notice displayed on the Website:
26 “Copyright © 2010 sitestowatchmovies.info. All Rights Reserved.”
27
28

JURISDICTION

1
2
3 8. This Court has original subject matter jurisdiction over this copyright
4 infringement action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

5 9. Righthaven is the owner of the copyright in and to the literary work entitled:
6 “Allegiant workers seek union vote” (the “Work”), attached hereto as Exhibit 1.

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

9 11. The Defendants willfully copied, on an unauthorized basis, a substantial and
10 significant portion of the Work from a source emanating from Nevada.

11 12. On or about November 6, 2010, the Defendants displayed, and continue to
12 display, an unauthorized reproduction of the Work (the “Infringement”), attached hereto as
13 Exhibit 2, on the Website.

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

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

18 15. At all times relevant to this lawsuit, the Infringement, as publically displayed on
19 the Website, was and is accessible in Nevada.

20 16. At all times relevant to this lawsuit, the Infringement occurred and continues to
21 occur in Nevada.

22 17. The Defendants’ display of the Infringement was and is purposefully directed at
23 Nevada residents.

24
25 **VENUE**

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

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

4
5
6 **FACTS**

7 20. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §
8 102(a)(1).

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

10 22. The Work was originally published on November 6, 2010.

11 23. On November 23, 2010, the United States Copyright Office (the “USCO”)
12 received Righthaven’s official submittal for the registration to the Work, including the
13 application, the deposit copy, and the registration fee (the “Complete Application”), Service
14 Request No. 1-523738219, and attached hereto as Exhibit 3 is the official USCO application
15 submittal for the Work depicting the occurrence of the Complete Application.

16 24. On or about November 6, 2010, the Defendants displayed, and continue to
17 display, the Infringement on the Website.

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

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

22
23 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

24 27. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
25 26 above.

26 28. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17
27 U.S.C. § 106(1).
28

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

3 30. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
4 17 U.S.C. § 106(3).

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

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

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

11 34. The Defendants distributed, and continue to distribute, an unauthorized
12 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
13 17 U.S.C. § 106(3).

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

17 36. Sitestowatchmovies has willfully engaged in the copyright infringement of the
18 Work.

19 37. Mr. Walker has willfully engaged in the copyright infringement of the Work.

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

23 39. Unless the Defendants are preliminarily and permanently enjoined from further
24 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
25 entitled to preliminary and permanent injunctive relief against further infringement by the
26 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;

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

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 GoDaddy, 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

7. Grant Righthaven such other relief as this Court deems appropriate.

DEMAND FOR JURY TRIAL

Righthaven requests a trial by jury pursuant to Fed. R. Civ. P. 38.

Dated this twenty-fourth of November, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons

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