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Attorneys for Defendant,  
*Wayne Hoehn*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

RIGHTHAVEN, LLC, a Nevada limited liability  
company,

Plaintiff,

vs.

WAYNE HOEHN, an individual,

Defendant.

Case No. 2:11-cv-00050

**DEFENDANT’S MOTION FOR WRIT  
OF EXECUTION**

**DEFENDANT’S MOTION FOR WRIT OF EXECUTION**

Defendant Wayne Hoehn (“Hoehn”), represented by his attorneys, Randazza Legal Group, in the above-captioned matter, brings this motion seeking this Court and its clerk to issue an writ of execution for Hoehn’s judgment against Plaintiff Righthaven LLC (“Righthaven”) (Doc. # 44).

As required by the rules of this Court, an Affidavit and Request for Issuance of Writ of Execution is attached to this Motion, as is a proposed Writ of Execution for completion by the Court’s Deputy Clerk. The interest rate specified in the attached affidavit, 5.25%, is based on information provided by the Nevada Commissioner of Financial Institutions, plus two percent, pursuant to NRS 99.040.<sup>1</sup>

<sup>1</sup> See Prime Interest Rate, <http://www.fid.state.nv.us/Prime/PrimeInterestRate.pdf> (*last accessed* Sept. 17, 2011).

1 Defendant's enforcement of the Court's judgment is proper at this time. Hoehn has not  
2 only waited 10 days before enforcing his judgment, he waited until after the expiration of a  
3 court-imposed deadline for Righthaven to make payments in satisfaction of his judgment (see  
4 Doc. # 43 at 2). No stay prohibiting Hoehn's execution of his judgment is in place, nor would  
5 any such future stay have retroactive effect. See Fed. R. Civ. P. 60, 62; *Ribbens Int'l, S.A. de C.V.*  
6 *v. Transport Int'l Pool, Inc.*, 40 F. Supp. 2d 1141, 1144 (C.D. Cal. 1999) ("[t]he stay becomes  
7 effective when the bond is approved; before the bond is approved there is no stay and the  
8 judgment creditor is free to execute upon the judgment"); *Laborers Nat'l Pension Fund v. ANB*  
9 *Invest. Mgmt. & Trust Co.*, 26 F. Supp. 2d 1048, 1051 (N.D. Ill. 1998); *Moses v. K-Mart Corp.*,  
10 922 F. Supp. 600, 605 (S.D. Fla. 1996), *aff'd in part and rev'd in part*, 136 F.3d 140 (11th Cir.  
11 1998) (unpublished table opinion); *Johns v. Rozet*, 826 F. Supp. 565, 568 (D.D.C. 1993); *In re*  
12 *Bucyrus Grain Co., Inc.*, 127 B.R. 52, 55 (D. Kan. 1991); *Secure Eng'g Servs., Ltd. v. Int'l Tech.*  
13 *Corp.*, 727 F. Supp. 261, 264-65 (E.D. Va. 1989); *Larry Santos Prods. v. Joss Org., Inc.*, 682 F.  
14 Supp. 905, 906 (E.D. Mich. 1988).

15 Consequently, the Court is entitled to authorize the U.S. Marshalls to execute Hoehn's  
16 judgment through seizure of Righthaven's bank accounts, real and personal property, and  
17 intangible intellectual property rights for levy, lien, auction or other treatment appropriate for  
18 satisfaction of Hoehn's judgment.

19  
20 Dated September 18, 2011

Respectfully Submitted,

RANDAZZA LEGAL GROUP

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Marc J. Randazza  
J. Malcolm DeVoy IV

25 Attorneys for Defendant,  
26 *Wayne Hoehn*  
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**CERTIFICATE OF SERVICE**

Pursuant to Federal Rule of Civil Procedure 5(b), I hereby certify that I am a representative of Randazza Legal Group and that on this 18th day of September, 2011, I caused the document(s) entitled:

**DEFENDANT’S MOTION FOR WRIT OF EXECUTION**

and all attachments to be served as follows:

by depositing same for mailing in the United States Mail, in a sealed envelope addressed to Steven A. Gibson, Esq., Righthaven, LLC, 9960 West Cheyenne Avenue, Suite 210, Las Vegas, Nevada, 89129-7701, upon which first class postage was fully prepaid; and/or

Pursuant to Fed. R. Civ. P. 5(b)(2)(D), to be sent via facsimile as indicated; and/or

to be hand-delivered;

by the Court’s CM/ECF system.

/s/ J. Malcolm DeVoy

J. Malcolm DeVoy