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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

**NOTICE OF NEW AUTHORITY**

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Wayne Hoehn, by and through counsel, files notice with this court of a new ruling by the Ninth Circuit in this matter, Righthaven LLC v. Hoehn, Case No. 11-16995 (Doc. # 8) (9th Cir. Oct. 19, 2011). A true and correct copy of this Order is attached hereto as Exhibit A.

On September 27, 2011, Righthaven filed an urgent motion for stay of Hoehn’s judgment pending appeal with the Ninth Circuit Court of Appeals under Ninth Circuit Rule 27-3 (App. Doc. # 6). On September 28, this Court partially granted Righthaven’s Application for Stay of judgment (Doc. # 56). On October 9, Righthaven supplemented its pending motion for urgent relief (App. Doc. # 6-1), averring that it could not “allocate” funds to post a bond required by this Court’s September 28 Order (Doc. # 56). Hoehn Responded to the urgent Motion on October 16 (App. Doc. # 7). The Ninth Circuit Denied Righthaven’s urgent motion on October 19, 2011 (App. Doc. # 8; Exh. A).

1 This ruling by the Ninth Circuit is directly relevant to the Court's September 28 Order  
2 (Doc. # 56), affirming Righthaven's obligation to post a bond of \$34,045.50 by October 28, 2011  
3 in order to stay enforcement of Hoehn's judgment. This ruling also bears upon any future  
4 motion practice that may be brought before the Court regarding the September 28 order and  
5 requirement that Righthaven post a bond to secure Hoehn during Righthaven's appeal.

6  
7 Dated October 19, 2011

Respectfully Submitted,

RANDAZZA LEGAL GROUP

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Attorneys for Defendant,  
*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 19th day of October, 2011, I caused the document(s) entitled:

**• NOTICE OF NEW AUTHORITY**

and all attachments to be served as follows:

- Pursuant to Fed. R. Civ. P. 5(b)(2)(D), to be sent via facsimile as indicated; and/or
- by the Court's CM/ECF system.

/s/ J. Malcolm DeVoy

J. Malcolm DeVoy