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11 Attorneys for Defendant,  
12 *Wayne Hoehn*

13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15 RIGHTHAVEN, LLC, a Nevada limited liability  
16 company,

17 Plaintiff,

18 vs.

19 WAYNE HOEHN, an individual,

20 Defendant.

Case No. 2:11-cv-00050

**DEFENDANT’S SECOND (RENEWED)  
MOTION FOR WRIT OF  
EXECUTION**

**DEFENDANT’S SECOND (RENEWED) MOTION FOR WRIT OF EXECUTION**

21 Defendant Wayne Hoehn (“Hoehn”), through his attorneys, brings this motion seeking  
22 this Court and its clerk to issue a writ of execution for Hoehn’s judgment against Plaintiff  
23 Righthaven LLC (“Righthaven”) (Doc. # 44), as Righthaven has defied this Court’s order (Doc.  
24 #56) and has refused to either satisfy the fee award or post a bond for \$34,045.50 by October 28,  
25 2011. The undersigned aver that they have no knowledge of Righthaven having posted a bond  
26 with this court, sought further relief from this Court or the Ninth Circuit Court of Appeals,  
27 having filed a petition with the Bankruptcy Court for this District, nor taking any other steps in  
28 satisfaction of Hoehn’s \$34,045.50 judgment (Doc. # 44).

To date, Righthaven has applied for a stay of Hoehn’s enforcement of the Court’s  
judgment. (Doc. # 52). Righthaven then filed an “urgent” motion to the Ninth Circuit Court of  
Appeals on September 27, which it supplemented on October 9, to seek relief from Hoehn’s

1 judgment without even posting a bond, Case No. 11-16995 (Docs. # 6, 6-1), as this Court  
2 ordered. (Doc. # 56) Righthaven's request for relief from the Ninth Circuit was summarily  
3 denied. (*see* Doc. # 57) Righthaven has no legitimate, good faith or meritorious avenues for  
4 avoiding compliance with this Court's Order.

5 Righthaven's dilatory tactics in avoiding Hoehn's judgment have gone on long enough.  
6 Righthaven engaged in unsupportable litigation. This Honorable Court rejected Righthaven's  
7 claims. This Court was no mere outlier, as every other Court that has been asked to review  
8 Righthaven's actions has ruled similarly. To date, Righthaven and its counsel have needlessly  
9 and unethically multiplied the proceedings in any case in which they are involved, in clear  
10 violation of 28 U.S.C. § 1927. In this case, its actions raised the amount expended in this case  
11 from \$34,045.50 to \$63,713.00, exclusive of interest on Hoehn's judgment (Doc. # 44).

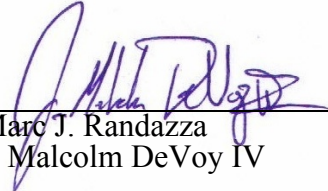
12 Righthaven has exhausted any benefit of the doubt that it could be afforded, and it is  
13 time for it to pay the consequences for its actions – starting with Hoehn's lawful judgment plus  
14 the accrued costs and fees expended in the (so far) futile attempts to compel Righthaven to take  
15 this Court's Orders seriously. These fees and costs are properly tacked on to the existing fee  
16 award. *See Clark v. Los Angeles*, 803 F.2d 987, 992 (9th Cir. 1986); *In re Nucorp Energy*, 764  
17 F.2d 655, 661 (9th Cir. 1985).

18 Per the terms of this Court's September 28 Order (Doc. # 56), execution of Hoehn's  
19 judgment is proper at this time, with no further delay or briefing required.

20  
21 Dated October 29, 2011

Respectfully Submitted,

RANDAZZA LEGAL GROUP

  
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Marc J. Randazza  
J. Malcolm DeVoy IV

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 29th day of October, 2011, I caused the document(s) entitled:

**DEFENDANT’S SECOND (RENEWED) MOTION FOR WRIT OF EXECUTION**

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