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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10
11 RIGHTHAVEN LLC, a Nevada limited-
12 liability company,

13 Plaintiff,

14 v.

15 LVA IN THE MEDIA, an entity of unknown
16 origin and nature; and ANTHONY CURTIS,
17 an individual,

18 Defendants.

Case No.: 2:10-cv-1018

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

19
20 Righthaven LLC (“Righthaven”) complains as follows against LVA in the Media
21 (“LVA”) and Anthony Curtis (“Mr. Curtis”; collectively with LVA known herein as the
22 “Defendants”) on information and belief:
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24 **NATURE OF ACTION**

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

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

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

6 4. Mr. Curtis is, and has been at all times relevant to this lawsuit, a resident of
7 Nevada.

8 5. LVA is, and has been at all times relevant to this lawsuit, an entity of unknown
9 origin and nature.

10 6. Attempts to find evidence of the formal organizational status in the respective
11 Secretary of State offices of Delaware, California, Illinois, New York, Texas, Tennessee, and
12 Nevada demonstrate that, at least with respect to these states, LVA is not a formally-organized
13 business entity.

14 7. Mr. Curtis is, and has been at all times relevant to this lawsuit, identified by the
15 current registrar, GoDaddy.com, Inc. (“GoDaddy”), as the registrant of the Internet domain
16 found at <lvablog.com> (the “Domain”).

17 8. Mr. Curtis is, and has been at all times relevant to this lawsuit, identified by
18 GoDaddy, as the administrative and technical contact for the Domain.

19 9. Mr. Curtis is, and has been at all times relevant to this lawsuit, identified as the
20 publisher of www.media.lvablog.com (the content accessible though the Domain and the
21 Domain itself, collectively known herein as the “Website”), on the Website.

22 10. As of June 7, 2010, LVA claims ownership of the copyright(s) in the literary
23 works posted on the Website as evidenced by a copyright notice displayed on the Website: “©
24 2010. LVA in the Media. All rights reserved.”

25
26 **JURISDICTION**

27 11. This Court has original subject matter jurisdiction over this copyright
28 infringement action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

1 35. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
2 17 U.S.C. § 106(3).

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

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

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

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

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

15 41. Mr. Curtis has willfully engaged in the copyright infringement of the Work.

16 42. LVA has willfully engaged in the copyright infringement of the Work.

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

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

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25 **PRAYER FOR RELIEF**

26 Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

27 1. Preliminarily and permanently enjoin and restrain the Defendants, and the
28 Defendants' agents, servants, employees, attorneys, parents, subsidiaries, related companies,

1 partners, and all persons acting for, by, with, through, or under the Defendants, from directly or
2 indirectly infringing the Work by reproducing the Work, preparing derivative works based on the
3 Work, distributing the Work to the public, and/or displaying the Work, or ordering, directing,
4 participating in, or assisting in any such activity;

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

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

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

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

15 3. Direct GoDaddy and any successor domain name registrar for the Domain to lock
16 the Domain and transfer control of the Domain to Righthaven;

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

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

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

23 7. Grant Righthaven such other relief as this Court deems appropriate.
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DEMAND FOR JURY TRIAL

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

Dated this twenty-fifth day of June, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons
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