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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RIGHTHAVEN LLC, a Nevada limited-
liability company,

Plaintiff,

v.

REALTY ONE GROUP, INC., a Nevada
corporation; DAVID TINA, an individual; and
MICHAEL J. NELSON, an individual,

Defendants.

2:10-CV-01036-LRH-PAL

ORDER

Before the court is Defendant Realty One Group, Inc.'s Motion to Set Aside Default (#21). Plaintiff Righthaven LLC filed response (#22), and Defendant filed a reply (#23).

In its response, Righthaven concedes that relief from entry of default is warranted and that Realty One Group, Inc. is further entitled to the benefit of the court's Order (#17) of October 19, 2010, in which the court granted Defendant Michael J. Nelson's motion to dismiss (#11) on the ground that his use of the copyrighted material constituted fair use. Although Righthaven maintains its disagreement with the court's ruling, it concedes that the court's findings of fact and conclusions of law compel the dismissal of Realty One Group, Inc. as a defendant in this action.

Furthermore, in response to the court's Notice of intent to dismiss Defendant David Tina, issued November 2, 2010 (#18), Righthaven consents to the dismissal of the last remaining

1 defendant pursuant to Federal Rule of Civil Procedure 4(m) based on Righthaven's inability to
2 effectuate service of process.

3 IT IS THEREFORE ORDERED that Defendant Realty One Group, Inc.'s Motion to Set
4 Aside Default (#21) is GRANTED.

5 IT IS FURTHER ORDERED that Defendants Realty One Group, Inc. and David Tina are
6 hereby DISMISSED as defendants in this action.

7 IT IS FURTHER ORDERED that the Clerk shall enter Judgment for the Defendants.

8 IT IS SO ORDERED.

9 DATED this 5th day of February, 2011.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

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