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6 Attorneys for Defendants
 7 *Vote for the Worst, LLC,*
 8 *Nathan E. Palmer, and*
David J. Della Terza

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

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

Case No.: 2:10-CV-01045-KJD-RJJ

13 Plaintiff,

14 vs.

**SUPPLEMENTAL DECLARATION OF
NATHAN E. PALMER IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS.**

15 VOTE FOR THE WORST, LLC, an Utah
16 limited-liability company; NATHAN E.
PALMER, an individual; and DAVID J.
DELLA TERZA, an individual

17 Defendants.

18 I, Nathan E. Palmer, declare under penalty of perjury pursuant to the laws of the United
19 States and State of Nevada that the following is true and correct:

20 1. I have personal knowledge of the facts set forth below, except for those statements
21 made on information and belief, and I am competent to testify regarding these facts and statements.
22 I declare that all statements made herein of my own knowledge are true and that all statements
23 made on information and belief are believed to be true.

24 2. Vote For The Worst (VTFW) has a few administrators and moderators, who, in
25 their spare time, review forums and remove spam, pornography, and obvious copyright
26 infringement.

27 3. On average, there are 4,000 new forum posts each month when American Idol is

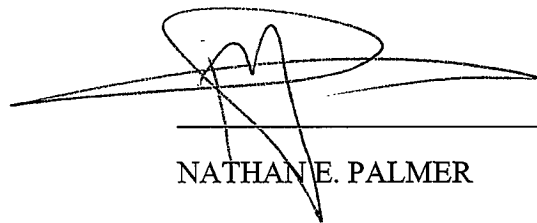
1 not in season. When American Idol is in season, the new forum posts swell to approximately
2 20,000 each month—the period during which the portion of the *Las Vegas Review Journal* (LVRJ)
3 article at issue in this case was posted during an American Idol season.

4 4. The VFTW staff of administrators and moderators is too small to review all the
5 forum posts, despite their best efforts to do so. Reviewing all forum posts is especially difficult
6 when the posts are deep within a forum topic. The LVRJ article at issue in this case was posted by
7 an anonymous user onto the eighth page of a forum during an American Idol season.

8 5. Despite the absence of a DMCA agent, VFTW administrators and moderators have
9 always removed copyrighted material upon request.

10 EXECUTED this September 13, 2010

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NATHANE. PALMER