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10 Attorneys for Defendants  
 11 *Vote for the Worst, LLC,*  
 12 *Nathan E. Palmer, and*  
 13 *David J. Della Terza*

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

16 RIGHTHAVEN, LLC, a Nevada limited-  
 17 liability company  
 18  
 19 Plaintiff,  
 20 vs.  
 21 VOTE FOR THE WORST, LLC, an Utah  
 22 limited-liability company; NATHAN E.  
 23 PALMER, an individual; and DAVID J.  
 24 DELLA TERZA, an individual  
 25 Defendants.

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

**DECLARATION OF NIKKYA G.  
 WILLIAMS IN SUPPORT OF  
 DEFENDANTS' MOTION TO STAY  
 RULE 26(f) CONFERENCE**

26 I, Nikkya G. Williams, declare under penalty of perjury pursuant to the laws of the United  
 27 States and State of Nevada that the following is true and correct:

28 1. I am an attorney at Lewis and Roca LLP, counsel for Defendants, and I have  
 personal knowledge of the facts set forth below and am competent to testify regarding these facts  
 and statements.

2. On September 28, 2010, our office received correspondence from Righthaven, LLC  
 ("Righthaven"), which I reviewed, requesting proposed dates for a discovery conference pursuant  
 to Federal Rule 26.

3. The following day, on September 29, 2010, I called Mr. Charles Coons, counsel for  
 Righthaven, and asked if Righthaven would be willing to stipulate to stay the Rule 26(f)  
 conference until the Court had ruled on our motion to dismiss. Mr. Coons indicated that

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1 Righthaven would not be inclined to agree to a stipulation. I explained that, given the fact that the  
2 Court has not yet decided the issue of personal jurisdiction over the Defendants, it would be  
3 inefficient and needlessly costly to pursue discovery at this point and would only serve to increase  
4 the amount of work and fees in this already expensive case. Mr. Coons was unwilling to  
5 immediately agree to stipulate to a stay, but told me would get back to me with an answer.  
6 However, I did not hear back from Mr. Coons.

7 4. Consequently, on October 4, 2010, I called Mr. Coons to follow up. During our  
8 conversation, Mr. Coons informed me that Righthaven would not agree to postpone the Rule 26(f)  
9 conference and that Righthaven believed that discovery should move forward in this case, despite  
10 the threshold issue of personal jurisdiction remaining uncertain and unanswered. Therefore, in  
11 order to preserve and protect our clients' rights, Defendants were required to file the instant  
12 motion.

13 EXECUTED this October 6, 2010

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16 NIKKYA G. WILLIAMS

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