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

10 **UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF NEVADA**

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

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

Plaintiff,

vs.

**DECLARATION OF J. MALCOLM
 DEVOY IN SUPPORT OF
 DEFENDANT’S MOTION TO
 DISMISS FOR LACK OF SUBJECT
 MATTER JURISDICTION**

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

Defendants.

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 19 **DECLARATION OF J. MALCOLM DEVOY IN SUPPORT OF DEFENDANTS’**
 20 **MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION**

21 I, J. MALCOLM DEVOY, hereby declare as follows:

- 22 1. I am a duly licensed attorney in Nevada and a member of the Nevada bar in good
 23 standing, attorney for the Randazza Legal Group law firm, and counsel of record for
 24 Defendants Vote for the Worst LLC, Nathan E. Palmer and David J. Della Terza in this
 25 matter.
 26 2. On April 15, I used the Public Access to Court Electronic Records (“PACER”) system,
 27 and this Court’s Case Management / Electronic Case Filing (“CM/ECF”) system, to
 28

1 access the Defendants' Supplemental Memorandum Addressing Recently Produced
2 Evidence Relating to Pending Motions (Doc. # 79) in *Righthaven LLC v. Democratic*
3 *Underground LLC*, Case No. 2:10-cv-01356-RLH-GWF (D. Nev., filed Mar. 9, 2011).

4 3. At this point, the Document had been unsealed and made part of the public record in that
5 case, pursuant to the Court's April 14, 2011 order to unseal the evidence in Democratic
6 Underground LLC's above-mentioned supplemental memorandum (Doc. # 79).
7 Democratic Underground, Case No. 2:10-cv-01356-RLH-GWF, Order # 93 (D. Nev.,
8 filed Apr. 14, 2011).

9 4. Exhibit A to Democratic Underground LLC's Supplemental Memorandum (Doc. # 79) is
10 the Strategic Alliance Agreement between Righthaven LLC and Stephens Media LLC,
11 which is attached to Defendant's Motion to Dismiss for Lack of Subject Matter
12 Jurisdiction as Exhibit A.

13 5. In addition to being a public document, Exhibit A is established to be a true and correct
14 copy of Righthaven LLC's Strategic Alliance Agreement with Stephens Media LLC by
15 the Declaration of Laurence F. Pulgram in Support of Defendants' Supplemental
16 Memorandum Addressing Recently Produced Evidence Relating to Pending Motions.
17 Democratic Underground, Case No. 2:10-cv-01356-RLH-GWF, Doc. # 79-1 ¶¶ 6-8 (D.
18 Nev., filed Mar. 9, 2011).

19 I declare under penalty of perjury that the foregoing is true and correct.

20
21 Dated: April 17, 2011

22
23 By: 

24 J. Malcolm DeVoy IV
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