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8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**
 10

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

Case No.: 2:10-cv-01324

**COMPLAINT AND DEMAND
 FOR JURY TRIAL**

13
 14 Plaintiff,

15 v.

16 SECOND AMENDMENT SISTERS, INC., a
 Virginia corporation; MARINELLE
 17 THOMPSON, an individual; and LEE ANN
 TARDUCCI, an individual,
 18

19 Defendants.
 20

21
 22 Righthaven LLC (“Righthaven”) complains as follows against Second Amendment
 23 Sisters, Inc. (“Amendment Sisters”), Marinelle Thompson (“Ms. Thompson”) and Lee Ann
 24 Tarducci (“Ms. Tarducci”; collectively with Amendment Sisters and Ms. Thompson known
 25 herein as the “Defendants”), on information and belief:
 26

27 **NATURE OF ACTION**

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

1 12. The Defendants willfully copied, on an unauthorized basis, the Work from a
2 source emanating from Nevada.

3 13. On or about May 19, 2010, the Defendants displayed, and continue to display, an
4 unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 3, on the
5 Website.

6 14. At all times relevant to this lawsuit, the Infringement has depicted and depicts the
7 original source publication as the *Las Vegas Review-Journal*.

8 15. The subject matter, at least in part, of the Work and the Infringement, is a clerk
9 that allegedly shot and killed a thief during the attempted robbery of a store located in Las
10 Vegas, Nevada.

11 16. At all times relevant to this lawsuit, the Defendants knew that the Work was
12 originally published in the *Las Vegas Review-Journal*.

13 17. At all times relevant to this lawsuit, the Defendants knew that the infringement
14 was and is of specific interest to Nevada residents.

15 18. The Defendants’ display of the Infringement was and is purposefully directed at
16 Nevada residents.

17 19. The Defendants’ contacts with Nevada are continuous and systematic because
18 Amendment Sisters maintains a chapter in Nevada.

19 20. The Defendants’ contacts with Nevada are continuous and systematic because the
20 Defendants published and publish, on the Website, information of specific interest to Nevada
21 residents about Nevada concealed weapons and firearms law.

22 21. The Defendants’ contacts with Nevada are continuous and systematic because the
23 Defendants published and publish, on the Website, information of specific interest to Nevada
24 residents including lists of gun ranges in Nevada including, but not limited to contact
25 information for each gun range.

26 22. The Defendants’ contacts with Nevada are continuous and systematic because the
27 Defendants published and publish, on the Website, information of specific interest to Nevada
28 residents including locations, dates and times of gun shows occurring in Nevada.

1 32. The Defendants did not seek permission, in any manner, to reproduce, display, or
2 otherwise exploit the Work.

3 33. The Defendants were not granted permission, in any manner, to reproduce,
4 display, or otherwise exploit the Work.

5
6 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

7 34. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
8 33 above.

9 35. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17
10 U.S.C. § 106(1).

11 36. Righthaven holds the exclusive right to prepare derivative works based upon the
12 Work, pursuant to 17 U.S.C. § 106(2).

13 37. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
14 17 U.S.C. § 106(3).

15 38. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17
16 U.S.C. § 106(5).

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

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

21 41. The Defendants distributed, and continue to distribute, an unauthorized
22 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
23 17 U.S.C. § 106(3).

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

27 43. Amendment Sisters has willfully engaged in the copyright infringement of the
28 Work.

1 44. Ms. Thompson has willfully engaged in the copyright infringement of the Work.

2 45. Ms. Tarducci has willfully engaged in the copyright infringement of the Work.

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

6 47. Unless the Defendants are preliminarily and permanently enjoined from further
7 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
8 entitled to preliminary and permanent injunctive relief against further infringement by the
9 Defendants of the Work, pursuant to 17 U.S.C. § 502.

10
11 **PRAYER FOR RELIEF**

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

13 1. Preliminarily and permanently enjoin and restrain the Defendants, and the
14 Defendants' officers, agents, servants, employees, attorneys, parents, subsidiaries, related
15 companies, partners, and all persons acting for, by, with, through, or under the Defendants, from
16 directly or indirectly infringing the Work by reproducing the Work, preparing derivative works
17 based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering,
18 directing, participating in, or assisting in any such activity;

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

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

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

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

