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10 Attorneys for Counterdefendant
 11 Stephens Media, LLC

12 **UNITED STATES DISTRICT COURT**
 13 **DISTRICT OF NEVADA**

14 RIGHTHAVEN LLC, a Nevada limited-
 15 liability company,

16 Plaintiff,

17 v.

18 DEMOCRATIC UNDERGROUND, LLC, a
 19 District of Columbia limited-liability
 20 company; and DAVID ALLEN, an
 21 individual,

22 Defendants.

Case No.: 2:10-cv-01356-RLH-GWF

**DECLARATION OF MARK HINUEBER
 IN SUPPORT OF COUNTER-
 DEFENDANT STEPHENS MEDIA
 LLC'S RESPONSE TO
 DEFENDANT/COUNTERCLAIMANT
 DEMOCRATIC UNDERGROUND'S
 MOTION TO COMPEL PRODUCTION
 OF DOCUMENTS AND DECLARATION
 IN SUPPORT THEREOF (#95, #96)**

23 DEMOCRATIC UNDERGROUND, LLC, a
 24 District of Columbia limited-liability
 25 company,

26 Counterclaimant,

27 v.

28 RIGHTHAVEN LLC, a Nevada limited-
 liability company; and STEPHENS MEDIA
 LLC, a Nevada limited-liability company,

Counterdefendants.



CAMPBELL & WILLIAMS
 ATTORNEYS AT LAW

700 SOUTH SEVENTH STREET
 LAS VEGAS, NEVADA 89101
 PHONE: 702/382-5222
 FAX: 702/382-0540

1 I, MARK A. HINUEBER, declare under penalty of perjury as follows:

2 1. I am a resident in the State of Nevada. I am the Vice President and General
3 Counsel of Stephens Media LLC which publishes a variety of daily and weekly newspapers
4 across the country, including the *Las Vegas Review-Journal*.

5
6 2. I have personal knowledge of the facts stated herein, unless stated upon
7 information and belief, and to those facts I believe them to be true. I am competent to testify to
8 the matters stated herein.

9 3. I offer this Declaration in Support of Stephen Media's Response to
10 Defendant/Counterclaimant Democratic Underground's Motion to Compel Production of
11 Documents and Declaration in support thereof (#95, #96).

12
13 4. I am aware that the Strategic Alliance Agreement contemplates the creation of
14 certain documents to effectuate a copyright assignment. Such documents include the "Searching
15 Decision," "Material Risk Conclusion," "Infringement Notice," "Copyright Assignment Notice,"
16 "Remediation Option Notice," and "Declination Notice."

17 5. I have searched my files for copies of the foregoing documents in connection with
18 the assignment from Stephens Media to Righthaven of the copyright to the news article titled
19 "*Tea Party power fuels Angle*" ("News Article"). I have found no responsive documents and do
20 not believe any exist.

21
22 6. Generally, I will only receive a forwarding letter from Righthaven that
23 accompanies a proposed copyright assignment for a *Las Vegas Review-Journal* article. I cannot
24 recall whether I received a forwarding letter for the News Article at issue in this litigation. To
25 date, I have not located such a document. For the convenience of the Court and the parties, I have
26 attached as Exhibit A to this Declaration an exemplar of a typical forwarding letter that was sent
27



1 in connection with a different article. If I find a forwarding letter for the News Article at issue
2 herein, I will certainly produce a copy forthwith.

3
4 7. I am aware that Jackson Farrow is General counsel for Stephens Capital Partners
5 LLC, which is an affiliate of Stephens Media. Stephens Media executives, including myself,
6 routinely communicate with Mr. Farrow on a variety of subjects that are wholly unrelated to
7 Righthaven.

8 8. I declare under the penalty of perjury under the laws of the United States of
9 America that the foregoing is true and correct.

10 Executed this 15th day of May, 2011 in Las Vegas, Nevada.

11
12
13 */s/ Mark A. Hinueber*
14 MARK A. HINUEBER



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& WILLIAMS
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EXHIBIT A

EXHIBIT A

RIGHTHAVEN LLC
CONQUISTADOR BUSINESS PARK
9960 WEST CHEYENNE AVENUE, SUITE 210
LAS VEGAS, NEVADA 89129
TELEPHONE 702.527.5900 FACSIMILE 702.527.5909

Writer's Electronic Mail:
ccoons@righthaven.com

May 20, 2010

Via Hand Delivery

Mark A. Hinueber, Esq.
Stephens Media LLC
1111 West Bonanza Road
Las Vegas, Nevada 89106

Dear Mr. Hinueber:

Please find attached an executable copyright assignment for the copyright held by Stephens Media LLC ("Stephens") from the *Las Vegas Review-Journal*. The literary work listed below (the "Stephens Article"), is the subject of apparently unauthorized reproduction by [REDACTED] reproduced at the website [REDACTED]. Enclosed is the executable assignment a reproduction of the original *Las Vegas Review-Journal* online work and the apparently infringing work by [REDACTED]

[REDACTED]

Righthaven intends to pursue infringement actions, as described in Section 3.3 of the Strategic Alliance Agreement between Righthaven and Stephens (the "Agreement"), with respect to [REDACTED]. If you wish for Righthaven to refrain from pursuing infringement actions with respect to any or all of the Stephens Articles, please advise us within five business days, in accordance with Section 3.3 of the Agreement.

Additionally, to file applications to register copyrights with respect to the Stephens Articles, Righthaven will require two copies of the "best edition" of each of the Stephens Articles, for deposit with the United States Copyright Office (the "USCO"). Righthaven will submit the copyright registrations with a copy of the online version of each Stephens Article as the "best edition" available.

The USCO may request a single-page tearsheet, a clipping, or even a photocopy of an article as first published in print to satisfy the "best edition" requirement. Righthaven will inform Stephen's Media if the USCO makes such a request.

RIGHTHAVEN LLC

Mark A. Hinueber, Esq.
May 20, 2010
Page 2

Thank you in advance for your assistance with these matters.

Best regards,

RIGHTHAVEN LLC

/s/

J. Charles Coons

Copyright Counsel and Technology Specialist

Enclosures (1)

cc: