

1 LAURENCE F. PULGRAM (CA State Bar No. 115163) (*pro hac vice*)  
[lpulgram@fenwick.com](mailto:lpulgram@fenwick.com)

2 CLIFFORD C. WEBB (CA State Bar No. 260885) (*pro hac vice*)  
[cwebb@fenwick.com](mailto:cwebb@fenwick.com)

3 FENWICK & WEST LLP  
 555 California Street, 12th Floor  
 4 San Francisco, California 94104  
 Telephone: (415) 875-2300  
 5 Facsimile: (415) 281-1350

6 KURT OPSAHL (CA State Bar No. 191303) (*pro hac vice*)  
[kurt@eff.org](mailto:kurt@eff.org)

7 CORYNNE MCSHERRY (CA State Bar No. 221504) (*pro hac vice*)  
[corynne@eff.org](mailto:corynne@eff.org)

8 ELECTRONIC FRONTIER FOUNDATION  
 454 Shotwell Street  
 9 San Francisco, California 94110  
 Telephone: (415) 436-9333  
 10 Facsimile: (415) 436-9993

11 CHAD BOWERS (NV State Bar No. 7283)  
[bowers@lawyer.com](mailto:bowers@lawyer.com)

12 CHAD A. BOWERS, LTD  
 3202 West Charleston Boulevard  
 13 Las Vegas, Nevada 89102  
 Telephone: (702) 457-1001

14 Attorneys for Defendant and Counterclaimant  
 15 DEMOCRATIC UNDERGROUND, LLC, and  
 Defendant DAVID ALLEN

16 **UNITED STATES DISTRICT COURT**  
 17 **FOR THE DISTRICT OF NEVADA**

18 RIGHTHAVEN LLC, a Nevada limited liability company,  
 19 Plaintiff,

v.

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

22 Defendants.

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

Counterclaimant,

v.

26 RIGHTHAVEN LLC, a Nevada limited liability company,  
 27 and STEPHENS MEDIA LLC, a Nevada limited-liability  
 company,

28 Counterdefendants.

Case No. 10-01356-RLH (GWF)

**DECLARATION OF  
 LAURENCE F. PULGRAM  
 IN SUPPORT OF  
 DEFENDANTS' REPLY IN  
 SUPPORT OF  
 SUPPLEMENTAL MEMO  
 ADDRESSING RECENTLY  
 PRODUCED EVIDENCE  
 RELATING TO PENDING  
 MOTIONS**

1 I, Laurence F. Pulgram, declare as follows:

2 1. I am an attorney licensed to practice law in the state of California and a partner at  
3 the law firm Fenwick & West, LLP. I serve as counsel for Defendant and Cross-Complainant  
4 Democratic Underground, LLC and Defendant David Allen (hereinafter “Defendants”) in this  
5 matter. I have personal knowledge of the facts stated in this declaration, and if called upon to do  
6 so, could and would competently testify thereto.

7 2. On March 22, 2011, Stephens Media LLC (“Stephens Media”) produced a  
8 document purporting to be the Operating Agreement of Righthaven LLC (“Righthaven”), entered  
9 into by Righthaven, Net Sorties Systems, LLC, and SI Content Monitor LLC. The Operating  
10 Agreement is referred to in Section 2 of the SAA as part of the same “integrated transaction.”

11 3. Stephens Media originally designated this Operating Agreement as “Confidential  
12 Attorneys Eyes Only” under the Stipulated Protective Order in this case. However, in subsequent  
13 discussions with Righthaven and Stephens Media, they agreed to dedesignate for public filing all  
14 but a handful of provision in the Operating Agreement. Attached hereto as **Exhibit 1** is a true and  
15 correct copy of the Operating Agreement as produced by Stephens Media, redacted to exclude  
16 those provisions that Righthaven and Stephens Media did not agree to dedesignate for public  
17 filing.

18 I declare under penalty of perjury under the laws of the United States that the foregoing is  
19 true and correct. Executed on May 20, 2011, in San Francisco, California.

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/s/ Laurence F. Pulgram  
Laurence F. Pulgram