

EXHIBIT A

1 SHAWN A. MANGANO, ESQ.
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5 *Attorney for Righthaven LLC*

6 **UNITED STATES DISTRICT COURT**
7
8 **DISTRICT OF NEVADA**

9
10 RIGHTHAVEN LLC, a Nevada limited-
liability company,

11
12 Plaintiff,

13 v.

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

16 Defendants.

17
18 DEMOCRATIC UNDERGROUND, LLC, a
District of Columbia limited-liability
19 company,

20 Counterclaimant,

21 v.

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

24 Counterdefendants.

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

**PLAINTIFF'S FIFTH SUPPLEMENTAL
DISCLOSURES PURSUANT TO RULE
26(A)(1)(A) OF THE FEDERAL RULES
OF CIVIL PROCEDURE**

25
26 Plaintiff/Counterdefendant Righthaven LLC ("Righthaven") makes the following fifth
27 supplement to its initial disclosures pursuant to the requirements of Rule 26(a)(1)(A) of the
28 Federal Rules of Civil Procedure.

1 **I. DESCRIPTION BY CATEGORY AND LOCATION OF DOCUMENTS,**
2 **ELECTRONICALLY STORED INFORMATION, AND TANGIBLE THINGS IN**
3 **RIGHTHAVEN'S POSSESSION, CUSTODY, OR CONTROL THAT**
4 **RIGHTHAVEN MAY USE TO SUPPORT RIGHTHAVEN'S CLAIMS**

5 Righthaven supplements its prior initial, either amended or supplemental, disclosures by
6 identifying, as required under the Federal Rules of Civil Procedure, the following documents that
7 it may use to support the claims and defenses at issue in this action, which are being concurrently
8 produced in PDF format as indicated by the exhibit reference associated with same:

- 9 1. Correspondence regarding assignment of the literary work that is the subject of
10 the instant suit (the "Work"), pages 2 – 3 (Exhibit 1);
- 11 2. Copy of the original print version of the Work, pages 5 – 7 (Exhibit 2); and
- 12 3. Fully-executed Operating Agreement of Righthaven LLC, pages 9 – 108 (Exhibit
13 3).

14 Righthaven reserves the right to supplement the foregoing disclosures as discovery
15 continues.

16 Dated this 17th day of May, 2011.

17 SHAWN A. MANGANO, LTD.

18 By: Shawn A. Mangano
19 SHAWN A. MANGANO, ESQ.
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26 *Attorney for Righthaven LLC*

1 **CERTIFICATE OF SERVICE**

2 Pursuant to Federal Rule of Civil Procedure 5(b), I hereby certify that I am an employee
3 of Righthaven LLC and that on this 17th day of May, 2011, I caused **PLAINTIFF'S FIFTH**
4 **SUPPLEMENTAL DISCLOSURES PURSUANT TO RULE 26(A)(1)(A) OF THE**
5 **FEDERAL RULES OF CIVIL PROCEDURE** to be served to be served in PDF format via
6 electronic mail to following persons:

7 Chad A. Bowers, Esq.
8 bowers@lawyer.com
9 CHAD A. BOWERS LTD.
3202 West Charleston Boulevard
10 Las Vegas, Nevada 89102

11 Laurence F. Pulgram, Esq.
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17 ELECTRONIC FRONTIER FOUNDATION
18 454 Shotwell Street
San Francisco, California 94110

19 *Attorney for Defendant/Counterclaimant*
20

21
22 By: /s/ Steven G. Ganim
23 An Employee of Righthaven LLC
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Las Vegas, Nevada 89129-7701
25 Tel: (702) 527-5900
26
27
28

EXHIBIT 1

EXHIBIT 1

RIGHTHAVEN LLC
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TELEPHONE 702.527.5900 FACSIMILE 702.527.5909

Writer's Electronic Mail:
ccoons@righthaven.com

July 1, 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 Stacy Nason (“Ms. Nason”) reproduced at the website www.breakdownofamerica.com. Following the executable assignment is a reproduction of the original *Las Vegas Review-Journal* online work and the apparently infringing work by Ms. Nason.

1. Tea Party power fuels Angle. Work made for hire by Laura Myers. Originally published Mary 13, 2010.

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 Ms. Nason. 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 17, 2011
Page 2

Thank you in advance for your assistance with these matters.

Best regards,

RIGHTHAVEN LLC

/s/

J. Charles Coons
Assistant General Counsel

Enclosures (1)

cc: