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11
 12 **UNITED STATES DISTRICT COURT**
 13 **DISTRICT OF NEVADA**

14 RIGHTHAVEN LLC, a Nevada limited-liability
 company,

15 Plaintiff,

16 v.

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

19 Defendants.
 20

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

22 Counterclaimant,

23 v.

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

26 Counterdefendants.
 27
 28

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

**JOINT STIPULATION AND
 ORDER TO REVISE THE
 BRIEFING SCHEDULE FOR
 RIGHTHAVEN LLC'S
 APPLICATION TO INTERVENE AS
 OF RIGHT PURSUANT TO
 FEDERAL RULE OF CIVIL
 PROCEDURE 24(A)(2) AND
 STEPHENS MEDIA'S MOTION
 FOR RECONSIDERATION**

(FIRST REQUEST)

1 IT IS HEREBY STIPULATED BETWEEN Counterclaimant Democratic Underground,
2 LLC (“Democratic Underground”), Counterclaim defendant Stephens Media LLC (“Stephens
3 Media”) and Righthaven LLC (“Righthaven”), through their attorneys of record, as follows:

4 1. On June 14, 2011, the Court dismissed Righthaven’s complaint for lack of
5 standing and denied Stephens Media’s motion to dismiss Democratic Underground’s
6 counterclaim (Dkt. 116).

7 2. On June 23, 2011, Righthaven moved the Court to intervene in this action as of
8 right pursuant Federal Rule of Civil Procedure 24(a)(2) (“Application”). (Dkt. 120.) In its
9 Application, Righthaven addressed the asserted basis for its standing to sue for copyright
10 infringement under the Clarification and Amendment to Strategic License Agreement
11 (“Amendment”).

12 3. On June 28, 2011, Stephens Media moved for reconsideration of the Court’s
13 decision not to dismiss Democratic Underground’s counterclaim. (Dkt. 126.) Stephens Media
14 based its motion on its asserted lack of ownership of the copyright at issue under the
15 Amendment.

16 4. On July 11, 2011, Righthaven filed a supplemental memorandum in support of its
17 application to intervene, apprising the Court of the Amended and Restated Strategic Alliance
18 Agreement (“Restated and Amended SAA”), which was executed on July 7, 2011. Righthaven
19 and Stephens Media assert that they executed the Restated and Amended SAA in order to
20 address the concerns raised in *Righthaven LLC v. Hoehn*, where the Court in that case found that
21 Righthaven lacked standing to sue under the Amendment. Doc. # 28, Case. No. 2:11-CV-00050-
22 PMP-RJJ (D. Nev.) (Pro, J.)

23 5. Both Democratic Underground and Stephens Media would like the opportunity to
24 address Righthaven’s standing under the Restated and Amended SAA. Therefore, the parties
25 agree to, and respectfully request, a revised briefing schedule as follows:

- 26 • Stephens Media shall have *until July 15, 2011* to supplement its motion for
27 reconsideration.

- Democratic Underground shall have *until July 26, 2011* to file a single memorandum in opposition to Righthaven's application to intervene and Stephens Media's motion for reconsideration.
- Stephens Media and Righthaven shall have *until August 2, 2011* to submit a reply to Democratic Underground's opposition.

This stipulation is sought in good faith and not for purposes of delay.

Dated this 13th day of July, 2011.

FENWICK & WEST

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IT IS SO ORDERED:

UNITED STATES DISTRICT COURT JUDGE

DATED: _____