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 16 DEMOCRATIC UNDERGROUND, LLC, and
 Defendant DAVID ALLEN

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

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

20 v.

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

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

25 v.

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

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

**DECLARATION OF CLIFFORD
 WEBB IN SUPPORT OF
 DEFENDANT DEMOCRATIC
 UNDERGROUND'S
 CONSOLIDATED OPPOSITION
 TO RIGHTHAVEN'S MOTION
 TO INTERVENE AND
 OPPOSITION TO
 COUNTERDEFENDANT
 STEPHENS MEDIA'S MOTION
 FOR RECONSIDERATION**

1 I, Clifford Webb, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and an associate
3 at Fenwick & West, LLP, counsel for Democratic Underground, LLC (“Democratic
4 Underground”) in the above-captioned matter. I have personal knowledge of the facts stated in
5 this declaration, and if called upon to do so, could and would competently testify thereto.

6 2. On March 22, 2011, Stephens Media produced a copy of Righthaven’s Operating
7 Agreement, designated under the Stipulated Protective Order in this case as Confidential
8 Attorneys Eyes Only. Following that initial production, Stephens Media and Righthaven agreed
9 to redesignate several portions of that agreement as non-confidential. *See* Dkt. 107-2. However,
10 several portions, including portions of Article 9 of that agreement were not dedesignated by
11 Stephens Media and Righthaven. Attached hereto as **Exhibit 1** is a true and correct copy of
12 Article 9 to Righthaven’s Operating Agreement.

13 3. While generally its production of documents in response to Democratic
14 Underground’s request has been minimal, on February 28, 2011, Stephens Media did produce a
15 small number of documents in this case. Among those produced were a handful of license
16 agreements between Stephens Media and certain companies allowing for the licensing of
17 Las Vegas Review-Journal content including the News Article at issue in this lawsuit. Among
18 these documents were the following:

- 19 a. A Licensing Agreement between Stephens Media and ProQuest
20 Information and Learning Company, dated January 15, 2002 and marked
21 “Confidential Attorneys Eyes Only” (Bates Nos. SM000065- SM000067),
22 a true and correct copy of which is attached hereto as **Exhibit 2**.
- 23 b. A Licensing Agreement between Stephens Media and Burrelle’s
24 Information Services, LLC, dated July 29, 2010 and marked “Confidential
25 Attorneys Eyes Only” (Bates Nos. SM000050- SM000058), a true and
26 correct copy of which is attached hereto as **Exhibit 3**.
- 27 c. A “Publisher Terms of Service Agreement” between Stephens Media and
28 ShareThis, Inc., with effective date of January 30, 2011 (Bates

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Nos. SM000014-SM000022), a true and correct copy of which is attached hereto as **Exhibit 4**.

d. A Licensing Agreement between Lexis-Nexis and the Las Vegas Review-Journal, undated, marked “Confidential Attorneys Eyes Only” (Bates Nos. SM000059-0000062), a true and correct copy of which is attached hereto as **Exhibit 5**.

4. On July 26, 2011, I visited the Las Vegas Review-Journal’s website and observed that the Review-Journal uses the “ShareThis” application on the pages of news articles that it publishes, including the article at issue in this dispute. Attached hereto as **Exhibit 6** is a true and correct copy of a portion of the news article entitled “Tea Party Power Fuels Angle” as displayed on the website on the Las Vegas Review-Journal on July 26, 2011. The Exhibit reflects the Las Vegas Review-Journal’s use of the “ShareThis” application.

5. On July 26, 2011, I searched the Lexis-Nexis news database and observed that the news article at issue in this case entitled “Tea Party Power Fuels Angle” was still available for viewing.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on July 26, 2011, in San Francisco, California.

/s/ Clifford Webb
Clifford Webb

ATTORNEY ATTESTATION

In accordance with the Court’s Special Order No. 109, dated September 30, 2005, I hereby attest that concurrence in the filing of this document has been obtained from the signatories indicated by a “conformed” signature (/s/) within this e-filed document:

/s/ Laurence Pulgram
Laurence Pulgram