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

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

15 Plaintiff,

16 v.

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

19 Defendants.  
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21 DEMOCRATIC UNDERGROUND, LLC, a District  
 22 of Columbia limited-liability company,

23 Counterclaimant,

24 v.

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

27 Counterdefendants.  
 28

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

**JOINT STIPULATION AND  
 ORDER FOR EXTENSION OF  
 TIME AND TO REVISE BREIFING  
 SCHEDULE TO PERMIT LIMIED  
 SUR-REPLY CONCERNING  
 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 FOR  
 EXTENSION OF TIME AND  
 SECOND REQUEST TO REVISE  
 BRIEFING SCHEDULE)**

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,  
8 asserting its intervention was as of right pursuant Federal Rule of Civil Procedure 24(a)(2)  
9 (“Application”). (Dkt. 120.) In its Application, Righthaven addressed the asserted basis for its  
10 standing to sue for copyright infringement under the Clarification and Amendment to Strategic  
11 Alliance Agreement (“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. Dkt. 28, Case. No. 2:11-CV-00050-  
22 PMP-RJJ (D. Nev.) (Pro, J.)

23 5. On July 13, 2011, the Court entered the first joint stipulation and order setting a  
24 briefing schedule requested by the parties concerning Righthaven’s application to intervene and  
25 Stephen’s Media’s motion for reconsideration. (Dkt. 135.)

26 6. On July 13, 2011, Stephens Media supplemented its motion for reconsideration.  
27 (Dkt. 136.)  
28

1           7.       On July 26, 2011, Democratic Underground filed its response to Righthaven's  
2 application to intervene and Stephens Media's motion for reconsideration (Dkt. 140.)

3           8.       Both Righthaven and Stephens Media would like an extension of time to file their  
4 respective reply briefs in support of their pending motions. Democratic Underground would like  
5 to have an opportunity to file a sur-reply not to exceed seven (7) pages in response to  
6 Righthaven's and Stephens Media's submissions. Therefore, the parties agree to, and respectfully  
7 request, a revised briefing schedule as follows:

- 8           •       Stephens Media shall have ***until August 5, 2011*** to file its reply brief in support of  
9 its motion for reconsideration and Righthaven shall have ***until August 5, 2011*** to  
10 file its reply brief in support of its application to intervene.
- 11           •       Democratic Underground shall have ***until August 12, 2011*** to file a single sur-  
12 reply memorandum not to exceed seven (7) pages in length that responds to  
13 Righthaven's reply in support of its application to intervene and Stephens Media's  
14 reply in support of its motion for reconsideration.

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

2 Dated this 2nd day of August, 2011.

3 FENWICK & WEST

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4  
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*Attorneys for Stephens Media LLC Media*

17  
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19 **IT IS SO ORDERED:**

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21 \_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

22 DATED: August 2, 2011  
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