

Exhibit 10

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10 Attorneys for Counterdefendant
11 Stephens Media, LLC

12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 RIGHTHAVEN LLC, a Nevada limited-
15 liability company,
16
17 Plaintiff,
18
19 v.

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

20 DEMOCRATIC UNDERGROUND, LLC, a
21 District of Columbia limited-liability
22 company; and DAVID ALLEN, an individual,
23
24 Defendants.

**COUNTERDEFENDANT STEPHENS
MEDIA, LLC'S ANSWERS TO
DEFENDANT AND
COUNTERCLAIMANT DEMOCRATIC
UNDERGROUND, LLC'S FIRST SET OF
INTERROGATORIES**

25 DEMOCRATIC UNDERGROUND, LLC, a
26 District of Columbia limited-liability
27 company,
28
29 Counterclaimant,
30
31 v.

32 RIGHTHAVEN LLC, a Nevada limited-
33 liability company; and STEPHENS MEDIA
34 LLC, a Nevada limited-liability company,
35
36 Counterdefendants.



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& WILLIAMS**
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1 TO: COUNTERCLAIMANT and ITS COUNSEL OF RECORD

2 Stephens Media, LLC ("Stephens Media"), by and through its undersigned counsel,
3 hereby responds and objects to the First Set of Interrogatories (the "Interrogatories") propounded
4 by Counterclaimant Democratic Underground, LLC ("DU") as follows:
5

6 **PRELIMINARY STATEMENT**

7 Stephens Media's responses to the Interrogatories have been prepared pursuant to a
8 reasonable and duly diligent search for information properly requested in those areas where such
9 information is expected to be found. To the extent the Interrogatories purport to require more,
10 Stephens Media objects on the ground that they seek to compel Stephens Media to conduct a
11 search beyond the scope of discovery contemplated by the Federal Rules of Civil Procedure, and
12 responding to such requests would impose an undue burden and expense on Stephens Media,
13 particularly given its status solely as a Counterdefendant in the above action. The following
14

15 responses and objections are without prejudice to Stephens Media's right to produce evidence of
16 any subsequently discovered facts. Stephens Media also reserves the right to assert additional
17 privileges if warranted by new documents or evidence discovered at a later date.
18

19 **GENERAL OBJECTIONS**

20 1. Stephens Media objects to the Interrogatories, including the Definitions and
21 Instructions contained therein, to the extent they purport to impose on Stephens Media obligations
22 greater than those imposed by the Federal Rules of Civil Procedure and the Local Civil Rules of
23 this Court. In particular, Stephens Media objects to DU's definition of "You" and "Your" as it
24 refers to an entity other than Stephens Media and, thus, makes all of the Interrogatories
25 unintelligible. Notwithstanding the foregoing defect contained in DU's Interrogatories, Stephens
26 Media has endeavored to answer them to the best of its ability.
27

28 2. Stephens Media objects to the Interrogatories to the extent they seek information



1 protected from discovery by the attorney-client privilege, the attorney work-product doctrine,
2 created in anticipation of litigation, or protected by any other applicable privilege or immunity.
3 The inadvertent production of any such document or information shall not constitute a waiver of
4 any such privilege or immunity, and Stephens Media and its counsel reserve their right to demand
5 the return of any inadvertently produced documents or information.
6

7 3. Stephens Media objects to the Interrogatories to the extent they purport to require
8 disclosure of confidential business or commercially sensitive information.

9 4. Stephens Media objects to the Interrogatories to the extent they purport to require
10 Stephens Media to provide information which is neither relevant nor reasonably calculated to lead
11 to the discovery of admissible evidence. Nothing contained in any response herein (including the
12 production of any information or documents) shall be deemed to be an admission, concession, or
13 waiver by Stephens Media to the relevance, materiality or admissibility of any information or
14

15 document.

16 5. Stephens Media objects to the Interrogatories to the extent they purport to require
17 Stephens Media to provide information beyond what may be obtained through a reasonably
18 diligent search of its records.
19

20 6. Stephens Media objects to the Interrogatories on the grounds they are vague,
21 overbroad, oppressive, unduly burdensome, not relevant to the subject of the litigation, and/or are
22 not calculated to lead to the discovery of admissible evidence in this action.

23 7. Stephens Media objects to the Interrogatories for failing to define an applicable
24 time period, which renders them overly broad, oppressive, unduly burdensome and unlikely to
25 lead to the discovery of admissible evidence.
26

27 8. Stephens Media objects to the Interrogatories to the extent they seek information
28 already in the possession, custody or control of DU or already in the public domain and,



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1 therefore, equally accessible to DU.

2 9. Nothing contained in any response shall be deemed to be a concession or waiver
3 by Stephens Media to the validity of any claim asserted by DU.

4 10. Stephens Media responds to the Interrogatories to the best of its knowledge and on
5 the basis of the information provided to its counsel as of this date. Stephens Media reserves the
6 right to alter, amend, supplement, augment or otherwise change its responses as appropriate and
7 to object to the admissibility or relevancy of evidence of any portion of the documents, or the
8 information contained therein, produced in response to a particular request. No response or lack
9 of response herein is intended to, or shall be understood to, limit the legal theories, factual
10 contentions, or evidence to be employed, relied upon, or presented during any proceeding in this
11 case.
12
13

14 **RESPONSES**

15 **INTERROGATORY NO. 1:**

16 IDENTIFY the number of PAGE VIEWS of the WEB PAGE containing the NEWS
17 ARTICLE on the LVRJ WEB SITE for each day between May 12, 2010 and the present.

18 **ANSWER NO. 1:**

19 Objection. This Interrogatory is overbroad and unduly burdensome in that it seeks the
20 number of page views for each individual day between May 12, 2010 and the present. Without
21 waiving the foregoing objections, the Web Page containing the News Article had 8,075 page
22 views between May 12, 2010 and December 28, 2010.

23 **INTERROGATORY NO. 2:**

24 IDENTIFY the number of PAGE VIEWS of the WEB PAGE containing the NEWS
25 ARTICLE on the LVRJ WEBSITE that were referred by, directed from or delivered from the DU
26 WEBSITE.
27
28



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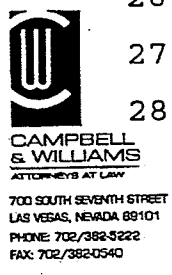
- 1 • Conservatives4palin.com – 60 page views
- 2 • Dailykos.com – 60 page views
- 3 • EFF.org – 60 page views
- 4 • Forum.hucksarmy.com – 60 page views
- 5 • Huffingtonpost.com – 60 page views
- 6 • Lasvegassun.com – 60 page views
- 7 • News.firedoglake.com – 60 page views
- 8 • Polipundit.com – 60 page views
- 9 • Pollster.com – 60 page views
- 10 • Uselectionatlas – 60 page views
- 11 • Voices.washingtonpost.com – 60 page views
- 12 • Webmaila.juno.com – 60 page views
- 13
- 14

15 **INTERROGATORY NO. 4:**

16 IDENTIFY each type of revenue paid with respect to views of the LVRJ WEBSITE (e.g.,
17 banner ad, pay per click ads, subscriptions, archives, etc), including but not limited to types for
18 the WEB PAGE containing the NEWS ARTICLE, and the total revenue realized from each such
19 type.
20

21 **ANSWER NO. 4:**

22 *See* General Objections. In particular, the information sought by this Interrogatory is not
23 relevant to the subject matter involved in the pending action, is inadmissible, and is not otherwise
24 reasonably calculated to lead to the discovery of admissible evidence. Further, this Interrogatory
25 seeks confidential business and/or commercially sensitive information. Additionally, to the
26 extent any information sought by this Interrogatory is the subject of legitimate discovery in this
27 action, Stephens Media will only produce such information once a binding protective order in
28



1 place. Plaintiff/Counterdefendant Righthaven, LLC drafted a proposed protective order and sent
2 it to DU for its comments on December 7, 2010. DU did not respond until two judicial days
3 before the due date for these Responses.
4

5 Without waiving the foregoing objections, Stephens Media does not sell advertising space
6 or maintain records for individual news articles.

7 **INTERROGATORY NO. 5:**

8 IDENTIFY each advertiser or supplier of ads, and state the cost paid to the LVRJ
9 WEBSITE by each, if any, for any and all advertisements delivered to viewers of the NEWS
10 ARTICLE on the LVRJ WEBSITE.

11 **ANSWER NO. 5:**

12 See General Objections. In particular, the information sought by this Interrogatory is not
13 relevant to the subject matter involved in the pending action, is inadmissible, and is not otherwise
14

15 reasonably calculated to lead to the discovery of admissible evidence. Further, this Interrogatory
16 seeks confidential business and/or commercially sensitive information. Additionally, to the
17 extent any information sought by this Interrogatory is the subject of legitimate discovery in this
18 action, Stephens Media will only produce such information once a binding protective order in
19 place. Plaintiff/Counterdefendant Righthaven, LLC drafted a proposed protective order and sent
20 it to DU for its comments on December 7, 2010. DU did not respond until two judicial days
21 before the due date for these Responses.
22

23 Without waiving the foregoing objection, Stephens Media does not sell advertising space
24 or maintain records for individual news articles.

25 **INTERROGATORY NO. 6:**

26 IDENTIFY the average cost per PAGE VIEW and per click paid to LVRJ, if any, by each
27 advertiser or supplier of ads identified in response to Interrogatory No. 4 for any and all
28



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1 commence this action.

2 **INTERROGATORY NO. 11:**

3 DESCRIBE ALL current, past or future plans to license the NEWS ARTICLE, if any.

4 **ANSWER NO. 11:**

5 *See* General Objections. In particular, the information sought by this Interrogatory seeks
6 confidential business and/or commercially sensitive information. The Interrogatory is also vague
7 and ambiguous with respect to the term of art "license."

8 Without waiving the foregoing objections, Stephens Media licenses editorial material to
9 which it has appropriate rights to various databases, such as NewsBank and Lexis Nexis. The
10 News Article also appears for sale in the paid archives of the Las Vegas *Review-Journal* website.
11 Additionally, Stephens Media earns income from the sale of replica editions of LVRJ newspapers
12 as well as from content it provides to amazon.com for its kindle product. Finally, the News
13 Article was available to the McClatchy Tribune news service until early November 2010 under a
14 previous agreement.

15 **INTERROGATORY NO. 12:**

16 IDENTIFY and DESCRIBE the terms of ALL "monetary commitments" and
17 "commitments to services to be provided and/or already provided" as referenced in the JULY 19,
18 2010 ASSIGNMENT.

19 **ANSWER NO. 12:**

20 *See* General Objections. In particular, the information sought by this Interrogatory is not
21 relevant to the subject matter involved in the pending action, is inadmissible, and is not otherwise
22 reasonably calculated to lead to the discovery of admissible evidence. Further, this Interrogatory
23 seeks confidential business and/or commercially sensitive information. Additionally, to the
24 extent any information sought by this Interrogatory is the subject of legitimate discovery in this
25
26
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28



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