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 16 DEMOCRATIC UNDERGROUND, LLC, and
 Defendant DAVID ALLEN

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

17 RIGHTHAVEN LLC, a Nevada limited liability company, Case No. 2:10-cv-01356-RLH (GWF)

18 Plaintiff,

19 v.

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

22 Defendants.

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

25 Counterclaimant,

26 v.

27 RIGHTHAVEN LLC, a Nevada limited liability company,
 and STEPHENS MEDIA LLC, a Nevada limited-liability
 company,

28 Counterdefendants.

**[PROPOSED] ORDER
 GRANTING DEMOCRATIC
 UNDERGROUND'S MOTION
 FOR SUMMARY JUDGMENT**

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[PROPOSED] ORDER

Counterclaimant Democratic Underground, LLC’s Motion for Summary Judgment is GRANTED. The Court finds that the undisputed facts demonstrate no volitional act by Counterclaimant Democratic Underground, LLC or David Allen, as required to sustain a claim for direct copyright infringement. The Court also finds that the undisputed facts demonstrate that the use in question was fair use as a matter of law. Judgment in favor of Democratic Underground, LLC on its Counterclaim in this action shall be, and hereby is, entered accordingly.

Dated: _____

The Honorable ROGER L. HUNT
United States District Judge