

FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO

1 LAURENCE F. PULGRAM (CA State Bar No. 115163) (*pro hac vice*)
lpulgram@fenwick.com
 2 JENNIFER J. JOHNSON (CA State Bar No. 252897) (*pro hac vice*)
jjjohnson@fenwick.com
 3 CLIFFORD C. WEBB (CA State Bar No. 260885) (*pro hac vice*)
cwebb@fenwick.com
 4 FENWICK & WEST LLP
 5 555 California Street, 12th Floor
 San Francisco, California 94104
 Telephone: (415) 875-2300
 6 Facsimile: (415) 281-1350

7 KURT OPSAHL (CA State Bar No. 191303) (*pro hac vice*)
kurt@eff.org
 8 CORYNNE MCSHERRY (CA State Bar No. 221504) (*pro hac vice*)
corynne@eff.org
 9 ELECTRONIC FRONTIER FOUNDATION
 454 Shotwell Street
 10 San Francisco, California 94110
 Telephone: (415) 436-9333
 11 Facsimile: (415) 436-9993

12 CHAD BOWERS (NV State Bar No. 7283)
bowers@lawyer.com
 13 CHAD A. BOWERS, LTD
 3202 West Charleston Boulevard
 14 Las Vegas, Nevada 89102
 Telephone: (702) 457-1001
 15 Attorneys for Defendant and Counterclaimant
 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,
 20 Plaintiff,
 v.
 21 DEMOCRATIC UNDERGROUND, LLC, a District of
 Columbia limited-liability company; and DAVID ALLEN,
 22 an individual,
 23 Defendants.

24 DEMOCRATIC UNDERGROUND, LLC, a District of
 Columbia limited-liability company,
 25 Counterclaimant,
 v.
 26 RIGHTHAVEN LLC, a Nevada limited liability company,
 27 and STEPHENS MEDIA LLC, a Nevada limited-liability
 company,
 28 Counterdefendants.

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

**JOINT INTERIM STATUS
 REPORT AND JOINT
 STIPULATION AND
~~PROPOSED~~ ORDER TO STAY
 DISCOVERY UNTIL
 ADJUDICATION OF PENDING
 MOTION FOR SUMMARY
 JUDGMENT**

(SECOND REQUEST)

JOINT INTERIM STATUS REPORT, STIP.
 AND [PROPOSED] ORDER STAYING
 DISCOVERY UNTIL ADJUD. OF MSJ

CASE NO. 2:10-CV-01356-RLH (GWF)

1 Pursuant to Local Rule 26-3, Counterclaimant Democratic Underground, LLC
2 (“Democratic Underground”) and Counterdefendant Stephens Media LLC (“Stephens Media”),
3 submit the following interim status report:

- 4 1. The parties estimate that the length of trial required for this case is 4-5 days.
- 5 2. The Parties are available for the following trial dates:
 - 6 a. May 7, 2012 - May 11, 2012
 - 7 b. May 14, 2012 - May 18, 2012
 - 8 c. May 21, 2012 - May 25, 2012
- 9 3. Trial will potentially be eliminated by Democratic Underground’s Motion for
10 Summary Judgment On Counterclaim filed today, October 24, 2011. Given the
11 pending Motion for Summary Judgment, the Parties have stipulated to and request
12 the following modifications to the discovery schedule.

13 IT IS HEREBY STIPULATED BETWEEN Counterclaimant Democratic Underground,
14 LLC (“Democratic Underground”) and Counterdefendant Stephens Media LLC (“Stephens
15 Media”), through their attorneys of record, as follows:

- 16 1. On October 24, 2011, Counterclaimant Democratic Underground filed a Motion
17 for Summary Judgment on Counterclaim.
- 18 2. Discovery is currently set to close on December 23, 2011, with expert disclosure
19 due to begin on November 8, 2011. (Dkt. 159).
- 20 3. Resolution of the Motion for Summary Judgment currently pending before the
21 Court may be dispositive of the Counterclaim, the sole remaining claim in this action. In the
22 interest of reducing potentially unnecessary depositions and expense, the parties agree and
23 respectfully request to the Court to stay all discovery (unless discovery is found to be essential to
24 resolution of the Motion for Summary Judgment), and to extend all discovery deadlines in this
25 action for the time until the pending Motion for Summary Judgment is adjudicated, under the
26 conditions described in this stipulation.
- 27 4. All current discovery deadlines in the Court’s Scheduling Order (Dkt. 159),
28 including deadlines for initial and rebuttal expert disclosures, shall be tolled (extended) for the

1 duration of time from today (October 24, 2011) until ruling by the Court on the pending Motion
2 for Summary Judgment on Counterclaim. Within 10 days of such ruling, the parties shall submit
3 a proposed agreed order resetting discovery dates on an equivalent schedule.

4 5. This is the second request for an extension of the discovery schedule. The first
5 request for extension of discovery was filed on February 22, 2011 (Dkt. 70) and granted by the
6 Court on February 24, 2011 (Dkt. 71).

7 6. This stipulated extension of discovery is sought in good faith and not for the
8 purposes of delay. Rather, this stay is sought in the interest of saving the parties the expense of
9 written discovery, deposition and expert-related attorneys' fees and costs until such time as the
10 Court adjudicates the pending Motion for Summary Judgment before it or determines that such
11 discovery is necessary.

12 Dated this 24 day of October, 2011

13 FENWICK & WEST LLP

CAMPBELL & WILLIAMS

14 By: /s/ Laurence F. Pulgram
15 LAURENCE F. PULGRAM

By: /s/ J. Colby Williams
J. COLBY WILLIAMS


16 Laurence Pulgram, Esq.
17 Fenwick & West LLP
18 555 California Street, 12th Floor
19 San Francisco, CA 94104

J. Colby Williams, Esq.
Campbell & Williams
700 South Seventh Street
Las Vegas, Nevada 89101

20 Attorneys for Counterclaimant
DEMOCRATIC UNDERGROUND, LLC

Attorneys for Counterdefendant
STEPHENS MEDIA, LLC

21 **IT IS SO ORDERED:**

22
23
24 
25 GEORGE FOLEY, JR.
26 United States Magistrate Judge

27 **DATED:** October 25, 2011