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 15 DEMOCRATIC UNDERGROUND, LLC, and
 Defendant DAVID ALLEN

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

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

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,

Counterclaimant,

v.

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

28 Counterdefendants.

Case No. 10-01356-RLH (GWF)

**[PROPOSED] ORDER
 GRANTING DEFENDANT
 DEMOCRATIC
 UNDERGROUND LLC'S
 FIRST MOTION TO
 COMPEL THE
 PRODUCTION OF
 DOCUMENTS**

1 The Court having considered Democratic Underground's First Motion to Compel the
2 Production of Documents, all papers filed in support and in opposition, arguments of counsel, and
3 all other matters on file in this action and presented to the Court,

4 IT IS HEREBY ORDERED:

5 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Defendant
6 Democratic Underground LLC's First Motion to Compel the Production of Documents is
7 GRANTED.

8 IT IS HEREBY ORDERED THAT:

- 9 1) Righthaven shall produce all documents in response to Defendant's Request Nos. 3, 4, 7,
10 10, 41, 42 and 58, in its possession, custody and control within ten (10) days of this Order;
- 11 2) Stephens Media shall produce all documents in response to Defendant's Request Nos. 3,
12 4, 7, 10, 36, 53 and 69, in its possession, custody and control, including those in the
13 control of its agents including SI Content Monitor, within ten (10) days of this Order;
- 14 3) This Court's Order of December 21, 2010, Docket 54 ¶A(5), required detailed privilege
15 logs to be provided within 21 days of the time documents were due to be produced for any
16 materials as to which privilege was being claimed. *See also* Fed. R. Civ. P. 26(b)(5).

17 That date passed long before the filing of the instant motion, with no log or other
18 specification of privileged materials provided. Accordingly, all privileges have been
19 waived as to all communications prior to the commencement of this action responsive to
20 the foregoing numbered document requests (*see* Docket 54 ¶A(5)), and all such
21 communications shall be produced within ten (10) days of this Order.

22
23 **IT IS SO ORDERED.**

24
25 Dated: _____, 2011

26 _____
The Honorable George W. Foley
United States District Court Magistrate Judge