

EXHIBIT CC

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6 *Attorney for Righthaven LLC*

7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 RIGHTHAVEN LLC, a Nevada limited-
11 liability company,

12 Plaintiff,

13 v.

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

16 Defendants.

17
18 DEMOCRATIC UNDERGROUND, LLC, a
District of Columbia limited-liability company,

19 Counterclaimant,

20 v.

21 RIGHTHAVEN LLC, a Nevada limited-
liability company; and STEPHENS MEDIA
22 LLC, a Nevada limited-liability company,

23 Counterdefendants.
24

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

**PLAINTIFF AND
COUNTERDEFENDANT RIGHTHAVEN
LLC'S FIRST SUPPLEMENTAL
RESPONSE TO DEFENDANT AND
COUNTERCLAIMANT DEMOCRATIC
UNDERGROUND LLC'S FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS**

25 Righthaven LLC ("Righthaven"), through its counsel of record, hereby supplements its
26 prior responses to Democratic Underground, LLC's ("Democratic Underground") First Set of
27 Requests for Production of Documents following a meet and confer with opposing counsel and
28 subject to the limitations and clarifications set forth in opposing counsel's correspondence dated

1 February 10, 2011, as supplemented by an electronic mail dated February 16, 2011, as follows:
2

3 **DOCUMENT REQUEST NO. 1:**

4 ALL DOCUMENTS supporting any allegations made in the COMPLAINT.
5

6 **RESPONSE TO DOCUMENT REQUEST NO. 1:**

7 Righthaven supplements its prior response to this request by directing Democratic
8 Underground to the materials attached to the Complaint and to the materials attached to its
9 publicly available filings in this matter, which contain materials responsive to this request.
10 These materials are already in the possession of Democratic Underground's counsel. If required,
11 Righthaven will make these same materials available for inspection and copying or otherwise
12 arrange for their production. At this time, Righthaven is unaware of any additional materials
13 responsive to this request. Should Righthaven locate materials responsive to this request that it
14 has not otherwise provided to Democratic Underground, it will supplement this response and
15 make said materials available for inspection and copying or otherwise arrange for their
16 production. Righthaven additionally directs Democratic Underground to the July 19, 2010
17 Assignment previously produced in this action by Stephens Media.
18

19 **DOCUMENT REQUEST NO. 2:**

20 ALL DOCUMENTS supporting any allegations that may be made in any answer to the
21 COUNTERCLAIM.
22

23 **RESPONSE TO DOCUMENT REQUEST NO. 2:**

24 Righthaven objects to this request as being speculative in that the Counterclaim is subject
25 to a pending motion to dismiss. The request is also speculative in its use of the phrase "that may
26 be made in any answer to the COUNTERCLAIM." Righthaven additionally objects to this
27 request on the grounds that it calls for the production of materials protected from discovery
28

1 under the attorney work product doctrine and/or attorney client privilege in view of an answer
2 not having been filed to Democratic Underground's Counterclaim.

3
4 **DOCUMENT REQUEST NO. 3:**

5 ALL DOCUMENTS concerning any potential or actual assignment of rights in the
6 NEWS ARTICLE to Righthaven.

7
8 **RESPONSE TO DOCUMENT REQUEST NO. 3:**

9 Righthaven supplements its prior response to this request by directing Democratic
10 Underground to the materials attached to the Complaint and to the materials attached to its
11 publicly available filings in this matter, which contain materials responsive to this request.
12 These materials are already in the possession of Democratic Underground's counsel. If required,
13 Righthaven will make these same materials available for inspection and copying or otherwise
14 arrange for their production. Righthaven is in the process of reviewing potentially responsive
15 material to this request for designation under the Stipulated Protective Order entered in this
16 action. Righthaven will produce any materials designated by it or make such designated
17 materials available for inspection and copying on a mutually agreeable date and time. Should
18 Righthaven locate any additional materials responsive to this request during the course of
19 litigation, it will supplement this response and make said materials available for inspection and
20 copying or otherwise arrange for their production following their review for appropriate
21 designation under the Stipulated Protective Order. Righthaven additionally directs Democratic
22 Underground to the July 19, 2010 Assignment and the Strategic Alliance Agreement (Bates Nos.
23 SM000078-94), which have been previously produced in this action by Stephens Media.

24
25 **DOCUMENT REQUEST NO. 4:**

26 ALL DOCUMENTS reflecting any COMMUNICATIONS between Righthaven and any
27 other PERSON or entity RELATING TO assignment or reversion of rights in the NEWS
28 ARTICLE.

1 **RESPONSE TO DOCUMENT REQUEST NO. 4:**

2 Righthaven supplements its prior response to this request by objecting to it on the
3 grounds that the definitions of “COMMUNICATIONS,” and “RELATING TO” are vague,
4 ambiguous, overly broad and impose compliance requirements outside of those authorized under
5 Rule 34. Righthaven also objects to this request as vague, ambiguous and compound in its use of
6 the phrases “reflecting any” and “assignment or reversion rights.”

7 Subject to the foregoing, Righthaven supplements its prior response to this request by directing
8 Democratic Underground to the materials attached to the Complaint and to the materials attached
9 to its publicly available filings in this matter, which contain materials responsive to this request.
10 These materials are already in the possession of Democratic Underground’s counsel. If required,
11 Righthaven will make these same materials available for inspection and copying or otherwise
12 arrange for their production. Righthaven is in the process of reviewing potentially responsive
13 material to this request for designation under the Stipulated Protective Order entered in this
14 action. Righthaven will produce any materials designated by it or make such designated
15 materials available for inspection and copying on a mutually agreeable date and time. Should
16 Righthaven locate any additional materials responsive to this request during the course of
17 litigation, it will supplement this response and make said materials available for inspection and
18 copying or otherwise arrange for their production following their review for appropriate
19 designation under the Stipulated Protective Order. Righthaven additionally directs Democratic
20 Underground to the July 19, 2010 Assignment and the Strategic Alliance Agreement (Bates Nos.
21 SM000078-94), which have been previously produced in this action by Stephens Media.

22
23
24 **DOCUMENT REQUEST NO. 5:**

25 ALL DOCUMENTS concerning any COMMUNICATIONS between Righthaven and
26 Stephens Media RELATING TO assignment or reversion of rights in any other work.
27
28

1 **RESPONSE TO DOCUMENT REQUEST NO. 5:**

2 Righthaven objects to this request on the grounds that the definitions of
3 “COMMUNICATIONS,” and “RELATING TO” are vague, ambiguous, overly broad and
4 impose compliance requirements outside of those authorized under Rule 34. Righthaven also
5 objects to this request as vague, ambiguous and compound in its use of the phrases “concerning
6 any,” “assignment or reversion rights” and “any other work.” Righthaven objects to this request
7 on the additional ground that it seeks the production of irrelevant material and collateral material.
8 Subject to the foregoing, Righthaven supplements its prior response to this request by directing
9 Democratic Underground to the materials attached to the Complaint and to the materials attached
10 to its publicly available filings in this matter, which contain materials responsive to this request.
11 These materials are already in the possession of Democratic Underground’s counsel. If required,
12 Righthaven will make these same materials available for inspection and copying or otherwise
13 arrange for their production. Righthaven is in the process of reviewing potentially responsive
14 material to this request for designation under the Stipulated Protective Order entered in this
15 action. Righthaven will produce any materials designated by it or make such designated
16 materials available for inspection and copying on a mutually agreeable date and time. Should
17 Righthaven locate any additional materials responsive to this request during the course of
18 litigation, it will supplement this response and make said materials available for inspection and
19 copying or otherwise arrange for their production following their review for appropriate
20 designation under the Stipulated Protective Order. Righthaven additionally directs Democratic
21 Underground to the July 19, 2010 Assignment and the Strategic Alliance Agreement (Bates Nos.
22 SM000078-94), which have been previously produced in this action by Stephens Media.

23
24 **DOCUMENT REQUEST NO. 6:**

25 ALL DOCUMENTS concerning any COMMUNICATION between Righthaven and
26 Stephens Media regarding conduct of, or claims against, Defendants.
27
28

1 **RESPONSE TO DOCUMENT REQUEST NO. 6:**

2 Righthaven supplements its prior response to this request by objecting to it on the
3 grounds that the definitions of “COMMUNICATIONS,” and “Defendants”, to the extent
4 “Defendants” is deemed incorporate the definition of “DU” or “Democratic Underground,” are
5 vague, ambiguous, overly broad and impose compliance requirements outside of those
6 authorized under Rule 34. Righthaven also objects to this request as vague, ambiguous and
7 compound in it use of the phrases “concerning any” and “regarding conduct of, or claims against,
8 Defendants.”

9 Subject to the foregoing, Righthaven will produce, or make available for inspection and
10 copying, any non-privileged, responsive material after assigning an appropriate designation, if
11 any, to same under the Stipulated Protective Order entered in this action. Righthaven is unaware
12 of any responsive materials to this request at this time. Righthaven will supplement this response
13 as required under the Federal Rules of Civil Procedure should it locate materials responsive to
14 this request during the course of litigation. Righthaven additionally directs Democratic
15 Underground to the July 19, 2010 Assignment and the Strategic Alliance Agreement (Bates Nos.
16 SM000078-94), which have been previously produced in this action by Stephens Media.

17
18 **DOCUMENT REQUEST NO. 7:**

19 ALL DOCUMENTS concerning any joint defense, common interest, or other agreements
20 for cooperation in litigation or preservation of privileges between Righthaven and Stephens
21 Media.

22
23 **RESPONSE TO DOCUMENT REQUEST NO. 7:**

24 Righthaven supplements it response to this request by objecting to it as vague, ambiguous
25 and compound in it use of the phrases “concerning any,” “joint defense, common interest, or
26 other agreements for cooperation in litigation” and “or preservation of privileges.” Subject to
27 these objections, Righthaven is reviewing material in its possession that may be responsive to
28 this request. Righthaven will produce, or make available for inspection and copying, any

1 material deemed to be responsive to this request after it is been assigned an appropriate
2 designation, if any, under the Stipulated Protective Order entered in this action.

3
4 **DOCUMENT REQUEST NO. 8:**

5 ALL DOCUMENTS that refer or RELATE TO any “monetary commitments” referenced
6 in the JULY 19, 2010 ASSIGNMENT.

7
8 **RESPONSE TO DOCUMENT REQUEST NO. 8:**

9 Righthaven supplements its prior response to this request by objecting to it on the
10 grounds that the definition of phrase “refer or RELATE TO” is vague, ambiguous, overly broad
11 and impose compliance requirements outside of those authorized under Rule 34.
12 Subject to the foregoing, Righthaven will make these same materials available for inspection and
13 copying or otherwise arrange for their production. Righthaven is in the process of reviewing
14 potentially responsive material to this request for designation under the Stipulated Protective
15 Order entered in this action. Righthaven will produce any materials designated by it or make
16 such designated materials available for inspection and copying on a mutually agreeable date and
17 time. Should Righthaven locate any additional materials responsive to this request during the
18 course of litigation, it will supplement this response and make said materials available for
19 inspection and copying or otherwise arrange for their production following their review for
20 appropriate designation under the Stipulated Protective Order. Righthaven additionally directs
21 Democratic Underground to the July 19, 2010 Assignment and the Strategic Alliance Agreement
22 (Bates Nos. SM000078-94), which have been previously produced in this action by Stephens
23 Media.

24
25 **DOCUMENT REQUEST NO. 9:**

26 ALL DOCUMENTS that refer or RELATE TO any “commitments to provide services
27 and/or already provided” referenced in the JULY 19, 2010 ASSIGNMENT.

1 **RESPONSE TO DOCUMENT REQUEST NO. 9:**

2 Righthaven supplements its prior response to this request by objecting to it on the
3 grounds that phrase the “refer or RELATE TO” is vague, ambiguous, overly broad and impose
4 compliance requirements outside of those authorized under Rule 34.

5 Subject to the foregoing, Righthaven has attached materials to the Complaint and to publicly
6 available filings in this matter that are potentially responsive to this request. These materials are
7 already in the possession of Democratic Underground’s counsel. If required, Righthaven will
8 make these same materials available for inspection and copying or otherwise arrange for their
9 production. Righthaven is in the process of investigating whether additionally responsive
10 material exists and, if so, whether said material should be designated under the Stipulated
11 Protective Order entered in this action. Righthaven will supplement this response and produce,
12 or arrange for the production, of additional responsive material consistent with its obligations
13 under the Federal Rules of Civil Procedure. Righthaven additionally directs Democratic
14 Underground to the July 19, 2010 Assignment and the Strategic Alliance Agreement (Bates Nos.
15 SM000078-94), which have been previously produced in this action by Stephens Media.

16
17 **DOCUMENT REQUEST NO. 10:**

18 ALL DOCUMENTS that refer or RELATE TO any “right of reversion” referenced in the
19 JULY 19, 2010 ASSIGNMENT.

20
21 **RESPONSE TO DOCUMENT REQUEST NO. 10:**

22 Righthaven supplements is prior response to this request by objecting to it on the grounds
23 that the phrase “refer or RELATE TO” is vague, ambiguous, overly broad and impose
24 compliance requirements outside of those authorized under Rule 34.

25 Subject to the foregoing, Righthaven additionally directs Democratic Underground to the
26 July 19, 2010 Assignment and the Strategic Alliance Agreement (Bates Nos. SM000078-94),
27 which have been previously produced in this action by Stephens Media. Righthaven is presently
28 unaware of the existence of any additional materials responsive to this request. Righthaven will

1 supplement this response and produce, or arrange for the production, of additional responsive
2 material consistent with its obligations under the Federal Rules of Civil Procedure.

3
4 **DOCUMENT REQUEST NO. 11:**

5 ALL DOCUMENTS that refer or RELATE TO any “good and valuable consideration”
6 referenced in the JULY 19, 2010 ASSIGNMENT.

7
8 **RESPONSE TO DOCUMENT REQUEST NO. 11:**

9 Righthaven supplements is prior response to this request by objecting to it on the grounds
10 that the phrase “refer or RELATE TO” is vague, ambiguous, overly broad and impose
11 compliance requirements outside of those authorized under Rule 34.

12 Subject to the foregoing, Righthaven is unaware of the existence of any materials in its
13 possession or under its custody and control that are responsive to this request. Righthaven will
14 supplement this response and produce, or arrange for the production, of additional responsive
15 materials, if any, following its review of possible designation under the Stipulated Protective
16 Order entered in this case, consistent with its obligations under the Federal Rules of Civil
17 Procedure.

18
19 **DOCUMENT REQUEST NO. 12:**

20 ALL DOCUMENTS RELATING TO Righthaven’s use or potential future uses of the
21 NEWS ARTICLE.

22
23 **RESPONSE TO DOCUMENT REQUEST NO. 12:**

24 Righthaven supplements is prior response to this request by objecting to it on the grounds
25 that the phrase “refer or RELATE TO” is vague, ambiguous, overly broad and impose
26 compliance requirements outside of those authorized under Rule 34. Righthaven also objects to
27 this request as vague, ambiguous and compound in its use of the phrase “use or potential future
28

1 uses of the NEWS ARTICLE.” Righthaven objects to this request on the additional ground that
2 it seeks the production of irrelevant material and collateral material.

3 Subject to the foregoing objections, Righthaven has attached materials to the Complaint and to
4 publicly available filings in this matter that are potentially responsive to this request. These
5 materials are already in the possession of Democratic Underground’s counsel. If required,
6 Righthaven will make these same materials available for inspection and copying or otherwise
7 arrange for their production. Righthaven is in the process of investigating whether additionally
8 responsive material exists and, if so, whether said material should be designated under the
9 Stipulated Protective Order entered in this action. Righthaven will supplement this response and
10 produce, or arrange for the production, of additional responsive material consistent with its
11 obligations under the Federal Rules of Civil Procedure. Righthaven additionally directs
12 Democratic Underground to the July 19, 2010 Assignment and the Strategic Alliance Agreement
13 (Bates Nos. SM000078-94), which have been previously produced in this action by Stephens
14 Media.

15
16 **DOCUMENT REQUEST NO. 13:**

17 ALL DOCUMENTS reflecting the names and addresses (whether electronic mail
18 addresses or otherwise) of any PERSON communicating about Defendants’ use of the NEWS
19 ARTICLE, including any individuals at Righthaven, at Stephens Media, or any other PERSON
20 with whom Righthaven has communicated.

21
22 **RESPONSE TO DOCUMENT REQUEST NO. 13:**

23 Righthaven supplements its response to this request by objecting to it on the grounds that
24 the definition of “Defendants”, to the extent “Defendants” is deemed incorporate the definition
25 of “DU” or “Democratic Underground,” are vague, ambiguous, overly broad and impose
26 compliance requirements outside of those authorized under Rule 34. Righthaven further objects
27 to this request as vague and ambiguous in its use of the phrases “communicating about
28 Defendants’ use of the NEWS ARTICLE” and “with whom Righthaven has communicated.”

1 Subject to the foregoing objections, Righthaven has attached materials to the Complaint and to
2 publicly available filings in this matter that are potentially responsive to this request. These
3 materials are already in the possession of Democratic Underground's counsel. If required,
4 Righthaven will make these same materials available for inspection and copying or otherwise
5 arrange for their production. Righthaven is in the process of investigating whether additionally
6 responsive material exists and, if so, whether said material should be designated under the
7 Stipulated Protective Order entered in this action. Righthaven will supplement this response and
8 produce, or arrange for the production, of additional responsive material consistent with its
9 obligations under the Federal Rules of Civil Procedure. Righthaven additionally directs
10 Democratic Underground to the July 19, 2010 Assignment and the Strategic Alliance Agreement
11 (Bates Nos. SM000078-94), which have been previously produced in this action by Stephens
12 Media.

13
14 **DOCUMENT REQUEST NO. 14:**

15 ALL DOCUMENTS that refer or RELATE TO any licensing or attempted licensing of
16 the NEWS ARTICLE by Righthaven or Stephens Media.

17
18 **RESPONSE TO DOCUMENT REQUEST NO. 14:**

19 Righthaven supplements its response to this request by objecting to it on the grounds that
20 the phrase "refer or RELATE TO" is vague, ambiguous, overly broad and impose compliance
21 requirements outside of those authorized under Rule 34. Righthaven also objects to this request
22 as vague, ambiguous and compound in it use of the phrases "any licensing or attempted licensing
23 of" and "by Righthaven or Stephens Media." Righthaven additionally objects to this request on
24 the grounds that it calls for the production of materials not reasonably calculated to lead to the
25 discovery of admissible evidence.

26 Subject to the foregoing, Righthaven is unaware of the existence of any materials
27 responsive to this request. Righthaven will supplement this response and produce, or arrange for
28

1 the production, of additional responsive material consistent with its obligations under the
2 Federal Rules of Civil Procedure.

3
4 **DOCUMENT REQUEST NO. 15:**

5 ALL DOCUMENTS that refer or RELATE TO any plans to license the NEWS
6 ARTICLE.

7
8 **RESPONSE TO DOCUMENT REQUEST NO. 15:**

9 Righthaven supplements its response to this request by objecting to it on the grounds that
10 the phrases “refer or RELATE TO” and “NEWS ARTICLE” are vague, ambiguous, overly broad
11 and impose compliance requirements outside of those authorized under Rule 34. Righthaven
12 also objects to this request as vague, ambiguous and compound in its use of the phrases “any
13 plans to license the NEWS ARTICLE.” Righthaven additionally objects to this request on the
14 grounds that it calls for the production of materials not reasonably calculated to lead to the
15 discovery of admissible evidence.

16 Subject to the foregoing, Righthaven is unaware of the existence of any materials
17 responsive to this request. Righthaven will supplement this response and produce, or arrange for
18 the production, of additional responsive material consistent with its obligations under the Federal
19 Rules of Civil Procedure.

20
21 **DOCUMENT REQUEST NO. 16:**

22 ALL DOCUMENTS that refer or RELATE TO any licensing or attempted licensing of
23 copyrighted works originating with the LVRJ by Righthaven.

24
25 **RESPONSE TO DOCUMENT REQUEST NO. 16:**

26 Righthaven supplements its response to this request by objecting to it on the grounds that
27 the phrase “refer or RELATE TO” is vague, ambiguous, overly broad and impose compliance
28 requirements outside of those authorized under Rule 34. Righthaven also objects to this request

1 as vague, ambiguous and compound in its use of the phrase “any licensing or attempted licensing
2 of copyrighted works originating with the LVRJ by Righthaven.” Righthaven objects to this
3 request on the additional ground that it seeks the production of irrelevant material to the extent it
4 calls for the production of material that was somehow attempted.

5 Subject to the foregoing, Righthaven is unaware of the existence of any materials
6 responsive to this request. Righthaven will supplement this response and produce, or arrange for
7 the production, of additional responsive material, if any, consistent with its obligations under the
8 Federal Rules of Civil Procedure.

9
10 **DOCUMENT REQUEST NO. 17:**

11 ALL DOCUMENTS that reflect any settlements by Righthaven of claims for copyright
12 infringement.

13
14 **RESPONSE TO DOCUMENT REQUEST NO. 17:**

15 Righthaven supplements its prior response to this request by objecting to it as vague and
16 ambiguous in its use of the phrases “that reflect” and “any settlements by Righthaven of claims
17 for copyright infringement.” Righthaven objects to this request on the additional ground that it
18 seeks the production of irrelevant material and has been propounded solely to harass.

19
20 **DOCUMENT REQUEST NO. 18:**

21 ALL COMMUNICATIONS with any PERSON by Righthaven RELATING TO terms
22 for settlements for claims of copyright infringement in any article published by the LVRJ.

23
24 **RESPONSE TO DOCUMENT REQUEST NO. 18:**

25 Righthaven supplements its prior response to this request by objecting to it on the
26 grounds that the definitions of “COMMUNICATIONS,” and “RELATING TO” are vague,
27 ambiguous, overly broad and impose compliance requirements outside of those authorized under
28 Rule 34. Righthaven also objects to this request as vague and ambiguous in its use of the phrases

1 “by Righthaven” and “terms for settlements for claims of copyright infringement in any article
2 published by the LVRJ.” Righthaven objects to this request on the additional ground that it seeks
3 the production of irrelevant material and has been propounded solely to harass.
4

5 **DOCUMENT REQUEST NO. 19:**

6 ALL DOCUMENTS that refer or RELATE TO any plans to license any copyrighted
7 works by Righthaven.
8

9 **RESPONSE TO DOCUMENT REQUEST NO. 19:**

10 Righthaven supplements its prior response to this request by objecting to it on the
11 grounds that the phrase “refer or RELATE TO” is vague, ambiguous, overly broad and impose
12 compliance requirements outside of those authorized under Rule 34. Righthaven also objects to
13 this request as vague and ambiguous in it use of the phrase “any plans to license any copyrighted
14 works by Righthaven.” Righthaven objects to this request on the additional ground that it seeks
15 the production of irrelevant material.
16

17 **DOCUMENT REQUEST NO. 20:**

18 YOUR articles of organization.
19

20 **RESPONSE TO DOCUMENT REQUEST NO. 20:**

21 Righthaven will produce, or make available for inspection and copying, materials
22 responsive to this request. Righthaven additionally notes that such material can readily be
23 obtained from the Nevada Secretary of State’s office.
24

25 **DOCUMENT REQUEST NO. 21:**

26 ALL DOCUMENTS RELATING TO any harm to Righthaven as a result of any use of
27 the NEWS ARTICLE by Defendants.
28

1 **RESPONSE TO DOCUMENT REQUEST NO. 21:**

2 Righthaven supplements its prior response to this request by objecting to it on the
3 grounds that the definitions of "RELATING TO," and "Defendants", to the extent "Defendants"
4 is deemed incorporate the definition of "DU" or "Democratic Underground," are vague,
5 ambiguous, overly broad and impose compliance requirements outside of those authorized under
6 Rule 34. Righthaven further objects to this request as vague and ambiguous in its use of the
7 phrases "any harm to Righthaven" and "as a result of any use of the NEWS ARTICLE by
8 Defendants."

9 Subject to the foregoing objections, Righthaven has submitted publicly available filings
10 in this matter that are potentially responsive to this request. These materials are already in the
11 possession of Democratic Underground's counsel. If required, Righthaven will make these same
12 materials available for inspection and copying or otherwise arrange for their production.
13 Righthaven is in the process of investigating whether additionally responsive material exists and,
14 if so, whether said material should be designated under the Stipulated Protective Order entered in
15 this action. Righthaven will supplement this response and produce, or arrange for the
16 production, of additional responsive material, if any, consistent with its obligations under the
17 Federal Rules of Civil Procedure.

18
19 **DOCUMENT REQUEST NO. 22:**

20 ALL DOCUMENTS evidencing or RELATING TO any harm to Righthaven as a result
21 of any allegedly unauthorized use of any LVRJ article.
22

23 **RESPONSE TO DOCUMENT REQUEST NO. 22:**

24 Righthaven supplements its prior response to this request by objecting to it on the
25 grounds that the phrase "refer or RELATE TO" is vague, ambiguous, overly broad and impose
26 compliance requirements outside of those authorized under Rule 34. Righthaven further objects
27 to this request as compound, vague, ambiguous and overly broad in its use of the phrases
28 "evidencing or RELATING TO," "any harm to Righthaven" and "allegedly unauthorized use of

1 any LVRJ article.” Righthaven additionally objects to this request on the grounds that it calls for
2 the production of materials protected from discovery under the attorney work product doctrine
3 and/or attorney client privilege through, at least, through its use of the phrase “evidencing.”
4 Righthaven additionally objects to this request on the grounds that it calls for the production of
5 materials not reasonably calculated to lead to the discovery of admissible evidence.
6

7 **DOCUMENT REQUEST NO. 23:**

8 ALL DOCUMENTS evidencing or RELATING TO any harm to Stephens Media as a
9 result of any use of the NEWS ARTICLE by Defendants.
10

11 **RESPONSE TO DOCUMENT REQUEST NO. 23:**

12 Righthaven supplements its prior response to this request by objecting to it on the
13 grounds that the phrases “refer or RELATING TO” and “Defendants”, to the extent
14 “Defendants” is deemed incorporate the definition of “DU” or “Democratic Underground,” are
15 vague, ambiguous, overly broad and impose compliance requirements outside of those
16 authorized under Rule 34. Righthaven further objects to this request as vague and ambiguous in
17 its use of the phrases “any harm to Stephens Media” and “as a result of any use of the NEWS
18 ARTICLE by Defendants.” Righthaven additionally objects to this request on the grounds that it
19 calls for the production of materials not reasonably calculated to lead to the discovery of
20 admissible evidence. Righthaven also objects to this request as calling for the production of
21 materials protected from discovery under the attorney work product doctrine and/or attorney
22 client privilege through, at least, through its use of the phrase “evidencing.”
23

24 **DOCUMENT REQUEST NO. 24:**

25 ALL DOCUMENTS evidencing or RELATING TO any harm to Stephens Media that
26 could result if uses such as those by Democratic Underground of the NEWS ARTICLE became
27 widespread.
28

1 **RESPONSE TO DOCUMENT REQUEST NO. 24:**

2 Righthaven supplements its prior response to this request by objecting to it on the
3 grounds that the phrases “refer or RELATING TO” and “DU” or “Democratic Underground,”
4 are vague, ambiguous, overly broad and impose compliance requirements outside of those
5 authorized under Rule 34. Righthaven further objects to this request as compound, vague and
6 ambiguous in its use of the phrases “evidencing or RELATING TO,” “any harm to Stephens
7 Media” and “that could result if uses such as those by Democratic Underground of the NEWS
8 ARTICLE became widespread.” Righthaven additionally objects to this request on the grounds
9 that it speculative. Righthaven also objects to the request to the extent it calls for the production
10 of materials protected from discovery under the attorney work product doctrine and/or attorney
11 client privilege through, at least, through its use of the phrase “evidencing.”

12
13 **DOCUMENT REQUEST NO. 25:**

14 Any analyses, studies, reports, or COMMUNICATIONS regarding the actual or potential
15 impact on the newspaper industry, of copying of newspaper articles, or portions thereof, on
16 Internet websites.

17
18 **RESPONSE TO DOCUMENT REQUEST NO. 25:**

19 Righthaven supplements its prior response to this request by objecting to it on the
20 grounds that the definition of “COMMUNICATIONS” is vague, ambiguous, overly broad and
21 imposes compliance requirements outside of those authorized under Rule 34. Righthaven further
22 objects to this request as compound, vague and ambiguous in its use of the phrases “[a]ny
23 analyses, studies, reports, or COMMUNICATIONS,” and “the actual or potential impact on the
24 newspaper industry, of copying of newspaper articles, or portions thereof, on Internet websites.”
25 Righthaven objects to this request on the additional ground that it seeks the production of
26 irrelevant material.

27 Subject to the foregoing, Righthaven has referenced at least one form of responsive
28 material in its publicly available filings. Righthaven is investigating whether or not it is still in

1 possession of the material referenced in said publicly available filings. If it is in possession of
2 such material, it will produce it, or arrange for its inspection and copying. Righthaven will
3 supplement this response and produce, or arrange for the production, of additional responsive
4 material, if any, consistent with its obligations under the Federal Rules of Civil Procedure.

5
6 **DOCUMENT REQUEST NO. 26:**

7 ALL logs of any kind or other data reflecting or RELATING TO the NEWS ARTICLE's
8 display on the LVRJ WEBSITE, including without limitation, those reflecting views of the
9 NEWS ARTICLE, dates, IP address sufficient to identify geography of viewer, source of the
10 viewer, actions by the viewer, sharing or printing by the viewer, advertising displayed with the
11 NEWS ARTICLE, revenue from such advertising.

12
13 **RESPONSE TO DOCUMENT REQUEST NO. 26:**

14 Righthaven supplements its prior response to this request by objecting to it on the
15 grounds that the definitions of "RELATING TO" and "LVRJ WEBSITE" are vague, ambiguous,
16 overly broad and impose compliance requirements outside of those authorized under Rule 34.
17 Righthaven further objects to this request as compound, vague and ambiguous and incapable of
18 formulating a response given the manner in which it is articulated. Righthaven additionally
19 objects to this request on the grounds that it calls for the production of materials protected from
20 discovery under the attorney work product doctrine and/or attorney client privilege through, at
21 least, through its use of the phrase "evidencing."

22 Subject to the foregoing, Righthaven directs Democratic Underground to the materials
23 attached to the Complaint and to the materials attached to its publicly available filings in this
24 matter, which contain materials responsive to this request. These materials are already in the
25 possession of Democratic Underground's counsel. If required, Righthaven will make these same
26 materials available for inspection and copying or otherwise arrange for their production. At this
27 time, Righthaven is unaware of any additional materials responsive to this request. Should
28 Righthaven locate materials responsive to this request that it has not otherwise provided to

1 Democratic Underground, it will supplement this response and make said materials available for
2 inspection and copying or otherwise arrange for their production.

3
4 **DOCUMENT REQUEST NO. 27:**

5 ALL DOCUMENTS evidencing or RELATING TO Stephens Media's revenue received
6 in whole or in part as a result of display of the NEWS ARTICLE, including without limitation
7 the number of incidents generating revenue (whether paid per click or per display or otherwise),
8 price per incident, date and payor.

9
10 **RESPONSE TO DOCUMENT REQUEST NO. 27:**

11 Righthaven supplements its prior response to this request by objecting to it on the
12 grounds that the definitions of "RELATING TO" is vague, ambiguous, overly broad and impose
13 compliance requirements outside of those authorized under Rule 34. Righthaven further objects
14 to this request as compound, vague and ambiguous in its use of the phrases "evidencing or
15 RELATING TO," "Stephens Media's revenue received in whole or in part as a result of display
16 of the NEWS ARTICLE" and "including without limitation the number of incidents generating
17 revenue (whether paid per click or per display or otherwise), price per incident, date and payor."
18 Righthaven additionally objects to this request on the grounds that it calls for the production of
19 materials protected from discovery under the attorney work product doctrine and/or attorney
20 client privilege through, at least, through its use of the phrase "evidencing."

21 Subject to the foregoing, Righthaven is unaware of the existence of any materials in its
22 possession or under its custody and control that are responsive to this request. Righthaven will
23 supplement this response and produce, or arrange for the production, of additional responsive
24 materials, if any, following its review of possible designation under the Stipulated Protective
25 Order entered in this case, consistent with its obligations under the Federal Rules of Civil
26 Procedure.

1 **DOCUMENT REQUEST NO. 28:**

2 ALL DOCUMENTS evidencing or RELATING TO Stephens Media's revenue from the
3 LVRJ WEBSITE from 2008 to the present, including without limitation documentation of
4 amounts received daily, sources of those amounts, type of revenue (*e.g.*, PPC, CPM, etc.),
5 average pricing, and average number of events generating revenues.
6

7 **RESPONSE TO DOCUMENT REQUEST NO. 28:**

8 Righthaven supplements its prior response to this request by objecting to it on the
9 grounds that the definitions of "RELATING TO," and "LVRJ WEBSITE" are vague,
10 ambiguous, overly broad and impose compliance requirements outside of those authorized under
11 Rule 34. Righthaven further objects to this request as compound, overly broad, vague and
12 ambiguous in its use of the phrases "evidencing or RELATING TO," "Stephens Media's revenue
13 from the LVRJ WEBSITE from 2008 to the present," and "including without limitation
14 documentation of amounts received daily, sources of those amounts, type of revenue (*e.g.*, PPC,
15 CPM, etc.), average pricing, and average number of events generating revenues." Righthaven
16 additionally objects to this request on the grounds that it calls for the production of materials
17 protected from discovery under the attorney work product doctrine and/or attorney client
18 privilege through, at least, through its use of the phrase "evidencing."

19 Subject to the foregoing, Righthaven is unaware of the existence of any materials in its
20 possession or under its custody and control that are responsive to this request. Righthaven will
21 supplement this response and produce, or arrange for the production, of additional responsive
22 materials, if any, following its review of possible designation under the Stipulated Protective
23 Order entered in this case, consistent with its obligations under the Federal Rules of Civil
24 Procedure.
25

26 **DOCUMENT REQUEST NO. 29:**

27 ALL business plans for the LVRJ WEBSITE.
28

1 **RESPONSE TO DOCUMENT REQUEST NO. 29:**

2 Righthaven supplements its prior response to this request by objecting to it on the
3 grounds that the definition of "LVRJ WEBSITE" is vague, ambiguous, overly broad and
4 imposes compliance requirements outside of those authorized under Rule 34. Righthaven further
5 objects to this request as overly broad, vague and ambiguous in its use of the phrase "ALL
6 business plans" and its failure to state time period for the requested material. Righthaven also
7 objects to this request as calling for the production of irrelevant material.

8 Subject to the foregoing, Righthaven is unaware of the existence of any materials in its
9 possession or under its custody and control that are responsive to this request. Righthaven will
10 supplement this response and produce, or arrange for the production, of additional responsive
11 materials, if any, following its review of possible designation under the Stipulated Protective
12 Order entered in this case, consistent with its obligations under the Federal Rules of Civil
13 Procedure.

14
15 **DOCUMENT REQUEST NO. 30:**

16 ALL marketing plans for the LVRJ WEBSITE.
17

18 **RESPONSE TO DOCUMENT REQUEST NO. 30:**

19 Righthaven supplements its prior response to this request by objecting to it on the
20 grounds that the definition of "LVRJ WEBSITE" is vague, ambiguous, overly broad and
21 imposes compliance requirements outside of those authorized under Rule 34. Righthaven further
22 objects to this request as overly broad, vague and ambiguous in its use of the phrase "ALL
23 marketing plans". Righthaven also objects to this request as calling for the production of
24 irrelevant material.

25 Subject to the foregoing, Righthaven is unaware of the existence of any materials in its
26 possession or under its custody and control that are responsive to this request. Righthaven will
27 supplement this response and produce, or arrange for the production, of additional responsive
28 materials, if any, following its review of possible designation under the Stipulated Protective

1 Order entered in this case, consistent with its obligations under the Federal Rules of Civil
2 Procedure.

3
4 **DOCUMENT REQUEST NO. 31:**

5 ALL COMMUNICATIONS that refer or RELATE TO the Defendants in this lawsuit
6 (excluding any assertedly privileged COMMUNICATIONS, which shall be logged pursuant to
7 the SCHEDULING ORDER).

8
9 **RESPONSE TO DOCUMENT REQUEST NO. 31:**

10 Righthaven supplements its prior response to this request by objecting to it on the
11 grounds that the definitions of “refer or RELATE TO,” “COMMUNICATIONS,” and
12 “Defendants”, to the extent “Defendants” is deemed incorporate the definition of “DU” or
13 “Democratic Underground,” are vague, ambiguous, overly broad and impose compliance
14 requirements outside of those authorized under Rule 34.

15 Subject to the foregoing, Righthaven has attached materials to the Complaint and to
16 publicly available filings in this matter, such as the Complaint and other pleadings, that are
17 potentially responsive to this request. These materials are already in the possession of
18 Democratic Underground’s counsel. If required, Righthaven will make these same materials
19 available for inspection and copying or otherwise arrange for their production. Righthaven
20 additionally directs Democratic Underground to the July 19, 2010, which has been previously
21 produced in this action by Stephens Media.

22
23 **DOCUMENT REQUEST NO. 32:**

24 ALL COMMUNICATIONS that refer or RELATE TO the NEWS ARTICLE (excluding
25 any assertedly privileged COMMUNICATIONS, which shall be logged pursuant to the
26 SCHEDULING ORDER).

1 **RESPONSE TO DOCUMENT REQUEST NO. 32:**

2 Righthaven supplements its prior response to this request by objecting to it on the
3 grounds that the definitions of “COMMUNICATIONS” and “refer or RELATE TO,” are vague,
4 ambiguous, overly broad and impose compliance requirements outside of those authorized under
5 Rule 34.

6 Subject to the foregoing, Righthaven has attached materials to the Complaint and to
7 publicly available filings in this matter that are potentially responsive to this request. These
8 materials are already in the possession of Democratic Underground’s counsel. If required,
9 Righthaven will make these same materials available for inspection and copying or otherwise
10 arrange for their production. Righthaven is in the process of investigating whether additionally
11 responsive material exists and, if so, whether said material should be designated under the
12 Stipulated Protective Order entered in this action. Righthaven will supplement this response and
13 produce, or arrange for the production, of additional responsive material consistent with its
14 obligations under the Federal Rules of Civil Procedure. Righthaven additionally directs
15 Democratic Underground to the July 19, 2010, which has been previously produced in this action
16 by Stephens Media.

17
18 **DOCUMENT REQUEST NO. 33:**

19 ALL COMMUNICATIONS that refer or RELATE TO Stephens Media (excluding any
20 assertedly privileged COMMUNICATIONS, which shall be logged pursuant to the
21 SCHEDULING ORDER).

22
23 **RESPONSE TO DOCUMENT REQUEST NO. 33:**

24 Righthaven supplements its prior response to this request by objecting to it on the
25 grounds that the definitions of “COMMUNICATIONS,” “refer or RELATE TO” are vague,
26 ambiguous, overly broad and impose compliance requirements outside of those authorized under
27 Rule 34. Righthaven objects to this request to the extent it is interpreted to require the production
28 of irrelevant material outside the permissible scope of discovery in this action.

1 Subject to the foregoing, Righthaven has attached materials to the Complaint and to publicly
2 available filings in this matter that are potentially responsive to this request. These materials are
3 already in the possession of Democratic Underground's counsel. If required, Righthaven will
4 make these same materials available for inspection and copying or otherwise arrange for their
5 production. Righthaven is in the process of investigating whether additionally responsive
6 material exists and, if so, whether said material should be designated under the Stipulated
7 Protective Order entered in this action. Righthaven will supplement this response and produce,
8 or arrange for the production, of additional responsive material consistent with its obligations
9 under the Federal Rules of Civil Procedure. Righthaven additionally directs Democratic
10 Underground to the July 19, 2010 Assignment and the Strategic Alliance Agreement (Bates Nos.
11 SM000078-94), which have been previously produced in this action by Stephens Media.

12
13 **DOCUMENT REQUEST NO. 34:**

14 ALL COMMUNICATIONS that refer or RELATE TO Net Sortie Systems LLC
15 (excluding any assertedly privileged COMMUNICATIONS, which shall be logged pursuant to
16 the SCHEDULING ORDER).

17
18 **RESPONSE TO DOCUMENT REQUEST NO. 34:**

19 Righthaven supplements its prior response to this request by objecting to it on the
20 grounds that the definitions of "COMMUNICATIONS" and "refer or RELATE TO," are vague,
21 ambiguous, overly broad and impose compliance requirements outside of those authorized under
22 Rule 34. Righthaven further objects to this request as calling for the production of irrelevant
23 material related to a non-party, Net Sortie Systems, LLC.

24 Subject to the foregoing, Righthaven is in the process of investigating whether any
25 relevant, responsive material exists and, if so, whether said material should be designated under
26 the Stipulated Protective Order entered in this action. Righthaven will supplement this response
27 and produce, or arrange for the production, of additional responsive material consistent with its
28 obligations under the Federal Rules of Civil Procedure.

1 **DOCUMENT REQUEST NO. 35:**

2 ALL COMMUNICATIONS that refer or RELATE TO SI Content Monitor LLC
3 (excluding any assertedly privileged COMMUNICATIONS, which shall be logged pursuant to
4 the SCHEDULING ORDER).

5
6 **RESPONSE TO DOCUMENT REQUEST NO. 35:**

7 Righthaven supplements its prior response to this request by objecting to it on the
8 grounds that the definitions of “COMMUNICATIONS” and “refer or RELATE TO,” are vague,
9 ambiguous, overly broad and impose compliance requirements outside of those authorized under
10 Rule 34. Righthaven further objects to this request as calling for the production of irrelevant
11 material related to a non-party, SI Content Monitor, LLC.

12 Subject to the foregoing, Righthaven is in the process of investigating whether any
13 relevant, responsive material exists and, if so, whether said material should be designated under
14 the Stipulated Protective Order entered in this action. Righthaven will supplement this response
15 and produce, or arrange for the production, of additional responsive material consistent with its
16 obligations under the Federal Rules of Civil Procedure.

17
18 **DOCUMENT REQUEST NO. 36:**

19 ALL COMMUNICATIONS that refer or RELATE TO WEHCO Media (excluding any
20 assertedly privileged COMMUNICATIONS, which shall be logged pursuant to the
21 SCHEDULING ORDER).

22
23 **RESPONSE TO DOCUMENT REQUEST NO. 36:**

24 Righthaven supplements its prior response to this request by objecting to it on the
25 grounds that the definitions of “COMMUNICATIONS” and “refer or RELATE TO,” are vague,
26 ambiguous, overly broad and impose compliance requirements outside of those authorized under
27 Rule 34. Righthaven further objects to this request as calling for the production of irrelevant
28

1 material related to a non-party, WEHCO Media, and has been done purely for harassment
2 purposes.

3 Subject to the foregoing, Righthaven is in the process of investigating whether any
4 relevant, responsive material exists and, if so, whether said material should be designated under
5 the Stipulated Protective Order entered in this action. Righthaven will supplement this response
6 and produce, or arrange for the production, of additional responsive material consistent with its
7 obligations under the Federal Rules of Civil Procedure.

8
9 **DOCUMENT REQUEST NO. 37:**

10 ALL COMMUNICATIONS that refer or RELATE TO Media News Group (excluding
11 any assertedly privileged COMMUNICATIONS, which shall be logged pursuant to the
12 SCHEDULING ORDER).

13
14 **RESPONSE TO DOCUMENT REQUEST NO. 37:**

15 Righthaven supplements its prior response to this request by objecting to it on the
16 grounds that the definitions of “COMMUNICATIONS” and “refer or RELATE TO,” are vague,
17 ambiguous, overly broad and impose compliance requirements outside of those authorized under
18 Rule 34. Righthaven further objects to this request as calling for the production of irrelevant
19 material related to a non-party, News Media Group, and has been done purely for harassment
20 purposes.

21 Subject to the foregoing, Righthaven is in the process of investigating whether any
22 relevant, responsive material exists and, if so, whether said material should be designated under
23 the Stipulated Protective Order entered in this action. Righthaven will supplement this response
24 and produce, or arrange for the production, of additional responsive material consistent with its
25 obligations under the Federal Rules of Civil Procedure.

26
27 **DOCUMENT REQUEST NO. 38:**

28 ALL COMMUNICATIONS between YOU and Sherman Frederick.

1 **RESPONSE TO DOCUMENT REQUEST NO. 38:**

2 Righthaven supplements its prior response to this request by objecting to it on the
3 grounds that the definitions of "COMMUNICATIONS" is vague, ambiguous, overly broad and
4 imposes compliance requirements outside of those authorized under Rule 34. Righthaven objects
5 to this request to the extent it is interpreted to require the production of irrelevant material
6 outside the permissible scope of discovery in this action.

7 Subject to the foregoing, Righthaven is in the process of investigating whether any
8 relevant, responsive material exists and, if so, whether said material should be designated under
9 the Stipulated Protective Order entered in this action. Righthaven will supplement this response
10 and produce, or arrange for the production, of additional responsive material consistent with its
11 obligations under the Federal Rules of Civil Procedure.

12
13 **DOCUMENT REQUEST NO. 39:**

14 ALL COMMUNICATIONS between YOU and Michael Ferguson.

15
16 **RESPONSE TO DOCUMENT REQUEST NO. 39:**

17 Righthaven supplements its prior response to this request by objecting to it on the
18 grounds that the definitions of "COMMUNICATIONS" is vague, ambiguous, overly broad and
19 imposes compliance requirements outside of those authorized under Rule 34. Righthaven objects
20 to this request to the extent it is interpreted to require the production of irrelevant material
21 outside the permissible scope of discovery in this action.

22 Subject to the foregoing, Righthaven is in the process of investigating whether any
23 relevant, responsive material exists and, if so, whether said material should be designated under
24 the Stipulated Protective Order entered in this action. Righthaven will supplement this response
25 and produce, or arrange for the production, of additional responsive material consistent with its
26 obligations under the Federal Rules of Civil Procedure.

1 **DOCUMENT REQUEST NO. 40:**

2 ALL COMMUNICATIONS between YOU and Bob Brown.

3
4 **RESPONSE TO DOCUMENT REQUEST NO. 40:**

5 Righthaven supplements its prior response to this request by objecting to it on the
6 grounds that the definitions of "COMMUNICATIONS" is vague, ambiguous, overly broad and
7 imposes compliance requirements outside of those authorized under Rule 34. Righthaven objects
8 to this request to the extent it is interpreted to require the production of irrelevant material
9 outside the permissible scope of discovery in this action.

10 Subject to the foregoing, Righthaven is in the process of investigating whether any
11 relevant, responsive material exists and, if so, whether said material should be designated under
12 the Stipulated Protective Order entered in this action. Righthaven will supplement this response
13 and produce, or arrange for the production, of additional responsive material consistent with its
14 obligations under the Federal Rules of Civil Procedure.

15
16 **DOCUMENT REQUEST NO. 41:**

17 ALL COMMUNICATIONS between YOU and Mark Hinueber.

18
19 **RESPONSE TO DOCUMENT REQUEST NO. 41:**

20 Righthaven supplements its prior response to this request by objecting to it on the
21 grounds that the definitions of "COMMUNICATIONS" is vague, ambiguous, overly broad and
22 imposes compliance requirements outside of those authorized under Rule 34. Righthaven objects
23 to this request to the extent it is interpreted to require the production of irrelevant material
24 outside the permissible scope of discovery in this action.

25 Subject to the foregoing, Righthaven is in the process of investigating whether any
26 relevant, responsive material exists and, if so, whether said material should be designated under
27 the Stipulated Protective Order entered in this action. Righthaven will supplement this response
28

1 and produce, or arrange for the production, of additional responsive material consistent with its
2 obligations under the Federal Rules of Civil Procedure. Righthaven additionally directs
3 Democratic Underground to the July 19, 2010 Assignment and the Strategic Alliance Agreement
4 (Bates Nos. SM000078-94), which have been previously produced in this action by Stephens
5 Media.

6
7 **DOCUMENT REQUEST NO. 42:**

8 ALL COMMUNICATIONS between YOU and Jackson Farrow.

9
10 **RESPONSE TO DOCUMENT REQUEST NO. 42:**

11 Righthaven supplements its prior response to this request by objecting to it on the
12 grounds that the definitions of "COMMUNICATIONS" is vague, ambiguous, overly broad and
13 imposes compliance requirements outside of those authorized under Rule 34. Righthaven objects
14 to this request to the extent it is interpreted to require the production of irrelevant material
15 outside the permissible scope of discovery in this action.

16 Subject to the foregoing, Righthaven is in the process of investigating whether any
17 relevant, responsive material exists and, if so, whether said material should be designated under
18 the Stipulated Protective Order entered in this action. Righthaven will supplement this response
19 and produce, or arrange for the production, of additional responsive material consistent with its
20 obligations under the Federal Rules of Civil Procedure.

21
22 **DOCUMENT REQUEST NO. 43:**

23 ALL COMMUNICATIONS between YOU and Kathy Bryant.

24
25 **RESPONSE TO DOCUMENT REQUEST NO. 43:**

26 Righthaven supplements its prior response to this request by objecting to it on the
27 grounds that the definitions of "COMMUNICATIONS" is vague, ambiguous, overly broad and
28 imposes compliance requirements outside of those authorized under Rule 34. Righthaven objects

1 to this request to the extent it is interpreted to require the production of irrelevant material
2 outside the permissible scope of discovery in this action.

3 Subject to the foregoing, Righthaven is in the process of investigating whether any
4 relevant, responsive material exists and, if so, whether said material should be designated under
5 the Stipulated Protective Order entered in this action. Righthaven will supplement this response
6 and produce, or arrange for the production, of additional responsive material consistent with its
7 obligations under the Federal Rules of Civil Procedure.

8
9 **DOCUMENT REQUEST NO. 44:**

10 ALL COMMUNICATIONS between YOU and Warren Stephens.

11
12 **RESPONSE TO DOCUMENT REQUEST NO. 44:**

13 Righthaven supplements its prior response to this request by objecting to it on the
14 grounds that the definitions of "COMMUNICATIONS" is vague, ambiguous, overly broad and
15 imposes compliance requirements outside of those authorized under Rule 34. Righthaven objects
16 to this request to the extent it is interpreted to require the production of irrelevant material
17 outside the permissible scope of discovery in this action.

18 Subject to the foregoing, Righthaven is in the process of investigating whether any
19 relevant, responsive material exists and, if so, whether said material should be designated under
20 the Stipulated Protective Order entered in this action. Righthaven will supplement this response
21 and produce, or arrange for the production, of additional responsive material consistent with its
22 obligations under the Federal Rules of Civil Procedure.

23
24 **DOCUMENT REQUEST NO. 45:**

25 ALL contracts, agreements, investment DOCUMENTS, or other terms between YOU
26 and Stephens Media.

1 **RESPONSE TO DOCUMENT REQUEST NO. 45:**

2 Righthaven supplements its prior response by objecting to this request as compound,
3 overly broad, vague and ambiguous in its use of the phrase "ALL contracts, agreements,
4 investment DOCUMENTS, or other terms." As such, Righthaven additionally objects to this
5 request as calling for the production of irrelevant material and has been done solely for the
6 purpose of harassment.

7 Subject to the foregoing objections, Righthaven has attached and/or referenced materials to the
8 Complaint and to publicly available filings in this matter that are potentially responsive to this
9 request. These materials are already in the possession of Democratic Underground's counsel. If
10 required, Righthaven will make these same materials available for inspection and copying or
11 otherwise arrange for their production. Righthaven is in the process of investigating whether
12 additionally responsive material exists and, if so, whether said material should be designated
13 under the Stipulated Protective Order entered in this action. Righthaven will supplement this
14 response and produce, or arrange for the production, of additional responsive material consistent
15 with its obligations under the Federal Rules of Civil Procedure. Righthaven additionally directs
16 Democratic Underground to the July 19, 2010 Assignment and the Strategic Alliance Agreement
17 (Bates Nos. SM000078-94), which have been previously produced in this action by Stephens
18 Media.

19
20 **DOCUMENT REQUEST NO. 46:**

21 ALL DOCUMENTS that refer or RELATE TO the agreement referenced by Mark
22 Hinueber on KUAR FM 89.1 on or around Sep. 29, 2010 when he said "Righthaven's made the
23 decision that based on their agreement with us, they're not going to send [cease and desist]
24 notices."

25
26 **RESPONSE TO DOCUMENT REQUEST NO. 46:**

27 Righthaven supplements its prior response to this request by objecting to it on the
28 grounds that the phrase "refer or RELATE TO" is vague, ambiguous, overly broad and impose

1 compliance requirements outside of those authorized under Rule 34. Righthaven further objects
2 to this request as compound, overly broad, vague and ambiguous in that it incorporates content
3 into a quote that apparently did not appear in the original statement that was allegedly made.
4 Righthaven additionally objects to this request as calling for the production of irrelevant material
5 and has been done solely for the purpose of harassment.

6 Subject to the foregoing, Righthaven is in the process of investigating whether any
7 relevant, responsive material exists and, if so, whether said material should be designated under
8 the Stipulated Protective Order entered in this action. Righthaven will supplement this response
9 and produce, or arrange for the production, of additional responsive material consistent with its
10 obligations under the Federal Rules of Civil Procedure.

11
12 **DOCUMENT REQUEST NO. 47:**

13 ALL DOCUMENTS that refer or RELATE TO Righthaven's or Stephens Media's
14 policies and practices in sending cease and desist or takedown notices RELATING TO alleged
15 copyright infringement.

16
17 **RESPONSE TO DOCUMENT REQUEST NO. 47:**

18 Righthaven supplements its prior response to this request by objecting to it on the
19 grounds that the phrases "refer or RELATE TO," and "RELATING TO" are vague, ambiguous,
20 overly broad and impose compliance requirements outside of those authorized under Rule 34.
21 Righthaven further objects to this request as compound, overly broad, vague and ambiguous in
22 its uses of such phrases as "refer or RELATE TO," "Righthaven's or Stephen Media's,"
23 "policies and practices," "sending cease and desist or takedown notices. Righthaven additionally
24 objects to this request on the grounds that it calls for the production of material not reasonably
25 calculated to lead to the discovery of admissible evidence.

1 **DOCUMENT REQUEST NO. 48:**

2 DOCUMENTS sufficient to fully reflect and describe the “technology to find
3 infringements on the Internet” referenced by Steve Gibson in the September 8, 2010 conference
4 call hosted by Bryan Cave at around six-minute into the call.
5

6 **RESPONSE TO DOCUMENT REQUEST NO. 48:**

7 Righthaven supplements its prior response by objecting to this request as compound,
8 overly broad, vague and ambiguous in its use of the phrases “sufficient to fully reflect and
9 describe the ‘technology to find infringements on the Internet’” and “at around six-minute into
10 the call.” Righthaven additionally objects to this request as calling for the production of
11 irrelevant material and has been done solely for the purpose of harassment.
12

13 **DOCUMENT REQUEST NO. 49:**

14 ALL DOCUMENTS that refer or RELATE TO the use of any technology to find use of
15 the NEWS ARTICLE by Democratic Underground.
16

17 **RESPONSE TO DOCUMENT REQUEST NO. 49:**

18 Righthaven supplements its prior response by objecting to this request on the grounds
19 that the definitions of “refer or RELATE TO,” and “Democratic Underground” are vague,
20 ambiguous, overly broad and impose compliance requirements outside of those authorized under
21 Rule 34. Righthaven further objects to this request as compound, overly broad, vague and
22 ambiguous in its use of the phrases “refer or RELATE TO” and “the use of any technology to
23 find use of the NEWS ARTICLE.” Righthaven additionally objects to this request as calling for
24 the production of irrelevant material and has been done solely for the purpose of harassment.
25
26
27
28

1 **DOCUMENT REQUEST NO. 50:**

2 ALL DOCUMENTS that refer or RELATE TO Righthaven's "fair use analysis"
3 referenced by Steve Gibson in the September 8, 2010 conference call hosted by Bryan Cave at
4 around the 46-minute mark.

5
6 **RESPONSE TO DOCUMENT REQUEST NO. 50:**

7 Righthaven supplements its prior response to this request by objecting to it grounds that
8 the phrase "refer or RELATE TO" is vague, ambiguous, overly broad and imposes compliance
9 requirements outside of those authorized under Rule 34. Righthaven further objects to this
10 request as compound, overly broad, vague and ambiguous in its use of the phrases "refer or
11 RELATE TO," "Righthaven's 'fair use analysis'" and "at around 46-minute into the call."
12 Righthaven additionally objects to this request as calling for the production of irrelevant material
13 and has been done solely for the purpose of harassment.

14
15 **DOCUMENT REQUEST NO. 51:**

16 ALL DOCUMENTS that refer or RELATE TO any "fair use analysis" conducted by
17 Righthaven with respect to the NEWS ARTICLE or its use (excluding any assertedly privileged
18 COMMUNICATIONS, which shall be logged pursuant to the SCHEDULING ORDER).

19
20 **RESPONSE TO DOCUMENT REQUEST NO. 51:**

21 Righthaven supplements its prior response to this request by objecting to it grounds that
22 the phrase "refer or RELATE TO" is vague, ambiguous, overly broad and imposes compliance
23 requirements outside of those authorized under Rule 34. Righthaven further objects to this
24 request as compound, overly broad, vague and ambiguous in its use of the phrases "refer or
25 RELATE TO" and "any 'fair use analysis' conducted by Righthaven with respect to the NEWS
26 ARTICLE or its use." Righthaven additionally objects to this request as calling for the
27 production of irrelevant material and has been done solely for the purpose of harassment.

1 **DOCUMENT REQUEST NO. 52:**

2 ALL DOCUMENTS that refer or RELATE TO the “automated search matrix” referenced
3 by Steve Gibson in his phone call with Steve Friess that was documented on
4 <http://thetrippodcast.blogspot.com/2010/08/righthaven-provides-wiggle-room-re.html>.

5
6 **RESPONSE TO DOCUMENT REQUEST NO. 52:**

7 Righthaven supplements its prior response to this request by objecting to it grounds that
8 that the definition of “refer or RELATE TO” as vague, ambiguous, overly broad and imposes
9 compliance requirements outside of those authorized under Rule 34. Righthaven further objects
10 to this request as compound, overly broad, vague and ambiguous in its use of the phrase “refer or
11 RELATE TO the ‘automated search matrix.’” Righthaven additionally objects to this request as
12 calling for the production of irrelevant material and has been done solely for the purpose of
13 harassment.

14
15 **DOCUMENT REQUEST NO. 53:**

16 ALL DOCUMENTS that refer or RELATE TO the use of any “automated search matrix”
17 in connection with the NEWS ARTICLE.

18
19 **RESPONSE TO DOCUMENT REQUEST NO. 53:**

20 Righthaven supplements its prior response to this request by objecting to it grounds that
21 that the definition of “refer or RELATE TO” as vague, ambiguous, overly broad and imposes
22 compliance requirements outside of those authorized under Rule 34. Righthaven further objects
23 to this request as compound, overly broad, vague and ambiguous in its use of the phrases “refer
24 or RELATE TO” and “the use of any ‘automated search matrix’ in connection with the NEWS
25 ARTICLE.” Righthaven additionally objects to this request as calling for the production of
26 irrelevant material and has been done solely for the purpose of harassment.

1 **DOCUMENT REQUEST NO. 54:**

2 ALL DOCUMENTS that refer or RELATE TO the method to determine whether to sue,
3 as referenced by Steve Gibson in his phone call with Steve Friess that was documented on
4 <http://thetrippodcast.blogspot.com/2010/08/righthaven-provides-wiggle-room-re.html>.

5
6 **RESPONSE TO DOCUMENT REQUEST NO. 54:**

7 Righthaven supplements its prior response to this request by objecting to it grounds that
8 that the definition of “refer or RELATE TO” as vague, ambiguous, overly broad and imposes
9 compliance requirements outside of those authorized under Rule 34. Righthaven further objects
10 to this request as compound, overly broad, vague and ambiguous in its use of the phrases “refer
11 or RELATE TO” and “method to determine whether to sue.” Righthaven additionally objects to
12 this request as calling for the production of irrelevant material and has been done solely for the
13 purpose of harassment.

14
15 **DOCUMENT REQUEST NO. 55:**

16 ALL DOCUMENTS that refer or RELATE TO the COMMUNICATIONS referenced in
17 Steve Gibson’s statement that there are “communications to my company saying, ‘What can I do
18 to change my behavior, so I’m not disrespecting someone else’s copyrights?’” in the article
19 posted at <http://www.law.com/jsp/cc/PubArticleCC.jsp?id=1202466627090>.

20
21 **RESPONSE TO DOCUMENT REQUEST NO. 55:**

22 Righthaven supplements its prior response to this request by objecting to it grounds that
23 that the definitions of “refer or RELATE TO” and “COMMUNICATIONS” as vague,
24 ambiguous, overly broad and impose compliance requirements outside of those authorized under
25 Rule 34. Righthaven further objects to this request as compound, overly broad, vague and
26 ambiguous in its use of the phrases “refer or RELATE TO” and “there are “communications to
27 my company saying, ‘What can I do to change my behavior, so I’m not disrespecting someone
28

1 else's copyrights?" Righthaven additionally objects to this request as calling for the production
2 of irrelevant material and has been done solely for the purpose of harassment.

3
4 **DOCUMENT REQUEST NO. 56:**

5 ALL business plans of Righthaven.

6
7 **RESPONSE TO DOCUMENT REQUEST NO. 56:**

8 Righthaven supplements its prior response to this request by objecting to it grounds that it
9 is overly broad, vague and ambiguous in its use of the phrase "ALL business plans" and its
10 failure to state time period for the requested material. Righthaven also objects to this request as
11 calling for the production of irrelevant material

12
13 **DOCUMENT REQUEST NO. 57:**

14 ALL marketing plans and marketing materials of Righthaven.

15
16 **RESPONSE TO DOCUMENT REQUEST NO. 57:**

17 Righthaven supplements its prior response to this request by objecting to it grounds that it
18 is as being compound, overly broad, vague and ambiguous in its use of the phrase "ALL
19 marketing plans and marketing materials" and its failure to state time period for the requested
20 material. Righthaven also objects to this request as calling for the production of irrelevant
21 material.

22
23 **DOCUMENT REQUEST NO. 58:**

24 ALL DOCUMENTS referring or RELATING TO the creation of Righthaven, including,
25 without limitation, ALL COMMUNICATION among its founders and funders.

1 **RESPONSE TO DOCUMENT REQUEST NO. 58:**

2 Righthaven supplements its prior response to this request by objecting to it grounds that
3 that the definitions of “referring or RELATING TO,” and “COMMUNICATION” as vague,
4 ambiguous, overly broad and impose compliance requirements outside of those authorized under
5 Rule 34. Righthaven further objects to this request as compound, overly broad, vague and
6 ambiguous in its use of the phrases “refer or RELATE TO” and “the creation of Righthaven,
7 including, without limitation, ALL COMMUNICATION among its founders and funders.”
8 Righthaven additionally objects to this request as calling for the production of irrelevant material
9 and has been done solely for the purpose of harassment.

10
11 **DOCUMENT REQUEST NO. 59:**

12 ALL DOCUMENTS referring or RELATING TO the registration of any copyright in the
13 NEWS ARTICLE, including, without limitation, internal COMMUNICATIONS and
14 COMMUNICATIONS with the United States Copyright Office.

15
16 **RESPONSE TO DOCUMENT REQUEST NO. 59:**

17 Righthaven supplements its prior response to this request by objecting to it grounds that
18 that the definitions of “referring or RELATING TO” and “COMMUNICATIONS” are vague,
19 ambiguous, overly broad and impose compliance requirements outside of those authorized under
20 Rule 34. Righthaven also objects to this request as vague, ambiguous and compound in it use of
21 the phrases “referring or RELATING TO” and “including, without limitation, internal
22 COMMUNICATIONS and COMMUNICATIONS with the United States Copyright Office.”
23 Subject to the foregoing, Righthaven supplements it prior response to this request by directing
24 Democratic Underground to the materials attached to the Complaint and to the materials attached
25 to its publicly available filings in this matter, which contain materials responsive to this request.
26 These materials are already in the possession of Democratic Underground’s counsel. If required,
27 Righthaven will make these same materials available for inspection and copying or otherwise
28 arrange for their production. Righthaven is in the process of reviewing potentially responsive

1 material to this request for designation under the Stipulated Protective Order entered in this
2 action. Righthaven will produce any materials designated by it or make such designated
3 materials available for inspection and copying on a mutually agreeable date and time. Should
4 Righthaven locate any additional materials responsive to this request during the course of
5 litigation, it will supplement this response and make said materials available for inspection and
6 copying or otherwise arrange for their production following their review for appropriate
7 designation under the Stipulated Protective Order. Righthaven additionally directs Democratic
8 Underground to the July 19, 2010 Assignment, which has been previously produced in this
9 action by Stephens Media.

10
11 **DOCUMENT REQUEST NO. 60:**

12 ALL DOCUMENTS that refer or RELATE TO any attempt YOU made to mitigate
13 damages in connection with the NEWS ARTICLE.

14
15 **RESPONSE TO DOCUMENT REQUEST NO. 60:**

16 Righthaven supplements its prior response to this request by objecting to it grounds that
17 Righthaven objects to this request on the grounds that the definitions of “refer or RELATE TO”
18 is vague, ambiguous, overly broad and imposes compliance requirements outside of those
19 authorized under Rule 34. Righthaven further objects to this request as compound, overly broad,
20 vague and ambiguous in its use of the phrases “refer or RELATE TO” and “any attempt YOU
21 made to mitigate damages in connection with the NEWS ARTICLE.” As such, Righthaven
22 additionally objects to this request as calling for the production of irrelevant material as a request
23 for statutory damages has been made in this case.

24
25 **DOCUMENT REQUEST NO. 61:**

26 ALL statements from YOUR bank or other financial institution.
27
28

1 **RESPONSE TO DOCUMENT REQUEST NO. 61:**

2 Righthaven supplements its prior response by objecting to this request as irrelevant and
3 that it has been propounded for solely for harassment purposes. Righthaven also objects to this
4 request as compound, overly broad, vague and ambiguous in its use of the phrases "ALL
5 statements" and "YOUR bank or other financial institution." This request further invades
6 financially related and other rights of privacy.

7
8 **DOCUMENT REQUEST NO. 62:**

9 ALL DOCUMENTS that refer or RELATE TO any revenue or income received by YOU.
10

11 **RESPONSE TO DOCUMENT REQUEST NO. 62:**

12 Righthaven supplements its prior response by objecting to this request on the grounds
13 that the definition of "refer or RELATE TO" is vague, ambiguous, overly broad and imposes
14 compliance requirements outside of those authorized under Rule 34. Righthaven further objects
15 to this request as irrelevant and that it has been propounded for solely for harassment purposes.
16 Righthaven also objects to this request as compound, overly broad, vague and ambiguous in its
17 use of the phrases "ALL DOCUMENTS," "refer or RELATE" and "any revenue or income
18 received by YOU." This request further invades financially related and other rights of privacy.

19
20 Dated this 3rd day of March, 2011.

21 SHAWN A. MANGANO, LTD.

22
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