

EXHIBIT E

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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**
13

14 RIGHTHAVEN LLC, a Nevada limited-
15 liability company,

16 Plaintiff,

17 v.

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

20 Defendants.
21

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

23 Counterclaimant,

24 v.

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

27 Counterdefendants.
28

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

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

1 Righthaven LLC (“Righthaven”), through its counsel of record, hereby responds to
2 Democratic Underground, LLC’s (“Democratic Underground”) First Set of Requests for
3 Production of Documents as follows:
4

5 **DOCUMENT REQUEST NO. 1:**

6 ALL DOCUMENTS supporting any allegations made in the COMPLAINT.
7

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

9 Righthaven objects to this request on the grounds that the definition of “DOCUMENTS”
10 is vague, ambiguous, overly broad and impose compliance requirements outside of those
11 authorized under Federal Rule of Civil Procedure 34 (“Rule 34”). Righthaven additionally
12 objects to this request on the grounds that it calls for the production of materials protected from
13 discovery under the attorney work product doctrine and/or attorney client privilege. Righthaven
14 further objects to this request on the ground that it potentially calls for the disclosure of
15 confidential and/or proprietary information and the parties have yet to enter into an agreeable
16 Stipulated Protective Order in this case. As such, no protective order one has been entered by
17 the Court under which an appropriate confidentiality designation, if any, could be applied to
18 responsive materials to the extent such materials exist.

19 Subject to the foregoing objections, Righthaven has attached materials to the Complaint
20 and to publicly available filings in this matter that are potentially responsive to this request.
21 These materials are already in the possession of Democratic Underground’s counsel. If required,
22 Righthaven will make these same materials available for inspection and copying or otherwise
23 arrange for their production.
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1 **DOCUMENT REQUEST NO. 2:**

2 ALL DOCUMENTS supporting any allegations that may be made in any answer to the
3 COUNTERCLAIM.

4
5 **RESPONSE TO DOCUMENT REQUEST NO. 2:**

6 Righthaven objects to this request on the grounds that the definition of “DOCUMENTS”
7 is vague, ambiguous, overly broad and impose compliance requirements outside of those
8 authorized under Rule 34. Righthaven further objects to this request as being speculative in that
9 the Counterclaim is subject to a pending motion to dismiss. The request is also speculative in its
10 use of the phrase “that may be made in any answer to the COUNTERCLAIM.” Righthaven
11 additionally objects to this request on the grounds that it calls for the production of materials
12 protected from discovery under the attorney work product doctrine and/or attorney client
13 privilege. Righthaven further objects to this request on the ground that it potentially calls for the
14 disclosure of confidential and/or proprietary information and the parties have yet to enter into an
15 agreeable Stipulated Protective Order in this case. As such, no protective order one has been
16 entered by the Court under which an appropriate confidentiality designation, if any, could be
17 applied to responsive materials to the extent such materials exist.

18
19 **DOCUMENT REQUEST NO. 3:**

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

22
23 **RESPONSE TO DOCUMENT REQUEST NO. 3:**

24 Righthaven objects to this request on the grounds that the definitions of
25 “DOCUMENTS” and “Righthaven” are vague, ambiguous, overly broad and impose compliance
26 requirements outside of those authorized under Rule 34. Righthaven also objects to this request
27 as vague, ambiguous and compound in it use of the phrase “concerning any potential or actual
28 assignment of the rights.” Righthaven additionally objects to this request on the grounds that it

1 calls for the production of materials protected from discovery under the attorney work product
2 doctrine and/or attorney client privilege. Righthaven further objects to this request on the ground
3 that it potentially calls for the disclosure of confidential and/or proprietary information and the
4 parties have yet to enter into an agreeable Stipulated Protective Order in this case. As such, no
5 protective order one has been entered by the Court under which an appropriate confidentiality
6 designation, if any, could be applied to responsive materials to the extent such materials exist.

7 Subject to the foregoing objections, Righthaven has attached materials to the Complaint
8 and to publicly available filings in this matter that are potentially responsive to this request.
9 These materials are already in the possession of Democratic Underground's counsel. If required,
10 Righthaven will make these same materials available for inspection and copying or otherwise
11 arrange for their production.

12
13 **DOCUMENT REQUEST NO. 4:**

14 ALL DOCUMENTS reflecting any COMMUNICATIONS between Righthaven and any
15 other PERSON or entity RELATING TO assignment or reversion of rights in the NEWS
16 ARTICLE.

17
18 **RESPONSE TO DOCUMENT REQUEST NO. 4:**

19 Righthaven objects to this request on the grounds that the definitions of
20 "DOCUMENTS," "COMMUNICATIONS," "Righthaven," "PERSON," and "RELATING TO"
21 are vague, ambiguous, overly broad and impose compliance requirements outside of those
22 authorized under Rule 34. Righthaven also objects to this request as vague, ambiguous and
23 compound in it use of the phrases "reflecting any" and "assignment or reversion rights."
24 Righthaven additionally objects to this request on the grounds that it calls for the production of
25 materials protected from discovery under the attorney work product doctrine and/or attorney
26 client privilege. Righthaven further objects to this request on the ground that it potentially calls
27 for the disclosure of confidential and/or proprietary information and the parties have yet to enter
28 into an agreeable Stipulated Protective Order in this case. As such, no protective order one has

1 been entered by the Court under which an appropriate confidentiality designation, if any, could
2 be applied to responsive materials to the extent such materials exist.

3 Subject to the foregoing objections, Righthaven has attached materials to the Complaint
4 and to publicly available filings in this matter that are potentially responsive to this request.
5 These 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.

8
9 **DOCUMENT REQUEST NO. 5:**

10 ALL DOCUMENTS concerning any COMMUNICATIONS between Righthaven and
11 Stephens Media RELATING TO assignment or reversion of rights in any other work.

12
13 **RESPONSE TO DOCUMENT REQUEST NO. 5:**

14 Righthaven objects to this request on the grounds that the definitions of
15 "DOCUMENTS," "COMMUNICATIONS," "Righthaven," "Stephens Media," and
16 "RELATING TO" are vague, ambiguous, overly broad and impose compliance requirements
17 outside of those authorized under Rule 34. Righthaven also objects to this request as vague,
18 ambiguous and compound in its use of the phrases "concerning any," "assignment or reversion
19 rights" and "any other work." Righthaven objects to this request on the additional ground that it
20 seeks the production of irrelevant material and collateral material. Righthaven additionally
21 objects to this request on the grounds that it calls for the production of materials protected from
22 discovery under the attorney work product doctrine and/or attorney client privilege. Righthaven
23 further objects to this request on the ground that it potentially calls for the disclosure of
24 confidential and/or proprietary information and the parties have yet to enter into an agreeable
25 Stipulated Protective Order in this case. As such, no protective order one has been entered by
26 the Court under which an appropriate confidentiality designation, if any, could be applied to
27 responsive materials to the extent such materials exist.

28 Subject to the foregoing objections, Righthaven has attached materials to the Complaint

1 and to publicly available filings in this matter that are potentially responsive to this request.
2 These materials are already in the possession of Democratic Underground’s counsel. If required,
3 Righthaven will make these same materials available for inspection and copying or otherwise
4 arrange for their production.
5

6 **DOCUMENT REQUEST NO. 6:**

7 ALL DOCUMENTS concerning any COMMUNICATION between Righthaven and
8 Stephens Media regarding conduct of, or claims against, Defendants.
9

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

11 Righthaven objects to this request on the grounds that the definitions of
12 “DOCUMENTS,” “COMMUNICATIONS,” “Righthaven,” “PERSON,” and “Defendants”, to
13 the extent “Defendants” is deemed incorporate the definition of “DU” or “Democratic
14 Underground,” are vague, ambiguous, overly broad and impose compliance requirements outside
15 of those authorized under Rule 34. Righthaven also objects to this request as vague, ambiguous
16 and compound in it use of the phrases “concerning any” and “regarding conduct of, or claims
17 against, Defendants.” Righthaven additionally objects to this request on the grounds that it calls
18 for the production of materials protected from discovery under the attorney work product
19 doctrine and/or attorney client privilege. Righthaven further objects to this request on the ground
20 that it potentially calls for the disclosure of confidential and/or proprietary information and the
21 parties have yet to enter into an agreeable Stipulated Protective Order in this case. As such, no
22 protective order one has been entered by the Court under which an appropriate confidentiality
23 designation, if any, could be applied to responsive materials to the extent such materials exist.
24

25 **DOCUMENT REQUEST NO. 7:**

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

1
2 **RESPONSE TO DOCUMENT REQUEST NO. 7:**

3 Righthaven objects to this request on the grounds that the definitions of
4 “DOCUMENTS,” “Righthaven,” and “Stephens Media” are vague, ambiguous, overly broad and
5 impose compliance requirements outside of those authorized under Rule 34. Righthaven also
6 objects to this request as vague, ambiguous and compound in its use of the phrases “concerning
7 any,” “joint defense, common interest, or other agreements for cooperation in litigation” and “or
8 preservation of privileges.” Righthaven additionally objects to this request on the grounds that it
9 calls for the production of materials protected from discovery under the attorney work product
10 doctrine and/or attorney client privilege. Righthaven further objects to this request on the ground
11 that it potentially calls for the disclosure of confidential and/or proprietary information and the
12 parties have yet to enter into an agreeable Stipulated Protective Order in this case. As such, no
13 protective order one has been entered by the Court under which an appropriate confidentiality
14 designation, if any, could be applied to responsive materials to the extent such materials exist.
15

16 **DOCUMENT REQUEST NO. 8:**

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

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

21 Righthaven objects to this request on the grounds that the definitions of
22 “DOCUMENTS,” and “refer or RELATE TO” are vague, ambiguous, overly broad and impose
23 compliance requirements outside of those authorized under Rule 34. Righthaven additionally
24 objects to this request on the grounds that it calls for the production of materials protected from
25 discovery under the attorney work product doctrine and/or attorney client privilege. Righthaven
26 further objects to this request on the ground that it potentially calls for the disclosure of
27 confidential and/or proprietary information and the parties have yet to enter into an agreeable
28 Stipulated Protective Order in this case. As such, no protective order one has been entered by

1 the Court under which an appropriate confidentiality designation, if any, could be applied to
2 responsive materials to the extent such materials exist.

3 Subject to the foregoing objections, Righthaven has attached materials to the Complaint
4 and to publicly available filings in this matter that are potentially responsive to this request.
5 These 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.

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

10 ALL DOCUMENTS that refer or RELATE TO any "commitments to provide services
11 and/or already provided" referenced in the JULY 19, 2010 ASSIGNMENT.

12
13 **RESPONSE TO DOCUMENT REQUEST NO. 9:**

14 Righthaven objects to this request on the grounds that the definitions of
15 "DOCUMENTS," and "refer or RELATE TO" are vague, ambiguous, overly broad and impose
16 compliance requirements outside of those authorized under Rule 34. Righthaven additionally
17 objects to this request on the grounds that it calls for the production of materials protected from
18 discovery under the attorney work product doctrine and/or attorney client privilege. Righthaven
19 further objects to this request on the ground that it potentially calls for the disclosure of
20 confidential and/or proprietary information and the parties have yet to enter into an agreeable
21 Stipulated Protective Order in this case. As such, no protective order one has been entered by
22 the Court under which an appropriate confidentiality designation, if any, could be applied to
23 responsive materials to the extent such materials exist.

24 Subject to the foregoing objections, Righthaven has attached materials to the Complaint
25 and to publicly available filings in this matter that are potentially 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.

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DOCUMENT REQUEST NO. 10:

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

RESPONSE TO DOCUMENT REQUEST NO. 10:

Righthaven objects to this request on the grounds that the definitions of “DOCUMENTS,” and “refer or RELATE TO” are vague, ambiguous, overly broad and impose compliance requirements outside of those authorized under Rule 34. Righthaven additionally objects to this request on the grounds that it calls for the production of materials protected from discovery under the attorney work product doctrine and/or attorney client privilege. Righthaven further objects to this request on the ground that it potentially calls for the disclosure of confidential and/or proprietary information and the parties have yet to enter into an agreeable Stipulated Protective Order in this case. As such, no protective order one has been entered by the Court under which an appropriate confidentiality designation, if any, could be applied to responsive materials to the extent such materials exist.

Subject to the foregoing objections, Righthaven has attached materials to the Complaint and to publicly available filings in this matter that are potentially responsive to this request. These materials are already in the possession of Democratic Underground’s counsel. If required, Righthaven will make these same materials available for inspection and copying or otherwise arrange for their production.

DOCUMENT REQUEST NO. 11:

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

RESPONSE TO DOCUMENT REQUEST NO. 11:

Righthaven objects to this request on the grounds that the definitions of

1 “DOCUMENTS,” and “refer or RELATE TO” are vague, ambiguous, overly broad and impose
2 compliance requirements outside of those authorized under Rule 34. Righthaven additionally
3 objects to this request on the grounds that it calls for the production of materials protected from
4 discovery under the attorney work product doctrine and/or attorney client privilege. Righthaven
5 further objects to this request on the ground that it potentially calls for the disclosure of
6 confidential and/or proprietary information and the parties have yet to enter into an agreeable
7 Stipulated Protective Order in this case. As such, no protective order one has been entered by
8 the Court under which an appropriate confidentiality designation, if any, could be applied to
9 responsive materials to the extent such materials exist.

10 Subject to the foregoing objections, Righthaven has attached materials to the Complaint
11 and to publicly available filings in this matter that are potentially 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.

15
16 **DOCUMENT REQUEST NO. 12:**

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

19
20 **RESPONSE TO DOCUMENT REQUEST NO. 12:**

21 Righthaven objects to this request on the grounds that the definitions of
22 “DOCUMENTS,” “RELATING TO,” AND “Righthaven’s” are vague, ambiguous, overly broad
23 and impose compliance requirements outside of those authorized under Rule 34. Righthaven
24 also objects to this request as vague, ambiguous and compound in its use of the phrase “use or
25 potential future uses of the NEWS ARTICLE.” Righthaven objects to this request on the
26 additional ground that it seeks the production of irrelevant material and collateral material.
27 Righthaven additionally objects to this request on the grounds that it calls for the production of
28 materials protected from discovery under the attorney work product doctrine and/or attorney

1 client privilege. Righthaven further objects to this request on the ground that it potentially calls
2 for the disclosure of confidential and/or proprietary information and the parties have yet to enter
3 into an agreeable Stipulated Protective Order in this case. As such, no protective order one has
4 been entered by the Court under which an appropriate confidentiality designation, if any, could
5 be applied to responsive materials to the extent such materials exist.

6 Subject to the foregoing objections, Righthaven has attached materials to the Complaint
7 and to publicly available filings in this matter that are potentially responsive to this request.
8 These 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.

11
12 **DOCUMENT REQUEST NO. 13:**

13 ALL DOCUMENTS reflecting the names and addresses (whether electronic mail
14 addresses or otherwise) of any PERSON communicating about Defendants' use of the NEWS
15 ARTICLE, including any individuals at Righthaven, at Stephens Media, or any other PERSON
16 with whom Righthaven has communicated.

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

19 Righthaven objects to this request on the grounds that the definitions of
20 "DOCUMENTS," "Righthaven," "Stephens Media," "PERSON," and "Defendants", to the
21 extent "Defendants" is deemed incorporate the definition of "DU" or "Democratic
22 Underground," are vague, ambiguous, overly broad and impose compliance requirements outside
23 of those authorized under Rule 34. Righthaven further objects to this request as vague and
24 ambiguous in its use of the phrases "communicating about Defendants' use of the NEWS
25 ARTICLE" and "with whom Righthaven has communicated." Righthaven additionally objects
26 to this request on the grounds that it calls for the production of materials protected from
27 discovery under the attorney work product doctrine and/or attorney client privilege. Righthaven
28 further objects to this request on the ground that it potentially calls for the disclosure of

1 confidential and/or proprietary information and the parties have yet to enter into an agreeable
2 Stipulated Protective Order in this case. As such, no protective order one has been entered by
3 the Court under which an appropriate confidentiality designation, if any, could be applied to
4 responsive materials to the extent such materials exist.

5
6 **DOCUMENT REQUEST NO. 14:**

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

9
10 **RESPONSE TO DOCUMENT REQUEST NO. 14:**

11 Righthaven objects to this request on the grounds that the definitions of
12 “DOCUMENTS,” “refer or RELATE TO,” “Righthaven,” and “Stephens Media” are vague,
13 ambiguous, overly broad and impose compliance requirements outside of those authorized under
14 Rule 34. Righthaven also objects to this request as vague, ambiguous and compound in its use of
15 the phrases “any licensing or attempted licensing of” and “by Righthaven or Stephens Media.”
16 Righthaven additionally objects to this request on the grounds that it calls for the production of
17 materials protected from discovery under the attorney work product doctrine and/or attorney
18 client privilege. Righthaven further objects to this request on the ground that it potentially calls
19 for the disclosure of confidential and/or proprietary information and the parties have yet to enter
20 into an agreeable Stipulated Protective Order in this case. As such, no protective order one has
21 been entered by the Court under which an appropriate confidentiality designation, if any, could
22 be applied to responsive materials to the extent such materials exist.

23 **DOCUMENT REQUEST NO. 15:**

24 ALL DOCUMENTS that refer or RELATE TO any plans to license the NEWS
25 ARTICLE.

26
27 **RESPONSE TO DOCUMENT REQUEST NO. 15:**

28 Righthaven objects to this request on the grounds that the definitions of

1 “DOCUMENTS,” and “refer or RELATE TO” are vague, ambiguous, overly broad and impose
2 compliance requirements outside of those authorized under Rule 34. Righthaven also objects to
3 this request as vague and ambiguous in it use of the phrase “any plans to license the NEWS
4 ARTICLE.” Righthaven objects to this request on the additional ground that it seeks the
5 production of irrelevant material. Righthaven additionally objects to this request on the grounds
6 that it calls for the production of materials protected from discovery under the attorney work
7 product doctrine and/or attorney client privilege. Righthaven further objects to this request on
8 the ground that it potentially calls for the disclosure of confidential and/or proprietary
9 information and the parties have yet to enter into an agreeable Stipulated Protective Order in this
10 case. As such, no protective order one has been entered by the Court under which an
11 appropriate confidentiality designation, if any, could be applied to responsive materials to the
12 extent such materials exist.

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

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

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

19 Righthaven objects to this request on the grounds that the definitions of
20 “DOCUMENTS,” “refer or RELATE TO,” “LVRJ” and “Righthaven” are vague, ambiguous,
21 overly broad and impose compliance requirements outside of those authorized under Rule 34.
22 Righthaven also objects to this request as vague, ambiguous and compound in it use of the
23 phrase “any licensing or attempted licensing of copyrighted works originating with the LVRJ by
24 Righthaven.” Righthaven objects to this request on the additional ground that it seeks the
25 production of irrelevant material to the extent it calls for the production of material that was
26 somehow attempted. Righthaven additionally objects to this request on the grounds that it calls
27 for the production of materials protected from discovery under the attorney work product
28 doctrine and/or attorney client privilege. Righthaven further objects to this request on the ground

1 that it potentially calls for the disclosure of confidential and/or proprietary information and the
2 parties have yet to enter into an agreeable Stipulated Protective Order in this case. As such, no
3 protective order one has been entered by the Court under which an appropriate confidentiality
4 designation, if any, could be applied to responsive materials to the extent such materials exist.

5
6 **DOCUMENT REQUEST NO. 17:**

7 ALL DOCUMENTS that reflect any settlements by Righthaven of claims for copyright
8 infringement.

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

11 Righthaven objects to this request on the grounds that the definitions of “DOCUMENTS”
12 and “Righthaven” are vague, ambiguous, overly broad and impose compliance requirements
13 outside of those authorized under Rule 34. Righthaven also objects to this request as vague and
14 ambiguous in its use of the phrases “that reflect” and “any settlements by Righthaven of claims
15 for copyright infringement.” Righthaven objects to this request on the additional ground that it
16 seeks the production of irrelevant material and has been propounded solely to harass. Righthaven
17 additionally objects to this request on the grounds that it calls for the production of materials
18 protected from discovery under the attorney work product doctrine and/or attorney client
19 privilege. Righthaven further objects to this request on the ground that it calls for the disclosure
20 of confidential and/or proprietary information and the parties have yet to enter into an agreeable
21 Stipulated Protective Order in this case. As such, no protective order one has been entered by
22 the Court under which an appropriate confidentiality designation, if any, could be applied to
23 responsive materials to the extent such materials exist.

24
25 **DOCUMENT REQUEST NO. 18:**

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

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

2 Righthaven objects to this request on the grounds that the definitions of
3 “COMMUNICATIONS,” “any PERSON,” “Righthaven,” “RELATING TO” AND “LVRJ” are
4 vague, ambiguous, overly broad and impose compliance requirements outside of those
5 authorized under Rule 34. Righthaven also objects to this request as vague and ambiguous in it
6 use of the phrases “by Righthaven” and “terms for settlements for claims of copyright
7 infringement in any article published by the LVRJ.” Righthaven objects to this request on the
8 additional ground that it seeks the production of irrelevant material and has been propounded
9 solely to harass. Righthaven additionally objects to this request on the grounds that it calls for the
10 production of materials protected from discovery under the attorney work product doctrine
11 and/or attorney client privilege. Righthaven further objects to this request on the ground that it
12 calls for the disclosure of confidential and/or proprietary information and the parties have yet to
13 enter into an agreeable Stipulated Protective Order in this case. As such, no protective order one
14 has been entered by the Court under which an appropriate confidentiality designation, if any,
15 could be applied to responsive materials to the extent such materials exist.

16
17 **DOCUMENT REQUEST NO. 19:**

18 ALL DOCUMENTS that refer or RELATE TO any plans to license any copyrighted
19 works by Righthaven.

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

22 Righthaven objects to this request on the grounds that the definitions of
23 “DOCUMENTS,” “refer or RELATE TO” and “Righthaven” are vague, ambiguous, overly
24 broad and impose compliance requirements outside of those authorized under Rule 34.
25 Righthaven also objects to this request as vague and ambiguous in it use of the phrase “any plans
26 to license any copyrighted works by Righthaven.” Righthaven objects to this request on the
27 additional ground that it seeks the production of irrelevant material. Moreover, this request is
28 duplicative of numerous prior requests. Righthaven additionally objects to this request on the

1 grounds that it calls for the production of materials protected from discovery under the attorney
2 work product doctrine and/or attorney client privilege. Righthaven further objects to this request
3 on the ground that it calls for the disclosure of confidential and/or proprietary information and
4 the parties have yet to enter into an agreeable Stipulated Protective Order in this case. As such,
5 no protective order one has been entered by the Court under which an appropriate confidentiality
6 designation, if any, could be applied to responsive materials to the extent such materials exist.

7
8 **DOCUMENT REQUEST NO. 20:**

9 YOUR articles of organization.

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

12 Righthaven objects to this request on the grounds that the definition of “YOUR” to the
13 extent it incorporates by reference the definition of “Righthaven” is vague, ambiguous, overly
14 broad and impose compliance requirements outside of those authorized under Rule 34.

15 Righthaven objects to this request on the additional ground that it seeks the production of
16 irrelevant material. Righthaven additionally objects to this request on the grounds that it calls for
17 the production of materials protected from discovery under the attorney work product doctrine
18 and/or attorney client privilege. Righthaven further objects to this request on the ground that it
19 calls for the disclosure of confidential and/or proprietary information and the parties have yet to
20 enter into an agreeable Stipulated Protective Order in this case. As such, no protective order one
21 has been entered by the Court under which an appropriate confidentiality designation, if any,
22 could be applied to responsive materials to the extent such materials exist.

23
24 **DOCUMENT REQUEST NO. 21:**

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

27
28 **RESPONSE TO DOCUMENT REQUEST NO. 21:**

1 Righthaven objects to this request on the grounds that the definitions of
2 “DOCUMENTS,” “RELATING TO,” “Righthaven” and “Defendants”, to the extent
3 “Defendants” is deemed incorporate the definition of “DU” or “Democratic Underground,” are
4 vague, ambiguous, overly broad and impose compliance requirements outside of those
5 authorized under Rule 34. Righthaven further objects to this request as vague and ambiguous in
6 its use of the phrases “any harm to Righthaven” and “as a result of any use of the NEWS
7 ARTICLE by Defendants.” Righthaven additionally objects to this request on the grounds that it
8 calls for the production of materials protected from discovery under the attorney work product
9 doctrine and/or attorney client privilege. Righthaven further objects to this request on the ground
10 that it potentially calls for the disclosure of confidential and/or proprietary information and the
11 parties have yet to enter into an agreeable Stipulated Protective Order in this case. As such, no
12 protective order one has been entered by the Court under which an appropriate confidentiality
13 designation, if any, could be applied to responsive materials to the extent such materials exist.

14
15 **DOCUMENT REQUEST NO. 22:**

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

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

20 Righthaven objects to this request on the grounds that the definitions of
21 “DOCUMENTS,” “RELATING TO,” “Righthaven” and “LVRJ” are vague, ambiguous, overly
22 broad and impose compliance requirements outside of those authorized under Rule 34.
23 Righthaven further objects to this request as compound, vague, ambiguous and overly broad in
24 its use of the phrases “evidencing or RELATING TO,” “any harm to Righthaven” and “allegedly
25 unauthorized use of any LVRJ article.” Righthaven additionally objects to this request on the
26 grounds that it calls for the production of materials protected from discovery under the attorney
27 work product doctrine and/or attorney client privilege through, at least, through its use of the
28 phrase “evidencing.” Righthaven further objects to this request on the ground that it potentially

1 calls for the disclosure of confidential and/or proprietary information and the parties have yet to
2 enter into an agreeable Stipulated Protective Order in this case. As such, no protective order one
3 has been entered by the Court under which an appropriate confidentiality designation, if any,
4 could be applied to responsive materials to the extent such materials exist.

5
6 **DOCUMENT REQUEST NO. 23:**

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

9
10 **RESPONSE TO DOCUMENT REQUEST NO. 23:**

11 Righthaven objects to this request on the grounds that the definitions of
12 “DOCUMENTS,” “RELATING TO,” “Stephens Media” and “Defendants”, to the extent
13 “Defendants” is deemed incorporate the definition of “DU” or “Democratic Underground,” are
14 vague, ambiguous, overly broad and impose compliance requirements outside of those
15 authorized under Rule 34. Righthaven further objects to this request as vague and ambiguous in
16 its use of the phrases “any harm to Stephens Media” and “as a result of any use of the NEWS
17 ARTICLE by Defendants.” Righthaven additionally objects to this request on the grounds that it
18 calls for the production of materials protected from discovery under the attorney work product
19 doctrine and/or attorney client privilege through, at least, through its use of the phrase
20 “evidencing.” Righthaven further objects to this request on the ground that it potentially calls for
21 the disclosure of confidential and/or proprietary information and the parties have yet to enter into
22 an agreeable Stipulated Protective Order in this case. As such, no protective order one has been
23 entered by the Court under which an appropriate confidentiality designation, if any, could be
24 applied to responsive materials to the extent such materials exist.

25 **DOCUMENT REQUEST NO. 24:**

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

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

3 Righthaven objects to this request on the grounds that the definitions of
4 “DOCUMENTS,” “RELATING TO,” “Stephens Media” and “Democratic Underground,” are
5 vague, ambiguous, overly broad and impose compliance requirements outside of those
6 authorized under Rule 34. Righthaven further objects to this request as compound, vague and
7 ambiguous in its use of the phrases “evidencing or RELATING TO,” “any harm to Stephens
8 Media” and “that could result if uses such as those by Democratic Underground of the NEWS
9 ARTICLE became widespread.” Righthaven additionally objects to this request on the grounds
10 that it calls for the production of materials protected from discovery under the attorney work
11 product doctrine and/or attorney client privilege through, at least, through its use of the phrase
12 “evidencing.” Righthaven further objects to this request on the ground that it potentially calls for
13 the disclosure of confidential and/or proprietary information and the parties have yet to enter into
14 an agreeable Stipulated Protective Order in this case. As such, no protective order one has been
15 entered by the Court under which an appropriate confidentiality designation, if any, could be
16 applied to responsive materials to the extent such materials exist.

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

19 Any analyses, studies, reports, or COMMUNICATIONS regarding the actual or potential
20 impact on the newspaper industry, of copying of newspaper articles, or portions thereof, on
21 Internet websites.

22
23 **RESPONSE TO DOCUMENT REQUEST NO. 25:**

24 Righthaven objects to this request on the grounds that the definition of
25 “COMMUNICATIONS” is vague, ambiguous, overly broad and imposes compliance
26 requirements outside of those authorized under Rule 34. Righthaven further objects to this
27 request as compound, vague and ambiguous in its use of the phrases “[a]ny analyses, studies,
28 reports, or COMMUNICATIONS,” and “the actual or potential impact on the newspaper

1 industry, of copying of newspaper articles, or portions thereof, on Internet websites.”
2 Righthaven additionally objects to this request on the grounds to the extent it calls for the
3 production of materials protected from discovery under the attorney work product doctrine
4 and/or attorney client privilege. Righthaven objects to this request on the additional ground that
5 it seeks the production of irrelevant material. Righthaven further objects to this request on the
6 ground that it potentially calls for the disclosure of confidential and/or proprietary information
7 and the parties have yet to enter into an agreeable Stipulated Protective Order in this case. As
8 such, no protective order one has been entered by the Court under which an appropriate
9 confidentiality designation, if any, could be applied to responsive materials to the extent such
10 materials exist.

11
12 **DOCUMENT REQUEST NO. 26:**

13 ALL logs of any kind or other data reflecting or RELATING TO the NEWS ARTICLE’s
14 display on the LVRJ WEBSITE, including without limitation, those reflecting views of the
15 NEWS ARTICLE, dates, IP address sufficient to identify geography of viewer, source of the
16 viewer, actions by the viewer, sharing or printing by the viewer, advertising displayed with the
17 NEWS ARTICLE, revenue from such advertising.

18
19 **RESPONSE TO DOCUMENT REQUEST NO. 26:**

20 Righthaven objects to this request on the grounds that the definitions of “RELATING
21 TO” and “LVRJ WEBSITE” are vague, ambiguous, overly broad and impose compliance
22 requirements outside of those authorized under Rule 34. Righthaven further objects to this
23 request as compound, vague and ambiguous an incapable of formulating a response given the
24 manner in which it is articulated. Righthaven additionally objects to this request on the grounds
25 that it calls for the production of materials protected from discovery under the attorney work
26 product doctrine and/or attorney client privilege through, at least, through its use of the phrase
27 “evidencing.” Righthaven further objects to this request on the ground that it potentially calls for
28 the disclosure of confidential and/or proprietary information and the parties have yet to enter into

1 an agreeable Stipulated Protective Order in this case. As such, no protective order one has been
2 entered by the Court under which an appropriate confidentiality designation, if any, could be
3 applied to responsive materials to the extent such materials exist.

4
5
6
7 **DOCUMENT REQUEST NO. 27:**

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

12
13 **RESPONSE TO DOCUMENT REQUEST NO. 27:**

14 Righthaven objects to this request on the grounds that the definitions of
15 "DOCUMENTS," "RELATING TO," and "Stephens Media's" are vague, ambiguous, overly
16 broad and impose compliance requirements outside of those authorized under Rule 34.
17 Righthaven further objects to this request as compound, vague and ambiguous in its use of the
18 phrases "evidencing or RELATING TO," "Stephens Media's revenue received in whole or in
19 part as a result of display of the NEWS ARTICLE" and "including without limitation the number
20 of incidents generating revenue (whether paid per click or per display or otherwise), price per
21 incident, date and payor." Righthaven additionally objects to this request on the grounds that it
22 calls for the production of materials protected from discovery under the attorney work product
23 doctrine and/or attorney client privilege through, at least, through its use of the phrase
24 "evidencing." Righthaven further objects to this request on the ground that it calls for the
25 disclosure of confidential and/or proprietary information and the parties have yet to enter into an
26 agreeable Stipulated Protective Order in this case. As such, no protective order one has been
27 entered by the Court under which an appropriate confidentiality designation, if any, could be
28 applied to responsive materials to the extent such materials exist.

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 objects to this request on the grounds that the definitions of
9 “DOCUMENTS,” “RELATING TO,” “Stephens Media’s” 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.” Righthaven further objects
19 to this request on the ground that it calls for the disclosure of confidential and/or proprietary
20 information and the parties have yet to enter into an agreeable Stipulated Protective Order in this
21 case. As such, no protective order one has been entered by the Court under which an
22 appropriate confidentiality designation, if any, could be applied to responsive materials to the
23 extent such materials exist.
24

25 **DOCUMENT REQUEST NO. 29:**

26 ALL business plans for the LVRJ WEBSITE.
27
28

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

2 Righthaven objects to this request on the grounds that the definition of “LVRJ
3 WEBSITE” is vague, ambiguous, overly broad and imposes compliance requirements outside of
4 those authorized under Rule 34. Righthaven further objects to this request as overly broad,
5 vague and ambiguous in its use of the phrase “ALL business plans” and its failure to state time
6 period for the requested material. Righthaven also objects to this request as calling for the
7 production of irrelevant material. Righthaven additionally objects to this request on the grounds
8 that it calls for the production of materials protected from discovery under the attorney work
9 product doctrine and/or attorney client privilege. Righthaven further objects to this request on the
10 ground that it calls for the disclosure of confidential and/or proprietary information and the
11 parties have yet to enter into an agreeable Stipulated Protective Order in this case. As such, no
12 protective order one has been entered by the Court under which an appropriate confidentiality
13 designation, if any, could be applied to responsive materials to the extent such materials exist.
14

15 **DOCUMENT REQUEST NO. 30:**

16 ALL marketing plans for the LVRJ WEBSITE.
17

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

19 Righthaven objects to this request on the grounds that the definition of “LVRJ
20 WEBSITE” is vague, ambiguous, overly broad and imposes compliance requirements outside of
21 those authorized under Rule 34. Righthaven further objects to this request as overly broad,
22 vague and ambiguous in its use of the phrase “ALL marketing plans” and its failure to state time
23 period for the requested material. Righthaven also objects to this request as calling for the
24 production of irrelevant material. Righthaven additionally objects to this request on the grounds
25 that it calls for the production of materials protected from discovery under the attorney work
26 product doctrine and/or attorney client privilege. Righthaven further objects to this request on the
27 ground that it calls for the disclosure of confidential and/or proprietary information and the
28 parties have yet to enter into an agreeable Stipulated Protective Order in this case. As such, no

1 protective order one has been entered by the Court under which an appropriate confidentiality
2 designation, if any, could be applied to responsive materials to the extent such materials exist.

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 objects to this request on the grounds that the definitions of “refer or
11 RELATE TO,” “COMMUNICATIONS,” and “Defendants”, to the extent “Defendants” is
12 deemed incorporate the definition of “DU” or “Democratic Underground,” are vague,
13 ambiguous, overly broad and impose compliance requirements outside of those authorized under
14 Rule 34. Righthaven also objects to this request as overly broad as it is not limited to any
15 particular time period. Righthaven additionally objects to this request on the grounds that it calls
16 for the production of materials protected from discovery under the attorney work product
17 doctrine and/or attorney client privilege despite the requests clarification that such materials must
18 be set forth in a privilege log. Righthaven further objects to this request on the ground that it
19 potentially calls for the disclosure of confidential and/or proprietary information and the parties
20 have yet to enter into an agreeable Stipulated Protective Order in this case. As such, no
21 protective order one has been entered by the Court under which an appropriate confidentiality
22 designation, if any, could be applied to responsive materials to the extent such materials exist.

23 Subject to the foregoing objections, Righthaven has attached materials to the Complaint
24 and to publicly available filings in this matter, such as the Complaint and other pleadings, that
25 are potentially responsive to this request. These materials are already in the possession of
26 Democratic Underground’s counsel. If required, Righthaven will make these same materials
27 available for inspection and copying or otherwise arrange for their production.

1 **DOCUMENT REQUEST NO. 32:**

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

5
6 **RESPONSE TO DOCUMENT REQUEST NO. 32:**

7 Righthaven objects to this request on the grounds that the definitions of
8 “COMMUNICATIONS” and “refer or RELATE TO,” are vague, ambiguous, overly broad and
9 impose compliance requirements outside of those authorized under Rule 34. Righthaven also
10 objects to this request as overly broad as it is not limited to any particular time period.
11 Righthaven additionally objects to this request on the grounds that it calls for the production of
12 materials protected from discovery under the attorney work product doctrine and/or attorney
13 client privilege despite the requests clarification that such materials must be set forth in a
14 privilege log. Righthaven further objects to this request on the ground that it potentially calls for
15 the disclosure of confidential and/or proprietary information and the parties have yet to enter into
16 an agreeable Stipulated Protective Order in this case. As such, no protective order one has been
17 entered by the Court under which an appropriate confidentiality designation, if any, could be
18 applied to responsive materials to the extent such materials exist.

19 Subject to the foregoing objections, Righthaven has attached materials to the Complaint
20 and to publicly available filings in this matter, such as the Complaint and other pleadings, that
21 are potentially responsive to this request. These materials are already in the possession of
22 Democratic Underground’s counsel. If required, Righthaven will make these same materials
23 available for inspection and copying or otherwise arrange for their production.

24
25 **DOCUMENT REQUEST NO. 33:**

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

1 **RESPONSE TO DOCUMENT REQUEST NO. 33:**

2 Righthaven objects to this request on the grounds that the definitions of
3 “COMMUNICATIONS,” “refer or RELATE TO” and “Stephens Media” are vague, ambiguous,
4 overly broad and impose compliance requirements outside of those authorized under Rule 34.
5 Righthaven also objects to this request as overly broad as it is not limited to any particular time
6 period. As such, Righthaven objects to this request to the extent it is interpreted to require the
7 production of irrelevant material outside the permissible scope of discovery in this action.
8 Righthaven additionally objects to this request on the grounds that it calls for the production of
9 materials protected from discovery under the attorney work product doctrine and/or attorney
10 client privilege despite the requests clarification that such materials must be set forth in a
11 privilege log. Righthaven further objects to this request on the ground that it potentially calls for
12 the disclosure of confidential and/or proprietary information and the parties have yet to enter into
13 an agreeable Stipulated Protective Order in this case. As such, no protective order one has been
14 entered by the Court under which an appropriate confidentiality designation, if any, could be
15 applied to responsive materials to the extent such materials exist.

16
17 **DOCUMENT REQUEST NO. 34:**

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

21
22 **RESPONSE TO DOCUMENT REQUEST NO. 34:**

23 Righthaven objects to this request on the grounds that the definitions of
24 “COMMUNICATIONS” and “refer or RELATE TO,” are vague, ambiguous, overly broad and
25 impose compliance requirements outside of those authorized under Rule 34. Righthaven also
26 objects to this request as overly broad as it is not limited to any particular time period.
27 Righthaven further objects to this request as calling for the production of irrelevant material
28 related to a non-party, Net Sortie Systems, LLC. Righthaven additionally objects to this request

1 on the grounds that it calls for the production of materials protected from discovery under the
2 attorney work product doctrine and/or attorney client privilege despite the requests clarification
3 that such materials must be set forth in a privilege log. Righthaven further objects to this request
4 on the ground that it potentially calls for the disclosure of confidential and/or proprietary
5 information and the parties have yet to enter into an agreeable Stipulated Protective Order in this
6 case. As such, no protective order one has been entered by the Court under which an
7 appropriate confidentiality designation, if any, could be applied to responsive materials to the
8 extent such materials exist.

9
10 **DOCUMENT REQUEST NO. 35:**

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

14
15 **RESPONSE TO DOCUMENT REQUEST NO. 35:**

16 Righthaven objects to this request on the grounds that the definitions of
17 “COMMUNICATIONS” and “refer or RELATE TO,” are vague, ambiguous, overly broad and
18 impose compliance requirements outside of those authorized under Rule 34. Righthaven also
19 objects to this request as overly broad as it is not limited to any particular time period.
20 Righthaven further objects to this request as calling for the production of irrelevant material
21 related to a non-party, SI Content Monitor LLC. Righthaven additionally objects to this request
22 on the grounds that it calls for the production of materials protected from discovery under the
23 attorney work product doctrine and/or attorney client privilege despite the requests clarification
24 that such materials must be set forth in a privilege log. Righthaven further objects to this request
25 on the ground that it potentially calls for the disclosure of confidential and/or proprietary
26 information and the parties have yet to enter into an agreeable Stipulated Protective Order in this
27 case. As such, no protective order one has been entered by the Court under which an
28 appropriate confidentiality designation, if any, could be applied to responsive materials to the

1 extent such materials exist.

2
3 **DOCUMENT REQUEST NO. 36:**

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

7
8 **RESPONSE TO DOCUMENT REQUEST NO. 36:**

9 Righthaven objects to this request on the grounds that the definitions of
10 "COMMUNICATIONS" and "refer or RELATE TO," are vague, ambiguous, overly broad and
11 impose compliance requirements outside of those authorized under Rule 34. Righthaven also
12 objects to this request as overly broad as it is not limited to any particular time period.
13 Righthaven further objects to this request as calling for the production of irrelevant material
14 related to a non-party, WEHCO Media, and has been done purely for harassment purposes.
15 Righthaven additionally objects to this request on the grounds that it calls for the production of
16 materials protected from discovery under the attorney work product doctrine and/or attorney
17 client privilege despite the requests clarification that such materials must be set forth in a
18 privilege log. Righthaven further objects to this request on the ground that it potentially calls for
19 the disclosure of confidential and/or proprietary information and the parties have yet to enter into
20 an agreeable Stipulated Protective Order in this case. As such, no protective order one has been
21 entered by the Court under which an appropriate confidentiality designation, if any, could be
22 applied to responsive materials to the extent such materials exist.

23
24 **DOCUMENT REQUEST NO. 37:**

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

1 **RESPONSE TO DOCUMENT REQUEST NO. 37:**

2 Righthaven objects to this request on the grounds that the definitions of
3 “COMMUNICATIONS” and “refer or RELATE 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 overly broad as it is not limited to any particular time period.
6 Righthaven further objects to this request as calling for the production of irrelevant material
7 related to a non-party, Media News Group, and has been done purely for harassment purposes.
8 Righthaven additionally objects to this request on the grounds that it calls for the production of
9 materials protected from discovery under the attorney work product doctrine and/or attorney
10 client privilege despite the requests clarification that such materials must be set forth in a
11 privilege log. Righthaven further objects to this request on the ground that it potentially calls for
12 the disclosure of confidential and/or proprietary information and the parties have yet to enter into
13 an agreeable Stipulated Protective Order in this case. As such, no protective order one has been
14 entered by the Court under which an appropriate confidentiality designation, if any, could be
15 applied to responsive materials to the extent such materials exist.

16
17 **DOCUMENT REQUEST NO. 38:**

18 ALL COMMUNICATIONS between YOU and Sherman Frederick.

19
20 **RESPONSE TO DOCUMENT REQUEST NO. 38:**

21 Righthaven objects to this request on the grounds that the definitions of
22 “COMMUNICATIONS” and “YOU” are vague, ambiguous, overly broad and impose
23 compliance requirements outside of those authorized under Rule 34. Righthaven also objects to
24 this request as overly broad as it is not limited to any particular time period. As such, Righthaven
25 objects to this request to the extent it is interpreted to require the production of irrelevant
26 material outside the permissible scope of discovery in this action. Righthaven additionally
27 objects to this request on the grounds that it potentially calls for the production of materials
28 protected from discovery under the attorney work product doctrine and/or attorney client

1 privilege. Righthaven further objects to this request on the ground that it potentially calls for the
2 disclosure of confidential and/or proprietary information and the parties have yet to enter into an
3 agreeable Stipulated Protective Order in this case. As such, no protective order one has been
4 entered by the Court under which an appropriate confidentiality designation, if any, could be
5 applied to responsive materials to the extent such materials exist.

6
7 **DOCUMENT REQUEST NO. 39:**

8 ALL COMMUNICATIONS between YOU and Michael Ferguson.

9
10 **RESPONSE TO DOCUMENT REQUEST NO. 39:**

11 Righthaven objects to this request on the grounds that the definitions of
12 “COMMUNICATIONS” and “YOU” are vague, ambiguous, overly broad and impose
13 compliance requirements outside of those authorized under Rule 34. Righthaven also objects to
14 this request as overly broad as it is not limited to any particular time period. As such, Righthaven
15 objects to this request to the extent it is interpreted to require the production of irrelevant
16 material outside the permissible scope of discovery in this action. Righthaven additionally
17 objects to this request on the grounds that it potentially calls for the production of materials
18 protected from discovery under the attorney work product doctrine and/or attorney client
19 privilege. Righthaven further objects to this request on the ground that it potentially calls for the
20 disclosure of confidential and/or proprietary information and the parties have yet to enter into an
21 agreeable Stipulated Protective Order in this case. As such, no protective order one has been
22 entered by the Court under which an appropriate confidentiality designation, if any, could be
23 applied to responsive materials to the extent such materials exist.

24
25 **DOCUMENT REQUEST NO. 40:**

26 ALL COMMUNICATIONS between YOU and Bob Brown.

1 **RESPONSE TO DOCUMENT REQUEST NO. 40:**

2 Righthaven objects to this request on the grounds that the definitions of
3 “COMMUNICATIONS” and “YOU” are vague, ambiguous, overly broad and impose
4 compliance requirements outside of those authorized under Rule 34. Righthaven also objects to
5 this request as overly broad as it is not limited to any particular time period. As such, Righthaven
6 objects to this request to the extent it is interpreted to require the production of irrelevant
7 material outside the permissible scope of discovery in this action. Righthaven additionally
8 objects to this request on the grounds that it potentially calls for the production of materials
9 protected from discovery under the attorney work product doctrine and/or attorney client
10 privilege. Righthaven further objects to this request on the ground that it potentially calls for the
11 disclosure of confidential and/or proprietary information and the parties have yet to enter into an
12 agreeable Stipulated Protective Order in this case. As such, no protective order one has been
13 entered by the Court under which an appropriate confidentiality designation, if any, could be
14 applied to responsive materials to the extent such materials exist.

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

17 ALL COMMUNICATIONS between YOU and Mark Hinueber.

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

20 Righthaven objects to this request on the grounds that the definitions of
21 “COMMUNICATIONS” and “YOU” are vague, ambiguous, overly broad and impose
22 compliance requirements outside of those authorized under Rule 34. Righthaven also objects to
23 this request as overly broad as it is not limited to any particular time period. As such, Righthaven
24 objects to this request to the extent it is interpreted to require the production of irrelevant
25 material outside the permissible scope of discovery in this action. Righthaven additionally
26 objects to this request on the grounds that it calls for the production of materials protected from
27 discovery under the attorney work product doctrine and/or attorney client privilege. Righthaven
28 further objects to this request on the ground that it potentially calls for the disclosure of

1 confidential and/or proprietary information and the parties have yet to enter into an agreeable
2 Stipulated Protective Order in this case. As such, no protective order one has been entered by
3 the Court under which an appropriate confidentiality designation, if any, could be applied to
4 responsive materials to the extent such materials exist.

5
6 **DOCUMENT REQUEST NO. 42:**

7 ALL COMMUNICATIONS between YOU and Jackson Farrow.

8
9 **RESPONSE TO DOCUMENT REQUEST NO. 42:**

10 Righthaven objects to this request on the grounds that the definitions of
11 “COMMUNICATIONS” and “YOU” are vague, ambiguous, overly broad and impose
12 compliance requirements outside of those authorized under Rule 34. Righthaven also objects to
13 this request as overly broad as it is not limited to any particular time period. As such, Righthaven
14 objects to this request to the extent it is interpreted to require the production of irrelevant
15 material outside the permissible scope of discovery in this action. Righthaven additionally
16 objects to this request on the grounds that it potentially calls for the production of materials
17 protected from discovery under the attorney work product doctrine and/or attorney client
18 privilege. Righthaven further objects to this request on the ground that it potentially calls for the
19 disclosure of confidential and/or proprietary information and the parties have yet to enter into an
20 agreeable Stipulated Protective Order in this case. As such, no protective order one has been
21 entered by the Court under which an appropriate confidentiality designation, if any, could be
22 applied to responsive materials to the extent such materials exist.

23
24 **DOCUMENT REQUEST NO. 43:**

25 ALL COMMUNICATIONS between YOU and Kathy Bryant.

1 **RESPONSE TO DOCUMENT REQUEST NO. 43:**

2 Righthaven objects to this request on the grounds that the definitions of
3 “COMMUNICATIONS” and “YOU” are vague, ambiguous, overly broad and impose
4 compliance requirements outside of those authorized under Rule 34. Righthaven also objects to
5 this request as overly broad as it is not limited to any particular time period. As such, Righthaven
6 objects to this request to the extent it is interpreted to require the production of irrelevant
7 material outside the permissible scope of discovery in this action. Righthaven additionally
8 objects to this request on the grounds that it potentially calls for the production of materials
9 protected from discovery under the attorney work product doctrine and/or attorney client
10 privilege. Righthaven further objects to this request on the ground that it potentially calls for the
11 disclosure of confidential and/or proprietary information and the parties have yet to enter into an
12 agreeable Stipulated Protective Order in this case. As such, no protective order one has been
13 entered by the Court under which an appropriate confidentiality designation, if any, could be
14 applied to responsive materials to the extent such materials exist.

15
16 **DOCUMENT REQUEST NO. 44:**

17 ALL COMMUNICATIONS between YOU and Warren Stephens.

18
19 **RESPONSE TO DOCUMENT REQUEST NO. 44:**

20 Righthaven objects to this request on the grounds that the definitions of
21 “COMMUNICATIONS” and “YOU” are vague, ambiguous, overly broad and impose
22 compliance requirements outside of those authorized under Rule 34. Righthaven also objects to
23 this request as overly broad as it is not limited to any particular time period. As such, Righthaven
24 objects to this request to the extent it is interpreted to require the production of irrelevant
25 material, from a non-party, that is outside the permissible scope of discovery in this action.
26 Righthaven additionally objects to this request on the grounds that it potentially calls for the
27 production of materials protected from discovery under the attorney work product doctrine
28 and/or attorney client privilege. Righthaven further objects to this request on the ground that it

1 potentially calls for the disclosure of confidential and/or proprietary information and the parties
2 have yet to enter into an agreeable Stipulated Protective Order in this case. As such, no
3 protective order one has been entered by the Court under which an appropriate confidentiality
4 designation, if any, could be applied to responsive materials to the extent such materials exist.

5
6 **DOCUMENT REQUEST NO. 45:**

7 ALL contracts, agreements, investment DOCUMENTS, or other terms between YOU
8 and Stephens Media.

9
10 **RESPONSE TO DOCUMENT REQUEST NO. 45:**

11 Righthaven objects to this request on the grounds that the definitions of
12 “DOCUMENTS,” “YOU,” and “Stephens Media’s” are vague, ambiguous, overly broad and
13 impose compliance requirements outside of those authorized under Rule 34. Righthaven further
14 objects to this request as compound, overly broad, vague and ambiguous in its use of the phrase
15 “ALL contracts, agreements, investment DOCUMENTS, or other terms.” Righthaven also
16 objects to this request as overly broad as it is not limited to any particular time period. As such,
17 Righthaven additionally objects to this request as calling for the production of irrelevant material
18 an has been done solely for the purpose of harassment. Righthaven additionally objects to this
19 request on the grounds that it calls for the production of materials protected from discovery
20 under the attorney work product doctrine and/or attorney client privilege. Righthaven further
21 objects to this request on the ground that it calls for the disclosure of confidential and/or
22 proprietary information and the parties have yet to enter into an agreeable Stipulated Protective
23 Order in this case. As such, no protective order one has been entered by the Court under which
24 an appropriate confidentiality designation, if any, could be applied to responsive materials to the
25 extent such materials exist.

1 **DOCUMENT REQUEST NO. 46:**

2 ALL DOCUMENTS that refer or RELATE TO the agreement referenced by Mark
3 Hinueber on KUAR FM 89.1 on or around Sep. 29, 2010 when he said “Righthaven’s made the
4 decision that based on their agreement with us, they’re not going to send [cease and desist]
5 notices.”

6
7 **RESPONSE TO DOCUMENT REQUEST NO. 46:**

8 Righthaven objects to this request on the grounds that the definitions of “DOCUMENTS”
9 and “refer or RELATE TO” are vague, ambiguous, overly broad and impose compliance
10 requirements outside of those authorized under Rule 34. Righthaven further objects to this
11 request as compound, overly broad, vague and ambiguous in that it incorporates content into a
12 quote that apparently did not appear in the original statement that was allegedly made.
13 Righthaven additionally objects to this request as calling for the production of irrelevant material
14 and has been done solely for the purpose of harassment. Righthaven additionally objects to this
15 request on the grounds that it calls for the production of materials protected from discovery
16 under the attorney work product doctrine and/or attorney client privilege. Righthaven further
17 objects to this request on the ground that it calls for the disclosure of confidential and/or
18 proprietary information and the parties have yet to enter into an agreeable Stipulated Protective
19 Order in this case. As such, no protective order one has been entered by the Court under which
20 an appropriate confidentiality designation, if any, could be applied to responsive materials to the
21 extent such materials exist.

22
23 **DOCUMENT REQUEST NO. 47:**

24 ALL DOCUMENTS that refer or RELATE TO Righthaven’s or Stephens Media’s
25 policies and practices in sending cease and desist or takedown notices RELATING TO alleged
26 copyright infringement.

1 **RESPONSE TO DOCUMENT REQUEST NO. 47:**

2 Righthaven objects to this request on the grounds that the definitions of
3 “DOCUMENTS,” “refer or RELATE TO,” “Righthaven’s,” Stephens Media’s” and
4 “RELATING TO” are vague, ambiguous, overly broad and impose compliance requirements
5 outside of those authorized under Rule 34. Righthaven further objects to this request as
6 compound, overly broad, vague and ambiguous in its uses of such phrases as “refer or RELATE
7 TO,” “Righthaven’s or Stephen Media’s,” “policies and practices,” “sending cease and desist or
8 takedown notices.” Righthaven additionally objects to this request as vague, ambiguous and
9 overly broad because the request is not limited to a particular time period. Righthaven
10 additionally objects to this request on the grounds that it calls for the production of materials
11 protected from discovery under the attorney work product doctrine and/or attorney client
12 privilege. Righthaven further objects to this request on the ground that it calls for the disclosure
13 of confidential and/or proprietary information and the parties have yet to enter into an agreeable
14 Stipulated Protective Order in this case. As such, no protective order one has been entered by
15 the Court under which an appropriate confidentiality designation, if any, could be applied to
16 responsive materials to the extent such materials exist.

17
18 **DOCUMENT REQUEST NO. 48:**

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

22
23 **RESPONSE TO DOCUMENT REQUEST NO. 48:**

24 Righthaven objects to this request on the grounds that the definition of “DOCUMENTS”
25 is vague, ambiguous, overly broad and imposes compliance requirements outside of those
26 authorized under Rule 34. Righthaven further objects to this request as compound, overly broad,
27 vague and ambiguous in its use of the phrases “sufficient to fully reflect and describe the
28 ‘technology to find infringements on the Internet’” and “at around six-minute into the call.”

1 Righthaven additionally objects to this request as calling for the production of irrelevant material
2 and has been done solely for the purpose of harassment. Righthaven additionally objects to this
3 request on the grounds that it calls for the production of materials protected from discovery
4 under the attorney work product doctrine and/or attorney client privilege. Righthaven further
5 objects to this request on the ground that it calls for the disclosure of confidential and/or
6 proprietary information and the parties have yet to enter into an agreeable Stipulated Protective
7 Order in this case. As such, no protective order one has been entered by the Court under which
8 an appropriate confidentiality designation, if any, could be applied to responsive materials to the
9 extent such materials exist.

10
11 **DOCUMENT REQUEST NO. 49:**

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

14
15 **RESPONSE TO DOCUMENT REQUEST NO. 49:**

16 Righthaven objects to this request on the grounds that the definitions of
17 “DOCUMENTS,” “refer or RELATE TO,” and “Democratic Underground” are vague,
18 ambiguous, overly broad and impose compliance requirements outside of those authorized under
19 Rule 34. Righthaven further objects to this request as compound, overly broad, vague and
20 ambiguous in its use of the phrases “refer or RELATE TO” and “the use of any technology to
21 find use of the NEWS ARTICLE.” Righthaven additionally objects to this request as calling for
22 the production of irrelevant material and has been done solely for the purpose of harassment.
23 Righthaven additionally objects to this request on the grounds that it calls for the production of
24 materials protected from discovery under the attorney work product doctrine and/or attorney
25 client privilege. Righthaven further objects to this request on the ground that it calls for the
26 disclosure of confidential and/or proprietary information and the parties have yet to enter into an
27 agreeable Stipulated Protective Order in this case. As such, no protective order one has been
28 entered by the Court under which an appropriate confidentiality designation, if any, could be

1 applied to responsive materials to the extent such materials exist.
2

3 **DOCUMENT REQUEST NO. 50:**

4 ALL DOCUMENTS that refer or RELATE TO Righthaven's "fair use analysis"
5 referenced by Steve Gibson in the September 8, 2010 conference call hosted by Bryan Cave at
6 around the 46-minute mark.
7

8 **RESPONSE TO DOCUMENT REQUEST NO. 50:**

9 Righthaven objects to this request on the grounds that the definition of "DOCUMENTS,"
10 "refer or RELATE TO," and "Righthaven's" are vague, ambiguous, overly broad and impose
11 compliance requirements outside of those authorized under Rule 34. Righthaven further objects
12 to this request as compound, overly broad, vague and ambiguous in its use of the phrases "refer
13 or RELATE TO," "Righthaven's 'fair use analysis'" and "at around 46-minute into the call."
14 Righthaven additionally objects to this request as calling for the production of irrelevant material
15 and has been done solely for the purpose of harassment. Righthaven additionally objects to this
16 request on the grounds that it calls for the production of materials protected from discovery
17 under the attorney work product doctrine and/or attorney client privilege. Righthaven further
18 objects to this request on the ground that it calls for the disclosure of confidential and/or
19 proprietary information and the parties have yet to enter into an agreeable Stipulated Protective
20 Order in this case. As such, no protective order one has been entered by the Court under which
21 an appropriate confidentiality designation, if any, could be applied to responsive materials to the
22 extent such materials exist.
23

24 **DOCUMENT REQUEST NO. 51:**

25 ALL DOCUMENTS that refer or RELATE TO any "fair use analysis" conducted by
26 Righthaven with respect to the NEWS ARTICLE or its use (excluding any assertedly privileged
27 COMMUNICATIONS, which shall be logged pursuant to the SCHEDULING ORDER).
28

1 **RESPONSE TO DOCUMENT REQUEST NO. 51:**

2 Righthaven objects to this request on the grounds that the definition of “DOCUMENTS,”
3 “refer or RELATE TO,” and “Righthaven’s” are vague, ambiguous, overly broad and impose
4 compliance requirements outside of those authorized under Rule 34. Righthaven further objects
5 to this request as compound, overly broad, vague and ambiguous in its use of the phrases “refer
6 or RELATE TO” and “any ‘fair use analysis’ conducted by Righthaven with respect to the
7 NEWS ARTICLE or its use.” Righthaven additionally objects to this request as calling for the
8 production of irrelevant material and has been done solely for the purpose of harassment.
9 Righthaven additionally objects to this request on the grounds that it calls for the production of
10 materials protected from discovery under the attorney work product doctrine and/or attorney
11 client privilege. Righthaven further objects to this request on the ground that it calls for the
12 disclosure of confidential and/or proprietary information and the parties have yet to enter into an
13 agreeable Stipulated Protective Order in this case. As such, no protective order one has been
14 entered by the Court under which an appropriate confidentiality designation, if any, could be
15 applied to responsive materials to the extent such materials exist.

16
17 **DOCUMENT REQUEST NO. 52:**

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

21
22 **RESPONSE TO DOCUMENT REQUEST NO. 52:**

23 Righthaven objects to this request on the grounds that the definitions of “DOCUMENTS”
24 and “refer or RELATE TO” as vague, ambiguous, overly broad and impose compliance
25 requirements outside of those authorized under Rule 34. Righthaven further objects to this
26 request as compound, overly broad, vague and ambiguous in its use of the phrase “refer or
27 RELATE TO the ‘automated search matrix.’” Righthaven additionally objects to this request as
28 calling for the production of irrelevant material and has been done solely for the purpose of

1 harassment. Righthaven additionally objects to this request on the grounds that it calls for the
2 production of materials protected from discovery under the attorney work product doctrine
3 and/or attorney client privilege. Righthaven further objects to this request on the ground that it
4 calls for the disclosure of confidential and/or proprietary information and the parties have yet to
5 enter into an agreeable Stipulated Protective Order in this case. As such, no protective order one
6 has been entered by the Court under which an appropriate confidentiality designation, if any,
7 could be applied to responsive materials to the extent such materials exist.

8
9 **DOCUMENT REQUEST NO. 53:**

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

12
13 **RESPONSE TO DOCUMENT REQUEST NO. 53:**

14 Righthaven objects to this request on the grounds that the definitions of “DOCUMENTS”
15 and “refer or RELATE TO” as vague, ambiguous, overly broad and impose compliance
16 requirements outside of those authorized under Rule 34. Righthaven further objects to this
17 request as compound, overly broad, vague and ambiguous in its use of the phrases “refer or
18 RELATE TO” and “the use of any ‘automated search matrix’ in connection with the NEWS
19 ARTICLE.” Righthaven additionally objects to this request as calling for the production of
20 irrelevant material and has been done solely for the purpose of harassment. Righthaven
21 additionally objects to this request on the grounds that it calls for the production of materials
22 protected from discovery under the attorney work product doctrine and/or attorney client
23 privilege. Righthaven further objects to this request on the ground that it calls for the disclosure
24 of confidential and/or proprietary information and the parties have yet to enter into an agreeable
25 Stipulated Protective Order in this case. As such, no protective order one has been entered by
26 the Court under which an appropriate confidentiality designation, if any, could be applied to
27 responsive materials to the extent such materials exist.

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 objects to this request on the grounds that the definitions of “DOCUMENTS”
8 and “refer or RELATE TO” as vague, ambiguous, overly broad and impose 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” and “method to determine whether to sue.” Righthaven additionally objects to this
12 request as calling for the production of irrelevant material and has been done solely for the
13 purpose of harassment. Righthaven additionally objects to this request on the grounds that it calls
14 for the production of materials protected from discovery under the attorney work product
15 doctrine and/or attorney client privilege. Righthaven further objects to this request on the ground
16 that it calls for the disclosure of confidential and/or proprietary information and the parties have
17 yet to enter into an agreeable Stipulated Protective Order in this case. As such, no protective
18 order one has been entered by the Court under which an appropriate confidentiality designation,
19 if any, could be applied to responsive materials to the extent such materials exist.

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

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

26
27 **RESPONSE TO DOCUMENT REQUEST NO. 55:**

28 Righthaven objects to this request on the grounds that the definitions of

1 “DOCUMENTS,” “refer or RELATE TO” and “COMMUNICATIONS” as vague, ambiguous,
2 overly broad and impose compliance requirements outside of those authorized under Rule 34.
3 Righthaven further objects to this request as compound, overly broad, vague and ambiguous in
4 its use of the phrases “refer or RELATE TO” and “there are “communications to my company
5 saying, ‘What can I do to change my behavior, so I’m not disrespecting someone else’s
6 copyrights?’” Righthaven additionally objects to this request as calling for the production of
7 irrelevant material and has been done solely for the purpose of harassment. Righthaven
8 additionally objects to this request on the grounds that it calls for the production of materials
9 protected from discovery under the attorney work product doctrine and/or attorney client
10 privilege. Righthaven further objects to this request on the ground that it calls for the disclosure
11 of confidential and/or proprietary information and the parties have yet to enter into an agreeable
12 Stipulated Protective Order in this case. As such, no protective order one has been entered by
13 the Court under which an appropriate confidentiality designation, if any, could be applied to
14 responsive materials to the extent such materials exist.

15 **DOCUMENT REQUEST NO. 56:**

16 ALL business plans of Righthaven.

17
18 **RESPONSE TO DOCUMENT REQUEST NO. 56:**

19 Righthaven objects to this request on the grounds that the definition of “Righthaven” is
20 vague, ambiguous, overly broad and imposes compliance requirements outside of those
21 authorized under Rule 34. Righthaven further objects to this request as overly broad, vague and
22 ambiguous in its use of the phrase “ALL business plans” and its failure to state time period for
23 the requested material. Righthaven also objects to this request as calling for the production of
24 irrelevant material. Righthaven additionally objects to this request on the grounds that it calls for
25 the production of materials protected from discovery under the attorney work product doctrine
26 and/or attorney client privilege. Righthaven further objects to this request on the ground that it
27 calls for the disclosure of confidential and/or proprietary information and the parties have yet to
28 enter into an agreeable Stipulated Protective Order in this case. As such, no protective order one

1 has been entered by the Court under which an appropriate confidentiality designation, if any,
2 could be applied to responsive materials to the extent such materials exist.

3
4 **DOCUMENT REQUEST NO. 57:**

5 ALL marketing plans and marketing materials of Righthaven.

6
7 **RESPONSE TO DOCUMENT REQUEST NO. 57:**

8 Righthaven objects to this request on the grounds that the definition of “Righthaven” is
9 vague, ambiguous, overly broad and imposes compliance requirements outside of those
10 authorized under Rule 34. Righthaven further objects to this request as being compound, overly
11 broad, vague and ambiguous in its use of the phrase “ALL marketing plans and marketing
12 materials” and its failure to state time period for the requested material. Righthaven also objects
13 to this request as calling for the production of irrelevant material. Righthaven additionally
14 objects to this request on the grounds that it calls for the production of materials protected from
15 discovery under the attorney work product doctrine and/or attorney client privilege. Righthaven
16 further objects to this request on the ground that it calls for the disclosure of confidential and/or
17 proprietary information and the parties have yet to enter into an agreeable Stipulated Protective
18 Order in this case. As such, no protective order one has been entered by the Court under which
19 an appropriate confidentiality designation, if any, could be applied to responsive materials to the
20 extent such materials exist.

21
22 **DOCUMENT REQUEST NO. 58:**

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

25
26 **RESPONSE TO DOCUMENT REQUEST NO. 58:**

27 Righthaven objects to this request on the grounds that the definitions of
28 “DOCUMENTS,” “referring or RELATING TO,” “Righthaven” and “COMMUNICATION” as

1 vague, ambiguous, overly broad and impose compliance requirements outside of those
2 authorized under Rule 34. Righthaven further objects to this request as compound, overly broad,
3 vague and ambiguous in its use of the phrases “refer or RELATE TO” and “the creation of
4 Righthaven, including, without limitation, ALL COMMUNICATION among its founders and
5 funders.” Righthaven additionally objects to this request as calling for the production of
6 irrelevant material and has been done solely for the purpose of harassment. Righthaven
7 additionally objects to this request on the grounds that it calls for the production of materials
8 protected from discovery under the attorney work product doctrine and/or attorney client
9 privilege. Moreover, this request may invade the privacy rights of third parties. Righthaven
10 further objects to this request on the ground that it calls for the disclosure of confidential and/or
11 proprietary information and the parties have yet to enter into an agreeable Stipulated Protective
12 Order in this case. As such, no protective order one has been entered by the Court under which
13 an appropriate confidentiality designation, if any, could be applied to responsive materials to the
14 extent such materials exist.

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

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

20
21 **RESPONSE TO DOCUMENT REQUEST NO. 59:**

22 Righthaven objects to this request on the grounds that the definitions of
23 “DOCUMENTS,” “referring or RELATING TO” and “COMMUNICATIONS” are vague,
24 ambiguous, overly broad and impose compliance requirements outside of those authorized under
25 Rule 34. Righthaven also objects to this request as vague, ambiguous and compound in it use of
26 the phrases “referring or RELATING TO” and “including, without limitation, internal
27 COMMUNICATIONS and COMMUNICATIONS with the United States Copyright Office.”
28 Righthaven additionally objects to this request on the grounds that it calls for the production of

1 materials protected from discovery under the attorney work product doctrine and/or attorney
2 client privilege. Righthaven further objects to this request on the ground that it potentially calls
3 for the disclosure of confidential and/or proprietary information and the parties have yet to enter
4 into an agreeable Stipulated Protective Order in this case. As such, no protective order one has
5 been entered by the Court under which an appropriate confidentiality designation, if any, could
6 be applied to responsive materials to the extent such materials exist.

7 Subject to the foregoing objections, Righthaven has attached materials to the Complaint
8 and to publicly available filings in this matter that are potentially responsive to this request.
9 These materials are already in the possession of Democratic Underground's counsel. If required,
10 Righthaven will make these same materials available for inspection and copying or otherwise
11 arrange for their production.

12
13 **DOCUMENT REQUEST NO. 60:**

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

16
17 **RESPONSE TO DOCUMENT REQUEST NO. 60:**

18 Righthaven objects to this request on the grounds that the definitions of
19 "DOCUMENTS," "refer or RELATE TO" and "YOU" are vague, ambiguous, overly broad and
20 impose compliance requirements outside of those authorized under Rule 34. Righthaven further
21 objects to this request as compound, overly broad, vague and ambiguous in its use of the phrases
22 "refer or RELATE TO" and "any attempt YOU made to mitigate damages in connection with the
23 NEWS ARTICLE." As such, Righthaven additionally objects to this request as calling for the
24 production of irrelevant material as a request for statutory damages has been made in this case.
25 Righthaven additionally objects to this request on the grounds that it calls for the production of
26 materials protected from discovery under the attorney work product doctrine and/or attorney
27 client privilege. Righthaven further objects to this request on the ground that it calls for the
28 disclosure of confidential and/or proprietary information and the parties have yet to enter into an

1 agreeable Stipulated Protective Order in this case. As such, no protective order one has been
2 entered by the Court under which an appropriate confidentiality designation, if any, could be
3 applied to responsive materials to the extent such materials exist.
4

5 **DOCUMENT REQUEST NO. 61:**

6 ALL statements from YOUR bank or other financial institution.
7

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

9 Righthaven objects to this request on the grounds that the definition of “YOUR” is vague,
10 ambiguous, overly broad and imposes compliance requirements outside of those authorized
11 under Rule 34. Righthaven further objects to this request as irrelevant and that it has been
12 propounded for solely for harassment purposes. Righthaven also objects to this request as
13 compound, overly broad, vague and ambiguous in its use of the phrases “ALL statements” and
14 “YOUR bank or other financial institution.” This request further invades financially related and
15 other rights of privacy. Righthaven additionally objects to this request on the grounds that it may
16 calls for the production of materials protected from discovery under the attorney work product
17 doctrine and/or attorney client privilege. Righthaven further objects to this request on the ground
18 that it calls for the disclosure of confidential and/or proprietary information and the parties have
19 yet to enter into an agreeable Stipulated Protective Order in this case. As such, no protective
20 order one has been entered by the Court under which an appropriate confidentiality designation,
21 if any, could be applied to responsive materials to the extent such materials exist.
22

23 **DOCUMENT REQUEST NO. 62:**

24 ALL DOCUMENTS that refer or RELATE TO any revenue or income received by YOU.
25

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

27 Righthaven objects to this request on the grounds that the definitions of
28 “DOCUMENTS,” “refer or RELATE TO,” and “YOU” are vague, ambiguous, overly broad and

1 impose compliance requirements outside of those authorized under Rule 34. Righthaven further
2 objects to this request as irrelevant and that it has been propounded for solely for harassment
3 purposes. Righthaven also objects to this request as compound, overly broad, vague and
4 ambiguous in its use of the phrases "ALL DOCUMENTS," "refer or RELATE" and "any
5 revenue or income received by YOU." This request further invades financially related and other
6 rights of privacy. Righthaven additionally objects to this request on the grounds that it may calls
7 for the production of materials protected from discovery under the attorney work product
8 doctrine and/or attorney client privilege. Righthaven further objects to this request on the ground
9 that it calls for the disclosure of confidential and/or proprietary information and the parties have
10 yet to enter into an agreeable Stipulated Protective Order in this case. As such, no protective
11 order one has been entered by the Court under which an appropriate confidentiality designation,
12 if any, could be applied to responsive materials to the extent such materials exist.

13 Dated this 18th day of January, 2011.

14 SHAWN A. MANGANO, LTD.

15
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1 **CERTIFICATE OF SERVICE**

2 Pursuant to Federal Rule of Civil Procedure 5(b), I hereby certify that on this 18th day of
3 January, 2011, I caused the foregoing document to be served via regular U.S. mail to the
4 following addresses:

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