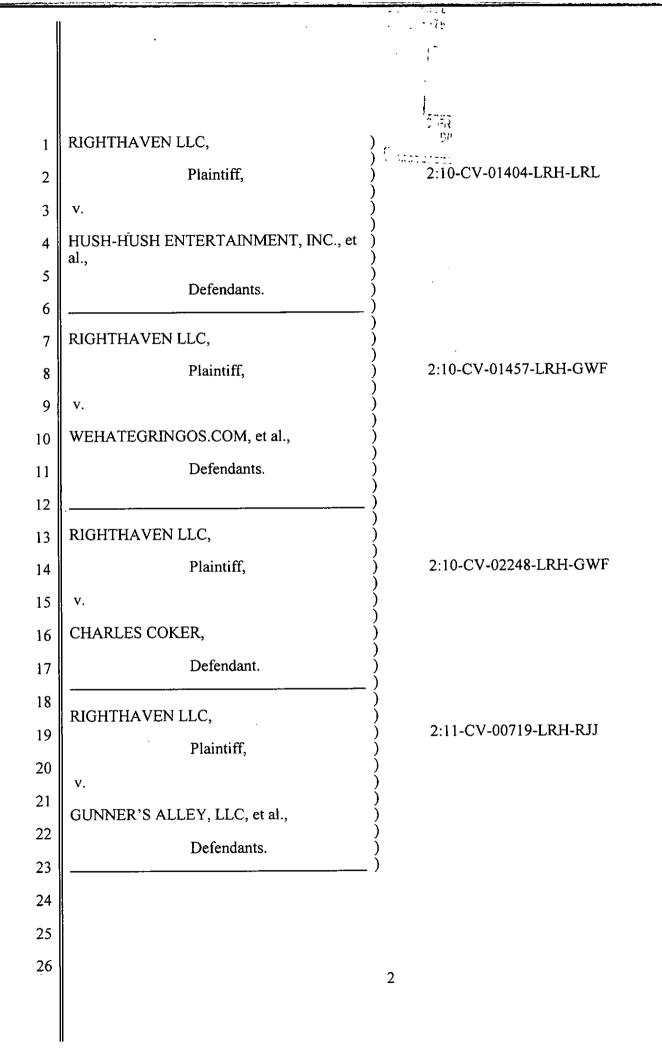
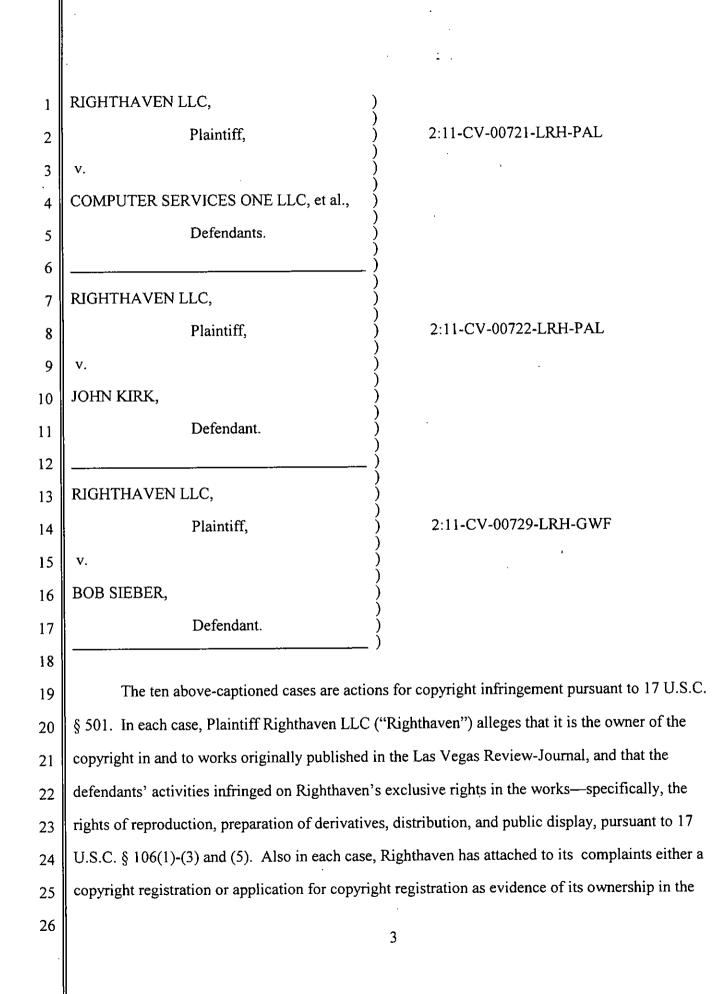


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works. In all cases, Stephens Media LLC ("Stephens Media") is identified as the author. As 1 disclosed in other Righthaven copyright actions involving Las Vegas Review-Journal material, a 2 January 18, 2010 Strategic Alliance Agreement ("SAA") between Stephens Media and Righthaven 3 governs assignments of works from the former to the latter and the relationship between them. 4

In recent decisions, this court has determined that Righthaven lacked standing to pursue 5 copyright infringement claims based on assignments made under the SAA because the SAA 6 prevents the transfer of "the exclusive rights necessary to maintain standing in a copyright 7 infringement action." Righthaven LLC v. Democratic Underground, LLC, 2:10-cv-01356-RLH-8 GWF, --- F. Supp. 2d ----, 2011 WL 2378186 at *6 (D. Nev. June 14, 2011); accord Righthaven, 9 LLC v. Hoehn, 2:10-cv-00050-PMP-RJJ, --- F. Supp. 2d ----, 2011 WL 2441020 at *6 (D. Nev. 10June 20, 2011). Additionally, in Hoehn, the court further held that a May 9, 2011 Clarification and 11 Amendment to Strategic Alliance Agreement (the "Clarification") "does not correct the 12 deficiencies with respect to lack of standing" and "does not provide Righthaven with any exclusive 13 rights necessary to bring suit." Hoehn, 2011 WL 2441020 at *6. 14

Standing to sue is an indispensable part of a federal court's Article III jurisdiction and must 15 be addressed by the court even if the parties fail to raise it. Lujan v. Defenders of Wildlife, 504 U.S. 16 555, 560 (1992); FW/PBS, Inc. v. City of Dallas, 493 U.S. 215, 231 (1990). "The federal courts are 17 under an independent obligation to examine their own jurisdiction, and standing 'is perhaps the 18 most important of [the jurisdictional] doctrines." FW/PBS, 493 U.S. at 231 (quoting Allen v. 19 Wright, 468 U.S. 737, 750 (1984)) (brackets in original). 20

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In the ten above-captioned cases, the pleadings and other papers on file reveal that the standing issues are likely identical to the standing issues determined adversely to Righthaven in 22 Democratic Underground and Hoehn. Because substantial doubt exists as to Righthaven's 23 standing and the court's subject-matter jurisdiction, Righthaven is hereby ordered to show cause 24 why each of the above-captioned cases should not be dismissed for lack of standing. At minimum, 25

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Righthaven's written response shall include copies of the SAA, the Clarification, and the assignments of the particular works in question, and shall specifically address whether and how the facts and legal issues relating to Righthaven's alleged standing are identical to the standing issues addressed in Democratic Underground and Hoehn, and if not, in what material respects they differ.

In the interests of economy, Righthaven may prepare and file a consolidated response as to the above-captioned cases, in accordance with the form of this order. However, the response shall be filed under each case number, and the cases shall remain unconsolidated for all other purposes.

IT IS THEREFORE ORDERED that the plaintiff show cause, in writing, within ten (10) days of this order why the court should not dismiss the above-captioned cases for lack of standing. IT IS FURTHER ORDERED that all proceedings are hereby STAYED pending the court's determination of plaintiff's standing.

IT IS SO ORDERED.

DATED this **28** day of June, 2011.

FED STATES DISTRICT JUDGE