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11 **UNITED STATES DISTRICT COURT**
 12 **DISTRICT OF NEVADA**
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14 RIGHTHAVEN LLC, a Nevada limited-
 liability company,
 15

16 Plaintiff,
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18 v.

19 THE LONE STAR FOUNDATION INC., a
 Texas domestic corporation; and ANDY
 HOGUE, an individual,
 20

21 Defendants.
 22

Case No.: 2:11-cv-05

**COMPLAINT AND DEMAND
 FOR JURY TRIAL**

23
 24 Righthaven LLC (“Righthaven”) complains as follows against The Lone Star Foundation
 25 Inc. (“Lone Star Foundation”) and Andy Hogue (“Mr. Hogue”; collectively with Lone Star
 26 Foundation known herein as the “Defendants”) on information and belief:
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NATURE OF ACTION

1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.

PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Nevada Secretary of State.

4. Lone Star Foundation is, and has been at all times relevant to this lawsuit, a Texas domestic corporation.

5. Lone Star Foundation is, and has been at all times relevant to this lawsuit, identified by the current registrar, Network Solutions LLC (“Network Solutions”), as the registrant of the Internet domain found at <lonestarreport.org> (the “Domain”).

6. Mr. Hogue is, and has been at all times relevant to this lawsuit, identified by the content accessible through the Domain (said content accessible through the Domain known herein as the “Website”) as a “correspondent” for the Website.

7. Mr. Hogue reproduced an unauthorized copy of the Righthaven-owned literary work entitled: “ACORN misconduct trial stalls yet again, probably well into 2011” (the “Work”), attached hereto as Exhibit 1, and posted said unauthorized copy (the “Infringement”), attached hereto as Exhibit 2, on the Website.

JURISDICTION

8. This Court has original subject matter jurisdiction over this copyright infringement action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

9. Righthaven is the owner of the copyright in the Work.

10. At all times relevant to this lawsuit, the Work has depicted and depicts the original source publication as the *Las Vegas Review-Journal*.

1 22. The United States District Court for the District of Nevada is an appropriate
2 venue, pursuant to 28 U.S.C. § 1391(c), because Lone Star Foundation is subject to personal
3 jurisdiction in Nevada.

4 23. The United States District Court for the District of Nevada is an appropriate
5 venue, pursuant to 28 U.S.C. § 1400 (a), because the Defendants are subject to personal
6 jurisdiction in Nevada.

7
8 **FACTS**

9 24. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §
10 102(a)(1).

11 25. Righthaven is the owner of the copyright in and to the Work.

12 26. The Work was originally published on or about November 23, 2010.

13 27. On December 15, 2010, the United States Copyright Office (the “USCO”)
14 received Righthaven’s official submittal for the registration to the Work, including the
15 application, the deposit copy, and the registration fee (the “Complete Application”), Service
16 Request No. 1-534407923, and attached hereto as Exhibit 3 is the official USCO application
17 submittal for the Work depicting the occurrence of the Complete Application.

18 28. On or about November 29, 2010, Mr. Hogue posted the Infringement on the
19 Website, and the indication of Mr. Hogue’s posting of the Infringement on the Website is
20 attached hereto as Exhibit 2.

21 29. On or about November 29, 2010, the Defendants displayed, and continue to
22 display, the Infringement on the Website.

23 30. The Defendants did not seek permission, in any manner, to reproduce, display, or
24 otherwise exploit the Work.

25 31. The Defendants were not granted permission, in any manner, to reproduce,
26 display, or otherwise exploit the Work.

CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT

32. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through 31 above.

33. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17 U.S.C. § 106(1).

34. Righthaven holds the exclusive right to prepare derivative works based upon the Work, pursuant to 17 U.S.C. § 106(2).

35. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to 17 U.S.C. § 106(3).

36. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17 U.S.C. § 106(5).

37. The Defendants reproduced the Work in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(1).

38. The Defendants created an unauthorized derivative of the Work in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(2).

39. The Defendants distributed, and continue to distribute, an unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(3).

40. The Defendants publicly displayed, and continue to publicly display, an unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(5).

41. Lone Star Report has willfully engaged in the copyright infringement of the Work.

42. Mr. Hogue has willfully engaged in the copyright infringement of the Work.

43. The Defendants' acts as alleged herein, and the ongoing direct results of those acts, have caused and will continue to cause irreparable harm to Righthaven in an amount Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

1 44. Unless the Defendants are preliminarily and permanently enjoined from further
2 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
3 entitled to preliminary and permanent injunctive relief against further infringement by the
4 Defendants of the Work, pursuant to 17 U.S.C. § 502.

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6 **PRAYER FOR RELIEF**

7 Righthaven requests that this Court grant Righthaven’s claim for relief herein as follows:

8 1. Preliminarily and permanently enjoin and restrain the Defendants, and the
9 Defendants’ officers, agents, servants, employees, attorneys, parents, subsidiaries, related
10 companies, partners, and all persons acting for, by, with, through, or under the Defendants, from
11 directly or indirectly infringing the Work by reproducing the Work, preparing derivative works
12 based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering,
13 directing, participating in, or assisting in any such activity;

14 2. Direct the Defendants to preserve, retain, and deliver to Righthaven in hard copies
15 or electronic copies:

16 a. All evidence and documentation relating in any way to the Defendants’
17 use of the Work, in any form, including, without limitation, all such evidence and
18 documentation relating to the Website;

19 b. All evidence and documentation relating to the names and addresses
20 (whether electronic mail addresses or otherwise) of any person with whom the
21 Defendants have communicated regarding the Defendants’ use of the Work; and

22 c. All financial evidence and documentation relating to the Defendants’ use
23 of the Work;

24 3. Direct Network Solutions, and any successor domain name registrar for the
25 Domain, to lock the Domain and transfer control of the Domain to Righthaven;

26 4. Award Righthaven statutory damages for the willful infringement of the Work,
27 pursuant to 17 U.S.C. § 504(c);
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5. Award Righthaven costs, disbursements, and attorneys' fees incurred by Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

6. Award Righthaven pre- and post-judgment interest in accordance with applicable law; and

7. Grant Righthaven such other relief as this Court deems appropriate.

DEMAND FOR JURY TRIAL

Righthaven requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated this third day of January, 2011.

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