

1 SHAWN A. MANGANO, ESQ.
 Nevada Bar No. 6730
 2 shawn@manganolaw.com
 SHAWN A. MANGANO, LTD.
 3 9960 West Cheyenne Avenue, Suite 170
 Las Vegas, Nevada 89129-7701
 4 Tel: (702) 304-0432
 Fax: (702) 922-385

5
 6 J. CHARLES COONS, ESQ.
 Nevada Bar No. 10553
cchoons@righthaven.com
 7 *Assistant General Counsel at Righthaven LLC*
 Righthaven LLC
 8 9960 West Cheyenne Avenue, Suite 210
 Las Vegas, Nevada 89129-7701
 9 (702) 527-5900

10 *Attorneys for Plaintiff Righthaven LLC*

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

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

16
 17 Plaintiff,

18 v.

19 WAYNE HOEHN, an individual,

20 Defendant.
 21

Case No.: 2:11-cv-XXXX

**COMPLAINT AND DEMAND
 FOR JURY TRIAL**

22
 23 Righthaven LLC (“Righthaven”) complains as follows against Wayne Hoehn (“Mr.
 24 Hoehn”) on information and belief:

25
 26 **NATURE OF ACTION**

27 1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.
 28

1 **PARTIES**

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

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

6 4. Mr. Hoehn is, and has been since July 13, 1999, identified as a registered user of
7 the Internet domain found at <madjacksports.com> (the “Domain”).

8 5. Mr. Hoehn is, and has been since July 13, 1999, identified by the user name
9 “Dogs that Bark,” via the content accessible through the Domain (the content accessible through
10 the Domain and the Domain itself known herein as the “Website”).

11 6. According to data published on the Website, Mr. Hoehn has approximately
12 18,000 total posts on the Website.

13 7. Mr. Hoehn is not, and has never been, employed by the owner and operator of the
14 Website.

15 **JURISDICTION**

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

18 9. Righthaven is the owner of the copyright in and to the literary work entitled:
19 “Public employee pensions; We can’t afford them” (the “Work”), attached hereto as Exhibit 1.

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

22 11. Mr. Hoehn willfully copied, on an unauthorized basis, the Work from a source
23 emanating from Nevada.

24 12. On or about November 29, 2010, Mr. Hoehn displayed an unauthorized copy of
25 the Work (the “Infringement”) on the Website, attached hereto as Exhibit 2.

26 13. At all times relevant to this lawsuit, the Infringement has depicted and depicts the
27 original source publication as the Las Vegas *Review-Journal*.
28

1 Request No. 1-534407838, and attached hereto as Exhibit 3 is the official USCO application
2 submittal for the Work depicting the occurrence of the Complete Application.

3 25. On or about November 29, 2010, Mr. Hoehn displayed the Infringement on the
4 Website.

5 26. Mr. Hoehn did not seek permission, in any manner, to reproduce, display, or
6 otherwise exploit the Work.

7 27. Mr. Hoehn was not granted permission, in any manner, to reproduce, display, or
8 otherwise exploit the Work.

9
10 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

11 28. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
12 27 above.

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

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

17 31. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
18 17 U.S.C. § 106(3).

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

21 33. Mr. Hoehn reproduced the Work in derogation of Righthaven's exclusive rights
22 under 17 U.S.C. § 106(1).

23 34. Mr. Hoehn created an unauthorized derivative of the Work in derogation of
24 Righthaven's exclusive rights under 17 U.S.C. § 106(2).

25 35. Mr. Hoehn distributed, and continue to distribute, an unauthorized reproduction of
26 the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. §
27 106(3).
28

1 c. All financial evidence and documentation relating to Mr. Hoehn's use of
2 the Work;

3 3. Award Righthaven statutory damages for the willful infringement of the Work,
4 pursuant to 17 U.S.C. § 504(c);

5 4. Award Righthaven costs, disbursements, and attorneys' fees incurred by
6 Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

7 5. Award Righthaven pre- and post-judgment interest in accordance with applicable
8 law; and

9 6. Grant Righthaven such other relief as this Court deems appropriate.

10
11 **DEMAND FOR JURY TRIAL**

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

14 Dated this eleventh day of January, 2011.

15 SHAWN A. MANGANO, LTD.

16
17 By: /s/ Shawn A. Mangano

18 SHAWN A. MANGANO, ESQ.
19 Nevada Bar No. 6730
20 shawn@manganolaw.com
21 SHAWN A. MANGANO, LTD.
22 9960 West Cheyenne Avenue, Suite 170
23 Las Vegas, Nevada 89129-7701
24 Tel: (702) 304-0432
25 Fax: (702) 922-3851

26 J. CHARLES COONS, ESQ.
27 Nevada Bar No. 10553
28 ccoons@righthaven.com
*Assistant General Counsel at Righthaven
LLC*
Righthaven LLC
9960 West Cheyenne Avenue, Suite 210
Las Vegas, Nevada 89129-7701
(702) 527-5900

Attorneys for Plaintiff Righthaven LLC