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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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RIGHTHAVEN, LLC a Nevada limited liability company,

2:11-CV-00050-PMP-RJJ

Plaintiff,

**ORDER**

vs.

WAYNE HOEHN, an individual,

Defendant.

Before the Court for consideration is Plaintiff Righthaven, LLC's Motion for Stay of Judgment Pending Appeal Pursuant to Federal Rule of Appellate Procedure 8(a) (Doc. #52) filed on September 9, 2011. Defendant Hoehn filed an Opposition to Plaintiff's Motion (Doc. #53) on September 12, 2011. Plaintiff was entitled to and including September 22, 2011 within which to file a reply memorandum, but has apparently elected not to do so. As a result, Plaintiff's Motion is now ripe for consideration.

Having considered the competing positions of the parties on the issue of stay of judgment regarding attorneys' fees pending appeal, the Court finds that Plaintiff does not enjoy a reasonable probability of success on the merits of its appeal, and that the relief requested in the form of a stay should be granted only on the condition that Plaintiff post a bond to secure the judgment on attorneys' fees

1 entered by this Court in the amount of \$34,045.50. The Court rejects Defendant's  
2 argument that any bond posted to secure the stay pending appeal should account for  
3 additional potential attorneys' fees which may be incurred in this case.

4 **IT IS THEREFORE ORDERED** that Plaintiff Righthaven, LLC's  
5 Motion for Stay of Judgment Pending Appeal Pursuant to Federal Rule of Appellate  
6 Procedure 8(a) (Doc. #52) is **GRANTED** to the extent that a stay of this Court's  
7 Judgment (Doc. #44) awarding attorneys' fees in favor of Defendant Wayne Hoehn  
8 and against Plaintiff Righthaven, LLC in the amount of **\$34,045.50** is **GRANTED**  
9 on condition that within 30 days from the date of this Order, Plaintiff Righthaven,  
10 LLC post a bond in the amount of **\$34,045.50**.

11 **IT IS FURTHER ORDERED** that Defendant's Motion for Order to  
12 Show Cause Regarding Plaintiff's Contempt of Court (Doc. #54) is **DENIED**.

13 **IT IS FURTHER ORDERED** that Defendant's Motion for Writ of  
14 Execution (Doc. #55) is **DENIED**.

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16 DATED: September 28, 2011.

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PHILIP M. PRO  
20 United States District Judge  
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