Righthaven LLC v. Allec et al

Case 2:11-cv-00532-KJD -PAL Document 11-1 Filed 06/20/11 Page 1 of 4

EXHIBIT A

Doc. 14 Att. 2

<u>AFFIDAVIT OF MICHAEL RICHARD ALLEC REGARDING</u> OWNERSHIP AND CONTROL OF <THERX.COM> AND <THERXFORUM.COM>

- I, Michael Richard Allec, the undersigned, being over 18 years of age and of sound mind, and having personal knowledge of the matters set forth below, state as follows:
- 1. From 1994 until present, I have been a computer hardware and software consultant and a software and website developer.
 - 2. From 1994 until 1999, I was a freelance web designer.
- 3. From 1999 to 2006, I was the head of software and hardware technology for Don Best Sports, found at <donbest.com>.
- 4. From June 1, 2006, to June 1, 2007, I was under contract (hereinafter, the "Contract") to develop, maintain and identify new technologies and projects to be integrated into the RX.com/the RXForum.com (collectively, the "Site").
- 5. A true and correct copy of this Contract, executed on June 1, 2006, is attached to this Affidavit as Exhibit A.
- 6. During the course of the Contract, I became the nominated registrant for the Site, and was named is the registrant for <therx.com> and <therxforum.com> in the publicly available WHOIS information for both domain names.
- 7. While I was responsible for the design and development of code that displayed the Site to end users during the time I was under contract, I did not have any ownership or financial interest in the Site beyond the monthly payments specified in Exhibit A, Sections 3 and 4, and I had no control over the Site's substantive or user-submitted content.

//

- 8. On June 1, 2007, my contractual relationship with the Site ended.
- 9. Since June 1, 2007, I have not had any other contractual relationships with the Site, or any ability to affect any contents or information thereon presented.
- 10. Moreover, since June 1, 2007, I have not contributed to or developed any portion of the Site as a consultant, contractor, employee, or in any other capacity, or had any other relationship to the Site.
- 11. At the end of the contract, I have possessed no financial or ownership interest in the Site or its business, including the domain names <therx.com> and <therxforum.com>.
- 12. To this day, I do not have any financial or ownership interests in the Site, including the domain names <therx.com> and <therxforum.com>.
- 13. To the extent I ever had any control over the domains <therx.com> and <therxforum.com>, I turned over all ownership and legal interest in those domains, including the registrar login information that controlled access to the domains, to the owners and operators of the Site as of June 1, 2007, at the end of the Contract.
- 14. Therefore, I have no control, access or ownership interest in the <therx.com> and <therxforum.com> domain names, or the websites appearing there.

//

//

//

//

//

- 15. At no time have I been responsible for any of the content found on the Site, the Site's operations, or for the Site's technical management, except for my limited role in developing website code for the Site from June 1, 2006 to June 1, 2007.
- 16. To the extent others may allege I have any ownership interest or control over the Site, I disavow and disclaim all such alleged interests; I am independent of the Site and have not had a relationship with the Site since the expiration of the Contract on June 1, 2007.

I declare under penalty of perjury that the foregoing is true and correct.

By:	
Michael Richard Allec Date: 5/21/1/	

State of Nevada)
) SS:
County of Clark)

Sworn and subscribed to me this 2 day of May, 2011

Notary Public

DONNA MARTIN
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: July 7, 2014
Certificate No: 10-2725-1

My commission expires Wy 07, 2014