Las Vegas Sun

Copyright lawsuit filed over sports-betting content

By Steve Green (contact)

Saturday, April 9, 2011 | 2:05 a.m.

Righthaven LLC of Las Vegas has expanded into a new line of copyright enforcement: the protection of online sports-betting content.

Righthaven is best known for suing websites, bloggers and message board posters over material it obtains from the Las Vegas Review-Journal and the Denver Post.

On Friday, it filed its first lawsuit that doesn't involve material from a newspaper.

Instead, the lawsuit accused the owner of Las Vegas-based sports handicapping website therxforum.com of copyright infringement after material from a competing company allegedly was posted on therxforum.com.

Similar to its newspaper lawsuits, Righthaven said in the lawsuit it has acquired copyrights to sports handicapping posts from Florida-based Stevo Design Inc.

Stevo Design, headed by CEO Steven Budin, sells sports handicapping information and analysis by various author handicappers through scores of websites ranging from ATSadvice.com to Gametimereport.com to Vegasadvisors.com.

Typical of the material Righthaven claims was infringed on by therxforum.com was a "literary work," actually a post called "Rockets 11-10-10" that Righthaven says was originally published on Nov. 10 and was displayed without authorization by therxforum.com on the same day.

"Don't be fooled by Houston's 1-5 record. This is a playoff-caliber basketball team that will be proven over the course of the season," the post begins.

Righthaven's copyright registration application was received for the post by the U.S. Copyright Office on Feb. 7.

This indicates Righthaven's lawsuit over the Stevo Design material is similar to its newspaper lawsuits — it likely first finds infringements then obtains copyrights and sues without warning or a takedown request.

Officials at therxforum.com have not yet responded to the lawsuit, which seeks damages of \$150,000 and asserts 50 counts of copyright infringement including "vicarious copyright infringement" in which Righthaven claims therxforum.com is responsible for the posts by its users.

The website and its content are owned by Rick Allec and RX Advertising Inc. LLC, the lawsuit says. The advertiser-supported therxforum.com calls itself "The World's Leading Sportsbetting Forum."

The copyright transfer arrangement with Stevo Design isn't the only relationship Righthaven CEO Steven Gibson has with Stevo Design.

Gibson and other attorneys at law firm Dickinson Wright PLLC represent Stevo Design in two lawsuits filed in February on behalf of Stevo Design against competitors alleging misappropriation of Stevo Design content.

Both defendants, SBR Marketing Ltd. and Eddie Roman Consulting Inc., were accused in separate lawsuits of trademark and copyright infringement. Neither defendant has responded to the lawsuits, records showed Friday.

And this is not the first time RX Advertising has been sued by Righthaven. A suit filed in June named The Prescription LLC and RX Advertising Inc. as defendants.

The suit alleged multiple Review-Journal stories were posted on the therxforum.com site, but the case was closed last month after Righthaven voluntarily dismissed it without prejudice.

The dismissal was made for undisclosed reasons. Righthaven showed RX Advertising had been served and RX Advertising did not answer the lawsuit. Yet for undisclosed reasons Righthaven did not pursue a default judgment against RX Advertising.

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Las Vegas Sun education:

Budget cuts would be 'crushing' for Las Vegas elementary school

By David McGrath Schwartz (contact), Michael Squires (contact)

Sunday, April 10, 2011 | 2 a.m.

The sheer scale of Nevada's budget deficit can dwarf its human-sized effect.

But at one Las Vegas elementary school last week, the faraway debate on the state budget in Carson City was translated into terms everyone understands: <u>Iverson Elementary</u> Principal Linnea Westwood met with 10 of her 35 teachers and warned them they could lose their jobs next year.

If that happens, fourth- and fifth-grade classes will increase from a barely manageable 34 or 35 students to 40 or more — "traffic-cop" territory as teachers sometimes call it.

The educator who tutors students for whom English is a second language, more than 25 percent of the school, will be gone.

Out too: the literacy specialist who helps teachers teach reading, and children struggling to read.

"It's crushing," said Westwood, who is in her first year as a principal.

Iverson is where the hope of the past and hardship of the present intersect.

Perched on Hollywood Boulevard at the eastern edge of the valley, the school was built about six years ago, during the boom. The facilities still look new. Its sprawling playground offers a panoramic view of the valley.

The student body of about 750, kindergarten through fifth grade, is a mix of races and economic backgrounds. Staff members are young and enthusiastic.

Busy running the school, Westwood admits she hasn't followed every turn of the screw in the state capital. She knew the budget proposed by Gov. Brian Sandoval would mean cuts, if not the details.

Then, this month <u>Clark County School District officials gave her a number</u>. And 10 teachers, among them her "best and brightest," were told the order in which they will face the chopping block.

Westwood has gone to lengths to keep this from the students. During a recent assembly to honor students, she invited parents to stay and hear the latest on the state budget after the children had returned to class.

"The adults will figure this out," she told a reporter.

Still, some sense of the situation has spread among the students.

"It's very distracting. The kids know and they're running up and giving us hugs. They're worried," second-grade teacher Amanda Benavidez said. She's No. 8 on the layoff list.

"None of us got into it for the money. We do it to raise the next generation of doctors, lawyers and professionals. But my question is, are we going to have any of those in this state?"

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Sandoval won in November promising to <u>balance the state's budget without raising taxes</u> despite a \$2.2 billion deficit. He has kept his word, proposing a budget that would make deep cuts in social services, K -12 schools and higher education.

He acknowledges the difficulty that will accompany his budget, but he has also said improving education is a priority. He explains the paradox by saying reforms, such as ending teacher tenure and giving administrators control over which teachers to lay off, could improve schools with less money until the state's economy rebounds. He has also recommended pay cuts for educators to lessen the effect on classrooms.

He said last week that he would not trade any taxes for such reforms.

Democrats — who control the Assembly and Senate but lack the two-thirds majority to override a veto — have complained about the depth of Sandoval's cuts. But they haven't found Republican lawmakers who would join them in passing new taxes to blunt the cuts.

The uncertainty will drag on at least until June 6, when the legislative session ends.

And schools such as Iverson will remain in limbo, not knowing whether almost a third of their teachers will be sent packing.

But Westwood said the school needs to move forward. She's planning classes and positions as if the 10 teachers will be gone next year.

Westwood, however, would like the district to change how teachers are laid off.

Now, it's a matter of seniority. She would prefer being able to keep her top teachers regardless of how long they've been with the district, as Sandoval has proposed.

"We're losing our newest teachers, who are also some of our brightest and most energetic," she said. "That would be a crushing blow to us."

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So what happens when a school loses nearly 30 percent of its staff? Any grade-school student learning long division can figure out that fewer teachers mean bigger classes.

Academics argue about whether class size affects learning. An effective educator in the classroom is the most important factor, most say.

But teachers at Iverson say their experience shows bigger classes affect learning — it already does.

Cheryl Lopez, a fourth-grade teacher with 35 students — she is in her first year teaching and is No. 4 on the school's layoff list — put it this way: "You'll have a child crying, saying 'I don't get this.' But your hands are tied because you have 34 other kids who need the same attention. When you have 35 kids in a class, it's insane giving that individual attention, but they deserve it."

With the cuts, fourth-grade classes at Iverson would have 40 or more students.

"Do the math with 40 kids: Just to grade papers at 10 minutes per paper times 40 kids, that's 400 minutes," Westwood said. "And that's just prep time away from the kids. Ten minutes per parent phone call, all times 40 kids. Logistically, it's impossible."

Because state mandates restrict the size of classes in first through third grades, crowding becomes a problem starting in fourth grade.

As class sizes grow, so does the gap between high-performing and low-performing students, teachers said. If the "bubble kids" don't catch up to their peers by the time they leave Iverson, they likely never will.

The school is under pressure to help its lowest-performing students.

When Westwood, 31, arrived at Iverson last year, the school was classified as "Needs Improvement Year 4" under No Child Left Behind, the federal law requiring student achievement be tracked more closely and holding schools accountable for the results.

"We have a building full of amazing teachers who've made amazing gains," Westwood said. The "Needs Improvement" label "is the black cloud hanging over our school. It doesn't come close to showing what the school has been able to achieve in the last few years."

"On weekends we'll text each other, 'What are you doing here? What are you doing there?' "said first-grade teacher Katelynn Reilly, who is No. 5 on the layoff list. "We have a buddy system almost."

Despite the school's struggles to comply with No Child Left Behind, Westwood doesn't resent the measurement even though the school's progress hasn't yet registered. In fact, she sees the power in it.

"We have to look at the data," she said. "Teachers who come in know the reality of the school and the profession. They know it, they like it. They want the kids to do well."

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Westwood doesn't want to leave the impression that anyone at Iverson is giving up. They're moving forward, planning to make do with 25 teachers.

Westwood expects teachers and administrators will take pay cuts, as Sandoval has suggested, to reduce layoffs.

"I think they're barely surviving to begin with," Westwood said. "But if you asked any of them, if it means the person next to them keeps their job, they'd do it."

Some, however, have seen enough.

Cassie Restrepo, a first-grade teacher and No. 12 on the layoff list, moved to Las Vegas from Kentucky three years ago to take a job with the School District. Because of the budget turmoil, she's leaving teaching and Southern Nevada. She will enroll in law school at the University of Louisville.

"I still want to stay in education, but not here," she said. "It really makes me sad that I'm not going to be in the School District next year. My kiddos, I worry about them."

Meanwhile, Westwood said her teachers are putting on their "game faces" and "fighting desperately hard not to crumble."

"They're pumping themselves up for the kids, but behind closed doors I think they're struggling to make ends meet, come up with backup plans about what to do next year," she said.

The educators struggle with the feeling that "they're alone in all of this. It feels like nobody's fighting for them. And they're the ones taking all the cuts, all the losses for these kids. And they keep coming."

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Strikeforce Notebook: Nick Diaz explains showmanship toward Paul Daley

Gegard Mousasi and Keith Jardine discuss their majority draw

By Case Keefer (contact)

Sunday, April 10, 2011 | 2:08 a.m.

SAN DIEGO — A lot of Nick Diaz's supporters stressed the importance of fighting "smart" against British knockout king Paul Daley heading into their Saturday bout.

Dropping his hands, sticking out his chin and shouting at Daley at the beginning of the fight probably wasn't what they had in mind for the champion.

"It could have been a little cleaner for me," Diaz said. "I think I was still pumped up from the weigh-in. It could have been working with me or against me."

Diaz insisted he had no intentions to come into the bout and act like that, but Daley's actions at Friday's weigh-in changed everything. Daley threw down the hat he was wearing and yelled into Diaz's face during their stare down photo.

"We were fine until he got all hype-y at the weigh-in," Diaz said. "I don't want to come off that way and I'm not exactly sure what happened out there."

It's not the first time Diaz has trash-talked an opponent while in the cage. In fact, it's a frequent method of his. But this fight felt different after Diaz said nothing negative about Daley all week.

Diaz stated that he respected Daley's knockout power and would act accordingly, but that never came to fruition. It worked out fine for Diaz anyway, who said his talk could have helped contribute to his TKO victory at the end of the first round.

"I think it really threw him off a little bit," Diaz said. "He didn't have anything to say to me."

Mousasi and Jardine OK with draw decision

Usually a draw is accompanied by the fighters involved making pleas for why the judges should have awarded them the decision.

Neither Gegard Mousasi nor Keith Jardine did that after their light heavyweight majority draw. One judge gave Mousasi a 29-27 victory, while the other two scored it 28-28.

"It probably was the right decision," Mousasi said.

Mousasi lost a point in the first round for an illegal kick to Jardine, who had his knees on the ground. That point proved the difference between a draw and unanimous decision win for the former Strikeforce champion.

All three judges had the first round 9-9 and two gave Jardine the second 10-9.

"I felt pretty good about the first two rounds," Jardine said. "I clearly lost the third round. I thought at that point, I had a good shot but a decision is a decision. I've been on the wrong side of a lot of split decisions, so I wasn't letting myself get too hopeful."

Strikeforce CEO Scott Coker said Mousasi and Jardine would likely face off in a rematch, but had no timetable for the bout.

Shinya Aoki back on winning track

Shinya Aoki and his team brought towels with the message "Fight for Japan" printed across them.

Aoki said he wanted to give his country something positive to cheer about after its been ravaged with crises in the past month. He got the job done quickly, choking out Lyle Beerbohm 1:13 into their lightweight bout.

"I'm happy to end the fight," Aoki said through a translator, "but this fight was great and shocking to me."

Case Keefer can be reached at 948-2790 or <u>case.keefer@lasvegassun.com</u>. Follow Case on Twitter at twitter.com/casekeefer.

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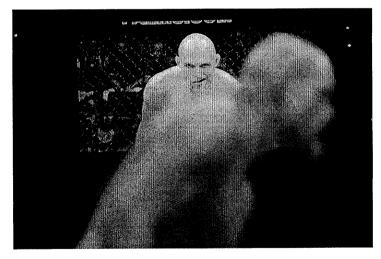
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Justin M. Bowen

Keith Jardine prepares for his fight against Matt Hammil during The Ultimate Fighter Season 11 Finale at the Pearl inside the Palms in this file photo.

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Dropping his hands, sticking out his chin and shouting at Daley at the beginning of the fight probably wasn't what they had in mind for the champion.

"It could have been a little cleaner for me," Diaz said. "I think I was still pumped up from the weigh-in. It could have been working with me or against me.'

Diaz insisted he had no intentions to come into the bout and act like that, but Daley's actions at Friday's weigh-in changed everything. Daley threw down the hat he was wearing and yelled into Diaz's face during their stare down photo.

"We were fine until he got all hype-y at the weigh-in," Diaz said. "I don't want to come off that way and I'm not exactly sure what happened out there."

It's not the first time Diaz has trash-talked an opponent while in the cage. In fact, it's a frequent method of his. But this fight felt different after Diaz said nothing negative about Daley all week.

Diaz stated that he respected Daley's knockout power and would act accordingly, but that never came to fruition. It worked out fine for Diaz anyway, who said his talk could have helped contribute to his TKO victory at the end of the first round.

"I think it really threw him off a little bit," Diaz said. "He didn't have anything to say to me."

Mousasi and Jardine OK with draw decision

Usually a draw is accompanied by the fighters involved making pleas for why the judges should have awarded them the decision.

Neither Gegard Mousasi nor Keith Jardine did that after their light heavyweight majority draw. One judge gave Mousasi a 29-27 victory, while the other two scored it 28-28.

"It probably was the right decision," Mousasi said.

Mousasi lost a point in the first round for an illegal kick to Jardine, who had his knees on the ground. That point proved the difference between a draw and unanimous decision win for the former Strikeforce champion.

All three judges had the first round 9-9 and two gave Jardine the second 10-9.

"I felt pretty good about the first two rounds," Jardine said. "I clearly lost the third round. I thought at that point, I had a good shot but a decision is a decision. I've been on the wrong side of a lot of split decisions, so I wasn't letting myself get too hopeful."

Strikeforce CEO Scott Coker said Mousasi and Jardine would likely face off in a rematch, but had no timetable for the bout

Shinya Aoki back on winning track

Shinya Aoki and his team brought towels with the message "Fight for Japan" printed across them.

Aoki said he wanted to give his country something positive to cheer about after its been ravaged with crises in the past month. He got the job done quickly, choking out Lyle Beerbohm 1:13 into their lightweight bout.

"I'm happy to end the fight," Aoki said through a translator, "but this fight was great and shocking to me.'

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