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5 *Attorney for Plaintiff Righthaven LLC*

6  
 7 **UNITED STATES DISTRICT COURT**  
 8 **DISTRICT OF NEVADA**  
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10 RIGHTHAVEN LLC, a Nevada limited-  
 liability company,

11  
 12 **Plaintiff,**

13 v.

14 EXTREME DUI, an entity of unknown origin  
 15 and nature; and JOHANNES GARRIDO, an  
 individual,

16  
 17 **Defendants.**

Case No.: 2:11-cv-00718

**COMPLAINT AND DEMAND  
 FOR JURY TRIAL**

18  
 19 Righthaven LLC (“Righthaven”) complains as follows against Extreme DUI (“Extreme  
 20 DUI”) and Johannes Garrido (“Mr. Garrido”; collectively with Extreme DUI known herein as the  
 21 “Defendants”) on information and belief, and at all times relevant to this lawsuit, unless  
 22 otherwise specifically indicated herein to the contrary:  
 23

24 **NATURE OF ACTION**

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

1 **PARTIES**

2 2. Righthaven is a Nevada limited-liability company with its principal place of  
3 business in Nevada.

4 3. Righthaven is in good standing with the Nevada Secretary of State.

5 4. Extreme DUI is an entity of unknown origin and nature.

6 5. Attempts to find evidence of the formal organizational status in the respective  
7 Secretary of State offices of Delaware, California, Illinois, Maryland, Nevada, New York, Texas  
8 and Tennessee demonstrate that, at least with respect to these states, Extreme DUI is not a  
9 formally organized business entity.

10 6. Mr. Garrido is identified by the current registrar, GoDaddy.com, Inc.  
11 (“GoDaddy”), as the registrant of the Internet domain found at <extremedui.com> (the  
12 “Domain”).

13 7. Mr. Garrido is identified by GoDaddy as the administrative contact and technical  
14 contact of the Domain (the content accessible through the Domain and the Domain itself known  
15 herein as the “Website”).

16 8. Extreme DUI is the self-proclaimed owner of the copyright(s) in the work(s)  
17 displayed on the Website, as evidenced by a copyright notice displayed on the Website:  
18 “Copyright © 2009 Extreme DUI. All Rights Reserved.”

19  
20 **JURISDICTION**

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

23 10. Righthaven is the owner of the copyright in the literary work entitled, “Man faces  
24 choice: Admit guilt in boy’s death or lose parental rights” (the “Work”), attached hereto as  
25 Exhibit 1.

26 11. On or about April 13, 2011, the Defendants displayed, and continue to display, an  
27 unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 2, on the  
28 Website.



1           24.     On or about April 29, 2011, the United States Copyright Office (the “USCO”)  
2 received Righthaven’s official submittal for the registration of the Work, including the  
3 application, the deposit copy, and the registration fee (the “Complete Application”), Service  
4 Request No. 1-602631183, and attached hereto as Exhibit 3 is the official USCO application  
5 submittal for the Work depicting the occurrence of the Complete Application.

6           25.     On or about April 13, 2011, the Defendants displayed, and continue to display,  
7 the Infringement on the Website.

8           26.     The Defendants did not seek permission, in any manner, to reproduce, display or  
9 otherwise exploit the Work.

10          27.     The Defendants were not granted permission, in any manner, to reproduce,  
11 display, or otherwise exploit the Work.

12  
13                                   **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

14          28.     Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through  
15 27 above.

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

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

20          31.     Righthaven holds the exclusive right to distribute copies of the Work, pursuant to  
21 17 U.S.C. § 106(3).

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

24          33.     The Defendants reproduced the Work in derogation of Righthaven’s exclusive  
25 rights under 17 U.S.C. § 106(1).

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



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

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

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

9           3.       Order the surrender to Righthaven of all hardware, software, electronic media and  
10 domains, including the Domain used to store, disseminate and display the unauthorized versions  
11 of any and all copyrighted works as provided for under 17 U.S.C. § 505(b) and/or as authorized  
12 by Federal Rule of Civil Procedure 64;

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

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

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

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