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5 *Attorney for Plaintiff Righthaven LLC*

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

Case No.: 2:11-cv-00724

**COMPLAINT AND DEMAND
 FOR JURY TRIAL**

11
 12 **Plaintiff,**

13 v.

14 NEIL G. BROMMELL, an individual; and
 15 HOLLY L. BREWER, an individual,

16 **Defendants,**
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18 Righthaven LLC (“Righthaven”) complains as follows against Neil G. Brommell (“Mr.
 19 Brommell”) and Holly L. Brewer (“Ms. Brewer”; collectively with Mr. Brommell known herein
 20 as the “Defendants”) on information and belief, and at all times relevant to this lawsuit, unless
 21 otherwise specifically indicated herein to the contrary:

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 23 **NATURE OF ACTION**

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

26 **PARTIES**

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

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

3 28. Mr. Brommell knew, or reasonably should have known, that websites, such as the
4 Website, are and were the habitual subject of contributions by others of copyright-infringing
5 content to the Website.

6 29. Mr. Brommell did not institute any proactive policy of precluding or attempting to
7 preclude the contributions by others of copyright-infringing content to the Website.

8 30. Mr. Brommell did not institute any proactive policy of monitoring or attempting
9 to monitor the contributions by others of copyright-infringing content to the Website.

10 31. Mr. Brommell did not institute any proactive policy of deleting or attempting to
11 delete the contributions by others of copyright-infringing content to the Website.

12 32. Mr. Brommell's failure to institute any proactive policies intended to address the
13 contributions by others of copyright-infringing content to the Website constituted and constitutes
14 Mr. Brommell's willful blindness to copyright infringements occurring on the Website.

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16 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

17 33. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
18 32 above.

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

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

23 36. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
24 17 U.S.C. § 106(3).

25 37. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17
26 U.S.C. § 106(5).

27 38. The Defendants reproduced the Work in derogation of Righthaven's exclusive
28 rights under 17 U.S.C. § 106(1).

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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