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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

RIGHTHAVEN LLC,)
)
) Plaintiff,)
)
) vs.)
)
) DEMOCRATIC UNDERGROUND, LLC,)
) a District of Columbia limited-liability)
) company, and DAVID ALLEN, an)
) individual,)
)
) Defendants.)
)
)
)
) DEMOCRATIC UNDERGROUND, LLC,)
) a District of Columbia limited-liability)
) company,)
)
) Counterclaimant,)
)
) vs.)
)
) RIGHTHAVEN LLC, a Nevada Limited-)
) liability company; and and STEPHENS)
) MEDIA LLC, a Nevada limited liability)
) company,)
)
) Counterdefendants.)
)

Case No. 2:10-cv-1356-RLH-GWF
ORDER
(Motion for Reconsideration—#78)

Before the Court is Righthaven LLC’s **Motion for Reconsideration of March 9, 2011**
Order Granting Defendants’ Motion for Leave to File Supplemental Memorandum or,
Alternatively, Application for Briefing Schedule to Address Supplemental Brief (#78, filed
March 9, 2011), and Counter-Defendant Stephens Media LLC’s Joinder to the Motion (#81, also filed
March 9, 2011).

1 The bases for reconsideration are (1) that Plaintiff Righthaven and Counter-Defendant
2 Stephens Media did not have an opportunity to respond to the motion, and (2) that movants are
3 piqued that Defendant Democratic Underground refuses to let Righthaven dismiss its claims and
4 refuses to dismiss Defendant's counterclaims. If the second reason was the basis for the opposition
5 the parties would have presented had they been given an opportunity to oppose the motion, neither
6 basis has merit. The Supplemental Memorandum goes to the very heart of this litigation.

7 Righthaven and Stephens Media have attempted to create a cottage industry of filing
8 copyright claims, making large claims for damages and then settling claims for pennies on the dollar,
9 with defendants who do not want to incur the costs of defending the lawsuits, are now offended when
10 someone has turned the tables on them and insisting on a judgment in their favor rather than a simple
11 dismissal of the lawsuit.

12 The Court makes the determination of what is material to the resolution of this matter,
13 and what it will entertain. It is not obligated to take the movants' word that the contents of the
14 supplemental memorandum does not or will not make a difference.

15 Because the information and arguments made in the Supplement Memorandum are
16 significant, the Court will permit Righthaven and Stephens Media to respond and Democratic
17 Underground to reply to their response.

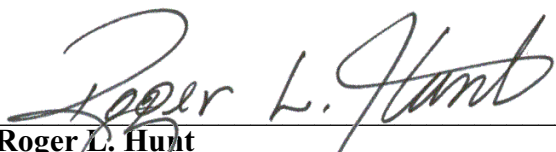
18 IT IS THEREFORE ORDERED that Righthaven LLC's **Motion for Reconsideration**
19 **of March 9, 2011 Order Granting Defendants' Motion for Leave to File Supplemental Memo-**
20 **randum or, Alternatively, Application for Briefing Schedule to Address Supplemental Brief**
21 **(#78)**, together with Counter-Defendant Stephens Media LLC's Joinder to the Motion (#81) are
22 DENIED.

23 IT IS FURTHER ORDERED that Righthaven and Stephens Media shall file any
24 response to the Supplemental Memorandum no later than May 8, 2011, and Democratic Underground
25 and David Allen shall file any reply thereto no later than May 20, 2011. Any Response or Reply shall

26 ////

1 be limited to ten (10) pages, and no request for extensions of time or to exceed page limits will be
2 entertained.

3 Dated: April 14, 2011.

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6 **Roger L. Hunt**
7 **Chief United States District Judge**

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