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10 *Attorneys for Plaintiff Righthaven LLC*

11
12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14
15 RIGHTHAVEN LLC, a Nevada limited-
liability company,

16
17 Plaintiff,

18 v.

19 WAYNE HOEHN, an individual,

20 Defendant.
21

Case No.: 2:11-cv-XXXX

22
23 **COMPLAINT AND DEMAND**
FOR JURY TRIAL

24 Righthaven LLC (“Righthaven”) complains as follows against Wayne Hoehn (“Mr.
25 Hoehn”) on information and belief:

26 **NATURE OF ACTION**

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

PARTIES

1
2 2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-
3 liability company with its principal place of business in Nevada.

4 3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing
5 with the Nevada Secretary of State.

6 4. Mr. Hoehn is, and has been since July 13, 1999, identified as a registered user of
7 the Internet domain found at <madjacksports.com> (the “Domain”).

8 5. Mr. Hoehn is, and has been since July 13, 1999, identified by the user name
9 “Dogs that Bark,” via the content accessible through the Domain (the content accessible through
10 the Domain and the Domain itself known herein as the “Website”).

11 6. According to data published on the Website, Mr. Hoehn has approximately
12 18,000 total posts on the Website.

13 7. Mr. Hoehn is not, and has never been, employed by the owner and operator of the
14 Website.

15
16 **JURISDICTION**

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

19 9. Righthaven is the owner of the copyright in and to the literary work entitled:
20 “Public employee pensions; We can’t afford them” (the “Work”), attached hereto as Exhibit 1.

21 10. At all times relevant to this lawsuit, the Work has depicted and depicts the
22 original source publication as the Las Vegas *Review-Journal*.

23 11. Mr. Hoehn willfully copied, on an unauthorized basis, the Work from a source
24 emanating from Nevada.

25 12. On or about November 29, 2010, Mr. Hoehn displayed an unauthorized copy of
26 the Work (the “Infringement”) on the Website, attached hereto as Exhibit 2.

27 13. At all times relevant to this lawsuit, the Infringement has depicted and depicts the
28 original source publication as the Las Vegas *Review-Journal*.

1 14. At all times relevant to this lawsuit, Mr. Hoehn knew that the Work was originally
2 published in the Las Vegas *Review-Journal*.

3 15. At all times relevant to this lawsuit, Mr. Hoehn knew that the Infringement was
4 and is of specific interest to Nevada residents.

5 16. At all times relevant to this lawsuit, the Infringement, as publically displayed on
6 the Website was and is accessible in Nevada.

7 17. At all times relevant to this lawsuit, the Infringement occurred and continues to
8 occur in Nevada.

9 18. Mr. Hoehn's display of the Infringement was and is purposefully directed at
10 Nevada residents.

11
12 **VENUE**

13 19. The United States District Court for the District of Nevada is an appropriate
14 venue, pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events giving rise to
15 the claim for relief are situated in Nevada.

16 20. The United States District Court for the District of Nevada is an appropriate
17 venue, pursuant to 28 U.S.C. § 1400 (a), because Mr. Hoehn is subject to personal jurisdiction in
18 Nevada.

19
20 **FACTS**

21 21. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §
22 102(a)(1).

23 22. Righthaven is the owner of the copyright in and to the Work.

24 23. The Work was originally published on or about November 28, 2010.

25 24. On December 15, 2010, the United States Copyright Office (the "USCO")
26 received Righthaven's official submittal for the registration to the Work, including the
27 application, the deposit copy, and the registration fee (the "Complete Application"), Service
28

1 Request No. 1-534407838, and attached hereto as Exhibit 3 is the official USCO application
2 submittal for the Work depicting the occurrence of the Complete Application.

3 25. On or about November 29, 2010, Mr. Hoehn displayed the Infringement on the
4 Website.

5 26. Mr. Hoehn did not seek permission, in any manner, to reproduce, display, or
6 otherwise exploit the Work.

7 27. Mr. Hoehn was not granted permission, in any manner, to reproduce, display, or
8 otherwise exploit the Work.

9
10 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

11 28. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
12 27 above.

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

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

17 31. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
18 17 U.S.C. § 106(3).

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

21 33. Mr. Hoehn reproduced the Work in derogation of Righthaven's exclusive rights
22 under 17 U.S.C. § 106(1).

23 34. Mr. Hoehn created an unauthorized derivative of the Work in derogation of
24 Righthaven's exclusive rights under 17 U.S.C. § 106(2).

25 35. Mr. Hoehn distributed, and continue to distribute, an unauthorized reproduction of
26 the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. §
27 106(3).

1 36. Mr. Hoehn publicly displayed, and continue to publicly display, an unauthorized
2 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
3 17 U.S.C. § 106(5).

4 37. Mr. Hoehn has willfully engaged in the copyright infringement of the Work.

5 38. Mr. Hoehn's acts as alleged herein, and the ongoing direct results of those acts,
6 have caused and will continue to cause irreparable harm to Righthaven in an amount Righthaven
7 cannot ascertain, leaving Righthaven with no adequate remedy at law.

8 39. Unless Mr. Hoehn is preliminarily and permanently enjoined from further
9 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
10 entitled to preliminary and permanent injunctive relief against further infringement by Mr.
11 Hoehn of the Work, pursuant to 17 U.S.C. § 502.

12
13 **PRAYER FOR RELIEF**

14 Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

15 1. Preliminarily and permanently enjoin and restrain Mr. Hoehn, and Mr. Hoehn's
16 officers, agents, servants, employees, attorneys, related companies, partners, and all persons
17 acting for, by, with, through, or under Mr. Hoehn, from directly or indirectly infringing the Work
18 by reproducing the Work, preparing derivative works based on the Work, distributing the Work
19 to the public, and/or displaying the Work, or ordering, directing, participating in, or assisting in
20 any such activity;

21 2. Direct Mr. Hoehn to preserve, retain, and deliver to Righthaven in hard copies or
22 electronic copies:

23 a. All evidence and documentation relating in any way to Mr. Hoehn's use of
24 the Work, in any form, including, without limitation, all such evidence and
25 documentation relating to the Website;

26 b. All evidence and documentation relating to the names and addresses
27 (whether electronic mail addresses or otherwise) of any person with whom Mr. Hoehn
28 have communicated regarding Mr. Hoehn's use of the Work; and

1 c. All financial evidence and documentation relating to Mr. Hoehn's use of
2 the Work;

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

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

7 5. Award Righthaven pre- and post-judgment interest in accordance with applicable
8 law; and

9 6. Grant Righthaven such other relief as this Court deems appropriate.

10
11 **DEMAND FOR JURY TRIAL**

12 Righthaven requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil
13 Procedure.

14 Dated this eleventh day of January, 2011.

15 SHAWN A. MANGANO, LTD.

16
17 By: /s/ Shawn A. Mangano

18 SHAWN A. MANGANO, ESQ.
19 Nevada Bar No. 6730
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25 Fax: (702) 922-3851

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*Assistant General Counsel at Righthaven
LLC*
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Las Vegas, Nevada 89129-7701
(702) 527-5900

Attorneys for Plaintiff Righthaven LLC

EXHIBIT 1

reviewjournal.com

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Nov. 28, 2010
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SHERMAN FREDERICK: Public employee pensions

We can't afford them

If there's one good government idea out there, it's the concept of moving public workers from anachronistic defined-benefit plans to modern 401(k)-style retirement plans.

Not exactly the sexiest topic in politics today, but for workers and taxpayers, it's a winner. And it's not particularly complicated once you tune out the mewling and puking from self-interested public-sector unions and acolyte politicians who enable defined-benefit plans to become a big honey pot from which one may dip at the expense of unborn taxpayers.

Defined-benefit plans stem from a bad moment in time in which employers -- and now unions -- cared for employees like children incapable of planning for their own retirements. Over time, these plans metastasized into grotesque shadows of their initial good intention.

In a perfect world, defined-benefit plans get the math right in terms of how much a government employee must put in and how much the taxpayer must put in. The rules for retirement are reasonably set and never abused; costs for health care remain predictable; and defined-benefit plan funds are wisely and conservatively invested to keep the plan solvent regardless of the number of employees in the plan.

Virtually every state in the nation has broken those fundamentals, producing what is called an "unfunded liability." Whatever the shortfall in a state's defined-benefit plan for the retirement and health care of public workers, the taxpayer -- both present and future -- must pay.

California is the poster child for this.

On top of an upside-down budget, California also carries an unfunded pension debt of anywhere between \$500 billion and \$55 billion, depending how you want to calculate it. The overseers of the plan use the lower number because it is based on their anticipated return from diversified investments -- some say "risky" diversified investments that will likely not be attained. A Stanford graduate student calculated the debt at the higher number using a risk-free bond rate of return.

And the anecdotes for how the California system has been abused are legion. For example, how many times have we heard about a highly paid state worker "retiring" on Monday only to start a new state job at a desk in the next room, thus double-dipping the system.

Or, consider Scott Plotkin, who pulled down a state salary and bonus of \$562,333 in 2009 with the California School Boards Association.

Then he was caught charging thousands of dollars on his company credit card at a local casino. He quickly "retired" and, as Marcos Breton of the Sacramento Bee wryly observed, he "got what he deserved" -- a lifetime pension of \$17,089 per month. He's 57. Life expectancy is 78. You do the

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California's next-door neighbor, Nevada, doesn't make the national news as much. But it's in trouble, too. With only a couple of million residents, the state carries at least \$10 billion in unfunded pension and health care benefits. This is on top of the state's anticipated general fund revenue shortfall, which runs ten figures.

The Teachers' Retirement System for Illinois announced this month that its unfunded liability now stands at nearly \$40 billion. This defined-benefit plan covers 365,000 teachers, administrators and other public school employees. Upside down doesn't begin to describe the trouble this fund is in.

And so it goes for almost every state in the nation.

Now there's a growing cry for wholesale reform. Not the kind of reform that works around the edges of the abused existing system, but transformation into a better way -- a 401(k) plan.

In a 401(k), the employee and the employer contribute to a worker's retirement plan under guidelines set forth by the federal government. That money resides within the account of each worker. The money belongs to the worker, and that worker controls how it is invested.

Upon retirement, instead of getting a monthly check, all of the money in the 401(k) plan belongs to the worker. It can be used in any way the worker wants. It can be passed on to heirs or charity, unlike defined-benefit plans that bank on a certain number of workers dying before they collect all the money they put into the system. (In Illinois, they'll need about half their teachers to die today to get right-side up.)

The No. 1 attribute of 401(k) plans is they are perfectly in balance from day one because employers and employees pay as they go. There is no future unfunded liability.

That's a better, more responsible way to provide retirement benefits for public workers.

Unless, of course, we're happy passing huge debt on to our children and grandchildren.

Sherman Frederick (sfrederick@reviewjournal.com), former publisher of the Review-Journal, writes a weekly column for Stephens Media.

Find this article at:

<http://www.lvrj.com/opinion/public-employee-pensions-110930879.html>

Check the box to include the list of links referenced in the article.

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EXHIBIT 2



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Register Members Calendar

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Welcome to our community; please register a username... after all, it's free!

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11-29-2010, 06:45 AM

#1

DOGS THAT BARK

Registered User



Join Date: Jul 1999 Location: Bowling Green Ky Posts: 17,968

CA/III to bite the big one

The obvious and fair solution--eg convictions should have consequences

November 29, 2010 For Tottering States, Bankruptcy Could Be the Answer

By Michael Barone

We won't be able to say we weren't warned. Continued huge federal budget deficits will eventually mean huge increases in government borrowing costs, Erskine Bowles, co-chairman of Barack Obama's deficit reduction commission, predicted this month. "The markets will come. They will be swift, and they will be severe, and this country will never be the same." Bowles is talking about what the business press calls bond market vigilantes. People with capital are currently willing to loan money to the federal government, by buying U.S. bonds at low interest rates. That's because interest rates are generally low and because Treasury bonds are regarded as the safest investment in the world.

But what if they aren't? What if investors suddenly perceive a higher risk and demand a higher return? That's what Bowles is talking about, and there are signs it may be starting to happen. The Federal Reserve's second round of quantitative easing -- QE2 -- was intended to lower the interest rate on long-term bonds. Instead, the rate has been going up.

The federal government still seems a long way from the disaster Bowles envisions. But some state governments aren't.

California Gov. Arnold Schwarzenegger came to Washington earlier this year to get \$7 billion for his state government, which resorted to paying off vendors with scrip and delaying state income tax refunds. Illinois seems to be in even worse shape. A recent credit rating showed it weaker than Iceland and only slightly stronger than Iraq.

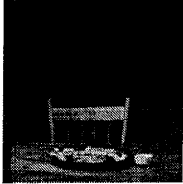
It's no mystery why these state governments -- and those of New York and New Jersey, as well -- are in such bad fiscal shape.

These are the parts of America where the public employee unions have been calling the shots, insisting on expanded payrolls, ever higher pay, hugely generous fringe benefits and utterly unsustainable pension promises.

The prospect is that the bond market will quit financing California and Illinois long before the federal government.

It may already be happening. Earlier this month, California could sell only \$6 billion of \$10 billion revenue anticipation notes it put on the market. Individual investors have been selling off state and local municipal bonds this month. Meredith Whitney, the financial expert who first spotted Citigroup's overexposure to mortgage-backed securities, is now predicting a sell-off in the municipal bond market. So it's entirely possible that some state government -- California and Illinois, facing \$25 billion and





\$15 billion deficits, are likely suspects -- will be coming to Washington some time in the next two years in search of a bailout. The Obama administration may be sympathetic. It's channeled stimulus money to states and TARP money to General Motors and Chrysler in large part to bail out its labor union allies. But the Republican House is not likely to share that view, and it's hard to see how tapped-out state governments can get 60 votes in a 53-47 Democratic Senate.

How to avoid this scenario? University of Pennsylvania law professor David Skeel, writing in The Weekly Standard, suggests that Congress pass a law allowing states to go bankrupt.

Skeel, a bankruptcy expert, notes that a Depression-era statute allows local governments to go into bankruptcy. Some have done so: Orange County, Calif., in 1994, Vallejo, Calif., in 2008. Others -- perhaps a dozen small municipalities in Michigan -- are headed that way.

A state bankruptcy law would not let creditors thrust a state into bankruptcy -- that would violate state sovereignty. But it would allow a state government going into bankruptcy to force a "cram down," imposing a haircut on bondholders, and to rewrite its union contracts.

The threat of bankruptcy would put a powerful weapon in the hands of governors and legislatures: They can tell their unions that they have to accept cuts now or face a much more dire fate in bankruptcy court. It's not clear that governors like California's Jerry Brown, who first authorized public employee unions in the 1970s, or Illinois's Pat Quinn will be eager to use such a threat against unions, which have been the Democratic Party's longtime allies and financiers.

But the bond market could force their hand and seems already to be pushing in that direction. And, as Bowles notes, when the markets come, they will be swift and severe.

The policy arguments for a bailout of California or Illinois public employee union members are incredibly weak. If Congress allows state bankruptcies, it might prevent a crisis that is plainly looming.

+++++

the simple solution --

Nov. 28, 2010
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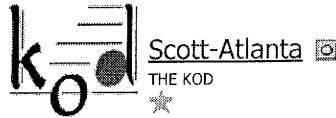
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 That's a better, more responsible way to provide retirement benefits for public workers.
 Unless, of course, we're happy passing huge debt on to our children and grandchildren.



11-29-2010, 10:40 PM

#2



Join Date: Nov 2001
 Location: King Of Dogs
 Posts: 29,749

Justices turn aside another challenge over Obama's citizenship
 By Bill Mears, CNN Supreme Court Producer
 November 29, 2010 10:42 a.m. EST

It says Obama's father was a British citizen
 Washington (CNN) -- The Supreme Court has again cast aside an appeal that raised doubts about President Barack Obama's U.S. citizenship, a grass-roots legal issue that has gained little legal or political footing, but continues to persist in the courts.

The justices without comment Monday rejected a challenge from Charles Kerchner Jr., a Pennsylvania man who sought a trial in federal court forcing the president to produce documents regarding his birth and citizenship.

Kerchner's attorney, Mario Apuzzo, had argued in a petition with the Supreme Court that Obama did not fit the definition of a "natural-born citizen" required for the nation's highest office, as defined by Article II, Section 1 of the Constitution.

That clause states, "No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States."

Kerchner, a retired military officer who describes himself on his website as a "genetic genealogy pioneer," argues the framers of the 1789 document intended a "natural-born" citizen to mean someone born in the U.S. to parents who were both American citizens.

The high court and other courts had dismissed earlier, unrelated lawsuits from individuals questioning Obama's citizenship. State birth certificate records show he was born August 4, 1961, in Honolulu, Hawaii. His mother is a native of Kansas; his father was born in Kenya, which at the time was a British colony.

"A person gains allegiance and loyalty and therefore attachment for a nation from either being born on the soil of the community defining that nation or from being born to parents who were also born on that same soil or who naturalized as though they were born on that soil," said Apuzzo. "It is only by combining at birth in the child both means to inherit these two sources of citizenship that the child by nature and therefore also by law is born with only one allegiance and loyalty to and consequently attachment for only the United States."

He said it was "undisputed fact" Obama's father was a citizen of the British crown.

The Obama administration did not file, and the high court did not demand, a formal government response to this latest legal claim. The high court will often insist the Justice Department weigh in with its views on a particular constitutional issue, or when it is being sued, and that is a sign the justices are seriously considering accepting the appeal.

Obama and his staff produced copies of his birth certificate when he was running for president in 2008, and have previously dismissed questions over his citizenship.

Other legal claims on the citizenship question whether Obama was in fact born in the United States, and whether his birth documents are authentic.

Among the issues the high court has refused to fully address in these appeals involves "standing," whether individual Americans can bring such a lawsuit, by first establishing personal, direct "harm" or "injury" from having Obama occupy the White House. Overcoming that legal hurdle would allow such suits to proceed on the merits in courts.

EXHIBIT 3

-APPLICATION-

Title _____

Title of Work: Public employee pensions; We can't afford them

Completion/Publication _____

Year of Completion: 2010

Date of 1st Publication: November 28, 2010

Nation of 1st Publication: United States

Author _____

▪ **Author:** Stephens Media LLC

Author Created: text

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

Copyright claimant _____

Copyright Claimant: Righthaven LLC

9960 West Cheyenne Avenue, Suite 210, Las Vegas, NV, 89129-7701, United States

Transfer Statement: By written agreement

Rights and Permissions _____

Organization Name: Righthaven LLC

Name: Chief Executive Officer

Email: sgibson@righthaven.com

Telephone: 702-527-5900

Address: 9960 West Cheyenne Avenue

Suite 210

Las Vegas, NV 89129-7701 United States

Certification _____

Name: Steven A. Gibson

Date: December 15, 2010

Applicant's Tracking Number: 0002166

Registration #:

Service Request #: 1-534407838

Application Date: 12-15-2010 18:20:10

Correspondent _____

Organization Name: Righthaven LLC

Name: Steven A. Gibson

Address: 9960 West Cheyenne Avenue
Suite 210
Las Vegas, NV 89129-7701 United States

Mail Certificate _____

Righthaven LLC
Steven A. Gibson
9960 West Cheyenne Avenue
Suite 210
Las Vegas, NV 89129-7701 United States

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

RIGHTHAVEN LLC, a Nevada limited-liability company

(b) County of Residence of First Listed Plaintiff Clark (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Shawn A. Mangano, Esq. and J. Charles Coons, Esq. Righthaven LLC 9960 West Cheyenne Avenue, Suite 210 Las Vegas, Nevada

DEFENDANTS

WAYNE HOEHN, an individual,

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from another district (specify), 6 Multidistrict Litigation, 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 17 U.S.C. § 501

Brief description of cause: Copyright Infringement

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23, DEMAND \$ 150,000.00, CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 01/11/2011 SIGNATURE OF ATTORNEY OF RECORD /s/ J. Charles Coons, Esq., Nevada Bar No. 10553

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Nevada

RIGHTHAVEN LLC, a Nevada limited-liability company,

Plaintiff

v.

WAYNE HOEHN, an individual,

Defendant

)
)
)
)
)
)
)

Civil Action No. 2:11-cv-XXXX

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) WAYNE HOEHN
1633 PLEASANT WAY
BOWLING GREEN, KY 42104

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

SHAWN A. MANGANO, ESQ.
SHAWN A. MANGANO, LTD.
9960 West Cheyenne Avenue, Suite 170
Las Vegas, Nevada 89129-7701
United States of America

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 2:11-cv-XXXX

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify):* _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: