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7  
 8 **UNITED STATES DISTRICT COURT**  
 9 **DISTRICT OF NEVADA**

10  
 11 RIGHTHAVEN LLC, a Nevada limited-  
 liability company,

Case No.: 2:10-cv-01771

**COMPLAINT AND DEMAND  
 FOR JURY TRIAL**

12  
 13 Plaintiff,

14 v.

15 THE SECOND AMENDMENT  
 16 FOUNDATION, a Washington nonprofit  
 corporation; and KEEVA SEGAL, an  
 17 individual,

18 Defendants.  
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20  
 21 Righthaven LLC (“Righthaven”) complains as follows against Second Amendment  
 22 Foundation (“SAF”) and Keeva Segal (“Ms. Segal”; collectively with Ms. Segal known herein as  
 23 the “Defendants”) on information and belief:  
 24

25 **NATURE OF ACTION**

26 1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.  
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 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. SAF is, and has been at all times relevant to this lawsuit, a Washington nonprofit  
7 corporation.

8 5. Ms. Segal is, and has been at all times relevant to this lawsuit, identified by the  
9 current registrar, Network Solutions, LLC (“Network Solutions”), as the administrative contact  
10 and technical contact for the Internet domain found at <womenshooters.com> (the “Domain”).

11 6. Ms. Segal is, and has been at all times relevant to this lawsuit, identified by the  
12 content accessible through the Domain (said content accessible through the Domain known  
13 herein as the “Website”) as the “Designe[r]” of the Website.

14 7. SAF is, and has been at all times relevant to this lawsuit, the self-proclaimed  
15 owner of the copyright(s) in the work(s) posted on the Website, as evidenced by a copyright  
16 notice displayed on the Website: “© 2010 by Second Amendment Foundation.”

17 8. SAF is, and has been at all times relevant to this lawsuit, identified by the Website  
18 as the publisher of the work(s) posted on the Website.

19 9. Ms. Segal is, and has been at all times relevant to this lawsuit, identified by the  
20 “Message Board” section of the Website as the “Administrator” of the “Message Board” section  
21 of the Website.

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24 **JURISDICTION**

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

27 11. Righthaven is the owner of the copyright in the literary work entitled: “Change  
28 sought for concealed weapons permits” (the “Work”), attached hereto as Exhibit 1.

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

3           13.     The Defendants willfully copied, on an unauthorized basis, the Work from a  
4 source emanating from Nevada.

5           14.     On or about August 5, 2010, the Defendants displayed, and continue to display,  
6 an unauthorized copy of the Work (the “Infringement”), attached hereto as Exhibit 2, on the  
7 “Message Board” section of the Website.

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

10          16.     The subject matter, at least in part, of the Work and the Infringement, is the  
11 consideration of gun rights reform by Nevada lawmakers.

12          17.     At all times relevant to this lawsuit, the Defendants knew that the Work was  
13 originally published in the Las Vegas *Review-Journal*.

14          18.     At all times relevant to this lawsuit, the Defendants knew that the Infringement  
15 was and is of specific interest to Nevada residents.

16          19.     The Defendants’ display of the Infringement was and is purposefully directed at  
17 Nevada residents.

18          20.     The Defendants knew, or reasonably should have known, that websites, such as  
19 the Website, are and were at all times relevant to this lawsuit, the habitual subject of postings by  
20 others of copyright-infringing content.

21          21.     At all times relevant to this lawsuit, the Defendants did not institute any proactive  
22 policy of precluding, or attempting to preclude, the postings by others of copyright-infringing  
23 content on the Website.

24          22.     At all times relevant to this lawsuit, the Defendants did not institute any proactive  
25 policy of monitoring, or attempting to monitor, the postings by others of copyright-infringing  
26 content on the Website.

1 23. At all times relevant to this lawsuit, the Defendants did not institute any proactive  
2 policy of deleting, or attempting to delete, the postings by others of copyright-infringing content  
3 on the Website.

4 24. At all times relevant to this lawsuit, the Defendants' failure to institute any  
5 proactive policies intended to address the postings by others of copyright-infringing content on  
6 the Website constituted and constitutes the Defendants' willful blindness to copyright  
7 infringements occurring on the Website.

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10 **VENUE**

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

14 26. The United States District Court for the District of Nevada is an appropriate  
15 venue, pursuant to 28 U.S.C. § 1391(c), because SAF is subject to personal jurisdiction in  
16 Nevada.

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

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22 **FACTS**

23 28. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §  
24 102(a)(1).

25 29. Righthaven is the owner of the copyright in and to the Work.

26 30. The Work was originally published on or about August 4, 2010.

27 31. On October 6, 2010, the United States Copyright Office (the "USCO") received  
28 Righthaven's official submittal for the registration to the Work, including the application, the

1 deposit copy, and the registration fee (the “Complete Application”), Service Request No. 1-  
2 498243788, and attached hereto as Exhibit 3 is the official USCO application submittal for the  
3 Work depicting the occurrence of the Complete Application.

4 32. On or about August 5, 2010, the Defendants displayed, and continue to display,  
5 the Infringement on the “Message Board” section of the Website.

6 33. The “Message Board” section of the Website, located at the Internet URL:  
7 <womenandguns.servertalk.in>, is prominently featured on the Website.

8 34. The Website provides hyperlinks to the “Message Board” section of the Website.

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

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

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15 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

16 37. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through  
17 36 above.

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

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

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

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

26 42. The Defendants reproduced the Work in derogation of Righthaven’s exclusive  
27 rights under 17 U.S.C. § 106(1).  
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1           2.       Direct the Defendants to preserve, retain, and deliver to Righthaven in hard copies  
2 or electronic copies:

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

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

9               c.       All financial evidence and documentation relating to the Defendants' use  
10 of the Work;

11           3.       Direct Network Solutions, and any successor domain name registrar for the  
12 Domain, to lock the Domain and transfer control of the Domain to Righthaven;

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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**DEMAND FOR JURY TRIAL**

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

Dated this twelfth day of October, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons  
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