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11 THOMAS A. DIBIASE

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

15 RIGHTHAVEN LLC, a Nevada limited-)
liability company,)
16)
17 Plaintiff,)
v.)
18)
THOMAS A. DIBIASE, an individual,)
19)
Defendant.)
20)
21 _____)
THOMAS A. DIBIASE, an individual,)
22)
Counterclaimant,)
23 v.)
24)
RIGHTHAVEN LLC, a Nevada limited-)
liability company,)
25)
26 Counter-defendant.)
27 _____)

CASE NO.: 2:10-cv-01343-RLH-PAL
**DECLARATION OF BART E.
VOLKMER IN SUPPORT OF
DEFENDANT THOMAS A. DIBIASE'S
MOTION TO DISMISS**

1 I, Bart E. Volkmer, declare as follows:

2 1. I am counsel for Defendant Thomas A. DiBiase. I submit this declaration in
3 support of his motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). I have personal knowledge
4 of the facts set forth herein and, if called as a witness, I could and would testify competently to
5 them.

6 2. On October 28, 2010, I performed a search for the party "Righthaven" using the
7 Court's ECF system. Based on that search, it appears that Righthaven has filed more than 150
8 cases in the District of Nevada within the past year. Many of the defendants in those lawsuits
9 appear to be individuals and non-profit organizations.

10 3. Attached hereto as Exhibit A is a true and correct copy of business entity
11 information for Righthaven LLC printed from the Nevada Secretary of State's website on
12 October 28, 2010.

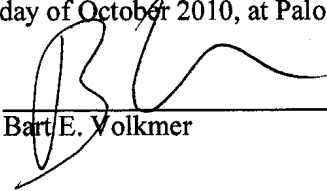
13 4. Attached hereto as Exhibit B is a true and correct copy of business entity
14 information for Net Sortie Systems, LLC printed from the Nevada Secretary of State's website
15 on October 28, 2010.

16 5. Attached hereto as Exhibit C is a true and correct copy of a Las Vegas Journal-
17 Review article entitled "Retired teacher gets death penalty for wife's murder" printed on October
18 28, 2010. The article was freely available at [http://www.lvrj.com/news/retired-teacher-gets-](http://www.lvrj.com/news/retired-teacher-gets-death-penalty-for-wife-s-murder-96191524.html)
19 [death-penalty-for-wife-s-murder-96191524.html](http://www.lvrj.com/news/retired-teacher-gets-death-penalty-for-wife-s-murder-96191524.html) as of October 28, 2010.

20 6. Attached hereto as Exhibit D is a true and correct copy of an article entitled
21 "Newspaper Chain's New Business Plan: Copyright Suits" that was printed from the Wired.com
22 website on October 28, 2010.

23 I declare under penalty of perjury under the laws of the United States of America that the
24 foregoing is true and correct. Executed this 29th day of October 2010, at Palo Alto, California.

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Bart E. Volkmer