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

15 RIGHTHAVEN LLC, a Nevada limited-
liability company,)
16)
17 Plaintiff,)
18 v.)
19 THOMAS A. DIBIASE, an individual,)
20 Defendant.)
21 _____)
22 THOMAS A. DIBIASE, an individual,)
23 Counterclaimant,)
24 v.)
25 RIGHTHAVEN LLC, a Nevada limited-
liability company,)
26 Counter-defendant.)
27 _____)
28

CASE NO.: 2:10-cv-01343-RLH-PAL
**JOINT STIPULATION REGARDING
DEFENDANT-COUNTERCLAIMANT
THOMAS A. DIBIASE'S MOTION TO
DISMISS FOR LACK OF SUBJECT-
MATTER JURISDICTION;
STIPULATION REGARDING
EXTENSION OF TIME TO FILE
OPPOSITION TO DIBIASE'S MOTION
TO DISMISS (FIRST REQUEST)**

1 WHEREAS, on May 4, 2011, Defendant-counterclaimant Thomas A. DiBiase
2 (“DiBiase”) filed a motion to dismiss Righthaven LLC’s (“Righthaven”) complaint for lack of
3 subject-matter jurisdiction pursuant to Fed. R. Civ. P. 12(h)(3) (“Motion To Dismiss”).

4 WHEREAS, the Motion To Dismiss quoted from Righthaven’s Operating Agreement
5 (“Operating Agreement”) and the accompanying declaration of Bart E. Volkmer attached that
6 agreement as Exhibit B. The Operating Agreement, in its entirety, had been designated by
7 Righthaven as “Confidential” under the protective order in this action.

8 WHEREAS, DiBiase filed a redacted version of the Motion To Dismiss on the public
9 docket and omitted Exhibit B from the Volkmer Declaration from its public filing based on
10 Righthaven’s confidentiality designation for the Operating Agreement.

11 WHEREAS, Righthaven seeks an extension of time to file its opposition to the Motion
12 To Dismiss from May 18, 2011 to May 20, 2011. Righthaven has not sought a prior extension of
13 this deadline and seeks an extension based on scheduling conflicts of its counsel.

14 WHEREAS, the parties have met and conferred and agreed that:

- 15 (1) an unredacted version of the Motion To Dismiss may be filed on the public docket;
16 (2) a redacted version of the Operating Agreement may be filed on the public docket;
17 (3) redactions to the Operating Agreement shall be limited to the following: (i) salary
18 information for Righthaven’s CEO contained in Section 6.2; (ii) salary information for
19 Righthaven’s COO contained in Section 6.4; (iii) the identification of and salary information for
20 Righthaven’s CAO contained in Section 6.6; and (iv) the capital contributions of Righthaven’s
21 members contained in Section 9.2 and Exhibit 9.1; and
22 (4) Righthaven’s opposition to the Motion Dismiss shall be due on May 20, 2011.

23 IT IS HEREBY STIPULATED AND AGREED:

- 24 (1) The unredacted version of the Motion To Dismiss, attached hereto as Exhibit A, shall
25 be filed on the public docket in place of Docket No. 47.
26 (2) The redacted version of the Operating Agreement, attached hereto as Exhibit B, shall
27 be filed on the public docket in place of Exhibit B to Docket No. 48; and
28 (3) Righthaven’s opposition to the Motion To Dismiss shall be due on May 20, 2011.

