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5 *Attorney for Righthaven LLC*

6  
7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

9  
10 RIGHTHAVEN LLC, a Nevada limited-  
liability company,

11 Plaintiff,

12 v.

13  
14 THOMAS A. DIBIASE, an individual,  
15 Defendant.

Case No.: 2:10-cv-01343-RLH-PAL

**DECLARATION OF SHAWN A.  
MANGANO, ESQ. IN SUPPORT OF  
RIGHTHAVEN LLC’S RESPONSE TO  
DEFENDANT-COUNTERCLAIMANT  
THOMAS A. DIBIASE’S MOTION TO  
COMPEL PRODUCTION OF  
DOCUMENTS**

16  
17 **AND RELATED COUNTERCLAIM**

18  
19 I, Shawn A. Mangano, declare, under penalty of perjury, that the following is true and  
correct:

20  
21 1. I am an attorney-at-law admitted to practice before all courts of the State of  
Nevada. I have personal knowledge of the facts set forth below, except for those factual  
22 statements expressly made upon information and belief, and as to those facts, I believe them to  
23 be true. I am over eighteen years old and I am competent to testify to the matters set forth  
24 herein.

25  
26 2. I represent Plaintiff/Counterdefendant Righthaven LLC (“Righthaven”) in the  
above-referenced matter. This declaration is made in support of Righthaven LLC’s Response to  
27  
28

1 Defendant-Counterclaimant Thomas A. DiBiase's ("DiBiase") Motion to Compel Production of  
2 Documents. (Doc. # 53.)

3 3. DiBiase's requests for production of documents propounded in this action exceed  
4 100.

5 4. On behalf of Righthaven, I participated in four meet and confer sessions  
6 concerning Righthaven's responses to DiBiase's requests for production in this case. At the  
7 beginning of the first session, DiBiase's counsel sought to dismiss all of Righthaven's lodged  
8 objections as being merely "boilerplate", which they were not and are not. Due to Righthaven's  
9 refusal to accept DiBiase's counsel's unwarranted characterization of its responses as  
10 "boilerplate", the parties were required to substantively evaluate the requests and related  
11 responses to same. These meet and confer efforts resulted in a significant clarification of the  
12 scope of materials sought, express acknowledgements that materials were not being withheld in  
13 view of numerous on lodged objections, and agreements to produce what, if any, responsive  
14 materials existed within Righthaven's custody and control. Righthaven further agreed to  
15 supplement its responses in view of the meet and confer process, but DiBiase's counsel  
16 maintained that any supplementation was unnecessary and would not limit his client's ability to  
17 file a motion to compel.

18 5. Righthaven has supplemented its initial disclosures four times in this case. These  
19 disclosures have included the company's operating agreement, the assignment of the Work, the  
20 SAA, the amendment to the SAA, and the company's articles of organization. These materials  
21 were produced as a result of the parties' meet and confer efforts. During these meet and confer  
22 discussions, Righthaven agreed to continue to search for and produce responsive materials in this  
23 case despite lodged objections upon which the company represented it was not withholding  
24 materials.

25 6. Righthaven is presently unaware of any materials in its possession that would be  
26 responsive to Request Nos. 46, 64, and 65. Righthaven made this point clear to DiBiase's  
27 counsel during the meet and confer sessions.  
28



**CERTIFICATE OF SERVICE**

Pursuant to Federal Rule of Civil Procedure 5(b), I hereby certify that I am a representative of Righthaven LLC and that on this 9th day of June, 2011, I caused a copy of the foregoing document to be served by the Court's CM/ECF system.

SHAWN A. MANGANO, LTD.

By: /s/ Shawn A. Mangano  
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