

# EXHIBIT A

1 SHAWN A. MANGANO, ESQ.  
Nevada Bar No. 6730  
2 [shawn@manganolaw.com](mailto:shawn@manganolaw.com)  
SHAWN A. MANGANO, LTD.  
3 9960 West Cheyenne Avenue, Suite 170  
Las Vegas, Nevada 89129-7701  
4 Tel: (702) 683-4788  
Fax: (702) 922-3851

5 J. CHARLES COONS, ESQ.  
Nevada Bar No. 10553  
6 [ccoons@righthaven.com](mailto:ccoons@righthaven.com)  
7 *Assistant General Counsel at Righthaven LLC*  
JOSEPH C. CHU, ESQ.  
8 Nevada Bar No. 11082  
[jchu@righthaven.com](mailto:jchu@righthaven.com)  
9 *Staff Attorney at Righthaven LLC*  
Righthaven LLC  
10 9960 West Cheyenne Avenue, Suite 210  
Las Vegas, Nevada 89129-7701  
11 (702) 527-5900

12 *Attorneys for Plaintiff Righthaven LLC*

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

16 RIGHTHAVEN LLC, a Nevada limited-  
17 liability company,

18  
19 Plaintiff,

20 v.

21 DEMOCRATIC UNDERGROUND, LLC, a  
22 District of Columbia limited-liability company;  
and DAVID ALLEN, an individual,

23 Defendants.  
24  
25  
26  
27  
28

Case No.: 2:10-cv-01356-RLH-RJJ

**PLAINTIFF'S INITIAL DISCLOSURES,  
PURSUANT TO RULE 26(a)(1)(A) OF  
THE FEDERAL RULES OF CIVIL  
PROCEDURE**

1 DEMOCRATIC UNDERGROUND, LLC, a  
2 District of Columbia limited-liability company,

3 Counterclaimant,

4 v.

5 RIGHTHAVEN LLC, a Nevada limited-  
6 liability company; and STEPHENS MEDIA  
7 LLC, a Nevada limited-liability company,

8 Counterdefendants.  
9

10 Righthaven LLC (“Righthaven”) makes the following initial disclosures pursuant to the  
11 requirements of Rule 26(a)(1)(A) of the Federal Rules of Civil Procedure.

12  
13 **I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION THAT**  
14 **RIGHTHAVEN MAY USE TO SUPPORT ITS CLAIMS**

15 A. Person most knowledgeable (“PMK”) of the dispute affiliated with the Democratic  
16 Underground, LLC (“Democratic Underground”).

17  
18 The PMK for Democratic Underground possesses or may possess information relating to  
19 the following topics: operation of the website <democraticunderground.com> (the “Website”),  
20 the existence of the Website’s online forums, the posting, storage, and display, on the Website,  
21 of the unauthorized reproduction of the literary work that is the subject of the instant suit.

22  
23 B. David Allen (“Mr. Allen”), named defendant in the instant suit.

24  
25 Mr. Allen possesses or may possess information relating to the following topics:  
26 operation of the Website, the existence of the Website’s online forums, the posting, storage, and  
27 display, on the Website, of the unauthorized reproduction of the literary work that is the subject  
28 of the instant suit.

1  
2 C. PMK of the dispute affiliated with Stephens Media LLC (“Stephens”).  
3

4 The PMK for Stephens possesses or may possess information relating to the following  
5 topics: the initial authorship and original publication of the literary work that is the subject of the  
6 instant suit (the “Work”), and the assignment of the Work from Stephens to Righthaven.  
7

8 D. PMK of the dispute affiliated with Righthaven.  
9

10 The PMK for Righthaven possesses or may possess information relating to the following  
11 topics: assignment of the Work from Stephens to Righthaven, and the identification of the  
12 unauthorized reproduction of the Work (the “Infringement”) by Defendants, Democratic  
13 Underground and David Allen (“Mr. Allen”; collectively with Democratic Underground known  
14 herein as the “Defendants”).

15 Righthaven reserves the right to supplement the foregoing initial disclosures as discovery  
16 continues.

17 **II. DESCRIPTION BY CATEGORY AND LOCATION OF DOCUMENTS,**  
18 **ELECTRONICALLY STORED INFORMATION, AND TANGIBLE THINGS IN**  
19 **RIGHTHAVEN’S POSSESSION, CUSTODY, OR CONTROL THAT**  
20 **RIGHTHAVEN MAY USE TO SUPPORT RIGHTHAVEN’S CLAIMS**

21 The documents, electronically stored information, and tangible things located at  
22 Righthaven, 9960 West Cheyenne Avenue, Las Vegas, Nevada 89129, that are in Righthaven’s  
23 possession, custody, and control are as follows: the initial authorship and original publication of  
24 the Work, the assignment of the Work from Stephens to Righthaven, and the evidence of the  
25 Infringement by the Defendants.  
26

27 Righthaven reserves the right to supplement the foregoing initial disclosures as discovery  
28 continues.

1 **III. COMPUTATION OF CATEGORIES OF DAMAGES CLAIMED BY**  
2 **RIGHTHAVEN**

3 Righthaven's damages are statutory in nature as defined in 17 U.S.C. § 504 (c).

4 **IV. INSURANCE AGREEMENTS**

5 Righthaven has no knowledge of any insurance agreements that exist under which an  
6 insurance business may be liable to satisfy all or part of a possible judgment in this action or to  
7 indemnify or reimburse for payments made to satisfy the judgment.  
8

9 Dated this fifteenth day of December, 2010.  
10

11 SHAWN A. MANGANO, LTD.

12  
13 By: /s/ Shawn A. Mangano

14 SHAWN A. MANGANO, ESQ.  
15 Nevada Bar No. 6730  
16 [shawn@manganolaw.com](mailto:shawn@manganolaw.com)  
17 SHAWN A. MANGANO, LTD.  
18 9960 West Cheyenne Avenue, Suite 170  
19 Las Vegas, Nevada 89129-7701  
20 Tel: (702) 683-4788  
21 Fax: (702) 922-3851

22 J. CHARLES COONS, ESQ.  
23 Nevada Bar No. 10553  
24 [ccoons@righthaven.com](mailto:ccoons@righthaven.com)  
25 *Assistant General Counsel at Righthaven*  
26 *LLC*

27 JOSEPH C. CHU, ESQ.  
28 Nevada Bar No. 11082  
[jchu@righthaven.com](mailto:jchu@righthaven.com)  
*Staff Attorney at Righthaven LLC*  
Righthaven LLC  
9960 West Cheyenne Avenue, Suite 210  
Las Vegas, Nevada 89129-7701  
(702) 527-5900

*Attorneys for Plaintiff/ Counter-defendant*

**CERTIFICATE OF SERVICE**

Pursuant to Federal Rule of Civil Procedure 5(b), I hereby certify that on this fifteenth day of December, 2010, I caused the **PLAINTIFF'S INITIAL DISCLOSURES, PURSUANT TO RULE 26(a)(1)(A) OF THE FEDERAL RULES OF CIVIL PROCEDURE** to be served via electronic mail, and regular U.S. mail to the following address:

Chad A. Bowers, Esq.  
CHAD A. BOWERS LTD.  
3202 West Charleston Boulevard  
Las Vegas, Nevada 89102

Laurence F. Pulgram, Esq.  
Clifford C. Webb, Esq.  
FENWICK & WEST  
555 California Street, 12<sup>th</sup> Floor  
San Francisco, California 94104

Kurt Opsahl, Esq.  
Corynne McSherry, Esq.  
ELECTRONIC FRONTIER FOUNDATION  
454 Shotwell Street  
San Francisco, California 94110

*Attorneys for Defendant/ Counterclaimant*

By: /s/ Carlyn Dilger  
An Employee of Righthaven