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6 Las Vegas, Nevada 89129-7701  
(702) 527-5900  
7 Attorneys for Plaintiff

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

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

13  
14 Plaintiff,

15 v.

16 VOTE FOR THE WORST, LLC, an Utah  
17 limited-liability company; NATHAN E.  
PALMER, an individual; and DAVID J.  
18 DELLA TERZA, an individual,

19 Defendants.

Case No.: 2:10-cv-01045

**COMPLAINT AND DEMAND  
FOR JURY TRIAL**

20  
21  
22 Righthaven LLC (“Righthaven”) complains as follows against Vote For The Worst, LLC  
23 (“Vote For The Worst”), Nathan E. Palmer (“Mr. Palmer”), and David J. Della Terza (“Mr.  
24 Terza”; collectively with Vote For The Worst and Mr. Palmer known herein as the  
25 “Defendants”), on information and belief:

26  
27 **NATURE OF ACTION**

28 1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.

**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.       Vote For The Worst is, and has been at all times relevant to this lawsuit, an Utah  
7 limited-liability company.

8           5.       Mr. Terza is, and has been at all times relevant to this lawsuit, identified as a  
9 manager of Vote For The Worst, as evidenced by the Utah Secretary of State business entity  
10 database, attached hereto as Exhibit 1.

11          6.       Mr. Palmer is, and has been at all times relevant to this lawsuit, identified as a  
12 manager of Vote For The Worst, as evidenced by the Utah Secretary of State business entity  
13 database, attached hereto as Exhibit 1.

14          7.       Vote For The Worst is, and has been at all times relevant to this lawsuit, identified  
15 by the current registrar, GoDaddy.com (“GoDaddy”), as the registrant, administrative contact,  
16 and technical contact of the Internet domain found at <voteformtheworst.com> (the “Domain”).  
17

18                                               **JURISDICTION**

19          8.       This Court has original subject matter jurisdiction over this copyright  
20 infringement action, pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

21          9.       Righthaven is the copyright owner of the literary work entitled: “Idol’ finalists  
22 keep busy in Las Vegas” (the “Work”), attached hereto as Exhibit 2.

23          10.      At all times relevant to this lawsuit, the Work depicted and depicts the original  
24 source publication as the *Las Vegas Review-Journal*.

25          11.      The Defendants willfully copied, on an unauthorized basis, the Work from a  
26 source emanating from Nevada.  
27  
28

1 12. On or about April 12, 2010, the Defendants displayed, and continue to display, an  
2 unauthorized reproduction of the Work (the "Infringement"), attached hereto as Exhibit 3, on the  
3 Website.

4 13. At all times relevant to this lawsuit, the Infringement depicted and depicts the  
5 original source publication as the *Las Vegas Review-Journal*.

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

8 15. The subject matter, at least in part, of both the Work and the Infringement is the  
9 America Idol season nine finalists' visit to Las Vegas, Nevada.

10 16. At all times relevant to this lawsuit, the Defendants knew that the Infringement  
11 was and is of specific interest to Las Vegas, Nevada residents.

12 17. Mr. Palmer purposefully directs activities at Nevada residents, which activities  
13 have resulted in the copyright infringement alleged herein.

14 18. Mr. Terza purposefully directs activities at Nevada residents, which activities  
15 have resulted in the copyright infringement alleged herein.

16 19. Vote For The Worst purposefully directs activities at Nevada residents, which  
17 activities have resulted in the copyright infringement alleged herein.

18 20. The Defendants purposefully direct and effectuate the unauthorized reproduction  
19 of a Righthaven-owned copyrighted work on the Website.

20 21. The Defendants' unauthorized reproduction of a Righthaven-owned copyrighted  
21 work found on the Website was and is purposefully targeted at Nevada residents.

22  
23 **VENUE**

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

23. The United States District Court for the District of Nevada is an appropriate venue, pursuant to 28 U.S.C. § 1391(c), because Vote For The Worst is subject to personal jurisdiction in Nevada.

**FACTS**

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

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

26. The Work was originally published on April 11, 2010.

27. On June 21, 2010, the United States Copyright Office (the “USCO”) granted Righthaven the registration to the Work, copyright registration number TX0007159695 (the “Registration”) and attached hereto as Exhibit 4, is evidence of the Registration from the official USCO database record depicting the occurrence of the Registration.

28. On or about April 12, 2010, the Defendants reproduced the Infringement on the Website.

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

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

**CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

31. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through 30 above.

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

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

1 34. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to  
2 17 U.S.C. § 106(3).

3 35. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17  
4 U.S.C. § 106(5).

5 36. The Defendants reproduced the Work in derogation of Righthaven's exclusive  
6 rights under 17 U.S.C. § 106(1).

7 37. The Defendants created an unauthorized derivative of the Work in derogation of  
8 Righthaven's exclusive rights under 17 U.S.C. § 106(2).

9 38. The Defendants distributed, and continue to distribute, an unauthorized  
10 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under  
11 17 U.S.C. § 106(3).

12 39. The Defendants publicly displayed, and continue to display, an unauthorized  
13 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under  
14 17 U.S.C. § 106(5).

15 40. Vote For The Worst has willfully engaged in the copyright infringement of the  
16 Work.

17 41. Mr. Palmer has willfully engaged in the copyright infringement of the Work.

18 42. Mr. Terza has willfully engaged in the copyright infringement of the Work.

19 43. The Defendants' acts as alleged herein, and the ongoing direct results of those  
20 acts, have caused and will continue to cause irreparable harm to Righthaven in an amount  
21 Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

22 44. Unless the Defendants are preliminarily and permanently enjoined from further  
23 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus  
24 entitled to preliminary and permanent injunctive relief against further infringement by the  
25 Defendants of the Work, pursuant to 17 U.S.C. § 502.  
26  
27  
28

**PRAYER FOR RELIEF**

Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

1. Preliminarily and permanently enjoin and restrain the Defendants, and the Defendants' officers, agents, servants, employees, attorneys, parents, subsidiaries, related companies, partners, and all persons acting for, by, with, through, or under the Defendants, from directly or indirectly infringing the Work by reproducing the Work, preparing derivative works based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering, directing, participating in, or assisting in any such activity;

2. Direct the Defendants to preserve, retain, and deliver to Righthaven in hard copies or electronic copies:

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

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

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

3. Direct GoDaddy and any successor domain name registrar for the Domain to lock the Domain and transfer control of the Domain to Righthaven;

4. Award Righthaven statutory damages for the willful infringement of the Work, pursuant to 17 U.S.C. § 504(c);

5. Award Righthaven costs, disbursements, and attorneys' fees incurred by Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

6. Award Righthaven pre- and post-judgment interest in accordance with applicable law; and

7. Grant Righthaven such other relief as this Court deems appropriate.

**DEMAND FOR JURY TRIAL**

Righthaven requests a trial by jury pursuant to Fed. R. Civ. P. 38.

Dated this twenty-eighth day of June, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons  
STEVEN A. GIBSON, ESQ.  
Nevada Bar No. 6656  
J. CHARLES COONS, ESQ.  
Nevada Bar No. 10553  
9960 West Cheyenne Avenue, Suite 210  
Las Vegas, Nevada 89129-7701  
Attorneys for Plaintiff

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# EXHIBIT 1

# EXHIBIT 1





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Utah Department of Commerce

# Business Entity Search



Name	Type	City	Status
VOTE FOR THE WORST, LLC	Limited Liability Company	Unknown	Active
<b>Business Name:</b>	VOTE FOR THE WORST, LLC		
<b>Entity Number:</b>	6566559-0160		
<b>Registration Date:</b>	04/19/2007		
<b>State of Origin:</b>			

### Address

Unknown, NA 00000

### Status

<b>Status:</b>	Active
<b>Status Description:</b>	Good Standing
<b>This Status Date:</b>	11/17/2009
<b>Last Renewed:</b>	N/A
<b>License Type:</b>	LLC - Domestic
<b>Delinquent Date:</b>	04/19/2011

### Registered Agent

<b>Registered Agent:</b>	NATHAN E PALMER
	<a href="#">[Search BES]</a> <a href="#">[Search RPS]</a>
<b>Address Line 1:</b>	770 E MAIN ST #248
<b>Address Line 2:</b>	
<b>City:</b>	LEHI
<b>State:</b>	UT
<b>Zip:</b>	84043

### Additional Information

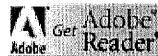
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# EXHIBIT 2

# EXHIBIT 2

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Apr. 11, 2010  
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## **NORM: 'Idol' finalists keep busy in Las Vegas**

Season 9 "American Idol" finalists made the most of an Elvis experience during an overnight trip to Las Vegas.

Outnumbered by their own security force, the nine finalists took in Cirque du Soleil's "Viva Elvis" on Friday and took over the stage Saturday for some critique from mentor Adam Lambert, Season 8 runner-up.

They were in town to soak up all the Elvisness they could get for next week's show, which features Elvis music.

Lambert flew in from Vancouver to meet with the contestants, who rehearsed Elvis hits such as "Viva Las Vegas." He told them not to be afraid to jump out of character.

No photos were released of the "Viva Elvis" visit, and security confiscated cell phones for most of the three-hour stay in the Elvis theater, although Vegas Confidential provided extensive details by Twitter feed (@norm\_clarke).

Earlier, Lambert tweeted on his site that he was staying in Las Vegas to see the Muse, an English alternative rock band, for the first time. They were playing at Mandalay Bay Events Center.

Across town at Sam Boyd Stadium, Season 8 winner Kris Allen tweaked Lambert during Pet-a-Palooza, the annual pet extravaganza put on by KMXB-FM, 94.1, with Mark and Mercedes in the Morning, which drew an estimated 20,000 people.

While being interviewed on stage after his 45-minute performance, Allen saw a dog held by an attendee and remarked that the dog didn't look very happy.

"Must be an Adam fan," Allen jabbed.

Season 9 finalist Crystal Bowersox, the dreadlocked single mom from Ohio and "Idol" favorite according to several Web sites, raised some eyebrows Friday. When her fellow contestants gathered at the Aria buffet, she chose to sit at a table by herself.

It was the first trip to Las Vegas for many of the young hopefuls. For Andrew Garcia of Compton, Calif., it was his first plane ride, he said in a tweet as he boarded the plane Friday.

The "Idol" contingent left about 6 p.m. Saturday.

### **HEF'S HAVING THE USUAL**

For a guy who's famous for embracing variety as the spice of life, Hugh Hefner never strays when it comes to dining.

Sure enough, the customary e-mailed message with precise details on what he wanted and how he wanted it arrived at N9NE Steakhouse in advance of his arrival for his 84th birthday visit.

Hef's dinner do's and don'ts:

- One plate of sliced tomatoes with nothing on them.
- Lamb chops and sauce provided by the Playboy Mansion.
- Canned peas, also brought directly from the Mansion.
- Plain baked potato. No seasoning.
- When his entrée arrives, he nods, which is the signal to bring him a glass of cold milk.
- For dessert, vanilla cake with fresh strawberries and whipped cream.
- He drinks Jack Daniels and Pepsi and usually has a birthday shot or two.

I asked him about his longtime ritual during an interview Friday.

"It's something a restaurant can't screw up. It's a safe bet," said Hefner, adding that it's been his favorite meal since childhood (OK, not with Jack Daniels, another safe bet.)

#### SIGHTINGS

Reggie Bush of the New Orleans Saints, at Coyote Ugly (New York-New York) on Friday where his rumored new girlfriend, Jessie James, performed a four-song set. On Saturday, he showed up in her cabana at Venus Pool Club at Caesars Palace. He recently broke up with socialite Kim Kardashian. James has been romantically linked to Chicago Bears quarterback Jay Cutler. Earlier, Bush was at Wet Republic, the pool venue at MGM Grand, where he was in a cabana with a large group that included Paris Hilton. But the word is they kept their distance, no doubt still on chilly terms because of Kardashian's falling out with Hilton. ... Heidi Montag, hosting at Liquid Pool at Aria (CityCenter). ... "Dancing With the Stars" alum and "Entertainment Tonight" correspondent Melissa Rycroft-Strickland, with husband Tye Strickland, at The Palazzo for his 29th birthday. They met Joan Rivers backstage before heading for CUT Steakhouse. ... At the Playboy Club (Palms) on Friday: Laurence Fishburne . Actress/ model Jaime Pressly, at the Palms Pool & Bungalows on Friday. Also there: Brooke Hogan.

#### THE PUNCH LINE

"Archaeologists in Greece found the oldest man-made structure in a prehistoric cave. Meanwhile, archaeologists in Beverly Hills found the youngest man-made structure having dinner with her husband, Spencer Pratt." -- Jimmy Fallon

Norm Clarke can be reached at 702-383-0244 or norm@reviewjournal.com. Find additional sightings and more online at [www.normclarke.com](http://www.normclarke.com).

#### Find this article at:

<http://www.lvrj.com/news/idol--finalists-keep-busy-in-las-vegas-90560254.html>

Check the box to include the list of links referenced in the article.

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# EXHIBIT 3

# EXHIBIT 3

# VOTE WORST

## Sue Lowden's Bailout

Lowden Benefited From Bailouts. "It's All In The Family..."  
[www.AccountableAmerica.com](http://www.AccountableAmerica.com)

Ads by Google

HOME NEWS BLOGS RADIO FORUM MAIL BAG ABOUT US

LOGIN SIGNUP FORGOT PASSWORD

Ads by Google Adam Lambert Idol Results Learn to Sing Bollywood Song

## The Message Board

Author Message

< American Idol 9 ~ The VFTW Contestants Song List

**thefunnystone**

Posted: 4/7/2010 at 11:22 AM



I bet it's Rock Week. The judges all seemed to think Adam was a rocker, so let's carry on that delusion again.

**I Run This Joint!**

Joined: May 2006

Location: Wearing Your Favorite Chicken McNuggets in a Mariachi Band Pin

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**puckture**

Posted: 4/7/2010 at 7:46 PM



its probably something completely random.  
i mean, even Adam knows hes not a real rocker...

Joined: February 2010

Location:

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**Razzpaddle**

Posted: 4/7/2010 at 7:53 PM



If Adam is the mentor, it could very well be 'Glam Tranny' week, with selections from RuPaul's songbook.

Joined: March 2010

Location: Deep inside your mind, inappropriately touching your inner child

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**Snotty**

Posted: 4/7/2010 at 8:44 PM



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- All Digital Radio
- AOL Television
- Caricatures by Laura Hawbaker
- Celebrity Gossip
- Dial Idol
- Fly News
- Joe's Place Blog
- Knock Out Photography & Video
- MJ's Big Blog
- Norma Lee's Music
- Survivor Sucks
- FoxyDonna on Idol
- Top Idol



**Moderator**  
Joined: March 2007  
Location: limbo

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Maybe they'll all have to sing songs from his album. Or Wicked (kill me now).

**thefunnystone**

Posted: 4/7/2010 at 8:53 PM



I hope it's Broadway week. A supreme insult to the guy who wants to get away from that label. ☹

**I Run This Joint!**  
Joined: May 2006  
Location: Wearing Your Favorite Chicken McNuggets in a Mariachi Band Pin

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**Bibulus**

Posted: 4/7/2010 at 8:59 PM



In a MSM article today they referred to him as a 'Glam Rocker' so it will most likely be 'Rock', however that's being defined these days. ☹

**VFTW's Gardener**  
Joined: February 2007  
Location: In a Van down by the River

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**Analog\_Kid**

Posted: 4/8/2010 at 12:23 AM



Quote "Razzpaddie":  
If Adam is the mentor, it could very well be 'Glam Tranny' week, with selections from RuPaul's songbook.

Joined: April 2008  
Location: Middletown

With Adam being the mentor, it must be "failed blubberhead" week.

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**kerplaw**

Posted: 4/8/2010 at 1:13 AM



While we're gonna drop two turds in the bowl next week, I'm starting to like Timmeh's chances if VFTW discipline holds. None of this week's B3 are going to benefit from the First Annual Glambert Rockers Unite Week.

Ya gotta figure Slowbodan will mop up Glambert week. I mean, she is Glambert with that vag he always wished for but never got.

Joined: February 2008  
Location: Penn.

I can't picture Katie McEncheese doing well. Obviously TPTB oppose Sausage Fest 2010, so I think she'll sneak past this weak.

Fugcia? He'll float by like the turd he is.

Big Mike's a crooner, pure and simple. Big Mike's gonna catch that train outta town he missed.

Aaron will finally be exposed. The kid deserves credit for playing Martyball with his song choices. But, if you plan to win, you gotta go big. Ukes, didges, bagpipes, Chris Cornell covers, prematurely gray hair, etc.

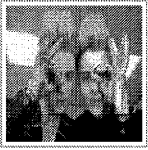
I like a repeat of this week's B3. All three have their weakness, and none of them have a base of fan support.



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**Yellow Ranger**

Posted: 4/8/2010 at 1:24 AM



Maybe next week is some kind of "songs by past Idol contestants" theme. Timmah could sing For Your Entertainment, and shove a backup singer's face into his crotch shortly before planting one on Seacrest.

Joined: October 2009  
Location:

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**Tim "Jah" Urban**

Posted: 4/10/2010 at 6:07 PM



If Sanjaya allows Tim to survive beyond theme nights, I think the only possible song is Jackie by Scott Walker. He just should replace the lyrics' Jackie with Timmeh. It's actually great song, try to find, it was removed from ut.

Joined: March 2010  
Location: Under his thumb

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**Tim "Jah" Urban**

Posted: 4/10/2010 at 6:08 PM



If Sanjaya allows Tim to survive beyond theme nights, I think the only possible song is Jackie by Scott Walker. He just should replace the lyrics' Jackie with Timmeh. It's actually great song, try to find, it was removed from ut.

Joined: March 2010  
Location: Under his thumb

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**houster**

Posted: 4/11/2010 at 12:44 AM



- ELVIS SONGS:
- Crystal Bowersox: I Washed My Hands In Muddy Water
  - Aaron Kelly: All Shook Up
  - Casey James: It's Now Or Never
  - Tim Urban: Teddy Bear or Viva Las Vegas
  - Mike Lynche: Trouble
  - Siobhan Magnus: You're The Devil In Disguise
  - Andrew Garcia: Return To Sender
  - Katie Stevens: You Gave Me A Mountain
  - Lee DeWyze: I've Got Confidence
- Honorable Mentions:
- Didi Benami: Moody Blue
  - Simon Cowell: Don't Be Cruel
  - Kara DioGuardi: Love Me Tender
  - Randy Jackson: A Little Less Conversation

Joined: July 2006  
Location: Long Island, New York

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**Razzpaddle**

Posted: 4/11/2010 at 1:10 AM





Actually for Crystal, I think the song is more like "I Washed My 'Mud' In Handy Water".

Joined: March 2010  
Location: Deep inside your mind, inappropriately touching your inner child

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**Racing Rat**

Posted: 4/11/2010 at 8:07 AM



Source : Las Vegas Review Journal

### NORM: 'Idol' finalists keep busy in Las Vegas

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"Must be an Adam fan," Allen jabbed.

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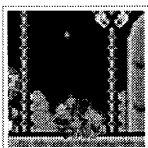
The "Idol" contingent left about 6 p.m. Saturday.

[Link to the Article](#)

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**Nigel Lies**

Posted: 4/11/2010 at 10:36 AM



I wouldn't be surprised if "Viva Las Vegas" is what Adam and the Top 9 sang around the piano to warm up thier voices and mug for the cameras, since they were in Las Vegas.

Otherwise, anyone who sings that is either asking to go home or get VFTW support.

As for Crystal, she's probably still sick and quarantined from the others.

Joined: May 2006  
Location:

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**kcstell**

Posted: 4/11/2010 at 2:09 PM



Joined: March 2009  
Location: Georgia

Aaron: Love Me Tender, because it's what Archie did already.  
Tim: A Little Less Conversation, with inspiration taken from Jon Peter Lewis.  
Andrew: Viva Las Vegas, trading his guitar for a Ukelele.  
Casey: Are You Lonesome Tonight, inviting Kara on stage halfway through the song.  
Katie: Hound Dog, with twice as much head jerking as "Chain of Fools" had.

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**Myndrunner**

Posted: 4/11/2010 at 2:22 PM



**ass**  
Joined: February 2009  
Location: Vulva Station

I have EXCLUSIVE inside information from the janitor of the Kodiak Theater who tells me that these are the songs the Idol's will sing during Elvis week, unofficially, as far as you know:  
Casey James - Jailhouse Rock  
Tim Urban - Hunka Hunka Burnin Love  
Gokey Gomez - Hounddog (to Kara)  
Michael Lynche - Viva las Vegas  
Lee Dewyze - Blue Suede Shoes  
Siobhan Magnus - Love Me Tender  
Crystal Bowersox - In the Ghetto  
Aaron Kelley - Don't Be Cruel  
Katiebot 2000 - America the Beautiful

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**Razzpaddle**

Posted: 4/11/2010 at 3:05 PM



Joined: March 2010  
Location: Deep inside your mind, inappropriately touching your inner child

Meh to me, Elvis songs is a total phail week because almost all of his songs sound pretty much alike. He's from that era and genre where they just cranked out the same hillbilly twang because that's what his audience wanted. Elvis was more a visual act, selling his sex appeal to the ladies. And in the last 30 years or so his brand has been so damaged by his being a self-parody, that everyone thinks about him like a joke, even a clown. All his songs sound goofy and stupid to people today, so how can we make good jokes about a joke?  
They're all going to look and sound stupid, even more so than usual, because what else is possible with Elvis? So it takes a lot of the fun out of it.

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**Razzpaddle**

Posted: 4/11/2010 at 3:16 PM



Joined: March 2010  
Location: Deep inside your mind, inappropriately touching your inner child

And BTW, after forcing the contestants to perform Elvis songs, the judges have the balls to complain 'oh you sound so old-fashioned', then I'm going to pull an Elvis myself and put a bullet through my TV.

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**Racing Rat**

Posted: 4/15/2010 at 9:55 AM





If Tim changes his mind and decides to perform shirtless next week then there is Incubus - Drive.

Joined: February 2010  
Location: Being random

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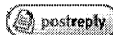
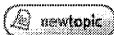
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All times are EDT

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The time now is Thu - May 20, 2010 12:57 PM  
**Vote for the Worst Message Board Forum Index**

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[General Mail](#) | [Interview Requests](#) | [Advertising](#)

# EXHIBIT 4

# EXHIBIT 4

Type of Work: Text

Registration Number / Date:  
TX0007159695 / 2010-06-21

Application Title: Idol' finalists keep busy in Las Vegas.

Title: Idol' finalists keep busy in Las Vegas.

Description: Electronic file (eService)

Copyright Claimant:  
Righthaven LLC, Transfer: By written agreement.

Date of Creation: 2010

Date of Publication:  
2010-04-11

Nation of First Publication:  
United States

Authorship on Application:  
Stephens Media LLC, employer for hire; Domicile: United States; Citizenship: United States. Authorship: text.

Rights and Permissions:  
Chief Operating Officer, Righthaven LLC, 9960 West Cheyenne Avenue, Suite 210, Las Vegas, NV, 89129-7701, United States, (702) 527-5900, dbrownell@righthaven.com

Names:  
Stephens Media LLC  
Righthaven LLC

=====

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Righthaven LLC, a Nevada limited-liability company

(b) County of Residence of First Listed Plaintiff Clark (Nevada) (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Steven A. Gibson, Esq., J. Charles Coons, Esq., Joseph C. Chu, Esq., Righthaven LLC, 9960 West Cheyenne Avenue, Suite 210,

DEFENDANTS

Vote For The Worst, LLC, a Utah limited-liability company; Nathan E. Palmer, an individual; and David J. Della Terza, an

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from another district (specify), 6 Multidistrict Litigation, 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 17 U.S.C. 501

Brief description of cause: Copyright Infringement

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23, DEMAND \$ 75,000.00, CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 06/28/2010 SIGNATURE OF ATTORNEY OF RECORD /s/ J. Charles Coons, Esq., Nevada Bar No. 10553

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.



AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Nevada

Righthaven LLC, a Nevada limited-liability company,

Plaintiff

v.

Vote For The Worst, LLC, an Utah limited-liability company; Nathan E. Palmer, an individual, and David

Defendant

Civil Action No. 2:10-cv-01045

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Vote For The Worst, LLC
Registered Agent: Nathan E. Palmer
770 East Main Street
#248
Lehi, Utah 84043

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Steven A. Gibson, Esq.
J. Charles Coons, Esq.
Righthaven LLC
9960 West Cheyenne Avenue, Suite 210
Las Vegas, Nevada 89129
United States of America

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk

Civil Action No. 2:10-cv-01045

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify):* \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: