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

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

13  
14 Plaintiff,

15 v.

16 AMERICAN SOCIETY OF SAFETY  
17 ENGINEERS, an Illinois not-for-profit  
corporation; and JEFF SPACKMAN, an  
18 individual,

19 Defendants.  
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Case No.: 2:10-cv-1017

**COMPLAINT AND DEMAND  
FOR JURY TRIAL**

21 Righthaven LLC (“Righthaven”) complains as follows against the American Society of  
22 Safety Engineers (“ASSE”) and Jeff Spackman (“Mr. Spackman”; collectively with ASSE  
23 known herein as the “Defendants”), on information and belief:  
24

25 **NATURE OF ACTION**

26 1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.  
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**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. ASSE is, and has been at all times relevant to this lawsuit, an Illinois not-for-  
7 profit corporation.

8 5. ASSE is, and has been at all times relevant to this lawsuit, identified by the  
9 current registrar, Network Solutions, LLC (“Network Solutions”), as the registrant of the Internet  
10 domain found at <asse.org> (the “Domain”).

11 6. Mr. Spackman is, and has been at all times relevant to this lawsuit, identified as  
12 the president of the Central Florida American Society of Safety Engineers, via the content found  
13 at [www.centralfl.asse.org](http://www.centralfl.asse.org) (the content accessible through the Domain and the Domain itself,  
14 collectively known herein as the “Website”).

15 7. Mr. Spackman, as president of the Central Florida American Society of Safety  
16 Engineers, is, and has been at all times relevant to this lawsuit, in administrative control of the  
17 content found on the Website.

18  
19 **JURISDICTION**

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

22 9. Righthaven is the owner of the copyright in the literary work entitled: “Bill would  
23 help regulators better enforce safety rules” (the “Work”), attached hereto as Exhibit 1.

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

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





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

3           35.     Righthaven holds the exclusive right to distribute copies of the Work, pursuant to  
4 17 U.S.C. § 106(3).

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

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

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

11           39.     The Defendants distributed, and continue to distribute, an unauthorized  
12 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under  
13 17 U.S.C. § 106(3).

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

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

18           42.     Mr. Spackman 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.

**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 Network Solutions 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.

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**DEMAND FOR JURY TRIAL**

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

Dated this twenty-fifth day of June, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons  
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