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11 THOMAS A. DIBIASE

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

15 RIGHTHAVEN LLC, a Nevada limited-)
liability company,)
16)
Plaintiff,)
17 v.)
18 THOMAS A. DIBIASE, an individual,)
19 Defendant.)
20)

CASE NO.: 2:10-cv-01343-RLH-PAL

**DECLARATION OF BART E.
VOLKMER IN SUPPORT OF
DEFENDANT-COUNTERCLAIMANT
THOMAS A. DIBIASE'S OPPOSITION
TO RIGHTHAVEN'S MOTION TO
DISMISS, OR IN THE ALTERNATIVE,
STRIKE COUNTERCLAIM**

21 THOMAS A. DIBIASE, an individual,)
22 Counterclaimant,)
23 v.)
24 RIGHTHAVEN LLC, a Nevada limited-)
liability company,)
25 Counter-defendant.)
26)
27)

1 I, Bart E. Volkmer, declare under penalty of perjury as follows:

2 1. I am an attorney admitted *pro hac vice* to practice before this Court. I am an
3 associate at Wilson Sonsini Goodrich & Rosati (“WSGR”), counsel for defendant-
4 counterclaimant Thomas A. DiBiase in this action. The following facts are true of my own
5 personal knowledge and if called and sworn as a witness I could and would testify competently
6 to them.

7 2. On December 28, 2010, The Honorable James C. Mahan held a Show Cause
8 Hearing in the *Righthaven, LLC v. Center for Intercultural Organizing, et al.* matter. Attached
9 hereto as Exhibit A is a true and correct copy of the Reporter’s Transcript of Proceedings from
10 that hearing.

11 I declare under penalty of perjury of the laws of the United States that the foregoing is
12 true and correct. Executed this 7th day of January 2011 at Palo Alto, California.

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/s/ Bart E. Volkmer
Bart E. Volkmer