

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

ACTIVISION TV, INC.,	§	
	§	
Plaintiff,	§	
v.	§	
	§	
PINNACLE BANCORP, INC.,	§	
	§	
and	§	
	§	Civil Action No. 8:13-cv-00215
JON BRUNING, Attorney General of Nebraska (in his official capacity);	§	
DAVID D. COOKSON, Chief Deputy Attorney General of Nebraska (in his official capacity); DAVID A. LOPEZ, Assistant Attorney General of Nebraska (in his official capacity),	§ § § § § § § § §	
Defendants.	§	

**MPHJ TECHNOLOGY INVESTMENTS, LLC’S MOTION TO INTERVENE  
PURSUANT TO FED. R. CIV. P. 24**

Intervenor MPHJ Technology Investments, LLC hereby moves this Court pursuant to FED. R. CIV. P. 24(a)(2) to intervene in the above-captioned action as of right, or, in the alternative, permissively pursuant to Rule 24(b)(1)(B), as more fully outlined in the accompanying memorandum, and to permit the filing of the attached Complaint in Intervention. Concurrently with the filing of this Motion, MPHJ has also filed a Motion for a Preliminary Injunction and a Motion for Expedited Consideration of its injunction motion.

WHEREFORE, for the reasons more fully detailed in the accompanying Memorandum in Support, MPHJ Technology Investments, LLC respectfully requests the Court grant its request to intervene in the above-captioned action.

October 8, 2013

MPHJ TECHNOLOGY INVESTMENTS,  
LLC, inclusive of its subsidiaries,  
Intervenor-Plaintiff

By: /s/ W. Bryan Farney  
W. Bryan Farney (admitted *pro hac vice*)  
Farney Daniels PC  
800 South Austin Avenue, Ste. 200  
Georgetown, Texas 78626  
(512) 582-2828  
bfarney@farneydaniels.com

M. Brett Johnson (admitted *pro hac vice*)  
Farney Daniels PC  
8401 N. Central Expressway, Suite 280  
Dallas, Texas 75225  
(972) 432-5780  
bjohnson@farneydaniels.com

Steven E. Achelpohl #10015  
Gross & Welch P.C., L.L.O.  
1500 Omaha Tower  
2120 South 72<sup>nd</sup> Street  
Omaha, Nebraska 68124-2342  
(402) 392-1500  
sachelpohl@grosswelch.com

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record, who are deemed to have consented to electronic service are being served October 8, 2013, with a copy of this document via the Court's CM/ECF system.

/s/ W. Bryan Farney  
W. Bryan Farney