

**IN THE UNITED STATES COURT  
WESTERN DISTRICT OF ARKANSAS**

CURTIS J NEELEY JR, MFA

VS

CASE NO. 5:09-cv-05151-JLH

NameMedia Inc.

Network Solutions Inc.

Google Inc.

**SUPPLIMENT TO BRIEF SUPPORTING MOTION  
TO STRIKE RESPONSES FOR VIOLATING  
LOCAL RULE 7.3(a) AND COPYRIGHT**

Plaintiff is preceding *pro se* fairly well violating rule 11 but withdrawing it when noticing as instructed by the law professor. The response seeking denial of the scheduling motion contained two paragraphs and now one exhibit violating Local Rule 7.3(a) as well as Plaintiff copyrights to email. Plaintiff is uncertain whether these were honest misunderstandings or if these were attempts to treat a casual email dialog as a filing to increase billings. A more effective and less antagonistic response example is attached as Exhibit "A" as well as made publicly accessible.

1. The first paragraph that follows was mostly instructive. Pro Se Plaintiff does not see why the Initial Scheduling Order is relevant to the request for a Rule 26(f) meeting versus a Rule 26(f) teleconference. Plaintiff will not become less disabled while awaiting the Rule 16.1 Initial Scheduling Order.

*1. The Court has not issued its Initial Scheduling Order pursuant to Local Rule 16.1 of the Local Rules; said Scheduling Order will presumably set forth the deadline by which the parties must hold their Rule 26(f) conference and file their joint Rule 26(f) report;*

2. The second paragraph repeated below illustrates utter confusion as to the Plaintiff WRITTEN motive of the Motion for a 26(f) conference. Plaintiff will never recover the ability to use another arm and the timeliness of the Motion is highly irrelevant.

*2. Separate Defendant Network Solutions, Inc. has upon information and belief not yet been served in this matter and has not entered any appearance; since said Separate Defendant's participation in the Rule 26(f) conference will be required, Plaintiffs motion is premature;*

3. Paragraph three repeated below accurately describes the condition of the Plaintiff through absolutely no choice of the Plaintiff. Separate Defendant NAMEMEDIA INC apparently wishes to ignore this realization. Plaintiff did not refer to the American with Disabilities Act and chooses to rely on Jurisprudence even now.

*3. In any event, Plaintiffs' motion seemingly asserts that he is unable to conduct a Rule 26f conference by phone, stating that he is "unable to use a telephone and take notes due to having only one normal arm," and that he "does not feel that his physical disabilities would allow teleconferencing to work";*

4. Ignoring realization in paragraph three Separate Defendant NAMEMEDIA INC wishes Plaintiff to be disadvantaged as we see in the paragraph that follows.

*4. NameMedia objects to Plaintiffs' request for an order requiring the Rule 26(f) conference to be held by face-to-face meeting among the parties;*

5. Paragraph five is accurate and blatantly violates Local rule 7.3(a) and places a private conversation among litigants in the record. The poorly written example will follow this entry. Pro Se litigant was unaware that the Rule 26(f) conference could be done via email and would prefer that option. Regardless, this one paragraph and referenced Exhibit "A" demands this response and supplemental response be stricken for violating Local rule 7.3(a) and blatantly violating the copyright of the Plaintiff and publishing a private email to an attorney. One is possibly relevant to Pending Motion and potentially allowed. The second is definitely not. It is odd that a law professor representing a Defendant for violating copyright would violate copyright to an email while also violating Local Rule 7.3(a). Plaintiff will include an Exhibit "A" to illustrate what Professor Lemley or Esq White should have filed. Since it appears that the Separate Defendant NAMEMEDIA INC Counsel are both apparently, ironically, copyright impaired the reference is below.

<[www.griffith.edu.au/text/ins/copyright/content\\_email\\_and\\_copyright.html](http://www.griffith.edu.au/text/ins/copyright/content_email_and_copyright.html)>

*5. Plaintiff has stated that he prefers all communication between himself and NameMedia counsel to be by email (see Exhibit "A" email dated January 22, 2010); therefore, in any event the Rule 26(f) conference could be conducted by email;*

6. Plaintiff did not realize that specifically disclosing a lack of adaptive equipment was required although Separate Defendant NAMEMEDIA INC desires the Plaintiff to state what was obvious in the filing as we see in paragraph six below that is so atrociously written that Microsoft Word seeks to correct it.

*6. Furthermore, Plaintiff does not specifically allege that he has no access to a telephone which has speakerphone capabilities or any hands-free device, or that he has no one to assist him in taking notes for him or assisting him in use of the telephone;*

7. The seventh paragraph reveals assumptions that are nearly correct because Separate Defendant NAMEMEDIA INC is currently hiding discoverable data intentionally at the Internet Archive Inc and thereby violating Plaintiff rights enumerated in US Title 17 106A by preventing recall of the data. This action was done since this suit began with a robots.txt spider. Plaintiff does not think calling Kevin Lemley dishonest requires a face-to-face meeting and Separate Defendant NAMEMEDIA INC Counsel will have had sufficient time to learn to communicate without attempting to deceive the Court by the time the trial starts. Plaintiff will not waste the Court's time and would actually prefer an email Rule 26(f) conference but did not realize that was possible. Hopefully the Court will follow Separate Defendant NAMEMEDIA INC Adjunct Professor Counsel's advice from paragraph five.

*7. Plaintiff has further stated that he "refuse[s] to consider a joint report", signaling that he will be disagreeable in the process of conducting the Rule 26(f) conference and preparing the Rule 26(f) report; in light of this prospect, a face-to-face meeting would needlessly consume the time of counsel for the Defendants, and quite possibly the Court;*

8. Separate Defendant NAMEMEDIA INC Council, Kevin Lemley, again pointed out his violation of Local Rule 7.3(a) and violation of copyright while accurately describing a noted side-effect of face-to-face meeting as well in this erroneous response that violated Local rule 7.3(a) and copyright. Professor Kevin Lemley removed himself from this case but the income of these improper actions still line Allen Law Firm's pockets. Esq Brook White got to bill for typing the word "supplemental" and filing the exhibit that violates the Local Rule and copyright law that was originally missing. One did not have any underlining because it was a completely private communication about nothing BEFORE THE COURT.

*8. Plaintiffs statement in the email attached hereto as Exhibit "A" just bill them for your time handsomely to make this a more punitive process", is telling as to Plaintiffs motive in seeking an order requiring the personal attendance of counsel*

Separate Defendant NAMEMEDIA INC Counsel, Kevin Lemley, disrespectfully requested Plaintiffs request for an order requiring the personal attendance of the parties at the Rule 26(f) conference be denied. Kevin Lemley did this while blatantly violating Local rule 7.3(a) and copyright while defending a copyright and trademark violator. Plaintiff assumes the law Professor knew he would leave the case as a notified party. Prof. Lemley apparently then held Esq White's hand for filing the supplement. The only difference in Docket #78 and Docket #81 is the missing offending Exhibit "A" or a private email among litigants that was filed and the word "SUPPLEMENTAL" being added to the Title.

Severely brain injured Pro Se Plaintiff corrected spellings. Pro Se Plaintiff added Esq Brook White's violation of Local rules as Esq White was taught by Professor Lemley to do. Esq White did not correct what Plaintiff feels was an obvious error paragraph five. Paragraph five and six were written atrociously and the last sentence of five ironically appears to instruct the Court that Rule 26(f) meetings could be conducted by email.

The Plaintiff wonders if they always can be done by email and if they can be done this way why this is not always done. Perhaps the Professor was instructing the Court and the *pro se* litigant instead of praying that the "Rule 26(f) meeting [SHOULD] be conducted by email" if possible.

Plaintiff would be excited if emails were the wishes of the Court although this does not fit the nature of the words "meeting" or "conference" even remotely or email would have been the Plaintiff request already.

Publishing an email without authorization resembles the publication of "The Passionate Pilgrim" around 1599. William Shakespeare did not wish the piece published and about 411 years later the Plaintiff did not wish a private email published as well as distorted.

Every filing of the Plaintiff requires a trip to the Fayetteville Court Building as well as ink and paper. Plaintiff is thankful that the Fayetteville Court Building is handicap accessible but does not file papers as easily as the Allen Law Firm who has answered a filing once before the Plaintiff had arrived home from filing. Plaintiff must use his specially modified van and motorized wheelchair and be taken by an attendant.

Whereas; the previous paragraphs describe blatant violations of Local Rule 7.3(a) by an Adjunct Law Professor at the UofA and his business partner while also violating copyright representing a Defendant for a copyright violation, both responses Docket ## (78, 81) require being stricken in the interest of Justice. Plaintiff prays the Court strike these responses and for reasonable attorney fees being awarded to offset the costs and any additional proper award. Plaintiff wishes for an email Rule 26(f) conference but feels it could have been suggested without violating either copyrights or Local Rule 7.3(a) better as seen in Exhibit “A”.

Respectfully submitted,

Curtis J Neeley Jr, MFA