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.

SUPPLEMENTAL BRIEF SUPPORTING MOTION FOR A MORE DEFINITE STATEMENT

The Plaintiff is mentally disabled and has speech abilities and other communications skills that are often distorted. Plaintiff believes the Plaintiff is preceding Pro Se fairly well. The reply to the facts contained several misquotes, LIES, or presentations of improper understandings of email communications. Plaintiff is uncertain that these were honest misunderstandings or if these were attempts to treat a casual email dialog contractually. Plaintiff asks the Judge to direct the Defendant to make a more definitive statement specifically of the statements described more below. The opposing Counsel asserted the statement of facts was not a pleading. It was a statement that harassed and offended the pro se Plaintiff and accused him of violating privacy and placing a soliciting phone call that was not supported by evidence and as a filed "other paper" before the Court it constitutes a potential act of libel. It demands that the Plaintiff respond because ¶ #8 is a lie that if allowed to not be challenged as falsehood would be an admission against the Plaintiff's interests.

1. Defendant stated, *"(j) The first sentence at <NameMedias.com> shows that Plaintiff anticipates customer confusion*" and potentially accidentally misinterprets Plaintiff's desire to ensure that the accidental visitor is not misled into an expectation that Defendant authorized the statements on the page. Defendant certainly does not want the Plaintiff to deceive or seem a news site.

2. Defendant stated, "*(m) Plaintiff boasts of his ability to manipulate search engines to produce the high ranking of <NameMedias.com> in the results of search engines*" and characterizes the plaintiff statements of simple facts boasts and thereby giving them a negative connotation attempting to influence the Court. Same page of Plaintiff results as the sixth result of BING.com without using <*NameMedias.com*>. *See* Ex. Bing69 <www.curtisneeley.com/NameMedia> is the sixth result and <*NAMEMEDIAS.COM*> is ninth result. The same page is the fourth result on Yahoo.com search as well using the alias <*NAMEMEDIAS.COM*> the court docket on Justia is on the third page of Google results. Perhaps Defendants only consider search engine manipulation in terms that recognize their coDefendant Google Inc as the only search engine. Plaintiff is extremely adept at search engine optimization or "manipulating" search engines and does not feel optimization of only one search engine is a worthy undertaking. Plaintiff's nude art server now rejects all traffic from Google searches for all files. Try to get there from Google and see. *See* Ex. NoGoogle.

3. Defendant stated, "*(n) In writing, Plaintiff has demanded between $30 million and $100 million to transfer his registration of the <NAMEMEDIAs.COM > domain name to NameMedia, stating: "**This could be over for something between thirty million and 100 million. I would even give you <NAMEMEDIAS.COM>… I would agree to never discuss domain names again***" and intentionally misquoted the Plaintiff attempting to induce negative perceptions of the Plaintiff. Plaintiff never offered the protest domain <*NAMEMEDIAS.COM*> to the Defendant for 100 million in the writing. Plaintiff said in the space reduced to three harmless dots, "and make it seem that you paid enough for my photographs you violated that I excused your TM and copyright violations", and described the fact that Plaintiff would make it seem NameMedia had paid enough that the Plaintiff excused the TM and copyright violations. Defendant will face the angry Plaintiff until death but with 100 million the Plaintiff would use a different protest domain. The way things are and the ways they seem are often unrelated. Defendant may realize this when they search for "NameMedia and lawsuit" on ANY search engine and will learn that SEO is a skill the Plaintiff is adept at and not specifically simply SEO where they really mean only Google Inc or 'GEO'. *See* Ex. G, Ex. B, Ex. Y

4. Defendant stated, "*(0) In writing, Plaintiff has stated that $100 million will allow NameMedia to silence his outrage*" and communicated an email casual conversation that indicated that Plaintiff believes $100 million would be enough to allow the Plaintiff to silence feelings of outrage. The Plaintiff outrage is permanent. Plaintiff outrage will either be extremely loud or could be silent after this Court action.

5. Defendant stated, "*(p) In writing, Plaintiff has stated he will not obey any order of this Court that will require him to cease* [***use of <NameMedias.com>***], in what could only be described as an attempt to distort the representations of a casual conversation email. Defendant is unable to speak nearly as well as Plaintiff can write due to severe traumatic brain injury that doctors felt would leave Plaintiff with the mentality of a toddler at best. The Defendant Counsel, Kevin Lemley, who is no longer the attorney of record lies in this section blatantly and attempted to make it seem like a quote of the Plaintiff. Lawyers should not attempt to lie or mislead the Court and Plaintiff would like the Court to direct the Defendant Counsel, Kevin Lemley, who has withdrawn to clarify the intentions. The email was printed out and attached and the portions misunderstood were underlined although not underlined by the Plaintiff. The portion lied about in this portion by Kevin Lemley demands clarification. Plaintiff stated as follows.

> "***If a JURY joins NAMEMEDIA INC and say I can't use NAMEMEDIAS.com for a First Amendment use, I will not obey any court demand to cease.***"

If a court demands that Plaintiff ceases using NAMEMEDIAS.COM, the Plaintiff will not be able to cease expressing free speech and will be unable to cease feeling the outrage caused by Defendants. If the Court orders that Plaintiff stop using <NAMEMEDIAS.COM> or if even a Court Clerk asks, Plaintiff will obey the Court and stop using <NAMEMEDIAS.COM> to express Plaintiff's outrage. Defendants are all reminded of the results above described for <BING.com> where <NAMEMEDIAS.COM> was not the highest-ranking result. Plaintiff will be able to ensure that no investor in the company will ever research NAMEMEDIA and not find this ordeal discussed. *Id.* Plaintiff can use hundreds of thousands of other protest domains. No IPO will ever be successfully done. Plaintiff invites them to wait and see. While they wait to see, Plaintiff requires that the Adjunct Law Professor at the University of Arkansas, Kevin Lemley, cease attempting to mislead the Court and teach students that sometimes it is best to mislead carefully. The Court should now require him apologize to the Plaintiff.

6. Defendant stated, "*(q) In writing, Plaintiff has stated his intent is to destroy NameMedia's business and put NameMedia employees in jail*", and distorted the factual statements. Plaintiff would accept felony prison sentences for every executive instead of a penny and types this again. Plaintiff hopes to see NAMEMEDIA INC business fail and will be glad when it fails. Regardless of this Court Case outcome, the Ponzi scheme of domain name real estate will end this decade. Humans are not dumb enough to allow NAMEMEDIA INC to succeed. Do the Defendants feel Plaintiff is pursuing lawsuit demands due to confusion about their quasi-criminal actions?
See Ex. G, Ex. B, Ex. Y

7. Defendant stated in the response to the undisputed facts of Docket #77 ¶ 10 that advertising a domain as for sale did not constitute or demonstrate "unclean hands" and leaves Plaintiff desiring Defendant NAMEMEDIA INC to make a more Definitive statement as to what they feel "unclean hands" are or how they feel that purchasing a domain without checking it in the Internet Archive WayBack Machine and then using it exclusively to sell and not use to do anything besides domain trafficking would be.

8. Defendant stated in the response to the undisputed facts of Docket #77 ¶¶ 11, 12 that the text in the post they acknowledged was a link directly to the Plaintiff's biography and remains today as links to the biography although Plaintiff has not had access to the post since kicked out of the site. Plaintiff would like a more definitive statement that reading in the paragraphs that Plaintiff was restricted to a wheelchair and seeing the entire paragraph linking to the Plaintiff biography was not sufficient notice of a disability. What else would they need to see? The jury will understand.

9. Defendant states a completely fabricated lie in the response to the undisputed facts of Docket #77 ¶# 15 and Plaintiff asks for a more definitive statement of the lie. Did Ted Olson lie and state that the Plaintiff called or was the attempt to take advantage of the Plaintiff who received the first ransom offering <eartheye.com> while living in a hospital and using a notebook computer on hospital provided wireless to access email as was pre-disclosed as untraceable or was the lie crafted with the aid of crafty lawyer professor who lies to deceive the Court. Plaintiff was not able to use the telephone in the hospital except for the cell phone the Plaintiff used occasionally. Plaintiff has verified that EVERY call that has ever been made by his cell phone can be provided with a subpoena of the Court. Plaintiff would like the lie to be more concisely described as it may describe a crime instead of just a quasi-crime. What day was this imaginary phone call?

10. Defendant states another completely fabricated lie in the response to the undisputed facts of Docket #77 ¶# 34 and would ask who clicked on the link at NamePros on that date as it was to a page created specifically to acknowledge viewership or "violate privacy" as Defendant NAMEMEDIA INC now calls tracking. Are they stating that a NAMEMEDIA INC IP address viewed the page without an employee reading the page the IP visited? Plaintiff asks who chooses to state this lie and asks that they make the lie more definite. The name on the profile the link was sent to is David if that helps the Defendants clarify the lie.

11. Defendant stated in the response to the undisputed facts of Docket #77 ¶¶ 37, 37 that Ms Thiem did not request her communications being monitored although she allowed her name and address to be listed as the DMCA agent for NAMEMEDIA INC where the entire purpose of the job is to acknowledge notifications. Plaintiff asks if Defendant was ever advised of the communication to Ms Thiem by Ms Thiem. The fact that Ms Thiem considered it harassing or did not is completely irrelevant.

Federal Rules of Civil Procedure Rule 11(d) requires that matters presented outside the pleadings require that ¶ 11 above be treated as a motion for Summary Judgment for harassing communications and privacy violations. Plaintiff did not harass Ms Thiem by attempting to notify her as the DMCA Agent and had no duty to modify his tracking routine after learning she was no longer the designated person for notice. A more definite statement of this accusation that the Plaintiff was harassing is needed to reply to this as a request for summary judgment. Paragraph eleven alone makes this "other paper" require either addressing or being an admission of the Plaintiff. If this belief is a misunderstanding of Rule 11(d), this communication pursuant to LR 7.3(a) can remain a Rule 61 harmless error by a pro se litigant that requires no response.

Esquire White perhaps feels this is seeking a new interpretation of law or a new law or is otherwise frivolous. Federal Rules of Civil Procedure Rule 11(d) in my copy of the Rules of CP were revised in 2008 to state in the relevant portion, "matters outside the pleadings are presented to and not excluded by the Court, the motion must be treated as one for summary judgment", and Plaintiff believes that the list qualified and as long as left by the Court would be a motion for Summary Judgment. This was one belief that motivated the Motion Esq White calls scurrilous, harassing, and frivolous.

Whereas Docket #77 contains a "laundry list" of misstatements, misunderstandings, and [**outright lies,**] Plaintiff does not list all of them, but asks particularly if the **eleven numbered above could be reissued more directly**. Plaintiff appreciates access to the Courts and sees the access of a severely brain injured and paralyzed pauper as a *Pro Se* litigant a true testimony of the equality of the US Court System. Plaintiff will obey any order that is physically possible and would ask that the Court direct the Defendant NAMEMEDIA INC to be more specific when they lie so the Plaintiff can identify the person who initiated stating the lies so the Plaintiff will know if a subpoena for phone records is needed to substantiate the criminal charge of harassing communications or abuse of an incompetent. Plaintiff would ask that the portions of this that do not support an order for restatement to clarify them **remain as a communication with the Court since it was sent to each Defendant and is accessible to the public**. Plaintiff is saddened to see Kevin Lemley very obviously attempt to deceive the Court while teaching lawyers to do the same outrageous act. The actions of Esq Lemley are simply lies of a noted lawyer. The Court will be left to act on its own accord. Plaintiff is stating "in writing" that Adjunct Law Professor Lemley attempted to mislead the Court with [scurrilous] lies and realizes that if not a completely [**truthful writing**] it would constitute libel or slander. Scurrilous it might be, but it also appears a standard practice by lawyers now to withdraw and turn the case over to another member of the same firm after deceiving blatantly? Haphazard attempts to deceive the Court may have become normal and the *pro se*, brain injured litigant is starting to suspect such from the legal profession. **Where no restatement is now ordered, this should be considered LR 7.3(a) communication of a severely brain injured *pro se* Plaintiff attempting to prevent the Court from believing he ever stated he would not obey a Court order as <u>indicated by Esq Lemley</u> or that he harassed Ms Thiem or ever called the Defendant and asked about <eartheye.com>. Plaintiff prefers never to speak when typing is an option.** A silent genius and a silent idiot sound exactly the same. Allen Law Firm files Motions electronically by clicking and Plaintiff is much greater distressed to answer these and would have remained silent had he not been accused falsely of stating an intention of not obeying the Court.

Respectfully submitted,

Curtis J Neeley Jr, MFA