

**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.

**BRIEF SUPPORTING MOTION FOR  
INTERLOCUTORY SUMMARY JUDGMENT  
LEAVING THE DAMAGES QUESTION FOR A JURY  
AGAINST SEPARATE DEFENDANT NAMEMEDIA INC**

Curtis J Neeley Jr. MFA pursuant to Fed. R. Civ. P. 56 moves the Court for Interlocutory Summary Judgment establishing liability leaving the issue of damages required to compensate and punish each violation left determined as an issue for trial by a jury. The basis of this motion is set forth more obviously and is further supported by the concise list of undisputable facts lacking issues for trial that are filed simultaneously by *Pro Se* Plaintiff as required by Local Rule 56.1(a).

1. Defendant NAMEMEDIA INC haphazardly “cybersquatted” or violated common law trademarks and copyrights of the Plaintiff. They acted outrageously by answering with harassing answers while admitting displaying photographs although originally refusing to remove them. The “terms of use” of Photo.net has been modified outrageously since Defendant NAMEMEDIA INC purchased Photo.net. Josh Root lied to keep the best artists like Plaintiff. *See* Docket #54 Ex. #2

2. Hannah Thiem was originally listed as the Digital Millennium Copyright Agent (DMCA) for Photo.net. Hannah Thiem and NAMEMEDIA INC each viewed demands that the nude photographs be deleted and refused to delete them. After this lawsuit was begun NAMEMEDIA INC violated the copyrights to SleepSpot.com additionally by hiding the archives to make this suit more difficult.
3. January 24, 2010 the Plaintiff notified the new DMCA, Robb Rosell, at 8 AM and Mr Rosell viewed the notice between 1 and 2 PM at IP [166.137.137.174] and by the afternoon of January 27, 2010 the nude photos were finally removed at Photo.net. It appears that it only required a Federal suit, years of distress, and use of the domain namemedias.com to get the photographs deleted. It was an interesting coincidence that Google Inc was noticed no longer licensing sleepspot on this day as well. "Duck-Duck-Go" Firefox plug-in does not allow Plaintiff to view Sleepspot.com because sleepspot.com is fraudulent and a blocked domain. All parked domains are fraudulent domains although that will impact Google Inc more in a separate Motion.  
*See Docket #30 Ex. 20, Ex. AdWords*
4. The fact that NAMEMEDIA INC outrageously violated Plaintiff copyrights and trademarks for eartheye.com and sleepspot.com as well as suggesting some type need to register copyright before filing lawsuits is outrageous to the Plaintiff. The Plaintiff will never buy a license to protect a fundamental right that has been licensed by attorneys for too long already. SleepSpot.com will still be the next Internet reservation source for "Spots to Sleep". Plaintiff is prevented from accurately estimating compensatory damages because NAMEMEDIA INC first violated the copyrights to the archived files after June 24, 2009.
5. Plaintiff first recognized the violation of eartheye.com copyrights and trademarks while able to finally initiate legal action due to a traumatic brain injury when contacted by NAMEMEDIA INC on January 26, 2009. NAMEMEDIA INC was advised of the distress continually since that time. *See Docket #30 Ex. 20*
6. After June 24, 2009 NAMEMEDIA INC violated the copyrights to the archived files of SleepSpot.com website. This was intentional and outrages Plaintiff. It compares to destroying a recording of a masterpiece. It flies in the face of copyright altogether and is exactly like destroying the only recording of a beautiful song. Plaintiff archived the files so that they can now be seen in the record. It is easy to see that SleepSpot.com presents a more businesslike website than the website of namemedia.com even today. Copyrights do not expire and are not abandoned. Plaintiff has never been to Hawaii but considers Pearl Harbor a graveyard. NAMEMEDIA INC wants this Court to allow them to obliterate US Title 17 §106A rights to attribution. Plaintiff has sought the aid of this Court.

7. The nude photograph copyright violations first had an extreme impact on December 26, 2008 and SleepSpot.com copyrights were first violated in 2009 and need no equitable tolling and the Supreme Court of Arkansas must either learn to recognize the continuing tort theory or face the fact that equitable tolling was spelled out in simple English in Ark 16-56-116 to allow the eartheye.com portion of the claim. Plaintiff does not care that the Arkansas Supreme Court has yet to recognize the continuing tort and felt statutes of limitation were specific enough. Plaintiff feels that equitable tolling will not require the offensive language that NAMEMEDIA INC wishes to require. Tolling will not be required for any of the outrageous actions anyway as the Plaintiff has prosecuted them timely.
8. The violation of the privacy of the Plaintiff that NAMEMEDIA INC finally stopped doing first late in January 2010 caused outrageous distress to the Plaintiff by displaying nude photographs with absolutely no warning to minors. Plaintiff has tried to keep from exposing children to nude art photos credited to the Plaintiff for a great deal of time but NAMEMEDIA INC revised the Photo.net "terms of use" and claimed permanent rights to keep the images and still asserts one now to others. Google Inc image search results in nude photos credited to Plaintiff with no warning to minors on even the safe search while this Motion is being prepared. The Plaintiff is unaware of how long NAMEMEDIA INC has claimed permanent rights to nude images of the Plaintiff but has been unable to delete them for years. It was promised by Josh Root not to be mandated in 2007 as seen in exhibits already labeled FRAUD and attached to the amended complaint Docket #53 Ex#3. All the exhibits to the complaint and those listed with the uncontestable points leave only the amount of damages to be determined.
9. NAMEMEDIA INC once asked the Plaintiff to bid \$2,600 or more for eartheye.com and once asked Plaintiff for \$2,788 for sleepspot.com as can be seen in evidence. NAMEMEDIA INC paid six million for photo.net. Priceline.com income for the last twelve months was 444.3 million and Priceline.com has nothing besides a price scheme. Since this lawsuit was started NAMEMEDIA INC harassed the Plaintiff with a spam titled, "How much is a domain worth", that was reported to Fayetteville police as can be seen in the record. A Jury will be required to help determine the punitive damages needed to punish the Separate Defendant NAMEMEDIA INC.

**Whereas;** The documents in the record now leave no issues remaining to be tried, the Plaintiff prays the Court grants interlocutory Summary Judgment asserting liability for violating copyrights and trademarks used in eartheye.com and sleepspot.com and violation of nude photograph copyrights. Forcing nude photos to be shown with no warning to minors violated plaintiff Rights to Privacy. Plaintiff allegedly approved this manner of art presentation. Plaintiff did not approve this and it offends the Plaintiff outrageously. The domain name sleepspot.com should be returned to the Plaintiff and the domain name photo.net should be awarded to the Plaintiff since eartheye.com is currently being used for commerce and photo.net is run by a Ponzi scheme business that understands copyrights absolutely none at all and have no business associating with photography or business at all. Plaintiff seek these initially and will request a jury to award greater than sixteen million of compensatory damages for solely Defendant NAMEMEDIA INC. Plaintiff will seek in excess of thirty million for punitive damages for the Defendant NAMEMEDIA INC.

Respectfully submitted,

Curtis J Neeley Jr, MFA