

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

CURTIS J. NEELEY, JR., MFA

PLAINTIFF

V.

CASE NO. 5:09-cv-05151

**NAMEMEDIA, INC.;
NETWORK SOLUTIONS, INC.;
and GOOGLE, INC.**

DEFENDANTS

MOTION TO DISMISS

Comes now Network Solutions, LLC (“NSLLC”), by and through its attorneys, Conner & Winters, LLP, pursuant to Fed. R. Civ. P. 12(b)(1) & (6), and asserts that the plaintiff, Curtis J. Neeley, Jr.’s (“plaintiff”) Complaints (Docs. ## 14 and 53) should be dismissed, and states:

1. On or about January 22, 2010, Plaintiff filed its second amended Complaint (Doc #53). The January 22, 2010 Complaint fails to state facts upon which relief may be granted against Network Solutions, Inc. (“NSI”). Collectively, Plaintiff’s filings will be referred to as “the Complaints.”

2. Service of the January 22, 2010 amended Complaint, without a Summons, was attempted upon Natalie Sterling, an employee, but not the registered agent, of NSLLC. The record will show that no official Summons has been issued by the Court and directed to NSI or NSLLC. Notwithstanding the problems with service, NSLLC’s appearance to file this Motion is timely and proper.

3. Although not being asserted by way of evidentiary argument at this stage, NSLLC represents to the court that Ms. Sterling is not employed by or associated with NSI.

4. Because the scope of the corporate status of NSI and NSLLC is more factually intensive than is amenable to a Rule 12(b) motion, NSLLC enters its appearance solely to move for dismissal of the *pro se* Plaintiff's case on several grounds. Further explanation of NSLLC's corporate structure is explained at page 1, footnote 1 of the Brief being filed in support of this Motion.

5. For purposes of this Motion only, all references to the named defendant "Network Solutions" will be assumed to be references to NSLLC.

6. NSLLC reserves the right to raise certain issues related to the corporate identities of NSLLC and NSI, and it further reserves the right to rely upon a certain forum selection clause and limitation of damages provision contained in contracts entered into between Plaintiff and NSI.

7. The facts alleged against Network Solutions in the Complaints are few and tenuous (at best). Plaintiff's Complaints should be dismissed as to Network Solutions for the same reasons set forth in Motions to Dismiss filed by separate defendants Name Media, Inc. ("NMI") and Google, Inc. ("Google") and the Court's Order dated March 1, 2010 (Doc. # 97). Pursuant to Fed.R.Civ.P. 10(c), the positions and precedent cited in the aforementioned filings and order are incorporated by reference.

8. Network Solutions further asserts that Plaintiff lacks standing to request injunctive relief against Network Solutions, such that dismissal of such claims is proper pursuant to Fed.R.Civ.P. 12(b)(1). Network further asserts that Plaintiff has failed to

state facts upon which relief may be granted and that dismissal is proper pursuant to Fed.R.Civ.P. 12(b)(6).

9. Network Solutions incorporates by reference all grounds for dismissal and legal arguments in its Brief in Support of this Motion which is being filed contemporaneously herewith.

WHEREFORE, Network Solutions, LLC prays that the Court dismiss the plaintiff Curtis J. Neeley, Jr.'s Complaint in its entirety as against it or to such extent as the Court concludes is reasonable and just; for an award of its attorney's fees and costs in responding to this action; and for all other relief which the Court deems proper.

Respectfully submitted,

NETWORK SOLUTIONS, LLC.,
Defendant

By: /s/ John M. Scott
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CERTIFICATE OF SERVICE

I hereby certify that on March 11, 2010, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System which will send notification of such filing to the following:

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I hereby certify that I have mailed the document by the United States Postal Service to the following non CM/ECF participants:

Curtis J. Neeley, Jr.
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/s/ John M. Scott

John M. Scott