

**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

**OPPOSITION TO PLAINTIFF'S SECOND BRIEF SUPPORTING
MOTION REQUESTING LEAVE TO FILE AMENDED REPLACEMENT
COMPLAINT AND THIRD BRIEF SUPPORTING MOTION FOR LEAVE
TO FILE AMENDED REPLACEMENT COMPLAINT**

Network Solutions, LLC ("Network Solutions") files this Opposition to Plaintiff's Second Brief Supporting Motion Requesting Leave to File Amended Replacement Complaint and Third Brief Supporting Motion for Leave to File Amended Replacement Complaint. This Opposition is filed in response to Doc. #120 and #122. Network Solutions previously filed its Opposition to Plaintiff's Motion Requesting Leave to File Third Amended Replacement Complaint. Doc. #117. For the same reasons set forth in that Opposition and other filings, Network Solutions still objects to Plaintiff's being granted leave to file his proposed Amended Replacement Complaint.

Plaintiff has several times attempted to amend his Complaints in this case. The most recent attempts commenced with Plaintiff's Motion Requesting Leave to File Third Amended Replacement Complaint (Doc. #111). As set forth in the Opposition filed by Network Solutions, as well as filings by other parties in this case, such an amendment would be futile. For the reasons set forth in Network Solutions' Motion to Dismiss, Brief

in Support, and Reply Brief, as well as other Oppositions filed by the parties herein, Plaintiff has failed to articulate any colorable claims against the Defendants. Notwithstanding Plaintiff's effort to introduce the concept of equitable tolling, even if Plaintiff's alleged claims were determined to have been timely filed (which they were not), he has failed to assert legitimate state law claims, copyright claims, trademark claims, or cybersquatting claims against Network Solutions, as argued previously by Network Solutions. Network Solutions respectfully asks that the Court bring an end to this costly and drawn out process and that the Court deny Plaintiff leave to amend his Complaint and dismiss Plaintiff's claims in their entirety.

Respectfully submitted,

NETWORK SOLUTIONS, LLC.,
Defendant

By: /s/ John M. Scott
Robert L. Jones, III, AR Bar #69041
John M. Scott, AR Bar #97202
Kerri E. Kobbeman, AR Bar #2008149
CONNER & WINTERS, LLP
211 E. Dickson Street
Fayetteville, AR 72701
Telephone (479) 582-5711
Facsimile (479) 587-1426

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 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:

H. William Allen
Brooks C. White
Allen Law Firm
212 Center Street, 9th Floor
Little Rock, AR 72201

Michael H. Page
Durie Tangri, LLP
217 Leidesdorff St.
San Francisco, CA 94111

Jennifer H. Doan
Joshua R. Thane
Haltom & Doan
Crown Executive Center, Suite 100
6500 Summerhill Rd.
Texarkana, TX 75503

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.
2619 N. Quality Lane, Apt. 123
Fayetteville, AR 72703

/s/ John M. Scott

John M. Scott