

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

**CURTIS J. NEELEY, Jr.**

**PLAINTIFF**

**VS.**

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

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

**DEFENDANTS**

**SEPARATE DEFENDANT NAMEMEDIA, INC.'S RESPONSE TO  
PLAINTIFF'S MOTION TO FILE THIRD AMENDED COMPLAINT**

Separate defendant NameMedia, Inc. ("NameMedia"), for its Response to Plaintiff's Motion to File Third Amended Complaint (Docket # 67), states as follows:

1. NameMedia has no objection to Plaintiff's motion, although NameMedia points out this is Plaintiff's third amended complaint filed within 11 weeks.
2. The problem is that Plaintiff files summary judgment motions and then amends his complaint before those motions are resolved.
3. Presently, Plaintiff still has two motions for summary judgment pending as to earlier complaints. The first motion is Docket # 50, which applies to NameMedia's counterclaim to the First Amended Complaint. The second motion is Docket # 56, which is a motion for summary judgment on Plaintiff's claims stated in the Second Amended Complaint.
4. NameMedia's responses to these motions are not yet due. The response deadlines become unclear because Plaintiff does not style his subsequent complaints as amended and substituted.

5. If Docket # 67 is granted, the grant should be conditioned upon the Third Amended Complaint being an amended and substituted complaint.

6. The Court should deny Docket # 50 and Docket # 56 without prejudice to Plaintiff re-filing at the appropriate time after filing the Third Amended and Substituted Complaint.

WHEREFORE, NameMedia prays that, if the Court grants Docket # 67, the Court dismiss without prejudice Docket # 50 and Docket # 56, and require Plaintiff to style the latest amended complaint as the Third Amended and Substituted Complaint.

Respectfully submitted,

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By: /s/ H. William Allen  
H. William Allen

By: /s/ Kevin M. Lemley  
Kevin M. Lemley

Attorneys for Defendant and Counterclaimant  
NameMedia, Inc.

CERTIFICATE OF SERVICE

I, Kevin Lemley, hereby certify that on this 10th day of February, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following attorneys of record:

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I hereby certify that, on this 10th day of February, 2010, I mailed a copy of the foregoing to the following *pro se* plaintiff:

Mr. Curtis J. Neeley, Jr.  
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/s/ Kevin M. Lemley  
Kevin M. Lemley