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**

NAMEMEDIA'S RESPONSE TO PLAINTIFF'S MOTION FOR SCHEDULING ORDER

Separate Defendant NameMedia, Inc. ("NameMedia"), for its Response to Plaintiffs' Motion for Scheduling Order, states as follows:

1. The Court has not issued its Initial Scheduling Order pursuant to Local Rule 16.1 of the Local Rules; said Scheduling Order will presumably set forth the deadline by which the parties must hold their Rule 26(f) conference and file their joint Rule 26(f) report;

2. Separate Defendant Network Solutions, Inc. has upon information and belief not yet been served in this matter and has not entered any appearance; since said Separate Defendant's participation in the Rule 26(f) conference will be required, Plaintiff's motion is premature;

3. In any event, Plaintiffs' motion seemingly asserts that he is unable to conduct a Rule 26(f) conference by phone, stating that he is "unable to use a telephone and take notes due to having only one normal arm," and that he "does not feel that his physical disabilities would allow teleconferencing to work";

4. NameMedia objects to Plaintiffs' request for an order requiring the Rule 26(f) conference to be held by face-to-face meeting among the parties;

5. Plaintiff has stated that he prefers all communication between himself and NameMedia counsel to be by email (see Exhibit "A", email dated January 22, 2010); therefore, in any event the Rule 26(f) conference could be conducted by email;

6. Furthermore, Plaintiff does not specifically allege that he has no access to a telephone which has speakerphone capabilities or any hands-free device, or that he has no one to assist him in taking notes for him or assisting him in use of the telephone;

7. Plaintiff has further stated that he "refuse[s] to consider a joint report", signaling that he will be disagreeable in the process of conducting the Rule 26(f) conference and preparing the Rule 26(f) report; in light of this prospect, a face-to-face meeting would needlessly consume the time of counsel for the Defendants, and quite possibly the Court;

8. Plaintiff's statement in the email attached hereto as Exhibit "A", "[j]ust bill them for your time handsomely to make this a more punitive process", is telling as to Plaintiff's motive in seeking an order requiring the personal attendance of counsel;

9. For these reasons, NameMedia respectfully requests that Plaintiff's request for an order requiring the personal attendance of the parties at the Rule 26(f) conference be denied;

10. The remainder of Plaintiff's motion apparently seeks substantive relief and should be summarily denied.

WHEREFORE, for these reasons, NameMedia prays that Plaintiff's Motion be in all respects denied, and for all other relief to which it may be entitled.

Respectfully submitted,

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By: /s/ H. William Allen
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By: /s/ Kevin M. Lemley
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Attorneys for Defendant NameMedia, Inc.

CERTIFICATE OF SERVICE

I, Kevin Lemley, hereby certify that on this 16th 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 16th 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