

**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.;
and GOOGLE, INC.

DEFENDANTS

**SEPARATE DEFENDANT NAMEMEDIA, INC.'S RESPONSE TO
MOTION REQUESTING LEAVE TO FILE REPLACEMENT COMPLAINT**

Separate defendant NameMedia, Inc. ("NameMedia"), for its Response to Plaintiff's Motion Requesting Leave to File Replacement Complaint, states as follows:

The Court should deny Plaintiff's motion in its entirety. As Plaintiff has repeatedly done in this litigation, he has filed a motion for relief without setting forth legal authority sufficient to support the extraordinary relief requested. The Court has previously ruled that the plaintiff's proposed amendment to his complaint would be futile.

Plaintiff is has repeatedly reminded the Court that he is appearing *pro se*. However, "[p]ro se litigants are not excused from complying with court orders or substantive and procedural law." *See American Inmate Paralegal Assoc. v. Cline*, 859 F.2d 59 (8th Cir. 1988). Under F.R.C.P. 11(b), by signing or submitting a pleading, an attorney *or* unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, "the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law...." (F.R.C.P.11(b)(2)). The defendants herein should not be continually required to incur the expense of responding to Plaintiff's frivolous

motions.

Respectfully submitted,

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

By: /s/ Brooks C. White
Brooks C. White

Attorneys for Defendant and Counterclaimant
NameMedia, Inc.

CERTIFICATE OF SERVICE

I, Brooks C. White, hereby certify that on this 7th day of July, 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 7th day of July, 2010, I mailed a copy of the foregoing to the following *pro se* plaintiff:

Mr. Curtis J. Neeley, Jr.
2619 N. Quality Lane, Apt. 123
Fayetteville, AR 72703

/s/ Brooks C. White
Brooks C. White