

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

Curtis J Neeley Jr., MFA

PLAINTIFF

vs.

NO. 09-05151

**NAMEMEDIA INC., Network Solutions LLC.,
Google Inc., IAC,
Yahoo Inc., Joseph Stephen Breese Morse,
United States, ICANN Inc.,
Microsoft corporation Federal Communications Commission**

DEFENDANTS

PLAINTIFF PRE-TRIAL INFORMATION SHEET

The Plaintiff, Curtis J Neeley Jr MFA, submits the following Rule 26 disclosure and Pre-Trial Information Sheet pursuant to Local Rule 26.2 of the Western District of Arkansas:

1. The identity of the party submitting information.

RESPONSE: Curtis J Neeley Jr., MFA

2. The names, addresses and telephone numbers of all counsel for the parties currently served.

RESPONSE:

Plaintiff –

Curtis J Neeley Jr MFA:

Pro Se

2619 N Quality Ln

Suite 123

Fayetteville, AR 72703

(479) 263-4795

**Defendant –
NAMEMEDIA INC:**

Brooks Christopher White
Allen Law Firm, P.C.
9th Floor
212 Center Street
Little Rock, AR 72201
(501) 374-7100
Fax: (501) 374-1611

**Defendant –
Google Inc:**

Jennifer Haltom Doan
Haltom & Doan
6500 Summerhill Road, Suite
100
Texarkana, TX 75503
(903) 255-1000
Fax: (903) 255-0800

**Defendant –
Network Solutions LLC:**

John M. Scott
Conner & Winters, LLP
211 E. Dickson Street
Fayetteville, AR 72701
(479) 582-5711
Fax: (479) 587-1426

3. A brief summary of claims and relief sought.

RESPONSE: The plaintiff alleges Title 15 and Title 17 violations pursuant to ACA 16-63-207, US Title 17 §§ 106A, 101, as well as US Title 15 § 1125(d) and numerous common law torts.

Plaintiff seeks permanent injunctions, monetary judgment for damages and the profits derived by Defendants Network Solutions LLC, NAMEMEDIA INC, and Google Inc and immense punitive damages against all Defendants as allowed by a JURY based on malice shown.

Claims are further summarized as follows:

- US Title 15 § 1125(d) - - “cybersquatting”
- US Title 17 §§ 106A, 101 - - Destruction of notable art and defamation
- ACA 16-63-207 - - Libel, Slander, and Defamation
- Violation of Privacy - - Publishing Information Preferred Undisclosed
- Outrageous Defamation
- Outrageous Violation of Due Process Rights
- Nonfeasance in Enforcing Communications Act of 1936
- Violation of Ninth Amendment and Doctrines of Equal Access to Law and Guarantee of Due Process by US Title 17 since first signed
- Violation of Common Law Right to Rear Children as Desired without subjecting them to pornography.
- Harassing Communications
- Harassing Via Frivolous Litigation

4. Computation of each category of damages.

- \$1,200,000.00 Statutory damages as provided in 15 USC
- \$450,000.00 Statutory damages provided in 17 USC
- 100,000,000 punitive damages for defamation
- \$2,000,000 punitive damages for malicious destruction of original art.
- \$10-\$50,000,000,000 punitive damages for intentional exposure of Plaintiff's children to pornography
- An injunctive order that the FCC begin regulating communications transmitted by wire as has been their duty since 1936 and respect the fact that the Internet is the logical progression of what was once called telegraph wire.

Relief sought is further described as follows:

Plaintiff wishes to be awarded the <photo.net> domain as well as one million punitive for each stolen domains from Defendant NAMEMEDIA INC as well as 100 million in punitive damages for intentionally defaming the Plaintiff after made aware of the defamation. The Plaintiff seeks punitive damages from Defendant Google Inc for the reckless defamation of \$1,000,000,000.00 due to the vast size of Google Inc and seeing them attempt to settle for 145 million for violating "copy-rights" thereby announcing new law created by litigation. Network Solutions LLC should face a 600,000 statutory award for Lanham Act trespasses and face an injunction as well as ICANN Inc and NAMEMEDIA INC to not disclose expiration dates of domain registrations they do not own.

The various Search Engine Defendants should together pay from ten to fifty billion in punitive awards for trafficking in pornography to anonymous people and violating the right of parents to prevent their children from viewing pornography maliciously and for vast ill-gotten profits.

The FCC should face an injunction to regulate Internet communications by wire, as has been their statutory duty since 1936. ICANN Inc should face an injunction preventing them from allowing disclosure of domain name expiration dates.

Since Google Inc asserts creating a “copy-right alternative” in Authors Guild et al v Google Inc, 1:2005cv08136, the Plaintiff seeks creation of a non-profit “search engine alternative” as a result of this action that uses profits to offset taxes and is controlled by elected board members that represent the States based on Congressional representation.

5. Prospects for settlement, if any.

RESPONSE: Absolutely none whatsoever exists.

6. The basis for jurisdiction or objections to jurisdiction.

RESPONSE: The plaintiff has asserted subject matter jurisdiction pursuant to US Title 15 § 1325(d) and US Title 17 § 106A since the case involves Federal laws as well as State laws and diversity of venues.

No Defendant has objected to jurisdiction on any valid basis. Defendant Network Solutions LLC objects to jurisdiction based on alleging the Plaintiff agreed to surrender jurisdiction to Virginia in a one hundred and fourteen page less than single-spaced agreement that is fraudulent by requiring click-to-sign without establishing validity of the Plaintiff enough to support the change of venue Defendant Network Solutions LLC asserts the clicking-to-sign domain registration did.

7. A list of pending motions.

RESPONSE: The Plaintiff has filed two Motions for Order Reconsiderations, an Appeal to Amend, and a Motion for Preliminary Injunction. These will be moot after the Eighth Circuit Interlocutory Appeal No. 10-2255 is resolved. *See* Dockets ## 128, 130, 132, 134. Defendants have responded to all these as well as entering appearances in the interlocutory appeal at the Eighth Circuit Court where all of these are listed as errors anticipating pending denial of these.

8. A concise summary of the facts.

RESPONSE: The defendants violated the domain names registered by the Plaintiff and attributed Plaintiff to his original pornography with no respect whatsoever for moral rights to control attribution of original art and forced him to disclose pornographic art in an abhorrent manner.

9. All proposed stipulations.

RESPONSE: At this point, the Plaintiff does not have any specific proposed stipulations. Plaintiff agrees to work in good faith with the Defendant counsel to stipulate as to the authenticity, and perhaps admissibility, of various documents, including the specific documents at issue.

10. The issues of fact expected to be contested.

RESPONSE:

- a) Whether Curtis J Neeley Jr created and published the material in question and when was it done;
- b) Whether Curtis J Neeley Jr authorized Defendants to publish the material in question and how and when it was authorized;
- c) Whether Hannah Thiem felt Plaintiff's monitored DMCA notice was harassing and therefore warranted ignoring.
- d) Whether Defendant NAMEMEDIA INC was advised by Hannah Thiem about the Plaintiff's monitored DMCA notice and whether or not she was told to ignore similar DMCA notices;
- e) Whether Defendant Network Solutions LLC business policy of offering certified offers on any domain is serial trafficking per US Title 15 § 1125(d).

- f) Whether Defendant Google or any Defendants should be entitled to licensure of all content including photographs accessible by wire;
- g) Whether Defendant Google and other Search Engine Defendants should be entitled to attribute artwork with no concern for Moral Rights to Attribution;
- h) If Curtis J Neeley Jr is found to have licensed Defendants NAMEMEDIA INC, Google Inc, or others to publish his art, whether the parties had sufficiently authenticated the agreement to establish licensure or grant Network Solution LLC a waiver establishing an out-of-state legal venue;
- i) If Curtis J Neeley Jr is found to have contributed to his own defamation, what extent was it and why didn't Defendants NAMEMEDIA INC or Google Inc stop publishing his art when requested of DMCA agents early in 2009.
- j) Whether the defendants earned any profit whatsoever as a proximate result of the giving away of the defamatory material in question;
- k) Whether the defendants received any compensation whatsoever in exchange for the defamatory material in question;

- l) The amount of net profits earned by the defendants during the time period since February 26, 2006 proximately resulting from their defamatory actions;
- m) The amount of net profits that would be lost by requiring adult computer owners or administrators to determine if the computer browser was ever allowed to access material unsuitable for television broadcast.
- n) How much profit would be lost by never allowing anonymous viewership of pornography like the defamatory material in question.
- o) Who for each Search Engine Defendant decided anonymous viewership of pornography would be allowed although it could be easily stopped decades ago but has not been done for profit.
- p) Whether the plaintiff incurred any damages as a proximate result of any conduct by the defendants;
- q) Whether a domain registration expiration date may be disclosed by anyone besides the owner without violating trademark law.
- r) Whether use of domain names in commerce created *prima facie* evidence supporting TM.

11. The issues of law expected contested.

- (a) US Title 17 applicability to the defamatory materials at issue.
- (b) The validity of the US Title 17.
- (c) The validity of US Title 15

12. A list and brief description of exhibits, documents, charts, graphs, models, schematic diagrams, summaries, and similar objects which may be used in opening statement, closing argument, or any other part of the trial, other than solely for impeachment purposes, whether or not they will be offered in evidence.

RESPONSE:

- a) Every exhibit in the record;
- b) Records of every referral to the Plaintiffs websites due to defamatory displays by Search Engines by Query

13. **The names, addresses and telephone numbers of witnesses for the parties now served.**

RESPONSE:

Erik Zilinek
c/o Allen Law Firm,
P.C.
9th Floor
212 Center Street
Little Rock, AR
72201
(501) 374-7100
Fax: (501) 374-1611

Hannah Thiem
c/o Allen Law Firm,
P.C.
9th Floor
212 Center Street
Little Rock, AR
72201
(501) 374-7100
Fax: (501) 374-1611

Robb Rosell
c/o Allen Law Firm,
P.C.
9th Floor
212 Center Street
Little Rock, AR 72201
(501) 374-7100
Fax: (501) 374-1611

Ted Olson
c/o Allen Law Firm,
P.C.
9th Floor
212 Center Street
Little Rock, AR 72201
(501) 374-7100
Fax: (501) 374-1611

Natalie Sterling
c/o Conner & Winters,
LLP
211 E. Dickson Street
Fayetteville, AR 72701
(479) 582-5711
Fax: (479) 587-1426

Eric Schmidt
c/o Haltom & Doan
6500 Summerhill Road
Suite 100
Texarkana, TX 75503
903-255-1000
Fax: 903-255-0800

The Plaintiff reserves the right to update this list to include expert witnesses to testify regarding the impacts of defamation and examine or cross-examine any witnesses identified by the defendants.

The Plaintiff further reserves the right to rely upon rebuttal testimony as may be allowed by the Rules.

14. **The current status of discovery, a precise statement of the remaining discovery and an estimate of the time required to complete discovery.**

RESPONSE:

Discovery has not begun. Will require intervention by the court as made necessary already by Defendant NAMEMEDIA INC refusing to allow Plaintiff to access discoverable evidence. Plaintiff expects it to take roughly five hundred and sixty days.

15. An estimate of the length of trial and suggestion for expediting disposition of the action.

RESPONSE

The Plaintiff believes jury trial can be completed in three weeks. The action could be expedited by the preliminary injunction asked for in Docket 134 being granted resulting in the FCC resuming regulating communications by wire as well as sanction for NAMEMEDIA INC for using a robots.txt file to hide otherwise discoverable data requiring Motions for Compelling.

Respectfully submitted

s/ Curtis J Neeley Jr

Curtis J Neeley Jr, MFA