

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

CURTIS J NEELEY JR, MFA

VS

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

NameMedia Inc.
Network Solutions Inc.
Google Inc.

**BRIEF SUPPORTING MOTION SEEKING LEAVE TO
AMEND SUMMONS PURSUANT TO FEDERAL
RULES OF CIVIL PROCEDURE 4(2)**

Curtis J Neeley Jr. MFA notifies the Court that Defendant Network Solutions Inc was served pursuant Federal Rules of Civil Procedure 4(1) by certified mail attesting to Network Solutions Inc receiving the Second Amended Complaint January 25, 2010 and elaborates as is described more fully as follows:

I Plaintiff hereby reports Network Solutions Inc was served by registered mail the Second Amended Complaint on January 25th 2010.

USPS served the Second Amended Complaint as was evidenced by Docket #69 Ex. #24 and was noted incorrectly in Docket #69 ¶ 71 as the 24th. The original certification receipt report is filed herewith. Network Solutions Inc is ignoring this lawsuit and showing disrespect to Arkansas Western District Court. Network Solutions Inc was further aware of this case November 09, 2009 as demonstrated by communications from Maria Burke and Krista Quintell as listed on the record. See Docket #69 ¶ (69, 70, and 71), and Docket #69 Ex. #18 and Ex. MB. See 3800T.

II *Pro Se* Plaintiff is aware the “second served summons” was lacking the portions described in Federal Rules of CP 4(1)(D, E, F, G) as required

Plaintiff plans Motions for Default Judgment on one claim in the Second Amended Complaint on Friday February 22 asking \$200,000 of statutory damages. On that date it will be timely except for these three subsections that were lacking in the service of the Second Amended Complaint for Summons. Consequently; Plaintiff prays the Court provide a Court Stamp and Clerk Signature to amend the Served Second Amended Complaint into a Summons and not reward the Defendant Network Solutions Inc for ignoring the Court by awarding additional time and ask that the response be due by February 22nd or as originally. The US Marshall service was ordered to serve Network Solutions Inc in Docket #23 on December 14, 2009 and mailed the Summons on December 15, 2009. The first summons has not yet been reported delivered. Default award is likely already overdue and *Pro Se* Plaintiff asks if the initial summons was delivered before it was ignored and asks the tracking number to allow a check as the USPO maintains the data for only two years.

See Ex. NSSJ, Ex. NSSJBrief, Ex. NSSJList

The second USPS certified mail tracking report was run to evidence acceptance and Plaintiff prays for the tracking number of the initially mailed summons for determination of time the response was due. Report was run to evidence the acceptance and Plaintiff prays for Leave to Amend the second summons and for Default Judgment being granted if response is now overdue as Plaintiff suspects and asks the US Marshal Service for the initial tracking number for the certified mail obtained December 15, 2009 for an inquiry regarding delivery like now in the record for the second summons. *See* Docket #58 Exhibit #7 and Ex. 3800T

III Court Clerk (jn), Ms Newton, filed a text only entry in the Docket directly after Docket #73 that was a first notice of No Service of Process.

Text of court clerk notice is as follows: “*CLERK'S FIRST NOTICE re No Service of Process directed to Plaintiff Curtis J Neeley, Jr. No answer or other responsive pleading has been filed by NETWORK SOLUTIONS, INC. The file does not reflect a proof of service of the complaint upon this defendant. Federal Rules of Civil Procedure 4(l) requires proof of service to be filed with the court. If service is not perfected on a defendant within 120 days after filing the complaint, a show cause order will issue and the complaint against that defendant is subject to dismissal pursuant to Federal Rules of Civil Procedure 4(m). TEXT ONLY ENTRY, NO DOCUMENT ATTACHED (jn) (Entered: 02/12/2010)*” The preceding text only entry works well to ensure Justice. Federal Rules of Civil Procedure 4(m) would only provide the complaint needing to be served again after cause was shown. The US Marshall mailed a Properly Completed Summons as ordered by the Court on December 15, 2009 and the *Pro Se* Plaintiff in this action is acting in forma pauperi (IFP). Plaintiff paid to send the Second Amended Complaint to Network Solutions Inc. *Pro Se* Plaintiff is greatly unfamiliar with law and the “Pro Se Manual” did not adequately cover the procedure to follow when a certified return receipt is never returned. Plaintiff believes the certified letter was received but has been ignored. Plaintiff will not rest on the current filings and ask that the Court grant leave to amend the served Second Amended Complain to act as summons as provided for in Federal Rules of Civil Procedure 4(2) as Jurisprudence might direct and prevent unnecessary costs to the Court.

IV Plaintiff believes law is either logical or it is wrong. Plaintiff does not desire to present this lawsuit quietly or be deceptive as that would be illogical and this case will potentially redefine the Internet domain name Ponzi scheme and search engine nude image handling operations.

Plaintiff feels it is completely absurd to see Eric Schmidt expressing any type of premonition about what the Internet will be like in five years as Plaintiff in this case watches Google Inc attempt to end copyright in America in a New York Southern District Court and watches the Google Inc CEO talk so flippantly on CNBC about privacy and search engines. This lawsuit will end all Google Inc plans for acquisitions and make the Internet a more child friendly place immediately. This lawsuit will either do this or fail regardless of the fiscal outcome. Normal businesses, insurances, and medical professions always guard against litigation and this case will make Google Inc and other Internet Giants similar. The Internet will suddenly be no less child-friendly than movies. Simply removing the advertising of all domain name expirations and ending the deceptive advertising of parked sites as well as the fiscal impact to this lawsuit will cause NAMEMEDIA INC to nearly go out of business and Google Inc will become just another business instead of the presumed Internet "god". Just because there is porn or nude fine art out there does not make it acceptable for search engines to allow minors or Muslims, for whom it is wrong to view nudes, easy access by clicking a lie and not verifying being an adult. The days of easy access to information that included nude images are now over Mr Schmidt. I am among the 100 best photographers of the nude human figure as a form and not a person in the history of photography and Google Inc has no right or license to violate my right to not present my nude art or any nude art result in a image search on my name to my own children or their young friends.

CONCLUSION

For the foregoing reasons, Plaintiff should be entitled to default judgment for Plaintiff claims for trademark infringement as described in US Title 15 § 1125 as soon as February 22nd and potentially now. Plaintiff will then elect to receive statutory damages of \$200,000 as the default statutory judgment as well as an Order to cease advertising registration expirations even indirectly unless they own them. Plaintiff still wishes to reserve the charges of outrage for a jury. Plaintiff prays for leave to amend the already served Complaint into a perfected Summons pursuant to R of CP 4(2) and a Court Order for Plaintiff to advise Network Solutions Inc that a response is due by February 22nd to comply with Federal Rules of CP 4(1)(D) and thereby not extending the time for responding beyond already given. Plaintiff prays Default Judgment be granted if already overdue and asks for the tracking number received by the US Marshal for the first Summons sent to Network Solutions Inc via certified mail as ordered December 14th 2009.

Respectfully submitted,

Curtis J Neeley Jr, MFA