

IN THE UNITED STATES COURT WESTERN DISTRICT OF ARKANSAS

CURTIS J NEELEY JR, MFA

VS

CASE NO. 5:09CV05151

NameMedia Inc.
Network Solutions Inc.
Google Inc.

BRIEF SUPPORTING REQUEST FOR LEAVE TO FILE SECOND AMENDED COMPLAINT

Comes now Plaintiff, respectfully to this court and requests the Court grant the *Pro Se* Plaintiff Leave to file Amended and Re-titled Complaint (Docket #14) as follows:

1. Paragraph #4 of the complaint would be amended to add the specific section of Title 17 the *Pro Se* Plaintiff intends to use instead of leaving ambiguously ending as “*numerous sections of US Title 17*” by appending as follows:
 - a. The particular sections that Google Inc and NAMEMEDIA INC conspired to violate are the exclusive rights of the Plaintiff for attribution and integrity enumerated by US Title 17 § 106A. These need not be registered before acknowledged because these rights are excluded in the US Title § 411 registration requirement prior to civil actions. Plaintiff refuses to purchase copyright registrations or “licenses to sue” to protect the fundamental rights Plaintiff believes are granted by the creator and inadequately recognized and introduced originally by a career lawyer and licensed to benefit the legal professions primarily.

2. Paragraph #24 originally only described the actions of Defendants Google Inc and NAMEMEDIA INC violating US Title 17 § 106A. Plaintiff feels it outrageous the very specific description of wrongful actions apparently needed listing by relevant section by a *Pro Se* litigant. The portion labeled #24 will be altered to be more specific and read as follows while removing the “sleepspot.com archive hiding” to separate section #25. The Second Amended Complaint Section labeled 24 will also now include adding a claim for violations of Rights to Privacy of the Plaintiff given by US Title 5 § 552a(b) in section 24 as will follow below to replace section #24.

- a. Defendant NAMEMEDIA INC and Google Inc are currently displaying nude photographs attributed to the Plaintiff and displaying photographs of the Plaintiff doing nude photography from a wheelchair. This violates the copyrights of Plaintiff as enumerated by US Title 17 § 106A and violates the Right to Personal Privacy as enumerated in US Title 5 § 552a(b). NAMEMEDIA INC and Google Inc are publishing personal data without permission. This is being done currently at photo.net after the Plaintiff asked the Defendant NameMedia to remove the photos. Hannah Thiem and Erik Zilinek, the Digital Millennium Copyright Agent (DMCA) and the Intellectual Properties Counsel, each viewed the request in early November 2009 as shown on the record. (*See* Docket #30 Attachments #19, #20, #33, #15, Ex. Thiem)

The Plaintiff never granted NAMEMEDIA INC or Google Inc perpetual licenses to display or compel approval of the manner the nudes are attributed to Plaintiff. The nudes are displayed along with fraudulent claims of permission granted beside them are published by NAMEMEDIA INC and Google Inc to sell advertisements. These two Defendants conspire to use nude art photographs of the Plaintiff to sell advertisements. Defendants have each actually sold advertisement to the Plaintiff, while violating the copyrights the Plaintiff has to the nude photographs. (*See* Ex. AdWords)

NAMEMEDIA INC and Google Inc conspire to furnish minors access to nude photographs while allegedly displaying these with permission

from Plaintiff. This outrageous action has outraged and affected the Plaintiff. The Google image “Safe Search” is not safe when using the name of Plaintiff and returns nudes.

(See Ex. CHILD, Ex. COURT, Ex. G-NM-SS) Photo.net stated to Plaintiff in a message from the NAMEMEDIA INC site community leader, Josh Root, that photographers who uploaded photographs would remain exclusively controlling of the photographs as users of the site. This fraudulent statement was to induce the best photography artists to allow photos to remain to encourage ad sales and Josh Root did this in 2007 at 7:20 p.m. EST. This fraudulent statement created a reasonable belief for the Plaintiff that user submitted photographic content could be deleted any time. *See* Ex. FRAUD. This was never the case. Plaintiff was never allowed to delete the nude photos and NAMEMEDIA INC will not delete six nude art photographs they are attributing to the Plaintiff and violating copyrights and conspiring with Google Inc to sell ads with them. Plaintiff is careful to provide warning to minors from his personal website but the controlling law of the Children Online Privacy Protection Act (COPPA) applies and is being ignored by NAMEMEDIA INC and Google Inc to sell ads with no concern for minors.

See Docket #30 Ex. #10, Ex G-NM-SS Ex. FRAUD, Ex. CHILD, Ex. COURT.

Hannah Thiem received the Plaintiff message while she was listed as the DMCA to potentially limit the liability for infringements. The “Terms of Use” was modified and NAMEMEDIA INC now asserts a permanent license of all user content in a violation of US Title 5 § 552a(b) and US Title §106A. This compelled endorsement of an abhorrent decision by NAMEMEDIA INC and Google Inc to display nudes attributed to Plaintiff with absolutely no warning to minors, is contrary to the religious beliefs of the Plaintiff and laws of the US. The Google image “Safe Search” is not safe when using the name of Plaintiff. The fraudulent representation of a granted permission has impacted several familial relationships irreparably as the record now shows and can be shown by witnesses. Summary Judgment of Liability as a matter of law leaves only damage awards for a jury to assign for each Defendant.

(*See* Ex. G-NM-SS, Ex. CHILD, Ex. COURT, Ex. DD.)

3. Plaintiff will add another section to bring a claim for rights to copyright for the integrity and attribution enumerated by US Title 106A for sleepspot.com. This will be added at section 25 as follows:

a. Plaintiff has copyrights for the integrity and attribution enumerated by US Title 106A for sleepspot.com. The public 501c(3) site archive is where NAMEMEDIA INC has caused the archived files in the “WayBack Machine” to return as excluded by the owner. This violates the integrity of this artwork and Plaintiff does not wish the archive to be excluded. Copyright to the websites has not expired as the Plaintiff has not yet completely expired. This results in a compelled endorsement of the actions of NAMEMEDIA INC and prevents Plaintiff from accurately estimating damages for SleepSpot.com. NAMEMEDIA INC violates copyrights Plaintiff has for display of these archived website files from before when NAMEMEDIA INC and Google Inc began cybersquatting sleepspot.com. This was done for no reason besides frustrating the Plaintiff as can be seen in the record. The Internet Archive does not “waste” space saving pages exclusively consisting of advertisements and is all NAMEMEDIA INC and Google Inc did cybersquatting sleepspot.com since 2003.

NAMEMEDIA INC has absolutely no copyrights to protect while violating the exclusive rights of Plaintiff to attribution of the archived site where the copyright and common law TM notices were visible til after July 24, 2009. NAMEMEDIA INC became aware of this action and attempted to hide evidence of copyrights and common law TMs being *ignored*

WHEREAS premises herein considered and supported by the record, Curtis J. Neeley, Jr. respectfully requests being granted leave to amend the original complaint as described and prays defendants Google Inc and NAMEMEDIA INC each be granted an additional thirty days to enter new answers. The prior answers of NAMEMEDIA INC (*See* Docket #17) were given solely for harassing as the record now shows. Plaintiff will leave sanctions at the discretion of the Court. Defendant Network Solutions Inc is in no way impacted by these amendments. Network Solutions Inc cannot harass Plaintiff further and their answers should be allotted the same extension of time. Thirty more days will not trouble the Plaintiff. Leave granted to amend better serves Justice and simultaneously makes the motions to strike (Dockets #38, #39, #40, #41) all be moot points.

Respectfully Submitted

Curtis J. Neeley Jr., MFA

CERTIFICATE OF SERVICE

I hereby certify that by the ____ day of January 2010, I plan to mail a copy of the foregoing to the Defendants at the following addresses:

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/s/Curtis J Neeley Jr, MFA
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