

# IN THE UNITED STATES COURT FOR THE WESTERN DISTRICT OF ARKANSAS

Curtis J Neeley Jr., MFA

v.

CASE NO. 5:09~cv~05151

NameMedia Inc.  
Google Inc.

## Brief Supporting Motion Seeking Leave for Interrogatories

The Plaintiff, Curtis J Neeley Jr, herein respectfully explains the rational or “basis” for this Court requiring the defendants to answer additional interrogatories. The Plaintiff has requested this allowance from each Defendant Counsel and was denied. The Plaintiff accepts that the Federal Rules of CP apply to unrepresented parties and mistakenly sought depositions by written questions for discovery that was objected to already. The Plaintiff wishes to request information by questions to prosecute this case and does not wish to have the added expenses and travel of depositions due to being a paralyzed pauper. The additional succinct rational follow although leave for interrogatories is sought by Motion only because Defendants wished to limit them to 25.

### **RATIONAL I**

Plaintiff desires to ask Eric Schmidt several questions about the interview given during this case that was “broadcast” on CNBC. Eric Schmidt stated in this interview that Google Inc believed as follows.

*“if you have something that you don’t want anyone to know, maybe you shouldn’t be doing it in the first place, but if you really need that kind of privacy, the reality is that search engines, including Google, do retain this information for some time... Ahhh and its important that, for example, we are all subject in the United States to the Patriot Act. It is possible that that information could be made available to the authorities.”*

1 The Plaintiff is not opposed to Eric Schmidt having another answer the interrogatories this  
2 claim made relevant to this litigation. Eric Schmidt may have been taken out-of-context in the  
3 video that the Plaintiff saw and not meant the statement except in a Fifth Amendment context. The  
4 Plaintiff would agree in that particular case. Still, Eric Schmidt, can have the questions answered  
5 by any Google person desired and return the answers to interrogatories instead of coming to  
6 Arkansas as a result of a subpoena. The same can be said for Erik S Zilinek Esq who stated to the  
7 Plaintiff as follows.  
8

9 *“Reference is made to your recent correspondence to the wholly-owned BuyDomains.com*  
10 *subsidiary of NameMedia, Inc. (“NameMedia”), regarding the <eartheye.com> domain*  
11 *name registration. NameMedia is evaluating your concerns and will revert to you once we*  
12 *have considered the matter further.”, and further results follow.*

13 *“...Accordingly, it appears that there is no legal reason why NameMedia should not*  
14 *maintain its <eartheye.com> domain name registration should it choose to do so. This letter*  
15 *is sent solely in the interest of promoting an amicable settlement of these matters and nothing*  
16 *contained herein should be construed or understood as an admission or waiver of any kind.*  
17 *NameMedia reserves all legal, equitable and administrative rights, remedies and defenses*  
18 *available and this letter is sent without waiver of any claims or counterclaims—including,*  
19 *but not limited to, defamation and tortious interference with business contracts—NameMedia*  
20 *has against you or any entities associated therewith. I remain at your disposal should you*  
21 *have any questions or additional legal concerns.”*

22 These dialogs are in the record already and are from January 2009 and were before this  
23 lawsuit was filed. NAMEMEDIA INC legal counsel, Erik Zilinek, appears to be backing up Pete  
24 Lamson who was the VP of Sales and stated before this as follows.  
25

26 *“I am in receipt of your email.*  
27 *I am directing your correspondence to Mr. Erik Zilinek, who is counsel for*  
28 *NameMedia.*  
*Please direct all future correspondence to Mr. Zilinek, he will respond accordingly.”*

29 Plaintiff is aware that Pete Lamson no longer works for NAMEMEDIA INC and was the  
30 first party to involve lawyers. NAMEMEDIA INC Counsel will object to additional interrogatories  
31 as will Google Inc Counsel according to their current communications with the Plaintiff.

1 Plaintiff believes both corporate defendants would be better served concentrating resources  
2 and answering interrogatories instead of paying Opposing Counselors to object to them being  
3 allowed for additional “*punitive*” legal fees. Opposing Counselors would still be able to object to  
4 the individual interrogatories that were improper in the opinion of the Opposing Counselors instead  
5 of the “blanket objection” they have given to answering additional interrogatories at this point.  
6

## 7 **RATIONAL II**

8 The Plaintiff does not wish to artificially constrain written interrogatories to 25 after having  
9 spent an entire day being deposed and answering questions that did not concern this lawsuit.  
10 Describing the logic involved in the <SleepSpot.com> reservation software and providing the last  
11 known IQ results and hundreds of other questions like not recalling Yellow Pages advertisements  
12 that ran while Plaintiff was incompetent as well as the court filings where Plaintiff became the  
13 Plaintiff’s own guardian.  
14

15 The Court is not interested in IQ scores and those scores are entirely irrelevant, as stated by  
16 the Plaintiff during the deposition. The Plaintiff, nevertheless, answered this question, as well as  
17 every question asked, and now seeks to compel a corporate officer or other party to attend in July  
18 and testify in person. Erik Zilinek and Eric Schmidt now face either being subpoenaed or allowing  
19 the Court grant leave for additional interrogatories. Interrogatories allow each Defendant to direct  
20 the most knowledgeable person available to provide answers sought in this intellectual properties  
21 case. Many questions will be beyond any one person’s intellect and this fact would limit the  
22 usefulness of depositions on any one person anyway.  
23

## 24 **RATIONAL III**

25 The Plaintiff has no intention to be unreasonable, inconvenient, or cause additional expense  
26 as described in Federal Rules of CP Rule 26(b)(2)(C). The interrogatories regard actions where  
27 statutory damages total well over one million dollars for each defendant and the Plaintiff will  
28 request punitive damages as well as these insignificant statutory amounts.

## CONCLUSION

A boy once stood on a battlefield and fought a giant according to one ancient story. The boy was not trained in battle and the giant was so large that no trained soldier would face the giant. The Plaintiff in this case faces two giant corporations who will answer for their disparagement just as certainly as the giant once did in the ancient story. The youth did not face the giant barehanded, as would have been improper. The boy did not, however, use the best of armor. The shepherd boy used a slingshot and a pebble. There is another old saying that, “the truth will set you free”. The truth is all the Plaintiff will seek with interrogatories and requests for admissions instead of written depositions that are beyond the financial abilities of a pauper.

Rather than seeking to subpoena the wealthiest man in the history of Earth or seeking to subpoena Google Inc company officers and NAMEMEDIA INC company officers, the Plaintiff requests leave for up to 100 interrogatories be granted. Intellectual properties cases involve more facts than other types of law and the Plaintiff requests that 100 interrogatories be allowed to support justice since written depositions are not accessible to a pauper. Leave to submit up to 100 interrogatories will allow the Plaintiff and Defendants to avoid more costly discovery and will not require the subpoena of any parties or further depositions.

The Plaintiff could complete discovery with perhaps less than 100 interrogatories but is unable to for written depositions or other deposition. Plaintiff prays that the Court grant leave for submitting 100 written interrogatories. The Plaintiff realizes that objections to particular interrogatories may still occur if needed but not the blanket objection like, “*which 25 of these 47 questions does the Plaintiff wish answered*”, or other legal technicalities like already used.

Respectfully submitted,

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Curtis J Neeley Jr., MFA