

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

CURTIS J. NEELEY, JR.

PLAINTIFF

v.

Civil No. 09-5151

NAMEMEDIA, INC., NETWORK
SOLUTIONS, INC.; and
GOOGLE, INC.

DEFENDANTS

O R D E R

Now on this 31st day of January, 2011, come on for consideration plaintiff's **Motion Seeking Leave For Interrogatories** (document #227), and from said motion, and the response thereto, the Court finds and orders as follows:

1. Plaintiff Curtis Neeley ("Neeley") alleges trademark rights in two internet domain names, eartheye.com and sleepspot.com. He alleges that NameMedia, Inc. (NameMedia) registered these domain names in bad faith, and licensed them to Google, Inc. ("Google") in violation of the anti-cybersquatting provisions of **15 U.S.C. § 1125(d)**. He further alleges that NameMedia and Google conspired to cybersquat the two domain names, and to violate his trademark rights in these domain names.¹

2. Neeley also alleges a claim for intentional infliction of emotional distress (also known as "outrage") under Arkansas law. This claim is based on allegations that NameMedia and Google have conspired to allow, and are currently allowing, minors access to nude photographs taken by Neeley, while contending that such access was allowed by Neeley himself.

¹Neeley's claims against defendant Network Solutions, Inc., were dismissed with prejudice on May 20, 2010.

3. Neeley now moves the Court to allow him to propound more than the 25 interrogatories that are permitted under **F.R.C.P. 25**. He reasons that both he and the defendants would save money by using interrogatories rather than depositions to conduct his discovery, and that in his financial circumstances he cannot afford to take depositions. He does not indicate what interrogatories he would propound.

4. NameMedia responds with a copy of 12 interrogatories already propounded to it by Neeley, some of which are clearly irrelevant and objectionable. For example, Interrogatory 7 asks "[w]hy display nude photographs not allowed displayed on television and what profit results?" Interrogatory 9 asks "[w]hat amount of money does your company donate to politics or judges running for office?"

5. The Court is not persuaded that there is any basis shown at this time to allow Neeley to propound more than 25 Interrogatories to each defendant. He has not exhausted the allowed number, and he has wasted some of those on irrelevant questions. The motion will, therefore, be denied, without prejudice to its renewal upon a proper showing.

IT IS SO ORDERED that plaintiff's **Motion Seeking Leave For Interrogatories** (document #227) is **denied**.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE