

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

CURTIS J. NEELEY, Jr.

PLAINTIFF

VS.

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

NAMEMEDIA, INC.;
and GOOGLE, INC.

DEFENDANTS

**SEPARATE DEFENDANT NAMEMEDIA'S BRIEF IN SUPPORT OF MOTION TO
CANCEL, OR ALTERNATIVELY, TO POSTPONE SETTLEMENT CONFERENCE**

Separate Defendant NameMedia, Inc. ("NameMedia"), for its Brief in Support of Motion to Cancel, or Alternatively to Postpone Settlement Conference, states as follows:

NameMedia appreciates that settlement conferences often serve the valuable function of resolving litigation prior to trial, thus at least partially lightening the overloaded dockets of the federal courts. When the Court is dealing with parties on both sides who have rational, reality-based expectations as to resolution, there is often a good chance that a settlement conference will resolve the dispute. This case, however, does not fit that description.

The Court need only look at Mr. Neeley's latest submission to observe just how "out there" Mr. Neeley's view of this case and his expectations are. In Paragraph 2 he informs the Court that he "has made repeated offers to drop all claims for 5 billion from either party and this offer is no longer available." Mr. Neeley speaks the truth here. Other statements by Mr. Neeley in the course of this litigation reveal that he believes he has been divinely appointed to prosecute this litigation in order to rid the internet of pornography and to end, as Mr. Neeley calls it, the "domain name Ponzi scheme."

Lest the Court believe that it may be able to “talk some sense” into Mr. Neeley at a settlement conference and bring him down to earth, counsel for NameMedia would point out that in the hearing on Mr. Neeley’s request for Judge Barnes to recuse in December of last year, the Court admonished Mr. Neeley for his repeated filings of requests for the same relief after the Court had denied them. Yet despite the Court’s admonition, Mr. Neeley has persisted in this practice. To the recollection of counsel for NameMedia, the Court also educated Mr. Neeley about the impropriety of his filing interlocutory appeals, yet Mr. Neeley has recently threatened in correspondence to counsel to file another interlocutory appeal if the Court does not grant certain relief to him which it has denied in the past. In short, Mr. Neeley’s repeated demonstrations of recalcitrance and irrationality make it clear that he will not be reasonable at a settlement conference.

If the Court declines to cancel the hearing, NameMedia respectfully requests that it be postponed until such time as the Court may deny pending motions for summary judgment filed by both Defendants. Google has filed a motion for complete summary judgment. NameMedia has filed a motion for summary judgment as to Plaintiff’s cybersquatting claims under the ACPA and will soon file a motion for the balance of Plaintiff’s claims. The Court can of course review the motions and Mr. Neeley’s responses to judge the likelihood that his claims will survive summary judgment.

If the Court declines to cancel or postpone the hearing, then NameMedia respectfully requests that its representative be allowed to participate remotely either by phone or videoconference. Given the very low possibility of a successful resolution through a settlement conference, NameMedia respectfully requests that it be relieved of the burden of time and

expense involved in personal attendance at the conference.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of June, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following attorneys of record:

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I hereby certify that, on this 1st day of June, 2011, I mailed a copy of the foregoing to the following *pro se* plaintiff:

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/s/ Brooks C. White
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