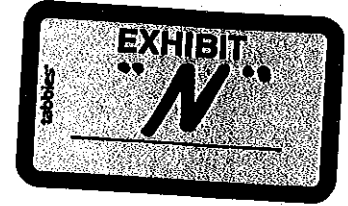


**Brooks C. White**

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**From:** Curtis Neeley Jr. [Curtis@CurtisNeeley.com]  
**Sent:** Tuesday, February 03, 2009 7:55 AM  
**To:** Erik Zilinek  
**Subject:** RE: Domain Name Inquiry :: <eartheye.com>  
**Attachments:** eartheye\_NameMedia\_suit1.pdf



Did I receive this email in error? Did you discuss the potential of an amicable trade and explain that the lingering traffic to <eartheye.com> is from adult website links? I thought you guys were not interested in adult traffic?

Mostly Sincerely,  
Curtis Neeley

Curtis J Neeley Jr., M.F.A. | Legal Counsel | Neeley Photography -aka- Earth Eye Images -  
aka- Curtis Neeley Photography  
p. 479-263-4795 | f. none | e. [Curtis@CurtisNeeley.com](mailto:Curtis@CurtisNeeley.com) |

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Copied PDF text - but still via email only...

Mr Zilinek,

I appreciate your communications. I discourage you from making any type of intimidating statement of a possible counterclaim of defamation or of a tortuous interference with business. I hope to settle these matters amicably and quickly as much as NameMedia does. That paragraph of your PDF sounded more like a backhanded threat than an 'amicable' dialog. I will hand you your law degree on a platter if it comes down to that type amicable dialog.

I raised the issue of <eartheye.com> that expired while I was incapacitated several years ago. Somebody there should have

records of that. I do and anyone can find discussions of it on public forums. This is just a continuation of the previous amicable dialog to resolve this dispute. So much for the time issue. \*POOF\*

<eartheye.com> is listed on my business letterhead and was included on invoices I used to bill Wal-Mart. That is not a 'famous' use necessarily, but they are the largest company in the world. The use of Earth Eye Images by myself can be traced uncontrovertibly to 5/5/1992.

You brought up the issue of jurisdiction. The internet is everywhere. I will successfully bring a civil action for a tort starting with my local county court or federal district. I am sure

you are aware of (Zippo Mfr. Co. v. Zippo Dot Com, Inc., 952 F. Supp. 1119 (W.D. Pa. 1997)? Whether you are or are not, A severely brain-damaged plaintiff in a wheelchair who is using one arm will take you to school on the jurisdiction issue and time issue if necessary. We might be a case to be studied? It is not clear how the law in this area will develop, but as courts develop the law of personal jurisdiction and Internet, they should look closely, not only at this new medium, but also at those who are sending the messages through it. I notice you put 'via email only' in your last communication.

I truly desire to resolve this amicably as long as it ends with me owning the registration of <eartheye.com>. I was the original registrant of <sleepspot.com> also. NameMedia now owns this also. Is this a coincidence? Two domains I previously owned are now for sale at BuyDomains? I have several that will expire in the next year. Are they soon to be in your portfolio? Not if I am careful.

I am angry that this has happened and feel that you should let the domain return to me. During my previous 'amicable' dialog I was left with the impression that you guys would let it expire. I am trying to keep my anger in check and work amicably. Amicable is a fancy lawyer's word for 'playing nice'?

**I WILL NOT PAY more than \$20 for the domain. I would be much more interested in trading <eartheye.com> for <ozarkphotos.net>.** There are several states that contain Ozark mountains, Ozark hiking trails and Ozark wildlife. These areas will produce a great deal of Ozark photographs. I used to do Ozark photography. It now only sends me a tiny bit of traffic.

How amicable does this trade sound to you? I know several individuals who would be very interested in the domain. Not for several thousand. I feel <ozarkphotos.net> is MUCH more valuable than <eartheye.com>. I will send you a POSTAL notice if I decide to stop being amicable. Does BuyDomains have <ransomeddomains.com> and <domainsransomed.com> bought? I'll build a site that has, as its sole purpose, free-speech that will result in a negative impact on BuyDomains and NameMedia. This is not a threat. It is simply a promise and information that I am providing to only you, as of Feb 2 through the 4<sup>th</sup>, that gives you the opportunity to encourage your company to amicably trading <eartheye.com> for <ozarkphotos.net> before I impact your business' reputation very negatively with truths that you will feel are libel. I have a severe traumatic brain injury that affected my frontal lobe greatly. I was in a coma for over six weeks. I am now fixated on this issue afresh because of an unsolicited email BuyDomains sent to me.

Why does BuyDomains value <eartheye.com> so highly? I imagine BuyDomains or NameMedia keep traffic logs for every domain they cyber-squat. <eartheye.com> has volumes of traffic because I once had a link that described my photography as containing bondage and nudes. Still, they run ads there trying to send traffic to eye relates sites.

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-----Original Message-----

**From:** Erik Zilinek [mailto:ezilinek@namemedia.com]  
**Sent:** Friday, January 30, 2009 4:52 PM  
**To:** curtis@curtisneeley.com  
**Subject:** Domain Name Inquiry :: <eartheye.com>

Dear Mr. Neeley:

Please see the attached letter.

Sincerely,  
Erik S. Zilinek

**Erik S. Zilinek** | Legal Counsel | NameMedia, Inc. | 230 Third Avenue | Waltham, MA 02451  
**p.** (781) 839-2860 | **f.** (781) 839-2801 | **e.** [ezilinek@namemedia.com](mailto:ezilinek@namemedia.com)

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