

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

CURTIS J. NEELEY, JR.,	) Case No. 5:2009cv05151
	)
Plaintiff,	)
	)
vs.	)
	)
NAMEMEDIA, INC., NETWORK	)
SOLUTIONS, INC., GOOGLE, INC.,	)
	)
Defendants.	)
	)

VIDEOTAPED DEPOSITION OF CURTIS JAMES NEELEY, JR.

Taken at the Washington County Courthouse,  
280 N. College Avenue, Room 115, Fayetteville, Arkansas  
72701, on December 10, 2010, at 8:30 a.m.



1 education.

2 Q. Okay. Do you -- you've held -- you've -- you've  
3 told me about some of your work experience. What else  
4 have -- what was your first job out of high school?

5 A. I was actually still in high school. I worked at  
6 Kelly's Restaurant as a dishwasher.

7 Q. Okay. We can skip things like, you know, working  
8 typical teenager jobs. Anything involving a skill, trade  
9 of some sort is what I'm --

10 A. I was the swing manager for McDonald's in  
11 Batesville.

12 Q. Swing manager?

13 A. Yes. And I -- I kept doing that on and off for a  
14 long time. I was a swing manager in Springdale as well.

15 Q. Okay. Did you -- was there ever a time when you did  
16 photography as a full-time occupation?

17 A. Yes, there was.

18 Q. Okay. What years was that?

19 A. I don't remember.

20 Q. You don't remember?

21 A. I don't remember. It was probably in the part of  
22 the memory I don't have. However, I know I was doing that  
23 -- well, I filed taxes as my business, so I -- I had to be  
24 doing it for full-time then.

25 Q. Okay. Well, have you reviewed any records or

1 anything to determine when that was?

2 A. No, sir. I do know that it is probably from '98 to  
3 2002.

4 Q. Okay. How do you know that? I thought you said you  
5 didn't remember.

6 A. I don't remember. I'm guessing, because I was -- it  
7 was after my first divorce and --

8 Q. Okay.

9 A. -- I was working at J.B. Hunt when I got killed.

10 Q. And you refer to getting killed as the wreck?

11 A. Yes, sir.

12 Q. Okay. So you worked at J.B. Hunt. What years did  
13 you work at J.B. Hunt?

14 A. I don't know.

15 Q. Well, did it coincide with the --

16 A. My car --

17 Q. -- photography?

18 A. Some of it did, yes, but not -- not -- some of it  
19 did, but it was kind of at the end when I could not make  
20 enough money in photography. I did -- worked for J.B.  
21 Hunt.

22 Q. Okay.

23 A. I also worked for J.B. Hunt before my photography.  
24 I was a truck driver then.

25 Q. You actually drove the trucks?

1 Q. Okay.

2 A. -- and such.

3 Q. Okay. Let's -- let's see what page are we on here?

4 If you turn to the next page -- and actually, I got these  
5 backwards, I think, in the exhibit, but we're moving on to  
6 the December 2003 issue as indicated on the next page  
7 over. But if you look at the page previous to that one,  
8 there's another listing for Photographers-Commercial for  
9 the December 2003 issue, and it's the same listing, Earth

10 Eye, 451 East Township Street. The wreck occurred in  
11 September 2002; correct?

12 A. September 3rd, 2002.

13 Q. Okay.

14 A. I was in a coma for six weeks and two days.

15 Q. Okay.

16 A. And then I was taken off of the respirator with a Do  
17 Not Revive order by my ex-wife.

18 Q. Okay.

19 A. And I did not die. However, two days later, they  
20 returned the respirator because I gave them a thumbs up.  
21 And I remained in the hospital for several more months.

22 Q. Okay. So at sometime in 2003 you became -- or you  
23 went home from the hospital?

24 A. I went to a different hospital.

25 Q. Okay.

1 Q. Okay. You can remember that you didn't know your  
2 name?

3 A. I cannot remember that, but I was told that.

4 Q. Told that by whom?

5 A. By my parents.

6 Q. Okay.

7 A. And I do remember going to speech therapy and going  
8 to classes, and they say, Okay, now, when was your son's  
9 birthday? When was your other son's birthday? Trying to  
10 learn all my stuff that I was supposed to know --

11 Q. Okay.

12 A. -- as a father.

13 Q. And you had a diagnosis of amnesia; correct?

14 A. Posttraumatic amnesia, yes.

15 Q. Okay. And that's what amnesia is; right?

16 Forgetting stuff?

17 A. I have no idea. Yes.

18 Q. Okay. Let's look at the next listing. I have here,  
19 if you keep turning you'll see the spine of the phonebook  
20 for December 2004. Top right-hand corner with the page  
21 that has 343 at the top right, you see  
22 Photographers-Commercial, and we have that same listing,  
23 Earth Eye, 451 East Township Street. We were in December  
24 2004. Would you have been at home by this point?

25 A. I have no idea. However, more than likely I was

1 either at home or in HealthSouth.

2 Q. Okay. Were you operating a commercial studio?

3 A. No. Sometimes when you run an ad, they don't like  
4 to cancel it. They want you to keep running your ad. And  
5 I guess your guardian may have just kept paying for it, I  
6 don't know. Or they may have just billed me for it. I  
7 don't know.

8 Q. Okay. You anticipated my question very well there.  
9 And the next page is December of '05. And, again, we have  
10 that same listing. And December of '06 we have that same  
11 listing. And you're telling me that during this time you  
12 did not run a commercial studio at East Township Street?

13 A. No, sir.

14 Q. You don't remember anything about the East Township  
15 location?

16 A. I do not. I don't think there -- I would have to  
17 know -- my memory of having a studio was not East  
18 Township. I don't know where East Township is.

19 Q. Okay.

20 A. I remember one being right over there, which I don't  
21 think is East Township. And I have it -- I had one in  
22 Winslow. But nowhere else that I remember.

23 Q. Do you remember ever applying for a certig -- a  
24 certificate of occupancy from the City of Fayetteville?

25 A. I don't remember it, no.

1 Q. Okay.

2 A. I did -- the only thing I ever did was I had a dba  
3 as SleepSpot.

4 Q. But that was not for your studio, was it?

5 A. No.

6 Q. Okay. And, unfortunately, the library did not have  
7 a copy of the 2007 phonebook, but -- now, your  
8 guardianship ended in '06, did it not? January of '06?

9 A. Yes, sir, it did.

10 Q. Okay. And the ad, it ended -- and the ad was in --  
11 for December of '06 was in the phone book.

12 Did -- do you know why that is? Did you -- do you  
13 remember paying for it?

14 A. I do not remember paying for it, or canceling it, or  
15 replacing it.

16 Q. Okay.

17 A. More than likely, if you run an ad, they're going to  
18 leave it there and bill you for it until something freezes  
19 over.

20 Q. Or until you don't pay the bill.

21 A. Or, yeah, until I don't pay the bill, which I don't  
22 guess I ever have.

23 Q. Okay. Did you -- is this 442-5442, is that a phone  
24 number that you remember?

25 A. Yes.

1 A. Uh-huh.

2 Q. Okay. Do you know where that's located?

3 A. No.

4 Q. You don't?

5 A. (Witness shakes head.)

6 Q. Okay.

7 A. I know he goes to church at Central.

8 Q. Central? What's the name of the --

9 A. United Methodist.

10 Q. Central United Methodist. Okay.

11 A. Just across the street.

12 Q. Okay. Okay. That's all the questions I have about

13 Exhibit 1 for right now.

14 Have you done -- since after the accident, have you  
15 engaged in any kind of gainful employment?

16 A. No.

17 Q. So you haven't -- have you conducted any business  
18 activity of any kind?

19 A. I have done photography for my -- Ethan's T-ball  
20 team. And I have done two weddings.

21 Q. Okay. Have you done any other photography services  
22 for anyone besides those two things?

23 A. I did package photography for -- I can't remember  
24 who it is now, but they are a pet manufacturing. I did  
25 leashes, pictures of dogs with leashes.



1 Q. A pet food manufacturer?

2 A. They worked with pets.

3 Q. Okay. Do you remember any other jobs you've done?

4 A. No.

5 Q. Don't you have -- or at one point, weren't you  
6 putting together a studio there at your house after the  
7 accident?

8 A. Yes.

9 Q. Okay. Do you remember what year you started doing  
10 that?

11 A. No.

12 Q. Okay.

13 A. I do realize that I remember putting -- having a  
14 table put in that I could get on if I had to.

15 Q. Okay. I want to show you what I'll mark as Exhibit  
16 2. The first page needs to go under that. Wait just a  
17 second. Okay.

18 (Wherein Exhibit 2 was marked.)

19 I read your blog that's on your web page and looked  
20 at some of the archived entries. This is from 2005.  
21 There's an entry there for -- and I think your blog  
22 started in late 2004, and there were only a few very short  
23 entries in 2004. But in January of '05, you state here,  
24 "I did some commercial stuff with jewelry." A jewelry  
25 shoot. Do you remember that?

1 A. I do.

2 Q. Okay. What company was that for?

3 A. I did it for a person.

4 Q. For a person?

5 A. It was just a person who had -- did jewelry.

6 Q. Had what kind of jewelry?

7 A. A person who did jewelry. Mostly like stone. Kind  
8 of artsy craftsy kind of stuff.

9 Q. Okay.

10 A. I also at this time started doing some work for the  
11 Ozark Folkways.

12 Q. Okay. This was in January of '05. When did you --  
13 when did you do the stuff for Ozark Folkways?

14 A. I don't remember, but probably around that time.

15 Q. Okay.

16 A. It was commercial stuff. Pictures of quilts and  
17 baskets and that type thing. Stuff that the normal person  
18 would not be able to do.

19 Q. So at that point, you would have considered yourself  
20 a pretty experienced, accomplished photographer?

21 A. I would say that, yes. I am still an accomplished  
22 photographer, I just can't do -- in other words, I can't  
23 move up and down light stands, but I know what to do.

24 Q. Okay.

25 A. I could direct and say, Do this, do that, do that,

1 A. Yes.

2 Q. Okay. I notice that in the materials you've  
3 attached to your pleadings there are some actual web pages  
4 for SleepSpot. How did you get those?

5 A. I got those before NameMedia made it so I couldn't  
6 see them.

7 Q. So at one point the robot spider was not placed on  
8 the archive?

9 A. Correct.

10 Q. Okay.

11 A. It was around the time I was banned from Photonet.

12 Q. Okay. Were there any other projects or clients that  
13 you had for this SleepSpot other than the Orlando Howard  
14 Johnson?

15 A. There were, but I do not know. Because if you sign  
16 -- it was kind of -- kind of like -- oh, like Google has.  
17 You sign up, and you pay money, and it just happens. Like  
18 buying a key word.

19 Q. Uh-huh. Now, you -- did you -- did you create the  
20 SleepSpot.com domain name?

21 A. Yes. Because I was wanting to use it to sell spots  
22 to sleep.

23 Q. Okay. So you were wanting to, with that name, tell  
24 people exactly what the service was; correct?

25 A. Yes. And I intended to sell to hotels and bed and

1 breakfasts directly. In other words, they could sell  
2 their inventory through SleepSpot. However --

3 Q. And I just --

4 A. -- they could also sell it on their own website.  
5 Like Howard Johnson's could use Howard Johnson's website,  
6 but in the background it would be using SleepSpot.

7 Q. Okay. So when people saw that website, that name  
8 SleepSpot, you wanted that -- you wanted that to perfectly  
9 describe what the service was?

10 A. You're coming to look for a spot to sleep, yes.

11 Q. Okay. Now, why do you think that SleepSpot name --  
12 and I assume you did or you wouldn't be suing for it --  
13 why do you think that name is today valuable to you?

14 A. Because it will change the way reservations are done  
15 online forever.

16 Q. It --

17 A. Because right now you have Priceline and whoever  
18 their competitors are, but Priceline and all those people  
19 who are doing reservations are attempting to do something  
20 similar to what SleepSpot did; however, they're not doing  
21 it correctly. And it could overnight be the answer to how  
22 to reserve a room online.

23 Q. Am I correct that you could market and sell this  
24 service and offer it online using a different domain name?

25 A. I probably could.

1 Q. Okay. Why do you believe Eartheye.com is valuable  
2 to you today?

3 A. I'm not altogether sure why, other than it is part  
4 of my -- my ancient history.

5 Q. Part of your history? Okay.

6 A. And I would like to just have it go away.

7 Q. You'd like to have Earth Eye go away?

8 A. Yeah. I know that the company in Florida does not  
9 use it hardly at all.

10 Q. So you're not -- you're not wanting this domain name  
11 back?

12 A. I would like to have it maybe as a reference to  
13 CurtisNeeley.com now as a forwarding domain, but I do not  
14 intend to use it to further my art.

15 Q. So you don't intend -- you have no intent to use the  
16 name Earth Eye at all going forward in connection with any  
17 commercial photography or any other kind of photography?

18 A. I will use it in my photography, yes, but not  
19 Eartheye.com.

20 MR. PAGE: I'm sorry. I couldn't -- not --

21 THE WITNESS: Not Eartheye.com.

22 MR. PAGE: Oh, okay.

23 Q. (Mr. White continued.) But you -- you do want to  
24 use Earth Eye --

25 A. Yes.

1 Q. -- just not Eartheye.com?

2 A. Yes. I do.

3 Q. Why does it bother you that somebody else is using  
4 Eartheye.com?

5 A. Right now? It does not really bother me.

6 Q. It doesn't bother you?

7 A. No.

8 Q. Well, then tell me what your damages or injury is as  
9 a result of my client registering Eartheye.com. What  
10 damage happened to you because of that?

11 A. Statutorally?

12 Q. No, I'm not asking about what the statute says. I'm  
13 asking about how you were harmed or injured as a result of  
14 my client registering Eartheye.com.

15 A. It made putting together my past much more  
16 difficult.

17 Q. Now, I need some explanation. How did it do that?

18 A. Because when I researched -- like right now you can  
19 go and research Eartheye.com in the records --

20 Q. Uh-huh.

21 A. -- and see what it was. And there were things that  
22 I did that I would rather not have done, but I did.

23 Q. Now, how did my client's registering it cause that  
24 to happen?

25 A. It per -- prevented me from fixing it so that now it

1 Q. Well, let's talk about CurtisNeeley.com.

2 A. Okay.

3 Q. You've used that, and you continue to use it to  
4 advertise photography services, do you not?

5 A. Not services but -- not the services but photography  
6 that I have done. I no longer advertise any commercial or  
7 other work. Just my art.

8 Q. Well, do you have any intent going forward to do any  
9 kind of photography work for pay?

10 A. I intend to teach photography, yes.

11 Q. But you don't --

12 A. But not take pictures.

13 Q. You don't intend to take anymore pictures?

14 A. Well, I'll take pictures, but I will use them for  
15 like art in nicely framed art with less than 200 copies.

16 Q. And you're not intending to sell those?

17 A. Oh, yeah. I do. Like I currently sell art.

18 Q. Okay.

19 A. I have no idea when it's going to sell, it's just  
20 out there.

21 Q. Well, how many -- or what -- what name are you going  
22 to use, if any? Just your own name to advertise those?

23 A. (Witness nods head.)

24 Q. Is that a yes?

25 A. I forgot. I'm sorry about that. Yes. It would be

1 Curtis Neeley or the Curtis Neeley Foundation.

2 Q. Okay. And you're not going to use Earth Eye to  
3 advertise that?

4 A. I will use that as a name as an alias also, but --  
5 as a historical perspective on the art I do, but other  
6 than that, no.

7 Q. Okay. I'm not sure what you mean by that. What do  
8 you mean by historical perspective?

9 A. If you go to Eartheye.com, if you go to  
10 Eartheye.com, that's a business website now that does  
11 topographical mapping. But if you go to my website, it  
12 says Earth Eye Images. And that is -- makes the person  
13 look, you know, Huh, what's that? And they can look back  
14 at the historical record of it and find out.

15 Q. Well, is that the only reason why you're going to  
16 use Earth Eye is so people can look back and see what  
17 you've done in the past?

18 A. Yes. Other than possibly a slight continuation with  
19 the Keeping My Eye on the Earth.

20 Q. What do you mean a slight continuation of that? Be  
21 more specific, if you could.

22 A. Okay. To use the term "Keeping My Eye on the  
23 Earth," as in that I will take pictures that most people  
24 will just ignore.

25 Q. Okay. It sounds like what you're telling me is that



1 you don't intend -- and please correct me if I'm wrong. I  
2 know you will. I'm not trying to put words in your mouth,  
3 but it sounds like you don't intend to use Earth Eye to  
4 actually advertise any kind of photography services going  
5 forward. Is that correct?

6 A. That is correct.

7 Q. Okay. Am I not correct that there was a point in  
8 time in the early 2000s that you moved that content over  
9 that used to be on Eartheeye.com and you moved it over to  
10 CurtisNeeley.com?

11 A. Yes.

12 Q. How did you know to do that if you didn't remember  
13 the domains?

14 A. Around 2000?

15 Q. It was around -- I think the archive would indicate  
16 that it was around 2003 that you did that. Does that  
17 sound right?

18 A. No. Probably 2002, early 2002.

19 Q. Okay. Did you not know about the domain name in  
20 2000 -- did you -- I thought you'd told me earlier that  
21 you didn't remember Earth Eye back then, Eartheeye.com back  
22 then, that you'd forgotten about it.

23 A. I guess I had.

24 Q. Okay. How did you -- where did -- did you have that  
25 content stored on your computer and you didn't remember

1 Do you have any reason to believe that that's not  
2 the truth?

3 A. No. I believe that's the truth.

4 Q. Okay.

5 A. But I don't understand how it's done. I mean,  
6 there's not -- ICANN rules. There are no -- if it goes --  
7 like right now, NameMedias, the plural, has expired and is  
8 not registered to me anymore. However, Wild West Domains  
9 has it. And I have no idea. I've told them I do not want  
10 it, and the only thing that has accomplished has gotten me  
11 sued and that's a Duh, come on guys. I am not going to  
12 register -- and they encourage me, you have 14 more days,  
13 12 more days. Why? It's a fictitious -- well, not -- it  
14 is a fictitious economy, the domain name economy is.

15 Q. Okay. Well, why -- tell me -- do you believe that  
16 my client's registration of Eartheye.com and SleepSpot.com  
17 was made in bad faith?

18 A. Yes.

19 Q. And tell me why you believe that.

20 A. They did not mean to sell anything through the Earth  
21 Eye at all. They did not -- were not going to sell  
22 anything to do with Earth or the eye, or sleep or the  
23 spot, or sleep -- there's nothing descriptive. They were  
24 just going to sell the domain name at a premium. Had  
25 nothing to do with why they actually registered the

1 domains.

2 Q. And are you saying that you believe any time someone  
3 registers a domain name for the sole purposes of selling  
4 it to someone else, that is, per se, bad faith? Is that  
5 what --

6 A. Yes, sir.

7 Q. That's what you're saying?

8 A. Yes, sir.

9 Q. Is that the only reason why you think it was in bad  
10 faith?

11 A. Well, they offered them to me, which I think was bad  
12 faith. You don't go to the person who owned the domain  
13 name for eight, ten years before and say, You want to buy  
14 a domain? We got a special sale on right now. That is  
15 bad faith.

16 Q. Okay. Do you think they knew you owned it when they  
17 approached you?

18 A. Yes.

19 Q. How do you think they knew that?

20 A. It was public access. They just -- as common as  
21 they are about knowing how to research domain names, they  
22 knew when I registered it and when I did not register it.  
23 They knew I had owned it for years. And they did not know  
24 that I wouldn't offer it to some guys here. They would  
25 say, Well, the guy had it for umpteen years, and he'll

1 Q. And af -- you told them that after they offered it  
2 for sale to you; correct?

3 A. Apparently so, yes.

4 Q. So I'm asking you, what do you believe was in bad  
5 faith that my client did with regard to Eartheye.com?

6 A. Offering a domain to me that I had had for years and  
7 years, and then telling me that my situation was  
8 irrelevant.

9 Q. What -- what did they say that -- that -- that you  
10 interpreted as them telling you your situation was  
11 irrelevant?

12 A. They had Erik Zilinek contact me.

13 Q. Uh-huh.

14 A. And, basically, tell me that he felt that it was  
15 their -- it was no problem. It was perfectly okay to be  
16 theirs, and that if I wanted it I should bid on it.

17 Q. Okay. Is there anything else that you think my  
18 client did that was in bad faith with regard to  
19 Eartheye.com?

20 A. When they registered it and began using it in  
21 AdSense for Domains, they were using the fact that it had  
22 a history and had traffic already.

23 Q. Okay. Anything else?

24 A. No.

25 Q. Okay. Now, based upon what you've told me, and,

1 again, correct me if I'm wrong, you don't believe that  
2 when they registered it -- I'm talking about when they  
3 registered it in 2003, that act in and of itself, you're  
4 not contending that was in bad faith, are you?

5 A. I believe it was. However, I can see another  
6 perspective where it would not be.

7 Q. And I want to know again why you think that act was  
8 in bad faith. Just registering it.

9 A. Because they knew the domain had a history. They  
10 could look it up. And they looked it up and said, Gosh,  
11 this guy's been using this domain, and there's lots of  
12 links to it. This would be a good domain for us to get.

13 Q. So I -- I'm taking it that you say any time they  
14 register a domain name that has a documented history, you  
15 think that's in bad faith?

16 A. If it has a bona fide -- if it has a AdSense for  
17 Domain history, no. But if it has a real history, yes.

18 Q. What if their process that they used to buy and  
19 register domains does not involve looking at the past  
20 history of the domain? Would you still say it was in bad  
21 faith?

22 A. I don't suppose so. However, I believe they should  
23 look at it before they do. Because I would -- I would  
24 feel it would be improper to buy a domain name without  
25 looking at its history.

1 Q. Okay. And how do you know that number?

2 A. I have no idea.

3 Q. Okay. Fair enough.

4 A. The same way I know that 11823 South Arkansas  
5 Highway 65 was where I lived for a while.

6 Q. Did Sleep Spot -- did Sleep Spot ever have any  
7 employees?

8 A. No.

9 Q. Did you ever file a fictitious business name for  
10 Sleep Spot?

11 A. Yes, sir.

12 Q. And how do you know that?

13 A. I did a dba in Fayetteville.

14 Q. Okay.

15 A. And I have the records of it somewhere. Or I have  
16 seen it.

17 Q. Okay. So these are records you've seen since the  
18 accident?

19 A. Yes, sir.

20 Q. And that's how you know about it?

21 A. Yes, sir.

22 Q. Okay. And other than possibly the -- the Howard  
23 Johnson's in Orlando, you're not aware of having received  
24 any income from anyone for anything Sleep Spot did;  
25 correct?

1 A. Correct.

2 Q. Great. Okay.

3 A. I do know that down the road from me in Winslow was  
4 a bed and breakfast, and I had talked to them about it,  
5 but they had not tried it yet.

6 Q. I see.

7 A. They had their own, like you said, system already in  
8 place.

9 Q. Okay. The server that -- that you hosted the Sleep  
10 Spot -- the Howard Johnson's Orlando data on, where is  
11 that server now?

12 A. I have no idea.

13 Q. Okay. If I were the Howard Johnson's in Orlando and  
14 I wanted to find out about the reservations I'd made back  
15 in the period I was using Sleep Spot, what would I do?

16 A. A roll of the dice, I guess. I have no idea. There  
17 would be no way to find out.

18 Q. Okay. So you -- so you marketed a reservation  
19 system where the hotel that purchased it can't even find  
20 out what past reservations they made with that system?

21 A. They currently could not, no.

22 Q. Okay.

23 A. They could at the time when it was still running,  
24 but now they could not.

25 Q. When you shut it down, did you -- did you give

1 are.

2 Q. Okay.

3 A. I have asked Wikipedia to use a fictitious name for  
4 me, and I believe they will.

5 Q. Okay.

6 A. I have also advised them that if they don't, they  
7 join us.

8 Q. Okay.

9 A. And I have been banned by Wikipedia.

10 Q. Okay.

11 A. Which I can understand, too.

12 Q. Okay. I want to ask you about damages. Let's talk  
13 about, first, the -- your cybersquatting claims. I think  
14 you told me that you don't have any financial damages,  
15 monetary damages as a result of the cybersquatting. Is  
16 that correct?

17 A. Other than moral rights, no. And rights from  
18 ill-gotten gains, no.

19 Q. Okay. What are you seeking as damages for the  
20 cybersquatting claims?

21 A. Well, I have a counterclaim for a hundred thousand  
22 dollars, and so I figure I would -- if I -- so you're  
23 saying I owe you guys a hundred thousand dollars?

24 Q. Let's not talk -- let's -- let's disregard that.

25 Let's pretend the counterclaim doesn't exist.



1 A. Okay.

2 Q. I'm asking you how much you're seeking from my  
3 client for the cybersquatting.

4 A. Two hundred thousand dollars. Basically, just  
5 statutory damages.

6 Q. So one -- okay. You're seeking \$200,000 total for  
7 -- for -- for both websites?

8 A. For the domain names, yes. Not for the pictures but  
9 for the domains.

10 Q. Okay. And that violation occurred when we  
11 registered those domain names; correct?

12 A. It began then, but it continued when I asked for  
13 them back and was told no.

14 Q. Okay.

15 A. So the -- I guess the -- the act happened in 2003,  
16 but the intention and the maliciousness happened in 2009  
17 when I asked and y'all said no.

18 Q. Why do you think that was malicious, that they  
19 refused to give them back to you? Why do you think that  
20 was, in this case malicious?

21 A. Originally, I was in a hospital in Little Rock  
22 having my legs removed, and on a borrowed computer, and I  
23 communicated with them that I felt that they had always  
24 been mine. Earth Eye was mine, had always been, and that  
25 the only reason it was not registered continually by me

1 Q. Okay. Well, let me ask you -- let's -- let me just  
2 pose a hypothetical to you, and I'm going to try to make  
3 it mirror your situation. Let's say I own a domain name.

4 A. Do you?

5 Q. No, I do not. But let's say Brooks --  
6 brooksthelawyer.com. And let's say I let it expire back  
7 --

8 A. It's already registered.

9 Q. Did you register it?

10 MR. PAGE: You know I got to look now.

11 MR. WHITE: Okay.

12 MR. PAGE: You guys go ahead.

13 Q. (Mr. White continued.) But, anyway, let's say that  
14 that's -- that I let that registration expire back in  
15 2001.

16 A. Sure.

17 Q. And let's say that NameMedia registers that domain  
18 after I let it expire, and they put it up for sale, like  
19 they did Eartheye.com, and I -- I just -- five years or  
20 six years later I visit brooksthelawyer.com to see what's  
21 going on there now and find out NameMedia is offering it  
22 for sale. And then I go to them and tell them, I --  
23 You're selling my old domain name. And they offer to sell  
24 it to me. Are you saying that's bad faith on their part?

25 A. I would not say so in that case. However, it has

1 some very significant differences in the hypothetical  
2 question. Suppose you had your brookslawyer.com, and  
3 eight years later, ten years, whatever years later,  
4 someone contacts you saying, Hey, I have a domain name for  
5 sale. Not that you went and saw it, but that someone  
6 contacted you and say, Hey, I have a domain name for sale  
7 on a special summer sale now, and if you'll bid more than  
8 \$2300, it could be yours.

9 Q. Now, why would that be bad faith? I'm not -- I'm  
10 not following that at all. I let it expire way back then,  
11 and I think any reasonable person would be perfectly valid  
12 in assuming that I let it expire because I didn't want it  
13 anymore. So why would it be bad faith for them to try and  
14 sell it to me?

15 A. It would be bad faith because they're trying to sell  
16 it to you as a previous owner. If you, John Q. Public or  
17 anybody else, it would not be bad faith, but bad faith  
18 would be to the previous owner. Say, Hey, this domain  
19 name that you had, we're selling it.

20 Q. Well, that goes back to my bicycle example.

21 A. All right.

22 Q. If -- if -- if I -- if I sold my bike to you back in  
23 2000, I've sold it to you because I didn't want it  
24 anymore.

25 A. Well, since I -- I --

1 Q. And are you saying that I should be offended if you  
2 try to sell that bike back to me eight years later? I  
3 don't understand why that would be offensive or in bad  
4 faith.

5 A. Well, but I never sold them the domain name. The  
6 domain name became available as I did not register.

7 Q. Okay. Well, let's say I threw my bike in the trash  
8 back in 2000.

9 A. Okay.

10 Q. I -- I threw the bike in the Dumpster back in 2000.  
11 And some guy fishes it out of the Dumpster and then eight  
12 years later tries to tell sell me that bike. You're  
13 saying that's bad faith on that guy's part to try to sell  
14 the bike I threw away, to me?

15 A. If he knew it was you? Yes.

16 Q. Why?

17 A. Because if I said, Hey, look, I got your old bike.  
18 Want to buy it back?

19 MR. PAGE: He threw it away.

20 Q. (Mr. White continued.) I threw it away. Why would  
21 that be bad faith?

22 A. I don't suppose I see.

23 Q. You don't see?

24 A. I don't see.

25 Q. How that would be bad faith, or you can't explain

1 it?

2 A. I can't explain it. Apparently, we have a  
3 fundamental differences. I believe it's obviously bad  
4 faith, and I don't believe they should have -- be  
5 required. I think you should be able to see that if you  
6 own something, and then through whatever you went -- you  
7 threw it away, gave it away, forgot you had it, and  
8 someone came in and said, Hey, you want to buy this?

9 MR. PAGE: But it's not -- sorry. I -- I  
10 was -- I have one quick followup if you're done.

11 Q. (Mr. White continued.) Well, I just want to confirm  
12 that -- is that the only thing you're claiming is bad  
13 faith, that they offered to sell you this domain name that  
14 you had let expire eight years ago, or however -- five,  
15 six years ago?

16 A. And I -- after I asked them, I said it has been  
17 mine, I use it for business, I believe all I have --  
18 should have to pay is the renewal fees for the last two or  
19 three years, and they said No, bid 2300 or more.

20 Q. So you think that it was -- that they should have  
21 just taken your word for it that you were the former  
22 owner, and they should have just ignored the fact that it  
23 was six years ago that you had had a registration?

24 A. Yes.

25 Q. And it was bad faith for them not to accept that you