IN THE UNINTED STATES DISTRICT COURT FOR THE WESTERN DIDTRICT OF ARKANSAS FAYETTEVILLE DIVISION

CURTIS J. NEELEY Jr., MFA

PLAINTIFF

VS.

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

NAMEMEDIA, INC.;

NETWORK SOLUTIONS, INC.;

and GOOGLE, INC.

DEFENDANTS

BRIEF SUPPORTING MOTION FOR JOINDER OF CLAIMS

Plaintiff Curtis J. Neeley Jr. MFA ("Neeley"), for his Brief concisely Supporting his Motion for Joinder of Claims, concisely states the following:

- 1. There have never been <u>any</u> genuine issues of material fact as to Plaintiffs' claims under the Anti-Cybersquatting Consumer Protection Act, 15 U.S.C. §1125(d) (the ACPA), and NameMedia and Google Inc are entitled to justice as a matter of law on these claims as well as the 17 U.S.C. §106A¹ claims the Plaintiff believed were brought but never properly recognized for both Current Separate Defendants.
- 2. The U.S.C. Title 17 § 106A claims that Separate Defendant Google Inc continues to PROUDLY continue violating after this litigation began and that the Separate Un-Served Defendant the "FCC", (Federal Communications Commission) currently allows by failing to obey the "Communications Act of 1934" or even attempt to follow the included policies of the United States as alleged by Congress as shall be demonstrated in redacted but expensive Exhibits (A-M) attached hereto.

¹ VARA or 17 U.S.C. § 106A was passed in 1990

- 3. All exhibits reveal naked photographs of female figures that purport by wire to have been done by the Plaintiff but are displayed allegedly from being submitted ten years ago to a Russian website that has not removed them after numerous requests. The Plaintiff never submitted any waiver of "VARA" rights but the images are not seen except as displayed by the Separate Defendant Google Inc repetitive, malicious display of the offensive visual art to minors and adult Muslims despite this litigation.
- 4. The Communications Act of 1934 contains the policy of the United States Government as alleged by Congress but as NOT attempted to be followed in the least by the FCC as can be seen printed in the Exhibits (A-F) after simply searching and printing wire communications as defined in USC Title 47 § 153 ¶(52).

I Exhibit Descriptions and Explanations Exhibit A

Exhibit "A" is a redacted printout of the Strict Safe image search resulting for the query "curtis neeley" done May 10, 2011 from <images.google.com> that includes an image from <artnude.pp.ru> that alleges to be a nude figure attributed to the Plaintiff despite numerous notifications that <artnude.pp.ru> is not appropriate and has no "VARA" waiver for the Plaintiff. Separate Google Inc Defendant wishes this Court to grant "VARA" waivers by default for the Plaintiff by excusing repetitive inappropriate violation of this moral right allegedly preserved for United States Visual-Artists in 1990 and granting Summary Judgment instead of obeying USC Title 17 § 106A.

Exhibit B

Exhibit "B" is a redacted printout of the unfiltered image search resulting for the query "curtis neeley" done May 10, 2011 from <images.google.com> that includes images from <artnude.pp.ru> and other various domains that allege to be (10) nude figures attributed to the Plaintiff despite numerous notifications of Separate Defendant Google Inc Counselors that these results were inappropriate and violate the "VARA" rights of the Plaintiff. Statutory damages for this violation would, therefore, be (10 X \$150,000) or 1.5 million dollars.

Exhibit C

Exhibit "C" is a redacted printout of the moderately "safe" filtered image search resulting for the query "curtis neeley" done May 10, 2011 from <images.aol.com> that includes images from artnude.pp.ru> because it was generated by Separate defendant Google Inc despite numerous notifications of Separate Defendant Google Inc Counselors that this result is inappropriate and violate the "VARA" rights of the Plaintiff. Statutory damages for this violation would, therefore, be (\$150,000) each time the search is done.

Exhibit D

Exhibit "D" is a redacted printout of the unfiltered image search resulting for the query "curtis neeley" done May 10, 2011 from <images.aol.com> that includes two images from <artnude.pp.ru> and one image from < zola1861.free.fr> because it was generated by Separate defendant Google Inc despite numerous notifications of Separate Defendant Google Inc Counselors that this result is inappropriate and violate the "VARA" rights of the Plaintiff. Statutory damages for this violation would, therefore, be (3 X\$150,000) or \$450,000 each time the wire search is done.

Exhibit E

Exhibit "E" is the printout of the "Curtis Neeley" wire search using the search generated by IACI/InterActiveCorp or <images.ask.com> and these results are NOT redacted because the IACI/InterActiveCorp search results have been modified during this litigation as can be seen by searching now and comparing this to Dkt. 129 attachment #2 Exhibit "Ask" shown legibly despite Court Clerk scanning distortions at:

<www.curtisneeley.com/NameMedia/docketPDFs/Ask.pdf >

Exhibit F

Exhibit "F" is the printout of the "Curtis Neeley" wire search using the search generated by Microsoft Corporation or <images.bing.com> and these results are NOT redacted because the Microsoft Corporation search results have been modified during this litigation as can be seen by searching now and comparing this to Dkt. 73 attachment #4 Exhibit "Bing" shown legibly despite Court Clerk scanning distortions at:

<www.curtisneeley.com/NameMedia/docketPDFs/Bing.pdf >

Exhibit G

Exhibit "G" is the printout of the "Curtis Neeley" wire search using the search generated by Lycos Inc or <images.lycos.com> and these results are NOT redacted because the Lycos Inc search results have not required modification during this litigation as can be seen by searching now and comparing this to Dkt. 112 attachment #4 Exhibit "Lycos" shown legibly despite Court Clerk scanning distortions at:

<www.curtisneeley.com/NameMedia/docketPDFs/Lycos.pdf >

Exhibit H

Exhibit "H" is the printout of the "Curtis Neeley" wire search using the search generated by Yahoo Inc or <images.yahoo.com> and these results are NOT redacted because the Yahoo Inc search results have been modified during this litigation as can be seen by searching now and comparing this to Dkt. 73 attachment #2 Exhibit "YAHOO" shown legibly despite Court Clerk distortions at <www.curtisneeley.com/NameMedia/docketPDFs/ Yahoo.pdf>

Exhibit I

Exhibit "I" is a redacted printout of the moderately "safe" filtered image search resulting for the query "curtis neeley" done May 10, 2011 from <images.heapr.com> that includes images from <artnude.pp.ru> because it was generated by Separate defendant Google Inc despite numerous notifications of Separate Defendant Google Inc Counselors that this result is inappropriate and violate the "VARA" rights of the Plaintiff. Statutory damages for this violation would, therefore, be (\$150,000) each time the search is done.

Exhibit J

The following (21) lines of (626+643) characters of following URLs² are presented for the Google Inc display of Janet Jackson's right nipple naked except with jewelry. The "FCC" fined CBS \$550,000 for this half-second display but this fine was thrown out and this decision was then vacated by the Supreme Court on May 4, 2009. The most common wire search in 2004 or similar is printed and this flies in the face of FCC hypocrisy.

² The gibberish below in Exhibit "J" describes the Un-Regulated wire Location ("URL") that separate Defendant Google Inc used on 5/10/2011 to display Ms Jackson's naked nipple despite the fine assessed CBS for the half-second inappropriate nudity on display during the 2004 halftime performance by the FCC.

- http://images.google.com/imgres?imgurl=http://www.eurweb.com/wp-content/uploads/2010/02/janet-jackson-wardrobe-malfunction.jpg&imgrefurl=http://www.eurweb.com/%3Fp%3D9446&usg=__ROuRZLvI8ho2vLO4ayOT8dCVcZQ=&h=325&w=301&sz=22&hl=en&start=98&zoom=1&tbnid=tpWnwgoZTY5XwM:&tbnh=143&tbnw=130&ei=Mc3JTfHUFIHpgAfR3e35BQ&prev=/search%3Fq%3DJanet%2BJackson%27s%2Bright%2Bnipple%2Bhalftime%2Bdisplay%26hl%3Den%26safe%3Doff%26rls%3D%257Bmoz:distributionID%257D:%257Bmoz:locale%257D:%257Bmoz:official%257D%26biw%3D1152%26bih%3D733%26tbm%3Disch0%2C2512&itbs=1&iact=rc&dur=1136&page=5&ndsp=25&ved=1t:429,r:7,s:98&tx=40&ty=56&biw=1152&bih=733
- ▶ http://images.google.com/imgres?imgurl=http://static.guim.co.uk/sys-images/Guardian/Pix/pictures/2010/7/14/1279125569748/Janet-Jackson -Superbowl-006.jpg&imgrefurl=http://www.guardian.co.uk/commentisf ree/cifamerica/2010/jul/14/fcc-first-amendment-kagan&usg=__QQgAb UbN1JAxwcysSFnuoPSt9Zc=&h=276&w=460&sz=29&hl=en&start= 17&zoom=1&tbnid=c3-kLucAlH2lLM:&tbnh=77&tbnw=128&ei=JM3 JTYXUNYHx0gGwg9zuCA&prev=/search%3Fq%3DJanet%2BJackson%27s%2Bright%2Bnipple%2Bhalftime%2Bdisplay%26hl%3Den%26 safe%3Doff%26rls%3D%257Bmoz:distributionID%257D:%257Bmoz: locale%257D:%257Bmoz:official%257D%26biw%3D1152%26bih%3 D733%26tbm%3Disch0%2C3344&itbs=1&biw=1152&bih=733

Exhibit K

Exhibit "K" is a redacted printout of the unfiltered image search resulting for the query "curtis neeley" done May 10, 2011 from <images.heapr.com> that includes two images from <artnude.pp.ru> because it was generated by Separate defendant Google Inc despite numerous notifications of Separate Defendant Google Inc Counselors that this result is inappropriate and violate the "VARA" rights of the Plaintiff. Statutory damages for this violation would, therefore, be (2 X\$150,000) or \$300,000 for each time the wire search is done.

Exhibit L

Exhibit "L" is a printout of the "curtis neeley" wire search done at <images.searchalot.com> on May 10, 2011. The wire searches for the Plaintiff by name are NOT redacted because the Microsoft Corporation search results have been modified during this litigation as can be seen by searching now and comparing this to Dkt. 73 attachment #4 Exhibit "Bing" shown legibly despite Court Clerk scanning distortions at:

<www.curtisneeley.com/NameMedia/docketPDFs/Bing.pdf >

Exhibit M

Exhibit "M" is a printout of the "curtis neeley" wire search done at <wikipedia.com> where no image search is available currently. This exhibit is entered to deflate the former Magistrate Judge's apparent fixation with the fact that a notable figurenude image by the Plaintiff can be found at the online encyclopedia <wikipedia.com> after a few clicks. Inappropriate results found after numerous clicks is massively different from searches for the Plaintiff by name as should now be obvious.

CONCLUSSION

The Separate Defendants have each pending Motions for Summary Judgment that could not be farther from justice than exactly the opposite of being just. The Plaintiff will file another interlocutory appeal as a pauper if either inappropriate Motion is granted or if the Federal Communications Commission is not an allowed added defendant as the only party who can enforce the Communications Act of 1934 as modified currently.

Each Defendant previously entered Motions to have the Plaintiff prevented from appealing as a pauper. Honorable Jimm Larry Hendren may now consider these again as the Plaintiff SHALL appeal if either Defendant is excused for violating USC Title 17 § 106A rights of the Plaintiff to exclusively control attribution for visual art where attribution is entirely inappropriate and violating common standards of decency. The FCC is VERY aware of this action and was served already and will enter a waiver of time in order to be ready in July 2011 if asked to do so.

The severely brain injured Plaintiff has printed these costly exhibits that will be made illegible by the Court Clerks upon scanning but each conclusively proves that Defendant Google is the ONLY party continuing to defame the Plaintiff in "child-safe" searches for "curtis neeley" as allowed to do contrary to USC 17 and USC 47 Statutes by the Federal Communications Commission while attempting to fine television stations for even brief displays of indecency on public television broadcasts while ignoring public wire broadcasts of indecent "wire communications".

Respectfully Submitted,

Curtis J. Neeley Jr., MFA

CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2011, I will file a copy of the foregoing with the Court clerk for the United States Court in the Western District of Arkansas and the clerk will scan each document and it will be made into a B&W PDF and be available to all attorneys representing the Defendants for this case. Their Counsel will each receive notification from EM/ECF. The color Exhibit PDFs that were printed from are accessible free to the public at the following.

<CurtisNeeley.com/5-09-cv-05151/Docket>

Contrary to the mutilated printed exhibits scanned illegibly by the United States Court Clerks, the print quality files are available immediately and perpetually by the end of the day for free. The Court is invited to view the superior exhibits files there.

/s/Curtis J Neeley Jr, MFA Curtis J Neeley Jr, MFA



Everything

Sort by subject

Standard view Show sizes

Any size Large Medium Icon Larger than... Exactly... Any color Full color Black and white

10 Images W Videos News Shopping ▼ More

curtis neeley

About 12,600 results (0.31 seconds)

Advanced search

























































































ARTNUDE.pp.ru **NOT SAFE**



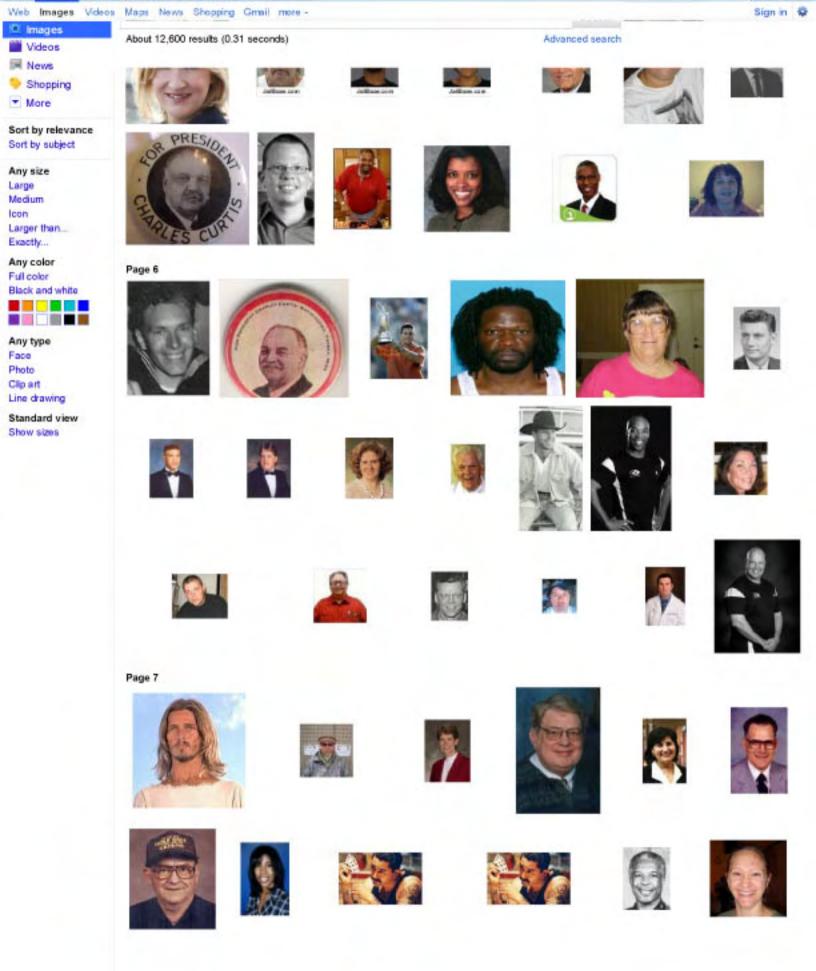


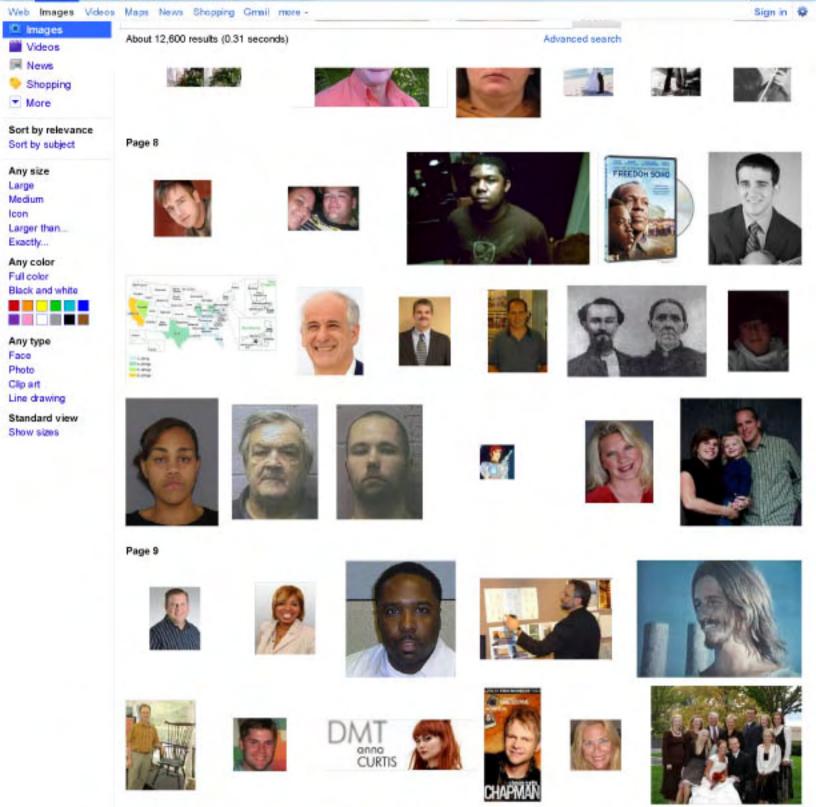






















Page 10

mages |

Videos







Sort by relevance Sort by subject

Any size Large Medium lcon Larger than... Exactly...

Any color Full color Black and white



Any type Face Photo Clip art

Line drawing Standard view Show sizes

About 12,600 results (0.31 seconds)









Advanced search























Page 11















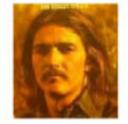
















Page 12















Any size Large Medium lcon Larger than...

Any color Full color Black and white

Exactly...



Any type Face Photo Clip art Line drawing

Standard view Show sizes

About 12,600 results (0.31 seconds)











Advanced search





Page 13

































Page 14











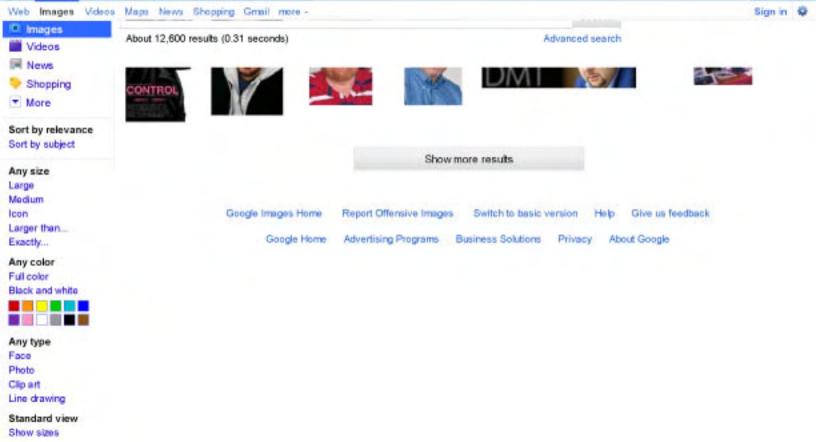












curtis neeley

Search

Advanced search

SafeSearch off ▼

About 15,100 results (0.36 seconds)

Everything

Images

Videos

News

Shopping

More

Sort by relevance Sort by subject

Any size

Large Medium Icon Larger than...

Exactly...

Any color

Full color Black and white



Any type

Face Photo

Clip art Line drawing

Standard view

Show sizes

Page 14























































Face Photo Clip art Line drawing

Standard view

Show sizes























Larger than... Exactly... Any color Full color



Face Photo Clip art Line drawing















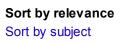












Any size Large Medium Icon Larger than... Exactly...

Any color Full color Black and white



Any type Face Photo Clip art Line drawing

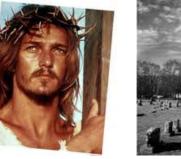
Standard view Show sizes





















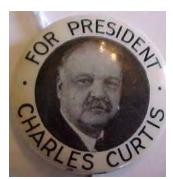


















Large Medium Icon Larger than... Exactly...

Any color Full color Black and white



Any type Face Photo Clip art Line drawing

Standard view Show sizes







































Sign in

Sort by relevance Sort by subject

Any size
Large
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Exactly...

Any colorFull color
Black and white



Any type
Face
Photo
Clip art
Line drawing

Standard view Show sizes













































Sort by relevance

Shopping

Sort by subject

More

Any size

Large Medium Icon Larger than...

Exactly...

Any color

Full color Black and white





Any type

Face Photo Clip art Line drawing

Standard view

Show sizes















Floyd County Times 5-1-1991



Arvin Cemetery, South Kern Cemetery District, Bakersfield, Kern County, CA Photo by Belva Dixon 2006











Images

Videos

News

Shopping

More

Sort by relevance Sort by subject

Any size

Large Medium Icon

Larger than...
Exactly...

Any color

Full color Black and white



Any type

Face Photo Clip art Line drawing

Standard view Show sizes

About 15,100 results (0.36 seconds)









Advanced search

































Images Videos Maps News Shopping Gmail more -Sign in Web **Images** About 15,100 results (0.36 seconds) Advanced search Videos News Shopping More Sort by relevance Sort by subject Any size Large COUNTR Medium Icon Larger than... Exactly... Any color Full color Black and white Any type Face Photo Clip art Line drawing Show more results Standard view

Show sizes

Google Images Home Report Offensive Images Switch to basic version Help Give us feedback

Google Home Advertising Programs Business Solutions Privacy About Google

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DEFENDANTS

BRIEF SUPPORTING MOTION FOR JOINDER OF CLAIMS

Plaintiff Curtis J. Neeley Jr. MFA ("Neeley"), for his Brief concisely Supporting his Motion for Joinder of Claims, concisely states the following:

- 1. There have never been <u>any</u> genuine issues of material fact as to Plaintiffs' claims under the Anti-Cybersquatting Consumer Protection Act, 15 U.S.C. §1125(d) (the ACPA), and NameMedia and Google Inc are entitled to justice as a matter of law on these claims as well as the 17 U.S.C. §106A¹ claims the Plaintiff believed were brought but never properly recognized for both Current Separate Defendants.
- 2. The U.S.C. Title 17 § 106A claims that Separate Defendant Google Inc continues to PROUDLY continue violating after this litigation began and that the Separate Un-Served Defendant the "FCC", (Federal Communications Commission) currently allows by failing to obey the "Communications Act of 1934" or even attempt to follow the included policies of the United States as alleged by Congress as shall be demonstrated in redacted but expensive Exhibits (A-M) attached hereto.

¹ VARA or 17 U.S.C. § 106A was passed in 1990

- 3. All exhibits reveal naked photographs of female figures that purport by wire to have been done by the Plaintiff but are displayed allegedly from being submitted ten years ago to a Russian website that has not removed them after numerous requests. The Plaintiff never submitted any waiver of "VARA" rights but the images are not seen except as displayed by the Separate Defendant Google Inc repetitive, malicious display of the offensive visual art to minors and adult Muslims despite this litigation.
- 4. The Communications Act of 1934 contains the policy of the United States Government as alleged by Congress but as NOT attempted to be followed in the least by the FCC as can be seen printed in the Exhibits (A-F) after simply searching and printing wire communications as defined in USC Title 47 § 153 ¶(52).

I Exhibit Descriptions and Explanations Exhibit A

Exhibit "A" is a redacted printout of the Strict Safe image search resulting for the query "curtis neeley" done May 10, 2011 from <images.google.com> that includes an image from <artnude.pp.ru> that alleges to be a nude figure attributed to the Plaintiff despite numerous notifications that <artnude.pp.ru> is not appropriate and has no "VARA" waiver for the Plaintiff. Separate Google Inc Defendant wishes this Court to grant "VARA" waivers by default for the Plaintiff by excusing repetitive inappropriate violation of this moral right allegedly preserved for United States Visual-Artists in 1990 and granting Summary Judgment instead of obeying USC Title 17 § 106A.

Exhibit B

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Exhibit C

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Exhibit D

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<www.curtisneeley.com/NameMedia/docketPDFs/Ask.pdf >

Exhibit F

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Exhibit G

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Exhibit H

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Exhibit J

The following (21) lines of (626+643) characters of following URLs² are presented for the Google Inc display of Janet Jackson's right nipple naked except with jewelry. The "FCC" fined CBS \$550,000 for this half-second display but this fine was thrown out and this decision was then vacated by the Supreme Court on May 4, 2009. The most common wire search in 2004 or similar is printed and this flies in the face of FCC hypocrisy.

² The gibberish below in Exhibit "J" describes the Un-Regulated wire Location ("URL") that separate Defendant Google Inc used on 5/10/2011 to display Ms Jackson's naked nipple despite the fine assessed CBS for the half-second inappropriate nudity on display during the 2004 halftime performance by the FCC.

- http://images.google.com/imgres?imgurl=http://www.eurweb.com/wp-content/uploads/2010/02/janet-jackson-wardrobe-malfunction.jpg&imgrefurl=http://www.eurweb.com/%3Fp%3D9446&usg=__ROuRZLvI8ho2vLO4ayOT8dCVcZQ=&h=325&w=301&sz=22&hl=en&start=98&zoom=1&tbnid=tpWnwgoZTY5XwM:&tbnh=143&tbnw=130&ei=Mc3JTfHUFIHpgAfR3e35BQ&prev=/search%3Fq%3DJanet%2BJackson%27s%2Bright%2Bnipple%2Bhalftime%2Bdisplay%26hl%3Den%26safe%3Doff%26rls%3D%257Bmoz:distributionID%257D:%257Bmoz:locale%257D:%257Bmoz:official%257D%26biw%3D1152%26bih%3D733%26tbm%3Disch0%2C2512&itbs=1&iact=rc&dur=1136&page=5&ndsp=25&ved=1t:429,r:7,s:98&tx=40&ty=56&biw=1152&bih=733
- ▶ http://images.google.com/imgres?imgurl=http://static.guim.co.uk/sys-images/Guardian/Pix/pictures/2010/7/14/1279125569748/Janet-Jackson -Superbowl-006.jpg&imgrefurl=http://www.guardian.co.uk/commentisf ree/cifamerica/2010/jul/14/fcc-first-amendment-kagan&usg=__QQgAb UbN1JAxwcysSFnuoPSt9Zc=&h=276&w=460&sz=29&hl=en&start= 17&zoom=1&tbnid=c3-kLucAlH2lLM:&tbnh=77&tbnw=128&ei=JM3 JTYXUNYHx0gGwg9zuCA&prev=/search%3Fq%3DJanet%2BJackson%27s%2Bright%2Bnipple%2Bhalftime%2Bdisplay%26hl%3Den%26 safe%3Doff%26rls%3D%257Bmoz:distributionID%257D:%257Bmoz: locale%257D:%257Bmoz:official%257D%26biw%3D1152%26bih%3 D733%26tbm%3Disch0%2C3344&itbs=1&biw=1152&bih=733

Exhibit K

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The severely brain injured Plaintiff has printed these costly exhibits that will be made illegible by the Court Clerks upon scanning but each conclusively proves that Defendant Google is the ONLY party continuing to defame the Plaintiff in "child-safe" searches for "curtis neeley" as allowed to do contrary to USC 17 and USC 47 Statutes by the Federal Communications Commission while attempting to fine television stations for even brief displays of indecency on public television broadcasts while ignoring public wire broadcasts of indecent "wire communications".

Respectfully Submitted,

Curtis J. Neeley Jr., MFA

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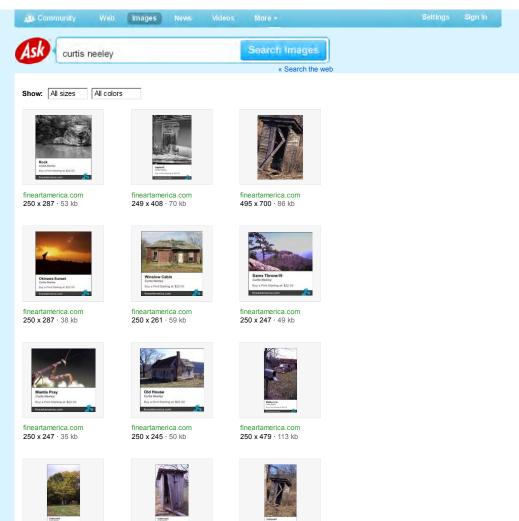
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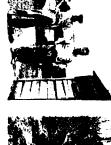


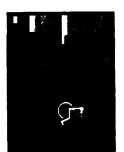




















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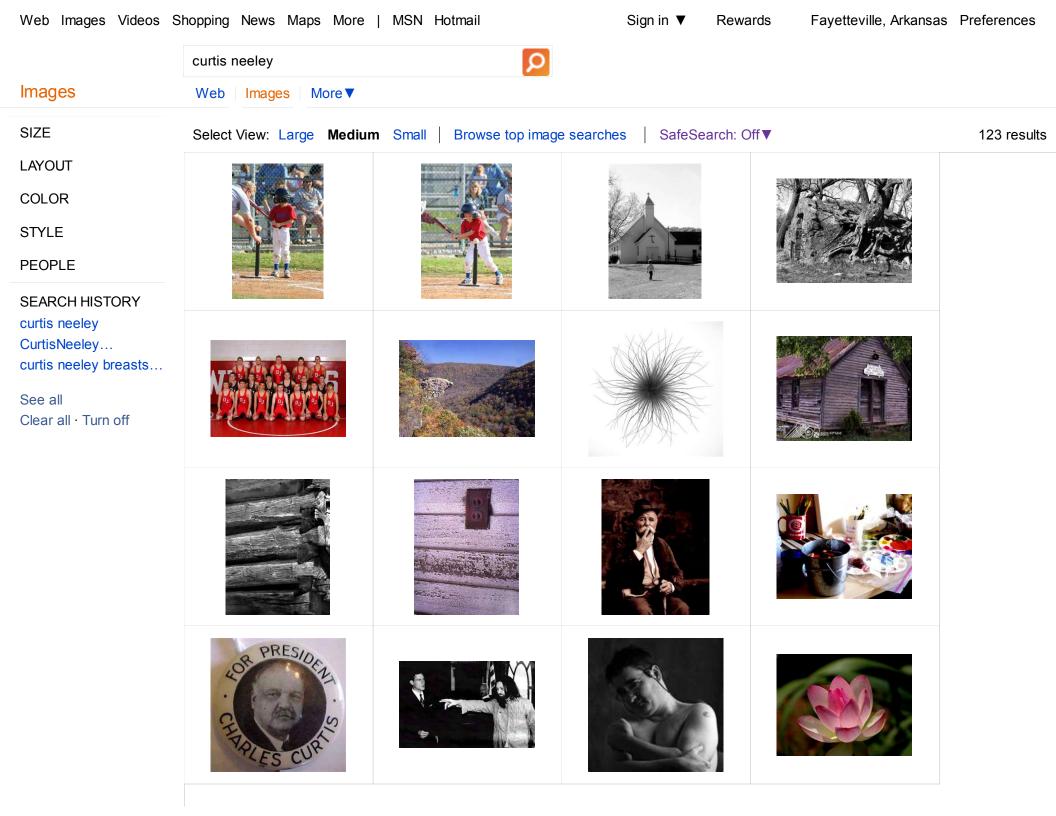
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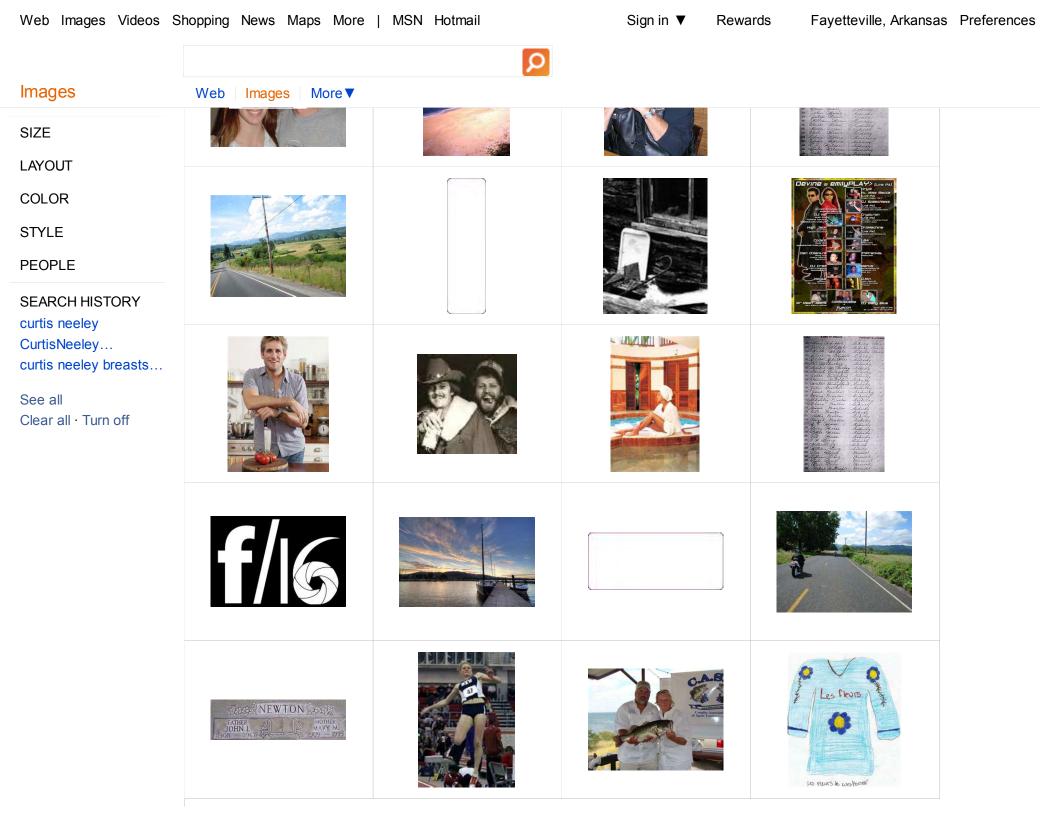














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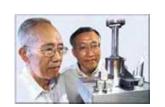












































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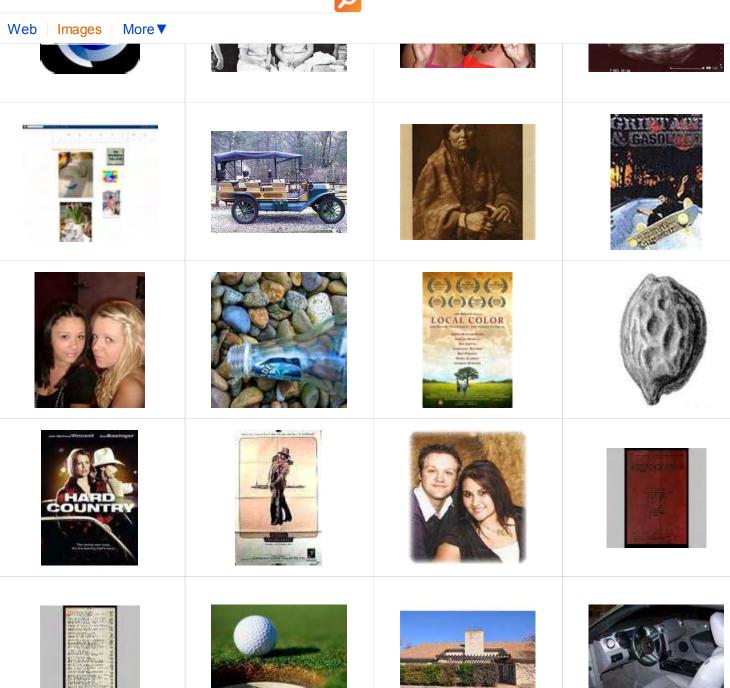
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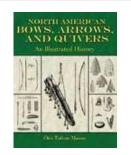
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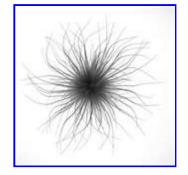
























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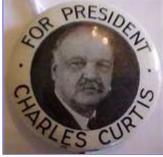
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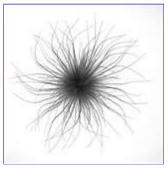
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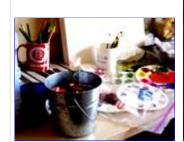
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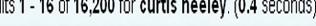
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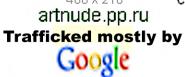
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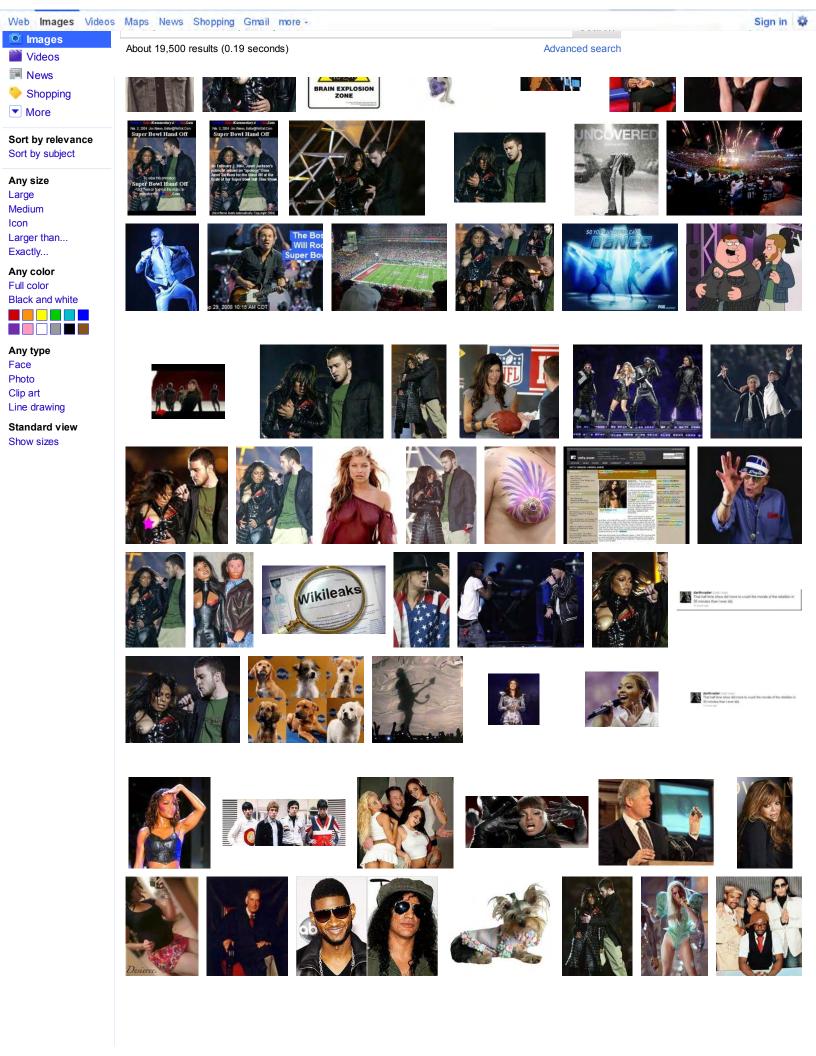


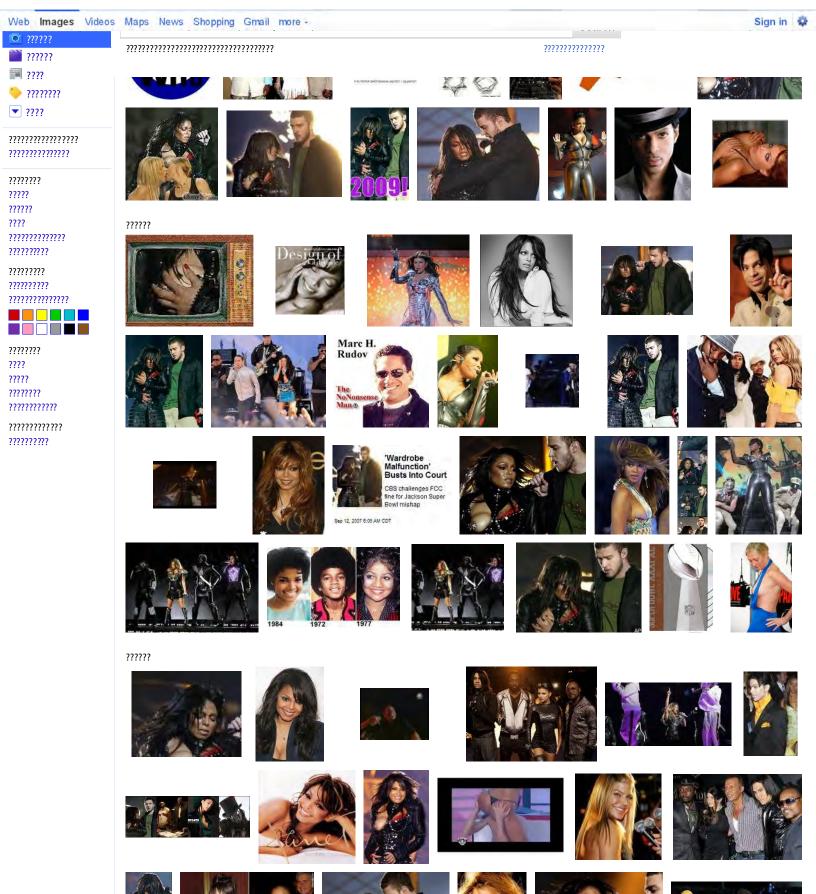
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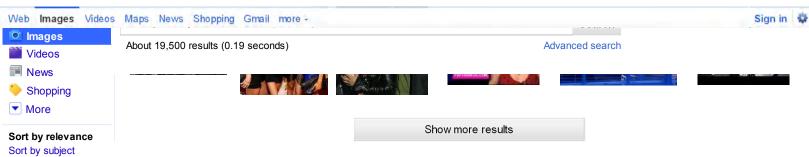


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- Jesus Christ Superstar
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- Government of Flint, Michigan
 1879 | J.B.F. Curtis | Jared Van Vleet ... Nelson | Sandy Hill | Carolyn Sims | Sheldon Neeley | Jim Ananich | Ehren Gonzales | Scott Kincaid | ...
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- United States congressional delegations from Kansas Charles Curtis (R)60th (1907–1909) | ... 63rd(1913–1915) Dudley Doolittle (D) Guy T. Helvering (D) John R. Connelly (D) George A. Neeley (D) | ... 25 KB (1,545 words) 03:38, 13 November 2010
- 2006 BYU Cougars football team
 Among the returning starters were quarterback John Beck, running back Curtis ... Roster: 82 Ryan Neeley Junior. 83 Saia Hafoka Sophomore ...
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- List of federal judges appointed by Ronald Reagan
 District courts: Paul Neeley | Brown | E.D. Tex. | ... George Curtis | Smith | S.D. Ohio | 1987 | 11 | 09 | 2002 | 01 | 01 | Incumbent | ...
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- List of biographical films
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- Red Shepard, Ted Neeley (who replaced Rado), Meat Loaf, Gloria ... External links: Curtis, Charlotte (April 30, 1968). http://select. ... 143 KB (20,958 words) 15:04, 9 May 2011

