

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT 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 any 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. §106A<sup>1</sup> 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.

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<sup>1</sup> 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 URLs<sup>2</sup> 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.

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<sup>2</sup> 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%26tbn%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://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%26tbn%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/commentisfree/cifamerica/2010/jul/14/fcc-first-amendment-kagan&usg=\\_\\_QQgAbUbN1JAxwcysSFnuoPSt9Zc=&h=276&w=460&sz=29&hl=en&start=17&zoom=1&tbnid=c3-kLucAlH2ILM:&tbnh=77&tbnw=128&ei=JM3JTYXUNYHx0gGwg9zuCA&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%26tbn%3Disch0%2C3344&itbs=1&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/commentisfree/cifamerica/2010/jul/14/fcc-first-amendment-kagan&usg=__QQgAbUbN1JAxwcysSFnuoPSt9Zc=&h=276&w=460&sz=29&hl=en&start=17&zoom=1&tbnid=c3-kLucAlH2ILM:&tbnh=77&tbnw=128&ei=JM3JTYXUNYHx0gGwg9zuCA&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%26tbn%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 figure nude 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.

## **CONCLUSION**

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,

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Curtis J. Neeley Jr., MFA