

**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**

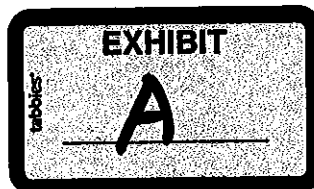
**CONCISE STATEMENT(S)**

**I Brief Statement of Claims and Defenses**

1. Claim that NameMedia Inc cybersquatted two of Plaintiff's domain names and displayed five of the Plaintiff's visual art pieces on <photo.net> and allowed Google Inc to re-publish them after two DMCA agents were advised that it was not authorized although the second notified agent deleted them in order to avoid alleged harassment.
2. Claim that Google Inc licensed two Internet domain names cybersquatted by NameMedia Inc and re-published twenty of the Plaintiff's visual art pieces despite notification that this was not desired and caused extreme grief.
3. Affirmative Defense of Unclean Hands for use of <namemedias.com>. This was done in order to gain the attention of NameMedia Inc and distress them via search engine manipulation.

**II Brief Statement of Evidence**

1. Printouts of business uses of the two domains from the Internet Archive that were created before hidden by NameMedia Inc and witness testimony.
2. Printouts from photo.net displaying nude photographs that were stolen despite advisement that these were no longer desired displayed to minors plus witness testimony.
3. Printouts of usage of each domain by Google Inc AdSense for Domains as well as email statements from advertisers who purchased advertising on <sleepspot.com>.



4. Printouts of re-publication of a library book from NY as well as searches for "curtis neeley" at <images.google.com> that resulted in repeated re-publications after service and DMCA notification attempts. Witness testimony as needed.

### **III Damages Claimed and Relief Sought**

1. Statutory damages claims for 100,000/domain for each defendant as well as statutory damages claims of 150,000/visual art displayed for each defendant for a total statutory damages claim of 950,000 for NameMedia Inc and 3,200,000 for Google Inc.
2. Punitive damages of 30 million for NameMedia Inc and five billion or greater for Google Inc given the malicious nature displayed by each.

### **IV Brief Description of Settlement Discussion**

1. Plaintiff has made various offers throughout litigation including \$1 to either party for ceasing to re-publish the nude or figure nude art of the Plaintiff. Defendant NameMedia Inc describes this offer as false and beyond incredible but the Plaintiff believes this offer was made and rejected by each defendant.
2. Plaintiff made repeated offers to drop all claims for 5 billion from either party and this offer is no longer available.

### **Conclusion**

The Plaintiff has absolutely no desire whatsoever to settle this action for any amount that either Defendant would be able to still exist and pay. An amount of damages as great as is awarded by a jury will be sought since NameMedia Inc attempted to seek \$2,000 as the maximum while Google Inc has offered \$125 million to write new "copyrite" law in NY while flaunting the objections of everyone including this Plaintiff. The Plaintiff would prefer that the conference be cancelled but will attend if the Court wishes to add additional punitive legal costs for each defendant. Google still announces a groundbreaking class-action settlement in NY despite the fact that it was not found fair.

Respectfully Submitted,

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Curtis J. Neeley Jr., MFA