

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

CURTIS J. NEELEY, Jr.

PLAINTIFF

VS.

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

NAMEMEDIA, INC.;
and GOOGLE, INC.

DEFENDANTS

**SEPARATE DEFENDANT NAMEMEDIA'S MOTION TO CANCEL,
OR ALTERNATIVELY, TO POSTPONE SETTLEMENT CONFERENCE**

Separate Defendant NameMedia, Inc. ("NameMedia"), for its Motion to Cancel, or
Alternatively to Postpone Settlement Conference, states as follows:

1. The Court has scheduled a settlement conference in this matter, currently set for
Tuesday, June 7, 2011;
2. For the reasons set forth in the brief in support, counsel for NameMedia believes that a
settlement conference would be the epitome of an exercise in futility, wasting both the Court's
and the parties' time and money, and therefore respectfully requests that the Court cancel the
conference;
3. Plaintiff has submitted to Magistrate Setser today a "Concise Statement" with regard
to the settlement conference, in which he also requests that the settlement conference be
cancelled, stating, "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." A copy of the Concise
Statement is attached as Exhibit "A";
4. If the Court declines to cancel the conference, NameMedia respectfully requests that it
be postponed until such time as the Court may find triable issues of fact with regard to Plaintiff's

claims; both NameMedia and Google, Inc. have filed motions for summary judgment to which Plaintiff filed responses which are, in the estimation of counsel for NameMedia, patently deficient;

5. In the event that the Court declines to cancel or postpone the conference, NameMedia respectfully requests that its representative be allowed to participate by telephone or videoconference, so that NameMedia may avoid the time and expense of travel;

WHEREFORE, NameMedia requests that the settlement conference be cancelled, or alternatively that it be postponed, and if not cancelled or postponed, that its representative be allowed to participate remotely, and for all other relief to which it may be entitled.

Respectfully submitted,

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By: /s/ H. William Allen
H. William Allen

By: /s/ Brooks C. White
Brooks C. White

Attorneys for Separate Defendant
NameMedia, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of June, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following attorneys of record:

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I hereby certify that, on this 1st day of June, 2011, I mailed a copy of the foregoing to the following *pro se* plaintiff:

Mr. Curtis J. Neeley, Jr.
2619 N. Quality Lane, Apt. 123
Fayetteville, AR 72703

/s/ Brooks C. White
Brooks C. White