

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**(1) THE OKLAHOMA PUBLISHING )  
COMPANY, a Delaware corporation, )**

**(2) JACOB “JAKE” TROTTER, )  
an individual, )**

**Plaintiffs, )**

**vs. )**

**Case No. \_\_\_\_\_**

**JURY TRIAL DEMANDED**

**(1) JAMES W. CONRADT )  
a/k/a DARTH HUSKER, )  
an individual, )**

**INJUNCTIVE RELIEF REQUESTED**

**Defendant. )**

**COMPLAINT**

Plaintiffs, The Oklahoma Publishing Company (“OPUBCO”), and Jacob “Jake” Trotter (“Trotter”) (collectively, “Plaintiffs”), for their causes of action against Defendant, James W. Conradt a/k/a Darth Husker (“Defendant”), allege and state as follows:

**NATURE OF COMPLAINT**

1. This is an action for injunctive relief and monetary damages arising out of, *inter alia*, Defendant’s infringement and unauthorized use of OPUBCO’s federally registered service marks NEWSOK.COM® and THE OKLAHOMAN®; Defendant’s infringement and unauthorized use of OPUBCO’s trade dress and copyrighted NEWSOK.COM® website; false light; right of publicity violation; deceit; libel; false designation of origin, deceptive and unfair trade practices, trademark dilution, common law trademark infringement, unfair competition, and passing off.

## **PARTIES**

2. OPUBCO is a Delaware corporation having a principal place of business at 9000 North Broadway, Oklahoma City, Oklahoma 73114.

3. Trotter is an employee of OPUBCO and an individual residing in Norman, Oklahoma.

4. Defendant is an individual residing at 1512 Mussett Street, Austin, Texas 78754.

## **JURISDICTION AND VENUE**

5. This is an action arising in part under the laws of the United States, specifically 15 U.S.C. §§ 1114 and 1125(a) and 17 U.S.C. § 101 *et seq.* The Court has original jurisdiction of these claims pursuant to 28 U.S.C. §§ 1331 and 1338, and 15 U.S.C. § 1121. Jurisdiction as to all other causes of action is proper pursuant to 28 U.S.C. § 1367 because the causes of action set forth are so related that they form a part of the same cause or controversy.

6. Defendant is subject to personal jurisdiction in this Court as a result of his actions that were intentionally targeted at the Plaintiffs, which are located in this District. In addition, Defendant's actions were intentionally targeted at the University of Oklahoma and football players on scholarship with the University of Oklahoma.

7. Venue is proper in the Western District of Oklahoma pursuant to 28 U.S.C. § 1391.

## **BACKGROUND**

8. OPUBCO operates a newspaper with the largest distribution in the state of Oklahoma. OPUBCO distributes over 1.2 million newspapers on a weekly basis throughout the United States.

9. Since at least as early as 1907, OPUBCO has been using THE OKLAHOMAN® service mark to identify its newspaper publishing services. OPUBCO is the owner of a federal service mark registration for the mark THE OKLAHOMAN®,

Registration No. 2,299,554 for “newspaper publishing services”. A copy of this federal registration is attached as Exhibit 1.

10. For more than one hundred years, OPUBCO has meticulously built its reputation and goodwill in the newspaper industry. Its newspaper publishing services are readily recognizable throughout the United States and testify to the quality of OPUBCO’s services.

11. Since at least as early as 2001, OPUBCO has been using the NEWSOK.COM® service mark in association with online news services. OPUBCO is the owner of a federal trademark registration for the mark NEWSOK.COM®, Registration No. 2,954,538 for “providing on-line news in the nature of current news”. A copy of this federal registration is attached as Exhibit 2.

12. Since at least as early as 2007, OPUBCO has been using in interstate commerce the design of its NEWSOK.COM® website as trade dress (the “NEWSOK.COM® Trade Dress”). Consumers recognize the trade dress of the NEWSOK.COM® website as indicating OPUBCO as the source of the services provided on the NEWSOK.COM® website.

13. Through its THE OKLAHOMAN® newspaper and NEWSOK.COM® website, OPUBCO is recognized as the leading provider of news in the state of Oklahoma. Over 900,000 users have registered with the NEWSOK.COM® website. The NEWSOK.COM® website receives over three million page views on a weekly daily basis. The NEWSOK.COM® website has over 1 million unique visitors per month.

14. In addition, OPUBCO is recognized as a leading providing of information concerning the University of Oklahoma football program. Its NEWSOK.COM® website receives over 11.4 million page views each year specifically related to the University of Oklahoma’s football program.

15. Trotter is a staff writer for THE OKLAHOMAN® and the NEWSOK.COM® website who covers matters related to the University of Oklahoma football program.

16. The NEWSOK.COM® and THE OKLAHOMAN® marks and NEWSOK.COM® Trade Dress are distinctive and consumers believe the associated services have a single source of origin -- OPUBCO. The NEWSOK.COM® and THE OKLAHOMAN® marks and NEWSOK.COM® Trade Dress serve to distinguish the high quality services of OPUBCO from those provided and sold by others.

17. Due to the widespread and extensive use of the NEWSOK.COM® and THE OKLAHOMAN® marks and NEWSOK.COM® Trade Dress, strict control over the nature and quality of the services provided, extensive advertising and promotions activities and substantial sales as a result thereof, OPUBCO has built up an excellent reputation and valuable goodwill in the NEWSOK.COM® and THE OKLAHOMAN® marks and NEWSOK.COM® Trade Dress, and the marks are famous and distinctive. The NEWSOK.COM® and THE OKLAHOMAN® marks and NEWSOK.COM® Trade Dress have been established in the minds of consumers as designating OPUBCO as the source of the services provided.

#### **DEFENDANT'S UNLAWFUL CONDUCT**

18. On or about July 9, 2008, Defendant published a false and defamatory article on the internet entitled "Two Sooner Quarterbacks Arrested for Intent to Distribute Cocaine" (the "Article"). A copy of Defendant's Article is attached as Exhibit 3.

19. Defendant posted a link to his Article on his website, [www.darthhusker.com](http://www.darthhusker.com), and on a Rivals.com Internet message board using his screen name "Darth Husker".

20. Defendant's Article stated, among other things, that two University of Oklahoma football players -- Sam Bradford and Landry Jones -- had been arrested for intent to distribute cocaine.

21. Defendant's Article appeared to be completely factual in nature and appeared to be a legitimate story originating from OPUBCO and the NEWSOK.COM® website.

22. None of the substantive information in Defendant's Article was true.

23. Defendant intentionally copied the format and template of OPUBCO's NEWSOK.COM® website in creating his Article to make it appear as though the story was created by OPUBCO.

24. Defendant's Article used OPUBCO's NEWSOK.COM® and THE OKLAHOMAN® marks and NEWSOK.COM® Trade Dress without authorization in an attempt to cause consumers to believe the Article originated from OPUBCO.

25. Defendant intentionally used the NEWSOK.COM® and THE OKLAHOMAN® marks, NEWSOK.COM® Trade Dress and NEWSOK.COM® copyrighted website to mislead consumers into believing the accuracy of Defendant's article.

26. The links on Defendant's Article were all operable.

27. Defendant used Trotter's name as the author of his Article without permission from Trotter.

28. Defendant used Trotter's name to further give his Article the appearance of legitimacy.

29. At least two radio stations in Texas reported the alleged facts in Defendant's Article regarding Sam Bradford and Landry Jones as true and upon information and belief, reported OPUBCO's NEWSOK.COM® website as the source of the allegations against Sam Bradford and Landry Jones.

30. Defendant has admitted that he created the Article. *See* July 10, 2008 article attached as Exhibit 4.

31. Defendant is well aware of the dangers that can be caused by posting harmful attacks anonymously on the Internet. A January 10, 2005 article from the

Lincoln Star Journal detailing how easily people can post untrue rumors on Internet message boards contained several quotes from Defendant. *See* January 10, 2005 Lincoln Star Journal article attached as Exhibit 5. The January 10, 2005 article contained the following excerpts:

“It’s kind of a hierarchy, you know. The more people give their insider info that turns out to be true, the more they build their credibility. I’m not one of those people,” said James Conradt, aka DarthHusker. “It’s funny. New people come along all the time and are naive and believe too much of what they read. A lot of people just post stuff to stir the pot.”

“I think anonymity brings out the worst in people,” Conradt said. “There are no consequences for saying what you say. I think that’s probably where the whole concept of flaming comes from. They probably didn’t have that in the old days around the coffee pot at work, the profanity-laced, ultra-negative outbursts.”

32. Defendant’s use of the NEWSOK.COM® and THE OKLAHOMAN® marks and NEWSOK.COM® Trade Dress caused confusion, caused mistake and deceived as to the affiliation, connection or association of Defendant with OPUBCO, and the origin, sponsorship or approval of Defendant’s Article by OPUBCO.

33. Defendant’s unauthorized use of the NEWSOK.COM® and THE OKLAHOMAN® marks and NEWSOK.COM® Trade Dress was a deliberate, willful and intentional attempt to trade upon OPUBCO’s reputation and goodwill in its NEWSOK.COM® and THE OKLAHOMAN® marks and NEWSOK.COM® Trade Dress.

34. Defendant’s use of OPUBCO’s copyrighted NEWSOK.COM® website was a deliberate, willful and intentional attempt to interfere with OPUBCO’s copyrights.

35. Defendant’s actions have caused harm to the journalistic reputation of OPUBCO and Trotter.

**COUNT I**  
**INFRINGEMENT OF FEDERALLY REGISTERED TRADEMARKS**

36. Plaintiffs re-allege and incorporate by reference the allegations contained in each preceding paragraph.

37. This is an action under the trademark laws of the United States, specifically, Section 32 of the Lanham Act, 15 U.S.C. § 1114, for Defendant's unlawful use and infringement of OPUBCO's federally registered NEWSOK.COM® and THE OKLAHOMAN® marks.

38. Defendant's use of the NEWSOK.COM® and THE OKLAHOMAN® marks in association with online news infringes OPUBCO's federally registered NEWSOK.COM® and THE OKLAHOMAN® marks. Defendant's use of the NEWSOK.COM® and THE OKLAHOMAN® marks caused confusion, or caused mistake, or deceived as to the source, origin and sponsorship of Defendant and his services and misled the public into believing that Defendant and his Article was affiliated, connected, or associated with OPUBCO, and that Defendant's Article originated, was sponsored by, or somehow approved by OPUBCO.

39. As a result of Defendant's unlawful conduct, OPUBCO's reputation and goodwill have been damaged.

40. OPUBCO's remedy at law is not by itself adequate to compensate for the injuries inflicted. Defendant's activities have caused irreparable harm to OPUBCO for which OPUBCO has no remedy at law in that if Defendant's wrongful conduct continues, customers and others are likely to become further confused as to the source of the services provided by Defendant, and any infringement by Defendant constitutes an interference with OPUBCO's goodwill and customer relationships.

41. Defendant's acts were in bad faith, willful and in conscious or reckless disregard of OPUBCO's rights such that this is an exceptional case for which OPUBCO is entitled to treble damages and attorneys' fees in accordance with 15 U.S.C. § 1117.

## **COUNT II** **TRADEMARK DILUTION**

42. Plaintiffs re-allege and incorporate by reference the allegations contained in each preceding paragraph.

43. Defendant's incorporation and use of OPUBCO's famous and distinctive THE OKLAHOMAN® mark in his false and defamatory Article dilutes the distinctive quality of and tarnishes the public image of OPUBCO's THE OKLAHOMAN® mark and harms the reputation of OPUBCO.

44. OPUBCO's remedy at law is not by itself adequate, and OPUBCO has suffered and continues to suffer irreparable harm such that OPUBCO is entitled to injunctive relief.

45. Defendant has willfully and intentionally traded on, diluted and tarnished OPUBCO's THE OKLAHOMAN® mark and the reputation of OPUBCO so that OPUBCO is entitled to damages pursuant to Section 36 of the Lanham Act.

**COUNT III**  
**COPYRIGHT INFRINGEMENT**

46. Plaintiffs re-allege and incorporate by reference the allegations contained in each preceding paragraph.

47. OPUBCO owns copyrights in and to its NEWSOK.COM® website.

48. Defendant had access to OPUBCO's copyrighted website.

49. Without the consent, approval, or license of OPUBCO, Defendant copied OPUBCO's website for his Article.

50. Defendant has admitted that he copied OPUBCO's website.

51. Defendant knowingly copied OPUBCO's NEWSOK.COM® website for his Article.

52. The acts complained of constitute willful copyright infringement in violation of the Copyright Act, 17 U.S.C. § 101 *et. seq.*, and OPUBCO is entitled to damages as a result of Defendant's unlawful infringement.



**COUNT IV**  
**UNFAIR COMPETITION/ FALSE DESIGNATION OF ORIGIN**

53. Plaintiffs re-allege and incorporate by reference the allegations contained in each preceding paragraph.

54. This is an action under the trademark laws of the United States, specifically, Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), for Defendant's unlawful use and infringement of OPUBCO's NEWSOK.COM® and THE OKLAHOMAN® marks and NEWSOK.COM® Trade Dress in connection with his Article.

55. Defendant's use of the NEWSOK.COM® and THE OKLAHOMAN® marks and NEWSOK.COM® Trade Dress infringes OPUBCO's NEWSOK.COM® and THE OKLAHOMAN® marks and NEWSOK.COM® Trade Dress, and caused confusion, or caused mistake, or deceived as to the source, origin and sponsorship of Defendant and his Article and misled the public into believing that Defendant and his Article were affiliated, connected, or associated with OPUBCO, and that Defendant's Article originated, were sponsored by, or somehow approved by OPUBCO.

56. Defendant's use of the NEWSOK.COM® and THE OKLAHOMAN® marks and NEWSOK.COM® Trade Dress constitutes a false designation of origin, false description and false representation that the services provided by Defendant, originated from or are sponsored, approved, or authorized by OPUBCO, and caused confusion, or caused mistake, or deceived in violation of 15 U.S.C. § 1125(a).

57. As a result of Defendant's unlawful conduct, OPUBCO has been and will continue to be damaged.

58. OPUBCO's remedy at law is not by itself adequate to compensate for the injuries inflicted and threatened by Defendant.

59. Defendant's acts are in bad faith, willful and in conscious or reckless disregard for the truth such that this is an exceptional case for which OPUBCO is entitled to treble damages and attorneys' fees in accordance with 15 U.S.C. § 1117.

**COUNT V**  
**VIOLATION OF THE OKLAHOMA DECEPTIVE TRADE PRACTICES ACT**

60. Plaintiffs re-allege and incorporate by reference the allegations contained in each preceding paragraph.

61. This claim is brought pursuant to 78 Okla. Stat. § 53, the Oklahoma Deceptive Trade Practices Act, for Defendant's unlawful use of the NEWSOK.COM® and THE OKLAHOMAN® marks and NEWSOK.COM® Trade Dress, which constitutes the knowing and false representation as to sponsorship, approval, affiliation, connection, association with or certification by OPUBCO, and efforts to pass off Defendant's Article as that of OPUBCO and to trade on OPUBCO's goodwill.

62. This claim is also based on Defendant's unauthorized use of Trotter's name to deceive consumers into believing that Trotter was the author of Defendant's false and defamatory Article.

63. As a result of Defendant's unlawful conduct, Plaintiffs have been damaged and are entitled to recover their attorneys' fees pursuant to 78 Okla. Stat. § 54.

64. Plaintiffs' remedy at law is not by itself adequate to compensate them for the injuries inflicted. Defendant's activities have caused and will continue to cause irreparable harm to Plaintiffs, for which Plaintiffs have no sufficient remedy at law.

**COUNT VI**  
**UNFAIR COMPETITION, COMMON LAW TRADEMARK**  
**INFRINGEMENT, PASSING OFF**

65. Plaintiffs re-allege and incorporate by reference the allegations contained in each preceding paragraph.

66. This claim is brought under the common law of the state of Oklahoma for unfair competition, trademark infringement and trade dress infringement.

67. By using the NEWSOK.COM® and THE OKLAHOMAN® marks and NEWSOK.COM® Trade Dress, Defendant created confusion regarding the source of Defendant's services, traded on the reputation and goodwill of, and infringed OPUBCO's NEWSOK.COM® and THE OKLAHOMAN® marks and NEWSOK.COM® Trade Dress and passed off his Article as that of OPUBCO, all in violation of the common law of the state of Oklahoma.

68. Defendant intentionally, knowingly and willfully engaged in common law unfair competition, trademark infringement and passing off, acted in bad faith and in conscious and reckless disregard for the rights of OPUBCO, for which OPUBCO is entitled to attorneys' fees and costs.

69. As a result of Defendant's conduct, OPUBCO has suffered and continues to suffer damages.

70. OPUBCO's remedy at law is not by itself adequate, and OPUBCO has suffered and continues to suffer irreparable harm such that OPUBCO is entitled to injunctive relief.

#### **COUNT VII** **RIGHT OF PUBLICITY**

71. Plaintiffs re-allege and incorporate by reference the allegations contained in each preceding paragraph.

72. Defendant knowingly used Trotter's name as the alleged author of Defendant's Article.

73. Trotter had no role whatsoever in the creation of Defendant's Article, nor did Trotter give Defendant consent to use his name in association with the Article.

74. As a result of Defendant's unlawful actions, Trotter has been damaged in an amount to be proven at trial.

75. Defendant's acts were in bad faith, willful and in conscious or reckless disregard of Trotter's rights, and Trotter is entitled to punitive damages and attorneys' fees in accordance with 12 Okla. Stat. § 1449.

**COUNT VIII**  
**FALSE LIGHT**

76. Plaintiffs re-allege and incorporate by reference the allegations contained in each preceding paragraph.

77. Defendant placed Trotter in a false light by identifying Trotter as the author of Defendant's false and defamatory Article.

78. The false light in which Defendant placed Trotter would be highly offensive to a reasonable person.

79. Defendant had knowledge of and acted in reckless disregard in placing Trotter in a false light by identifying Trotter as the author of Defendant's false and defamatory Article.

80. Trotter has suffered damages to his reputation and occupation as a result of Defendant's actions.

81. As a result of Defendant's unlawful actions, Trotter has been damaged in an amount to be proven at trial.

82. Defendant's acts were in bad faith, willful and in conscious or reckless disregard of Trotter's rights, and Trotter is entitled to punitive damages and attorneys' fees.

**COUNT IX**  
**LIBEL**

83. Plaintiffs re-allege and incorporate by reference the allegations contained in each preceding paragraph.

84. Defendant published false statements that Trotter was the author of Defendant's false and defamatory Article.

85. Defendant knew that Trotter was not the author of the Article at the time he made these false statements.

86. As a result of Defendant's false statements, Trotter suffered damages to his reputation and occupation.

87. As a result of Defendant's unlawful actions, Trotter has been damaged in an amount to be proven at trial.

88. Defendant's acts were in bad faith, willful and in conscious or reckless disregard of Trotter's rights, and Trotter is entitled to punitive damages and attorneys' fees.

**COUNT X**  
**DECEIT**

89. Plaintiffs re-allege and incorporate by reference the allegations contained in each preceding paragraph.

90. Defendant published his false and defamatory Article with the intent to deceive the public into believing that the Article was true and that OPUBCO and Trotter were the sources of the Article.

91. Members of the public were actually deceived by Defendant's Article.

92. As a result of Defendant's unlawful actions, OPUBCO and Trotter have been damaged in an amount to be proven at trial.

93. Defendant's acts were in bad faith, willful and in conscious or reckless disregard of OPUBCO and Trotter's rights, and they are entitled to punitive damages and attorneys' fees.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs requests that the Court enter judgment in their favor as follows:

A. Judgment be entered in favor of Plaintiffs against Defendant as to each of the above counts;

B. Defendant be preliminarily and permanently enjoined from using OPUBCO's federally registered NEWSOK.COM® and THE OKLAHOMAN® marks and NEWSOK.COM® Trade Dress, and from any and all other conduct which is likely to cause confusion or to cause a mistake or deceive as to affiliation, connection or association of Defendant with OPUBCO, as to origin, sponsorship or approval of Defendant's services by OPUBCO;

C. Defendant be ordered to file with this Court and serve on Plaintiffs within thirty (30) days after service of the injunction, a report in writing, under oath, setting forth in detail the manner and form in which the Defendant has complied with the injunction;

D. Defendant be ordered to publish corrective advertising to correct the confusion and harm he created and to prevent Defendant from further benefiting from the goodwill and strength of the NEWSOK.COM® and THE OKLAHOMAN® marks and NEWSOK.COM® Trade Dress;

E. Defendant be required to pay such damages as OPUBCO and Trotter have sustained as a consequence of the Defendant's unlawful acts, including treble damages pursuant to 15 U.S.C. § 1117;

F. Defendant be required to pay OPUBCO and Trotter's costs, expenses, and reasonable attorneys' fees in connection with this action, as provided in 15 U.S.C. § 1117, 78 Okla. Stat. § 53, and other applicable statutory and common law authorities;

G. Defendant be required to pay damages and costs incurred by OPUBCO as provided in 17 U.S.C. § 501 *et seq.*;

H. Defendant be required to pay damages incurred by OPUBCO and Trotter as a result of the unfair competition, dilution, deceptive trade practices, deceit, libel, false light and violation of Trotter's right of publicity perpetrated by Defendant; and

I. Plaintiffs be granted such other and further relief as this Court may deem appropriate and just.

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a trial by jury on all claims that may be tried before a jury.

Respectfully submitted this 14th day of July 2008.

**s/ Spencer F. Smith**

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**ATTORNEYS FOR PLAINTIFFS  
THE OKLAHOMA PUBLISHING  
COMPANY AND  
JACOB "JAKE" TROTTER**

## EXHIBIT “3”



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Wed July 9, 2008

## Two Sooner Quarterbacks Arrested for Intent to Distribute Cocaine

By Jake Trotter  
OU Insider

Police responding to reports of a loud party Tuesday night near Elmwood Drive and South Pickard in Norman discovered a large bag of what was later identified as cocaine. The three suspects arrested at the site included two Sooner quarterbacks, standout sophomore Sam Bradford and promising freshman Landry Jones.

Norman police spokesperson Captain Jeffrey Becker said Wednesday that the quantity of cocaine involved would lead to a charge of Possession with Intent to Distribute Cocaine and Possession with Intent to Distribute Cocaine Base (Crack Cocaine).

The defendants allegedly possessed with intent to distribute in excess of 5 kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II Controlled Substance. They were also charged with possessing with intent to distribute in excess of 5 grams of a mixture or substance containing a detectable amount of Cocaine Base (crack cocaine), a Schedule II Controlled Substance.

Sooner head coach Bob Stoops was unable for comment, but the office of athletic director Joe Castiglione said athletic department policy is not to comment on ongoing criminal investigations.

Bradford, a star QB from Putnam City North high school, was expected to appear in court today, according to a member of his family who requested they not be identified.

The attorney representing Landry Jones said that a motion had been filed to allow his family to arrive from Artesia, NM tomorrow.

If Bradford and Jones are unable to complete next fall, it would leave senior Joey Halzle as the likely starter. This would place immense pressure on the offensive staff.

This is the fourth arrest of Sooner athletes in the last month. Senior Manuel Johnson was arrested in June after witnesses saw him carry a concealed handgun to a rally at Colquhoun Elementary school. Reserve senior defensive lineman Alan Davis and Cory Bennett were also arrested after an alleged carjacking incident at Lake Thunderbolt over the July 4th holiday weekend.

Under Bob Stoops the Sooners have had a number of high-profile athletes arrested. Normally the matters are handled internally by the coaching staff. Criticism has been voiced by watchdog groups that claim arresting officers were later given season ticket packages to Sooner football in exchange for altered testimony. These allegations have been denied by all sides.

Normally success on the field has been followed by arrests off it for the Sooners. Booster groups expressed hope that these incidents were an indication that the team was going to have an excellent year.

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The OU quarterback crew in the spring included, left to right: Keith Nichol, Joey Halzle, Sam Bradford and Landry Jones. Because Nichol has transferred to Michigan State and Halzle will be gone after next season, the Sooners would love to add another quarterback to prepare for the future.  
BY STEVE SISNEY, THE OKLAHOMAN

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Never hurts to have 3 solid choices given our history of losing QB's to injury, transfer, stupidity, and car dealerships.

CECIL, Encinitas - Jul 8, 2008 11:27 PM

Report offensive language

The reason we need extras is obvious if you look at all the gunslingers we lost for stupid reasons: Bomar, Grady & Rawls come to mind.

Shepard, APO AP - Jul 7, 2008 11:52 PM

Report offensive language

We already have a top QB. Landry Jones. I say we stick with him as the redshirt gun, bring him out if Sam gets hurt or when Joey graduates, either, and go ahead and get a another freshman for 09. The most you can expect at QB at a top school like OU or SC is 2 years playing time max. I agree with francisco to a point. But 09 would be a lack of depth. In a timeline format 2008

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# EXHIBIT “4”

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Thu July 10, 2008



## Internet hoax lands NU fan in some hot water

By Berry Tramel  
Staff Writer



[James W. Conrady](#), a Nebraska football fan living in Austin, Texas, says he didn't mean to hurt [Oklahoma](#) quarterbacks [Sam Bradford](#) and [Landry Jones](#) with his Internet hoax.

So what was Conrady thinking Wednesday when he lifted a template off [The Oklahoman](#)'s web site, NewsOK.com, wrote and pasted a bogus story about the Sooners pair's arrest on cocaine distribution charges, then posted it on a message board?

The 36-year-old Conrady says he wasn't thinking.

"I want to express my deepest apologies to the families," Conrady said Wednesday night, after his story was reported as fact by at least two Texas radio stations. "That's the thing I'm regretful about. I didn't want to hurt anyone."

An apology might not be enough to smooth this over.

"I'm going to prosecute him to the fullest extent of the law," said [Kevin Jones](#), Landry's father. "I've got deep enough pockets to do it."

[Oklahoman](#) publisher [David Thompson](#) said, "When this was brought to our attention, we took immediate action. Through our technology and news teams, we tracked him down and told him to cease and desist. We take this very seriously and will consider legal action."



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OU associate athletic director [Kenny Mossman](#) said the hoax is just the latest in a disturbing trend.

"We feel it's real unfortunate how many things have germinated from an anonymous starting point that are unfounded, untrue and, as this story proves, hurtful," [Mossman](#) said.

"Coaches and players are berated, and nobody attaches a name to it. The Internet has enabled a lot of this kind of thing to happen, and it's really disappointing."

[Conradt](#) said he was on a Nebraska message board when some OU fans began writing smack.

"I just wanted to get 'em all riled up, I guess," Conradt said.

He googled Sooner sports and came across the NewsOK.com template and says he didn't even realize it was [The Oklahoman's](#) Web site.

"It was a bad decision," Conradt said. "When I got home, I got on my computer, one of the moderators on the [Oklahoma](#) site emailed me and said some [Oklahoma](#) people are upset about this. That's when I took it down."

[Kevin Jones](#) said he received a couple of frantic calls after the hoax spread across the Internet.

"I knew it was a prank thing right away," [Jones](#) said. "Anybody that knows Sam or knows Landry knows the story wasn't true to begin with. But when radio stations down in Houston and Austin report it, it's very hurtful."

"Why would somebody be so malicious about it? Don't know why someone would trample two kids like this. I was just dumbfounded. People need to learn from this."

[Kelly Dyer Fry](#), vice president of news and information for [OPUBCO Communications Group](#), said users can determine if a story comes from the NewsOK.com server by the URL. If numbers precede "newsok.com," the link originated elsewhere.

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► This story is different. Cocaine distribution? Pretty serious stuff...if he wanted to be funny, he could have said that they were hanging out with Dusty downtown beating people up when they walked out of bars, or stealing gas for their mopeds, they even could have fallen out of the back of their pickup while they were shooting pop bottle rockets at each other. They could have pulled hamstrings as they ran from the police carrying armloads full of coats with DeMarcus. Cocaine distribution??? The story made a major market and was reported as fact? That's a whole different level. Those stories would have been funny, looking back a few days later. Prosecute him.

**Rick, Ulysses - Jul 12, 2008 9:47 AM**

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## Getting on board: Avid Husker fans flock to the Web

BY BRIAN CHRISTOPHERSON / Lincoln Journal Star

Monday, Jan 10, 2005 - 10:19:38 am CST

Kevin Cosgrove has ticked off Elvis. Annoyed him right down to his blue suede shoes, which are actually probably red.

Elvis got all huffy when he read in the newspaper that Cosgrove didn't return a phone call from recently departed Husker cornerback Fabian Washington. This incensed Elvis so much, he found the nearest computer and typed his thoughts about the Nebraska defensive coordinator.

After his writing was complete, he slapped it with the title: "Cosgrove is horrible." Cloaked under the screen name Elvis1403, he then posted his work on the huskerpedia.com message board, probably the most popular Husker football board in this state.

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Husker fan James Conradt of Lincoln, known on-line as "Darth Husker," contributes to the message boards at BigRedReport.com on Thursday night. Conradt says it takes time to build a reputation for providing truth and separate oneself from those who "stir the pot." (Elizabeth Ortega)

Near the end of his rant, Elvis wrote: *"? I love BC and SP but I just hate Coz ? this is yet another example of his incompetence ? he can't even return a phone call now !! what next is he to busy to recruit or coach as well"*

Full of loud opinions, low-brow squabbling, comedians, constant rumors and occasional breaking information, message boards have become a phenomenon too consequential to ignore.

Though often viewed with disdain by coaches and players, the boards have made anonymous reporters out of the likes of doctors and gas attendants.

Unfortunately, some spread false information about a player or coach just to make noise. But sometimes, as a coach named Mike Price can

tell you, somebody named EagleKlaw can start your demise.



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"I look at them a little bit each day to see what topics might be on there, and I know the media does too ?" said Keith Mann, sports information director for Nebraska football. "They've evolved from just being a fan forum to a little more than that, I hate to say."

Message board passion is present everywhere, but it's especially noticeable in football-crazed Nebraska, where lasting friendships actually are cultivated daily in this world of anonymity.

During the important football recruiting month of December, Nebraska's Rivals site ? huskersillustrated.com ? reported 10.3 million hits, which led all other schools on the Rivals network. That site also led Rivals in hits in October and November, besting runner-up South Carolina's site despite a coaching change that involved Steve Spurrier.

"I may be on it hours a day. If I'm sitting at work between calls, I'll reach over and watch the screen," said 46-year-old Kevin Kean, a successful casino developer in Las Vegas who carries the handle of LouisianaHusker. "This is my fun time. This is my relaxation time. My hobby is Huskers. I don't do golf. I don't do a bunch of other things. I work out, work 10 hours, go to church and talk Huskers."

Anything else?

"I still have time to date every now and then."

JERRY RICE TO NU

*I have it from a highly informed source that after Seattle loses in the NFL playoffs that Jerry Rice will retire from the NFL. Upon that happening, he will rejoin Bill Callahan as the receivers coach here at Nebraska. This would be a great hire in my mind, what do others think about it??*

? bigredmachine95 (1/02/05, 9:28 p.m. on bigredreport.com)

Huskerkid's favorite false message board rumor happened a few years ago.

This was back during the dank 7-7 season in 2002. Back when some message board posters were sure then-defensive coordinator Craig Bohl was the worst football coach they had ever seen.

Somewhere near the end of that season that ultimately would result in Bohl's departure, a message board poster wrote that he had seen former Notre Dame coach Bob Davie in Lincoln, surely a sign he was eyeing the place before he took Bohl's job.



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Bank on it, wrote another poster. He had inside information that Bob Davie had indeed rented a moving van in Lincoln.

That's likely true, validated another poster, because Time Warner Cable had installed cable at a Lincoln house for one Bob Davie.

And perhaps it's true that a Bob or a Davie had cable installed by Time Warner at his Lincoln house. But Bob Davie, the man who once coached the Irish, never did. He's still a football analyst for ESPN.

"There's a lot of rumors that go around," said Huskerkid, a 29-year-old NU fan in Philadelphia who goes by the name of Scott Kuhn in public. "Everyone wants to think they're an expert, that they got their information from an 'inside source' and act like it's a fact."

To be one of the very few who truly has inside sources is to be a king of the message board.

If some new poster wrote that dismissed Husker offensive lineman Richie Incognito was picking fights with teammates in the locker room last fall, it is met with skepticism.

If, however, a king wrote that same thing, many regular posters will believe it to be true.

"It's kind of a hierarchy, you know. The more people give their insider info that turns out to be true, the more they build their credibility. I'm not one of those people," said James Conradt, aka DarthHusker. "It's funny. New people come along all the time and are naive and believe too much of what they read. A lot of people just post stuff to stir the pot."

That's what everyone thought an Auburn fan was doing on April 23, 2003.

Someone under the tag of EagleKlaw posted a seemingly meaningless message about then-Alabama head coach Mike Price on an autigers.com message board. Price had been hired by the Crimson Tide only months before.

As reported by Sports Illustrated, the message read: "Someone told me the night before the (Emerald Coast Classic Pro-Am) that Mike Price had lost his Visa card and was in a panic because of who he was with when he lost it. Has anyone else heard about this?"

The next morning, a fan using the name of TigerRat replied: "I hear it was a couple of working girls."

Soon, the topic was fodder on sports radio shows. Eventually, it was reported that Price had been at a strip club in Florida for several hours, spent hundreds of dollars on dances and drinks, and had a mysterious woman charge nearly \$1,000 to his credit card the next morning for room service.

On May 3, just 10 days after an inquisitive message board post, Price was fired from his \$10-million job at Alabama before coaching a game.

*Re: Pederson to The Ohio State University*

*I really do not believe that SP is trying to destroy the NU football program. As many seem wont to believe, or feel.*

*Personally, I could care less if Saddam Hussein was the AD, as long as the football team is a competitive, winning top 5-10 program each year. With realistic shots at the NC on a regular basis.*

*I fully expect to see a change over at the Devaney Center before next season.*

**? RedOption (1/5/05, 2:16 p.m. on bigredreport.com)**

You mess with Pederson, you mess with Kevin Kean.

"I'm a hardcore, no ifs, ands, or buts supporter of Steve Pederson," Kean said. "There's no doubt in my mind that we have one of the best ADs in the country. ? Some of these people complaining about him remind me of people asking for (former Husker coach Tom) Osborne to leave in '78."

While recruiting information rules the Husker boards, Pederson's job performance as Nebraska athletic director is also a popular debate item.

On the boards, Pederson is viewed much like President Bush. Either you think he's the greatest guy ever or you can't stand him.

Kean got so tired of all the Pederson bashing one time that he posted a message giving the job description of an athletic director.

He then provided his address to which people could send their resumes for the job, showing what makes them more qualified than Pederson.

"I didn't get one resume," Kean said triumphantly.

Besides the negative Pederson posts, Kean visibly gets angered when he reads messages bad-mouthing recruits who are not interested in Nebraska.

"When a recruit loves Nebraska and we think he's going to commit, we're all for him," Kean said. "Then, when we go somewhere else, we call him an idiot."

It is the advantage of being anonymous. You can call a man an idiot and not get your house egged.

"I think anonymity brings out the worst in people," Conradt said. "There are no consequences for saying what you say. I think that's probably where the whole concept of flaming comes from. They probably didn't have that in the old days around the coffee pot at work, the profanity-laced, ultra-negative outbursts."

It never will stop, however, for there are a share of posters that live for the fights. They get on boards with the agenda to mix it up with the people Conradt calls the "sunshine pumpers."

"The sunshine pumpers will say, 'Oh, the Huskers had a bad season,' but they'll put the spin on all the things (Husker coach Bill) Callahan had to do, and players adjusting to the system," Conradt said.

"Then, you got the people who are always negative. Even when we'll have a great season like 1999 or 2001 and we're close to a championship, they're still complaining about the way games were managed or something."

So how does it feel to be a teen-aged Nebraska recruit about to enter a world where people would like to know how many hairs are on your head?

Glenn Covey, father of Husker recruit Nick Covey, said his family paid some attention to the message boards while Nick was considering his school.

After he chose Nebraska, that ended.

"He doesn't read anything about himself," Glenn said. "Maybe that will change when he starts playing."

When asked what his reaction would be if he read a negative message board post about his son, Glenn said, "You just consider the source. There's absolutely no way to please everyone in this entire world, man."

When asked what his reaction would be if he read a negative message board post about his son, Glenn said, "You just consider the source. There's absolutely no way to please everyone in this entire world, man.

"A lot of times stories are put out about people and they're not true. You got to take it for what it's worth. It's pretty easy to hide on message boards. You get a name and post something. What kind of credence is that?"

*where to buy a house in Lincoln?*

*totally off topic here, but I'm commuting to a new job in Lincoln from Omaha, and the hour and ten minute drive each way completely sucks ?*

*I didn't like Lincoln at first, but it's growing on me, as is the job, so the plan is to sell my house here and buy one down there ?*

**? Hskr8 (1/1/05 at 8:49 p.m. on bigredreport.com)**

*Re: where to buy a house in Lincoln?*

*Hskr8,*

*I couldn't pass up the chance for my first post. I may have a house for sale, by Pine Lake in South Lincoln. I will know about a job offer out of state this week and will put the house up for sale right away. Chances are good it will happen and if interested, I will post again to let you know more.*

**? renegade23 (1/1/05 at 10:38 p.m. on bigredreport.com)**

Most of the guys don't hit on Sharlette Schwenninger when she's typing football.

"Fortunately, I have a pretty innocuous screen name. A lot probably don't know I'm female," said Schwenninger, who became hooked on Husker message boards while she was living in southern California in 1998.

She was a cautious poster initially.

"I was more of a lurker," she said. "I wondered, 'Would they accept me? Would I be accepted into their fraternity of message boards?' "

Consider her frat worthy. She has several really good friends she's developed through the message boards. Sometimes, she will hit the town with them.

"As a female, it's given me good insight into the male psyche," Schwenninger said.

Like?

"Every man thinks every hot woman should like him."

Schwenninger's reason for getting on message boards is probably the most common. That is, she could discuss Husker football until her ears bleed and just wants to be in an environment with people who could do likewise.

It's the same thing that attracted Niton Gambahr.

"What intrigued me was all the different walks of life there are in terms of Husker fans," said Gambahr, who spends much of his Internet time on the Husker Power Hour site. "It's a place where Husker fans all over the country can be together. It's interesting when you're talking to fans from Houston, Dallas, New Mexico, even overseas."

Roam the boards long enough and friendships will form. Many board addicts start to hang out on weekends of games.

And next Saturday, Kean and about 200 message boards friends will travel to San Antonio to watch an all-star high school game that features several potential Husker recruits.

"We want these people down there to see what Nebraska people are all about," Kean said.

"We're great people. We support our new coaching staff. People at the Alamodome are going to know Nebraska is back."

### **1976 ? internet posse?**

It was 1 a.m., but coherbie wasn't even thinking about going to bed.

He had a good excuse.

He was thinking about the 1976 Nebraska football team.

If there were message boards back then, what would people have been writing about Nebraska football?

Hmmm ?

He began to type, and by 1:34 a.m., he had posted on huskerpedia.com a fine piece of wisdom that greeted Husker insomniacs littered about this country.

They would read his work and nod their approval.

Sometimes a man is at his posting best when the late-night infomercials own the airwaves...

*If we all could have fired up our TRS-80's, Apple I's & II's, or Commodore PETs ? logged on & posted on HP for free (at least it should have been free back then) we would have talked how:*

*Bobbie the PAT snap & start the season with a 6-6 tie?*

*3 straight games without a victory - first time since 1961?*

*Beat the Hoosiers (that Corso guy seems odd)*

*losing to Iowa State?*

*10 down in the astro bluebonnet bowl but rally to win (thank you Chuck Malito!)*

*9-3-1?*

*who is this tall, skinny, red-headed stepchild.*

*Fire his @\$\$*

*WE knew man, we were smart, sideburns, slacks, this cat just wasn't meant to be.*

**Reach Brian Christopherson at 473-7438 or [bchristopherson@journalstar.com](mailto:bchristopherson@journalstar.com).**

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