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13 **ZA Central Registry, NPC**

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **COUNTY OF LOS ANGELES – CENTRAL**

16 DOTCONNECTAFRICA TRUST, a
17 Mauritius Charitable Trust,

18 Plaintiff,

19 v.

20 INTERNET CORPORATION FOR
21 ASSIGNED NAMES AND NUMBERS, a
22 California corporation; ZA Central Registry,
23 a South African non-profit company; and
24 DOES 1 through 50, inclusive,

25 Defendants.

CASE NO. BC607494

*Assigned for all purposes to the Honorable
Howard Halm*

**DECLARATION OF AMY T. BRANTLY
IN SUPPORT OF ZACR'S OPPOSITION
TO PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

[Filed concurrently: Opposition to Plaintiff's
Motion for Preliminary Injunction; Declarations
of Moctar Yedaly; Mokgabudi Lucky Masilela;
and Declaration II of Mokgabudi Lucky
Masilela in Support of Opposition to Plaintiff's
Motion for Preliminary Injunction]

Date: February 2, 2017
Time: 8:29 a.m.
Dept.: 53

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DECLARATION OF AMY T. BRANTLY

I, Amy T. Brantly, hereby declare as follows:

1. I am a partner of Kesselman Brantly Stockinger LLP, counsel to Intervenor ZA Central Registry, NPC (“ZACR”). I have personal knowledge of the matters set forth herein and am competent to testify as to those matters. I make this declaration in support of ZACR’s opposition to DotConnectAfrica Trust’s (“DCA’s”) motion for a preliminary injunction.

2. A true and correct copy of excerpts from the Deposition of the Person Most Qualified of DotConnectAfrica Trust, Sophia Bekele Eschete, (“Bekele Tr.”), dated December 1, 2016, is attached hereto as **Exhibit 1**.

3. A true and correct copy of excerpts from the Deposition of Christine Willett (“Willett Tr.”), dated October 7, 2016, is attached hereto as **Exhibit 2**.

4. A true and correct copy of excerpts from the Deposition of Akram Atallah (“Atallah Tr.”), dated October 5, 2016, is attached hereto as **Exhibit 3**.

5. A true and correct copy of this Court’s December 22, 2016 Minute Order denying plaintiff DotConnectAfrica Trust’s (“DCA”) motion for a preliminary injunction, is attached hereto as **Exhibit 4**.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 20th day of January 2017 at Manhattan Beach, California.



AMY T. BRANTLY

EXHIBIT 1

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

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 DOTCONNECTAFRICA TRUST,)
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 Plaintiff,)
)
 vs.) No. BC607494
)
 INTERNET CORPORATION FOR)
 ASSIGNED NAMES AND NUMBERS)
 and DOES 1 through 50,)
 inclusive,)
)
 Defendants.)
 -----)

***CONTAINS HIGHLY CONFIDENTIAL
ATTORNEYS' EYES ONLY SECTION***

VIDEOTAPED DEPOSITION OF PERSON MOST QUALIFIED OF
DOTCONNECTAFRICA TRUST
SOPHIA BEKELE ESHETE
Los Angeles, California
Thursday, December 1, 2016
Volume I

Reported by:
Melissa M. Villagran, RPR, CLR
CSR No. 12543
Job No. 2479429
PAGES 1 - 290

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

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DOTCONNECTAFRICA TRUST,)
)
Plaintiff,)
)
vs.)No. BC607494
)
INTERNET CORPORATION FOR)
ASSIGNED NAMES AND NUMBERS)
and DOES 1 through 50,)
inclusive,)
)
Defendants.)
_____)

Videotaped deposition of PERSON MOST QUALIFIED OF DOTCONNECTAFRICA TRUST, SOPHIA BEKELE ESHETE, Volume I, taken on behalf of Defendants, at 555 Flower Street, Los Angeles, California, beginning at 9:42 and ending at 4:47 p.m. on Thursday, December 1, 2016, before Melissa M. Villagran, RPR, CLR, Certified Shorthand Reporter No. 12543.

1 when he was -- when Mr. Mwencha said "the private
2 sector," what did that mean?
3 A Honestly, I cannot interpret this letter.
4 The whole thing is a bit ambiguous. I always had
5 trouble AUC understanding ICANN process. Whatever 12:10:51
6 communication or letter that comes out of their
7 office, it's influenced by various peoples' input
8 into it, so I cannot respond.
9 And if you see my response to this letter,
10 it's pretty much to the effect that. 12:11:10
11 Q Okay. We're going to come to that.
12 A Yes.
13 Q We're going to probably take a lunch break in
14 a minute.
15 A Okay. 12:11:17
16 Q But I -- I just wanted to be clear that, when
17 you received Exhibit 44, you were fully convinced
18 that Exhibit 43, the endorsement that you had
19 received the previous year, was still 100 percent in
20 force? 12:11:37
21 A We -- we feel like they were trying to
22 endorse a second party or, you know, the meaning of
23 it. Okay? That's sort of what I responded in my
24 letter.
25 Q Okay. 12:11:46

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1 A Okay. Because they probably felt like they
2 just gave one endorsement for one initiative. There
3 are other groups pressuring them to do the same. So
4 they are thinking, okay. ICANN process allows two
5 endorsements to go through, right? So as an -- as 12:11:58
6 an intercontinental body that is thinking of doing
7 the fair, right thing, you would think that they --
8 okay. Let's reconsider an approach and -- and also
9 see if we can endorse others, and so they can
10 compete fairly. 12:12:15
11 Q Okay.
12 A That's the way I would think of the inter --
13 organization.
14 Q Okay. So your -- your understanding in 2010
15 was that the purpose of this letter was to allow the 12:12:24
16 AUC to endorse --
17 A Multiple.
18 Q -- multiple applicants but that the letter
19 that you had received, Exhibit 43, remained fully in
20 force? 12:12:37
21 A Yes, because it doesn't say "withdraw," I
22 didn't panic about it.
23 MR. LE VEE: Okay. Let's take lunch.
24 MR. BROWN: Okay.
25 MR. LE VEE: You tell me how long you want to 12:12:46

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1 take. We're going to have a full day so --
2 MR. BROWN: Sure.
3 MR. LE VEE: -- you tell me.
4 Let's go off the record. Sorry.
5 THE VIDEOGRAPHER: We are off the record at 12:12:52
6 12:12 p.m.
7 (Whereupon, at the hour of 12:12
8 p.m., a luncheon recess was taken,
9 the deposition to be resumed at 1:15
10 p.m.)
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1 Los Angeles, California; Thursday, December 1, 2016
2 1:15 p.m.
3
4 SOPHIA BEKELE ESHETE,
5 having been previously duly sworn,
6 was examined and testified as follows:
7
8 EXAMINATION (RESUMED)
9 THE VIDEOGRAPHER: We are back on the record
10 at 1:15 p.m. 01:15:45
11 BY MR. LE VEE:
12 Q We're back from lunch.
13 You understand you -- you are still under
14 oath?
15 A Yes. 01:15:53
16 Q Okay. So you have been working on the
17 concept of a top-level domain known as .Africa for
18 many years, right?
19 A Correct.
20 Q Yes. And it was an idea that you had even as 01:16:13
21 well -- far back as the GNSO work in 2005 to 2007,
22 correct?
23 A Yes.
24 Q Okay. And I assume you think it would be a
25 very useful top-level domain for the continent of 01:16:29

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1 Africa to have?
2 A Yes.
3 Q Okay. And do you expect that it would be
4 well received in Africa? In other words that it
5 would generate a lot of enthusiasm? 01:16:45
6 A Yes.
7 Q Okay. And what would be some of the
8 advantages of -- of the continent having a domain
9 name that was the name of the continent, .Africa?
10 A Several. Obviously we had a -- a "yes to 01:17:02
11 .Africa" campaign detailing out advantages. It's a
12 global awareness campaign that we did, detailing the
13 advantages. One of them is branding Africa's
14 product and services over the Internet, which will
15 allow anybody outside the continent and within the 01:17:29
16 continent to trade or know each other's products,
17 right?
18 The second would be to have a registry. The
19 proposal included to have a registry in country, in
20 the continent. So, for example, our registry is 01:17:44
21 based in Kenya. So instead of the local people
22 paying money for a registry outside the continent,
23 which takes away from -- fights capital flight, we
24 instead have it in the continent.
25 And then third was the proceeds for the 01:18:07
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1 .Africa registration. Under the nonprofit we
2 proposed will assist in -- in distributing causes,
3 good causes. For example, we have identified women
4 and youth to be part of the cause that we want to
5 assist with the monies. 01:18:28
6 So basically these are our campaign things
7 and these are -- we think are -- is very much
8 beneficial to the continent.
9 Q Okay. And some of those themes, in
10 particular the branding and so forth, it wouldn't 01:18:42
11 really matter who was operating the TLD. It would
12 still be helpful for the continent to have the brand
13 .Africa?
14 MR. BROWN: Objection; calls for speculation,
15 lacks foundation. 01:18:56
16 Go ahead.
17 THE DEPONENT: Sure, but it just depends who
18 runs it as well.
19 BY MR. LE VEE:
20 Q Understood. 01:18:59
21 And -- and I understand the identity of the
22 operator could have some effect on --
23 A Yeah, in terms of, like, you know, marketing
24 capabilities and influencing capabilities.
25 Q Okay. 01:19:10
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1 So would you say as a general matter that the
2 delays that have occurred because -- the delays that
3 have occurred in getting some operator up and
4 running with respect to .Africa have injured the
5 continent, the people of .Africa? 01:19:23
6 MR. BROWN: Objection; calls for speculation,
7 lacks foundation.
8 THE DEPONENT: "Injury" is a very strong
9 term. How does the lack of .Africa injure anyone?
10 In my opinion, I don't think so. 01:19:36
11 BY MR. LE VEE:
12 Q Well, the continent would have the advantages
13 that you just indicated.
14 A Yes. That's advantage but not necessarily
15 injury, right? Okay. Yeah. 01:19:48
16 Q Well, we'll -- we won't try to parse out the
17 legal definition, but the -- the delays that have
18 occurred have prevented the people of Africa from
19 having a top-level domain, right?
20 A Top-level domain, yes. 01:19:56
21 Q Yes.
22 A Not from being on the Internet.
23 Q They can get on the Internet via some other
24 top-level domain --
25 A Yes. 01:20:04
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1 Q -- but they can't get on the Internet via
2 .Africa, correct?
3 A Correct.
4 Q Okay.
5 Now, you said that your registry is based in 01:20:12
6 Kenya.
7 Is that the same registry that you identified
8 in your application to ICANN in 2012?
9 A Yeah.
10 Q Okay. And the -- the registry -- had you 01:20:23
11 always envisioned that the registry operator that
12 you would use would be based in Africa?
13 A Of course.
14 Q Okay. And what is the name of that registry?
15 A DCA registry services. 01:20:35
16 Q Okay. And who -- has -- does DCA registry
17 services -- do they operate anything today?
18 A No.
19 Q So you were going to establish it once you
20 got the top-level domain? 01:20:49
21 A Yes.
22 Q And did you have a back-end provider that you
23 were proposing to work with?
24 A Yes.
25 Q And who was that? 01:20:56
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1 A Yeah.

2 Q -- but I'm asking you where in your

3 guidebook --

4 A 360 pages. Where would I know? Somebody --

5 Q It's not in there. 02:13:17

6 A Somebody --

7 Q There's -- it's not in there. There's

8 nothing in the guidebook that --

9 A About code of conduct.

10 Q -- says that ICANN cannot help a governmental 02:13:21

11 authority write a letter --

12 A But it doesn't --

13 Q -- from --

14 A That is not -- that's not specific. How does

15 it -- why would anybody write in an RFP a specific 02:13:29

16 relationship between ICANN and the governmental

17 authority?

18 This is about independent evaluators' code of

19 conduct and the interaction between ICANN staff and

20 the applicant. There is code of conduct. 02:13:45

21 Q Are you referring to the fact that the

22 evaluators weren't supposed to contact the

23 governmental authorities?

24 A It's -- the evaluators look at endorsement

25 and they are supposed to evaluate them. 02:13:55

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1 Q Yes.

2 A They should see it for what it is, right?

3 Q Okay.

4 A And they did say -- in fact, the ICC says

5 that the -- the way it is written, the AUC 02:14:07

6 endorsement, the ZACR endorsement is not sufficient.

7 It should fail.

8 Q Yes. Yes, and they did fail it.

9 A Yeah. So they state that.

10 Q And then they told the AUC to write a second 02:14:17

11 letter and the AUC wrote it, right?

12 A That's when the ICANN intervened in the

13 writing.

14 Q Okay. Now --

15 A I get the picture. 02:14:25

16 Q -- let me ask this and then we'll take the

17 break.

18 You never approached either the AUC or UNECA

19 for an updated letter, correct?

20 A No. 02:14:33

21 Q No, you did not do that?

22 A I did not approach.

23 Q Okay. And the reason is is because you knew

24 that neither UNECA nor the AUC would write a letter

25 on behalf DCA, correct? 02:14:43

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1 A That's not true because, like you -- we

2 argued on our clarifying letter, the language that

3 is already in the clarifying, we -- we already meet

4 the requirement for -- the language required by

5 ICANN for an updated endorsement. 02:14:57

6 Q Well --

7 A You called it updated, but everything else is

8 here.

9 Q So you're taking the position that letters

10 you had received in 2008 and 2009 were sufficient to 02:15:05

11 meet the guidebook requirements from 2012?

12 A Absolutely.

13 Q Even though you knew that the AUC had sent a

14 letter in 2010 purportedly withdrawing the

15 endorsement? 02:15:20

16 A That is a separate issue from meeting the

17 guidelines and the language that ICANN requires

18 in -- to legitimize an endorsement.

19 Q If the --

20 A Entirely different from. 02:15:30

21 Q If the AUC properly withdrew the endorsement

22 in 2010, was there anything that prevented them from

23 doing that?

24 A No, but they didn't do that.

25 MR. LE VEE: Okay. Let's take a break. 02:15:43

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1 THE VIDEOGRAPHER: We are off the record at

2 2:15 p.m.

3 (Recess.)

4 THE VIDEOGRAPHER: We are back on record at

5 2:28 p.m. 02:28:14

6 BY MR. LE VEE:

7 Q Now, Ms. Bekele, I've marked as Exhibit 50 a

8 letter that is the same as Exhibit 43.

9 (Exhibit 50 was marked for

10 identification by the deposition 02:28:26

11 officer and is attached hereto.)

12 BY MR. LE VEE:

13 Q It's a slightly smaller version, but it's

14 in -- I printed this one in color because it has

15 the -- it's -- it's a little bit easier to read the 02:28:34

16 signature.

17 A Oh, okay.

18 Q So, first, would you just confirm that

19 Exhibit 50 and Exhibit 43 are the same document, one

20 in color, one in -- one in black and white? 02:28:46

21 A Yes.

22 Q Okay. And then when you look -- when you

23 take Exhibit 50 and you look at Exhibit 44, can you

24 see that it's the same person that physically signed

25 the two letters? 02:29:21

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<p>1 clearly and explicitly articulate it's 2 prayers for relief. In a document 3 entitled 'Claimant's Final Request for 4 Release' which was signed by the 5 executive director of DCA Trust, 02:54:09 6 Ms. Sophia Bekele, and marked to the 7 hearing DCA's panel as follows." 8 So first let me ask: Do you recall that you 9 signed on the last day of the hearing a document 10 that set forth the -- what it was that you wanted to 02:54:21 11 obtain in the IRP? 12 A Yes. 13 Q Okay. And it's a matter of record and so 14 forth but -- 15 A Sure. 02:54:32 16 Q Okay. And then you asked in the first 17 paragraph for declaration that ICANN had violated 18 its bylaws, correct? 19 A Correct. 20 Q And you asked in the -- that the panel 02:54:39 21 declare DCA to be the prevailing party; correct? 22 A Uh-huh, correct. 23 Q Okay. And then it said you recommended that, 24 as -- as a result of each of these violations, and 25 then there's three bullets. The first bullet is (as 02:54:54 Page 198</p>	<p>1 Q Of the individual governments. 2 A -- countries. 3 Q Of the countries, yes. 4 Or that the panel require ICANN to accept the 5 UNECA letter as the support; correct? 02:55:57 6 A Right. 7 Q Okay. Now, the panel in it's final ruling 8 did allow you to proceed through the remainder of 9 the new gTLD application process, correct? 10 That's the words they used. 02:56:11 11 A Right. 12 Q But they didn't address whether they were 13 granting you a period of no less than 18 months to 14 obtain governmental support as set out in the 15 guidebook, right? 02:56:24 16 They -- they just didn't say anything about 17 that, right? 18 MR. BROWN: Document speaks for itself. 19 BY MR. LE VEE: 20 Q I mean -- 02:56:27 21 A They didn't say anything about that. It is 22 mute, muted. 23 Q Well, and they didn't say anything as to 24 whether the -- the requirement was satisfied as a 25 result of the letter from UNECA, correct? 02:56:43 Page 200</p>
<p>1 read): 2 "ICANN cease all preparations to 3 delegate the .Africa gTLD to ZACR." 4 That was the one of the things you asked for, 5 right? 02:55:03 6 A Correct. 7 Q Okay. And then the second (as read): 8 "ICANN permit DCA's application to 9 proceed through the remainder of the 10 new gTLD application process and be 02:55:11 11 granted a period of no less than 12 18 months to obtain government support 13 as set in the African guidebook and 14 interpreted by the Geographic Names 15 Panel or accept that the requirement 02:55:24 16 is satisfied as a result of the 17 endorsement of DCA Trust application 18 by UNECA." 19 Do you see that? 20 A Correct. 02:55:31 21 Q Okay. So you were asking for one or the 22 other or perhaps both that you be given 18 months to 23 try to get the additional governmental support; 24 correct? 25 A The individual. 02:55:44 Page 199</p>	<p>1 A Can you say that again. 2 Q Yes. 3 The panel did not say that the requirement of 4 geographic support was satisfied by your letter from 5 UNECA? 02:56:59 6 A It is my understanding that ICANN had argued 7 in the IRP that the panel did not address anything 8 to do with endorsement issues. So the panel just 9 left the endorsement issues out. 10 Q Correct. 02:57:16 11 So the panel simply did not address whether 12 it had endorsements. 13 A Good or bad or either way, yeah. 14 Q Right. 15 And -- and so the panel was not saying in its 02:57:23 16 declaration, it just simply did not address whether 17 DCA had or had not passed the requirement of getting 18 the 60 percent support from the continent of Africa? 19 A They just left it mute, I guess. 20 Q Okay. And so you are arguing today that DCA 02:57:42 21 should not have to fulfill the 60 percent 22 requirement, right? 23 A The individual endorsement requirements. 24 Q Right. 25 A What we're arguing is that we be treated the 02:57:55 Page 201</p>

1 same as ZACR.
 2 Q I understand what you're saying --
 3 A Right.
 4 Q -- but -- but the -- ZACR has a letter from
 5 the AUC that ICANN's geographic review names people 02:58:08
 6 says is sufficient under the guidebook, right?
 7 A They say it about DCA. Well, they have
 8 accepted DC --
 9 Q Well --
 10 A They have accepted -- it's not about DCA or 02:58:19
 11 it's my understanding it's not about DCA or ZACR.
 12 It is about is the AUC acceptable authority and
 13 UNECA the acceptable authority. They both give us
 14 their verdicts and say they did.
 15 Had ZACR also -- if they have also made a 02:58:33
 16 comment saying that if we don't take AUC as
 17 entire -- entirely representing 60 percent, then
 18 ZACR also would fail.
 19 So ICANN has intervened and has recommended
 20 to the panel that both organizations are acceptable. 02:58:54
 21 So if that is the case, then DCA does not
 22 really have to go and get 18 months to go, you know,
 23 hop around Africa to get a 30 percent. But if ICANN
 24 denies those application as representative of
 25 60 percent, then I think we should get it. 02:59:13

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1 That's -- that's what we asked for --
 2 Q Okay.
 3 A -- at that time.
 4 Q But just to be clear, nothing in the final
 5 declaration says that you get to skip the geographic 02:59:22
 6 review process, right?
 7 A Yes.
 8 Q Okay. And so -- and you would not be
 9 suggesting, would you, that an application for the
 10 registry operator to operate a top-level domain that 02:59:39
 11 is the name of a continent not have support of the
 12 people of that continent, right?
 13 A You mean the government.
 14 Q The governments.
 15 And you think that's a good thing, right? 02:59:53
 16 A Can you rephrase that question.
 17 Q I'll rephrase it.
 18 Don't you think that it's appropriate that
 19 whoever becomes the registry operator for the
 20 .Africa top-level domain have support of the 03:00:08
 21 governments in Africa?
 22 A That is not my requirement. It is ICANN's
 23 requirement.
 24 Q Yes.
 25 A I cannot insinuate that. You know, could be 03:00:15

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1 one country. It doesn't matter, really.
 2 Q Okay. So you have no --
 3 A I did not come up with that rule --
 4 Q You have no personal views as to what --
 5 A I have no personal views. 03:00:25
 6 Q Okay. But you respect that ICANN made the
 7 decision in the guidebook that it would require
 8 support of 60 percent of the countries?
 9 A That is fine as far as -- it -- it -- I'm not
 10 sure if ICANN wants 36 governments to individually 03:00:40
 11 sign or use these pan-African organizations as
 12 authority to represent the 60 percent.
 13 Q Okay. But why --
 14 A Whichever way it is, it is the compliance and
 15 the applicant has to comply. 03:00:56
 16 Q Okay.
 17 Irrespective of who is capable of -- of
 18 writing endorsement letters, whether it's
 19 organizations or countries or whatnot, you
 20 understood right from the outset that ICANN was 03:01:10
 21 going to require any applicant for a top-level
 22 domain that is itself the name of a continent or any
 23 other kind of geographic location to have support of
 24 60 percent of the governments on that continent?
 25 A They did say that -- 03:01:30

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1 Q Yes. And what you were asking the IRP panel
 2 to do on the last day of a two-day hearing -- and we
 3 were all pretty tired. I remember that -- but
 4 you -- you signed a prayer for relief, and you were
 5 asking the panel to give you 18 more months to go 03:01:50
 6 get the government support of -- the support of --
 7 of 60 percent of the governments of Africa, right?
 8 A I have to say this again: for individual
 9 countries.
 10 Q Yes. 03:02:08
 11 A Yes.
 12 Q So you were asking for more time so that you
 13 could get 60 percent, whatever that was --
 14 A If ICANN requires applicants to get
 15 individual letters of support from 60 percent and 03:02:18
 16 not accept the AUC and UNECA as authorities to
 17 represent the 60 percent, that is the way it was
 18 posed to us pre application anyway.
 19 Therefore I asked that relief, 18 months to
 20 get them. 03:02:38
 21 Q Okay. Well, you knew at the time of the
 22 hearing that ZACR had already signed a registry
 23 agreement with ICANN, correct?
 24 A Yes, surprisingly.
 25 Q Yes. 03:02:52

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<p>1 And you knew ICANN had accepted for ZACR the 2 letter from the AUC, that second letter that the AUC 3 had signed? 4 A ICANN, yes. 5 Q Yes. Okay. 03:03:05 6 So you knew that ICANN had accepted the AUC's 7 letter as sufficient for the 60 percent requirement, 8 correct? 9 A For -- for ZACR. 10 Q For -- for ZACR, correct. 03:03:16 11 And ICANN had not yet told you whether your 12 lawyer was sufficient, right? 13 A Or not, yes. 14 Q Correct. Because as a result of the board 15 accepting the GAC's advice that your application not 03:03:31 16 proceed, ICANN had stopped working on your 17 application, right? 18 A Right. 19 Q And so the geographic review names panel 20 never got to finish the work on your application in 03:03:43 21 2013 because they were told to stop? 22 A Right. 23 Q Okay. 24 So you did not know in -- in -- at the time 25 of the IRP whether ICANN was going to accept your 03:03:52 Page 206</p>	<p>1 A No. 2 Q Okay. And so you were asking for 18 months 3 so that you could go country by country to try to 4 get the additional support? 5 A Exactly. 03:05:08 6 Q Okay. 7 And ultimately the panel just simply did not 8 address that question. It issued a ruling without 9 opining on whether you should get any additional 10 time? 03:05:20 11 A Right. 12 Q Okay. 13 A You can imagine how confusing it is for 14 anyone because the issue of endorsement has not been 15 determined and ICANN's status on signing the 03:05:28 16 registry agreement and acceptance of the AUC is 17 still a matter of doubt because we -- because the 18 panel has already ruled on delaying the ZACR 19 application. So there is a lot of things pending 20 that's not finished. 03:05:46 21 So I'm trying to give ICANN a chance to give 22 us 18 months to go, if they choose to go that path 23 of individual government. 24 Q Okay. 25 A That's what it is. 03:05:59 Page 208</p>
<p>1 letter from the AUC or not? 2 A Right. 3 Q Okay. But you knew that the AUC had, at 4 least purportedly, withdrawn that -- the letter of 5 support that they had given to you, right? 03:04:07 6 A Yeah, but I didn't accept it, right? 7 Q I know you didn't accept it, but you knew 8 there was a -- a question? 9 A And -- and ICANN did not make an issue out of 10 it, so we are presuming that a decision that stopped 03:04:18 11 as at the GAC, it had nothing to do with the 12 endorsement issue because the endorsements were not 13 evaluated and no results was -- was told to us, 14 correct? 15 Q Right. 03:04:30 16 What -- so what I'm saying is you did not 17 know -- because the geo review -- geographic process 18 had not been finished with respect to DCA -- 19 A Correct. 20 Q -- you didn't know whether the geo review 03:04:42 21 panel, the ICC that was reviewing your application, 22 had accepted the AUC letter or had looked or even 23 had a copy of the withdrawal letter? 24 A Right. 25 Q You just didn't know? 03:04:54 Page 207</p>	<p>1 Q And at the IRP -- we didn't discuss the UNECA 2 letter at all because it just -- the UNECA letter 3 was not the subject of the IRP, right? 4 A Right. 5 Q The question of whether DCA had passed or not 03:06:09 6 passed the geo review was simply not litigated at 7 the IRP? 8 A Not really, yes. 9 Q Okay. The IRP was focused on -- 10 A On the GAC. 03:06:25 11 Q -- whether the GAC's advice, as adopted by 12 ICANN, was appropriate or not? 13 A Correct. 14 Q Okay. 15 So I want to change the subject a little bit. 03:06:53 16 You can put away the IRP declaration. 17 I want to ask you some questions about DCA. 18 What is your title with DCA? 19 A Executive director of DCA Trust, CEO, DCA 20 Registry. 03:07:13 21 Q Okay. And does either DCA Registry or 22 DCA Trust have other employees? 23 A Yeah. 24 Q Okay. And who are those employees? 25 A I think we have identified it in -- in the 03:07:31 Page 209</p>

<p>1 ICANN proposal.</p> <p>2 Q Well, what I don't know is whether you have</p> <p>3 the same employees today as you had back in 2012.</p> <p>4 A I think they remain the same except two.</p> <p>5 Q Okay. So who are the two who are no longer 03:07:44</p> <p>6 employees?</p> <p>7 A Samwell Ochangi (phonetic).</p> <p>8 Q Better spell the last name.</p> <p>9 A Ochangi, Samwell.</p> <p>10 Q Okay. We'll go with that. 03:07:58</p> <p>11 A Yeah.</p> <p>12 And then -- I don't know. Another fellow who</p> <p>13 is a Web site designer, the title.</p> <p>14 Q Okay. And -- and was he an employee or an</p> <p>15 independent contractor? 03:08:10</p> <p>16 A At that time he was employee.</p> <p>17 Q Okay. And Samuel was also an employee?</p> <p>18 A Samwell, yes.</p> <p>19 Q And what did he do?</p> <p>20 A He -- that was the first time -- actually, 03:08:18</p> <p>21 that was the time in 2011, right? When was that?</p> <p>22 Anyway, he just assisted -- most of them do</p> <p>23 technical work aside from the registry. There's</p> <p>24 only one fellow that actually works on .Africa.</p> <p>25 Otherwise, we perform Web sites, technical 03:08:35</p> <p style="text-align: right;">Page 210</p>	<p>1 A Yes.</p> <p>2 Q Trust controls registry.</p> <p>3 A Correct.</p> <p>4 Q Okay.</p> <p>5 And you said DCA Trust has one employee? 03:09:33</p> <p>6 A No, no. All these employees are DCA Trust.</p> <p>7 There's no -- there's no employee in DCA Registry</p> <p>8 yet.</p> <p>9 Q Okay.</p> <p>10 A Right. Because it's not active. It's a 03:09:43</p> <p>11 registry designed just to set up .Africa, right?</p> <p>12 The .Africa doesn't exist --</p> <p>13 Q There's where I got confused.</p> <p>14 A -- so it's just sitting there.</p> <p>15 Q Okay. So the registry has never been in 03:09:53</p> <p>16 operation?</p> <p>17 A No.</p> <p>18 Q It's --</p> <p>19 A It's a partnership --</p> <p>20 Q -- formed as an organization under the laws 03:09:59</p> <p>21 of Kenya?</p> <p>22 A Kenya.</p> <p>23 Q But it hasn't actually done anything yet?</p> <p>24 A No.</p> <p>25 Q Okay. 03:10:09</p> <p style="text-align: right;">Page 212</p>
<p>1 services, support. We do media, digital media</p> <p>2 logging, all those sorts communications.</p> <p>3 Q Okay. And so --</p> <p>4 A So some of the people handle that.</p> <p>5 Q Let's -- let's -- there's two organizations. 03:08:50</p> <p>6 I want to separate them.</p> <p>7 A Okay.</p> <p>8 Q There is DCA Registry, and that's a</p> <p>9 for-profit company; is that correct?</p> <p>10 A It's a -- yeah. 03:08:57</p> <p>11 Q Okay. And where is that company --</p> <p>12 A That's Kenya.</p> <p>13 Q Okay.</p> <p>14 Then there is DCA --</p> <p>15 A Trust. 03:09:12</p> <p>16 Q -- Trust, and that's not for profit?</p> <p>17 A Yes.</p> <p>18 Q Okay.</p> <p>19 A That's based in Mauritius.</p> <p>20 Q Okay. 03:09:15</p> <p>21 A And it is -- DCA Registry is controlled by</p> <p>22 DCA Trust. So it's the controlling --</p> <p>23 Q Registry controls trust?</p> <p>24 A No. No. Trust controls registry.</p> <p>25 Q I got it backwards trust. 03:09:28</p> <p style="text-align: right;">Page 211</p>	<p>1 DCA Trust is the applicant --</p> <p>2 A The applicant. Yes, the applicant.</p> <p>3 Q -- for the gTLD; correct?</p> <p>4 A Right.</p> <p>5 Q And how many employees does it have today? 03:10:14</p> <p>6 A About seven people, and we have independent</p> <p>7 contractors. Give and take 15 people.</p> <p>8 Q Okay. Seven employees and another seven or</p> <p>9 eight independent contractors?</p> <p>10 A Yeah. In and out. 03:10:29</p> <p>11 Q Okay.</p> <p>12 A Yeah.</p> <p>13 Q And what are -- what are the employees doing?</p> <p>14 A Well, we have an active trust that deals with</p> <p>15 campaigning for women and youth, and so they manage 03:10:39</p> <p>16 the trust programs.</p> <p>17 We -- we recruit college students, women that</p> <p>18 qualify under the technology programs, and we train</p> <p>19 them in mobile arts, Internet, Internet governance</p> <p>20 programs. We have laid out various Internet 03:11:10</p> <p>21 educational programs. So we recently graduated</p> <p>22 about 25 students on mobile app, for example. And</p> <p>23 we give awards for organizations who focus on women</p> <p>24 and -- and youth.</p> <p>25 So it's an ongoing program. 03:11:34</p> <p style="text-align: right;">Page 213</p>

<p>1 characterize it if I'm wrong, but would you say that 2 the primary business of CBS was the -- was -- was 3 procuring and installing computer systems? 4 A Yeah, you could say that. 5 Q Okay. 03:34:01 6 A At the beginning. 7 Q Okay. 8 A But we changed as time goes by. 9 Q So tell me about that. How did it change? 10 A How did it change? 03:34:08 11 When the markets -- the markets in Africa 12 change, which is the next process, I recall I 13 introduced a Web site and hosting services. That's 14 when I'm -- get to know who ICANN was. 15 Q Yes. 03:34:19 16 A And so that's an additional service we 17 provided outside of setting up large-scale systems. 18 And then after that we also -- security 19 consulting. And because I have a background in 20 auditing, I was also -- when I'm back in the U.S., I 03:34:37 21 also set up another consulting service to assist 22 U.S. companies -- Silicon Valley companies, banks, 23 and so forth -- with auditing and corporate 24 governance work. Yeah. 25 Q So you had come to the United States, I 03:34:53 Page 238</p>	<p>1 in Africa -- 2 Q Yes, I understand. 3 A -- extensively to promote. Yeah. 4 Q And so are you still doing that consulting 5 work today? 03:35:51 6 A Which one? 7 Q The -- the work for CBS? In other words, is 8 CBS still active? 9 A Not really. 10 Q Okay. When did it cease to be active? 03:35:58 11 A Well, I wouldn't call it cease, but maybe 12 when I started .Africa. 13 Q Okay. So . . . 14 A 2009. 15 Q Okay. 03:36:13 16 A You know. Something like that. '08, '09. 17 Q And how have you been generating money in the 18 last seven years? 19 A Well, I was working on .Africa. 20 Q Okay. 03:36:24 21 A I have my own money that I have earned income 22 on. 23 Q I understand. 24 A In the past years I was doing consulting. 25 I have borrowed money from my initiatives, as 03:36:36 Page 240</p>
<p>1 assume, as a teenager to go to college? 2 A Yes. 3 Q And you were primarily based in the Bay Area 4 and you still have -- 5 A Base there. 03:35:03 6 Q -- a base in the Bay Area? 7 A Yes. 8 Q If you had to estimate over the last, let's 9 say, five years, how much of your time have you 10 spent in Africa as opposed to the United States? 03:35:12 11 A In -- during my entrepreneurial work? 12 Q Let's -- yeah. Just for, let's say, the last 13 five years. 14 A Oh, the last five years, two years I did not 15 go to the U.S. 03:35:23 16 Q Okay. 17 A Because I was assisting everyone here. The 18 legal issue. 19 But before that I was literally in Africa 20 most of the time. 03:35:34 21 Q Okay. And where in Africa? 22 A I -- I stay a lot between Ethiopia, my home 23 town, and Kenya. 24 Q Okay. 25 A But I -- with the .Africa, I travel to places 03:35:41 Page 239</p>	<p>1 I've said, from individuals that I used to do 2 business with that has supported the initiative. 3 Yeah. 4 Q Okay. But you have not been working with 5 clients since you formed DCA Trust? 03:36:49 6 A Well, depends what you call clients. You 7 mean like individual customers? 8 Q Yes. Like the companies you were mentioning 9 before from Africa or elsewhere that you were 10 installing computer systems or doing the other work 03:37:05 11 you described. 12 A Not under my companies, yeah. 13 Q Okay. So CBS is not an active corporation 14 today? 15 A No, no. 03:37:14 16 Q Okay. 17 Have you ever worked for a -- a registrar, an 18 ICANN-accredited registrar? 19 A No. 20 Q Okay. Have you ever worked for an 03:37:30 21 ICANN-accredited registry? 22 A No. 23 Q Okay. 24 Your application refers to charitable 25 projects in the event you were successful as the 03:37:46 Page 241</p>

<p>1 .Africa applicant.</p> <p>2 Are there specific projects that you have in</p> <p>3 mind?</p> <p>4 A Yeah.</p> <p>5 Q What are those? 03:37:56</p> <p>6 A So the ones that listed on the application.</p> <p>7 Q Okay.</p> <p>8 A Which is supporting African women and African</p> <p>9 youth. We labeled them as Miss.Africa and</p> <p>10 Generation.Africa -- 03:38:06</p> <p>11 DEPOSITION OFFICER: You labeled them as?</p> <p>12 THE DEPONENT: Miss.Africa for -- for women</p> <p>13 and then Generation.Africa for youth.</p> <p>14 And then the other thing we listed was the</p> <p>15 CCTLDs, building capacity within the African CCTLDs. 03:38:22</p> <p>16 I -- that also came as a vision when I was doing</p> <p>17 Yes2dotAfrica campaign. And when the CCTLDs felt</p> <p>18 intimidated by .Africa, the large entity, so I</p> <p>19 proposed that model for the CCTLDs. Yeah.</p> <p>20 BY MR. LE VEE: 03:38:38</p> <p>21 Q Okay. And -- and the CCTLDs, those are</p> <p>22 country code?</p> <p>23 A Those are country codes.</p> <p>24 Q Okay. And when you say "threatened," at</p> <p>25 least in theory, if there's a .Africa top-level 03:38:46</p> <p style="text-align: right;">Page 242</p>	<p>1 that you and I had referred to, Ms. Bekele, from</p> <p>2 your Web site.</p> <p>3 This is the page that shows the team for the</p> <p>4 registry.</p> <p>5 A Okay. 03:57:53</p> <p>6 Q Correct?</p> <p>7 A Yes.</p> <p>8 (Exhibit 61 was marked for</p> <p>9 identification by the deposition</p> <p>10 officer and is attached hereto.) 03:57:56</p> <p>11 BY MR. LE VEE:</p> <p>12 Q And just to be clear, these people are not</p> <p>13 actually doing these jobs at this point because the</p> <p>14 registry has no operations?</p> <p>15 A Right. 03:58:04</p> <p>16 Q Okay.</p> <p>17 Are -- are these the people who would -- at</p> <p>18 this point in 2016, are these the people who would</p> <p>19 do these jobs if the .Africa TLD was awarded to DCA?</p> <p>20 A These are like C-level executives. You know 03:58:23</p> <p>21 that, right?</p> <p>22 Q I don't know.</p> <p>23 A Yeah.</p> <p>24 Q Okay.</p> <p>25 A If you read the titles of each of them -- 03:58:27</p> <p style="text-align: right;">Page 244</p>
<p>1 domain, people might be less inclined to purchase</p> <p>2 domain names in the CCTLDs --</p> <p>3 A Right.</p> <p>4 Q -- that are sponsored by other African</p> <p>5 countries? 03:39:02</p> <p>6 A Yes.</p> <p>7 Q Okay.</p> <p>8 A So on one of my presentations in Kampala, I</p> <p>9 remember they were very unhappy. So we proposed a</p> <p>10 model that would work for both sides in a close 03:39:10</p> <p>11 marketing scheme. Yeah.</p> <p>12 Q Okay.</p> <p>13 A So those are the three initiatives for --</p> <p>14 Q Thank you.</p> <p>15 MR. LE VEE: Okay. I need to take a short 03:39:22</p> <p>16 break.</p> <p>17 THE DEPONENT: Okay.</p> <p>18 MR. LE VEE: So let's do that.</p> <p>19 THE VIDEOGRAPHER: We are off the record at</p> <p>20 3:39 p.m. 03:39:27</p> <p>21 (Recess.)</p> <p>22 THE VIDEOGRAPHER: We are back on the record</p> <p>23 at 3:57 p.m.</p> <p>24 BY MR. LE VEE:</p> <p>25 Q Okay. So let me mark as Exhibit 61 the page 03:57:38</p> <p style="text-align: right;">Page 243</p>	<p>1 Q Yes.</p> <p>2 A -- they are like general counsel and --</p> <p>3 So you would need to hire engineers to do</p> <p>4 .Africa, which probably requires very few engineers.</p> <p>5 Q Okay. 03:58:40</p> <p>6 A Yeah.</p> <p>7 Q But you've contacted and had discussions with</p> <p>8 each of the people --</p> <p>9 A These people.</p> <p>10 Q -- on this exhibit? 03:58:46</p> <p>11 A All of them.</p> <p>12 Q Exhibit 61?</p> <p>13 A Yes.</p> <p>14 Q Okay.</p> <p>15 And presumably at this point they are doing 03:58:54</p> <p>16 jobs other --</p> <p>17 A Yeah, actually, yeah. Shanil handles the</p> <p>18 trust work. He's an accountant, CFO. And Barry</p> <p>19 Ryan, he's also part of the trust. So they know our</p> <p>20 work. 03:59:08</p> <p>21 Q Okay.</p> <p>22 A And CentralNic is not involved yet, so . . .</p> <p>23 And this is the general counsel, the last</p> <p>24 one.</p> <p>25 Q Got it. 03:59:16</p> <p style="text-align: right;">Page 245</p>

<p>1 I want to ask just a couple general 2 questions. 3 When you applied for .Africa in 2012, you 4 knew that you were not guaranteed the right to 5 operate .Africa, correct? 03:59:32 6 A Well, I didn't think that way. 7 Q So you just hadn't -- you under -- 8 A Obviously there is a competition. We -- I 9 understood that. 10 Q Okay. And you understood that there was a 03:59:45 11 chance that some other applicant would -- would 12 ultimately be the applicant selected? 13 A There was a chance? 14 Q Yes. 15 A In fact, with the endorsements in my hand, I 03:59:55 16 thought that we -- we would probably go into 17 contention of some sort. I didn't think we would 18 lose .Africa. 19 Q Okay. If it went into contention, then that 20 would involve an auction; is that right? 04:00:07 21 A Right. 22 Q And it could either be done as a private 23 auction or -- or ICANN-administered auction? Is 24 that your understanding? 25 A Yeah. 04:00:15</p> <p style="text-align: right;">Page 246</p>	<p>1 was obligated to give the applicant the registry 2 agreement? 3 MR. BROWN: Calls for a legal conclusion. 4 THE DEPONENT: I would think, according to 5 the rule book, that's what it says, yeah. 04:01:39 6 BY MR. LE VEE: 7 Q When you say "the rule book," the guidebook? 8 A The guidebook. 9 Q Okay. 10 A They call it "rule book." 04:01:44 11 Q Okay. I refer to it as the guidebook. 12 A No, it's good, but . . . 13 Q That's -- okay. 14 A It's also called "the bible." 15 Q I've heard of people refer to it as the 04:01:53 16 bible, yes. 17 The -- we talked about your -- the people who 18 had provided loans to DCA Trust. 19 Have any of those people asked you to repay 20 the loans to date? 04:02:14 21 A No. 22 Q Have any of those people told you that, in 23 the event a certain amount of time passes, that they 24 would require their loans to be repaid? 25 A Yes. 04:02:31</p> <p style="text-align: right;">Page 248</p>
<p>1 Q And if -- if it went to an ICANN-administered 2 auction, the -- and let's suppose for the moment 3 there are two entities that both have made it that 4 far -- then the winning bidder would be the one that 5 would operate .Africa, correct? 04:00:32 6 A How about if it's a private auction? 7 Q Still the winning bidder would operate 8 .Africa even if a private auction, right? 9 A Right. 10 Q So either way. If it goes to private or 04:00:42 11 public auction, the winning bidder is the entity 12 that would operate .Africa? 13 A Right. 14 Q And did you also understand that the board of 15 ICANN could decide for whatever reason not to permit 04:00:51 16 anybody to operate .Africa? 17 A No. 18 Q You did not have that understanding? 19 A No. As long as there is -- when you look at 20 the bylaws and the transparent process that's 04:01:11 21 building the new gTLD, we didn't feel like ICANN 22 would come out and say you have no right to operate 23 .Africa. 24 Q Okay. So your understanding was that if a 25 qualified applicant applied for a gTLD, the board 04:01:26</p> <p style="text-align: right;">Page 247</p>	<p>1 Q Okay. And who has told you that? 2 A The people who provided us the loans. 3 Q All of the people? 4 A Well, there aren't many people. 5 Q So who are the people who provided you the 04:02:41 6 loans? 7 A I think we already put it in the -- in the 8 financial proposal. 9 But I think it's confidential. I don't want 10 to say here. 04:02:56 11 Q Well, you -- we can -- 12 A ZACR's representatives are here. So . . . 13 Q We can mark it as confidential, but the 14 problem is that your declaration to the court says 15 that people might require you to repay your loans. 04:03:03 16 And so I have to be able to ask -- 17 A Or provide no support. 18 Yeah, but as to who will do it, it's 19 confidential and it's part of our financial 20 statements to ICANN in a confidential way. And I -- 04:03:18 21 MR. BROWN: Let -- let's mark this portion 22 "highly confidential." 23 Are you comfortable with that? 24 It would just be the lawyers. 25 MR. LE VEE: So if we can mark it "highly 04:03:25</p> <p style="text-align: right;">Page 249</p>

EXHIBIT 2

In the Matter Of:

DOTCONNECTAFRICA TRUST vs. INTERNET CORP.

2:16-cv-00862-RGK (JCx)

CHRISTINE WILLETT

October 07, 2016



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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

DOTCONNECTAFRICA TRUST,

Plaintiff,

vs.

CASE NO.

2:16-cv-00862-RGK (JCx)

INTERNET CORPORATION FOR
ASSIGNED NAMES AND NUMBERS,
et al.,

Defendants.

~~~~~

DEPOSITION OF  
CHRISTINE WILLETT

October 7, 2016

9:03 a.m.

11766 Wilshire Boulevard  
Suite 1670  
Los Angeles, California

Dawn Schetne, CSR No. 5140

1 only applications for a geographic name representative  
2 of an entire continent.

3 Q. Is it fair to say, then, there wasn't a .Asia  
4 or a .Europe or a .North America or South America at  
5 that time at least?

6 A. Correct. There were no other geographic names  
7 subject to this 60 percent pool.

8 Q. Did anybody tell you -- who is ICC?

9 A. So the ICC pertaining to this matter is  
10 Interconnect, a consultant who was engaged -- a firm  
11 that was engaged to perform geographic names panel  
12 evaluation work.

13 Q. Do you have an understanding as to why ICANN  
14 uses an outside consultant to do the work as opposed to  
15 doing it internally?

16 A. I do.

17 Q. Why is that?

18 A. As the program was developed in conjunction  
19 with the ICANN community and the applicant guidebook was  
20 written, the community felt it was important that ICANN  
21 staff did not evaluate the applications and make  
22 these -- perform all of the evaluation work ourselves,  
23 that it was the view of the community that it was  
24 important that experts, third-party independent experts,  
25 were leveraged to perform the various types of

1 evaluation.

2 Q. What sort of expertise, to your understanding,  
3 does ICC have in terms of evaluating geographic names?

4 A. Specifically, I do not know.

5 Q. Do you know how ICC was selected to be the  
6 geographic names panel?

7 A. I have a general knowledge on how ICC and other  
8 firms were selected.

9 Q. Give me what you know.

10 A. Okay.

11 Q. You obviously aren't here to testify to what  
12 you don't know, so tell me what you do.

13 A. Again, the identification selection of ICC  
14 predates my tenure at ICANN, but my understanding is  
15 that there was an expression of interest phase in which  
16 ICANN solicited expressions of interest from various  
17 vendors to perform and fulfill the obligations of our  
18 various panels. ICC, the Interconnect, was one of those  
19 firms that applied and expressed interest.

20 Q. Do you know if there were multiple applicants  
21 for the geo panel work?

22 A. Yes, there were.

23 Q. Do you know how many?

24 A. I don't know exactly, but I know that we  
25 engaged two panels, two different firms to divide up the

1 published, give or take?

2 A. I do not.

3 Q. Do you know whether -- back to sort of where we  
4 were in regard to the .Africa issues. Do you know  
5 whether ICC raised the question about what level of  
6 support would be necessary in the letters? To back up,  
7 you said the issue, I think, came to you from staff.  
8 Did you have an understanding the staff was looking at  
9 that issue because ICC was looking at it, or is it just  
10 something that staff came up with on their own? That's  
11 what I'm trying to get to.

12 A. I believe that the panel was asking questions  
13 of staff and looking for guidance from staff.

14 Q. When you say the panel, that would be ICC?

15 A. Yes.

16 MR. LeVEE: There are many panels that are  
17 referenced in the lawsuit, and so just to bear in mind,  
18 unless the context is clear, we should refer to the ICC.

19 THE WITNESS: Sure.

20 BY MR. BROWN:

21 Q. And I'll do my best to catch it and clarify it,  
22 but I might miss it as well. There are lots of  
23 acronyms, lots of panels, lots of groups. It's a little  
24 bit complicated.

25 Did you have any direct communications with ICC

1 yourself about whether any of these regional authorities  
2 like AUC or UNECA would be acceptable as an endorser?

3 MR. LeVEE: At any period of time?

4 MR. BROWN: Sure, at any period of time.

5 THE WITNESS: I don't recall any direct  
6 communication.

7 BY MR. BROWN:

8 Q. Who were you talking to within ICANN about the  
9 level of support that would be required for one of these  
10 regional gTLDs?

11 A. So my staff, Larisa Gurnick, was coordinating  
12 the geographic names panel evaluation. And the lawyers,  
13 the legal team.

14 Q. And which members of the legal team were you  
15 talking to at that time about this particular issue?

16 A. That would be Amy Stathos, Dan Halloran, and  
17 John Jeffrey.

18 Q. Was there a decision made at around the time of  
19 October or November, 2012, within ICANN as to whether  
20 the regional authorities like AUC and UNECA would be  
21 considered sufficient for meeting the 60 percent  
22 requirement?

23 A. So --

24 MR. LeVEE: I know you've seen documents on  
25 this.

1 ZACR or the AUC continued to ask for more assistance  
2 beyond the template that was in the applicant guidebook.

3 Q. Are you aware of any other circumstance where  
4 ICANN prepared a template letter for an applicant for an  
5 endorsement?

6 A. I don't recall specifically. It's something we  
7 would have done if anyone else had asked. The sample  
8 letter for the geographic names panel letter of support,  
9 I don't recall specifically, but there were other  
10 letters. Like a letter of credit we provided examples.  
11 Adequate letters of credit. We provided other examples  
12 to other applicants in other situations when they were  
13 challenged in providing adequate documentation.

14 Q. Do you know why the template letter in the  
15 applicant guidebook was not sufficient for ZACR or AUC  
16 to prepare an endorsement letter?

17 A. I don't.

18 Q. Do you recall anything else that came up  
19 about -- to your attention at least -- in regard to  
20 ZACR's endorsement letter from the AUC?

21 A. Just that they asked for it, and as you stated,  
22 Trang drafted such.

23 Q. Let's take a short break.

24 A. Okay.

25 MR. LeVEE: Okay.

1 reviewing the clarifying questions for .Africa?

2 A. So we had multiple staff responsible for  
3 reviewing clarifying questions. I don't know  
4 specifically who it would have been for .Africa.

5 Q. Who were the people it could have been? Can  
6 you give me the list?

7 A. Trang Nguyen, Yuko Green. Y-u-k-o. If we're  
8 talking about DCA's application, initial evaluation  
9 against geographic names panel evaluation in 2015, that  
10 would have been likely Russ Weinstein or Cristina  
11 Flores, C-r-i-s-t-i-n-a F-l-o-r-e-s.

12 Q. After the IRP panel issued a ruling on DCA, the  
13 board took action with respect to DCA's application;  
14 correct?

15 A. Yes.

16 Q. And what is your understanding of that action?

17 A. My understanding is that they accepted the IRP  
18 panel's declaration and instructed staff to resume the  
19 evaluation of DCA's application where it had been  
20 suspended.

21 Q. Was there any discussion that you're aware of  
22 within ICANN, either at the board level or at the staff  
23 level, about where in the process the DCA application  
24 should be placed after the IRP panel ruling?

25 A. I believe that staff read the -- I recall that

1 we read the board declaration and discussed that it was  
2 starting -- continuing the evaluation from the point it  
3 had previously stopped, rather than restarting.

4 Q. Did you -- do you attend board meetings?

5 A. Occasionally.

6 Q. Do you recall attending the board meeting where  
7 the decision on .Africa post IRP was made?

8 A. When they adopted the IRP declaration?

9 Q. Correct.

10 A. I don't recall.

11 Q. Was there any discussion at the staff level as  
12 to whether .Africa should be placed at a point after the  
13 geographic names review?

14 A. No.

15 Q. When -- how was it communicated to the ICC that  
16 the .Africa application would be restarted in the  
17 process, or its review would be restarted?

18 A. I believe we emailed them, emailed Mark  
19 McFadden at the ICC, to tell them that we needed them to  
20 resume their geographic names evaluation.

21 Q. Did anyone from ICANN and from the ICANN staff,  
22 to your knowledge, have a conversation with Mr. McFadden  
23 or anybody else at ICC around that time period where the  
24 review of DCA was going to start back again about the  
25 application or the application process for DCA's

1 how likely it was that DCA would pass the geographic  
2 names evaluation in 2015?

3 A. Certainly, yes.

4 Q. You said certainly, yes?

5 A. Yes.

6 Q. Who did you discuss that with?

7 A. With our legal staff. I'm sure I discussed it  
8 with my staff as well.

9 Q. What did you discuss with your staff about the  
10 likelihood of DCA passing geographic names evaluation in  
11 2015?

12 A. I think we discussed that they would either  
13 need to get an adequate letter from UNECA or AUC or that  
14 they'd have to get 36 other individual letters, and we  
15 expected that -- actually, we were expecting that we  
16 would get a request for a lengthy extension for that  
17 initial evaluation period in 2015. We expected DCA to  
18 have requested additional time to collect such letters.

19 Q. Did you understand DCA to request additional  
20 time?

21 A. My understanding is that no, they did not.

22 Q. Did you all discuss whether additional time  
23 would have been granted had it been asked for?

24 A. I'm sure we did.

25 Q. Did you reach a conclusion?

1 A. I believe we expected that we would have  
2 granted additional time. That was commensurate with the  
3 time that had been granted to other applicants similarly  
4 situated.

5 Q. Did you -- at or before that time, had you  
6 reviewed the existing AUC or UNECA endorsement letters  
7 that DCA had?

8 A. I had seen them.

9 Q. Based on your knowledge of ICC's evaluation and  
10 the evaluation of the other geographic review panel, did  
11 you have a reason to believe that those letters were not  
12 going to be found sufficient?

13 A. Given that almost all of the letters of support  
14 got clarifying questions, I expected that DCA's letters  
15 would receive clarifying questions and would have some  
16 deficiency.

17 Q. Were there any particular deficiencies that you  
18 had noted at that time?

19 A. Well, by 2015, as we had discussed earlier,  
20 those letters were issued -- two of the letters at least  
21 were issued in 2008 and 2009, I recall, so by 2015 they  
22 were even older. The panel would have had to verify  
23 over even a longer period. We expected that that  
24 verification process might have been more challenging.

25 Q. Any other particular challenges or concerns

1 that you had identified with regard to the existing  
2 letters that DCA had?

3 A. No.

4 Q. At some point DCA's application was determined  
5 insufficient for the initial review period; correct?

6 A. Correct. That was what we call -- they did not  
7 pass initial evaluation, so we said that they were  
8 eligible for extended evaluation.

9 Q. To your understanding, what was the basis for  
10 DCA's failure under the initial evaluation?

11 A. So the only aspect of the initial evaluation  
12 report which did not pass was the geographic names  
13 evaluation. That was the reason for not passing initial  
14 evaluation.

15 Q. It's fair, then, to assume that ICC determined  
16 that the existing AUC letter and existing UNECA letter  
17 were not sufficient; is that right?

18 A. Yes, that's correct. They issued clarifying  
19 questions, and DCA did not provide alternate letters of  
20 support.

21 Q. Did you ever -- did you come to have an  
22 understanding as to what specific defects ICC found in  
23 the AUC letter?

24 A. I don't recall specifically. I'd have to look  
25 at the CQs.

1 Government.

2 Q. I know there's a reference in the applicant  
3 guidebook. Let's actually look at that. Here you go.

4 A. It's a big book.

5 MR. BROWN: Here's an extra copy for you. It's  
6 easier than trying to find the other one.

7 Q. Are you familiar with that document?

8 A. The applicant guidebook, yes.

9 MR. LeVEE: Just for the record, this is the  
10 version dated June 4, 2012.

11 BY MR. BROWN:

12 Q. You might be better at finding this than I am.  
13 Where's the section that deals with endorsements, do you  
14 know? I have it marked, but I don't have it marked in  
15 this version, sadly.

16 A. Module 2 had a lot of the evaluation  
17 procedures. Geographic names review starts on  
18 page 2-16, so it's Exhibit 3, page 169.

19 Q. If you'd look at page 2-20. If you'd look at  
20 the paragraph that starts: It is also possible.

21 A. Uh-huh.

22 Q. It says: It is also possible that a government  
23 may withdraw its support for an application at a later  
24 time, including after the new gTLD has been delegated,  
25 if the registry operator has deviated from the

1 conditions of original support or nonobjection.

2 Do you see that?

3 A. Yes.

4 Q. The other situation you were talking about, the  
5 Moroccan one, do you know whether the registry operator  
6 deviated from any conditions of support or nonobjection  
7 in the original letter?

8 A. So the applicant is not the registry operator.  
9 They are not a contracted party, and they're not  
10 delegated. We would not -- they are still an applicant.

11 Q. So your view would be that -- your view would  
12 be that at the application stage the "if" clause that  
13 relates to this sentence doesn't apply; it only applies  
14 to registry operators?

15 A. My interpretation would be that that's one  
16 reason the government may choose to withdraw its  
17 support, but I expect it could be for any multitude of  
18 reasons.

19 Q. Other than what's in the guidebook, are there  
20 any policies and procedures that you're aware of at  
21 either ICANN or at ICC about what happens when -- in  
22 situations where a governmental body withdraws its  
23 support at a later point in time?

24 A. I'm not aware of it off the top of my head. I  
25 would suppose it would be based on any language in the

# **EXHIBIT 3**

| Page 1 |                                         | Page 3 |                                                                                                                         |
|--------|-----------------------------------------|--------|-------------------------------------------------------------------------------------------------------------------------|
| 1      | UNITED STATES DISTRICT COURT            | 1      | INDEX OF EXAMINATION                                                                                                    |
| 2      | CENTRAL DISTRICT OF CALIFORNIA          | 2      |                                                                                                                         |
| 3      | WESTERN DIVISION                        | 3      | WITNESS: AKRAM ATALLAH                                                                                                  |
| 4      |                                         | 4      | EXAMINATION PAGE                                                                                                        |
| 5      | DOTCONNECTAFRICA TRUST,                 | 5      | By Mr. Brown 6                                                                                                          |
| 6      | Plaintiff,                              | 6      | By Mr. LeVee 191                                                                                                        |
| 7      | vs. CASE NO.                            | 7      |                                                                                                                         |
|        | 2:16-cv-00862-RGK (JCx)                 | 8      |                                                                                                                         |
| 8      | INTERNET CORPORATION FOR                | 9      |                                                                                                                         |
| 9      | ASSIGNED NAMES AND NUMBERS,             | 10     | INFORMATION REQUESTED                                                                                                   |
| 10     | et al.,                                 | 11     | PAGE LINE                                                                                                               |
|        | Defendants.                             | 12     | 103 7                                                                                                                   |
| 11     | -----                                   | 13     |                                                                                                                         |
| 12     |                                         | 14     |                                                                                                                         |
| 13     |                                         | 15     |                                                                                                                         |
| 14     |                                         | 16     |                                                                                                                         |
| 15     | DEPOSITION OF                           | 17     |                                                                                                                         |
| 16     | AKRAM ATALLAH                           | 18     |                                                                                                                         |
| 17     |                                         | 19     |                                                                                                                         |
| 18     | October 5, 2016                         | 20     |                                                                                                                         |
| 19     | 10:09 a.m.                              | 21     |                                                                                                                         |
| 20     |                                         | 22     |                                                                                                                         |
| 21     | 11766 Wilshire Boulevard                | 23     |                                                                                                                         |
| 22     | Suite 1670                              | 24     |                                                                                                                         |
| 23     | Los Angeles, California                 | 25     |                                                                                                                         |
| 24     | Dawn Schetne, CSR No. 5140              |        |                                                                                                                         |
| 25     |                                         |        |                                                                                                                         |
| Page 2 |                                         | Page 4 |                                                                                                                         |
| 1      | APPEARANCES OF COUNSEL                  | 1      | INDEX TO EXHIBITS                                                                                                       |
| 2      |                                         | 2      |                                                                                                                         |
| 3      | For the Plaintiff:                      | 3      | Exhibit Description Page                                                                                                |
| 4      | BROWN, NERI, SMITH & KAHN LLP           | 4      | 1 Second amended notice of deposition of Defendant Internet Corporation For Assigned Names and Numbers Rule 30(b)(6) 23 |
| 5      | ETHAN J. BROWN, ESQ.                    | 5      |                                                                                                                         |
| 6      | 11766 Wilshire Boulevard, Suite 1670    | 6      | 2 Two emails dated 10-25-12, with attachment 37                                                                         |
| 7      | Los Angeles, California 90025           | 7      |                                                                                                                         |
| 8      | 310.593.9890                            | 8      | 3 Registry agreement 68                                                                                                 |
| 9      | 310.593.9980 Fax                        | 9      |                                                                                                                         |
| 10     | ethan@bnsklaw.com                       | 10     | 4 gTLD applicant guidebook 72                                                                                           |
| 11     | For the Defendant:                      | 11     |                                                                                                                         |
| 12     | JONES DAY                               | 12     | 5 Series of emails dated 10-22-15 106                                                                                   |
| 13     | JEFFREY A. LeVEE, ESQ.                  | 13     | 6 Email dated 8-1-15 to Board Members from Mike Silber, with attachment 111                                             |
| 14     | 555 South Flower Street, Fiftieth Floor | 14     | 7 Email dated 10-24-11 to africann@aftrinic.net from Esam Abulkhirat, with attachment 123                               |
| 15     | Los Angeles, California 90071-2300      | 15     |                                                                                                                         |
| 16     | 213.489.3939                            | 16     |                                                                                                                         |
| 17     | 213.243.2539 Fax                        | 17     | 8 New gTLD application 126                                                                                              |
| 18     | jlevee@jonesday.com                     | 18     |                                                                                                                         |
| 19     | Also Present:                           | 19     | 9 Series of emails dated 11-12-12 and 12-11-12 135                                                                      |
| 20     | Amy Stathos (Appeared Telephonically)   | 20     | 10 Email dated 7-13-15 to ICANN Board from Tarek Kamel, with attachment 149                                             |
| 21     | Sophia Bekele (Appeared Telephonically) | 21     | 11 Email dated 8-15-15 to ICANN Board; Transition Caucus from Chris Disspain 160                                        |
| 22     |                                         | 22     |                                                                                                                         |
| 23     |                                         | 23     | 12 Email dated 7-13-15 to ICANN Board from Bruce Tonkin 162                                                             |
| 24     |                                         | 24     |                                                                                                                         |
| 25     |                                         | 25     | 13 Series of emails dated 7-11-15 164                                                                                   |

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1 official member of those committees as well?  
2 A. Well, the official members are board members,  
3 but they're supported by staff, and there's a senior  
4 staff that supports the committees. I'm not one of  
5 those.  
6 Q. Do you attend board meetings?  
7 A. Yes.  
8 Q. All of them?  
9 A. Yes.  
10 Q. What was your -- I think you told me that as  
11 COO, you weren't involved in creation of the gTLD  
12 program, but you were involved in the implementation.  
13 Did I get that right?  
14 A. Yes.  
15 Q. So what -- when you say implementation, can you  
16 elaborate on that in terms of what you mean in terms of  
17 what your responsibilities were?  
18 A. Yes. We had the team that was developing -- so  
19 there are two parts to the new gTLD program. One part  
20 is developing the guidebook, which was done with the  
21 community. And then the other part was implementing the  
22 guidebook, which was done by staff, and included in that  
23 was developing the tools and the processes and the  
24 documentation for how to handle the different parts of  
25 the new gTLD program. Contracting different parties,

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1 making sure that they have their role and  
2 responsibilities understood.  
3 Q. Okay. Is it fair to say that your involvement  
4 was with the latter part? In other words, not the  
5 creation of the guidebook, but the processes and the  
6 implementation and the contracting.  
7 A. Exactly.  
8 Q. Okay. Could you walk me through just at a high  
9 level what the process is for an applicant to go through  
10 the new gTLD program? What happens first, and then kind  
11 of how does the process work through?  
12 MR. LeVEE: That's a really open-ended  
13 question. I mean, you know how long the guidebook is.  
14 BY MR. BROWN:  
15 Q. I'm just looking for a very high level, in  
16 terms of what the general process is.  
17 A. Sure.  
18 MR. LeVEE: Go ahead.  
19 THE WITNESS: So you have to fill out an  
20 application and pay a fee. After that there -- so there  
21 was a period during which you could apply. When the  
22 period closes, we announce all of the applications so  
23 that people do not know what other people are applying  
24 for. So after that window of application is open, we  
25 announce all of the different applications.

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1 Then depending on the type of applications that  
2 was applied, it goes through some different sets of  
3 processes to be evaluated. But what's common to all the  
4 applications is going through, like, technical and  
5 financial evaluation. There is background checks that  
6 happen, and also there are other processes that we go  
7 through. There is also a set of objections that people  
8 from outside of the applicants could object to, as well  
9 as applicants actually. They could object to a  
10 particular application. Then there are, like I said,  
11 categories of application. So if you are a community  
12 application or if you are a geo application or if you're  
13 a -- you know, there are different sorts of applications  
14 that go through specific evaluations that others do not  
15 go through. If you pass all of this and you pass your  
16 initial evaluation, then you move into what we call  
17 contracting, and then you move after contracting to  
18 delegation.  
19 Now, if you are in a contention set, that's a  
20 different issue. A contention set means two  
21 applications that applied for the same string. They can  
22 resolve this contention on their own, or if they  
23 haven't, eventually they get into what is called a --  
24 well, an auction that is done by ICANN.  
25 And one more thing in the process. I would

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1 say -- other than those -- and then there is also things  
2 that delay an application, like accountability  
3 mechanisms where people object to something that staff  
4 did or board decisions or so on, and these also happen  
5 within the program, and they could delay an application  
6 from moving forward.  
7 And I'm pretty sure I covered pretty much the  
8 big picture you asked for.  
9 BY MR. BROWN:  
10 Q. Thank you. I appreciate that.  
11 You understand we're here today about the  
12 applications related to .Africa; correct?  
13 A. Uh-huh.  
14 MR. LeVEE: You need to answer audibly.  
15 THE WITNESS: Yes.  
16 BY MR. BROWN:  
17 Q. And that's a geographic gTLD? Is that how you  
18 would refer to .Africa?  
19 A. Yes.  
20 Q. And for the geographic gTLDs, what approval  
21 processes do those specific gTLDs have to go through?  
22 A. So other than the main processes that all of  
23 the other gTLD -- other applicants have to go through, a  
24 geo application has to go through the geographical --  
25 well, actually, let me correct this. All of the

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1 Q. So what you're saying is you didn't provide an  
2 endorsement template, but you provided a letter of  
3 credit template?  
4 A. Yes.  
5 Q. All right. Now it's sinking in. Thank you.  
6 A. I mean, our job was to actually make sure that  
7 the applicants meet the requirements of the program, and  
8 we didn't want to actually fail them on ticky-tack  
9 issues, you know. If they failed, it should be on the  
10 actual obligations that they should meet, and so the  
11 letter was viewed as just a tool. Getting the approval  
12 was the challenge here. Or getting the recommendation  
13 was the challenge. So that's why we were okay providing  
14 them with a template.  
15 Q. Did you offer the template endorsement letter  
16 to any other applicants?  
17 A. Nobody asked, but if they -- not only in this  
18 particular case, but if anybody asked us for a letter or  
19 how we would like to see things, we did provide them  
20 with that information. CQs were part of that. I mean,  
21 the clarifying questions were part of that as well.  
22 It's to help them figure out how to put their  
23 information for us.  
24 Q. I'm going to ask you again. Not to be  
25 difficult, but I just want to make sure I understand it.

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1 I think what you're telling me is on the endorsement  
2 letter template, that you don't have any knowledge of  
3 actually providing that to anyone else, but you're  
4 saying if somebody asked hypothetically, you would have  
5 provided it; is that correct?  
6 A. Yes.  
7 Q. And you're telling me that there were templates  
8 of other things that you did provide to other people  
9 when they asked?  
10 A. Yes.  
11 Q. But those did not include template endorsement  
12 letters?  
13 A. Yes.  
14 Q. And it's also the case that you didn't make --  
15 you didn't make any of these templates available to all  
16 applicants on the website or anything like that? You  
17 didn't make them publicly available; is that right?  
18 A. So when something was asked for multiple times,  
19 then we would post it and make it available on the  
20 website. Putting something on the website takes time  
21 and effort, so if multiple people are asking and it  
22 becomes easier to put it on the website than to give it  
23 to them one by one, we did that.  
24 Q. Would it be the case, then, as far as you're  
25 aware, there weren't multiple requests for a template

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1 related to endorsements, so you never put that on the  
2 website? Is that right?  
3 A. Yes.  
4 Q. I think we have been going a little bit over an  
5 hour, so let's take a five- or 10-minute break.  
6 MR. LeVEE: Good idea.  
7 (Recess.)  
8 BY MR. BROWN:  
9 Q. Do you know anything about an ombudsman  
10 complaint that was made by DCA? Is that something  
11 you're familiar with?  
12 A. No.  
13 Q. Let me just -- I'm going to mark this. If you  
14 don't know anything about it, we'll just move on. I'll  
15 mark this as Exhibit 9.  
16 (Exhibit 9 was marked.)  
17 BY MR. BROWN:  
18 Q. Is this something you're familiar with at all?  
19 A. No, not really. I mean, I really don't recall.  
20 Q. Okay.  
21 A. And I think -- I mean, the ombudsman stuff is  
22 confidential, so unless I was needed, you know, I  
23 wouldn't be involved.  
24 Q. You weren't ordinarily involved in those --  
25 A. Yeah.

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1 Q. -- unless your conduct was at issue or they  
2 needed information from you?  
3 A. Yes.  
4 Q. Okay.  
5 A. Or if I happened to be at the board meeting,  
6 the board of governors committee meeting where this is  
7 discussed.  
8 Q. Sure. Do you know if anybody at ICANN asked  
9 AUC directly about either their initial endorsement of  
10 DCA or their withdrawal -- or their purported withdrawal  
11 of their endorsement of DCA?  
12 A. No, I'm not aware of that.  
13 Q. You don't know whether ICANN called them up and  
14 said, hey, we've got an endorsement, we've got a  
15 withdrawal, what's up, what's going on with you guys?  
16 A. No.  
17 Q. Nobody did that, as far as you know?  
18 A. No.  
19 Q. Okay.  
20 A. It's also important to know that a single  
21 country could endorse two applications.  
22 Q. A single could or could not?  
23 A. They can.  
24 Q. Can. Okay.  
25 A. So it wouldn't surprise us if they did.

# **EXHIBIT 4**

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

DATE: 12/22/16

DEPT. 53

HONORABLE HOWARD L. HALM

JUDGE

S. SMYTHE

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

1  
F. RODRIGUEZ, C.A.

Deputy Sheriff

S. DORN, CSR #11387

Reporter

8:29 am

BC607494

Plaintiff

BROWN, HERI, SMITH & KHAN

Counsel

BY: ETHAN J. BROWN  
and KETE BARNES

Defendant

JONES DAY

Counsel

BY: JEFFREY A. LeVEE  
and ERIN L. BURKE

DOTCONNECTAFRICA TRUST  
VS.  
INTERNET CORPORATION FOR  
ASSIGNED NAMES AND NUMBERS

170.6 JUDGE KWAN BY DEFENDANT

**NATURE OF PROCEEDINGS:**

**ALSO APPEARING:**

KESSELMAN BRANTLY STOCKINGER  
BY: DAVID W. KESSELMAN  
and AMY T. BRANTLY

**MOTION OF PLAINTIFF DOTCONNECTAFRICA TRUST,  
FOR PRELIMINARY INJUNCTION**

The motion of plaintiff DotConnectAfrica Trust for a Preliminary Injunction comes on for hearing.

The plaintiff is seeking to enjoin defendant Internet Corporation for Assigned Names and Numbers (ICANN) from issuing the .Africa generic top level domain (gTLD) until this case has been resolved.

The matter is argued at length and stands submitted.

Note that the court advised counsel that he was lacking exhibit F to the declaration of Mokgabudi Lucky Masilela, with its summary of costs, which was conditionally placed under seal by prior order of court.

A copy was provided by the intervenor's counsel, and will be returned to counsel upon service of the court's ruling.

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 12/22/16

DEPT. 53

HONORABLE HOWARD L. HALM

JUDGE

S. SMYTHE

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

1  
F. RODRIGUEZ, C.A.

Deputy Sheriff

S. DORN, CSR #11387

Reporter

8:29 am

BC607494

|           |                                           |
|-----------|-------------------------------------------|
| Plaintiff | BROWN, HERI, SMITH & KHAN                 |
| Counsel   | BY: ETHAN J. BROWN<br>and KETE BARNES     |
| Defendant | JONES DAY                                 |
| Counsel   | BY: JEFFREY A. LeVEE<br>and ERIN L. BURKE |

DOTCONNECTAFRICA TRUST  
VS.  
INTERNET CORPORATION FOR  
ASSIGNED NAMES AND NUMBERS

170.6 JUDGE KWAN BY DEFENDANT

**NATURE OF PROCEEDINGS:**

The court sets this matter for a case management conference on 1-23-17, 8:30 a.m., this department.

The court intends to set the matter for trial at that time, and asks that counsel begin checking their calendars for mutually agreeable dates.

Case Management Statements must be submitted before the conference.

LATER: The plaintiff's motion for the imposition of a Preliminary Injunction is denied, based on the reasoning expressed in the oral and written arguments of defense counsel.

Further, the court has considered the unopposed application of the defendant to file exhibit F to the Masilela declaration under seal, and it is so-ordered.

Clerk to give notice.

CLERK'S CERTIFICATE OF MAILING

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the minute order dated 12-22-16 upon all parties/counsel named below by placing the document for collection and mailing so as to

|                                                           |
|-----------------------------------------------------------|
| <b>MINUTES ENTERED</b><br>12/22/16<br><b>COUNTY CLERK</b> |
|-----------------------------------------------------------|

9107767771

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

DATE: 12/22/16

DEPT. 53

HONORABLE HOWARD L. HALM

JUDGE S. SMYTHE

DEPUTY CLERK

HONORABLE  
1

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

F. RODRIGUEZ, C.A.

Deputy Sheriff

S. DORN, CSR #11387

Reporter

8:29 am

BC607494

DOTCONNECTAFRICA TRUST  
VS.  
INTERNET CORPORATION FOR  
ASSIGNED NAMES AND NUMBERS

|           |                                           |
|-----------|-------------------------------------------|
| Plaintiff | BROWN, HERI, SMITH & KHAN                 |
| Counsel   | BY: ETHAN J. BROWN<br>and KETE BARNES     |
| Defendant | JONES DAY                                 |
| Counsel   | BY: JEFFREY A. LeVEE<br>and ERIN L. BURKE |

170.6 JUDGE KWAN BY DEFENDANT

**NATURE OF PROCEEDINGS:**

cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Dated: 12-22-16

Sherri R. Carter, Executive Officer/Clerk

By: \_\_\_\_\_

*[Signature]*  
S. Smythe, Deputy

Brown, Neri, Smith & Khan  
Attn.: Ethan J. Brown, Esq.  
11766 Wilshire Blvd., #1670  
Los Angeles, Calif. 90025

Jones Day  
Attn.: Jeffrey A. LeVee, Esq.  
555 S. Flower St., 50th Floor  
Los Angeles, Calif. 90071-2300

|                                                           |
|-----------------------------------------------------------|
| <b>MINUTES ENTERED</b><br>12/22/16<br><b>COUNTY CLERK</b> |
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9107/07/71

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

DATE: 12/22/16

DEPT. 53

HONORABLE HOWARD L. HALM

JUDGE

S. SMYTHE

DEPUTY CLERK

HONORABLE  
1

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

F. RODRIGUEZ, C.A.

Deputy Sheriff

S. DORN, CSR #11387

Reporter

8:29 am

BC607494

Plaintiff

BROWN, HERI, SMITH & KHAN

Counsel

BY: ETHAN J. BROWN  
and KETE BARNES

Defendant

JONES DAY

Counsel

BY: JEFFREY A. LeVEE  
and ERIN L. BURKE

DOTCONNECTAFRICA TRUST  
VS.  
INTERNET CORPORATION FOR  
ASSIGNED NAMES AND NUMBERS

170.6 JUDGE KWAN BY DEFENDANT

**NATURE OF PROCEEDINGS:**

Kesselman Brantly Stockinger LLP  
Attn.: David W. Kesselman, Esq.  
1230 Rosecrans Ave., #690  
Manhattan Beach, Calif. 90266