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11 DOTCONNECTAFRICA TRUST

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **COUNTY OF LOS ANGELES - CENTRAL**

14 DOTCONNECTAFRICA TRUST, a Mauritius
15 charitable trust,

16 Plaintiff,

17 v.

18 INTERNET CORPORATION FOR
19 ASSIGNED NAMES AND NUMBERS, *et al*,

20 Defendants.

Case No. BC607494

[Assigned to Hon. Howard L. Halm]

**DECLARATION OF ROWENNAKETE P.
BARNES IN SUPPORT OF PLAINTIFF
DCA'S OPPOSITION TO DEFENDANT
ICANN'S MOTION FOR PROTECTIVE
ORDER**

Date: December 13, 2017

Hearing: 8:30 a.m.

Dept.: 53

1 **DECLARATION OF ROWENNAKETE P. BARNES**

2 I, Rowennakete P. Barnes, declare as follows:

3 1. I am an attorney at the law firm of Brown Neri Smith & Khan, LLP and licensed
4 to practice in all courts in the State of California. I am counsel of record for Plaintiff
5 DotConnectAfrica Trust (“DCA”). The matters referred to in this declaration are based upon my
6 personal knowledge, and/or when referencing documents, such documents were reviewed by me,
7 and if called as a witness, I could and would testify competently thereto.

8 2. Throughout this proceeding, I have met and conferred with counsel for ICANN as
9 to the remainder of ICANN’s document production. I have asked on numerous occasions for
10 ICANN to confirm either that it has produced all documents responsive to the request for
11 production that DCA has served in this matter, or for a date when the production would be
12 complete. As of this date, I have received neither a confirmation, nor a date when the document
13 production would be complete.
14

15 3. Attached hereto as **Exhibit 1**, is a true and correct copy of an email summarizing
16 our latest meet and confer efforts regarding the outstanding discovery and other issues.

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

19
20 Executed on this 30th day of November 2017, at Albany, New York.

21
22 
23 Rowennakete P. Barnes

EXHIBIT 1

Kete Barnes

From: Kete Barnes
Sent: Wednesday, October 4, 2017 1:32 PM
To: 'Pushinsky, Amanda'
Cc: Ethan Brown; Sara Colón; LeVee, Jeffrey A.; Burke, Erin L.
Subject: DCA v. ICANN - Meet and Confer

Amanda,

Thanks for taking the time to speak with me. This email is to memorialize our discussion. I'll separate out the topics discussed for clarity.

- ICANN's document production responsive to DCAs RFPs that implicate ZACR: You indicated that ICANN intends to produce all responsive documents either by the end of this week or next week, and that DCA will be provided sufficient time to review any documents prior to the depositions of ZACR. DCA reserves all rights to re-notice the depositions and seek costs for the depositions, in the event that documents are not produced or there is insufficient time to review documents produced.
- ICANN's document production responsive to DCA's RFPs that implicate Fadi Chehade: You indicated that the production of documents will be dependent on the date of the deposition, with respect to availability of the deponent and counsel. You also indicated that you were unaware at this point whether ICANN would be representing Mr. Chehade.
- ICANN's remaining document production: You indicated that you could not give me an exact date at this point, due to the voluminous amount of documents, but that ICANN hopes to have all remaining documents produced in the next two to three weeks.
- ICANN_DCA00014882-16312: I explained that DCA is missing this range of documents, although it was referenced as being produced in an email from Victoria Taraktchian dated 11/23/16. DCA is also missing a zip file of ICANN_DCA_007. You indicated that you would look into the production of those documents. Please have them reproduced, or produced, if they have not been already.
- ICANN's Document Request served yesterday: Although DCA has produced non-original copies of the document requested, you indicated that ICANN desires the original of the document because of the issues surrounding the signature on the document.
- DCA's outstanding discovery obligations: I informed you that I have spoken to our client regarding the missing metadata in DCA's production, whether any documents remain for DCA to produce, and when the supplemental interrogatory regarding DCA's damages will served. I do not have a date at this point when DCA will respond, but I hope to within the next few days.
- Judicial Estoppel Final Status Conference: You indicated that the clerk wanted to clarify that the Final Status Conference for the judicial estoppel trial remained calendared for February 16 and that for each trial, and all pretrial documents should be treated separately, i.e. exhibit lists, witness lists, etc. would be required for each trial and should be kept entirely separate in terms of the issues.

I believe this accurately describes our conversation, but please let me know if I have missed anything or if anything is incorrect.

Best Regards,

Kete Barnes

Kete Barnes – *Associate*

Telephone: (310) 593-9890

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