

No. 16-55693

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

DOTCONNECTAFRICA TRUST,

Plaintiff-Appellee,

v.

**INTERNET CORPORATION FOR ASSIGNED NAMES
AND NUMBERS, ET AL.,**

Defendants-Appellant.

On Appeal From the United States District Court
For the Central District of California
Case No. CV 16-00862-RGK
The Honorable R. Gary Klausner

**APPELLANT'S UNOPPOSED MOTION FOR AN EXTENSION
OF TIME TO FILE OPENING BRIEF**

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Attorneys for Defendant-Appellant
**INTERNET CORPORATION FOR ASSIGNED NAMES AND
NUMBERS**

Appellant Internet Corporation For Assigned Names And Numbers (“ICANN”) respectfully moves for an extension of time, from June 8, 2016 to June 29, 2016, within which to file its opening brief in this preliminary injunction appeal. ICANN makes this request because, on June 6, 2016, the district court will hear defendant ZA Central Registry’s (“ZACR’s”) motion to reconsider the preliminary injunction order from which this appeal is taken. The requested extension of time will give the district court an opportunity to rule on the motion to reconsider and, to the extent that ruling does not moot this appeal, will allow ICANN the opportunity to address the district court’s ruling in its opening brief.

This Court may grant the requested extension under Rule 26(b) of the Federal Rules of Appellate Procedure and Ninth Circuit Rule 31-2.2(b). Plaintiff-appellee DotConnectAfrica Trust (“Plaintiff”) does not oppose the requested extension on the condition that its Appellee’s Brief shall be due on August 5, 2016, which request ICANN does not oppose. ZACR does not oppose the requested extension. The grounds for this motion are as follows, and are explained in the accompanying Declaration of Jeffrey A. LeVee.

This appeal is from the district court’s preliminary injunction entered against ICANN on April 12, 2016. ECF No. 75.¹ Although ZACR was named in the complaint as a defendant along with ICANN, Plaintiff did not serve ZACR until

¹ “ECF” references are to the docket in the court below, No. CV 16-00862-RGK (C.D. Cal.).

March 22, 2016, the day after briefing on Plaintiff's preliminary injunction motion was completed. *See* ECF No. 85 at 4. As such, ZACR did not have an opportunity to participate in the briefing on Plaintiff's preliminary injunction motion.

ZACR filed its motion to reconsider on May, 6, 2016. ECF No. 85. ICANN joined in that motion on May 10, 2016. ECF No. 86. The motion to reconsider is currently scheduled to be heard on June 6, 2016. As a result, ICANN requests an extension of time to file its opening brief, through June 29, 2016, to permit ICANN to address the district court's ruling on the motion to reconsider, to the extent that the district court's ruling does not moot this appeal.

Dated: May 18, 2016

Respectfully submitted,

JONES DAY

By: /s/ Jeffrey A. LeVee

Jeffrey A. LeVee

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**DECLARATION OF JEFFREY A. LEVEE IN SUPPORT OF
APPELLANT’S UNOPPOSED MOTION FOR AN EXTENSION OF TIME
TO FILE OPENING BRIEF**

I, Jeffrey A. LeVee, declare:

1. I am a Partner with Jones Day, in its Los Angeles, California office, counsel of record for appellant Internet Corporation for Assigned Names and Numbers (“ICANN”) in this preliminary injunction appeal. I have personal knowledge of the matters set forth below and if called to testify to them, could do so competently.

2. ICANN is seeking an extension of time, until June 29, 2016, within which to file its opening brief. ICANN’s opening brief is currently due on June 8, 2016. No previous extensions for this brief have been sought or granted.

3. The grounds for this extension are as follows: On June 6, 2016, the district court will hear defendant ZA Central Registry’s motion for reconsideration of the preliminary injunction order from which this appeal is taken. The requested extension of time will afford the district court an opportunity to rule on the pending motion and, to the extent that the district court’s ruling does not moot the appeal, will allow ICANN the opportunity to address that ruling in its opening brief.

4. I have exercised diligence regarding this matter, and will file ICANN’s opening brief within the time requested, unless subsequent events render

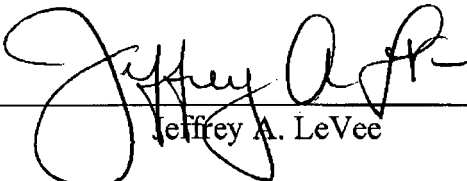
it necessary to further adjust the briefing schedule so as to best conserve this Court's resources.

5. Counsel for defendant ZA Central Registry and counsel for appellee DotConnectAfrica Trust have both informed me that they do not oppose the requested extension. However, counsel for appellee DotConnectAfrica Trust does not oppose the requested extension only on the condition that its Appellee's Brief shall be due on August 5, 2016, which request ICANN does not oppose.

6. The court reporter is not in default with regard to any designated transcripts, because there are no transcripts relevant to this appeal.

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

Executed this 18th day of May, 2016, at Albuquerque, New Mexico.



Jeffrey A. LeVee

CERTIFICATE OF SERVICE

I, Jeffrey A. LeVee, counsel for Appellant ICANN, certify that I electronically filed the foregoing documents with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on May 18, 2016.

I certify that the following participants in this case are registered CM/ECF users and will be served by the appellate CM/ECF system.

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I further certify that the following participant in this case is not registered with the CM/ECF system and will be served by e-mail by mutual agreement.

Defendant ZA Central Registry	David W. Kesselman, Esq. dkesselman@kbsllaw.com Kesselman Brantly Stockinger LLP 1230 Rosecrans Ave, Suite 690 Manhattan Beach, CA 90266 Telephone: (310) 307-4556 Facsimile: (310) 307-4570
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/s Jeffrey A. LeVee

Jeffrey A. LeVee