

**14-7193(L), 14-7194, 14-7195, 14-7198, 14-7202, 14-7203, 14-7204**

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IN THE  
**United States Court Of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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SUSAN WEINSTEIN, *et al.*,  
*Plaintiffs-Judgment Creditors-Appellants*

v.

ISLAMIC REPUBLIC OF IRAN, *et al.*,  
*Defendants-Judgment Debtors*

v.

INTERNET CORPORATION FOR THE ASSIGNMENT OF NAMES AND NUMBERS,  
*Third Party Garnishee-Appellee*

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**APPELLANTS' MOTION TO CERTIFY QUESTION  
TO D.C. COURT OF APPEALS AND  
TO SUSPEND THE BRIEFING SCHEDULE**

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Plaintiffs-Appellants,  
by their Attorneys,

Robert J. Tolchin, Esq.  
Meir Katz, Esq.  
The Berkman Law Office, LLC  
Contact Information Redacted

Pursuant to Fed. R. App. P. 27 and D.C. CODE § 11-723, Appellants Weinstein *et al.* (the Plaintiffs-Judgment Creditors-Appellants in all seven consolidated cases) (“Plaintiffs”) respectfully request that this Court Certify to the D.C. Court of Appeals the following question:

Whether D.C. CODE § 16-544, which provides that a judgment creditor may attach the “goods, chattels, and credits” of the judgment debtor, permits a judgment creditor to attach top level domain names and IP addresses of the judgment debtor.

The Plaintiffs additionally respectfully request that this Court suspend the briefing schedule, pending remand from the D.C. Court of Appeals or this Court’s denial of the instant motion. Alternatively, if this Court is not inclined to certify the question above or suspend the briefing schedule, Plaintiffs respectfully request an extension of time in which to file their opening brief of 21 days from the date of this Court’s order denying the instant motion. The Appellants conferred with counsel to Appellee Internet Corporation for the Assignment of Names and Numbers (“ICANN”), who state that ICANN intends to oppose the instant motion.

#### **A. Background**

This appeal is from seven judgment enforcement proceedings before the district court, consolidated on appeal. The Plaintiffs are each victims of terrorism and are judgment creditors of Iran, Syria, and North Korea. Their unsatisfied judgments cumulatively total many hundreds of millions of dollars. They initiated

these judgment enforcement proceedings in an effort to partially satisfy those judgments.

Each of the judgment proceedings was an independent case involving different facts and different defendants. They were united before the district court for the purpose of executing those judgments against the various defendants with assets held, owned, and/or controlled by ICANN. The various plaintiffs from these seven actions served writs of attachment against ICANN and initiated turnover proceedings in order to receive those assets in satisfaction of their various judgments. *See* Exhibit A. Together with those writs of attachment, Plaintiffs attached a letter and subpoenas in which they made clear that they were attaching the top level domain names (for example, Iran's .IR, as in [www.example.ir](http://www.example.ir)) and internet protocol ("IP") addresses of Iran, Syria, and North Korea. Exhibit B.

In partial response to the aforementioned writs of attachment, ICANN filed a motion to quash in each of the seven actions. *See, e.g., Weinstein v. Islamic Rep. of Iran*, No. 00-cv-2601, DE 89 (filed July 29, 2014). That motion to quash, accompanied by 240 pages of exhibits and a twenty-two page memorandum of law, rested on substantive questions that get to the heart of these attachment proceedings. ICANN addressed in that motion questions such as whether the property sought by the writs of attachment are in fact subject to attachment, where the property is located, whether ICANN has the authority to transfer it, and what role the Foreign

Sovereign Immunities Act plays in determining whether the plaintiffs may collect that property. *See id.* at DE 89-1, p. i.

The Plaintiffs responded by filing a motion for a six-month period of discovery for the purpose of facilitating their response to ICANN's substantive motion. *See, e.g., Weinstein*, No. 00-cv-2601, DE 107. The Plaintiffs explained that the issues raised by ICANN's motion to quash concern novel questions of law about which there exists little precedent and turn on technical facts about which the average citizen knows very little. The Plaintiffs further explained that notwithstanding ICANN's extensive submission of exhibits to the district court, the presented documents "do not present a complete picture with regard to the relevant facts" and that the "Plaintiffs' research to date demonstrates that [ICANN's presentation] is far from" the reality. *Id.*, memorandum of law at 6-7. The Plaintiffs thus argued that in order to properly respond to ICANN's motion to quash, they needed to take discovery on a number of discrete issues.<sup>1</sup>

Two days later, the Plaintiffs responded to ICANN's motion to quash. Their response, styled as a "*Preliminary Response*," was not even two full pages in length.

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<sup>1</sup> For the sake of brevity, Plaintiffs refrain from describing those issues here or explaining precisely what they had hoped to learn during discovery. The scope of that discovery is not at issue on this motion. Plaintiffs refer the court to pages 8-16 of their memorandum in support of their motion for discovery (*Weinstein*, No. 00-cv-2601, DE 107) for a fuller account.

It briefly described the pending motion for discovery and indicated that such discovery was necessary for them to properly respond to ICANN's motion. *See, e.g., Weinstein*, No. 00-cv-2601, DE 108 (emphasis added). It offered no substantive analysis and was clearly intended as a *preliminary* response, pending discovery.

The district court denied the motion for discovery and, without allowing the Plaintiffs any further briefing on ICANN's motion to quash, granted that motion to quash. It did so upon resolving a single question of law: whether country code top level domain names are subject to attachment in the District of Columbia. Exhibit C at 6-8.<sup>2</sup>

The district court held that the question was a matter of first impression in the District of Columbia. It added: "There is little authority on the question of whether Internet domain names may be attached in satisfaction of a judgment. Indeed, no reported decision of any American court appears to have decided the specific issue of whether a ccTLD<sup>3</sup> may be attached." *Id.* at 6. Finding nothing within the District of Columbia to guide its decision, the district court simply applied the law of Virginia, finding a decision by Virginia's high court to be "helpful," even if not directly on point. *Id.* And, in applying Virginia law, the district court held that the

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<sup>2</sup> Notably, the district court made no mention of the IP addresses described *supra*. This was likely a function of the court not affording the Plaintiffs the opportunity to offer a full response after denying their motion for discovery.

<sup>3</sup> The standard abbreviation for "country code top level domain."

assets, even if “intangible property,” “may not be attached in satisfaction of a judgment under *District of Columbia* law.” *Id.* at 8 & n.2 (emphasis added) (citing *Kremen v. Cohen*, 337 F.3d 1024, 1030 (9th Cir. 2002)).

## **B. Argument**

In resolving this appeal, a reviewing court will certainly have to review *de novo* (see *Wolff v. Westwood Management, LLC*, 558 F.3d 517, 519 (D.C. Cir. 2009) (“[A] determination involving interpretation of state law...is a legal conclusion subject to our *de novo* review[.]”) the district court’s construction of D.C. attachment law. (After all, the district court addressed no other legal issue.) Specifically, the reviewing court will need to determine the meaning of D.C. CODE § 16-544<sup>4</sup> as applied to the present facts. Given the sparse record and the fact that the Plaintiffs were denied the opportunity to brief the substantive questions in this case, there appears to be no way to finally resolve this appeal without construing § 16-544. And so construing that statute is, without question, the simplest, most efficient, and most logical means of resolving this appeal.

But because § 16-544 has been so seldom construed—indeed, prior to this case, it was cited by just one published opinion, *U.S. v. Thornton*, 672 F.2d 101, 104 n.7 (D.C. Cir. 1982), in a footnote and only for the purpose of reciting *all* of the D.C.

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<sup>4</sup> That statute provides in full: “An attachment may be levied upon the judgment debtor’s goods, chattels, and credits.” D.C. CODE § 16-544.

statutes governing “Attachment and Garnishment After Judgment in Aid of Execution”—this Court would have nearly nothing to guide it were it to attempt to resolve this important question of first impression.

D.C. CODE § 11-723 permits this Court to certify questions of law to the D.C. Court of Appeals. It is patently applicable in this case and, Plaintiffs submit, should be utilized. As this Court explained:

We are mindful that a “federal court...should normally decline to speculate on... a question of local doctrine.” *East v. Graphic Arts Indus. Joint Pension Trust*, 107 F.3d 911, 911 (D.C.Cir.1997)... In deciding whether to certify such a question to the District of Columbia Court of Appeals, we ask whether District of Columbia law is “genuinely uncertain” with respect to the dispositive question, *Dial A Car, Inc. v. Transp., Inc.*, 132 F.3d 743, 746 (D.C.Cir.1998)..., and whether the case “is one of extreme public importance,” *id.*... Where there is a “discernable path for the court to follow,” we do not avoid deciding the question. *Id.*

District of Columbia law presents no such path in this case, and, while the scope of the pollution exclusion clause has been the subject of extensive litigation in other jurisdictions, we can find no common ground of opinion among the courts that have construed the clause. Finally, the question is one of significant import to the public. Because the pollution exclusion clause appears in the standard commercial comprehensive general liability policy, it potentially affects the insurance coverage of most businesses in the District of Columbia. *See, e.g., Doerr v. Mobil Oil Corp.*, 774 So.2d 119, 123 n. 1 (La.2000) (“Some form of this pollution

exclusion is part of the standard [commercial general liability] policy purchased by almost all large and small businesses since the mid-1980s.”) (citation omitted).

*Nationwide Mut. Ins. Co. v. Richardson*, 270 F.3d 948, 950 (D.C. Cir. 2001) (paragraph break added); *see also Schuchart v. La Taberna Del Alabardero, Inc.*, 365 F.3d 33, 34 (D.C. Cir. 2004) (reiterating that “it would be inappropriate for this court to speculate on a matter of ‘local doctrine[.]’”).

The elements outlined in *Nationwide* are all satisfied. Whether D.C. CODE § 16-544 reaches intangible property such as the IP addresses and top level domain names described in the writs of attachment is certainly a question of “local doctrine” about which District of Columbia law is “genuinely uncertain” and offers no “discernable path for the court to follow.” It is also a question about which there exists a difference of opinion. Indeed, most courts to consider related questions have resolved those questions in line with the Plaintiffs’ reasoning here. *See, e.g., Kremen v. Cohen*, 337 F.3d 1024, 1030 (9th Cir. 2003) (domain names are attachable intangible property under California law); *Office Depot, Inc. v. Zuccarini*, 596 F.3d 696, 701-702 (9th Cir. 2010) (holding that judgment debtor’s domain name may be transferred to receiver to aid in execution of judgment in California); *Sprinkler Warehouse, Inc. v. Systematic Rain, Inc.*, 859 N.W.2d 527, 531 (Minn. Ct. App. 2015) (a domain name is subject to attachment by garnishment under Minnesota law), *review granted* Apr. 28, 2015. And determining whether victims of terrorism



may satisfy their judgments by attaching intangible Internet assets, such as top level domain names and IP addresses, is quite obviously a question “of significant import to the public.”

Accordingly, Plaintiffs submit, this Court should refrain from resolving the meaning of § 16-544 and, instead, ask the D.C. Court of Appeals to do so.

Given that § 11-723 permits certification given the instant circumstances and in light of the inevitability that some court will have to review the district court’s conclusions on § 16-544, the Plaintiffs respectfully request that this Court certify the question stated above *now*, prior to the parties submitting their briefing in this case. Waiting until after briefing—and certainly waiting until after oral argument—to certify the question above will needlessly waste scarce judicial resources, unnecessarily compel redundant work and needless expense, and delay the final resolution of these proceedings. Certifying that question now, enabling the D.C. Court of Appeals to immediately resolve this important question of D.C. law, however, will greatly advance the resolution of these proceedings and give this Court the ability to more properly and expeditiously resolve this appeal. Indeed, it is quite possible that after receiving the answer from the D.C. Court of Appeals, this Court will be able to summarily vacate and remand or else affirm the decision of the district court, without the need for extensive briefing and oral argument.

### **C. Conclusion**

Accordingly, the Plaintiffs respectfully request that this Court 1) certify the following question to the D.C. Court of Appeals:

Whether D.C. CODE § 16-544, which provides that a judgment creditor may attach the “goods, chattels, and credits” of the judgment debtor, permits a judgment creditor to attach top level domain names and IP addresses of the judgment debtor.

and 2) enter an order suspending the briefing schedule in this appeal, pending either remand from the D.C. Court of Appeals or this Court’s denial of the instant motion. Alternatively, if this Court is not inclined to either certify the instant question or suspend the briefing schedule, Plaintiffs respectfully request an extension of time in which to file their opening brief of 21 days from the date of this Court’s order denying the instant motion.

Dated: Baltimore, Maryland  
May 29, 2015

Respectfully submitted,

THE BERKMAN LAW OFFICE, LLC  
*Attorneys for the Plaintiffs-Appellants*

by:     /s/ Meir Katz      
Meir Katz

Contact Information Redacted



# Exhibit A

CO-901A  
Rev. 4/10

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Susan Weinstein, et al.

The Islamic Republic of Iran, et al.

Plaintiff(s)

vs

Defendant(s)

CIVIL ACTION NO. 00-2601 (RCL)  
WRIT OF ATTACHMENT ON JUDGMENT  
OTHER THAN WAGES, SALARY AND COMMISSIONS

To Internet Corporation for Assigned Names and Numbers

801 17th Street NW, Suite 400, Washington, DC 20006

Garnishee:

You are hereby notified that any money, property or credits other than wages, salary and commissions of the above named defendant(s), are seized by the Writ of Attachment, and you are required to hold it and not to pay or surrender it to the defendant(s) or to anyone else without an order from this court.

The Judgement against the defendant was entered on February 6, 2002 in the amount of one hundred eighty three million two hundred forty eight thousand and one hundred sixty four dollars (\$ 183,248,164 ) and the costs amounting to \$ \_\_\_\_\_ with interest at an annual rate of 2.25 % from February 6, 2002 less credits of \$ Approximately \$5,000,000.

Within ten (10) days after this writ is served upon you, you are required to answer the interrogatories, **UNDER PENALTY OF PERJURY**, and to file in this Court the original and one copy of the answers, and to serve a copy, by mail or other means, upon the plaintiff(s) and upon the defendant(s). If you fail to do so, judgment may be entered against you for the entire amount of the plaintiff's claims with interest and costs.

Witness the Honorable Chief Judge of said Court, this 24<sup>th</sup> day of June, 2014.

Angela D. Caesar, Clerk

By [Signature]  
Deputy Clerk

Robert J. Tolchin, The Berkman Law Office, LLC

Attorney for Plaintiff  
Contact Information Redacted

Address & Telephone Number

INTERROGATORIES IN ATTACHMENT

NOTICE

As a garnishee, you are required by law to file answers to the following Interrogatories in Attachment I within ten (10) days after service of the writ upon you [Title 16, Section 521 (a), D.C. Code 1981 ed.]. If you fail to answer the Interrogatories, judgment may be entered against you for the entire amount of the plaintiff's claim and costs [Title 16, Section 526(b), D.C. Code 1981 ed.].

The garnishee is required to file the original and one copy of the answers in this Court, and to serve a copy upon the plaintiff(s) and defendant(s).

If, within ten (10) days after service of the answers, the party at whose request the Attachment was issued does not contest the answers pursuant to Title 15, Section 522, D.C. Code (1981 ed.), the garnishee's obligations under the attachment shall be limited by the answers.

- 1. Were you at the time of the service of the writ of attachment, or have you been between the time of such service and the filing of your answers to this interrogatory indebted to the defendant(s), and, if so, how, and in what amount?

ANSWER

Four horizontal lines for providing an answer to interrogatory 1.

- 2. Had you at the time of the service of the writ of attachment, or have you had between the time of such service and the filing of your answer to this interrogatory, any goods, chattels, or credits of the defendant(s) in your possession or charge, and, if so, what?

ANSWER

Four horizontal lines for providing an answer to interrogatory 2.

I declare under the penalties of perjury that the answers to the above interrogatories are, to the best of my knowledge and belief, true and correct as to every material matter.

Date: \_\_\_\_\_

\_\_\_\_\_  
Garnishee

CO-901A  
Rev. 4/10

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Seth Charles Ben Haim, et al.  
Plaintiff(s)

vs

The Islamic Republic of Iran, et al.  
Defendant(s)

CIVIL ACTION NO. 02-1811 (RCL)  
WRIT OF ATTACHMENT ON JUDGMENT  
OTHER THAN WAGES, SALARY AND COMMISSIONS

To Internet Corporation for Assigned Names and Numbers  
801 17th Street NW, Suite 400, Washington, DC 20006

Garnishee:

You are hereby notified that any money, property or credits other than wages, salary and commissions of the above named defendant(s), are seized by the Writ of Attachment, and you are required to hold it and not to pay or surrender it to the defendant(s) or to anyone else without an order from this court.

The Judgement against the defendant was entered on March 24, 2006 in the amount of sixteen million dollars (\$ 16,000,000 ) and the costs amounting to \$ \_\_\_\_\_ with interest at an annual rate of 4.76 % from March 24, 2006 less credits of \$ 0

Within ten (10) days after this writ is served upon you, you are required to answer the interrogatories, **UNDER PENALTY OF PERJURY**, and to file in this Court the original and one copy of the answers, and to serve a copy, by mail or other means, upon the plaintiff(s) and upon the defendant(s). If you fail to do so, judgment may be entered against you for the entire amount of the plaintiff's claims with interest and costs.

Witness the Honorable Chief Judge of said Court, this 24<sup>th</sup> day of JUNE, 2014

Angela D. Caesar, Clerk

By [Signature]  
Deputy Clerk

Robert J. Tolchin, The Berkman Law Office, LLC  
Attorney for Plaintiff  
Contact Information Redacted \_\_\_\_\_

\_\_\_\_\_  
Address & Telephone Number

INTERROGATORIES IN ATTACHMENT

NOTICE

As a garnishee, you are required by law to file answers to the following Interrogatories in Attachment 1 within ten (10) days after service of the writ upon you [Title 16, Section 521 (a), D.C. Code 1981 ed.]. If you fail to answer the Interrogatories, judgment may be entered against you for the entire amount of the plaintiff's claim and costs [Title 16, Section 526(b), D.C. Code 1981 ed.].

The garnishee is required to file the original and one copy of the answers in this Court, and to serve a copy upon the plaintiff(s) and defendant(s).

If, within ten (10) days after service of the answers, the party at whose request the Attachment was issued does not contest the answers pursuant to Title 15, Section 522, D.C. Code (1981 ed.), the garnishee's obligations under the attachment shall be limited by the answers.

- 1. Were you at the time of the service of the writ of attachment, or have you been between the time of such service and the filing of your answers to this interrogatory indebted to the defendant(s), and, if so, how, and in what amount?

ANSWER

Four horizontal lines for providing an answer to interrogatory 1.

- 2. Had you at the time of the service of the writ of attachment, or have you had between the time of such service and the filing of your answer to this interrogatory, any goods, chattels, or credits of the defendant(s) in your possession or charge, and, if so, what?

ANSWER

Four horizontal lines for providing an answer to interrogatory 2.

I declare under the penalties of perjury that the answers to the above interrogatories are, to the best of my knowledge and belief, true and correct as to every material matter.

Date: \_\_\_\_\_

\_\_\_\_\_  
Garnishee



CO-901A  
Rev. 4/10

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Seth Charles Ben Haim, et al.

The Islamic Republic of Iran, et al.

Plaintiff(s)

vs

Defendant(s)

CIVIL ACTION NO. 08-520 (RCL)  
WRIT OF ATTACHMENT ON JUDGMENT  
OTHER THAN WAGES, SALARY AND COMMISSIONS

To Internet Corporation for Assigned Names and Numbers

801 17th Street NW, Suite 400, Washington, DC 20006

Garnishee:

You are hereby notified that any money, property or credits other than wages, salary and commissions of the above named defendant(s), are seized by the Writ of Attachment, and you are required to hold it and not to pay or surrender it to the defendant(s) or to anyone else without an order from this court.

The Judgement against the defendant was entered on May 19, 2011 in the amount of three hundred million dollars (\$ 300,000,000 ) and the costs amounting to \$ \_\_\_\_\_ with interest at an annual rate of .18 % from May 19, 2011 less credits of \$ 0.

Within ten (10) days after this writ is served upon you, you are required to answer the interrogatories, **UNDER PENALTY OF PERJURY**, and to file in this Court the original and one copy of the answers, and to serve a copy, by mail or other means, upon the plaintiff(s) and upon the defendant(s). If you fail to do so, judgment may be entered against you for the entire amount of the plaintiff's claims with interest and costs.

Witness the Honorable Chief Judge of said Court, this 24<sup>th</sup> day of JUNE, 2014.

Angela D. Caesar, Clerk

By [Signature]  
Deputy Clerk

Robert J. Tolchin, The Berkman Law Office, LLC

Attorney for Plaintiff

Contact Information Redacted \_\_\_\_\_

\_\_\_\_\_  
Address & Telephone Number

INTERROGATORIES IN ATTACHMENT

NOTICE

As a garnishee, you are required by law to file answers to the following Interrogatories in Attachment I within ten (10) days after service of the writ upon you [Title 16, Section 521 (a), D.C. Code 1981 ed.]. If you fail to answer the Interrogatories, judgment may be entered against you for the entire amount of the plaintiff's claim and costs [Title 16, Section 526(b), D.C. Code 1981 ed.].

The garnishee is required to file the original and one copy of the answers in this Court, and to serve a copy upon the plaintiff(s) and defendant(s).

If, within ten (10) days after service of the answers, the party at whose request the Attachment was issued does not contest the answers pursuant to Title 15, Section 522, D.C. Code (1981 ed.), the garnishee's obligations under the attachment shall be limited by the answers.

- 1. Were you at the time of the service of the writ of attachment, or have you been between the time of such service and the filing of your answers to this interrogatory indebted to the defendant(s), and, if so, how, and in what amount?

ANSWER

Four horizontal lines for writing the answer to interrogatory 1.

- 2. Had you at the time of the service of the writ of attachment, or have you had between the time of such service and the filing of your answer to this interrogatory, any goods, chattels, or credits of the defendant(s) in your possession or charge, and, if so, what?

ANSWER

Four horizontal lines for writing the answer to interrogatory 2.

I declare under the penalties of perjury that the answers to the above interrogatories are, to the best of my knowledge and belief, true and correct as to every material matter.

Date: \_\_\_\_\_

\_\_\_\_\_  
Garnishee

CO-901A  
Rev. 4/10

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Jenny Rubin, et al.

The Islamic Republic of Iran, et al.

Plaintiff(s)

vs

Defendant(s)

CIVIL ACTION NO. 01-1655 (RMU)  
WRIT OF ATTACHMENT ON JUDGMENT  
OTHER THAN WAGES, SALARY AND COMMISSIONS

To Internet Corporation for Assigned Names and Numbers

801 17th Street NW, Suite 400, Washington, DC 20006

Garnishee:

You are hereby notified that any money, property or credits other than wages, salary and commissions of the above named defendant(s), are seized by the Writ of Attachment, and you are required to hold it and not to pay or surrender it to the defendant(s) or to anyone else without an order from this court.

The Judgement against the defendant was entered on September 10, 2003 in the amount of ~~two hundred and fifty nine million dollars~~ (\$ 250,000,000) ~~and the costs amounting to \$ One Hundred and Nine Million dollars~~ 109,000,000 with interest at an annual rate of 1.33 % from September 10, 2003 less credits of \$ 500,000.

Within ten (10) days after this writ is served upon you, you are required to answer the interrogatories, **UNDER PENALTY OF PERJURY**, and to file in this Court the original and one copy of the answers, and to serve a copy, by mail or other means, upon the plaintiff(s) and upon the defendant(s). If you fail to do so, judgment may be entered against you for the entire amount of the plaintiff's claims with interest and costs.

Witness the Honorable Chief Judge of said Court, this 24<sup>th</sup> day of JUNE 2014.

Angela D. Caesar, Clerk

By [Signature]  
Deputy Clerk

Robert J. Tolchin, The Berkman Law Office, LLC

Attorney for Plaintiff

Contact Information Redacted \_\_\_\_\_

\_\_\_\_\_  
Address & Telephone Number

INTERROGATORIES IN ATTACHMENT

NOTICE

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The garnishee is required to file the original and one copy of the answers in this Court, and to serve a copy upon the plaintiff(s) and defendant(s).

If, within ten (10) days after service of the answers, the party at whose request the Attachment was issued does not contest the answers pursuant to Title 15, Section 522, D.C. Code (1981 ed.), the garnishee's obligations under the attachment shall be limited by the answers.

- 1. Were you at the time of the service of the writ of attachment, or have you been between the time of such service and the filing of your answers to this interrogatory indebted to the defendant(s), and, if so, how, and in what amount?

ANSWER

Four horizontal lines for providing an answer to interrogatory 1.

- 2. Had you at the time of the service of the writ of attachment, or have you had between the time of such service and the filing of your answer to this interrogatory, any goods, chattels, or credits of the defendant(s) in your possession or charge, and, if so, what?

ANSWER

Four horizontal lines for providing an answer to interrogatory 2.

I declare under the penalties of perjury that the answers to the above interrogatories are, to the best of my knowledge and belief, true and correct as to every material matter.

Date: \_\_\_\_\_

\_\_\_\_\_  
Garnishee

CO-901A  
Rev. 4/10

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Mary Nell Wyatt, et al.

The Syrian Arab Republic, et al.

Plaintiff(s)

vs

Defendant(s)

CIVIL ACTION NO. 08-502 (RCL)  
WRIT OF ATTACHMENT ON JUDGMENT  
OTHER THAN WAGES, SALARY AND COMMISSIONS

To Internet Corporation for Assigned Names and Numbers

801 17th Street NW, Suite 400, Washington, DC 20006

Garnishee:

You are hereby notified that any money, property or credits other than wages, salary and commissions of the above named defendant(s), are seized by the Writ of Attachment, and you are required to hold it and not to pay or surrender it to the defendant(s) or to anyone else without an order from this court.

The Judgement against the defendant was entered on December 17, 2012 in the amount of three hundred and thirty eight million dollars (\$ 338,000,000 ) and the costs amounting to \$ \_\_\_\_\_ with interest at an annual rate of .15 % from December 17, 2012 less credits of \$ 0.

Within ten (10) days after this writ is served upon you, you are required to answer the interrogatories, **UNDER PENALTY OF PERJURY**, and to file in this Court the original and one copy of the answers, and to serve a copy, by mail or other means, upon the plaintiff(s) and upon the defendant(s). If you fail to do so, judgment may be entered against you for the entire amount of the plaintiff's claims with interest and costs.

Witness the Honorable Chief Judge of said Court, this 24th day of JUNE, 2014.

Angela D. Caesar, Clerk

By Regina  
Deputy Clerk

Robert J. Tolchin, The Berkman Law Office, LLC

Attorney for Plaintiff

Contact Information Redacted \_\_\_\_\_

\_\_\_\_\_  
Address & Telephone Number

INTERROGATORIES IN ATTACHMENT

NOTICE

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The garnishee is required to file the original and one copy of the answers in this Court, and to serve a copy upon the plaintiff(s) and defendant(s).

If, within ten (10) days after service of the answers, the party at whose request the Attachment was issued does not contest the answers pursuant to Title 15, Section 522, D.C. Code (1981 ed.), the garnishee's obligations under the attachment shall be limited by the answers.

- 1. Were you at the time of the service of the writ of attachment, or have you been between the time of such service and the filing of your answers to this interrogatory indebted to the defendant(s), and, if so, how, and in what amount?

ANSWER

Four horizontal lines for providing an answer to interrogatory 1.

- 2. Had you at the time of the service of the writ of attachment, or have you had between the time of such service and the filing of your answer to this interrogatory, any goods, chattels, or credits of the defendant(s) in your possession or charge, and, if so, what?

ANSWER

Four horizontal lines for providing an answer to interrogatory 2.

I declare under the penalties of perjury that the answers to the above interrogatories are, to the best of my knowledge and belief, true and correct as to every material matter.

Date: \_\_\_\_\_

\_\_\_\_\_  
Garnishee

CO-901A  
Rev. 4/10

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Shaul Stern, et al.

The Islamic Republic of Iran, et al.

Plaintiff(s)

vs

Defendant(s)

CIVIL ACTION NO. 00-2602 (RCL)  
WRIT OF ATTACHMENT ON JUDGMENT  
OTHER THAN WAGES, SALARY AND COMMISSIONS

To Internet Corporation for Assigned Names and Numbers

801 17th Street NW, Suite 400, Washington, DC 20006

Garnishee:

You are hereby notified that any money, property or credits other than wages, salary and commissions of the above named defendant(s), are seized by the Writ of Attachment, and you are required to hold it and not to pay or surrender it to the defendant(s) or to anyone else without an order from this court.

The Judgement against the defendant was entered on July 17, 2003 in the amount of three hundred and thirteen million dollars (\$ 313,000,000 ) and the costs amounting to \$ \_\_\_\_\_ with interest at an annual rate of 1.08% % from July 17, 2003 less credits of \$ 0.

Within ten (10) days after this writ is served upon you, you are required to answer the interrogatories, **UNDER PENALTY OF PERJURY**, and to file in this Court the original and one copy of the answers, and to serve a copy, by mail or other means, upon the plaintiff(s) and upon the defendant(s). If you fail to do so, judgment may be entered against you for the entire amount of the plaintiff's claims with interest and costs.

Witness the Honorable Chief Judge of said Court, this 24<sup>th</sup> day of JUNE, 2014.

Angela D. Caesar, Clerk

By Reg not JK

Deputy Clerk

Robert J. Toichin, The Berkman Law Office, LLC

Attorney for Plaintiff

Contact Information Redacted

Address & Telephone Number

INTERROGATORIES IN ATTACHMENT

NOTICE

As a garnishee, you are required by law to file answers to the following Interrogatories in Attachment 1 within ten (10) days after service of the writ upon you [Title 16, Section 521 (a), D.C. Code 1981 ed.]. If you fail to answer the Interrogatories, judgment may be entered against you for the entire amount of the plaintiff's claim and costs [Title 16, Section 526(b), D.C. Code 1981 ed.].

The garnishee is required to file the original and one copy of the answers in this Court, and to serve a copy upon the plaintiff(s) and defendant(s).

If, within ten (10) days after service of the answers, the party at whose request the Attachment was issued does not contest the answers pursuant to Title 15, Section 522, D.C. Code (1981 ed.), the garnishee's obligations under the attachment shall be limited by the answers.

1. Were you at the time of the service of the writ of attachment, or have you been between the time of such service and the filing of your answers to this interrogatory indebted to the defendant(s), and, if so, how, and in what amount?

ANSWER

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Had you at the time of the service of the writ of attachment, or have you had between the time of such service and the filing of your answer to this interrogatory, any goods, chattels, or credits of the defendant(s) in your possession or charge, and, if so, what?

ANSWER

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I declare under the penalties of perjury that the answers to the above interrogatories are, to the best of my knowledge and belief, true and correct as to every material matter.

Date: \_\_\_\_\_

\_\_\_\_\_  
Garnishee



CO-901A  
Rev. 4/10

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Ruth Calderon-Cardona, et al.

Democratic People's Republic of Korea, et al.

Plaintiff(s)

vs

Defendant(s)

CIVIL ACTION NO. 14-mc-648

(UNA)

WRIT OF ATTACHMENT ON JUDGMENT

OTHER THAN WAGES, SALARY AND COMMISSIONS

To Internet Corporation for Assigned Names and Numbers

801 17th Street NW, Suite 400, Washington, DC 20006

Garnishee:

You are hereby notified that any money, property or credits other than wages, salary and commissions of the above named defendant(s), are seized by the Writ of Attachment, and you are required to hold it and not to pay or surrender it to the defendant(s) or to anyone else without an order from this court.

The Judgement against the defendant was entered on August 5, 2010 in the amount of three hundred and seventy eight million dollars (\$ 378,000,000 ) and the costs amounting to \$ \_\_\_\_\_ with interest at .30 % from August 5, 2010 less credits of \$ 0

Within ten (10) days after this writ is served upon you, you are required to answer the interrogatories, **UNDER PENALTY OF PERJURY**, and to file in this Court the original and one copy of the answers, and to serve a copy, by mail or other means, upon the plaintiff(s) and upon the defendant(s). If you fail to do so, judgment may be entered against you for the entire amount of the plaintiff's claims with interest and costs.

Witness the Honorable Chief Judge of said Court, this 25th day of June, 2014

Angela D. Caesar, Clerk

By [Signature]

Deputy Clerk

Robert J. Tolchin, The Berkman Law Office, LLC

Attorney for Plaintiff

Contact Information Redacted \_\_\_\_\_

\_\_\_\_\_  
Address & Telephone Number

INTERROGATORIES IN ATTACHMENT

NOTICE

As a garnishee, you are required by law to file answers to the following Interrogatories in Attachment I within ten (10) days after service of the writ upon you [Title 16, Section 521 (a), D.C. Code 1981 ed.]. If you fail to answer the Interrogatories, judgment may be entered against you for the entire amount of the plaintiff's claim and costs [Title 16, Section 526(b), D.C. Code 1981 ed.].

The garnishee is required to file the original and one copy of the answers in this Court, and to serve a copy upon the plaintiff(s) and defendant(s).

If, within ten (10) days after service of the answers, the party at whose request the Attachment was issued does not contest the answers pursuant to Title 15, Section 522, D.C. Code (1981 ed.), the garnishee's obligations under the attachment shall be limited by the answers.

1. Were you at the time of the service of the writ of attachment, or have you been between the time of such service and the filing of your answers to this interrogatory indebted to the defendant(s), and, if so, how, and in what amount?

ANSWER

Four horizontal lines for writing the answer to question 1.

2. Had you at the time of the service of the writ of attachment, or have you had between the time of such service and the filing of your answer to this interrogatory, any goods, chattels, or credits of the defendant(s) in your possession or charge, and, if so, what?

ANSWER

Four horizontal lines for writing the answer to question 2.

I declare under the penalties of perjury that the answers to the above interrogatories are, to the best of my knowledge and belief, true and correct as to every material matter.

Date: \_\_\_\_\_

\_\_\_\_\_ Garnishee

# Exhibit B

Contact Information Redacted

Contact Information Redacted

Contact Information Redacted

June 23, 2014

Internet Corporation for Assigned Names and Numbers  
801 17<sup>th</sup> Street NW, Suite 400  
Washington, DC 20006

**Re: Attachment of Assets held by the Internet Corporation for  
Assigned Names and Numbers**

To Whom it May Concern:

I represent plaintiffs who have obtained judgments in the following cases:

Judgments against the Islamic Republic of Iran and the Iranian Ministry of Information and Security:

Rubin, et al. v. The Islamic Republic of Iran, et al. (01-1655-RMU)  
Ben Haim, et al. v. The Islamic Republic of Iran, et al. (02-1811-RCL; 08-520-RCL)  
Stern, et al. v. The Islamic Republic of Iran, et al. (00-2602-RCL)  
Weinstein, et al. v. The Islamic Republic of Iran, et al. (00-2601-RCL)

Judgment against the Syrian Arab Republic: Wyatt, et al. v. Syrian Arab Republic, et al. (08-502-RCL).

Judgment against the Democratic People's Republic of North Korea and the Cabinet General Intelligence Bureau of North Korea: Calderon-Cardona, et al. v. Democratic People's Republic of North Korea, et al. (D. P. R. 08-1367-FAB), recently registered in the District of Columbia District Court under case number 14-mc-648.

In connection with their judgment enforcement efforts, the above plaintiffs now seek to attach certain of the respective Judgment Debtors' assets held by the Internet Corporation for Assigned Names and Numbers (ICANN). Specifically, plaintiffs seek to attach the following:

All assets and rights of the Islamic Republic of Iran and the Iranian Ministry of Information and Security in the following:

- the .ir country code top level domain (TLD), the ايران country code TLD and any other TLD licensed to Iran and/or under the control of Iran;
- The government of Iran's internet protocol (IP) addresses; and
- The Ministry of Information and Security's IP addresses.

All assets and rights of the Syrian Arab Republic in the following:

- the .sy country code TLD, the سورية country code TLD and any other TLD licensed to Syria and/or under the control of Syria; and
- The government of Syria's IP addresses.

All assets and rights of the Democratic Republic of North Korea and the North Korean Intelligence Service in the following:

- the .kp country code TLD and any other TLD licensed to North Korea and/or under the control of North Korea;
- The government of North Korea's IP addresses; and
- The North Korean Intelligence Service's IP addresses.

Enclosed please find completed attachment forms attaching the above referenced assets for the benefit of the above sets of plaintiffs, as applicable, duly signed by the Clerk of Court for the District of Columbia District Court.

Also, enclosed are document subpoenas for each of the referenced judgments.

Please do not hesitate to contact me at Contact Information Redacted should you have any questions.

Very truly yours,

  
Robert J. Tolchin

UNITED STATES DISTRICT COURT

for the  
 District of Columbia

Susan Weinstein, et al.

Plaintiff

v.

The Islamic Republic of Iran, et al.

Defendant

Civil Action No. 00-2601 (RCL)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Internet Corporation for Assigned Names and Numbers

(Name of person to whom this subpoena is directed)

**Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See attached Schedule A

Place: Internet Corporation for Assigned Names and Numbers, Washington, D.C. (for courier pick-up)	Date and Time:  07/07/2014 10:00 am
--	---

**Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 06/23/2014

CLERK OF COURT

OR

\_\_\_\_\_  
 Signature of Clerk or Deputy Clerk

\_\_\_\_\_  
 /s/ Robert J. Tolchin  
 Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) \_\_\_\_\_  
 Susan Weinstein, et al. \_\_\_\_\_, who issues or requests this subpoena, are:  
 Robert J. Contact Information Redacted

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 00-2601 (RCL)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_ .

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_ *Server's signature*

\_\_\_\_\_ *Printed name and title*

\_\_\_\_\_ *Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**

**(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



## **SCHEDULE A**

### **DEFINITIONS**

“ICANN” means the Internet Corporation for Assigned Names and Numbers, the Internet Assigned Numbers Authority (a/k/a/ IANA) and each of the five regional internet registries, as applicable – AfriNIC (serving Africa), APNIC (serving East Asia and the Pacific Region), ARIN (serving the United States and Canada), LACNIC (serving Latin America and much of the Caribbean), and RIPE NCC (serving Europe, the Middle East and much of the former Soviet Union).

“Iran” means the Islamic Republic of Iran and any person or entity acting on its behalf, including the Institute for Research in Fundamental Sciences (a/k/a/ IPM) and IRNIC.

“MOIS” means the Iranian Ministry of Information and Security and any person or entity acting on its behalf.

### **DOCUMENT REQUEST**

1. All documents and electronically stored information referencing, listing or describing: any contracts, agreements or understandings pursuant to which ICANN allocates, licenses, assigns or transfers rights of any kind in any top level domain names to Iran and/or MOIS.

2. All documents and electronically stored information referencing, listing or describing: all top level domain names allocated, licensed, assigned or transferred by ICANN to Iran and/or MOIS.

3. All documents and electronically stored information referencing, listing or describing: any contracts, agreements or understandings pursuant to which ICANN

allocates, licenses, assigns or transfers rights of any kind in any internet protocol addresses to Iran and/or MOIS.

4. All documents and electronically stored information referencing, listing or describing: all internet protocol addresses allocated, licensed, assigned or transferred by ICANN to Iran and/or MOIS.

5. All documents and electronically stored information referencing, listing or describing any payments from Iran and/or MOIS to ICANN.

6. All documents and electronically stored information referencing, listing or describing any amounts owed:

- a. from Iran and/or MOIS to ICANN; and
- b. from ICANN to Iran and/or MOIS.

7. All communications between ICANN, on the one hand and Iran and/or MOIS, on the other hand concerning any of the foregoing.

UNITED STATES DISTRICT COURT

for the  
 District of Columbia

Seth Charles Ben Haim, et al.

Plaintiff

v.

The Islamic Republic of Iran, et al.

Defendant

Civil Action No. 02-1811(RCL)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Internet Corporation for Assigned Names and Numbers

(Name of person to whom this subpoena is directed)

**Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See attached Schedule A

Place: Internet Corporation for Assigned Names and Numbers, Washington, D.C. (for courier pick-up)	Date and Time:  07/07/2014 10:00 am
--	---

**Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 06/23/2014

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Robert J. Tolchin

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party)

Seth Charles Ben Haim, et al., who issues or requests this subpoena, are:

Robert J. Tolchin, Contact Information Redacted

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 02-1811(RCL)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_ .

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**

**(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## **SCHEDULE A**

### **DEFINITIONS**

“ICANN” means the Internet Corporation for Assigned Names and Numbers, the Internet Assigned Numbers Authority (a/k/a/ IANA) and each of the five regional internet registries, as applicable – AfriNIC (serving Africa), APNIC (serving East Asia and the Pacific Region), ARIN (serving the United States and Canada), LACNIC (serving Latin America and much of the Caribbean), and RIPE NCC (serving Europe, the Middle East and much of the former Soviet Union).

“Iran” means the Islamic Republic of Iran and any person or entity acting on its behalf, including the Institute for Research in Fundamental Sciences (a/k/a/ IPM) and IRNIC.

“MOIS” means the Iranian Ministry of Information and Security and any person or entity acting on its behalf.

### **DOCUMENT REQUEST**

1. All documents and electronically stored information referencing, listing or describing: any contracts, agreements or understandings pursuant to which ICANN allocates, licenses, assigns or transfers rights of any kind in any top level domain names to Iran and/or MOIS.

2. All documents and electronically stored information referencing, listing or describing: all top level domain names allocated, licensed, assigned or transferred by ICANN to Iran and/or MOIS.

3. All documents and electronically stored information referencing, listing or describing: any contracts, agreements or understandings pursuant to which ICANN

allocates, licenses, assigns or transfers rights of any kind in any internet protocol addresses to Iran and/or MOIS.

4. All documents and electronically stored information referencing, listing or describing: all internet protocol addresses allocated, licensed, assigned or transferred by ICANN to Iran and/or MOIS.

5. All documents and electronically stored information referencing, listing or describing any payments from Iran and/or MOIS to ICANN.

6. All documents and electronically stored information referencing, listing or describing any amounts owed:

- a. from Iran and/or MOIS to ICANN; and
- b. from ICANN to Iran and/or MOIS.

7. All communications between ICANN, on the one hand and Iran and/or MOIS, on the other hand concerning any of the foregoing.

UNITED STATES DISTRICT COURT

for the  
District of Columbia

Seth Charles Ben Haim, et al.

Plaintiff

v.

The Islamic Republic of Iran, et al.

Defendant

Civil Action No. 08-520 (RCL)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Internet Corporation for Assigned Names and Numbers

(Name of person to whom this subpoena is directed)

Production: **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See attached Schedule A

Place: Internet Corporation for Assigned Names and Numbers, Washington, D.C. (for courier pick-up)	Date and Time:  07/07/2014 10:00 am
--	---

Inspection of Premises: **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 06/23/2014

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Robert J. Tolchin

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party)

Seth Charles Ben Haim, et al., who issues or requests this subpoena, are:

Robert J. Tolchin, Contact Information Redacted

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).



Civil Action No. 08-520 (RCL)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_ .

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_ *Server's signature*

\_\_\_\_\_ *Printed name and title*

\_\_\_\_\_ *Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**

**(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## **SCHEDULE A**

### **DEFINITIONS**

“ICANN” means the Internet Corporation for Assigned Names and Numbers, the Internet Assigned Numbers Authority (a/k/a/ IANA) and each of the five regional internet registries, as applicable – AfriNIC (serving Africa), APNIC (serving East Asia and the Pacific Region), ARIN (serving the United States and Canada), LACNIC (serving Latin America and much of the Caribbean), and RIPE NCC (serving Europe, the Middle East and much of the former Soviet Union).

“Iran” means the Islamic Republic of Iran and any person or entity acting on its behalf, including the Institute for Research in Fundamental Sciences (a/k/a/ IPM) and IRNIC.

“MOIS” means the Iranian Ministry of Information and Security and any person or entity acting on its behalf.

### **DOCUMENT REQUEST**

1. All documents and electronically stored information referencing, listing or describing: any contracts, agreements or understandings pursuant to which ICANN allocates, licenses, assigns or transfers rights of any kind in any top level domain names to Iran and/or MOIS.

2. All documents and electronically stored information referencing, listing or describing: all top level domain names allocated, licensed, assigned or transferred by ICANN to Iran and/or MOIS.

3. All documents and electronically stored information referencing, listing or describing: any contracts, agreements or understandings pursuant to which ICANN

allocates, licenses, assigns or transfers rights of any kind in any internet protocol addresses to Iran and/or MOIS.

4. All documents and electronically stored information referencing, listing or describing: all internet protocol addresses allocated, licensed, assigned or transferred by ICANN to Iran and/or MOIS.

5. All documents and electronically stored information referencing, listing or describing any payments from Iran and/or MOIS to ICANN.

6. All documents and electronically stored information referencing, listing or describing any amounts owed:

- a. from Iran and/or MOIS to ICANN; and
- b. from ICANN to Iran and/or MOIS.

7. All communications between ICANN, on the one hand and Iran and/or MOIS, on the other hand concerning any of the foregoing.

UNITED STATES DISTRICT COURT

for the  
 District of Columbia

Jenny Rubin, et al.

Plaintiff

v.

The Islamic Republic of Iran, et al.

Defendant

Civil Action No. 01-1655 (RMU)

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: Internet Corporation for Assigned Names and Numbers

(Name of person to whom this subpoena is directed)

**Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See attached Schedule A

Place: Internet Corporation for Assigned Names and Numbers, Washington, D.C. (for courier pick-up)	Date and Time:  07/07/2014 10:00 am
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**Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
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The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 06/23/2014

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Robert J. Tolchin

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Jenny Rubin, et al., who issues or requests this subpoena, are:

Robert J. Tolchin, Contact Information Redacted

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 01-1655 (RMU)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_ .

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**

**(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## **SCHEDULE A**

### **DEFINITIONS**

“ICANN” means the Internet Corporation for Assigned Names and Numbers, the Internet Assigned Numbers Authority (a/k/a/ IANA) and each of the five regional internet registries, as applicable – AfriNIC (serving Africa), APNIC (serving East Asia and the Pacific Region), ARIN (serving the United States and Canada), LACNIC (serving Latin America and much of the Caribbean), and RIPE NCC (serving Europe, the Middle East and much of the former Soviet Union).

“Iran” means the Islamic Republic of Iran and any person or entity acting on its behalf, including the Institute for Research in Fundamental Sciences (a/k/a/ IPM) and IRNIC.

“MOIS” means the Iranian Ministry of Information and Security and any person or entity acting on its behalf.

### **DOCUMENT REQUEST**

1. All documents and electronically stored information referencing, listing or describing: any contracts, agreements or understandings pursuant to which ICANN allocates, licenses, assigns or transfers rights of any kind in any top level domain names to Iran and/or MOIS.

2. All documents and electronically stored information referencing, listing or describing: all top level domain names allocated, licensed, assigned or transferred by ICANN to Iran and/or MOIS.

3. All documents and electronically stored information referencing, listing or describing: any contracts, agreements or understandings pursuant to which ICANN



allocates, licenses, assigns or transfers rights of any kind in any internet protocol addresses to Iran and/or MOIS.

4. All documents and electronically stored information referencing, listing or describing: all internet protocol addresses allocated, licensed, assigned or transferred by ICANN to Iran and/or MOIS.

5. All documents and electronically stored information referencing, listing or describing any payments from Iran and/or MOIS to ICANN.

6. All documents and electronically stored information referencing, listing or describing any amounts owed:

- a. from Iran and/or MOIS to ICANN; and
- b. from ICANN to Iran and/or MOIS.

7. All communications between ICANN, on the one hand and Iran and/or MOIS, on the other hand concerning any of the foregoing.

UNITED STATES DISTRICT COURT

for the  
District of Columbia

Mary Nell Wyatt, et al.

Plaintiff

v.

The Syrian Arab Republic, et al.

Defendant

Civil Action No. 08-502 (RCL)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Internet Corporation for Assigned Names and Numbers

(Name of person to whom this subpoena is directed)

Production: **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See attached Schedule A

Place: Internet Corporation for Assigned Names and Numbers, Washington, D.C. (for courier pick-up)	Date and Time:  07/07/2014 10:00 am
--	---

Inspection of Premises: **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 06/23/2014

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Robert J. Tolchin

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party)

Mary Nell Wyatt, et al., who issues or requests this subpoena, are:

Robert J. Tolchin, Contact Information Redacted

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 08-502 (RCL)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_ .

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_ *Server's signature*

\_\_\_\_\_ *Printed name and title*

\_\_\_\_\_ *Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**

**(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## **SCHEDULE A**

### **DEFINITIONS**

“ICANN” means the Internet Corporation for Assigned Names and Numbers, the Internet Assigned Numbers Authority (a/k/a/ IANA) and each of the five regional internet registries, as applicable – AfriNIC (serving Africa), APNIC (serving East Asia and the Pacific Region), ARIN (serving the United States and Canada), LACNIC (serving Latin America and much of the Caribbean), and RIPE NCC (serving Europe, the Middle East and much of the former Soviet Union).

“Syria” means the Syrian Arab Republic and any person or entity acting on its behalf, including the National Agency for Network Services (a/k/a NANS).

### **DOCUMENT REQUEST**

1. All documents and electronically stored information referencing, listing or describing: any contracts, agreements or understandings pursuant to which ICANN allocates, licenses, assigns or transfers rights of any kind in any top level domain names to Syria.

2. All documents and electronically stored information referencing, listing or describing: all top level domain names allocated, licensed, assigned or transferred by ICANN to Syria.

3. All documents and electronically stored information referencing, listing or describing: any contracts, agreements or understandings pursuant to which ICANN allocates, licenses, assigns or transfers rights of any kind in any internet protocol addresses to Syria.

4. All documents and electronically stored information referencing, listing or describing: all internet protocol addresses allocated, licensed, assigned or transferred by ICANN to Syria.

5. All documents and electronically stored information referencing, listing or describing any payments from Syria to ICANN.

6. All documents and electronically stored information referencing, listing or describing any amounts owed:

a. from Syria to ICANN; and

b. from ICANN to Syria.

7. All communications between ICANN and Syria concerning any of the foregoing.

UNITED STATES DISTRICT COURT

for the  
District of Columbia

Shaul Stern, et al.

Plaintiff

v.

The Islamic Republic of Iran, et al.

Defendant

Civil Action No. 00-2602 (RCL)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Internet Corporation for Assigned Names and Numbers

(Name of person to whom this subpoena is directed)

Production: **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See attached Schedule A

Place: Internet Corporation for Assigned Names and Numbers, Washington, D.C. (for courier pick-up)	Date and Time:  07/07/2014 10:00 am
--	---

Inspection of Premises: **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 06/23/2014

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Robert J. Tolchin

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party)

Shaul Stern, et al., who issues or requests this subpoena, are:

Robert J. Tolchin, Contact Information Redacted

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 00-2602 (RCL)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_ .

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_ *Server's signature*

\_\_\_\_\_ *Printed name and title*

\_\_\_\_\_ *Server's address*

Additional information regarding attempted service, etc.:



**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**

**(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## **SCHEDULE A**

### **DEFINITIONS**

“ICANN” means the Internet Corporation for Assigned Names and Numbers, the Internet Assigned Numbers Authority (a/k/a/ IANA) and each of the five regional internet registries, as applicable – AfriNIC (serving Africa), APNIC (serving East Asia and the Pacific Region), ARIN (serving the United States and Canada), LACNIC (serving Latin America and much of the Caribbean), and RIPE NCC (serving Europe, the Middle East and much of the former Soviet Union).

“Iran” means the Islamic Republic of Iran and any person or entity acting on its behalf, including the Institute for Research in Fundamental Sciences (a/k/a/ IPM) and IRNIC.

“MOIS” means the Iranian Ministry of Information and Security and any person or entity acting on its behalf.

### **DOCUMENT REQUEST**

1. All documents and electronically stored information referencing, listing or describing: any contracts, agreements or understandings pursuant to which ICANN allocates, licenses, assigns or transfers rights of any kind in any top level domain names to Iran and/or MOIS.

2. All documents and electronically stored information referencing, listing or describing: all top level domain names allocated, licensed, assigned or transferred by ICANN to Iran and/or MOIS.

3. All documents and electronically stored information referencing, listing or describing: any contracts, agreements or understandings pursuant to which ICANN

allocates, licenses, assigns or transfers rights of any kind in any internet protocol addresses to Iran and/or MOIS.

4. All documents and electronically stored information referencing, listing or describing: all internet protocol addresses allocated, licensed, assigned or transferred by ICANN to Iran and/or MOIS.

5. All documents and electronically stored information referencing, listing or describing any payments from Iran and/or MOIS to ICANN.

6. All documents and electronically stored information referencing, listing or describing any amounts owed:

- a. from Iran and/or MOIS to ICANN; and
- b. from ICANN to Iran and/or MOIS.

7. All communications between ICANN, on the one hand and Iran and/or MOIS, on the other hand concerning any of the foregoing.

UNITED STATES DISTRICT COURT

for the  
District of Columbia

Ruth Calderon-Cardona, et al.

Plaintiff

v.

Democratic People's Republic of Korea, et al.

Defendant

Civil Action No. 14-mc-648

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Internet Corporation for Assigned Names and Numbers

(Name of person to whom this subpoena is directed)

Production: **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See attached Schedule A

Place: Internet Corporation for Assigned Names and Numbers, Washington, D.C. (for courier pick-up)	Date and Time:  07/07/2014 10:00 am
--	---

Inspection of Premises: **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 06/23/2014

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Robert J. Tolchin

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Ruth Calderon-Cardona, et al., who issues or requests this subpoena, are: Robert J. Tolchin, Contact Information Redacted

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 14-mc-648

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_ .

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_ *Server's signature*

\_\_\_\_\_ *Printed name and title*

\_\_\_\_\_ *Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**

**(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## **SCHEDULE A**

### **DEFINITIONS**

“ICANN” means the Internet Corporation for Assigned Names and Numbers, the Internet Assigned Numbers Authority (a/k/a/ IANA) and each of the five regional internet registries, as applicable – AfriNIC (serving Africa), APNIC (serving East Asia and the Pacific Region), ARIN (serving the United States and Canada), LACNIC (serving Latin America and much of the Caribbean), and RIPE NCC (serving Europe, the Middle East and much of the former Soviet Union).

“North Korea” means the Democratic People’s Republic of Korea and any person or entity acting on its behalf, including Star Joint Venture Company and Naenara.

“North Korean Intelligence Service” means the Cabinet General Intelligence Bureau of North Korea and any person or entity acting on its behalf.

### **DOCUMENT REQUEST**

1. All documents and electronically stored information referencing, listing or describing: any contracts, agreements or understandings pursuant to which ICANN allocates, licenses, assigns or transfers rights of any kind in any top level domain names to North Korea and/or the North Korean Intelligence Service.

2. All documents and electronically stored information referencing, listing or describing: all top level domain names allocated, licensed, assigned or transferred by ICANN to North Korea and/or the North Korean Intelligence Service.

3. All documents and electronically stored information referencing, listing or describing: any contracts, agreements or understandings pursuant to which ICANN



allocates, licenses, assigns or transfers rights of any kind in any internet protocol addresses to North Korea and/or the North Korean Intelligence Service.

4. All documents and electronically stored information referencing, listing or describing: all internet protocol addresses allocated, licensed, assigned or transferred by ICANN to North Korea and/or the North Korean Intelligence Service.

5. All documents and electronically stored information referencing, listing or describing any payments from North Korea and/or the North Korean Intelligence Service to ICANN.

6. All documents and electronically stored information referencing, listing or describing any amounts owed:

- a. from North Korea and/or the North Korean Intelligence Service to ICANN; and
- b. from ICANN to North Korea and/or the North Korean Intelligence Service.

7. All communications between ICANN, on the one hand and North Korea and/or the North Korean Intelligence Service, on the other hand concerning any of the foregoing.



# Exhibit C

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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Shaul Stern, *et al.*,  
Plaintiffs,  
v.  
The Islamic Republic of Iran, *et al.*,  
Defendants.

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Civil No. 00-2602 (RCL)

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Susan Weinstein, *et al.*,  
Plaintiffs,  
v.  
The Islamic Republic of Iran, *et al.*,  
Defendants.

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Civil No. 00-2601 (RCL)

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Jenny Rubin, *et al.*,  
Plaintiffs,  
v.  
The Islamic Republic of Iran, *et al.*,  
Defendants.

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Civil No. 01-1655 (RCL)

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Seth Charles Ben Haim, *et al.*,  
Plaintiffs,  
v.  
The Islamic Republic of Iran, *et al.*,  
Defendants.

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Civil No. 02-1811 (RCL)



plaintiffs seek to attach the defendants' property allegedly in the possession of the Internet Corporation for Assigned Names and Numbers ("ICANN"). ICANN has moved to quash the writs of attachment served on it. Plaintiffs have, in turn, moved for a six month discovery period and a corresponding extension of time to respond to ICANN's motion to quash and its answers to the writs of attachment. For the following reasons and after consideration of the parties' briefing and the applicable law, the Court holds that ICANN's motion to quash is **GRANTED** and plaintiffs' motion for discovery is **DENIED**.

## **I. BACKGROUND**

### **A. The Internet and the Domain Name System**

Any device connected to the Internet is identified by a unique Internet Protocol ("IP") address, consisting of a series of numbers separated by periods. *Office Depot Inc. v. Zuccarini*, 596 F.3d 696, 698 (9th Cir. 2010) (internal citation and quotation marks omitted). Because IP addresses in their bare form are unmemorable, the Domain Name System was created to allow people to more easily remember and find places on the Internet. ICANN, *Beginner's Guide to Domain Names* 3 (2010), available at <https://www.icann.org/en/system/files/files/domain-names-beginners-guide-06dec10-en.pdf>. Under this system, IP addresses are given alphanumeric identifiers called domain names. *Id.* A domain name consists of a top level domain ("TLD") and second level domains within that TLD. *Id.* The TLD is the series of characters that are to the right of the last period in a domain name. For example, ".gov" is the TLD for the domain name assigned to this Court. A second level domain is the series of characters to the left of the last period in a domain name. *Id.* For example, "google" is the second level domain in "google.com." Second level domains are subdivisions of TLDs and are registered within the TLDs. *Office Depot, Inc.*, 596 F.3d at 776 (internal citation and quotation marks omitted).

Country code TLDs ("ccTLDs") are a particular type of TLD which carry a two letter

code identifying a relationship to a particular country. ICANN, *ICP-1: Internet Domain Name System Structure and Delegation (ccTLD Administration and Delegation)* (1999), available at <https://www.icann.org/resources/pages/delegation-2012-02-25-en>. The ccTLDs are operated by “managers” for that country. *Id.* Managers’ duties include “assignment of domain names, delegation of subdomains and operation of nameservers.” *Id.*

Information about the names and locations of the various TLDs on the Internet is stored on the “root zone file,” which is the authoritative listing of this information on the Internet. *IANA Functions and Related Root Zone Management Transition Questions and Answers*, Nat’l Telecommc’ns & Info. Admin., U.S. Dep’t of Commerce, <http://www.ntia.doc.gov/other-publication/2014/iana-functions-and-related-root-zone-management-transition-questions-and-answ> (last visited Nov. 6, 2014). The root can be analogized to a phone book for the Internet. *Id.*

With the foregoing foundational concepts in mind, the basic roadmap for what occurs between the moment a user types a domain name into an Internet browser and the moment the corresponding webpage appears on the user’s screen can be described. The D.C. Circuit has succinctly done so as follows:

When ordered to translate an unknown domain name into an Internet Protocol number, a computer will ask its Internet Service Provider’s server if it knows the domain name and corresponding Internet Protocol number. If that server lacks the information, it will pass the query to a ‘root server,’ also called a ‘root zone’ file, the authoritative and highest level of the domain name system database. The root zone file directs the query to the proper top-level domain zone file, which contains the domain names in a given domain and their corresponding Internet Protocol numbers.

*Thomas v. Network Solutions, Inc.*, 176 F.3d 500, 503–04 (D.C. Cir. 1999) (internal citations omitted). Thus, the Internet Domain Name System operates as something of a pyramid. The root zone file, at the top of the pyramid, contains information on the TLDs within the system and the location of the registries for those TLDs. *Id.* Registries of the TLDs, in turn, contain IP

address information on domain names logged within that TLD, which ultimately leads a computer (and its user) to the final Internet destination looked for. *Office Depot, Inc.*, 596 F.3d at 698–99 (internal citation and quotation marks omitted).

### **B. ICANN's Role**

ICANN is a non-profit corporation that performs the Internet Assigned Numbers Authority (“IANA”) functions under a contract with the United States government. *IANA functions*, Nat'l Telecommc'ns & Info. Admin., U.S. Dep't of Commerce, <http://www.ntia.doc.gov/category/iana-functions> (last visited Nov. 6, 2014). Of relevance to these proceedings, these IANA functions include managing the process of delegation and re-delegation of TLDs (including ccTLDs). Award/Contract No. SA1301-12-CN-0035 Between U.S. Dep't of Commerce and ICANN ¶ C.2.9.2.c, *available at* [http://www.ntia.doc.gov/files/ntia/publications/sf\\_26\\_pg\\_1-2-final\\_award\\_and\\_sacs.pdf](http://www.ntia.doc.gov/files/ntia/publications/sf_26_pg_1-2-final_award_and_sacs.pdf). This means that ICANN is responsible for recommending the entities that shall perform the functions of a ccTLD manager and for recommending corresponding changes to the root zone file. *See id.* (stating that ICANN “shall submit its recommendations” regarding delegation or re-delegation of a ccTLD to the Contracting Officer's Representative, i.e. a U.S. government official). “The delegation or redelegation process is designed to assign or re-assign a ccTLD to a manager,” with such a change being implemented by a change to the root zone to indicate the TLD and its related manager. *Delegating or redelegating a country-code top-level domain (ccTLD)*, IANA, <http://www.iana.org/help/cctld-delegation> (last visited Nov. 6, 2014).

### **C. Procedural History**

Writs of attachment were issued against ICANN on June 24, 2014, seeking defendants' money, property, or credits in ICANN's possession. ECF No. 24.<sup>1</sup> ICANN responded with (1)

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<sup>1</sup> For the sake of simplicity, all citations of the filings in these matters are to the first named case in the caption, *Stern v. Islamic Republic of Iran*, Civil No. 00-2602 (RCL).

objections and answers to the writs, ECF No. 28, and (2) a motion to quash the writs of attachment, ECF No. 29. Plaintiffs then filed a motion for discovery and for an extension of time to respond to ICANN's motion to quash the writs of attachment in order to better respond to certain factual assertions made in ICANN's motion. ECF No. 46. Each motion is now ripe for consideration.

## II. LEGAL STANDARD AND DISCUSSION

### A. Applicable Law

Federal Rule of Civil Procedure 69(a)(1) provides that the “procedure on execution—and in proceedings supplementary to and in aid of judgment or execution—must accord with the procedure of the state where the court is located.” Fed. R. Civ. P. 69(a)(1). Furthermore, “[u]nder the FSIA, local law on attachment and execution control[s] any dispute.” *Estate of Heiser v. Islamic Republic of Iran*, 807 F. Supp. 2d 9, 20 (D.D.C. 2011). The District of Columbia Code states that an “attachment may be levied upon the judgment debtor’s goods, chattels, and credits.” D.C. Code § 16-544. This includes property in the possession of a third person. *Id.* § 16-507.

### B. Country Code Top Level Domains Are Not Subject to Attachment in the District of Columbia

There is little authority on the question of whether Internet domain names may be attached in satisfaction of a judgment. Indeed, no reported decision of any American court appears to have decided the specific issue of whether a ccTLD may be attached. The Virginia Supreme Court’s discussion of these issues in *Network Solutions, Inc. v. Umbro Int’l, Inc.*, 529 S.E.2d 80 (Va. 2000) is helpful in illuminating the questions presented. There, the court held that a domain name could not be garnished by a judgment creditor under the relevant Virginia statute because it was “inextricably bound” to the domain name services provided by the registry operator. *Id.* at 86. The court elaborated: “[W]hatever contractual rights the judgment debtor

has in the domain names at issue in this appeal, those rights do not exist separate and apart from [the registry] services that make the domain names operational Internet addresses.” *Id.* The court further observed that allowing garnishment of a registry’s services as part of garnishing a right to a domain name would mean that “practically any service would be garnishable.” *Id.* at 86–87.

The Court finds this reasoning persuasive as applied to District of Columbia attachment law as well. The ccTLDs exist only as they are made operational by the ccTLD managers that administer the registries of second level domain names within them and by the parties that cause the ccTLDs to be listed on the root zone file. A ccTLD, like a domain name, cannot be conceptualized apart from the services provided by these parties. The Court cannot order plaintiffs’ insertion into this arrangement. *Cf. United States ex rel. Global Bldg. Supply, Inc. v. Harkins Builders, Inc.*, 45 F.3d 830, 833 (4th Cir. 1995) (holding that “where the property is in the form of a contract right, the judgment creditor does not ‘step into the shoes’ of the judgment debtor and become a party to the contract, but merely has the right to hold the garnishee liable for the value of that contract right”).

While interpretations of the D.C. Code are sparse, they tend to support this understanding of ccTLDs. The District of Columbia Court of Appeals has held that “money payable upon a contingency or condition is not subject to garnishment until the contingency has happened or the condition has been fulfilled.” *Cummings Gen. Tire Co. v. Volpe Constr. Co.*, 230 A.2d 712, 713 (D.C. 1967). Thus, payments under a contract that are conditioned upon completion of the work contracted for are not subject to garnishment because the “existence and amount” of the debt is “contingent and uncertain.” *Id.* While this suit does not squarely fit within the rule articulated by the court in *Cummings General Tire*, that rule does illuminate the fact that courts may not, through garnishment proceedings, insert a judgment creditor into an ongoing contractual



arrangement that necessarily requires continued work or services to have value. Here, the ccTLDs only have value because they are operated by ccTLD managers and because they are connected to computers around the world through the root zone.<sup>2</sup> D.C. law does not allow their attachment.<sup>3</sup>

### III. CONCLUSION

For the preceding reasons, the Court concludes that the country code Top Level Domain names at issue may not be attached in satisfaction of plaintiffs' judgments because they are not property subject to attachment under District of Columbia law.

An Order shall issue this date consistent with this Memorandum Opinion.

Signed by Royce C. Lamberth, United States District Judge, on November 10, 2014.

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<sup>2</sup> The Court notes that judicial decisions have construed domain names to be a form of intangible property. *See, e.g., Kremen v. Cohen*, 337 F.3d 1024, 1030 (9th Cir. 2002). But the conclusion that ccTLDs may not be attached in satisfaction of a judgment under District of Columbia law does not mean that they cannot be property. It simply means that they are not attachable property within this statutory scheme. Indeed, in *Network Solutions*, the Virginia Supreme Court nodded to this precise point in stating that it was not "essential to the outcome of this case to decide whether the circuit court correctly characterized a domain name as a 'form of intellectual property.'" *Network Solutions, Inc.*, 529 S.E.2d at 86.

<sup>3</sup> Because the Court concludes that ccTLDs may not be attached as a matter of District of Columbia law, there are no factual disputes that require further consideration. Therefore, the Court denies plaintiffs' motion for discovery as moot.