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8 Attorneys for Defendant  
 INTERNET CORPORATION FOR  
 ASSIGNED NAMES AND NUMBERS  
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10 UNITED STATES DISTRICT COURT  
 11 CENTRAL DISTRICT OF CALIFORNIA  
 12 WESTERN DIVISION  
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14 DOTCONNECTAFRICA TRUST,  
 15 Plaintiff,  
 16 v.  
 17 INTERNET CORPORATION FOR  
 ASSIGNED NAMES AND  
 18 NUMBERS,  
 19 Defendant.  
 20

Case No. CV 16-00862-RGK

Assigned for all purposes to the  
 Honorable R. Gary Klausner

**DECLARATION OF KATE  
 WALLACE IN SUPPORT OF  
 ICANN’S OPPOSITION TO  
 PLAINTIFF’S *EX PARTE*  
 APPLICATION FOR  
 TEMPORARY RESTRAINING  
 ORDER**

[ICANN’s Opposition to Plaintiff’s  
*Ex Parte* Application for TRO and  
 Declaration of Jeffrey A. LeVee  
 Filed Concurrently]

1 I, Kate Wallace, declare the following:

2 1. I am a partner of Jones Day, counsel to defendant the Internet  
3 Corporation for Assigned Names and Numbers (“ICANN”), a defendant in this  
4 action. I have personal knowledge of the matters set forth herein and am competent  
5 to testify as to those matters. I make this declaration in support of ICANN’s  
6 Opposition to Plaintiff’s Application for Temporary Restraining Order.

7 2. On January 20, 2016, Plaintiff filed a complaint in Los Angeles  
8 Superior Court asserting claims for breach of contract, intentional misrepresentation,  
9 negligent misrepresentation, fraud, conspiracy to commit fraud, and unfair  
10 competition.

11 3. On January 25, 2016, before Plaintiff effectuated service of its  
12 complaint, Plaintiff moved *ex parte* for, among other things, a temporary  
13 restraining order enjoining ICANN from delegating the .AFRICA generic top level  
14 domain pending resolution of its claims against ICANN. In its *ex parte* application,  
15 Plaintiff asserted many of the same arguments it asserts now. In particular, Plaintiff  
16 presented the Court with the final declaration issued by an independent panel in  
17 connection with an independent review process (“IRP”) proceeding Plaintiff had  
18 initiated,<sup>1</sup> and argued at the hearing on its emergency motion that ICANN had  
19 failed to adopt the recommendations made by the panel (“DCA Panel”).

20 4. I appeared on behalf of ICANN to oppose Plaintiff’s *ex parte*  
21 application for a temporary restraining order.

22 5. The Honorable James C. Chalfant denied Plaintiff’s application for  
23 temporary relief at the hearing, and in doing so specifically observed that in light of  
24 the ICANN Board’s acceptance of, and ICANN’s compliance with, the DCA  
25 Panel’s declaration, Plaintiff’s request that the court require ICANN’s Board to do

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27 <sup>1</sup> The IRP is an accountability mechanism established in ICANN’s Bylaws.  
28 It is discussed in paragraph 8 of the concurrently filed Declaration of Jeffrey A. LeVee.

1 so was moot. This is reflected in Judge Chalfant’s minute order, a true and correct  
2 copy of which is on file in this action at ECF No. 7. The order provides that  
3 Plaintiff’s application for a temporary restraining order was denied on two grounds:  
4 “inadequate notice and insufficient evidence presented.”

5 I declare under penalty of perjury under the laws of the United States of  
6 America that the foregoing is true and correct.

7 Executed on March 3, 2016, in Los Angeles, California.

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10 Kate Wallace

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