

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION

ANNE MARTINEZ, individually and)
on behalf of all other persons)
similarly situated,)

Plaintiffs,)

v.)

REGISTERFLY, INC.,)
UNIFIEDNAMES INC.)

HOSTING SERVICES GROUP INC.)

KEVIN MEDINA, in his personal capacity and)
as an agent of RegisterFly, Inc. and)

as an agent of Unifiednames Inc.)

John Naruszewicz, in his capacity as an agent)
of both Unifiednames and RegisterFly,)

ENOM, and)

ICANN,)

Defendants.)

Civil Action No 07-CV-188

NOTICE OF SUBSEQUENT FILING

COMES NOW the defendant, Internet Corporation for Assigned Names and Numbers ("ICANN"), by and through counsel and hereby files this Notice of Subsequent Filing of the Temporary Restraining Order entered by the Honorable Manuel L. Real, granting ICANN's motion for a Temporary Restraining Order in the action of *ICANN v. RegisterFly.Com, Inc., et al.*, CV 07-2089 R, pending in the United States District Court for the Central District of California. In addition, an Order to Show Cause regarding a preliminary injunction was likewise entered by the U.S. District Court, with a preliminary injunction hearing scheduled for April 26, 2007 at 1:30 p.m.

This the 18th day of April, 2007.

/s/ Philip J. Mohr

Philip J. Mohr, NC State Bar #24427

Womble Carlyle Sandridge & Rice, PLLC

One West Fourth Street, NC 27101

Telephone: 336-721-3577

Fax: 336-733-8358

CERTIFICATE OF SERVICE

I hereby certify that on this date a the foregoing **NOTICE OF SUBSEQUENT FILING** has been caused to be electronically filed with the Clerk of Court and served electronically through the Clerk of Court on April 18th, 2007 to the following person(s):

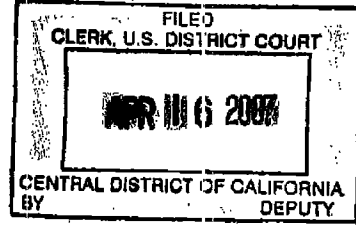
E. Clarke Dummit, Esquire
213 West Sixth Street
Winston-Salem, NC 27101

Gary Beaver
Nexsen Pruetts Adams Kleemeier
Suite 100
701 Green Valley Road
Greensboro, NC 27408

Attorney for Plaintiff(s)

/s/ Philip J. Mohr
Philip J. Mohr, NC State Bar #24427
Womble Carlyle Sandridge & Rice, PLLC
One West Fourth Street
Winston-Salem, NC 27101
336-721-3771
336-726-6006 (fax)
Attorney for Defendant ICANN

1 Jeffrey A. LeVee (State Bar No. 125863)
 jlevee@jonesday.com
 2 Samantha S. Eisner (State Bar No. 230344)
 seisner@jonesday.com
 3 JONES DAY
 555 South Flower Street
 4 Fiftieth Floor
 Los Angeles, CA 90071-2300
 5 Telephone: (213) 489-3939
 Facsimile: (213) 243-2539



6 Attorneys for Plaintiff
 7 The Internet Corporation for Assigned Names
 and Numbers

LODGED

2007 APR 11 PM 3:59
 CLERK, U.S. DISTRICT COURT
 CENTRAL DIST. OF CALIF.
 LOS ANGELES

8
 9 UNITED STATES DISTRICT COURT
 10 CENTRAL DISTRICT OF CALIFORNIA

11
 12 The Internet Corporation for Assigned
 Names and Numbers,

Case No. CV 07-2089 R (PLAx)

13 Plaintiff,

**REVISED [PROPOSED]
 TEMPORARY RESTRAINING
 ORDER**

14 v.

15 RegisterFly.Com, Inc., and
 16 UnifiedNames, Inc.,

Date: TBD
 Time: TBD
 Judge: Hon. Manuel L. Real

17 Defendants.
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28

LAI-2864477

[PROPOSED] TEMPORARY
 RESTRAINING ORDER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

[PROPOSED] ORDER

Based on the Complaint filed herein, the *Ex Parte* Application for Temporary Restraining Order, the Memorandum filed in Support of the Application, the Declarations in Support of the Application and Supplement to Plaintiff ICANN's Application for Temporary Restraining Order,

IT IS HEREBY ORDERED THAT:

The Application of Plaintiff Internet Corporation for Assigned Names and Numbers ("ICANN") for Temporary Restraining Order is hereby GRANTED.

IT IS FURTHER ORDERED THAT:

1. Defendants RegisterFly.Com, Inc., and UnifiedNames, Inc., and all of their officers, directors, agents, or representatives (collectively referred to as "RegisterFly"), and all persons or entities in active concert with or under common control by or with the above listed, are hereby directed *immediately*, in accordance with Sections 3.4 and 3.6 of the Registrar Accreditation Agreement ("RAA") between ICANN and RegisterFly, to provide ICANN with a complete copy of all registrant data for all Internet domain names that RegisterFly services as an ICANN-accredited Registrar, including the registration data for the equitable registrants of those domain names currently identified as registered by a proxy registration service, such as "ProtectFly" (the "Data"). In providing ICANN with this Data, RegisterFly is enjoined and restrained from altering or destroying any of the Data prior to making the copy. RegisterFly is further directed to provide ICANN a complete and current update of the Data on a recurring weekly (once every seven days) basis.

2. The Data referred to within this order, must include the following information, as required under sections 3.2, 3.3, and 3.4 of the RAA:

- the Registered Name;
- the names of the primary nameserver and secondary nameserver(s) for the Registered Name;

- 1 • the identity of the registrar (which may be provided through
- 2 registrar's website);
- 3 • the original creation date of the registration;
- 4 • the expiration date of the registration;
- 5 • the name and postal address of the Registered Name Holder;
- 6 • the name, postal address, e-mail address, voice telephone
- 7 number, and (where available) fax number of the technical
- 8 contact for the Registered Name;
- 9 • the name, postal address, e-mail address, voice telephone
- 10 number, and (where available) fax number of the administrative
- 11 contact for the Registered Name;
- 12 • the name and (where available) postal address, e-mail address,
- 13 voice telephone number, and fax number of the billing contact;
- 14 • any other Registry Data that the registrar has submitted to the
- 15 registry operator or placed in the registry database.

16 For the registration data for the equitable registrants of those domain
 17 names currently identified as registered by a proxy registration service, such as
 18 "ProtectFly", the Data referred to in this Order must include all of the information
 19 specified above, however all of the name, address, contact and billing information
 20 must reflect data as it relates to the equitable registrant, as opposed to the registered
 21 proxy service.

22 3. An electronic copy of the registration data for the equitable registrants of
 23 those domain names currently identified as registered by a proxy registration
 24 service such as "ProtectFly" must be submitted to ICANN immediately upon entry
 25 of this Order, and must be made in accordance with the procedures specified herein.

26 4. The Data referred to in this Order must be current, complete and reflect
 27 all registration transfers.

28

LAI-2864477

1 5. The Data referred to in this Order must be submitted to ICANN's secured
2 file transfer protocol ("SFTP") server as earlier agreed to by RegisterFly.

3 6. RegisterFly is required to perform a MD5 algorithm over each
4 transmission of Data prior to submission to ICANN and to provide ICANN with
5 that MD5 algorithm result with the Data file.

6 7. RegisterFly must provide the Data referred to in this Order in a consistent
7 .csv file format, in accordance with RFC 4180. If RegisterFly is unable to perform
8 .csv exports to create the Data file, RegisterFly must, within 48 hours of the entry
9 of this order, (1) provide ICANN notice that it cannot perform the required export;
10 (2) complete discussions with ICANN staff to agree upon an acceptable
11 standardized file format; and (3) utilize the negotiated standardized file format for
12 all Data submissions.

13 8. RegisterFly, and all persons or entities in active concert with or under
14 common control, are enjoined immediately from taking any actions to interfere with
15 ICANN's rights to inspect and audit all of RegisterFly's registration Data under
16 Section 3.4.3. RegisterFly must make its books and records, including the Data,
17 immediately available for audit by ICANN.

18 9. RegisterFly, and all persons or entities in active concert with or under
19 common control, are enjoined immediately from taking any actions to interfere with
20 ICANN's rights under the RAA, including, but not limited to, ICANN's right to use
21 the Data in order to protect the domain names of RegisterFly's customers.

22 IT IS SO ORDERED.

23 Dated: April 16, 2007

24 MANUEL L. REAL

25
26 The Honorable Manuel L. Real
27 United States District Court Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE BY OVERNIGHT DELIVERY

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 555 South Flower Street, Fiftieth Floor, Los Angeles, California 90071-2300. On April 11, 2007, I deposited with Federal Express, a true and correct copy of the within documents:

**REVISED [PROPOSED] TEMPORARY
RESTRAINING ORDER**

in a sealed envelope, addressed as follows:

Kevin Medina
RegisterFly.Com, Inc.
960 Arthur Godfrey Road, St402
Miami Beach, FL 33140
Email:
kevin@unifiednames-inc.com
President of RegisterFly.Com,
Inc. and Unified Names, Inc.

Mitchell Novick, Esq.
Law Offices of Mitchell P.
Novick
66 Park Street
Montclair, NJ 07042
Email:
mnovick@mitchellnovick.com
Counsel for Kevin Medina,
Registerfly, and Unified Names

Harold Rabner, Esq.
Rabner, Allcorn, Baumgart &
Ben Asher, P.C.
52 Upper Montclair Plaza
(Upper Montclair)
Montclair, NJ 07043
Email:
hrabner@rabnerallcorn.com
Counsel for Kevin Medina,
RegisterFly, and Unified Names

Following ordinary business practices, the envelope was sealed and placed for collection by Federal Express on this date, and would, in the ordinary course of business, be retrieved by Federal Express for overnight delivery on this date.

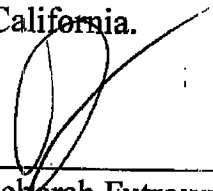
I have submitted a courtesy copy of the above described document via email to all parties listed above.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

PROOF OF SERVICE

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Executed on April 11, 2007, at Los Angeles, California.



Deborah Futrowsky

1 Jeffrey A. LeVee (State Bar No. 125863)
 jlevee@jonesday.com
 2 Samantha S. Eisner (State Bar No. 230344)
 seisner@jonesday.com
 3 JONES DAY
 555 South Flower Street
 4 Fiftieth Floor
 Los Angeles, CA 90071-2300
 5 Telephone: (213) 489-3939
 Facsimile: (213) 243-2539

FILED
 CLERK, U.S. DISTRICT COURT
 APR 16 2007
 CENTRAL DISTRICT OF CALIFORNIA
 DEPUTY

ORIGINAL

6 Attorneys for Plaintiff
 7 The Internet Corporation for Assigned Names
 and Numbers

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

LOGGED

2007 MAR 29 PM 4:28

1 The Internet Corporation for Assigned
 Names and Numbers,

Case No. CV 07-02089 ^R _{MR PLAT}

**[PROPOSED] ORDER TO
 SHOW CAUSE REGARDING
 PRELIMINARY INJUNCTION**

Plaintiff,

Date: [to be set]
 Time: [to be set]
 Judge: [to be set]

v.

16 RegisterFly.Com, Inc., and
 UnifiedNames, Inc.,

Defendants.

19 Based on the Complaint filed herein, the Ex Parte Application for Temporary
 20 Restraining Order, and Declarations in Support of the Ex Parte Application for
 21 Temporary Restraining Order, served and filed,

IT IS HEREBY ORDERED THAT:

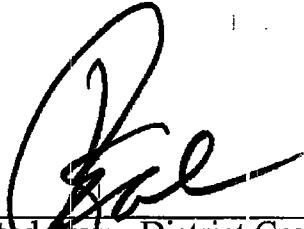
23 Plaintiff Internet Corporation for Assigned Names and Numbers' ("ICANN")
 24 Application for Temporary Restraining Order has been granted by this Court. As a
 25 result, defendants RegisterFly.Com, Inc, and UnifiedNames, Inc. (collectively
 26 referred to as "RegisterFly") ARE HEREBY ORDERED to show cause, in writing
 27 filed with the Court and served on Plaintiff's counsel, by April 20 2007,
 28 why a preliminary injunction should not be issued, pending trial of this action.

LAI2851962

[PROPOSED] ORDER TO SHOW CAUSE
 REGARDING PRELIMINARY INJUNCTION

1 ICANN may file a reply brief in support of a preliminary injunction on or before
2 April 24 2007. Thereafter, this Court will hold a hearing that will occur on
3 April 26, 2007 at 1:30 p.m.
4

5 Dated: April 16, 2007
6

7 
8 _____
9 United States District Court Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE BY OVERNIGHT DELIVERY AND ELECTRONIC

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 555 South Flower Street, Fiftieth Floor, Los Angeles, California 90071-2300. On March 29, 2007, I deposited with Federal Express, a true and correct copy of the within documents:

**[PROPOSED] ORDER TO SHOW CAUSE
REGARRDING PRELIMINARY INJUNCTION**

in a sealed envelope, addressed as follows and by transmitting electronically the document(s) listed above:

Kevin Medina
RegisterFly.com, Inc.
960 Arthur Godfrey Road
Suite 402
Miami Beach, FL 33140
Email: kevin@unifiednames-inc.com

Harold Rabner, Esq.
Rabner, Allcorn, Baumgart & Ben
Asher, P.C.
52 Upper Montclair Plaza
(Upper Montclair)
Montclair, New Jersey 07043
Email: hrabner@rabnerallcorn.com

Mitchell Novick, Esq.
Law Offices of Mitchell P. Novick
66 Park Street
Montclair, New Jersey 07042
Email: mnovick@mitchellnovick.com

Following ordinary business practices, the envelope was sealed and placed for collection by Federal Express on this date, and would, in the ordinary course of business, be retrieved by Federal Express for overnight delivery on this date.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

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

LAI-2857778v1

NOTICE OF EX PARTE APPLICATION AND APPLICATION FOR TEMPORARY RESTRAINING ORDER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Executed on March 29, 2007, at Los Angeles, California.

Martha L. Espelage-Alvarez
Martha L. Espelage-Alvarez