

Procedural Order No.1

of June 21, 2021

issued by the Independent Review Panel composed of

Hon. William J. Cahill (Ret.)

JAMS Inc.
Two Embarcadero Center,
Suite 1500
San Francisco, CA 94111
Contact Information Redacted

Mr. Piotr Nowaczyk, Esq

Presiding Panelist
ul. Z. Słomińskiego 19, lok. 113
00-195 Warsaw
Poland
Contact Information Redacted

Hon. A. Howard Matz (Ret.)

Bird, Marella, Boxer, Wolpert,
Nessim, Drooks, Lincenberg &
Rhow, P.C.
1875 Century Park East, 23rd Floor
Los Angeles, CA 90067
Contact Information Redacted

***in the matter before the International Centre for Dispute Resolution
(Case No. 01-19-0004-0808)***

Mr. Tom Simotas

Manager at the International Centre for Dispute Resolution
Contact Information Redacted

Ms. Amelia Krajewska

Administrative Secretary to the Independent Review Panel
Contact Information Redacted

between

- 1. Fegistry, LLC**
- 2. Minds + Machines Group, Ltd.**
- 3. Radix Domain Solutions Pte. Ltd.**
- 4. Domain Venture Partners PCC Limited**

**Internet Corporation for Assigned Names and
Numbers (ICANN)**

herein referred to as the Claimants

represented by

Maria Richmond, Esq.

Mike Rodenbaugh Esq.

Rodenbaugh Law
548 Market Street
Box 55819
San Francisco, CA 94104

herein referred to as the Respondent

represented by

Jeffrey LeVee, Esq.

Kelly Ozurovich, Esq.

Jones Day
555 South Flower Str., 50th Floor
Los Angeles, CA 90071

Amy Stathos, Esq.

ICANN
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536

Value of the claim: *to be determined*

By this Procedural Order No.1 the Independent Review Panel (“**IRP**”):

1. recapitulates the procedural history of the present case, which is the following:
 - a. on June 1, 2021, the Presiding Panelist received the invitation to serve as a chairman of the IRP;
 - b. the Presiding Panelist has familiarized himself with the casefile and has acknowledged that:
 - (i) the present dispute was initiated by the Notice of Independent Review dated November 18, 2019;
 - (ii) on December 16, 2019, the Request for Independent Review (“**RIR**”) was filed;
 - (iii) on August 7, 2020, the Decision on Request for Interim Measures of Protection was issued by the Emergency Panelist – Mr. Christopher S. Gibson;
 - (iv) no further developments have been registered to date in the casefile.
 - c. with the appointment of the Presiding Panelist, the IRP composed additionally of Hon. William J. Cahill (Ret.) and Hon. A. Howard Matz (Ret.) has been properly constituted;
 - d. in result of the email exchange and telephone conference held between the members of the IRP on June 16, 2021, a Preliminary Hearing (Preparatory Conference Call, “**PCC**”) was agreed to be held on June 29, 2021, at 09:00 a.m. (Pacific Standard Time – PST/PDT) or alternatively, on July 1, 2021, at 09:00 a.m. (PST/PDT);
 - e. given the above, the Presiding Panelist invites the Parties to inform the IRP on the preferred date of the PCC no later than on June 22, 2021, at 6 p.m. PST/PDT.
2. The Presiding Panelist further informs the Parties that the IRP proposes to raise the following issues during the PCC:
 - f. impact on this IRP of the Emergency Panelist’s Decision dated August 7, 2020, i.e., para. 26 (C) stating that “*Claimants have failed to raise sufficiently serious questions related to the merits in relation to the Board’s decision to deny Request 18-6.*”;
 - g. impact on this IRP of the pending demurrer in LASC Case No. 20 STCV42881, filed by the Claimant against the Respondent;
 - h. update on other developments in the present case and its current status, including the following questions:
 - (i) is there a need for, or a benefit likely to result from additional submissions of the Parties such as an amended Request, with a corresponding right of ICANN to file a revised Response, joinder of additional parties, consolidation or coordination with any other pending IRP, etc.?

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- (ii) are there any other pending or prospective cases related to this case in arbitration or in public courts?
 - i. required decisions of the IRP as to the further steps in the proceedings;
 - j. determination of the procedural timetable, including anticipated date for the merits hearing and pre-hearing arrangements;
 - k. possible existence of conflicts of interest between or among the Claimants;
 - l. law applicable to the merits of the case;
 - m. legal seat of the proceedings and place of the hearing;
 - n. discussion as to other issues on jurisdiction or application of any of the ICDR governing rules, if requested by the Parties;
 - o. confidentiality provisions;
 - p. the Panelists' requirements for service of documents, e.g., hard copy deliveries of all submissions, exhibits and documents, including those quoted in the footnotes;
 - q. discovery process, including the following questions:
 - (i) what is needed by the Parties and why?
 - (ii) what forms of discovery should the IRP permit?
 - (iii) is there a need for third party discovery?
 - (iv) if there are discovery disputes will the Presiding Panelist be entitled to decide the issue alone or after consultation with co-panelists?
 - r. impact or role (if any) of the need for specialized scientific or technical tutorials for the ICR, as well as the independent experts;
 - s. the manner of circulating the correspondence in the present case between the IRP, the Parties and the ICDR;
 - t. any dispositive motions of the Parties.
3. The Presiding Panelist believes that all the above mentioned issues, as well as any other issues raised by the Parties, will be discussed openly and friendly in order to establish a suitable climate and good atmosphere for further proceedings.
4. In addition, the Presiding Panelist assures that the IRP is determined to run these proceedings promptly and efficiently towards a fair resolution of this dispute.

Done in Estepona, Spain, June 21, 2021

Respectfully yours

A handwritten signature in blue ink, appearing to read 'P. Nowaczyk', with a stylized flourish at the end.

Piotr Nowaczyk
Presiding Panelist