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INTERNET CORPORATION FOR
ASSIGNED NAMES AND NUMBERS

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

COALITION FOR ICANN TRANSPARENCY INC., Plaintiff, v. VERISIGN, INC; and INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS, Defendant.	**Case No. 05-4826 (RMW)** **DECLARATION OF SEAN W. JAQUEZ IN SUPPORT OF ICANN'S OPPOSITION TO PLAINTIFF'S *EX PARTE* APPLICATION FOR TEMPORARY RESTRAINING ORDER**

I, Sean W. Jaquez, declare:

1.   I am an attorney licensed to practice law in the State of California with the law firm of Jones Day, counsel of record for defendant Internet Corporation for Assigned Names and Numbers (ICANN). I make this declaration in support of ICANN's Opposition to Plaintiff's *Ex Parte* Application For Temporary Restraining Order.

2.   Attached hereto as Exhibit A is a true and correct copy of *VeriSign v. ICANN*, 2004 U.S. Dist. LEXIS 17330, Case No. CV 04-1292 AHM (CTx) (C.D. Cal. Aug. 26, 2004) (order granting defendant's motion to dismiss).

3.   Attached hereto as Exhibit B is a true and correct copy of *Dotster v. ICANN*, 296 F. Supp. 2d 1159 (C.D. Cal. 2003) (order denying plaintiffs' request for preliminary injunction).

1   4. Attached hereto as Exhibit C is a true and correct copy of *Dotster v. ICANN*, Case No.

2   CV 03-5045 JFW (MANx) (C.D. Cal. July 21, 2003) (order denying plaintiffs' request for

3   temporary restraining order).

4   5. Attached hereto as Exhibit D is a true and correct copy of *Dotster v. ICANN*, Case No.

5   CV 03-5045 JFW (MANx) (C.D. Cal. December 5, 2003) (stipulated dismissal with prejudice).

6   6. Attached hereto as Exhibit E is a true and correct copy of Bret Fausett, *From Behind*

7   *the Irony Curtain* (Nov. 23, 2005),

8   http://blog.lextext.com/blog/_archives/2005/11/23/1419141.html.

9   7. As of 11:00 a.m. PST on 28 November 2005, the official web site of the Coalition for

10   ICANN Transparency (CFIT), which is located at www.cfit.info, does not contain a roster or

11   references to the names of any of its members.

12   8. Attached hereto as Exhibit F is a true and correct copy of *Group forms to challenge*

13   *VeriSign on .com*, Datamonitor NewsWire (Nov. 24, 2005).

14   9. Attached hereto as Exhibit G is a true and correct copy of *Pool.com Inc. v. ICANN*,

15   Case No. 03-CV-24621 (Ontario Superior Court of Justice May 25, 2004) (factum of the

16   defendant/moving party re: defendant's motion to stay or dismiss the action on jurisdictional

17   grounds).

18   10. In July 2004, immediately before ICANN's Motion to Stay or Dismiss the Action on

19   Jurisdictional Grounds was to be heard in *Pool.com*, ICANN and Pool.com agreed that ICANN's

20   motion should be adjourned to be brought back to a hearing, if necessary, at a later date. The

21   motion was adjourned on July 7, 2004.

22   11. Attached hereto as Exhibit H is a true and correct copy of *Registersite.com v. ICANN*,

23   Case No. 04-CV-1368 ABC (CWx) (C.D. Cal. July 14, 2004) (order re: defendants' motions to
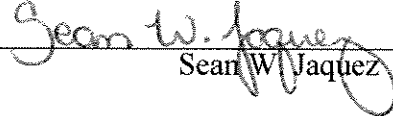
24   dismiss).

25   12. Attached hereto as Exhibit I is a true and correct copy of *Registersite.com v. ICANN*,

26   Case No. SC082479 GR (L.A. Sup. Ct. Nov. 16, 2004) (tentative ruling on defendants'

27   demurrers).

28

1   13. Attached hereto as <u>Exhibit J</u> is a true and correct copy of *Registersite.com v. ICANN*,

2   Case No. SC082479 GR (L.A. Sup. Ct. Jan. 12, 2005) (stipulation and order re: dismissal).

3   I declare under penalty of perjury under the laws of the United States that the foregoing is

4   true and correct.

5   Executed this 29 day of November, 2005, at Los Angeles, California.

7   _____
     Sean W. Jaquez