

[ORAL ARGUMENT SCHEDULED FOR JANUARY 21, 2016]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

SUSAN WEINSTEIN, et al.,

Appellants,

v.

ISLAMIC REPUBLIC OF IRAN, et al.,

Appellees,

INTERNET CORPORATION FOR  
ASSIGNED NAMES AND NUMBERS,

Garnishee-Appellee.

Nos. 14-7193, 14-7194,  
14-7195, 14-7198,  
14-7202, 14-7203, 14-7204

**MOTION FOR A 23-DAY EXTENSION OF TIME  
IN WHICH TO RESPOND TO THE COURT'S INVITATION**

On November 13, 2015, this Court invited the views of the United States in this matter, which raises questions the government has not previously addressed. For the reasons set forth below, the government respectfully requests a 23-day extension, to and including January 7, 2016, of the time for responding to the Court's invitation. As we explain below, this extension is necessary to allow the Solicitor General an adequate opportunity to consider this case, to consult with potentially affected agencies of the government, and to authorize any amicus filing on behalf of the United States. *See* 28 C.F.R. § 0.20(c). In addition, this extension is necessary in light

of other pressing appellate matters for which government counsel is responsible. This is our first request for an extension.

1. Plaintiffs in these consolidated appeals seek review of the district court's order granting the motions of the Internet Corporation for Assigned Names and Numbers (ICANN) to quash writs of attachment served by plaintiffs on non-party ICANN to enforce money judgments held by the plaintiffs against the governments of Iran, Syria, and North Korea. *See Stern v. Islamic Republic of Iran*, No. 00-2602 (D.D.C. Dec. 15, 2014) (Lamberth, J.), Dkt. No. 116; *see also Rubin v. Islamic Republic of Iran*, No. 01-1655 (D.D.C.); *Haim v. Islamic of Iran*, No. 02-1811 (D.D.C.); *Haim v. Islamic Republic of Iran*, No. 08-520 (D.D.C.); *Weinstein v. Islamic Republic of Iran*, No. 00-2601 (D.D.C.); *Wyatt v. Syrian Arab Republic*, No. 08-502 (D.D.C.); and *Calderon-Cardona v. Democratic People's Republic of North Korea*, No. 14-mc-648 (D.D.C.). The district court also denied as moot the plaintiffs' motions for discovery.

2. The parties completed briefing in this Court on October 27, 2015. On November 13, 2015, this Court *sua sponte* invited the government to file a brief expressing the views of the United States. The government's response to this Court's invitation is currently due on December 15, 2015, by 4:00 pm. Oral argument is scheduled for January 21, 2016. If this motion is granted, the government will file its response on January 7, fourteen days before the oral argument.

3. The government appreciates this Court's invitation to offer its views on this case and recognizes that the Court had already scheduled oral argument before the

Court invited the government to file a brief. For the reasons discussed below, however, it is not reasonably feasible for the government to provide its considered views on the important issues presented in this case without the requested extension.

a. Under 28 C.F.R. § 0.20(b) and (c), the Solicitor General is responsible for deciding whether, and in support of which propositions, the federal government will participate as *amicus curiae* in the courts of appeals. This case involves novel and unsettled questions that may implicate the interests of a wide array of government entities. The plaintiffs seek to attach, as “property,” the .ir, .sy, and .kp country code top-level domains (ccTLDs) associated with Iran, Syria, and North Korea. At the highest levels, country code top-level domains help users navigate the Internet to successfully locate information that they have requested. The plaintiffs also seek to attach certain IP addresses, *i.e.*, unique numerical addresses that identify a computer or device on the Internet. Appellee ICANN argues that granting the plaintiffs’ writs of attachment would “wreak havoc on the domain name system” of the Internet (Br. 34) and “jeopardize” its “structure and operation.” Br. 49.

The novel nature of this case underscores the importance of careful consultation by the Solicitor General with potentially affected federal agencies, particularly considering the United States government’s role in creating and, through the Department of Commerce, ensuring the neutral and reliable administration of the global Internet. The district court recognized (*slip op.* at 6) that “[t]here is little authority on the question of whether Internet domain names may be attached in

satisfaction of a judgment” and “no reported decision of any American court appears to have decided the specific issue of whether a ccTLD,” which is among the alleged property at issue in the appeal, “may be attached.” Neither the plaintiffs nor ICANN claim otherwise.

b. The additional time is also necessary because the attorney with principal responsibility for preparing any government brief in this appeal is Sonia K. McNeil. Ms. McNeil is also principal counsel for the government in *National Coalition for Men v. Selective Service System*, No. 13-56690 (9th Cir.). Ms. McNeil is scheduled to present oral argument before the Ninth Circuit on behalf of the government on December 8, 2015, only five business days before the government’s response to this Court’s invitation is currently due in this case.

In addition, Ms. McNeil has substantial responsibility for the government’s brief in the consolidated cases *Al-Nashiri v. Obama*, No. 15-5020 (D.C. Cir.), and *In re Al-Nashiri*, No. 15-1023 (D.C. Cir.). The government’s brief in those cases is currently due in this Court on December 21, 2015, only four business days after the government’s response to this Court’s invitation is currently due in this case.

4. For the foregoing reasons, the requested 23-day extension is necessary to ensure that the government can provide its considered views on the novel, unsettled, and important issues presented in this case. If the extension is granted, the government will respond to this Court’s invitation fourteen calendar days before the oral argument in this case, which is currently scheduled on January 21, 2016.

5. We have consulted with counsel for the parties. ICANN consents to the government's requested extension. Plaintiffs state that they would not object to the government's requested extension if this Court were to postpone the oral argument and afford the plaintiffs a reasonable amount of time in which to respond to any filing by the government. The government does not oppose the plaintiffs' proposal, and ICANN states that it defers to the Court regarding whether a postponement of the oral argument is warranted.

### CONCLUSION

For the foregoing reasons, the government respectfully requests a 23-day extension, to and including January 7, 2016, of the time for responding to the Court's invitation in this appeal.

Respectfully submitted,

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NOVEMBER 2015

**CERTIFICATE OF SERVICE**

I hereby certify that on November 20, 2015, I electronically filed the foregoing with the Clerk of Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system. The participants in the case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

/s/ Sonia K. McNeil  
Sonia K. McNeil  
Counsel for the United States