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13 INTERNET CORPORATION FOR
14 ASSIGNED NAMES AND NUMBERS

15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

17 COALITION FOR ICANN
18 TRANSPARENCY INC.,

19 Plaintiff,

20 v.

21 VERISIGN, INC; and INTERNET
22 CORPORATION FOR ASSIGNED
23 NAMES AND NUMBERS,

24 Defendants.

Case No. 05-4826 (RMW)

**DEFENDANT INTERNET
CORPORATION FOR ASSIGNED NAMES
AND NUMBERS' ADMINISTRATIVE
MOTION TO DETERMINE WHETHER
CASES SHOULD BE RELATED**

[Civil Local Rule 3-12]

1 Pursuant to Civil Local Rule 3-12, the undersigned counsel of record for defendant
2 Internet Corporation for Assigned Names and Numbers ("ICANN") respectfully submits this
3 Administrative Motion to Determine Whether Cases Should be Related.

4 Under the definitions found in Civil Local Rule 3-12, ICANN considers this action,
5 Coalition For ICANN Transparency Inc. v. VeriSign, Inc. and Internet Corporation for Assigned
6 Names and Numbers, Case No. 05-4826 (RMW), filed in this District on November 28, 2005 and
7 pending before the Honorable Ronald M. Whyte ("CFIT Action") to be related with World
8 Association of Domain Name Developers, Inc. v. VeriSign, Inc. and Internet Corporation for
9 Assigned Names and Numbers, Case No. 05-4828, filed in this District on November 28, 2005
10 ("World Association Action"). A copy of the World Association Action complaint is attached
11 hereto as Exhibit A.

12 Local Rule 3-12(a) considers actions to be related if they "concern substantially the same
13 parties, property, transaction or event." Such is the case here. Both the CFIT Action and the
14 World Association Action allege violations of the antitrust laws, California's Business and
15 Professions Code Section 17200 and other statutes arising out of the implementation of a
16 proposed ".com Registry Agreement" between ICANN and VeriSign, Inc. ("VeriSign"). And
17 Both the CFIT Action and the World Association Action seek an order enjoining ICANN and
18 VeriSign from implementing the ".com Registry Agreement."

19 Local Rule 3-12(a) further considers actions to be related if it "appears likely that there
20 will be an unduly burdensome duplication of labor and expense or conflicting results if the cases
21 are conducted before different Judges." Given that both the CFIT Action and the World
22 Association Action arise from the same transaction and events, involve substantially identical
23 issues and seek the same remedies, their assignment to different judges inevitably would result in
24 an unnecessary duplication of labor within this Court and create a risk of inconsistent decisions.
25 Accordingly, both actions should be deemed by this Court to be related.

1 Dated: November 29, 2005

Respectfully Submitted,
JONES DAY

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By: Courtney M. Schaberg
Courtney M. Schaberg *by sup*

Attorneys for Defendant
INTERNET CORPORATION FOR
ASSIGNED NAMES AND NUMBERS

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PROOF OF SERVICE

I, Lynne E. Trotti, declare:

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 November 29, 2005, I caused to be served a copy of the within document(s):

DEFENDANT INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS' ADMINISTRATIVE MOTION TO DETERMINE WHETHER CASES SHOULD BE RELATED

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- by placing the document(s) listed above in a sealed envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a agent for delivery.
- by electronically delivering the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

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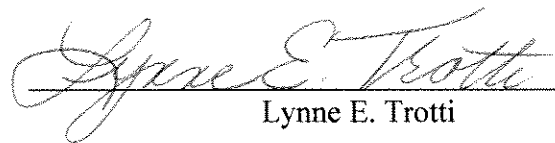
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I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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.

Executed on November 29, 2005, at Los Angeles, California.


Lynne E. Trotti