

1 Robert A. Sacks (Cal. Bar No. 150146)  
Adam Paris (Cal. Bar No. 190693)  
2 Edward E. Johnson (Cal. Bar No. 241065)  
SULLIVAN & CROMWELL LLP  
3 1888 Century Park East  
Los Angeles, California 90067-1725  
4 (310) 712-6600  
(310) 712-8800 facsimile  
5

6 Attorneys for Plaintiff C. ITOH MIDDLE  
EAST E.C. (Bahrain), through the real  
party in interest, NATIONAL UNION  
7 FIRE INSURANCE COMPANY OF  
PITTSBURGH, PA.  
8

9  
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF LOS ANGELES  
12 WEST DISTRICT  
13

14 C. ITOH MIDDLE EAST E.C. (Bahrain) )  
through the real party in interest, NATIONAL )  
15 UNION FIRE INSURANCE COMPANY )  
OF PITTSBURGH, PA, )

16 Plaintiff, )

17 v. )

18 INTERNET CORPORATION FOR )  
19 ASSIGNED NAMES AND NUMBERS, )  
INTERNET ASSIGNED NUMBERS )  
20 AUTHORITY, the PEOPLE'S )  
21 REPUBLIC OF THE CONGO, and THE )  
CONGOLESE REDEMPTION FUND, )

22 Defendants. )  
23  
24  
25  
26  
27  
28

Case No. SC090220

The Hon. John L. Segal

**PLAINTIFF'S OPPOSITION TO  
DEFENDANTS' SUPPLEMENTAL  
REQUEST FOR JUDICIAL NOTICE**

Hearing: November 3, 2006

Time 8:30 a.m.

Dept.: M

Action Filed: June 28, 2006

1 Plaintiff C. Itoh Middle East E.C. (Bahrain), through the real party in interest  
2 National Union Fire Insurance Company of Pittsburgh, Pa. ("NUFI"), respectfully submits this  
3 Opposition to the Supplemental Request for Judicial Notice ("Supplemental Request") of  
4 Defendants Internet Corporation for Assigned Names and Numbers and Internet Assigned  
5 Numbers Authority (collectively, "ICANN").

6 The Supplemental Request was filed with ICANN's Reply in Support of its  
7 Demurrer. Just as it did in its first Request for Judicial Notice, ICANN improperly seeks (i) to  
8 controvert the well-pled allegations of the Complaint by asking the Court to take judicial notice  
9 of the truth of self-serving hearsay, this time including not only documents that ICANN itself  
10 authored and posted on its own website but also a brief in other litigation by a third party, and (ii)  
11 to avoid discovery by asserting as indisputable fact its own proffered interpretation of its  
12 ambiguous contractual arrangements and course of dealing with the Department of Commerce.  
13 NUFI respectfully requests that the Court deny the Supplemental Request, for the reasons stated  
14 in NUFI's Opposition to ICANN's (first) Request for Judicial Notice, and permit the  
15 development of a proper factual record.

16  
17 Dated: October 31, 2006

Respectfully submitted,

*Robert A. Sacks / EEJ*

18  
19  
20  
21 Of Counsel:  
22 Mark F. Rosenberg  
23 Jacob F.M. Oslick  
24 SULLIVAN & CROMWELL LLP  
25 125 Broad Street  
26 New York, New York 10004-2498  
27 (212) 558-4000  
28 (212) 558-3588 facsimile

Robert A. Sacks (Cal. Bar No. 150146)  
Adam S. Paris (Cal. Bar No. 190693)  
Edward E. Johnson (Cal. Bar No. 241065)  
SULLIVAN & CROMWELL LLP  
1888 Century Park East  
Los Angeles, California 90067-1725  
(310) 712-6600  
(310) 712-8800 facsimile

Attorneys for Plaintiff C. ITOH MIDDLE  
EAST E.C. (Bahrain), through the real party  
in interest, NATIONAL UNION FIRE  
INSURANCE COMPANY OF  
PITTSBURGH, PA.

1 **PROOF OF SERVICE**

2 I, Roberta Striplin, declare as follows:

3 I am employed in the County of Los Angeles, State of California. I am over the  
4 age of eighteen years and am not a party to this action. My business address is Sullivan &  
5 Cromwell LLP, 1888 Century Park East, Suite 2100, Los Angeles, California, 90067.

6 I served the following document:

7 **PLAINTIFF'S OPPOSITION TO DEFENDANTS' SUPPLEMENTAL**  
8 **REQUEST FOR JUDICIAL NOTICE**

9 on October 31, 2006, on all parties in this action by placing true copies of the above document  
10 enclosed in a sealed envelope addressed as follows:

11 **Via Hand Delivery**

12 Jeffrey A. LeVee  
13 Sean W. Jaquez  
14 Samantha S. Eisner  
15 JONES DAY  
16 555 South Flower Street, Fiftieth Floor  
17 Los Angeles, California 90071-2300  
18 Counsel for Defendants Internet Corporation for Assigned  
19 Names and Numbers and Internet Assigned Numbers Authority

17 **Via U.S. Mail**

18 The People's Republic of the Congo  
19 Regie National Des Travaux Publics et de la Construction  
20 B.P. 2073  
21 Brazzaville  
22 Republique Populaire du Congo

22 The Congolese Redemption Fund  
23 Regie National Des Travaux Publics et de la Construction  
24 B.P. 2073  
25 Brazzaville  
26 Republique Populaire du Congo

25 For copies served by Hand Delivery, I am familiar with the office practice of  
26 Sullivan & Cromwell LLP, which practice is that when correspondence is deposited with the  
27 Sullivan & Cromwell LLP personnel responsible for delivering correspondence to the  
28

1 appropriate courier service, such correspondence is delivered to the appropriate courier service  
2 that same day in the course of business.

3 For copies served by U.S. Mail, I placed such envelope with postage thereon fully  
4 prepaid for the deposit in the United States in accordance with the office practice of Sullivan &  
5 Cromwell LLP for collecting and processing correspondence for mailing, which practice is that  
6 when correspondence is deposited with the Sullivan & Cromwell LLP personnel responsible for  
7 delivering correspondence to the United States Postal Service, such correspondence is delivered  
8 to the United States Postal Service that same day in the course of business.

9 I declare under penalty of perjury under the laws of the United States that the  
10 foregoing is true and correct.

11 Executed on October 31, 2006, at Los Angeles, California.

12  
13 \_\_\_\_\_  
14 Roberta Striplin  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28