

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

IN RE:

CHARLES F. STEINBERGER  
PAMELA J. PERRY

**Case No. 8:10-bk-19945-KRM**  
Chapter 7

*Debtors,*

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Adv. Pro. No. 8:11-ap-00418-KRM

DENISE SUBRAMANIAM,

*Plaintiff,*

v.

CHARLES STEINBERGER,  
ICANN  
INTERNET.BS,  
SUSAN K. WOODARD, Chapter 7 Trustee

*Defendants.*

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**DECLARATION OF AKRAM ATALLAH IN SUPPORT OF DEFENDANT ICANN'S  
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

I, Akram Atallah, declare and affirm as follows:

1. I am the Chief Operating Officer of the Internet Corporation for Assigned Names and Numbers ("ICANN"), a defendant in this action. I have personal knowledge of the matters set forth herein and am competent to testify to those matters. I make this declaration in support of ICANN's Motion to Dismiss Pursuant to Federal Rules of Civil Procedure 12(b)2, 12(b)3 and 12(b)6.

**Background and Function of ICANN**

2. ICANN is a not-for-profit public benefit corporation organized under the laws of the State of California. Its principal place of business is in Marina del Rey, which is in Los Angeles County, California. ICANN is responsible for the global coordination of the Internet's domain name system unique identifiers. Background on the privatization of the Internet is

available in a publication published by the Department of Commerce on June 5, 1998 entitled *Management of Internet Names and Addresses* and is available at 63 Fed. Reg. 31741 (1998).

3. ICANN does not produce, manufacture or distribute any goods or services anywhere in the world. In fact, ICANN does not sell anything and is not engaged in commercial business, nor does ICANN contract directly with any consumer.

4. ICANN maintains the websites that are located at <http://www.icann.org>, <http://www.iana.org>, and <http://www.internic.net>. These websites are operated from web servers physically located in Southern California and Virginia. These websites contain a wealth of information about ICANN, about the people who work for ICANN, and about the projects that ICANN has undertaken in connection with the Internet. The websites also contain “links” to other information that is related to ICANN’s activities. ICANN does not offer anything for sale on its website.

5. ICANN maintains a series of agreements with generic TLD Internet registries (such as .com and .net) and registrars, and these agreements provide that the registries and registrars pay ICANN fees, some of which are based on a per-registration basis. ICANN collects these fees only directly from the registries or registrars, and not directly from the registrants.

6. A company can become accredited as a Registrar with ICANN by coming to California to do business with ICANN there. Specifically, the company must: (a) go to the passive informational website that ICANN operates in California; (b) mail a hard-copy application to ICANN in California; (c) sign an accreditation agreement and forward it to ICANN in California; and (d) enter an accreditation agreement that explicitly states that it is deemed made at Los Angeles, California, that disputes (between ICANN and the registrar) will be resolved in Los Angeles, and that “all litigation involving ICANN concerning this Agreement (whether in a case where arbitration has not been elected or to enforce an arbitration award), jurisdiction and exclusive venue for such litigation shall be in a court located in Los Angeles, California, USA.” The Agreement is available publicly on the Internet at <http://www.icann.org/registrars/ra-agreement-17may01.htm>.

7. No contract exists between ICANN and Plaintiff Denise Subramaniam.

**ICANN's Lack of Connection to Florida**

8. ICANN does not have any office or other company facilities in Florida.
9. ICANN does not have any phone number or mailing address in Florida.
10. ICANN does not have any employee or staff member in Florida.
11. ICANN has not applied for any loan or opened any bank account in Florida.
12. ICANN has not owned any tangible personal property or real estate property or assets in Florida.
13. ICANN has not appointed any agent in Florida for service of process.
14. ICANN is not registered or licensed to do business in Florida and does not conduct any business in Florida.
15. ICANN does not solicit business in Florida and has never released any advertisement to the residents of Florida, nor has it released any advertisement in any magazine targeted at residents of Florida.

**ICANN's Lack of Connection to Oregon**

16. ICANN does not have any office or other company facilities in Oregon.
17. ICANN does not have any phone number or mailing address in Oregon.
18. ICANN does not have any employee or staff member in Oregon.
19. ICANN has not applied for any loan or opened any bank account in Oregon.
20. ICANN has not owned any tangible personal property or real estate property or assets in Oregon.
21. ICANN has not appointed any agent in Oregon for service of process.
22. ICANN is not registered or licensed to do business in Oregon and does not conduct any business in Oregon.
23. ICANN does not solicit business in Oregon and has never released any advertisement to the residents of Oregon, nor has it released any advertisement in any magazine targeted at residents of Oregon.



I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

This declaration was signed on May 16, 2011 at Marina del Rey, California.

  
Akram Atallah

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Declaration of Akram Atallah has been provided by regular U.S. Mail or the Court's CM/ECF system on the 20 day of May, 2011, to: Charles F. Steinberger and Pamela J. Perry, 19302 69th Avenue East, Bradenton, FL 34211; Christopher D. Smith, Esq., 5391 Lakewood Ranch Blvd., #203, Sarasota, FL 34240; Denise Subramaniam, 2850 SW Cedar Hills Blvd. #351, Beaverton, OR 97005 and at 13865 SW Walker Road, Beaverton, OR 97005; Susan K. Woodard, Trustee, PO Box 7828, St. Petersburg, FL 33734-7828; Herbert Donica, Counsel for Trustee, 106 S. Tampania Ave., Suite 250 Tampa, FL 33609 and Internet.bs Corp., c/o Ernesto Gongora, CTO, 98 Hampshire Street, N-4892 Nassau, The Bahamas.

/s/ Maria H. Ruiz

Maria H. Ruiz  
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