

copy for ICANN

REC'D APR 06 2011

Plaintiff:)	Case No. C11-1899CV
Denise Subramaniam)	
)	PLAINTIFF'S COMPLAINT
v.)	BREACH OF CONTRACT
Defendants:)	SPECIFIC PERFORMANCE
ICANN,)	\$ 5,887,500
Susan K. Woodard,)	
Charles Steinberger,)	CLAIM NOT SUBJECT TO
Internet.bs)	MANDATORY ARBITRATION

JURISDICTION AND VENUE

1. The Oregon Circuit Court has jurisdiction over this complaint and Washington County is an appropriate venue. The Plaintiff lives and does business in Washington County, Oregon.
2. Plaintiff is a disabled person. She is currently impoverished. Her poverty is a direct result of her disabilities and due to the defendants' breach of contract with her.
3. Plaintiff is a woman and sole proprietor of a very small technology business; Plaintiff's business qualifies as a federal Women-Owned Small Business (WOSB); an Oregon Women-Owned Enterprise (WOE) and an Oregon DBE (economically disadvantaged business enterprise.)
4. Due to these disadvantages, Plaintiff's business is at a much greater risk of failure when she incurs damage due to a breach of contractual obligations by a powerful monopolistic seller.
5. Plaintiff entered into contracts with the defendants as part of her business activities in Oregon. Plaintiff bought and registered domain names while in Oregon sold by the defendants as part of defendants' business activities in Oregon through the internet or World Wide Web (WWW).
6. Defendant Internet Corporation for Assigned Names and Numbers (ICANN) has a significant presence in and connection with Oregon, every Oregon government office, Oregon business, Oregon non-

profit or Oregon citizen with a website ultimately bought their domain name (i.e. the address for their website) from ICANN; and is a member of the public ICANN serves. All of these Oregon residents are wholly dependent on ICANN to perform on its contractual obligations and its expressed and implied warranties regarding its accredited registrars and its protection of public interest.

7. An Internet business can be subject to jurisdiction for causing an injury in the state claiming jurisdiction. Courts have upheld that if someone uses the Internet to cause an injury in one state, the person causing the damage may be sued in the state where the injury occurred.
8. A Pennsylvania court was able to obtain personal jurisdiction over a California Internet service provider that had 3,000 Pennsylvania subscribers. The act of processing the Pennsylvania applications and assigning passwords was sufficient to demonstrate the minimum contacts needed for personal jurisdiction. *Zippo Mfg. Co. v. Zippo Dot Com, Inc.*, 952 F. Supp. 1119 (W.D. Pa 1997).
9. A Texas court gained personal jurisdiction over an out-of-state online gambling enterprise because the gambling operation entered into contracts with Texas residents to play online gambling games, sent emails to the Texas residents, and sent winnings to Texas residents. *Thompson v. Handa-Lopez, Inc.*, 998 F. Supp. 738 (W.D. Tex. 1998).
10. Committing a tortious act over the Internet should bring about jurisdiction within the state at whose residents the tortious act was directed. The United States Supreme Court held in the 1984 case of *Keeton v. Hustler Magazine, Inc.* that a New Hampshire court properly exercised personal jurisdiction over an Ohio company in a libel suit on the grounds that New Hampshire maintained an interest in discouraging libel against its citizens.
11. The Supreme Court also held in the companion case *Calder v. Jones* that a California court could exercise personal jurisdiction over an author and an editor, both resident in Florida, for libeling a California resident in an article published in the NATIONAL INQUIRER.

12. Furthermore, defendant ICANN is a multi-million dollar corporation incorporated in California with sole global authority over domain names required for all websites. ICANN has grievously harmed individuals similar to Plaintiff in the past through similar breach of contract and failure to perform on its contractual obligations as well as its stated responsibility to protect the public interest as a powerful monopoly. These similarly harmed individuals brought a class action against ICANN, (Martinez v. RegisterFly et al), but ICANN has never been legally held accountable for its gross misconduct and negligence and the damages it has caused to thousands of plaintiffs in earlier cases because ICANN claims jurisdiction in California Superior Court.
13. In numerous complaints filed against ICANN the California Superior Court has consistently ruled in favor of ICANN. The lone exception was where the plaintiff was another multi-million dollar corporation.
14. The California Superior Court appears to be biased in favor of ICANN; and ICANN appears to have wielded undue influence over the California courts.
15. Therefore any motion ICANN may make to move jurisdiction and venue to a California court would be highly prejudicial and discriminatory toward the Plaintiff if granted. Such an action would also result in the Plaintiff being denied her right to due process under the U.S. Constitution. (U.S. Const. amend. XIV, sec. 1)
16. Plaintiff is forced to represent herself pro se due to her poverty. This places a considerable disadvantage on her. Jurisdiction or venue in any other court would cause Plaintiff severe hardship and would result in further damages and discrimination against her as a disabled person and as a poor person.
17. Plaintiff has attempted to the best of her abilities to research the appropriate laws and legal procedure, but finds it difficult to understand the material provided by the Washington County Law

Library and is uncertain if she correctly referenced the laws pertaining to her claim in this complaint or followed all the proper procedures. Therefore Plaintiff prays the court will not disqualify or otherwise discriminate against her claims due to her lack of legal expertise and experience.

18. Plaintiff prays that should an attorney come forward at a future date after the filing of this complaint willing to take her case on contingency; that the court shall in no way bar or otherwise prejudice such attorney from modifying or amending or otherwise altering Plaintiff's complaint to correct errors and/or omissions she may have made through ignorance of law, legal procedure, legal process, legal writing or other requirements that would be known and understood by a trained educated legal professional.

CLAIM FOR RELIEF OF DAMAGES DUE TO BREACH UNDER ORS §72.1010 et seq.

19. In 2003 Plaintiff contracted as a domain name reseller or third party domain registrar with a now insolvent incorporation, 4Domains Inc., owned by defendant Charles Steinberger. Plaintiff's reseller contract allowed her to buy domain name registrations wholesale and resell them to her business clients.
20. 4Domains Inc. contracted with ICANN to sell domain names on behalf of ICANN as an ICANN accredited registrar.
21. ICANN is a monopoly. ICANN is the sole authority over domain name registrations worldwide.
22. Internet.bs is an ICANN accredited registrar that was given the Plaintiff's domain registration reseller account and domain registration data by ICANN after ICANN determined 4Domains was insolvent.
23. Plaintiff and her clients are "buyers" and ICANN, 4Domains, and Internet.bs are each a "seller" as defined by ORS §72.8010: Definitions for ORS §72.8010 to §72.8200.
24. The Plaintiff and defendants entered into legally binding contracts with each other regulated by ORS §72.8010 et seq.