

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION**

**MICHAEL MOORE; RONALD P.  
GENTRY,**

**Plaintiffs,**

v.

**ENOM, INC.; et al.,**

**Defendants.**

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**Case No.: 7:07-CV-1153-RDP**

**ORDER**

This case is before the court on the following motions: (1) Defendant eNom, Inc.’s Motion to Dismiss for Failure to State a Claim (Doc. # 19) filed August 30, 2007; (2) Defendant Internet Corporation For Assigned Names and Numbers’ (ICANN) Motion to Dismiss Pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6) (Doc. # 22) filed August 30, 2007; (3) Plaintiffs’ Motion to Seek Leave to Conduct Discovery Regarding the Defenses Asserted By the Defendants in Their Motions to Dismiss (Doc. # 29) filed September 10, 2007; and (4) Plaintiffs’ Motion to Strike Exhibits Attached to Defendants’ Motions to Dismiss (Doc. # 33) filed September 12, 2007.

The court held a telephone conference in this case on September 20, 2007. As outlined during the conference, the parties are **ORDERED** to comply with the following deadlines:

(1) **On or before 4:30 p.m. (CST) Tuesday, September 25, 2007**, Plaintiffs **SHALL** file any additional factual or legal support regarding the court’s personal jurisdiction over Defendant ICANN in this matter;

(2) **On or before 4:30 p.m. (CST) Friday, September 28, 2007**, Defendant ICANN **SHALL** file any additional legal support in opposition to Plaintiffs’ personal jurisdiction

submissions;

(3) **On or before Friday, September 28, 2007**, counsel for all parties who have appeared in this action **SHALL** engage in a good faith conversation regarding the claims pled in Plaintiffs' Amended Complaint (Doc. # 10) and the matters raised by the motions to dismiss (Docs. # 19, 22) in an effort to collaboratively join the issues in this matter; and

(4) **On or before Tuesday, October 9, 2007**, Plaintiffs **SHALL** file their Second Amended Complaint incorporating any agreements reached at the parties' conference and complying with the pleading standards required by *Twombly* and Federal Rule of Civil Procedure 9.

Because the court believes that most, if not all, of the 12(b)(6) challenges raised by Defendants in their motions to dismiss can be resolved by agreement of the parties and/or the filing of a more particularized amended complaint, to the extent those motions raise Rule 12(b)(6) challenges to the Amended Complaint, they are **DENIED, without prejudice**. (Docs. # 19, 22).<sup>1</sup> Likewise, as Plaintiffs have indicated that it does not appear that the discovery is requested and that they will respond to the Rule 12(b)(2) motion, Plaintiffs' motion for discovery and motion to strike Defendants' exhibits are **DENIED, without prejudice**. (Docs. # 29, 33).

**DONE and ORDERED** this 20th day of September, 2007.



**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> As the court noted during the telephone conference, the rulings issued in this order moot the need for any further briefing by Defendants on their previously filed motions to dismiss as they relate to Rule 12(b)(6). The portion of Defendant ICANN's motion to dismiss that raises a Rule 12(b)(2) personal jurisdiction challenge will remain pending. (Doc. # 22).