

1 Jeffrey A. LeVee (State Bar No. 125863)
jlevee@jonesday.com
2 Samantha S. Eisner (State Bar No. 230344)
seisner@jonesday.com
3 JONES DAY
555 South Flower Street
4 Fiftieth Floor
Los Angeles, CA 90071-2300
5 Telephone: (213) 489-3939
Facsimile: (213) 243-2539

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FILED

6 Attorneys for Plaintiff
7 The Internet Corporation for Assigned Names
and Numbers
8

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

MRP (PLAK)

11
12 The Internet Corporation for Assigned
Names and Numbers,

Case No.

CV 07-02089

13
14 Plaintiff,

**DECLARATION OF JEFFREY
A. LEVEE IN SUPPORT OF
PLAINTIFF'S APPLICATION
FOR TEMPORARY
RESTRAINING ORDER**

15 v.

16 Registerfly.Com, Inc., and
UnifiedNames, Inc.,

17 Defendants.
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1 I, Jeffrey A. LeVee, declare:

2 1. I am a partner with the law firm Jones Day, counsel of record for
3 plaintiff Internet Corporation for Assigned Names and Numbers (“ICANN”) in this
4 action. I am admitted to practice law before this Court. I submit this declaration in
5 support of Plaintiff’s application for a temporary restraining order against
6 RegisterFly.Com, Inc., and UnifiedNames, Inc. (collectively referred to as
7 “RegisterFly”). I have personal knowledge of the facts set forth in this declaration
8 and am competent to testify if called as a witness.

9 2. On the morning of Wednesday, March 28, 2007, I directed Samantha
10 Eisner, an associate with Jones Day, to electronically mail a letter drafted by me,
11 entitled “Notice of Lawsuit to be Filed March 29, 2007” (the “Notice Letter”) to:

12
13 President of RegisterFly, Inc. Kevin Medina
and UnifiedNames, Inc.: RegisterFly.com, Inc.
14 960 Arthur Godfrey Road
Suite 402
15 Miami Beach, FL 33140
Email: kevin@unifiednames-inc.com

16 Counsel for Kevin Medina, Harold Rabner, Esq.
17 RegisterFly, Inc., and Rabner, Allcorn, Baumgart & Ben Asher,
UnifiedNames, Inc.: P.C.
18 52 Upper Montclair Plaza (Upper Montclair)
Montclair, New Jersey 07043
19 Email: hrabner@rabnerallcorn.com

20 Counsel for Kevin Medina, Mitchell Novick, Esq.
21 RegisterFly, Inc., and Law Offices of Mitchell P. Novick
UnifiedNames, Inc.: 66 Park Street
22 Montclair, New Jersey 07042
Email: mnovick@mitchellnovick.com

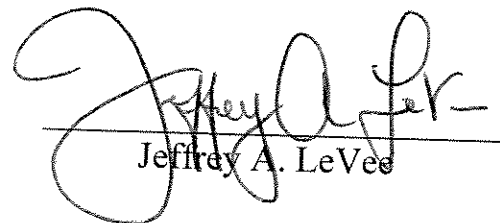
23 Attached hereto as Exhibit A is a true and correct copy of the email, sent at
24 my direction at 10:51 a.m. P.D.T. by Ms. Eisner showing the transmission of the
25 document by electronic mail. Attached hereto as Exhibit B is a true and correct
26 copy of the Notice Letter.

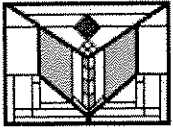
1 3. The Notice Letter specifically informs RegisterFly that, on March 29,
2 2007, ICANN "will file this suit" and file an "*ex parte* application seeking a
3 temporary restraining order" against RegisterFly.

4 4. The Notice Letter also informs RegisterFly: (1) *where* ICANN plans
5 to file suit: "the United States District Court for the Central District of California";
6 (2) *why* ICANN is filing suit: "RegisterFly has continued to fail to send to ICANN
7 a complete and accurate copy of the current registration data that ICANN has not
8 requested multiple times pursuant to Section 3.6 of the Registrar Accreditation
9 Agreement ("RAA"). RegisterFly's failure to provide the data constitutes a breach
10 of the RAA and places RegisterFly's customers in great jeopardy;" and (3) *the date*
11 *and time* the suit will be filed: "ICANN will file this suit on Wednesday, March 29,
12 2007, prior to 3 p.m. Pacific Daylight Time."

13 5. I will oversee the providing of courtesy copies of the file-stamped
14 Complaint and Application to Mr. Medina, Mr. Rabner and Mr. Novick by close of
15 business on March 29, 2007 via federal express. Additionally, within one hour of
16 the filing of the temporary restraining order ("TRO") papers, I will electronically
17 mail a courtesy copy of all the TRO papers to Mr. Medina, Mr. Rabner, and Mr.
18 Novick. In addition, ICANN is arranging for personal service of the complaint and
19 the TRO papers on RegisterFly's agent for service of process.

20 I declare under penalty of perjury under the laws of the United States that the
21 foregoing is true and correct. This declaration was signed on March 29, 2007 in
22 Los Angeles, California.

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Jeffrey A. LeVee



Samantha Eisner /JonesDay
Extension 32220
03/28/2007 10:51 AM

To kevin@unifiednames-inc.com
cc mnovick@mitchellnovick.com, hrabner@rabnerallcorn.com,
john.jeffrey@icann.org, amy.stathos@icann.org,
jlevee@JonesDay.com
bcc
Subject RegisterFly - Notice of Suit

Sent on behalf of Jeffrey LeVee.

Dear Mr. Medina,

Please see the attached letter.

Samantha Eisner
Jones Day
555 South Flower Street, Fiftieth Floor
Los Angeles, CA 90071
(213) 243-2220
Fax: (213) 243-2539
seisner@JonesDay.com



3-28-07 ICANN Ltr to RegisterFly.pdf

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This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.

=====

JONES DAY

555 SOUTH FLOWER STREET • FIFTIETH FLOOR • LOS ANGELES, CALIFORNIA 90071-2300
TELEPHONE: (213) 489-3939 • FACSIMILE: (213) 243-2539

Direct Number: (213) 243-2572
jlevee@jonesday.com

March 28, 2007

Via Electronic Mail and Federal Express

RegisterFly.com, Inc.
960 Arthur Godfrey Road
Suite 402
Miami Beach, FL 33140
Attn: Kevin Medina

Re: Notice of Lawsuit to be Filed March 29, 2007

Dear Mr. Medina:

RegisterFly has continued to fail to send to ICANN a complete and accurate copy of the current registration data that ICANN has now requested multiple times pursuant to Section 3.6 of the Registrar Accreditation Agreement ("RAA"). RegisterFly's failure to provide that data constitutes a breach of the RAA and places RegisterFly's customers in great jeopardy.

Because of ICANN's strong and increasing concern that RegisterFly's customers will be irreparably harmed if RegisterFly does not escrow with ICANN a current copy of all registration data – as well as rolling updates of the data every 48 hours (as ICANN has repeatedly requested) – this letter constitutes official notice that ICANN will be filing suit against RegisterFly in the United States District Court for the Central District of California. ICANN will file this suit on March 29, 2007, prior to 3 p.m. Pacific Daylight Time. ICANN also will file an *ex parte* application seeking a temporary restraining order, requiring RegisterFly to turn over to ICANN all of the data that ICANN has requested and to require RegisterFly to provide ICANN updates of this data every 48 hours.

With respect to ICANN's application for a temporary restraining order, we urge you and your counsel to consult the Local Rules of the Federal District Court for the Central District of California and, in particular, Local Rule 7-19. We will serve you with a copy of the papers via Federal Express, and (if you request) we will provide a copy of the papers by email. ICANN also will send copies to your counsel, as requested in Mitchell Novick's March 22, 2007 email to Amy A. Stathos of ICANN.

Very truly yours,


Jeffrey A. Levee

cc: John O. Jeffrey, Esq.
Amy A. Stathos, Esq.
Harold Rabner, Esq.
Mitchell Novick, Esq.

Exhibit B 5

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2 **PROOF OF SERVICE BY OVERNIGHT DELIVERY AND ELECTRONIC**

3 I am a citizen of the United States and employed in Los Angeles County,
4 California. I am over the age of eighteen years and not a party to the within-entitled
5 action. My business address is 555 South Flower Street, Fiftieth Floor, Los
6 Angeles, California 90071-2300. On March 29, 2007, I deposited with Federal
7 Express, a true and correct copy of the within documents:

8 **DECLARATION OF JEFFREY A LEVEE IN**
9 **SUPPORT OF ICANN'S APPLICATION FOR**
10 **TEMPORARY RESTRAINING ORDER**

11 in a sealed envelope, addressed as follows and by transmitting electronically the
12 document(s) listed above:

13 Kevin Medina
14 RegisterFly.com, Inc.
15 960 Arthur Godfrey Road
16 Suite 402
17 Miami Beach, FL 33140
18 Email: kevin@unifiednames-inc.com

19 Mitchell Novick, Esq.
20 Law Offices of Mitchell P. Novick
21 66 Park Street
22 Montclair, New Jersey 07042
23 Email: mnovick@mitchellnovick.com

24 Harold Rabner, Esq.
25 Rabner, Allcorn, Baumgart & Ben
26 Asher, P.C.
27 52 Upper Montclair Plaza (Upper
28 Montclair)
Montclair, New Jersey 07043
Email:
hrabner@rabnerallcorn.com

Following ordinary business practices, the envelope was sealed and placed
for collection by Federal Express on this date, and would, in the ordinary course of
business, be retrieved by Federal Express for overnight delivery on this date.

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.

I declare under penalty of perjury under the laws of the State of California
that the above is true and correct.

1 Executed on March 29, 2007, at Los Angeles, California.
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4 Martha L. Espelage-Alvarez
5 Martha L. Espelage-Alvarez
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