

PLAINTIFF/PETITIONER Verisign, Inc.	CASE NUMBER:
DEFENDANT/RESPONDENT ICANN	BC 320763

4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)
See Attachment 4b.

(If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. **Jury or nonjury trial**
The party or parties request a jury trial a nonjury trial (if more than one party, provide the name of each party requesting a jury trial):

6. **Trial date**
a. The trial has been set for (date):
b. No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain): Defendant proposes a trial date in November 2005. Defendant further proposes the following:
(i) fact discovery cutoff of August 15, 2005, and expert discovery cutoff of September 30, 2005.
c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):

7. **Estimated length of trial**
The party or parties estimate that the trial will take (check one):
a. days (specify number): 15 days
b. hours (short causes) (specify):

8. **Trial representation (to be answered for each party)**
The party or parties will be represented at trial by the attorney or party listed in the caption by the following:
a. Attorney:
b. Firm:
c. Address:
d. Telephone number:
e. Fax number:
f. E-mail address:
g. Party represented:
 Additional representation is described in Attachment 8.

9. **Preference**
 This case is entitled to preference (specify code section): California Code of Civil Procedure section 1062.3

10. **Alternative Dispute Resolution (ADR)**
a. Counsel has has not provided the ADR information package identified in rule 201.9 to the client and has reviewed ADR options with the client.
b. All parties have agreed to a form of ADR. ADR will be completed by (date):
c. The case has gone to an ADR process (indicate status):

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10. d. The party or parties are willing to participate in (*check all that apply*):

- (1) Mediation
- (2) Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to close 15 days before arbitration under Cal. Rules of Court, rule 1612)
- (3) Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to remain open until 30 days before trial; order required under Cal. Rules of Court, rule 1612)
- (4) Binding judicial arbitration
- (5) Binding private arbitration
- (6) Neutral case evaluation
- (7) Other (*specify*):

- e. This matter is subject to mandatory judicial arbitration because the amount in controversy does not exceed the statutory limit.
- f. Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.
- g. This case is exempt from judicial arbitration under rule 1600.5 of the California Rules of Court (*specify exemption*):

11. **Settlement conference**

- The party or parties are willing to participate in an early settlement conference (*specify when*):

12. **Insurance**

- a. Insurance carrier, if any, for party filing this statement (*name*):
- b. Reservation of rights: Yes No
- c. Coverage issues will significantly affect resolution of this case (*explain*):

13. **Jurisdiction**

Indicate any matters that may affect the court's jurisdiction or processing of this case, and describe the status.

- Bankruptcy Other (*specify*): Defendant ICANN's Motion to Stay Litigation Pending Arbitration
- Status: Pending before this Court (hearing set for January 18, 2005)

14. **Related cases, consolidation, and coordination**

- a. There are companion, underlying, or related cases.
 - (1) Name of case:
 - (2) Name of court:
 - (3) Case number:
 - (4) Status:
- Additional cases are described in Attachment 14a.
- b. A motion to consolidate coordinate will be filed by (*name party*):

15. **Bifurcation**

- The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (*specify moving party, type of motion, and reasons*):

16. **Other motions**

- The party or parties expect to file the following motions before trial (*specify moving party, type of motion, and issues*):
Defendant intends to file a motion for summary judgment.

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17. Discovery

- a. The party or parties have completed all discovery.
 b. The following discovery will be completed by the date specified (*describe all anticipated discovery*):

<u>Party</u>	<u>Description</u>	<u>Date</u>
Defendant	Fact Discovery (party and third party)	August 15, 2005
Defendant	Expert Discovery	September 30, 2005

- c. The following discovery issues are anticipated (*specify*):

18. Economic Litigation

- a. This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90 through 98 will apply to this case.
 b. This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (*if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case*):

19. Other issues

- The party or parties request that the following additional matters be considered or determined at the case management conference (*specify*):

20. Meet and confer

- a. The party or parties have met and conferred with all parties on all subjects required by rule 212 of the California Rules of Court (*if not, explain*):

- b. After meeting and conferring as required by rule 212 of the California Rules of Court, the parties agree on the following (*specify*):

21. Case management orders

Previous case management orders in this case are (*check one*): none attached as Attachment 21.

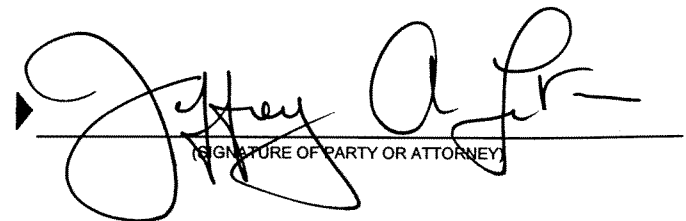
22. Total number of pages attached (*if any*): 3

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and ADR, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: January 3, 2005

Jeffrey A. LeVee

 (TYPE OR PRINT NAME)



 (SIGNATURE OF PARTY OR ATTORNEY)

 (TYPE OR PRINT NAME)

 (SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached

PLAINTIFF/PETITIONER: VERISIGN, INC. DEFENDANT/RESPONDENT: INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS	CASE NUMBER: BC320763
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Attachments to Defendant ICANN's Case Management Statement

Attachment 4b

ICANN is the internationally organized nonprofit corporation responsible for coordinating the global Internet's domain name system. In May 2001, VeriSign entered into an agreement with ICANN to function as the sole operator of the .com registry, the Internet's largest registry. As part of this ".com agreement," VeriSign undertook obligations to follow contractually-established procedures and to seek written amendment to the .com agreement whenever introducing new services into the registry if those services were "Registry Services" as that phrase is defined in the .com agreement. The approval procedure for Registry Services insures that integral services will meet performance and functional specifications created by ICANN in its role as coordinator of the Internet's domain name system. Ignoring the contract, and in violation of these provisions, VeriSign acted unilaterally through the introduction of, or the proposed launching of, various integral services into the .com registry, all financially benefiting VeriSign.

VeriSign initially filed suit against ICANN in the U.S. District Court for the Central District of California. The basis for federal jurisdiction was a federal antitrust claim. However, the district court dismissed VeriSign's original and amended complaints and then entered judgment in favor of ICANN. No discovery occurred in that action. Two days after the entry of the final judgment, VeriSign filed its complaint in this Court, alleging that ICANN's actions in seeking to have VeriSign follow the terms of the .com agreement constitute breaches by ICANN of the .com agreement.

ICANN's Cross-Complaint likewise seeks a declaration of the parties' rights and obligations under the .com agreement. Specifically, ICANN seeks to hold VeriSign to its obligation to seek and obtain written amendment of the .com agreement before introducing new Registry Services. Additionally, ICANN seeks to enforce other obligations that VeriSign has chosen to ignore under the .com agreement.

On December 28, 2004, VeriSign answered ICANN's Cross-Complaint and filed a Cross-Complaint of its own, alleging that ICANN breached the .com agreement through its failure to follow proper procedure in accrediting registrars. VeriSign also accuses ICANN of engaging in unfair business practices through its method of accreditation.

PLAINTIFF/PETITIONER: VERISIGN, INC.
DEFENDANT/RESPONDENT: INTERNET CORPORATION FOR ASSIGNED
NAMES AND NUMBERS

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Attachments to Defendant ICANN's Case Management Statement

Attachment 8

Attorney: Courtney M. Schaberg
Firm: Jones Day
Address: 555 West Fifth Street, Suite 4600
Los Angeles, California 90013
Telephone Number: (213) 243-2220
Fax Number: (213) 243-2539
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Party represented: Defendant ICANN

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Firm: Jones Day
Address: 555 West Fifth Street, Suite 4600
Los Angeles, California 90013
Telephone Number: (213) 243-2220
Fax Number: (213) 243-2539
E-mail Address: jssasaki@jonesday.com
Party represented: Defendant ICANN

Attorney: Sean W. Jaquez
Firm: Jones Day
Address: 555 West Fifth Street, Suite 4600
Los Angeles, California 90013
Telephone Number: (213) 243-2220
Fax Number: (213) 243-2539
E-mail Address: swjaquez@jonesday.com
Party represented: Defendant ICANN

PLAINTIFF/PETITIONER: VERISIGN, INC. DEFENDANT/RESPONDENT: INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS	CASE NUMBER: BC320763
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Attachments to Defendant ICANN's Case Management Statement

Attachment 14a

There is a pending request to relate *SnapNames.com Inc. v. ICANN*, Case No. BC324782. The Notice of Related Case was filed by SnapNames.com on November 18, 2004. On November 29, 2004, ICANN filed its Opposition to Notice of Related Case. On December 6, 2004, this Court requested further submission from Plaintiff SnapNames.com, which Plaintiff filed on December 8, 2004. The parties are awaiting this Court's decision.

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:**

3 I am employed in the County of Los Angeles, State of California. I am over the age of 18
4 and not a party to the within action; my business address is 555 West Fifth Street, Suite 4600, Los
5 Angeles, California 90013.

6 On January 3, 2005, I caused to be served the document described as:

7 **CASE MANAGEMENT STATEMENT**

8 on the interested parties in this action.

9 X BY (U.S. MAIL) I placed _____ the original X a true copy thereof enclosed in sealed
10 envelope(s) to the addressee(s) as follows:

11 LAURENCE HUTT, ESQ.
12 ARNOLD & PORTER
13 777 S. Figueroa, 44th Fl.,
14 Los Angeles, CA 90017

15 BY PERSONAL SERVICE. I placed the original true copies thereof enclosed in
16 sealed envelope(s) and caused such envelope to be hand delivered via messenger to the offices of
17 the addressee(s) as follows:

18 I am "readily familiar" with the firm's practice of collection and processing
19 correspondence for mailing. Under that practice it would be deposited with the U.S. postal
20 service on that same day with postage thereon fully prepaid at Los Angeles, California in the
21 ordinary course of business. I am aware that on motion of the party served, service is presumed
22 invalid if postal cancellation date or postage meter date is more than one day after date of deposit
23 of mailing in affidavit.

24 X (STATE) I declare under penalty of perjury under the laws of the State of California that
25 the foregoing is true and correct.

26 (FEDERAL) I declare that I am employed in the office of a member of the bar of this
27 Court at whose direction this service was made. I declare under penalty of perjury under the laws
28 of the United States of America that the foregoing is true and correct.

Executed on January 3, 2005, at Los Angeles, California.

24 _____
25 Elba Alonso de Ortega
26 Type or Print Name

24 
25 Signature