

COPY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Jeffrey A. LeVee (State Bar No. 125863)
Emma Killick (State Bar No. 192469)
Courtney M. Schaberg (State Bar No. 193728)
JONES DAY
555 West Fifth Street, Suite 4600
Los Angeles, CA 90013-1025
Telephone: (213) 489-3939
Facsimile: (213) 243-2539

Joe Sims (admitted *pro hac vice*)
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113
Telephone: (202) 879-3939
Facsimile: (202) 626-1700

Attorneys for Defendant
INTERNET CORPORATION FOR
ASSIGNED NAMES AND NUMBERS

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

VERISIGN, INC., a Delaware
corporation,

Plaintiff,

v.

INTERNET CORPORATION FOR
ASSIGNED NAMES AND NUMBERS, a
California corporation; DOES 1-50,

Defendants.

FILED
2004 APR 21 PM 3:54
RECEIVED IN DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES
BY _____

Case No. 04 CV 1292 AHM (CTx)

**[PROPOSED] ORDER
DENYING PLAINTIFF'S *EX
PARTE* APPLICATION TO
CONTINUE DEFENDANT
INTERNET CORPORATION
FOR ASSIGNED NAMES AND
NUMBERS' SPECIAL
MOTION TO STRIKE TO
ALLOW FOR DISCOVERY**

1 This Court, having read and considered the papers submitted by the parties,
2 and finding no good cause for plaintiff VeriSign, Inc.'s ("VeriSign") *ex parte*
3 application to continue defendant Internet Corporation for Assigned Names and
4 Numbers' ("ICANN") motion to strike to allow for discovery, orders that the *ex*
5 *parte* application is hereby DENIED.

6 VeriSign has failed to show that good cause warrants the requested *ex parte*
7 relief. VeriSign has not demonstrated that it will be irreparably prejudiced if
8 ICANN's Special Motion to Strike is heard, according to regular noticed motion
9 procedures, on May 17, 2004. Nor has VeriSign shown that there is a crisis that
10 requires *ex parte* relief. *Mission Power Eng. Co. v. Continental Casualty Co.*, 883
11 F. Supp. 488, 492 (C.D. Cal. 1995); *see also In re Intermagnetics America, Inc.*,
12 101 B.R. 191, 193 (C.D. Cal. 1989).

13
14 IT IS SO ORDERED.

15 Dated: _____

16 Honorable A. Howard Matz
17 U.S. District Court Judge
18
19
20
21
22
23
24
25
26
27
28

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
Angeles, California 90013.

5 On April 21, 2004, I caused to be served the document described as:

6 **[PROPOSED] ORDER DENYING PLAINTIFF VERISIGN, INC.'S EX PARTE**
7 **APPLICATION TO CONTINUE ICANN'S MOTION TO STRIKE TO ALLOW FOR**
8 **DISCOVERY**

8 on the interested parties in this action.

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

11 XX **BY PERSONAL SERVICE.** I placed ___ the original X true copies thereof enclosed
12 in sealed envelope(s) and caused such envelope to be hand delivered via messenger to the offices
of the addressee(s) as follows:

13 LAURENCE HUTT, ESQ.
14 ARNOLD & PORTER
15 777 S. Figueroa, 44th Fl.,
Los Angeles, CA 90017

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

20 _____(STATE) I declare under penalty of perjury under the laws of the State of California that
21 the foregoing is true and correct.

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

24 Executed on April 21, 2004, at Los Angeles, California.

25 _____
26 Elba Alonso de Ortega
Type or Print Name

25 
26 _____
Signature