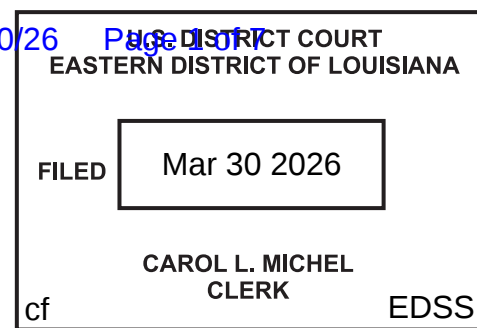




IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

DIVISION: 2 SECTION: M

JUDGE: BARRY W. ASHE

MAGISTRATE JUDGE: DONNA PHILLIPS CURRAULT

CIVIL ACTION NO. 26-00156

WENDY RENEE' CARLTON,

Plaintiff,

v.

ALPHABET INC.;

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS;

MICROSOFT CORPORATION;

WALMART INC.; and JOHN DOE DEFENDANTS,

Defendants.

PLAINTIFF'S OPPOSITION TO DEFENDANT INTERNET CORPORATION FOR

ASSIGNED NAMES AND NUMBERS MOTION TO DISMISS

1. Plaintiff Wendy Renee' Carlton, proceeding pro se, respectfully submits this Opposition to Defendant Internet Corporation for Assigned Names and Numbers ("ICANN")'s Motion to Dismiss pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6).

INTRODUCTION

2. ICANN's Motion to Dismiss attempts to characterize its role as detached from the forum; however, Plaintiff's allegations and supporting exhibits demonstrate repeated, structured, and forum-directed activity sufficient to establish jurisdiction and state a plausible claim.
3. At this early stage of the litigation, the Court must accept the Complaint's factual allegations as true and draw reasonable inferences in Plaintiff's favor. Under these standards, dismissal is unwarranted.
4. This Opposition proceeds as follows.
 - (a) First, Plaintiff demonstrates that ICANN's role in the domain name system ("DNS") results in repeated, structured transactions affecting Plaintiff in Louisiana, establishing sufficient minimum contacts to support personal jurisdiction.
 - (b) Second, Plaintiff shows that the Complaint satisfies the notice pleading requirements of Federal Rule of Civil Procedure 8 and states a plausible claim for relief.
 - (c) Third, Plaintiff addresses ICANN's contention that it lacks sufficient connection to the alleged conduct, demonstrating that ICANN's role is adequately alleged at the pleading stage.
 - (d) Finally, Plaintiff explains that, at a minimum, jurisdictional discovery is warranted and that dismissal with prejudice would be inappropriate, and Plaintiff should be granted leave to amend.

OVERVIEW OF ARGUMENT

5. ICANN's Motion to Dismiss should be denied for four independent reasons.

- (a) First, ICANN's role in the DNS results in repeated, structured transactions affecting Plaintiff in Louisiana, establishing sufficient minimum contacts.
- (b) Second, the Complaint satisfies the notice pleading requirements of Federal Rule of Civil Procedure 8 and states a plausible claim for relief. The Complaint describes the nature of Plaintiff's injuries and the technological environment in which those injuries occurred, providing Defendants with fair notice of the claims asserted.
- (c) Third, ICANN's role is sufficiently alleged at the pleading stage, particularly where key technical details remain within Defendants' control.
- (d) Fourth, at a minimum, Plaintiff is entitled to jurisdictional discovery and leave to amend rather than dismissal.

For these reasons, ICANN's Motion to Dismiss should be denied.

LEGAL STANDARD

- 6. A motion to dismiss under Federal Rule of Civil Procedure 12(b)(2) challenges personal jurisdiction. A court may exercise jurisdiction where a defendant has sufficient minimum contacts with the forum state such that the exercise of jurisdiction does not offend traditional notions of fair play and substantial justice. See *Seiferth v. Helicopteros Atuneros, Inc.*, 472 F.3d 266, 271 (5th Cir. 2006).
- 7. A motion under Rule 12(b)(6) tests whether the complaint states a claim upon which relief can be granted. A complaint must contain sufficient factual matter to state a claim that is plausible on its face. See *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007); *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

8. At the pleading stage, courts must accept the factual allegations of the complaint as true and draw reasonable inferences in favor of the plaintiff. See *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).
9. Courts must also construe pro se pleadings liberally and hold them to less stringent standards than formal pleadings drafted by lawyers. See *Haines v. Kerner*, 404 U.S. 519, 520–21 (1972).

ARGUMENT

10. Plaintiff has adequately alleged Article III standing and incorporates by reference ¶¶ 6–9 as if fully set forth herein.

ICANN’s Systematic Role in Domain Infrastructure Creates Forum Contacts

11. ICANN administers policies governing the global DNS and establishes requirements that apply through accredited registrars. These requirements operate within a structured framework that results in recurring domain-related transactions affecting registrants in Louisiana.
12. Consistent with this framework, Exhibit A consists of representative invoices reflecting Plaintiff’s domain registration and renewal activity across multiple years and domains. These invoices include line-item charges identified as “**ICANN Fees**,” in connection with domain-related transactions conducted by Plaintiff in Louisiana.
13. The recurring presence of these ICANN-labeled fees across multiple transactions and time periods demonstrates that such charges are systematic rather than isolated, supporting Plaintiff’s allegation of ongoing and forum-connected activity.

14. These repeated and purposeful fees reflect continuous and deliberate activity affecting Plaintiff within the forum, satisfying the requirement that a defendant's contacts be purposeful rather than random, isolated, or attenuated.
15. Plaintiff further states that certain domains reflected in Exhibit A are presently inactive. This inactivity does not reflect abandonment, but rather Plaintiff's response to the conduct at issue in this litigation, including Plaintiff's detection of unauthorized surveillance affecting Plaintiff's use of those domains.
16. The domains remain associated with Plaintiff's ongoing commercial and intellectual property interests, including trademark-related activity, and their temporary dormancy does not negate the repeated and purposeful transactions giving rise to ICANN-related fees or the resulting contacts with the forum.

Jurisdiction is Proper Under Fifth Circuit Standards

17. Consistent with these allegations, under Fifth Circuit law, personal jurisdiction exists where a defendant's contacts with the forum are not random, fortuitous, or attenuated, but arise from deliberate and structured interactions connected to the forum.
18. Here, ICANN's role in establishing and maintaining the framework through which domain-related fees are imposed and processed results in repeated, structured transactions affecting Plaintiff in Louisiana. These contacts are continuous and arise from ICANN's role in the DNS.
19. Accordingly, the exercise of jurisdiction is consistent with traditional notions of fair play and substantial justice.

The Complaint States a Plausible Claim for Relief

20. Federal Rule of Civil Procedure 8 requires only a short and plain statement showing entitlement to relief. Plaintiff's Complaint meets this standard.
21. The Complaint alleges that Defendants operate within interconnected technological systems that process and manage digital activity and personal data. These allegations provide sufficient notice of the claims and the conduct at issue.
22. Plaintiff is not required at this stage to identify internal technical mechanisms, particularly where such information is within Defendants' control. The Complaint therefore states a plausible claim for relief.

ICANN's Role is Sufficiently Alleged at the Pleading Stage

23. ICANN argues that the Complaint fails to attribute specific conduct to it. However, at the pleading stage, Plaintiff need only allege sufficient facts to make the claim plausible.
24. The Complaint identifies ICANN's role within the DNS and its connection to the processes that give rise to the transactions reflected in Exhibit A. These allegations are sufficient to proceed to discovery.

Jurisdictional Discovery is Warranted

25. To the extent the Court finds the current record insufficient to conclusively establish personal jurisdiction, Plaintiff respectfully requests limited jurisdictional discovery regarding ICANN's contacts with Louisiana, including its role in the imposition, structure, and collection of ICANN-related fees and its interactions with registrars serving Louisiana residents.

CONCLUSION

26. For the foregoing reasons, Defendant ICANN's Motion to Dismiss should be denied. In the alternative, Plaintiff respectfully requests that the Court permit limited jurisdictional discovery, grant leave to amend the Complaint, or, if the Court deems dismissal appropriate, dismiss any claims without prejudice.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court:

- 27. Deny Defendant ICANN's Motion to Dismiss in its entirety;**
- 28. Alternatively, permit limited jurisdictional discovery directed to Defendant's contacts with the forum;**
- 29. Alternatively, grant Plaintiff leave to amend the Complaint;**
- 30. In the further alternative, dismiss any claims without prejudice; and**
- 31. Grant any other relief the Court deems just and proper.**

Respectfully submitted,

A handwritten signature in black ink, reading "Wendy Renee' Carlton", followed by a long horizontal flourish line.

Wendy Renee' Carlton

Plaintiff, Pro Se

Contact Information Redacted