

1 Ethan J. Brown (SBN 218814)

[ethan@bnsklaw.com](mailto:ethan@bnsklaw.com)

2 Sara C. Colón (SBN 281514)

[sara@bnsklaw.com](mailto:sara@bnsklaw.com)

3 **BROWN NERI SMITH & KHAN LLP**

4 11766 Wilshire Boulevard, Suite 1670

Los Angeles, California 90025

5 T: (310) 593-9890

6 F: (310) 593-9980

7 *Attorneys for Plaintiff*

8 DOTCONNECTAFRICA TRUST

9  
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **COUNTY OF LOS ANGELES - CENTRAL**

12 DOTCONNECTAFRICA TRUST, a Mauritius  
13 charitable trust,

14 Plaintiff,

15 v.

16 INTERNET CORPORATION FOR  
17 ASSIGNED NAMES AND NUMBERS, a  
18 California corporation; ZA Central Registry, a  
19 South African non-profit company; and DOES  
20 1 through 50, inclusive,

21 Defendants.

Case No. BC607494

[Assigned to Hon. Howard L. Halm]

**DECLARATION OF ETHAN J. BROWN  
IN SUPPORT OF PLAINTIFF'S MOTION  
FOR PRELIMINARY INJUNCTION**

Date: December 22, 2016

Hearing: 8:30 a.m.

Dept.: 53

[Filed concurrently: Motion for Preliminary  
Injunction; Declarations of Sophia Bekele  
Eshete & Sara C. Colón]

**RESERVATION ID: 1611115174199**

1  
2 **DECLARATION OF ETHAN J. BROWN**

3 I Ethan J. Brown hereby declare as follows:

4 1. I am an attorney at law licensed to practice in California and a partner at the law  
5 firm of Brown, Neri, Smith, & Khan, LLP, counsel of record for Plaintiff DotConnectAfrica Trust  
6 (“DCA”). The matters referred to in this declaration are based upon my personal knowledge,  
7 and/or when reference documents, such documents were reviewed by me, and if called as a  
8 witness, I could and would testify competently thereto.

9 2. On February 23, 2016, I spoke to Jeffrey Levee, counsel of record for Defendant  
10 Internet Corporation for Assigned Names and Numbers (“ICANN”). I asked Mr. Levee for the  
11 status of ICANN’s granting of the .Africa gTLD and informed Mr. Levee that DCA would be  
12 forced to move for injunctive relief absent assurance that .Africa would not be granted to another  
13 party during the pendency of the litigation. Mr. Levee failed to give any such assurance and instead  
14 reminded me that ICANN had denied DCA’s application and stated that the board of ICANN could  
15 take action on .Africa at any time and that ICANN had a scheduled board meeting in Marrakesh,  
16 Morocco that would begin on March 5, 2016.

17 3. After Mr. LeVee failed to give any such assurance, DCA moved for and was  
18 granted injunctive relief by the Hon. R. Gary Klausner. A true and correct copy of the order  
19 granting DCA’s *ex parte* application for a temporary restraining order is attached hereto as **Exhibit**

20 **1.**

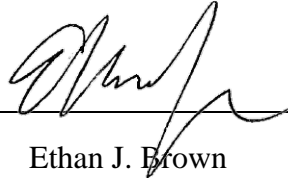
21 4. DCA subsequently moved for, and was granted a preliminary injunction. Attached  
22 hereto as **Exhibit 2** is a true and correct copy of the order granting DCA’s motion for a preliminary  
23 injunction.  
24

25 5. Shortly after the preliminary injunction was granted, Intervenor ZA Central  
26 Registry (“ZACR”) moved to reconsider and vacate the preliminary injunction. Judge Klausner  
27 denied the motion. A true and correct copy of the order denying ZACR’s motion for  
28 reconsideration is attached hereto as **Exhibit 3.**

1           6.       On October 7, 2016, I deposed ICANN's vice president of gTLD operations –  
2 Christine Willet. Attached hereto as **Exhibit 4** are true and correct copies of excerpts of the  
3 deposition of Chrstine Willet.  
4

5           I declare under penalty of perjury under the laws of the State of California that the  
6 foregoing is true and correct. Executed on November 15, 2016 at Los Angeles, California.  
7

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



---

Ethan J. Brown