

**DECLARATION OF ETHAN J. BROWN IN RELATION TO
APPELLANT'S RESPONSE TO RESPONDENT'S MOTION TO
DISMISS**

I, Ethan J. Brown, declare the following:

1. I am the managing partner of the law firm Brown Neri Smith & Khan LLP ("BNSK"), which served as counsel to Plaintiff-Appellant DotConnectAfrica Trust ("DCA") in the superior court in relation to the above-captioned action. I have personal knowledge of the matters set forth herein and am competent to testify as to those matters. I make this declaration in relation to DCA's Response to Respondent's Motion to Dismiss ("Motion to Dismiss") DCA's appeal.

2. On October 3, 2019, the superior court issued a "Statement of Decision on Bifurcated Trial (Phase One) on Affirmative Defense of Judicial Estoppel" ("Statement of Decision") and a "Final Judgment," true and correct copies of which are attached to this motion as Exhibit E and to ICANN's Motion to Dismiss as Exhibit A, respectively.

3. Also on October 3, 2019, the trial court issued a "Minute Order" denying DCA's objections to the trial court's tentative statement of decision. The Minute Order directed ICANN to give notice of the entry of the Final Judgment, and also ordered the clerk to give notice of "this order," apparently referring to the Minute Order itself. A true and correct copy of

that Minute Order is attached to ICANN's Motion to Dismiss as Exhibit C. The Minute Order did not order the clerk to serve the Final Judgment or Statement of Decision.

4. On October 7, 2019, BNSK received an envelope from the Executive Officer/Clerk of the Los Angeles Superior Court. The envelope was postmarked "10/04/2019." A true and correct copy of that envelope is attached as Exhibit F.

5. Based upon my review of BNSK's file, contained within that envelope were five documents: the Statement of Decision, the Final Judgment, the Minute Order entered October 3, 2019, and two certificates of mailing. One certificate of mailing concerned service of the Minute Order entered October 3, 2019, on all parties' counsel. A true and correct copy of that certificate of mailing is attached as Exhibit G. The other certificate of mailing concerned service of the Statement of Decision and the Final Judgment; a true and correct copy of that certificate of mailing is attached to ICANN's Motion to Dismiss as Exhibit B.

6. The three pages contained within the Final Judgment were stapled to each other as a self-contained document. The twelve pages contained within the Statement of Decision were stapled to each other as a self-contained document. The remainder of the documents were stapled together as one document. The first page was the Minute Order. The second page was the certificate of mailing of the Statement of Decision

and Final judgment. The third page of the stapled grouping was the Certificate of Mailing for the Minute Order.

7. Consistent with the Superior Court's Minute Order, on October 10, 2019, ICANN served me with a document entitled "Notice of Entry of Final Judgment," to which the Final Judgment and a proof of service were clearly attached as designated exhibits. A true and correct copy of that "Notice of Entry of Final Judgment" is attached to ICANN's Motion to Dismiss as Exhibit D.

I declare under penalty of perjury that the foregoing is true and correct and that I executed this declaration on December 31, 2019, in Los Angeles, CA.

Dated: December 31, 2019

By: _____



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