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11		
12	UNITED STATES D	ISTRICT COURT
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14	CENTRAL DISTRICT OF CALIFO	ORNIA – WESTERN DIVISION
15	DOTCONNECTAFRICA TRUST, a	Case No. 2:16-cv-00862-RGK (JCx)
16	Mauritius Charitable Trust,	
17	Plaintiff,	EVIDENTIARY OBJECTIONS TO DECLARATION OF AKRAM
	Tiantiii,	ATALLAH
18	v.	
19	INTERNIET CORPOR ATION FOR	Date: April 4, 2016
20	INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS,	Hearing: 9:00 a.m. Courtroom: 850
21	a California corporation; ZA Central	
22	Registry, a South African non-profit	[Filed concurrently: Reply ISO
23	company; DOES 1 through 50, inclusive,	Motion for Preliminary Injuction; Supplemental Declaration of Sophia
24	Defendants.	Bekele Eshete, Declaration of Sara C.
25		Colón; Evidentiary Objections to
26		Declarations of Jeffrey LeVee, Christine Willet, and Moctar Yedaly,
27		and Kevin Espinola]
28		* -
<b>_</b> U	I	

EVIDENTIARY OBJECTIONS TO DECLARATION OF AKRAM ATALLAH

Plaintiff DOTCONNECTAFRICA TRUST ("DCA") respectfully submits the following evidentiary objections to the Declaration of Akram Atallah ("Atallah Declaration") relied upon by Defendant Internet Corporation for Assigned Names and Numbers ("ICANN") in support of its opposition to DCA's Motion for a Preliminary Injunction.

## PLAINTIFF'S EVIDENTIARY OBJECTIONS

	P.C. O.L.		0 11
Atallah Declaration ¶	DCA Objection	Sustained	Overruled
¶8: "I am informed and	Lacks personal knowledge, lacks		
believe that prior to the	foundation [Fed. R. Evid. 602;		
opening of the gTLD	Local Rule 7-7 (Declarations		
Program application	shall contain only factual,		
period, only one IRP	evidentiary matter and shall		
had resulted in a written	conform as far as possible to the		
determination, ICM	requirements of F.R.Civ.P.		
Registry, LLC v.	56(c)(4); See also Bank Melli		
ICANN. The ICM panel	Iran v. Pahlavi, 58 F.3d 1406,		
declared that the	1412-1413 (9th Cir. 1995)		
determinations of IRP	(Holding "the Bank's response to		
panels were not binding	Pahlavi's evidence was		
on ICANN's Board.	information and belief		
Attached hereto as	declarations from their counsel.		
Exhibit A is a true and	Those were entitled to no weight		
correct copy of an	because the declarant did not		
excerpt of the final	have personal knowledge."		
declaration of the ICM	[emphasis added])]. Irrelevant		
Panel."	[Fed. R. Evid. 403; Bekele Decl.,		
	¶5, Ex. 1 ¶¶148-149: "148. Based		
	on the foregoing, after having		

1	carefully reviewed the Parties'	
2	written submissions, listened to	
3	the testimony of the three	
4	witness, listened to the oral	
5	submissions of the Parties in	
6	various telephone conference	
7	calls and at the in-person hearing	
8	of this IRP in Washington, D.C.	
9	on 22 and 23 May 2015, and	
10	finally after much deliberation,	
11	pursuant to Article IV, Section 3,	
12	paragraph 11 (c) of ICANN's	
13	Bylaws, the Panel declares that	
14	both the actions and inactions of	
15	the Board with respect to the	
16	application of DCA Trust related	
17	to the .AFRICA gTLD were	
18	inconsistent with the Articles of	
19	Incorporation and Bylaws of	
20	ICANN. 149. Furthermore,	
21	pursuant to Article IV, Section 3,	
22	paragraph 11 (d) of ICANN's	
23	Bylaws, the Panel recommends	
24	that ICANN continue to refrain	
25	from delegating the .AFRICA	
26	gTLD and permit DCA Trust's	
27	application to proceed through	
28	the remainder of the new gTLD	

1		application process."].		
2	Atallah Declaration ¶	DCA Objection	Sustained	Overruled
3	¶10: "In the case of the	Lacks personal knowledge, lacks		
4	DCA IRP, the DCA	foundation, conclusory [Fed. R.		
5	Panel declared that its	Evid. 602; Local Rule 7-7		
6	decision would be	(Declarations shall contain only		
7	binding on ICANN's	factual, evidentiary matter and		
8	Board. But, most	shall conform as far as possible		
9	importantly, the	to the requirements of F.R.Civ.P.		
10	question of whether the	56(c)(4)]. The IRP Panel		
11	Panel's declaration was	Declaration is the best evidence		
12	or was not legally	of the document [Fed. R. Evid.		
13	binding became a moot	1002; Bekele Decl., ¶5, Ex. 1		
14	issue once ICANN's	¶¶148-149: "148. Based on the		
15	Board elected to adopt	foregoing, after having carefully		
16	all of the DCA Panel's	reviewed the Parties' written		
17	recommendations,	submissions, listened to the		
18	contrary to the	testimony of the three witness,		
19	representations in	listened to the oral submissions		
20	Plaintiff's motion for	of the Parties in various		
21	preliminary injunction	telephone conference calls and at		
22	and TRO application."	the in-person hearing of this IRP		
23		in Washington, D.C. on 22 and		
24		23 May 2015, and finally after		
25		much deliberation, pursuant to		
26		Article IV, Section 3, paragraph		
27		11 (c) of ICANN's Bylaws, the		
28		Panel declares that both the		

1		actions and inactions of the		
2		Board with respect to the		
3		application of DCA Trust related		
4		to the .AFRICA gTLD were		
5		inconsistent with the Articles of		
6		Incorporation and Bylaws of		
7		ICANN. 149. Furthermore,		
8		pursuant to Article IV, Section 3,		
9		paragraph 11 (d) of ICANN's		
10		Bylaws, the Panel recommends		
11		that ICANN continue to refrain		
12		from delegating the .AFRICA		
13		gTLD and permit DCA Trust's		
14		application to proceed through		
15		the remainder of the new gTLD		
16		application process."].		
17	Atallah Declaration ¶	DCA Objection	Sustained	Overruled
18	¶11: "Specifically, on	The IRP Panel Declaration is the		
19	July 9, 2015, the DCA	best evidence of the document		
20	Panel issued its final	[Fed. R. Evid. 1002]. Irrelevant		
21	declaration. The DCA	[Fed. R. Evid. 403; Bekele Decl.,		
22	Panel determined that	¶5, Ex. 1 ¶¶148-149: "148. Based		
23	ICANN's Board had	on the foregoing, after having		
24	violated ICANN's	carefully reviewed the Parties'		
25	Articles of	written submissions, listened to		
26	Incorporation and	the testimony of the three		
27	Bylaws by accepting	witness, listened to the oral		
	II .			

:	declaration to date,	149: "148. Based on the		
'	with every IRP	Bekele Decl., ¶5, Ex. 1 ¶¶148-		
,	¶12: "As it has done	Irrelevant [Fed. R. Evid. 403;		
	Atallah Declaration ¶	DCA Objection	Sustained	Overruled
.		application process."].		
		the remainder of the new gTLD		
		application to proceed through		
		gTLD and permit DCA Trust's		
		from delegating the .AFRICA		
		that ICANN continue to refrain		
		Bylaws, the Panel recommends		
	61-62 ¶149.)"	paragraph 11 (d) of ICANN's		
	(Eshete Decl Ex. 1 at	pursuant to Article IV, Section 3,		
	application process."	ICANN. 149. Furthermore,		
.	of the new gTLD	Incorporation and Bylaws of		
	through the remainder	inconsistent with the Articles of		
	application to proceed	to the .AFRICA gTLD were		
	permit [Plaintiff] 's	application of DCA Trust related		
	.AFRICA gTLD and	the Board with respect to the		
	delegating the	both the actions and inactions of		
	to refrain from	Bylaws, the Panel declares that		
	that "ICANN continue	paragraph 11 (c) of ICANN's		
	therefore recommended	pursuant to Article IV, Section 3,		
	not proceed. The Panel	finally after much deliberation,		
	("Application") should	on 22 and 23 May 2015, and		
	.AFRICA	of this IRP in Washington, D.C.		
	application for	calls and at the in-person hearing		
	advice that Plaintiffs	various telephone conference		

ICANN's Board	foregoing, after having carefully	
promptly considered	reviewed the Parties' written	
and adopted each of the	submissions, listened to the	
DCA Panel's	testimony of the three witness,	
recommendations.	listened to the oral submissions	
Specifically, on July	of the Parties in various	
16, 2015, the Board	telephone conference calls and at	
resolved to 'continue to	the in-person hearing of this IRP	
refrain from delegating	in Washington, D.C. on 22 and	
the .AFRICA gTLD,'	23 May 2015, and finally after	
'permit [Plaintiff's]	much deliberation, pursuant to	
application to proceed	Article IV, Section 3, paragraph	
through the remainder	11 (c) of ICANN's Bylaws, the	
of the new gTLD	Panel declares that both the	
application process,'	actions and inactions of the	
and 'reimburse DCA	Board with respect to the	
for the costs of the	application of DCA Trust related	
IRP."	to the .AFRICA gTLD were	
	inconsistent with the Articles of	
	Incorporation and Bylaws of	
	ICANN. 149. Furthermore,	
	pursuant to Article IV, Section 3,	
	paragraph 11 (d) of ICANN's	
	Bylaws, the Panel recommends	
	that ICANN continue to refrain	
	from delegating the .AFRICA	
	gTLD and permit DCA Trust's	
	application to proceed through	

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