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10	SUPERIOR COURT OF THE STATE OF CALIFORNIA		
11	COUNTY OF LOS ANGELES - CENTRAL		
12		G N PGC07404	
13	DOTCONNECTAFRICA TRUST, a Mauritius Charitable Trust;	Case No. BC607494	
14	Plaintiff,	Assigned for all purposes to the Honorable Howard L. Halm	
15	v.	RESPONSE TO EVIDENTIARY	
16	INTERNET CORPORATION FOR	OBJECTIONS TO DECLARATION OF SOPHIA BEKELE	
17	ASSIGNED NAMES AND NUMBERS, a		
18	California corporation;	DATE: December 22, 2016 TIME: 8:30 a.m.	
19	Defendants.	DEPT: 53	
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DCA'S RESPONSE TO ICANN EVIDENTIARY OBJECTIONS TO BEKELE DECLARATION

Plaintiff DotConnectAfrica Trust ("DCA") hereby responds to Defendant Internet Corporation for Assigned Names and Numbers' ("ICANN") evidentiary objections to the Declaration of Sophia Bekele Eshete ("Bekele Declaration") filed in support of DCA's Motion for Preliminary Injunction.

Bekele Declaration ¶	ICANN Objection	Response	Ruling
<b>¶6:</b> "If .Africa is delegated to	1. Speculation (Evid. Code	Ms. Bekele's	Overruled
ZACR before this case is	702.)	testimony is based	
resolved, DCA's mission	2. Lacks Foundation (Evid.	upon her personal	
will be seriously frustrated	Code §403)	knowledge as stated	
and funders will likely pull	3. Lacks Personal Knowledge	in the declaration.	
their support due to the	(Evid. Code § 702).	Ms. Bekele is the	Sustained
uncertainty involved in the		CEO of Plaintiff	
re-delegation process.	Ms. Bekele fails to lay a	DCA and deals	
	foundation as to the source of	directly with its	
	her knowledge, or demonstrate	funders.	
	personal knowledge, of the statement that funders will		
	"likely" pull their support. Further, the testimony is		
	speculative and should be		
	stricken.		
	Streken.		
<b>Bekele Declaration ¶</b>	ICANN Objection	Response	Ruling
<b>¶7:</b> "If .Africa is delegated	1. Lacks Foundation (Evid.	Ms. Bekele's	Overruled
11 .7 Tillion is delegated	11 20013 1 00110001 (2 110)	TVID. Delicie b	O / Chroneca
toZACR before this case is	Code § 403).	testimony is based	o ventures
toZACR before this case is resolved DCA will likely be	Code § 403). 2. Lacks Personal Knowledge	testimony is based on her personal	
toZACR before this case is resolved DCA will likely be forced to stop	Code § 403). 2. Lacks Personal Knowledge (Evid. Code §702).	testimony is based on her personal knowledge as stated	
toZACR before this case is resolved DCA will likely be forced to stop operating due to a lack of	Code § 403). 2. Lacks Personal Knowledge (Evid. Code §702). 3. Speculation (Evid. Code §	testimony is based on her personal knowledge as stated in the declaration.	Sustained
toZACR before this case is resolved DCA will likely be forced to stop	Code § 403). 2. Lacks Personal Knowledge (Evid. Code §702).	testimony is based on her personal knowledge as stated in the declaration. Ms. Bekele is the	
toZACR before this case is resolved DCA will likely be forced to stop operating due to a lack of	Code § 403). 2. Lacks Personal Knowledge (Evid. Code §702). 3. Speculation (Evid. Code § 702).	testimony is based on her personal knowledge as stated in the declaration. Ms. Bekele is the CEO of Plaintiff	
toZACR before this case is resolved DCA will likely be forced to stop operating due to a lack of	Code § 403).  2. Lacks Personal Knowledge (Evid. Code §702).  3. Speculation (Evid. Code § 702).  Ms. Bekele fails to lay a	testimony is based on her personal knowledge as stated in the declaration. Ms. Bekele is the CEO of Plaintiff DCA and deals	
toZACR before this case is resolved DCA will likely be forced to stop operating due to a lack of	Code § 403).  2. Lacks Personal Knowledge (Evid. Code §702).  3. Speculation (Evid. Code § 702).  Ms. Bekele fails to lay a foundation as to the source of	testimony is based on her personal knowledge as stated in the declaration. Ms. Bekele is the CEO of Plaintiff DCA and deals directly with its	
toZACR before this case is resolved DCA will likely be forced to stop operating due to a lack of	Code § 403).  2. Lacks Personal Knowledge (Evid. Code §702).  3. Speculation (Evid. Code § 702).  Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate	testimony is based on her personal knowledge as stated in the declaration. Ms. Bekele is the CEO of Plaintiff DCA and deals	
toZACR before this case is resolved DCA will likely be forced to stop operating due to a lack of	Code § 403).  2. Lacks Personal Knowledge (Evid. Code §702).  3. Speculation (Evid. Code § 702).  Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the state	testimony is based on her personal knowledge as stated in the declaration. Ms. Bekele is the CEO of Plaintiff DCA and deals directly with its	
toZACR before this case is resolved DCA will likely be forced to stop operating due to a lack of	Code § 403).  2. Lacks Personal Knowledge (Evid. Code §702).  3. Speculation (Evid. Code § 702).  Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the state that if .Africa is delegated to	testimony is based on her personal knowledge as stated in the declaration. Ms. Bekele is the CEO of Plaintiff DCA and deals directly with its	
toZACR before this case is resolved DCA will likely be forced to stop operating due to a lack of	Code § 403).  2. Lacks Personal Knowledge (Evid. Code § 702).  3. Speculation (Evid. Code § 702).  Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the state that if .Africa is delegated to ZACR before this case is resolve	testimony is based on her personal knowledge as stated in the declaration. Ms. Bekele is the CEO of Plaintiff DCA and deals directly with its	
toZACR before this case is resolved DCA will likely be forced to stop operating due to a lack of	Code § 403).  2. Lacks Personal Knowledge (Evid. Code §702).  3. Speculation (Evid. Code § 702).  Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the state that if .Africa is delegated to ZACR before this case is resolve DCA will likely be forced to	testimony is based on her personal knowledge as stated in the declaration. Ms. Bekele is the CEO of Plaintiff DCA and deals directly with its	
toZACR before this case is resolved DCA will likely be forced to stop operating due to a lack of	Code § 403).  2. Lacks Personal Knowledge (Evid. Code §702).  3. Speculation (Evid. Code § 702).  Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the state that if .Africa is delegated to ZACR before this case is resolve DCA will likely be forced to stop operating to due lack of	testimony is based on her personal knowledge as stated in the declaration. Ms. Bekele is the CEO of Plaintiff DCA and deals directly with its	
toZACR before this case is resolved DCA will likely be forced to stop operating due to a lack of	Code § 403).  2. Lacks Personal Knowledge (Evid. Code § 702).  3. Speculation (Evid. Code § 702).  Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the state that if .Africa is delegated to ZACR before this case is resolve DCA will likely be forced to stop operating to due lack of funding. Further, the testimony	testimony is based on her personal knowledge as stated in the declaration. Ms. Bekele is the CEO of Plaintiff DCA and deals directly with its	
toZACR before this case is resolved DCA will likely be forced to stop operating due to a lack of	Code § 403).  2. Lacks Personal Knowledge (Evid. Code §702).  3. Speculation (Evid. Code § 702).  Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the state that if .Africa is delegated to ZACR before this case is resolve DCA will likely be forced to stop operating to due lack of	testimony is based on her personal knowledge as stated in the declaration. Ms. Bekele is the CEO of Plaintiff DCA and deals directly with its	
toZACR before this case is resolved DCA will likely be forced to stop operating due to a lack of	Code § 403).  2. Lacks Personal Knowledge (Evid. Code §702).  3. Speculation (Evid. Code § 702).  Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the state that if .Africa is delegated to ZACR before this case is resolve DCA will likely be forced to stop operating to due lack of funding. Further, the testimony is speculative and should be	testimony is based on her personal knowledge as stated in the declaration. Ms. Bekele is the CEO of Plaintiff DCA and deals directly with its	

	Bekele Declaration ¶	ICANN Objection	Response	Ruling
	¶ 8: "Once the gTLD is	1. Lacks Foundation (Evid. Code	Ms. Bekele's	Overruled
	awarded and the party	§ 403).	testimony is based	
	controlling it begins	2. Lacks Personal Knowledge	on her personal	
	selling or offering its use to	(Evid. Code § 702).	knowledge as stated	
	users of the Internet	3. Improper Opinion Testimony	in the declaration.	Sustained
	including businesses,	(Evid. Code §§ 800-803).		
l	organizations, persons and	Ms. Bekele fails to lay a		<del></del>
l	governments, it would be	foundation as to the source of		
l	difficult if not impossible to	her knowledge, or demonstrate		
l	unwind that control and	personal knowledge, of the		
l	provide it to another	statement that it would be		
l	party."	difficult to unwind the control of		
l		a gTLD and provide it to another		
l		party. Further, because it is not		
l		rationally based on her		
l		perception, this statement		
l		amounts to inadmissible opinion		
l		testimony.		
	<b>Bekele Declaration</b> ¶	ICANN Objection	Response	Ruling
l	¶ 9: "Based on my	1. Lacks Foundation (Evid.	Ms. Bekele's	Overruled
l	understanding of ICANN's	Code § 403).	testimony is based	
l	rules and the requirements of	2. Lacks Personal Knowledge	on her personal	
	a registry, if .Africa were re-	(Evid. Code § 702).	knowledge as stated	
l	delegated from ZACR to	3. Speculation (Evid. Cod. §	in the declaration.	
l	DCA, third party registrar	702)		Sustained
l	contracts would have to be	4. Improper Opinion	Ms. Bekele's	
l	unwound. Third parties with	Testimony	statements are	<del></del>
l	whom ZACR contracted to	(Evid. Code §§ 800-803).	based on her	
l	provide domain names under	5. Hearsay (Evid. Code § 1200,	personal	
l	the .Africa gTLD	et seq.).	knowledge and	
l	would have to transition	Ma Dalada 6-11-4-1	perception.	
l	technically and contractually	Ms. Bekele fails to lay a	Thom one no out of	
l	to DCA – a	foundation as to the source of	There are no out of	
l	process that would be costly and burdensome for all such	her knowledge, or demonstrate personal knowledge, of the	court statements made.	
l	that redelegation is simply	statement that unwinding third	made.	
l	not viable here. Further,	•		
	ZACR plans to charge	party contracts would be costly and burdensome and re-		
	more to registrars than DCA,	delegation not viable. Further,		
	which will create more	because it is not rationally based		
	complications in the	on her perception, this statement		
	redelegation process."	amounts to inadmissible opinion		
	reactegation process.	testimony. Similarly, Ms. Bekele		
		fails to lay a foundation as to the		
		source of her knowledge or		
		demonstrate personal knowledge		
		demonstrate personal knowledge		

1		as to what amount ZACR plans		
1		to charge registrars, or the claim		
2		that that purported "fact" would		
3		"create more complications in re-delegation." Those statements		
4		are speculative and/or an		
4		inadmissible opinion.		
5	Bekele Declaration ¶	ICANN Objection	Response	Ruling
	¶ 26: "Instead of allowing	1. Lacks Foundation (Evid. Code	Ms. Bekele's	Overruled
6	DCA's application to	§ 403).	testimony is based	
7	proceed through the	2. Lacks Personal Knowledge	on her personal	
′	remainder of the application	(Evid. Code § 702).	knowledge as stated	
8	process after the IRP,	3. Improper Opinion Testimony	in the declaration.	
9	ICANN restarted DCA's	(Evid. Code §§ 800-803).		Sustained
	application and re-reviewed		The statement does	
10	its endorsements."to become	Ms. Bekele fails to lay a	not contradict Ms.	
.	a reality, the AUC	foundation as to the source of	Bekele's swom	
11	determined that a fully vetted	her	deposition	
12	and transparent process was	knowledge, or demonstrate	testimony because	
.	needed for the governments of Africa to provide proper	personal knowledge, of the statement that ICANN restarted	the cited deposition testimony merely	
13	support to an applicant	DCA's application and	states that the the	
14	seeking to serve as a registry	rereviewed its endorsements.	IRP did not make	
	for a gTLD that would	Further, because it is not	any express ruling	
15	represent the entire	rationally based on her	on the	
16	continent."	perception, this statement	endorsements. The	
		amounts to inadmissible opinion	deposition	
17		testimony.	testimony does not	
18		•	state that DCA's	
10		Moreover, the statement	endorsements were	
19		contradicts Ms. Bekele's sworn	insufficient and	
20		deposition testimony, whereby	therefore required	
20		she admitted the IRP Declaration	further or additional	
21		did not address—let alone	review by the	
_		decide—whether DCA had	Geographic Names	
22		satisfied the 60% governmental	Panel.	
23		support requirement, and that the IRP did not declare that DCA		
24		could skip the geographic		
24		support		
25		review. LeVee Decl., Ex. H		
26		(Bekele Dep. 200:7-201:19, 7-		
		203:4-7, 206:14-207:2, 207:16- 208:11).		
27		200.11).		
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2	Dated: December 15, 2016	BROWN NERI SMITH & KHAN LLP
3		Sa Q-
4		By: Sara C. Colón
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6 7		Attorneys for Plaintiff DOTCONNECTAFRICA TRUST
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