

1 Jeffrey A. LeVee (State Bar No. 125863)  
Amanda Pushinsky (State Bar No. 267950)  
2 JONES DAY  
555 South Flower Street  
3 Fiftieth Floor  
Los Angeles, CA 90071.2300  
4 Telephone: (213) 489-3939  
Facsimile: (213) 243-2539  
5 Email: apushinsky@jonesday.com

6 Attorneys for Defendant  
INTERNET CORPORATION FOR ASSIGNED  
7 NAMES AND NUMBERS

8  
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **COUNTY OF SAN FRANCISCO**

11 SURAJ KUMAR RAJWANI, an individual,  
12  
13 Plaintiff,

14 v.

15 B52 MEDIA LLC, a Limited Liability  
Company; JONATHAN W. BIERER as  
16 personal representative of the Estate of  
Lonnie Borck; INTERNET CORPORATION  
FOR ASSIGNED NAMES AND  
17 NUMBERS, a Corporation; eNOM, Inc., a  
Corporation; WHOIS PRIVACY  
18 PROTECTION SERVICE, INC., a  
corporation and DOES 1 THROUGH 100,  
19  
20 Defendant.

**CASE NO. CGC-16-554684**

**DEFENDANT ICANN'S NOTICE OF  
DEMURRER AND DEMURRER TO  
PLAINTIFF'S SECOND AMENDED  
COMPLAINT**

[Memorandum of Points and Authorities,  
Request for Judicial Notice, Declaration  
of Amanda Pushinsky, and [Proposed]  
Order filed concurrently herewith]

Date: June 29, 2017  
Time: 9:30 a.m.  
Dept: 302

Complaint Filed: October 6, 2016

**RESERVATION ID: 05250629-06**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28


**TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**

PLEASE TAKE NOTICE that on June 29, 2017, at 9:30 a.m., or as soon thereafter as counsel may be heard, in Department 302 of the above entitled Court, located at 400 McAllister St., San Francisco, CA, 94102, the demurrer of Defendant Internet Corporation for Assigned Names and Numbers ("ICANN"), served and filed with this notice, will be heard.

This demurrer is based on this notice of demurrer and demurrer; the accompanying memorandum of points and authorities, request for judicial notice, and declaration of Amanda Pushinsky; the complaint; any other papers on file; and upon such additional material as the Court may consider at the hearing on this matter.

Dated: June 2, 2017

Jones Day

By:   
\_\_\_\_\_  
Amanda Pushinsky

Attorneys for Defendant  
INTERNET CORPORATION FOR  
ASSIGNED NAMES AND NUMBERS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DEMURRER**

Pursuant to Code of Civil Procedure § 430.10(e), Defendant Internet Corporation for Assigned Names and Numbers ("ICANN") will and hereby does generally demur to the Complaint on the following grounds:<sup>1</sup>

**DEMURRER TO PLAINTIFF'S FIRST CAUSE OF ACTION**

**(Breach of Contract)**

Pursuant to Code of Civil Procedure § 430.10(e), ICANN generally demurs to Plaintiffs' first cause of action for Breach of Contract on the grounds that it fails to state facts sufficient to constitute a cause of action against ICANN.

**DEMURRER TO PLAINTIFF'S FOURTH CAUSE OF ACTION:**

**(Business and Professions Code § 17200)**

Pursuant to Code of Civil Procedure § 430.10(e), ICANN generally demurs to Plaintiffs' first cause of action for violation of California's Business and Professions Code § 17200, on the grounds that it fails to state facts sufficient to constitute a cause of action against ICANN.

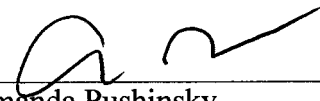
**DEMURRER TO PLAINTIFF'S FIFTH CAUSE OF ACTION:**

**(Quiet Title)**

Pursuant to Code of Civil Procedure § 430.10(e), ICANN generally demurs to Plaintiffs' first cause of action for Quiet on the grounds that it fails to state facts sufficient to constitute a cause of action against ICANN.

Dated: June 2, 2017

Jones Day

By:   
Amanda Pushinsky

Attorneys for Defendant  
INTERNET CORPORATION FOR  
ASSIGNED NAMES AND NUMBERS

NAI-1502494332v1

<sup>1</sup> Plaintiff's Second and Third causes of action are against defendants B52 and Borck only.