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Presend
ENTER NO J86
ORIGINAL

FILED
CLERK, U.S. DISTRICT COURT
AUG -9 2007
CENTRAL DISTRICT OF CALIFORNIA
BY *W* DEPUTY

Attorneys for Plaintiff
The Internet Corporation for Assigned Names
And Numbers

ENTERED
CLERK, U.S. DISTRICT COURT
AUG 10 2007
CENTRAL DISTRICT OF CALIFORNIA
BY *DB* DEPUTY

LOGGED

2007 AUG -6 9 PM 3:55

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BY: *[Signature]*
The Internet Corporation for Assigned
Names and Numbers,

Plaintiff,

v.

RegisterFly.Com, Inc., and
UnifiedNames, Inc.,

Defendants.

Case No. CV 07-2089 R (PLAx)

AMENDED
~~REVISED PROPOSED~~ ORDER
GRANTING MOTION FOR
ATTORNEYS' FEES AND
COSTS FROM DEFENDANTS
FOR BAD FAITH CONDUCT

Date: August 6, 2007
Time: 10:00 a.m.
Judge: Hon. Manuel L. Real

THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP, RULE 77(d).

DOCKETED ON CM
AUG 10 2007
BY *SJ* 1004

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1 On June 15, 2007, this Court ordered Plaintiff Internet Corporation for
2 Assigned Names and Numbers ("ICANN") to file a motion for attorneys' fees and
3 costs against defendants RegisterFly.Com, Inc. and UnifiedNames, Inc.
4 (collectively, "RegisterFly") as a sanction for RegisterFly's bad faith conduct in
5 this litigation. RegisterFly's willful non-compliance with this Court's April 16,
6 2006 Temporary Restraining Order, April 26, 2007 Preliminary Injunction, and
7 June 13, 2007 Permanent Injunction has severely taxed the resources of this Court
8 and ICANN, and it is within this Court's inherent discretion under Civil Local Rule
9 83-7 to impose sanctions for such conduct.

10 RegisterFly's actions have been in bad faith, and RegisterFly is therefore
11 appropriately subject to sanctions of payment of attorneys' fees and costs to
12 ICANN. RegisterFly's conduct has required the Court to hold four separate
13 hearings on contempt sanctions, on May 9, 2007, May 25, 2007, June 12, 2007 and
14 June 15, 2007. When appearing at the hearings, RegisterFly presented this Court
15 with excuses and justifications for its non-compliance.

16 Upon review of the individualized accounting provided by ICANN,
17 ICANN's requested attorneys' fees are reasonable.

18 THEREFORE, IT IS HEREBY ORDERED THAT:

19 As a SANCTION for defendants RegisterFly.Com, Inc. and UnifiedNames,
20 Inc.'s bad faith conduct in this litigation, the defendants, and each of them are
21 ordered to pay to ICANN attorneys' fees in the amount of \$62,258.82, representing:

22 \$21,710.28 in attorneys' fees incurred through May 9, 2007 for the initial
23 drafting of the May 2, 2007 Application for Civil Contempt Sanctions and
24 appearance at the related May 9, 2007 hearing on the same, arising out of
25 RegisterFly's initial willful failures to comply with the Preliminary Injunction;

26 \$7,791.80 in attorneys' fees incurred from May 9, 2007 through May 25,
27 2007 for ICANN's work in obtaining compliance with the Preliminary Injunction,
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1 and preparation for and attendance at this Court's May 25, 2007 Order to Show
2 Cause re Further Contempt Sanctions;

3 \$12,783.42 in attorneys' fees incurred between May 26, 2007 and the Court's
4 June 12, 2007 hearing on further contempt sanctions, including additional ICANN
5 work in obtaining compliance with the Preliminary Injunction, preparing status
6 reports for the court on RegisterFly's non-compliance, and attendance at the
7 hearing;

8 \$10,674.05 in attorneys' fees incurred between June 12, 2007 and the Court's
9 June 15, 2007 hearing on further contempt sanctions, including ICANN's
10 participation on conference calls and other work to obtain further RegisterFly
11 compliance with the Preliminary and Permanent Injunction, preparation of further
12 briefing for the court on RegisterFly's non-compliance, needless preparation for
13 argument on evidentiary hearings and cross-examination of witnesses at the
14 hearing, and ICANN's attendance at the hearing;

15 \$979.89 in attorneys' fees incurred by ICANN after the June 15, 2007
16 hearing for its continued work in monitoring RegisterFly's compliance with the
17 Permanent Injunction and continued efforts to finalize the still-missing information
18 required to confirm RegisterFly's compliance with all relevant terms of the
19 Permanent Injunction; and

20 \$8,319.38 in attorneys' fees incurred by ICANN in defending itself against
21 RegisterFly's baseless *Ex Parte* Application for Modification of Preliminary
22 Injunction, the Application consisting solely of argument already presented to and
23 rejected by this Court at the May 25, 2007 hearing.

24 IT IS FURTHER ORDERED THAT:

25 Defendants RegisterFly.Com, Inc. and UnifiedNames, Inc. are to provide
26 ICANN, via wire transfer, with payment of all funds as ordered herein. The wire
27 transfer must be completed within 10 (ten) calendar days of the entry of this Order.

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1 Defendants must file and serve a Notice of Proof of Compliance with this Order
2 immediately upon completion of payment.

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Dated: August 9, 2007



Honorable Manuel L. Real
United States District Court Judge

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PROOF OF SERVICE BY OVERNIGHT DELIVERY

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 555 South Flower Street, Fiftieth Floor, Los Angeles, California 90071-2300. On August 6, 2007, I deposited with Federal Express, a true and correct copy of the within documents:

**REVISED [PROPOSED] ORDER GRANTING
MOTION FOR ATTORNEYS' FEES AND COSTS
FROM DEFENDANTS FOR BAD FAITH
CONDUCT**

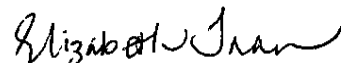
in a sealed envelope, addressed as follows:

Heather McCloskey, Esq. Attorney for Defendant,
Ervin Cohen & Jessup LLP RegisterFly.Com, Inc.
9401 Wilshire Blvd., 9th Floor
Beverly Hills, CA 90212

Following ordinary business practices, the envelope was sealed and placed for collection by Federal Express on this date, and would, in the ordinary course of business, be retrieved by Federal Express for overnight delivery on this date.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on August 6, 2007, at Los Angeles, California.



Elizabeth Tran