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Jeffrey A. LeVee (State Bar No. 125863)
Sean W. Jaquez (State Bar No. 223132) BY _____
Samantha S. Eisner (State Bar No. 230344)
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Attorneys for Defendants
INTERNET CORPORATION FOR ASSIGNED
NAMES AND NUMBERS and erroneously named
INTERNET ASSIGNED NUMBERS AUTHORITY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

C. ITOH MIDDLE EAST E.C. (Bahrain)
through the real party in interest, NATIONAL
UNION FIRE INSURANCE COMPANY OF
PITTSBURGH, PA,

Plaintiff,

v.

INTERNET CORPORATION FOR
ASSIGNED NAMES AND NUMBERS,
INTERNET ASSIGNED NUMBERS
AUTHORITY, the PEOPLE'S REPUBLIC
OF THE CONGO, and THE CONGOLESE
REDEMPTION FUND,

Defendants.

CASE NO. SC090220

Assigned for all purposes to
Honorable John L. Segal

**[PROPOSED] ORDER SUSTAINING
DEFENDANT ICANN'S AND
ERRONEOUSLY-NAMED
DEFENDANT IANA'S DEMURRER
WITHOUT LEAVE TO AMEND**

DATE: September 20, 2006
TIME: 8:30 a.m.
DEPT: M

Complaint Filed: June 28, 2006

1 The Demurrer to Plaintiff's Complaint brought by defendant Internet Corporation for
2 Assigned Names and Numbers ("ICANN") and erroneously-named defendant Internet Assigned
3 Numbers Authority ("IANA") came on regularly for hearing before the Court on September 20,
4 2006, the Honorable John L. Segal presiding. The Court, having considered the papers in support
5 of and in opposition to the Demurrer, the pleadings on file in this matter by the parties, and the
6 arguments of counsel at the hearing, and good cause appearing therefore, HEREBY ORDERS
7 THAT:

8 The Court has no jurisdiction over the subject of the First Cause of Action because
9 Plaintiff's Complaint fails to meet the mandatory requirements of the Foreign Sovereign
10 Immunities Act. Specifically, the country-code Top-Level Domain for the Republic of Congo,
11 which Plaintiff seeks to apply in satisfaction of Plaintiff's money judgment against the Congo is:
12 (1) not property; (2) not located in the United States; and (3) not used for commercial activity
13 therein. 28 U.S.C. § 1610(a).

14 Alternatively, Plaintiff's Complaint fails to state facts sufficient to maintain a creditor's
15 suit against defendant ICANN and erroneously-named defendant IANA. Cal. Civ. Proc. Code
16 § 708.210.

17 Therefore, the Demurrer to the Complaint is SUSTAINED WITHOUT LEAVE TO
18 AMEND and the Court's earlier issuance of the Writs of Execution against ICANN and IANA
19 are dissolved.

20 IT IS SO ORDERED.

21 Dated:

Los Angeles Superior Court Judge
Honorable John L. Segal

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PROOF OF SERVICE

I, Grace M. Salter, declare:

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 28, 2006, I caused to be served a copy of the within document(s):


**[PROPOSED] ORDER SUSTAINING DEFENDANT ICANN'S AND
ERRONEOUSLY-NAMED DEFENDANT IANA'S DEMURRER
WITHOUT LEAVE TO AMEND**

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth in the attached Service List.
- by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal Express agent for delivery.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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 28, 2006, at Los Angeles, California.



Grace M. Salter

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SERVICE LIST
C. ITOH MIDDLE EAST E.C. (Bahrain) v. INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS, et al.
LOS ANGELES SUPERIOR COURT, CASE NO. SC090220

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The People's Republic of the Congo Via U.S. Mail
Regie National Des Travaux Publics et de la Construction
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Brazzaville
Republique Populaire du Congo

The Congolese Redemption Fund Via U.S. Mail
Regis National Des Travaux Publics et de la Construction
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Brazzaville
Republique Populaire du Congo