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6 Attorneys for Plaintiff C. ITOH MIDDLE
EAST E.C. (Bahrain), through the real
party in interest, NATIONAL UNION
7 FIRE INSURANCE COMPANY OF
PITTSBURGH, PA.
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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF LOS ANGELES
12 WEST DISTRICT

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

16 Plaintiff,)

17 v.)

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

22 Defendants.)
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Case No. SC090220

The Hon. John L. Segal

**PLAINTIFF'S OPPOSITION TO
DEFENDANTS' SUPPLEMENTAL
REQUEST FOR JUDICIAL NOTICE**

Hearing: November 3, 2006

Time 8:30 a.m.

Dept.: M

Action Filed: June 28, 2006

1 Plaintiff C. Itoh Middle East E.C. (Bahrain), through the real party in interest
2 National Union Fire Insurance Company of Pittsburgh, Pa. ("NUFI"), respectfully submits this
3 Opposition to the Supplemental Request for Judicial Notice ("Supplemental Request") of
4 Defendants Internet Corporation for Assigned Names and Numbers and Internet Assigned
5 Numbers Authority (collectively, "ICANN").

6 The Supplemental Request was filed with ICANN's Reply in Support of its
7 Demurrer. Just as it did in its first Request for Judicial Notice, ICANN improperly seeks (i) to
8 controvert the well-pled allegations of the Complaint by asking the Court to take judicial notice
9 of the truth of self-serving hearsay, this time including not only documents that ICANN itself
10 authored and posted on its own website but also a brief in other litigation by a third party, and (ii)
11 to avoid discovery by asserting as indisputable fact its own proffered interpretation of its
12 ambiguous contractual arrangements and course of dealing with the Department of Commerce.
13 NUFU respectfully requests that the Court deny the Supplemental Request, for the reasons stated
14 in NUFU's Opposition to ICANN's (first) Request for Judicial Notice, and permit the
15 development of a proper factual record.

16
17 Dated: October 31, 2006

Respectfully submitted,

Robert A. Sacks / E.E.J.

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21 Of Counsel:
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EAST E.C. (Bahrain), through the real party
in interest, NATIONAL UNION FIRE
INSURANCE COMPANY OF
PITTSBURGH, PA.

1 **PROOF OF SERVICE**

2 I, Roberta Striplin, declare as follows:

3 I am employed in the County of Los Angeles, State of California. I am over the
4 age of eighteen years and am not a party to this action. My business address is Sullivan &
5 Cromwell LLP, 1888 Century Park East, Suite 2100, Los Angeles, California, 90067.

6 I served the following document:

7 **PLAINTIFF'S OPPOSITION TO DEFENDANTS' SUPPLEMENTAL**
8 **REQUEST FOR JUDICIAL NOTICE**

9 on October 31, 2006, on all parties in this action by placing true copies of the above document
10 enclosed in a sealed envelope addressed as follows:

11 **Via Hand Delivery**

12 Jeffrey A. LeVee
13 Sean W. Jaquez
14 Samantha S. Eisner
15 JONES DAY
16 555 South Flower Street, Fiftieth Floor
17 Los Angeles, California 90071-2300
18 Counsel for Defendants Internet Corporation for Assigned
19 Names and Numbers and Internet Assigned Numbers Authority

17 **Via U.S. Mail**

18 The People's Republic of the Congo
19 Regie National Des Travaux Publics et de la Construction
20 B.P. 2073
21 Brazzaville
22 Republique Populaire du Congo

22 The Congolese Redemption Fund
23 Regie National Des Travaux Publics et de la Construction
24 B.P. 2073
25 Brazzaville
26 Republique Populaire du Congo

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2 that same day in the course of business.

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7 delivering correspondence to the United States Postal Service, such correspondence is delivered
8 to the United States Postal Service that same day in the course of business.

9 I declare under penalty of perjury under the laws of the United States that the
10 foregoing is true and correct.

11 Executed on October 31, 2006, at Los Angeles, California.

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13 _____
14 Roberta Striplin
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