

**INDEPENDENT REVIEW PROCESS
INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION
No. 01-16-0000-7056**

**AMAZON EU S.A.R.L.,
Claimant,**

and

**INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS,
Respondent.**

Report of Preliminary Conference and Scheduling Order No. 1

Following a preliminary conference conducted on September 30, 2016, the following Order is made respecting the conduct of the Independent Review Process (IRP):

1. Parties and Counsel. The parties to the IRP are identified in the caption and are represented as follows:
 - a. Claimant: John Thorne of Kellogg Huber, et al.
 - b. Respondent: Kathryn Kelly and Jeffrey LeVee of Jones Day
2. Authority for Independent Review Process: Article IV, Section 3 of ICANN By-Laws.
3. Case Manager: Tom Simotas, ICDR Contact Information Redacted
4. IRP Panel: Hon. Robert Bonner, Hon. A. Howard Matz, Robert C. O'Brien, Esq. The parties agree that the IRP Panel is duly appointed and qualified to serve.
5. Applicable Procedural Rules: ICDR's International Dispute Resolution Procedures, as amended and in effect on June 1, 2014, as augmented by ICANN Supplementary Procedures, as amended and in effect as of 2011. It was noted that revisions to ICANN's By-Laws may become effective October 1, 2016. Further, amendments to the ICANN's Supplementary Procedures are anticipated. Counsel for ICANN will provide the Panel with copies of the new By-Laws and Supplementary Procedures when they become effective. No determination is made as to whether and/or to what extent the new By-Laws and/or Supplementary Procedures apply to this IRP proceeding. It was also noted that

prior IRP declarations may be cited and are deemed to have non-binding precedential value in this proceeding.

6. Impartiality of the Panel. Per Article 13(1) if the ICDR procedures, the panelists shall be impartial and independent.
7. The seat of this IRP proceeding is Los Angeles, California
8. Pleadings and evidence to date. There was a discussion of the totality of the record to date to assure that all members of the Panel have received same. Both sides have made their Initial Written Submissions, attaching witness statements, in the form of declarations, documentary exhibits and legal authorities. Both sides have provided or will provide each member of the IRP Panel with their respective filings on flash drives.
9. Document discovery/exchange. Claimant will serve its document request on Respondent no later than October 7, 2016. Respondent will have up to sixty (60) days to respond and produce documents, and may apply for additional time if needed. If Respondent objects to any part of Claimant's document request, it shall do so within thirty (30) days of receipt. Respondent will serve its limited document request on Claimant, on or before November 4, 2016. Respondent will have thirty (30) days to respond. Other than the above, no other discovery is contemplated. It is anticipated that the parties will negotiate a proposed protective order for entry by the Panel.
10. Conduct of the IRP Hearing
 - a. An in-person hearing will take place at the offices of Jones Day in Los Angeles, California, at a date to be set, but notionally in the February-March 2017 timeframe. Counsel are requested to confer and provide Panel with as many dates as they believe are suitable between the March 6-March 24, 2017 for the hearing.
 - b. Claimant requests that the in-person hearing include examination of one or more witnesses. Respondent objects to the in-person hearing encompassing anything more than oral argument and summations by counsel. Claimant will file a brief no later than October 10, 2016 in support of its request, to include an identification of and offer of proof regarding any witness(es) it believes should be permitted to testify at the in-person hearing. Respondent will have until October 20, 2016 to file its responsive brief.
 - c. The in-person hearing is expected to take one to two days, depending on whether live witnesses are permitted.
 - d. No further expert submissions are contemplated by either party at this time.

- e. It is anticipated that both sides will augment their submissions after reviewing document discovery. A schedule for augmented merits briefing will be made part of a further scheduling order, based on suggestions of counsel.
- f. The Panel requests that, prior to augmented briefs, the parties confer regarding stipulated facts and an agreed upon statement of issues for the Panel to decide.

11. Summary Dismissal. The parties agree that this matter does not lend itself to summary dismissal.

12. Interim Protection Measures: Claimant is not seeking interim protection measures.

13. Cooperative Engagement Process has been completed.

14. Declaration. The Panel's declaration will take the form of a reasoned decision.

This Order shall continue in effect unless and until amended by subsequent order of the IRP Panel.

IT IS SO ORDERED.

Dated: October __, 2016



Robert C. Bonner
Chair

Robert C. O'Brien

A. Howard Matz

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IT IS SO ORDERED.

Dated: October 4, 2016

Robert C. Bonner
Chair

Robert C. O'Brien


A. Howard Matz