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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **FOR THE COUNTY OF SAN FRANCISCO**

13 **UNLIMITED CIVIL CASE**

14 SURAJ KUMAR RAJWANI,

15 Plaintiff(s),

16 vs.

17 B52 MEDIA LLC, a Limited Liability
18 Company; LONNIE BORCK, an individual;
19 ICANN, a Corporation;

20 Defendant(s).

21 PAYMENTS IP PTY LTD, a limited
22 company,

23 Intervenor.

Case No. CGC-16-554684

**OBJECTION TO REQUEST FOR
JUDICIAL NOTICE**

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

24 Plaintiff, Suraj Kumar Rajwani, herewith objects to defendant Internet Corporation for
25 Assigned Names and Numbers (ICANN's) request for judicial notice on the grounds set forth
26 below:

- 27 1. "Domain Name Registration Process," available at
28 <https://whois.icann.org/en/domain-name-registration-process>. [Pushinsky Deel. Ex.

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California does not permit the court take judicial notice of the truth of the factual content of information contained on public websites (as opposed to the existence of the website). *Jolly v. Chase Home finance, LLC* (2013) 213 Cal. App. 4th 872, 888, 889.

2. "About Change of Registrant," available at <https://www.icann.org/resources/pages/ownership-2013-05-03-en>. [Pushinsky Deel. Ex. B];

California does not permit the court take judicial notice of the truth of the factual content of information contained on public websites (as opposed to the existence of the website). *Jolly v. Chase Home finance, LLC* (2013) 213 Cal. App. 4th 872, 888, 889.

3. "What Does ICANN do?," available at <https://www.icann.org/resources/pages/what-2012-02-25-en>. [Pushinsky Deel. Ex. C];

California does not permit the court take judicial notice of the truth of the factual content of information contained on public websites (as opposed to the existence of the website). *Jolly v. Chase Home finance, LLC* (2013) 213 Cal. App. 4th 872, 888, 889.

4. "I CANN FAQs" available at <https://www.icann.org/resources/pages/faqs-2014-01-21-en>. [Pushinsky Deel. Ex. D];

California does not permit the court take judicial notice of the truth of the factual content of information contained on public websites (as opposed to the existence of the website). *Jolly v. Chase Home finance, LLC* (2013) 213 Cal. App. 4th 872, 888, 889.

5. Excerpt of ICANN's Bylaws, as amended October 1, 2016, available at <https://www.icann.org/resources/pages/governance/bylaws-en>. [Pushinsky Deel. Ex. E];

California does not permit the court take judicial notice of the truth of the factual content of information contained on public websites (as opposed to the existence of the website). *Jolly v. Chase Home finance, LLC* (2013) 213 Cal. App. 4th 872, 888, 889.

6. "About Unauthorized Transfers and Changes of Registrant," available at

1 [https://www .icann.org/resources/pages/unauthorized-2013-05-03-en](https://www.icann.org/resources/pages/unauthorized-2013-05-03-en). [Pushinsky Deel. Ex. F];

2 California does not permit the court take judicial notice of the truth of the factual content
3 of information contained on public websites (as opposed to the existence of the website). *Jolly*
4 *v. Chase Home finance, LLC* (2013) 213 Cal. App. 4th 872, 888, 889.

5 7. January 30, 2017 "Stipulation re: Disclaimer of Interest by eNOM, Inc. and
6 WHOIS Privacy Protection Service, Inc.," filed on January 30, 2017 in conjunction with
7 Plaintiffs Case Management Statement. [Pushinsky Deel. Ex. G].

8 The referenced stipulation has not been filed with the court and is not part of the public
9 record. The mere fact that it was attached to a case management statement does not make it the
10 proper subject of judicial notice. The stipulation also does not preclude that ICANN has
11 independent authority as alleged in the second amended complaint.

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14 Dated: June 16, 2017

O'CONNOR & ASSOCIATES

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17 By Jeffrey D. Kirk, Esq.
18 Attorney for Plaintiff
19 SURAJ KUMAR RAJWANI
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