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 11 **ZA Central Registry, NPC**

12 **UNITED STATES DISTRICT COURT**
 13 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

14 DOTCONNECTAFRICA TRUST, a
 15 Mauritius Charitable Trust,
 16
 17 Plaintiff,
 18 v.
 19 INTERNET CORPORATION FOR
 20 ASSIGNED NAMES AND
 21 NUMBERS; a California corporation;
 22 ZA Central Registry, a South African
 23 non-profit company; DOES 1 through
 24 50, inclusive,
 25 Defendants.

CASE NO. 2:16-cv-00862 RGK (JCx)
*Assigned for all purposes to the
 Honorable R. Gary Klausner*

**SUPPLEMENTAL DECLARATION
 OF MOKGABUDI LUCKY
 MASILELA IN SUPPORT OF
 ZACR’S MOTION TO
 RECONSIDER AND VACATE
 PRELIMINARY INJUNCTION
 RULING**

[Filed concurrently with: Reply ISO of Motion to Reconsider and Vacate Preliminary Injunction; Consolidated Evidentiary Objections to Declaration of Sophia Bekele Eshete; Consolidated Evidentiary Objections to Declaration of Sarah Colón; Response to Plaintiff’s Evidentiary Objections to Declaration of Mokgabudi Lucky Masilela; and Declaration of Akram Atallah ISO of Motion]

Date: June 6, 2016
 Time: 9:00 a.m.
 Location: Courtroom 850

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DECLARATION OF MOKGABUDI LUCKY MASILELA

I, Mokgabudi Lucky Masilela, hereby declare as follows:

1. I am the Chief Executive Officer of named defendant ZA Central Registry, NPC (“ZACR”). I have personal knowledge of the matters contained herein. If called upon as a witness, I could and would testify competently thereto.

2. As stated in paragraph 11 of my Declaration filed with the Court on May 6, 2016, ZACR has incurred monthly costs that are continuing due to the delay in the delegation of .Africa. A true and correct copy of a summary of the average costs from July 2015 to April 2016 is included in the attached **Exhibit A**. As noted in my original declaration, the costs have been running approximately \$20,000 per month. This is based upon a review of the monthly costs incurred during the last 10 months for the .Africa project, including the ongoing costs related to consultants, marketing, sponsorships and related expenses. In determining these figures, we averaged the monthly expenses for the .Africa project and where necessary converted expenditures from South African Rand to U.S. dollars. These figures were configured by ZACR’s finance section based on ZACR’s financial records. The summary of costs listed in Exhibit A does not include any fees due to ICANN under the Registry Agreement. The summary listed in Exhibit A also omits legal fees that ZACR previously incurred – which explains why the dollar figure listed in Exhibit A is less than \$20,000. If we were to include actual and expected legal fees for this litigation, the ZACR finance section projects the cost figures would increase significantly beyond \$20,000 per month.

3. As stated in paragraph 12 of my Declaration filed with the Court on May 6, 2016, the Loss of Net Income after Tax (opportunity costs) suffered by ZACR from the date of the planned delegation following the Registry Agreement through May 1, 2016, is now estimated to be approximately \$15 million (U.S.

1 dollars). These estimates were configured by ZACR’s finance section. A true and
2 correct copy of a summary of the breakdown of ZACR’s opportunity costs are
3 included in the attached Exhibit A. The estimated number of registration numbers
4 are based on ZACR’s responses to ICANN’s 2012 application questions 46 – 50.
5 ZACR researched these numbers at the time of application and the application
6 passed ICANN evaluation. To be conservative, ZACR revised down some of
7 these numbers based on trends in the launch of other new gTLDs.

8 4. My email address is Contact Information Redacted I have never used the
9 email address lmasilela@registry.za.net.

10 5. Attached as **Exhibit B** are true and correct copies of exemplar
11 printouts of redelegations including gTLDs, from the Internet Assigned Numbers
12 Authority (“IANA”) website, <https://www.iana.org/reports>. Additional examples
13 can be found on the website.

14 6. Attached hereto as **Exhibit C** are true and correct copies of printouts
15 from the following websites which discuss redelegation of gTLDs:
16 [http://domainincite.com/18849-you-might-be-surprised-how-many-new-gtlds-](http://domainincite.com/18849-you-might-be-surprised-how-many-new-gtlds-have-changed-hands-already)
17 [have-changed-hands-already; http://domainincite.com/20235-minds-machines-](http://domainincite.com/20235-minds-machines-dumps-back-end-and-registrar-in-nominet-uniregistry-deals)
18 [dumps-back-end-and-registrar-in-nominet-uniregistry-deals;](http://www.afiliat.info/news/2003/01/02/public-interest-registry-assumes-control-org-domain-name-registry)
19 [http://www.afiliat.info/news/2003/01/02/public-interest-registry-assumes-control-](http://www.afiliat.info/news/2003/01/02/public-interest-registry-assumes-control-org-domain-name-registry)
20 [org-domain-name-registry.](http://www.afiliat.info/news/2003/01/02/public-interest-registry-assumes-control-org-domain-name-registry)

21 7. Attached hereto as **Exhibit D** is a true and correct copy of the
22 Geographic Names Panel Clarifying Questions submitted by ICANN’s
23 Geographic Names Panel to ZACR during the application process relating to
24 deficiencies in the letter of support from the African Union dated April 4, 2012.
25 The updated letter of support from the AUC was submitted on or about July 2,

26 //

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1 2013, as referenced as Exhibit A to my May 6, 2016 Declaration.

2 I declare under penalty of perjury under the laws of the United States of
3 America that the foregoing is true and correct.

4 Executed this 23 day of May 2016 at MIDRAND.

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8 MOKGABUDI LUCKY MASILELA

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