

COPY

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7

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

10

11	THE INTERNET CORPORATION FOR)	CASE NO. CV 07-2089 R (PLAx)
12	ASSIGNED NAMES AND NUMBERS,)	
13	Plaintiff,)	SUPPLEMENTAL DECLARATION
14	v.)	OF KEVIN MEDINA RE:
15	REGISTERFLY.COM, INC., and)	COMPLIANCE WITH COURT
16	UNIFIED NAMES, INC. ,)	ORDER OF MAY 25, 2007
17	Defendants.)	
18		Place: Ctrm. 8 (Hon. Manuel L. Real)

19 I, Kevin Medina, declare:

20 1. I am the principal of RegisterFly.com, Inc. and UnifiedNames, Inc.,
21 defendants in the above-referenced action. Unless otherwise stated, I have first hand
22 personal knowledge of the facts set forth herein. I have reviewed the Supplemental
23 Declaration of Samantha Eisner Regarding Defendants' Compliance With Court
24 Orders and submit this Declaration in response thereto.

25 2. Ms. Eisner's declaration continues to reference prior orders of this
26 Court instead of the conduct which is relevant to the hearing set for June 15, 2007 –
27 RegisterFly's compliance with this Court's order of May 25, 2007.

28 3. The Notice now placed on the RegisterFly.com website have been

1 corrected and is now in 14 pt font and in the Court-ordered location. In fact, it now
2 not only appears on the Home Page of www.RegisterFly.com, but on each of the
3 different pages of the site – which is not required by the Court Order. Attached
4 hereto as Exhibit A are true and correct print-outs of pages of the website showing
5 the placement and size of the notice.

6 4. I participated in a conference call with ICANN, Elliot Noss, CEO of
7 Tucows – the entity that maintains RegisterFly's data, and counsel on June 12, 2007.
8 During that call, ICANN informed me that it did not want any of the information
9 that is in the possession of Tucows, even though it does satisfy several of the
10 categories in the Court's Order.

11 5. During the conference call, INCANN identified additional information
12 which it wanted which RegisterFly did still have. I provided that information to
13 ICANN before 3:00 p.m. on June 14, 2007. Attached hereto as Exhibit B are true
14 and correct copies of a screen capture of ICANN's FTP site which shows that the
15 file we uploaded was received and a text based log of ICANN's server which also
16 indicates that the file we uploaded was on the site.

17 6. On June 13, 2007, at about 2:00 p.m., I received Ms. Eisner's e-mail
18 attaching the 2700 names which list a proxy as the registrant. By 9:40 a.m. on June
19 14, 2007, we were able to identify 4 or 5 owners – one of whom owns nearly all of
20 the 2,700 names. This was accomplished by restoring the default form which was
21 filled out by the registrant. Attached hereto as Exhibit C is a true and correct copy
22 of the e-mail provided to Ms. Eisner stating this information. At approximately 4:33
23 p.m., we also provided Ms. Eisner an updated list of the 2,700 names indicating all
24 of the new information which was able to be restored. Attached hereto as Exhibit D
25 is a true and correct copy of the e-mail attaching this list.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this was executed on the 14th day of June, 2007, at Los Angeles, CA.



Kevin Medina



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THE INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS - THE NON FOR PROFIT ENTITY THAT ADMINISTERS THE INTERNET'S DOMAIN NAME SYSTEM, HAS ISSUED A NOTICE OF TERMINATION OF THIS COMPANY'S ACCREDITATION TO SERVE AN INTERNET DOMAIN NAME REGISTRAR.

PLEASE SEE WWW.ICANN.ORG FOR FURTHER INFORMATION.

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Free Services

Included with each **NEW** Domain

- 1 GB Hosting (no ads!)
- Website Builder
- Web Blogger
- Domain Privacy Protection
- Dynamic DNS
- Domain Forwarding & Masking
- Email Forwarding
- Domain Locking
- Change of ownership
- Security Tools
- Multiple payment options
- Domain Delete option

[more features »](#)

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OVER **900,000** CUSTOMERS
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VPS Hosting

5 GB Disk Space
50 GB Disk transfer
Host up to 10 domains

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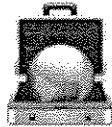


commerce solutions

Create up to 70 products
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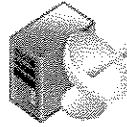


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Buy in bulk save big
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Pricing activated instantly
Pricing valid for 24 Hours
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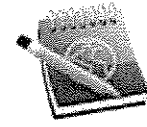


E-mail services

1 mail box
25 Mb Disk Space
Web Mail
Pop3/SMTP
Spam Blocker

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Web Blog

Multiple templates/styles
Rich text editor
Photo Album
Web Site Statistics
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Signup is 100% F

Account Login Page

Note: This site uses cookies, and won't function properly without them. If you have them turned off, please turn them on to continue.

You can create a Registerfly account for FREE. By openir account at Registerfly.com y can register, transfer, renev manage your domains and l advantage of our many FRE tools and services. RegisterFly.com is one of th largest domain registrars in world, get your free accoun and start enjoying the RegisterFly.com advantage **get start**

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Enter your UserID/Password below

User name:

Password:

Remember my user name

Additional Options:

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» [home](#) » [account manager](#) » [create free account](#)

Create Free Account

To use Registerfly.com tools and services you must have an account. Please provide complete and exact information. You can edit your account at any time to change your information.

Advantages

- Extra Year added for FREE
- NO RISK - You only pay on success
- Automated domain transfer process
- Free Privacy Protection
- Seamless Transfer
- Bulk Management Tools
- Powerful security tools
- Lowest bulk pricing
- One of the fastest growing registrars in the world

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- [E-mail accounts for \\$4.99](#)
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Please fill out the required fields

Organization

First Name

Last Name

Job Title

Email Address

Phone

Fax

Address

Address(2)

State -- U.S. --

City

Zip code

Country United States

Referred by - Select -

User Name:

No spaces or special symbols allowed in username. Characters like . # / etc are not allowed

Choose a Password:

Confirm the Password:

Use at least 6 characters, no spaces or special symbols allowed in password

I have read and agree to the [RegisterFly.com Terms and Conditions](#)

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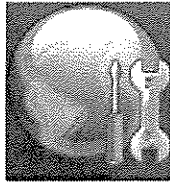
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Customer Service Center

SUPPORT TICKET AVAILABLE
E-MAIL SUPPORT AVAILABLE

05:47:46 EST

Customer Service Center

TITLE: RegisterFly.com Arranges for bulk transfer of names under its accreditation

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Ticket Support

The ticket system is available 24/7

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[Access Support Ticket System](#)

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Additional Option

- Continue Finding Names
- Domains as low as \$1.19/
- View your previous shopp carts
- Specials of the day

Shopping Cart

The contents of your cart are listed below. Click "Checkout" to purchase your selected services. To remove an item, click "Delete." and press "update cart" You will be presented to a payment page upon selecting checkout. You can save any domain purchases on your shopping cart to a saved list and register them at a later date.

Shopping Cart Content

Your shopping cart is empty, you may register, transfer, renew domains or choose from any of our services

[ProtectFly.com Discreet Registrations](#) - Only \$.99 per domain. Keep your information away from the wrong people, Reduce or eliminate SPAM sent to you, Inexpensive way to protect your identity, Keep telemarketers and spammers away, Instant activation.

[\\$15.00 E-mail Hosting](#) - Get your own e-mail account! With plans starting at 25 megabytes of storage, 50 e-mail accounts, 50 redirects and more. Start creating a more professional image with yourrowndomain.com instead of a FREE e-mail service.

[\\$2.99 .info special](#) - Get one of the most popular domain names for the low price of only \$2.99 ea

Save time using Quick Checkout

Using Quick Checkout makes th entire registration process fast. Each time you register a doma name or use any RegisterFly se it will be deducted from your C Checkout account.

Your Available Balance
\$0.00

Other items

Highly recommended

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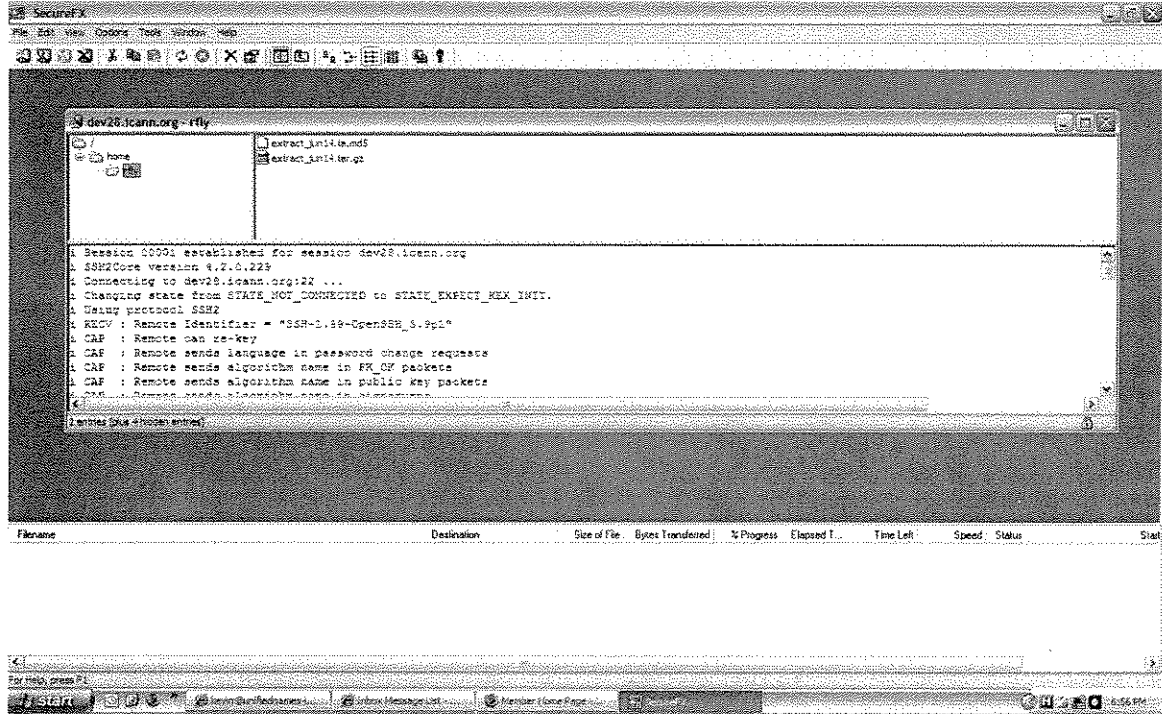
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Screen Capture of ICANN'S secure FTP Site

Dev28.icann.org



icanntxt.txt

```
i Session 00001 established for session dev28.icann.org
i SSH2Core version 4.2.0.229
i Connecting to dev28.icann.org:22 ...
i Changing state from STATE_NOT_CONNECTED to STATE_EXPECT_KEX_INIT.
i Using protocol SSH2
i RECV : Remote Identifier = "SSH-1.99-OpenSSH_3.9p1"
i CAP : Remote can re-key
i CAP : Remote sends language in password change requests
i CAP : Remote sends algorithm name in PK_OK packets
i CAP : Remote sends algorithm name in public key packets
i CAP : Remote sends algorithm name in signatures
i CAP : Remote sends error text in open failure packets
i CAP : Remote sends name in service accept packets
i CAP : Remote includes port number in x11 open packets
i CAP : Remote uses 160 bit keys for SHA1 MAC
i CAP : Remote supports new diffie-hellman group exchange messages
i CAP : Remote correctly handles unknown SFTP extensions
i CAP : Remote correctly encodes OID for gssapi
i CAP : Remote correctly uses connected addresses in forwarded-tcpip requests
i CAP : Remote can do SFTP version 4
i CAP : Remote x.509v3 uses ASN.1 encoding for DSA signatures
i SEND : KEXINIT
i RECV : Read kexinit
i Available Remote Kex Methods =
diffie-hellman-group-exchange-sha1,diffie-hellman-group14-sha1,diffie-hellman-group1
-sha1
i Selected Kex Method = diffie-hellman-group-exchange-sha1
i Available Remote Host Key Algos = ssh-rsa,ssh-dss
i Selected Host Key Algo = ssh-dss
i Available Remote Send Ciphers =
aes128-cbc,3des-cbc,blowfish-cbc,cast128-cbc,arcfour,aes192-cbc,aes256-cbc,rijndael-
cbc@lysator.liu.se,aes128-ctr,aes192-ctr,aes256-ctr
i Selected Send Cipher = aes256-cbc
i Available Remote Recv Ciphers =
aes128-cbc,3des-cbc,blowfish-cbc,cast128-cbc,arcfour,aes192-cbc,aes256-cbc,rijndael-
cbc@lysator.liu.se,aes128-ctr,aes192-ctr,aes256-ctr
i Selected Recv Cipher = aes256-cbc
i Available Remote Send Macs =
hmac-md5,hmac-sha1,hmac-ripemd160,hmac-ripemd160@openssh.com,hmac-sha1-96,hmac-md5-9
6
i Selected Send Mac = hmac-sha1
i Available Remote Recv Macs =
hmac-md5,hmac-sha1,hmac-ripemd160,hmac-ripemd160@openssh.com,hmac-sha1-96,hmac-md5-9
6
i Selected Recv Mac = hmac-sha1
i Available Remote Compressors = none,zlib
i Selected Compressor = none
i Available Remote Decompressors = none,zlib
i Selected Decompressor = none
i Changing state from STATE_EXPECT_KEX_INIT to STATE_KEY_EXCHANGE.
i SEND : KEXDH_GEX_REQUEST
i RECV : KEXDH_GEX_GROUP
i SEND : KEXDH_INIT
i RECV : KEXDH_REPLY
i SEND : NEWKEYS
i Changing state from STATE_KEY_EXCHANGE to STATE_EXPECT_NEWKEYS.
i RECV : NEWKEYS
i Changing state from STATE_EXPECT_NEWKEYS to STATE_CONNECTION.
i SEND: SERVICE_REQUEST[ssh-userauth]
i RECV: SERVICE_ACCEPT[ssh-userauth] -- OK
i SEND : USERAUTH_REQUEST [none]
i RECV : USERAUTH_FAILURE, continuations [publickey,gssapi-with-mic,password]
i SEND : USERAUTH_REQUEST [password]
```


icanntxt.txt

```
i RECV : AUTH_SUCCESS
i RECV : Server Sftp Version: 3
i SENT : fs-multiple-roots-supported request
i SENT : vendor-id request
i RECV : fs-multiple-roots-supported reply: 8
i SEND : Stat .
i SEND : RealPath, base=.
i Resolved RealPath: /home/rfly
< rw-r--r--      24 Tue 27-Mar-2007 16:16:11 .bash_logout (S)
< rw-r--r--     124 Tue 27-Mar-2007 16:16:11 .bashrc (S)
< rw-----     256 Tue 27-Mar-2007 18:26:51 .bash_history (S)
< rwx-----   4096 Thu 14-Jun-2007 17:01:33 . (S)
< rwxr-xr-x    4096 Tue 27-Mar-2007 20:35:43 .. (S)
< rw-rw-r--     56 Thu 14-Jun-2007 17:05:04 extract_jun14.ta.md5 (S)
< rw-r--r--    191 Tue 27-Mar-2007 16:16:11 .bash_profile (S)
< rw-rw-r--  42210234 Thu 14-Jun-2007 17:02:24 extract_jun14.tar.gz (S)
```

Heather McCloskey

From: Heather McCloskey
Sent: Thursday, June 14, 2007 9:39 AM
To: 'Samantha Eisner'
Cc: Kelly Scott; Lauren Katunich
Subject: 2700 Names

Ms. Eisner,

Below is the information RegisterFly was able to get from the default profile of the one user who appears to be the owner of 2691 of the 2700 names. Please inform me if you have any questions about this.

ACTIVE	2691	Whois	Protection Service	rfgpcxq37p3cx@protectfly.com	quirrex	rtb45grtsb	623 Eagle Rock Avenue	West Orange	NJ	0
--------	------	-------	--------------------	------------------------------	---------	------------	-----------------------	-------------	----	---

Full Name: Mike
E-Mail Address: mike.hink@gmail.com
Ticket Subject: Whois protection
Support Area: Account - Unable to locate/see my domain
Support Question:

Your Prior Responses

Time Submitted:6:34:13

[2006-06-03]

Hello,
 I have 1292 domains and I'd like to ask you to enable whois protection on all of them. The bulk tools don't work and it's too much work to do it manually for each domain.
 Also please let me know if I can have an account manager.

thanks

Time Submitted:8:47:53

Thanks for a quick reply.

[2006-06-03]

I tried this several times but it's not working.
 The system says that whois protection is enabled but when i check whois it shows my info unprotected.

Only if I do it manually for eachdomain it works.

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thank you, Mike

Time Submitted:2:23:12

Hello,
That's the reason I opened this ticket.
it'll be quite complicated to enable it manually on so many domains.

[2006-06-04]

Can you do it somehow through your panels?
it'll save me a lot of time and worries and I'll be very willing to buy much domains at registerfly in the near future..

thanks

Time Submitted:6:34:48

[2006-06-07]

hello, how many domains are needed in order to have an account manager?
thanks

Responses from Customer Support

Dear Mike

Login to your registerfly account and then click on Tab "Services" next to Accounting tab. And from there you can access your Protectfly service.

[2006-06-03]

Thank You

Rapid Response Service
Registerfly.com INC
ICANN Accredited Registrar

Hello

Manually update on each name through above specified location and it will resolve this issue.

[2006-06-03]

Thank you

Rapid Response Service
Registerfly.com INC
ICANN Accredited Registrar

Hello Mike

[2006-07-06]

I have enabled protectfly on all of your domains. Please allow 24 to 48 hours to be reflected.

Thank You

[2006-07-07]

Closed by automated system

Exh. C
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Heather McCloskey

Ervin, Cohen & Jessup LLP

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Beverly Hills, CA 90212-2974
Phone: 310-281-6349
Direct Fax: 310-887-6853
Email: hmccloskey@ecjlaw.com

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Exh. C
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Heather McCloskey

From: Heather McCloskey
Sent: Thursday, June 14, 2007 4:33 PM
To: 'Samantha Eisner'
Cc: Kelly Scott; Lauren Katunich
Subject: More on 2700 Names
Attachments: protectfly-privacy.csv

Ms. Eisner,

RegisterFly went through the list and updated the CSV spreadsheet.

They took the provided file and sorted by email address. Under each different section they either provided NEW data or provided COMMENTS.

If they were fortunate to identify the base profile information they have updated it as NEW. If they were unable they specified COMMENT and provided more specifics.

Here is the explanation I have been given as to what we were able to find and what we are not able to recover:

In every case, the registrants used altered or bogus privacy information. I would suspect to avoid paying for the service or to cloak the underlying registrant information even from our us.

Many of these they updated their default profile with this same bogus information. Once a profile is updated with bogus information it is very difficult (if not impossible) for us to dig deeper to find out alternate information. Some of these people retained their primary info but used an altered or falsified email address. If we could find an email address linked to that account we provided it, if not we cannot. There are only several registrants (however they have in the aggregate 2700+ names). The largest abuser registered nearly 2700 names (mostly .info names) using this bogus information. In this case we cannot recover the true data since their profile contains the same information as the information (bogus) that they provided when they registered the names.

Please let me know if you have any questions about this.

Heather McCloskey

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9401 Wilshire Blvd, 9th Floor
Beverly Hills, CA 90212-2974
Phone: 310-281-6349
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PROOF OF SERVICE BY HAND-DELIVERY

STATE OF CALIFORNIA)
) ss:
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 9401 Wilshire Boulevard, Ninth Floor, Beverly Hills, CA 90212.

On June 14, 2007, I served the document described as **SUPPLEMENTAL DECLARATION OF KEVIN MEDINA RE: COMPLIANCE WITH COURT ORDER OF MAY 25, 2007** on the parties in this action by delivering a true copy thereof enclosed in a sealed envelope addressed as follows:

Jeffrey A. LeVee
Samantha Eisner
Jones Day
555 S. Flower Street, 50th Floor
Los Angeles, CA 90071-2300
Tel: (213) 489-3939
Fax: (213) 243-2539

Attorneys for Plaintiff

I delivered such envelope(s) by hand to the addressee.

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

EXECUTED on June 14, 2007 at Beverly Hills, .

By: _____

Print: HEATHER McCLOSKEY