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8	DOTCONNECTAFRICA TRUST	
9		
10	UNITED STATES DIST	RICT COURT
11	CENTRAL DISTRICT OF CALIF	ORNIA – WESTERN DIVISION
12	DOTCONNECTAFRICA TRUST, a Mauritius	Case No. BC607494
13	Charitable Trust;	Assigned for all purposes to the Honorable
14	Plaintiff,	Howard L. Halm
15	v.	RESPONSE TO EVIDENTIARY
16	INTERNET CORPORATION FOR	OBJECTIONS TO DECLARATION OF SOPHIA BEKELE ESHETE FILED IN
17	ASSIGNED NAMES AND NUMBERS, a	SUPPORT OF PLAINTIFF'S MOTION
18	California corporation;	FOR PRELIMINARY INJUNCTION (FILED AS A TRO)
19	Defendants.	
20		DATE: February 2, 2017 TIME: 8:30 a.m.
21		DEPT: 53
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- 0	RESPONSE TO EVIDENTIARY OBJECTIONS TO DEC	CLARATION OF SOPHIA BEKELE ESHETE FILED IN

SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION (FILED AS A TRO)

Plaintiff DotConnectAfrica Trust ("DCA") hereby responds to Defendant Internet Corporation for Assigned Names and Numbers' ("ICANN") evidentiary objections to the Declaration of Sophia Bekele Eshete ("Bekele Declaration") filed in support of DCA's Motion for Preliminary Injunction.

Bekele Declaration ¶	ICANN Objection	Response	Ruling
¶35: "If .Africa is	1. Lacks Foundation (Evid. Code	Ms. Bekele's	Overruled
delegated to ZACR	§403)	testimony is based	
before this case is	2. Lacks Personal Knowledge	upon her personal	
resolved DCA will	(Evid. Code § 702).	knowledge as	
likely be forced to stop	3. Speculation (Evid. Code 702.)	stated in the	
operating due to a lack		declaration. Ms.	Sustained
of funding."		Bekele is the CEO	
_	Ms. Bekele fails to lay a foundation	of Plaintiff DCA	
	as to the source of her knowledge, or	and deals directly	
	demonstrate personal knowledge, of	with its funders.	
	the statement that if .Africa is		
	delegated to ZACR before this case		
	is resolved DCA will Likely be		
	forced to stop operating due to a lack		
	of funding. Further, the testimony is		
	speculative and should be stricken.		
Bekele Declaration ¶	ICANN Objection	Dognongo	Duling
¶36: "Once the gTLD	ICANN Objection 1. Lacks Foundation (Evid. Code §	Response Ms. Bekele's	Ruling Overruled
130. Once the grad	1. Lacks roundation (Evid. Code §	IVIS. DEKELE S	· · · · · · · · · · · · · · · · · · ·
ic awarded and the	403)		O VEITEREE
is awarded and the	403). 2 Lacks Parsonal Knowledge	testimony is based	Overrence
party controlling it	2. Lacks Personal Knowledge	testimony is based on her personal	
party controlling it begins selling or	2. Lacks Personal Knowledge (Evid. Code §702).	testimony is based on her personal knowledge as	
party controlling it begins selling or offering its use to users	2. Lacks Personal Knowledge(Evid. Code §702).3. Improper Opinion Testimony	testimony is based on her personal knowledge as stated in the	Sustained
party controlling it begins selling or offering its use to users of the Internet	2. Lacks Personal Knowledge (Evid. Code §702).	testimony is based on her personal knowledge as stated in the declaration. Ms.	
party controlling it begins selling or offering its use to users of the Internet including businesses,	2. Lacks Personal Knowledge (Evid. Code §702).3. Improper Opinion Testimony (Evid. Code §§800-803).	testimony is based on her personal knowledge as stated in the declaration. Ms. Bekele is the CEO	
party controlling it begins selling or offering its use to users of the Internet including businesses, organizations, persons	2. Lacks Personal Knowledge (Evid. Code §702).3. Improper Opinion Testimony (Evid. Code §§800-803).Ms. Bekele fails to lay a foundation	testimony is based on her personal knowledge as stated in the declaration. Ms. Bekele is the CEO of Plaintiff DCA	
party controlling it begins selling or offering its use to users of the Internet including businesses, organizations, persons and governments, it	 2. Lacks Personal Knowledge (Evid. Code §702). 3. Improper Opinion Testimony (Evid. Code §§800-803). Ms. Bekele fails to lay a foundation as to the source of her knowledge, or 	testimony is based on her personal knowledge as stated in the declaration. Ms. Bekele is the CEO of Plaintiff DCA and deals directly	
party controlling it begins selling or offering its use to users of the Internet including businesses, organizations, persons and governments, it would be difficult if	2. Lacks Personal Knowledge (Evid. Code §702). 3. Improper Opinion Testimony (Evid. Code §\$800-803). Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of	testimony is based on her personal knowledge as stated in the declaration. Ms. Bekele is the CEO of Plaintiff DCA	
party controlling it begins selling or offering its use to users of the Internet including businesses, organizations, persons and governments, it would be difficult if not impossible to	2. Lacks Personal Knowledge (Evid. Code §702). 3. Improper Opinion Testimony (Evid. Code §§800-803). Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the statement that it would be	testimony is based on her personal knowledge as stated in the declaration. Ms. Bekele is the CEO of Plaintiff DCA and deals directly	
party controlling it begins selling or offering its use to users of the Internet including businesses, organizations, persons and governments, it would be difficult if not impossible to unwind that control and	2. Lacks Personal Knowledge (Evid. Code §702). 3. Improper Opinion Testimony (Evid. Code §\$800-803). Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the statement that it would be difficult to unwind the control of a	testimony is based on her personal knowledge as stated in the declaration. Ms. Bekele is the CEO of Plaintiff DCA and deals directly	
party controlling it begins selling or offering its use to users of the Internet including businesses, organizations, persons and governments, it would be difficult if not impossible to unwind that control and provide it to another	2. Lacks Personal Knowledge (Evid. Code §702). 3. Improper Opinion Testimony (Evid. Code §\$800-803). Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the statement that it would be difficult to unwind the control of a gTLD and provide it to another	testimony is based on her personal knowledge as stated in the declaration. Ms. Bekele is the CEO of Plaintiff DCA and deals directly	
party controlling it begins selling or offering its use to users of the Internet including businesses, organizations, persons and governments, it would be difficult if not impossible to unwind that control and	2. Lacks Personal Knowledge (Evid. Code §702). 3. Improper Opinion Testimony (Evid. Code §§800-803). Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the statement that it would be difficult to unwind the control of a gTLD and provide it to another party. On Further, because it is not	testimony is based on her personal knowledge as stated in the declaration. Ms. Bekele is the CEO of Plaintiff DCA and deals directly	
party controlling it begins selling or offering its use to users of the Internet including businesses, organizations, persons and governments, it would be difficult if not impossible to unwind that control and provide it to another	2. Lacks Personal Knowledge (Evid. Code §702). 3. Improper Opinion Testimony (Evid. Code §\$800-803). Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the statement that it would be difficult to unwind the control of a gTLD and provide it to another party. On Further, because it is not rationally based on her perception,	testimony is based on her personal knowledge as stated in the declaration. Ms. Bekele is the CEO of Plaintiff DCA and deals directly	
party controlling it begins selling or offering its use to users of the Internet including businesses, organizations, persons and governments, it would be difficult if not impossible to unwind that control and provide it to another	2. Lacks Personal Knowledge (Evid. Code §702). 3. Improper Opinion Testimony (Evid. Code §\$800-803). Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the statement that it would be difficult to unwind the control of a gTLD and provide it to another party. On Further, because it is not rationally based on her perception, this statement amounts to	testimony is based on her personal knowledge as stated in the declaration. Ms. Bekele is the CEO of Plaintiff DCA and deals directly	
party controlling it begins selling or offering its use to users of the Internet including businesses, organizations, persons and governments, it would be difficult if not impossible to unwind that control and provide it to another	2. Lacks Personal Knowledge (Evid. Code §702). 3. Improper Opinion Testimony (Evid. Code §\$800-803). Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the statement that it would be difficult to unwind the control of a gTLD and provide it to another party. On Further, because it is not rationally based on her perception,	testimony is based on her personal knowledge as stated in the declaration. Ms. Bekele is the CEO of Plaintiff DCA and deals directly	

Bekele Declaration ¶	ICANN Objection	Response	Ruling
¶ 37: "Based on my	1. Lacks Foundation (Evid. Code	Ms. Bekele's	Overruled
understanding of	§403)	testimony is based	
ICANN's rules and the	2. Lacks Personal Knowledge	on her personal	
requirements of a	(Evid. Code § 702).	knowledge and	
registry, if .Africa were	3. Speculation (Evid. Code 702.)	understanding as	Sustained
re-delegated from	4. Improper Opinion Testimony	stated in the	
ZACR to DCA, third	(Evid. Code §§800-803).	declaration.	
party registrar contracts	5. Hearsay (Evid. Code §1200, et		
would have to be	seq.).		
unwound. Third parties			
with whom ZACR	Ms. Bekele fails to lay a foundation		
contracted to provide	as to the source of her knowledge, or		
domain names under	demonstrate personal knowledge, of		
the .Africa gTLD would	the statement that unwinding third		
have to transition	party contracts would be costly and		
technically and	burdensome and re-delegation not viable. Further, because it is not		
contractually to DCA - a process that would be	rationally based on her perception,		
costly and burdensome	this statement amounts to		
for all such that re-	inadmissible opinion testimony.		
delegationis simply not	madmissione opinion testimony.		
viable here. Further,			
ZACR plans to charge			
more to registrars than			
DCA, which will create			
more complications in			
the redelegation			
process."			
Bekele Declaration ¶	ICANN Objection	Response	Ruling
¶38: Until the New	1. Lacks Foundation (Evid. Code §	Ms. Bekele's	Overruled
gTLD Program was	403).	testimony is based	
instituted in 2012,	2. Lacks Personal Knowledge	on her personal	
ICANN used to have a	(Evid. Code § 702).	knowledge as	
strict policy over	3. Speculation (Evid. Cod. § 702)	stated in the	
separating a Registry	4. Improper Opinion Testimony	declaration.	Sustained
(the entity that hold the	(Evid. Code §§ 800-803).		
rights to a gTLD) and	5. Hearsay (Evid. Code § 1200, et	Ms. Bekele's	
Registrar (the entity	seq.).	statements are	
responsible for selling		based on her	
individual domain	Ms. Bekele fails to lay a foundation	personal	
names under the gTLD	as to the source of her knowledge, or	knowledge and	
to consumers) operation	demonstrate personal knowledge, of	perception.	
to manage the business	the statement that ICANN used to		
conflict over the same	have a strict policy over separating a		
organization having to	Registry and a Registrar operation to		

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1	register and sell a	manage the business conflict over	There are no out of	
2	domain name. ICANN now permits a combined	the same organization having to register and sell a domain name.	court statements made.	
	operation of allowing a	Further, because it is not rationally		
3	Registry operator to also	based on her perception, this		
4	be a Registrar, provided the organization file a	statement amounts to inadmissible opinion testimony.		
5	disclosure of such with	opinion testiniony.		
6	ICANN. Despite the			
	disclosure to ICANN, this process of allowing			
7	a registry to also run its			
8	own sales registrar			
9	operation is still subject to manipulation,			
10	depending on the			
	contract relations set up			
11	by the registry, which has not been thoroughly			
12	vetted."			
13				
14				
1.5	Bekele Declaration ¶	ICANN Objection	Response	Ruling
15	¶ 39: "Registry Operator	1. Lacks Foundation (Evid. Code §	Ms. Bekele's	Ruling Overruled
15 16	¶ 39: "Registry Operator can sell domains and	1. Lacks Foundation (Evid. Code § 403).	Ms. Bekele's testimony is based	
	¶ 39: "Registry Operator can sell domains and collect the money	 Lacks Foundation (Evid. Code § 403). Lacks Personal Knowledge 	Ms. Bekele's testimony is based on her personal	
16 17	¶ 39: "Registry Operator can sell domains and collect the money without restraint. Using	1. Lacks Foundation (Evid. Code § 403).	Ms. Bekele's testimony is based	
16	¶ 39: "Registry Operator can sell domains and collect the money without restraint. Using a current gTLD ".club" as an example, below	 Lacks Foundation (Evid. Code § 403). Lacks Personal Knowledge (Evid. Code § 702). Improper Opinion Testimony (Evid. Code §§ 800-803). 	Ms. Bekele's testimony is based on her personal knowledge as	
16 17	¶ 39: "Registry Operator can sell domains and collect the money without restraint. Using a current gTLD ".club" as an example, below sales channels include –	 Lacks Foundation (Evid. Code § 403). Lacks Personal Knowledge (Evid. Code § 702). Improper Opinion Testimony (Evid. Code §§ 800-803). Speculation (Evid. Cod. § 702) 	Ms. Bekele's testimony is based on her personal knowledge as stated in the	Overuled
16 17 18	¶ 39: "Registry Operator can sell domains and collect the money without restraint. Using a current gTLD ".club" as an example, below sales channels include – auctions, registrar	 Lacks Foundation (Evid. Code § 403). Lacks Personal Knowledge (Evid. Code § 702). Improper Opinion Testimony (Evid. Code § 800-803). Speculation (Evid. Cod. § 702) Hearsay (Evid. Code § 1200, et 	Ms. Bekele's testimony is based on her personal knowledge as stated in the	Overuled
16 17 18 19 20	¶ 39: "Registry Operator can sell domains and collect the money without restraint. Using a current gTLD ".club" as an example, below sales channels include – auctions, registrar channel, direct deals, portfolio deals, broker,	1. Lacks Foundation (Evid. Code § 403). 2. Lacks Personal Knowledge (Evid. Code § 702). 3. Improper Opinion Testimony (Evid. Code §§ 800-803). 4. Speculation (Evid. Cod. § 702) 5. Hearsay (Evid. Code § 1200, et seq.).	Ms. Bekele's testimony is based on her personal knowledge as stated in the	Overuled
16 17 18 19 20 21	¶ 39: "Registry Operator can sell domains and collect the money without restraint. Using a current gTLD ".club" as an example, below sales channels include – auctions, registrar channel, direct deals, portfolio deals, broker, and the aftermarket. See	1. Lacks Foundation (Evid. Code § 403). 2. Lacks Personal Knowledge (Evid. Code § 702). 3. Improper Opinion Testimony (Evid. Code §§ 800-803). 4. Speculation (Evid. Cod. § 702) 5. Hearsay (Evid. Code § 1200, et seq.). Ms. Bekele fails to lay a foundation	Ms. Bekele's testimony is based on her personal knowledge as stated in the	Overuled
16 17 18 19 20 21 22	¶ 39: "Registry Operator can sell domains and collect the money without restraint. Using a current gTLD ".club" as an example, below sales channels include – auctions, registrar channel, direct deals, portfolio deals, broker, and the aftermarket. See http://www.thedomains.	1. Lacks Foundation (Evid. Code § 403). 2. Lacks Personal Knowledge (Evid. Code § 702). 3. Improper Opinion Testimony (Evid. Code §§ 800-803). 4. Speculation (Evid. Cod. § 702) 5. Hearsay (Evid. Code § 1200, et seq.).	Ms. Bekele's testimony is based on her personal knowledge as stated in the	Overuled
16 17 18 19 20 21	¶ 39: "Registry Operator can sell domains and collect the money without restraint. Using a current gTLD ".club" as an example, below sales channels include – auctions, registrar channel, direct deals, portfolio deals, broker, and the aftermarket. See http://www.thedomains.com/2015/12/03/club-has-record-month-	1. Lacks Foundation (Evid. Code § 403). 2. Lacks Personal Knowledge (Evid. Code § 702). 3. Improper Opinion Testimony (Evid. Code §§ 800-803). 4. Speculation (Evid. Cod. § 702) 5. Hearsay (Evid. Code § 1200, et seq.). Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the	Ms. Bekele's testimony is based on her personal knowledge as stated in the	Overuled
16 17 18 19 20 21 22	¶ 39: "Registry Operator can sell domains and collect the money without restraint. Using a current gTLD ".club" as an example, below sales channels include – auctions, registrar channel, direct deals, portfolio deals, broker, and the aftermarket. See http://www.thedomains.com/2015/12/03/club-has-record-month-selling-over-1-6-in-	1. Lacks Foundation (Evid. Code § 403). 2. Lacks Personal Knowledge (Evid. Code § 702). 3. Improper Opinion Testimony (Evid. Code § 800-803). 4. Speculation (Evid. Cod. § 702) 5. Hearsay (Evid. Code § 1200, et seq.). Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the statement that registry operator can	Ms. Bekele's testimony is based on her personal knowledge as stated in the	Overuled
16 17 18 19 20 21 22 23 24	¶ 39: "Registry Operator can sell domains and collect the money without restraint. Using a current gTLD ".club" as an example, below sales channels include – auctions, registrar channel, direct deals, portfolio deals, broker, and the aftermarket. See http://www.thedomains.com/2015/12/03/club-has-record-month-selling-over-1-6-in-premiumdomains	1. Lacks Foundation (Evid. Code § 403). 2. Lacks Personal Knowledge (Evid. Code § 702). 3. Improper Opinion Testimony (Evid. Code §§ 800-803). 4. Speculation (Evid. Cod. § 702) 5. Hearsay (Evid. Code § 1200, et seq.). Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the statement that registry operator can sell domains and collect the money	Ms. Bekele's testimony is based on her personal knowledge as stated in the	Overuled
16 17 18 19 20 21 22 23 24 25	¶ 39: "Registry Operator can sell domains and collect the money without restraint. Using a current gTLD ".club" as an example, below sales channels include – auctions, registrar channel, direct deals, portfolio deals, broker, and the aftermarket. See http://www.thedomains.com/2015/12/03/club-has-record-month-selling-over-1-6-in-	1. Lacks Foundation (Evid. Code § 403). 2. Lacks Personal Knowledge (Evid. Code § 702). 3. Improper Opinion Testimony (Evid. Code § 800-803). 4. Speculation (Evid. Cod. § 702) 5. Hearsay (Evid. Code § 1200, et seq.). Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the statement that registry operator can	Ms. Bekele's testimony is based on her personal knowledge as stated in the	Overuled
16 17 18 19 20 21 22 23 24	¶ 39: "Registry Operator can sell domains and collect the money without restraint. Using a current gTLD ".club" as an example, below sales channels include – auctions, registrar channel, direct deals, portfolio deals, broker, and the aftermarket. See http://www.thedomains.com/2015/12/03/club-has-record-month-selling-over-1-6-in-premiumdomains ["November was a record-breaking month for both regular. CLUB	1. Lacks Foundation (Evid. Code § 403). 2. Lacks Personal Knowledge (Evid. Code § 702). 3. Improper Opinion Testimony (Evid. Code §§ 800-803). 4. Speculation (Evid. Cod. § 702) 5. Hearsay (Evid. Code § 1200, et seq.). Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the statement that registry operator can sell domains and collect the money without restraint. Further, because it is not rationally based on her perception, this statement amounts to	Ms. Bekele's testimony is based on her personal knowledge as stated in the	Overuled
16 17 18 19 20 21 22 23 24 25	¶ 39: "Registry Operator can sell domains and collect the money without restraint. Using a current gTLD ".club" as an example, below sales channels include – auctions, registrar channel, direct deals, portfolio deals, broker, and the aftermarket. See http://www.thedomains.com/2015/12/03/club-has-record-month-selling-over-1-6-in-premiumdomains ["November was a record-breaking month for both regular. CLUB registrations and	1. Lacks Foundation (Evid. Code § 403). 2. Lacks Personal Knowledge (Evid. Code § 702). 3. Improper Opinion Testimony (Evid. Code § 800-803). 4. Speculation (Evid. Cod. § 702) 5. Hearsay (Evid. Code § 1200, et seq.). Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the statement that registry operator can sell domains and collect the money without restraint. Further, because it is not rationally based on her	Ms. Bekele's testimony is based on her personal knowledge as stated in the	Overuled
16 17 18 19 20 21 22 23 24 25 26	¶ 39: "Registry Operator can sell domains and collect the money without restraint. Using a current gTLD ".club" as an example, below sales channels include – auctions, registrar channel, direct deals, portfolio deals, broker, and the aftermarket. See http://www.thedomains.com/2015/12/03/club-has-record-month-selling-over-1-6-in-premiumdomains ["November was a record-breaking month for both regular. CLUB	1. Lacks Foundation (Evid. Code § 403). 2. Lacks Personal Knowledge (Evid. Code § 702). 3. Improper Opinion Testimony (Evid. Code §§ 800-803). 4. Speculation (Evid. Cod. § 702) 5. Hearsay (Evid. Code § 1200, et seq.). Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the statement that registry operator can sell domains and collect the money without restraint. Further, because it is not rationally based on her perception, this statement amounts to	Ms. Bekele's testimony is based on her personal knowledge as stated in the	Overuled

1	month with more than			
	\$1 million in Premium Name sales, with strong			
2	deals coming from two			
3	auctions, our registrar			
4	channel, registry direct deals (including several			
5	portfolio deals) as well			
6	as through brokers and the aftermarket."]"			
7			_	- u
0	Bekele Declaration ¶	ICANN Objection	Response	Ruling
8	¶ 40: "Therefore, the revenue share on each of	1. Lacks Foundation (Evid. Code § 403).	Ms. Bekele's testimony is based	
9	the above channels	2. Lacks Personal Knowledge	on her personal	
10	would be variable and	(Evid. Code § 702).	knowledge as stated in the	
11	potentially open to manipulation and the	3. Speculation (Evid. Cod. § 702)4. Improper Opinion Testimony	declaration.	
12	contractual relation with	(Evid. Code §§ 800-803).		
13	the registry cannot always be monitored and	Ms. Bekele fails to lay a foundation		
	reported."	as to the source of her knowledge, or		
14		demonstrate personal knowledge, of the statement that revenue share on		
15		sales channels would be variable and		
16		potentially open to manipulation.		
17		Further, because it is not rationally based on her perception, this		
18		statement amounts to inadmissible opinion testimony.		
19		opinion testimony.		
20		Similarly, Ms. Bekele fails to lay a foundation as to the source of her		
21		knowledge or demonstrate personal		
22		knowledge, of the statement that contractual relation with the registry		
		cannot always be monitored and		
23		reported. This statement is speculative and/or an inadmissible		
24		opinion.		
25				
26	Bekele Declaration ¶	ICANN Objection	Response	Ruling
27	¶ 41: "Importantly, once	1. Foundation (Evid. Code § 403).	Ms. Bekele's	
28	a premium domain name is sold, there is no way	2. Lacks Personal Knowledge (Evid. Code § 702).	testimony is based on her personal	
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	-			
1	to reverse the sale. The	3. Speculation (Evid. Cod. § 702)	knowledge as	
	next opportunity to re-	4. Improper Opinion Testimony	stated in the	
2	make these sales comes	(Evid. Code §§ 800-803).	declaration.	
3	at renewal, which is somewhere between 1			
3		Ma Dakala fails to lay a foundation		
4	and 10 years."	Ms. Bekele fails to lay a foundation as to the source of her knowledge, or		
5		demonstrate personal knowledge, of		
5		the statement that once a premium		
6		domain name is sold, there is no way		
7		to reverse the sale and that the next		
/		opportunity to re-make these sales		
8		comes at renewal. Further, because		
		it is not rationally based on her		
9		perception, this statement amounts to		
10		inadmissible opinion testimony.		
	Bekele Declaration ¶	ICANN Objection	Response	Ruling
11	¶ 42: "In this regard,	1. Foundation (Evid. Code § 403).	Ms. Bekele's	
		,		
	reversing the process of	2. Lacks Personal Knowledge	testimony is based	
12	reversing the process of the sale on the name is	2. Lacks Personal Knowledge (Evid. Code § 702).	on her personal	
	reversing the process of the sale on the name is likely impossible, if	2. Lacks Personal Knowledge (Evid. Code § 702).3. Speculation (Evid. Cod. § 702)	on her personal knowledge as	
12 13	reversing the process of the sale on the name is likely impossible, if another registry is to	 2. Lacks Personal Knowledge (Evid. Code § 702). 3. Speculation (Evid. Cod. § 702) 4. Improper Opinion Testimony 	on her personal knowledge as stated in the	
12	reversing the process of the sale on the name is likely impossible, if	2. Lacks Personal Knowledge (Evid. Code § 702).3. Speculation (Evid. Cod. § 702)	on her personal knowledge as	
12 13	reversing the process of the sale on the name is likely impossible, if another registry is to	 2. Lacks Personal Knowledge (Evid. Code § 702). 3. Speculation (Evid. Cod. § 702) 4. Improper Opinion Testimony (Evid. Code §§ 800-803). 	on her personal knowledge as stated in the	
12 13 14 15	reversing the process of the sale on the name is likely impossible, if another registry is to	 2. Lacks Personal Knowledge (Evid. Code § 702). 3. Speculation (Evid. Cod. § 702) 4. Improper Opinion Testimony (Evid. Code §§ 800-803). Ms. Bekele fails to lay a foundation 	on her personal knowledge as stated in the	
12 13 14	reversing the process of the sale on the name is likely impossible, if another registry is to	2. Lacks Personal Knowledge (Evid. Code § 702). 3. Speculation (Evid. Cod. § 702) 4. Improper Opinion Testimony (Evid. Code §§ 800-803). Ms. Bekele fails to lay a foundation as to the source of her knowledge, or	on her personal knowledge as stated in the	
12 13 14 15	reversing the process of the sale on the name is likely impossible, if another registry is to	2. Lacks Personal Knowledge (Evid. Code § 702). 3. Speculation (Evid. Cod. § 702) 4. Improper Opinion Testimony (Evid. Code §§ 800-803). Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of	on her personal knowledge as stated in the	
12 13 14 15 16 17	reversing the process of the sale on the name is likely impossible, if another registry is to	2. Lacks Personal Knowledge (Evid. Code § 702). 3. Speculation (Evid. Cod. § 702) 4. Improper Opinion Testimony (Evid. Code §§ 800-803). Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the statement that reversing the	on her personal knowledge as stated in the	
12 13 14 15 16	reversing the process of the sale on the name is likely impossible, if another registry is to	2. Lacks Personal Knowledge (Evid. Code § 702). 3. Speculation (Evid. Cod. § 702) 4. Improper Opinion Testimony (Evid. Code §§ 800-803). Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of	on her personal knowledge as stated in the	
12 13 14 15 16 17	reversing the process of the sale on the name is likely impossible, if another registry is to	2. Lacks Personal Knowledge (Evid. Code § 702). 3. Speculation (Evid. Cod. § 702) 4. Improper Opinion Testimony (Evid. Code §§ 800-803). Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the statement that reversing the process of the sale on a registry	on her personal knowledge as stated in the	
12 13 14 15 16 17 18 19	reversing the process of the sale on the name is likely impossible, if another registry is to	2. Lacks Personal Knowledge (Evid. Code § 702). 3. Speculation (Evid. Cod. § 702) 4. Improper Opinion Testimony (Evid. Code §§ 800-803). Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the statement that reversing the process of the sale on a registry name is likely impossible, if another	on her personal knowledge as stated in the	
12 13 14 15 16 17 18	reversing the process of the sale on the name is likely impossible, if another registry is to	2. Lacks Personal Knowledge (Evid. Code § 702). 3. Speculation (Evid. Cod. § 702) 4. Improper Opinion Testimony (Evid. Code §§ 800-803). Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the statement that reversing the process of the sale on a registry name is likely impossible, if another registry is to take over. Further, because it is not rationally based on her perception, this statement	on her personal knowledge as stated in the	
12 13 14 15 16 17 18 19	reversing the process of the sale on the name is likely impossible, if another registry is to	2. Lacks Personal Knowledge (Evid. Code § 702). 3. Speculation (Evid. Cod. § 702) 4. Improper Opinion Testimony (Evid. Code §§ 800-803). Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the statement that reversing the process of the sale on a registry name is likely impossible, if another registry is to take over. Further, because it is not rationally based on her perception, this statement amounts to inadmissible opinion	on her personal knowledge as stated in the	
12 13 14 15 16 17 18 19 20	reversing the process of the sale on the name is likely impossible, if another registry is to	2. Lacks Personal Knowledge (Evid. Code § 702). 3. Speculation (Evid. Cod. § 702) 4. Improper Opinion Testimony (Evid. Code §§ 800-803). Ms. Bekele fails to lay a foundation as to the source of her knowledge, or demonstrate personal knowledge, of the statement that reversing the process of the sale on a registry name is likely impossible, if another registry is to take over. Further, because it is not rationally based on her perception, this statement	on her personal knowledge as stated in the	

Bekele Supplemental Declaration ¶	ICANN Objection	Response	Ruling
¶ 11: "DCA would not have applied for the	1. Foundation	Ms. Bekele's	
.Africa gTLD, paid the non-refundable fee,	(Evid. Code §	testimony is	
and would not have spent years campaigning	403).	based on her	
for the endorsements and preparing an	2. Lacks Personal	personal	
application, if it had known that ICANN	Knowledge	knowledge as	
would favor ZACR throughout the process."	(Evid. Code §	stated in the	
	702).	declaration.	

RESPONSE TO EVIDENTIARY OBJECTIONS TO DECLARATION OF SOPHIA BEKELE ESHETE FILED IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION (FILED AS A TRO)

1		3. Improper	
1		Opinion	Ms. Bekele
2		Testimony	does not state
2		(Evid. Code §§	that DCA knew
3		800-803).	ICANN would
4			favor ZACR at
•			the time
5		Ms. Bekele fails to	applicaiotns
_		lay a foundation as	were submitted.
6		to the source of her	This
7		knowledge, or	informaitno
_		demonstrate	was discovered
8		personal	after the
9		knowledge, of the	application
		statement that ICANN would	processes was conducted.
10		favor ZACR	conducted.
11		throughout the	The entire
11		application process.	statement is
12		Further, because it	based upon her
1.0		is not rationally	personal
13		based on her	knowledge.
14		perception, this	Mowleage.
		statement amounts	
15		to inadmissible	
16		opinion testimony.	
10		, 1	
17			
18			
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19	Dated: January 26, 2017 B	ROWN NERI SMITH	I & KHAN LLP
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21	l l	By:	<u></u>
22		Sara C. Co	ion
		Attorneys for Plair	atiff
23		DOTCONNECTA	
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