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 13 **ZA Central Registry, NPC**

14
 15 **UNITED STATES DISTRICT COURT**
 16 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

17 DOTCONNECTAFRICA TRUST, a
 18 Mauritius Charitable Trust,
 19 Plaintiff,
 20 v.

21 INTERNET CORPORATION FOR
 22 ASSIGNED NAMES AND
 23 NUMBERS; a California corporation;
 24 DOES 1 through 50, inclusive,
 25 Defendants.

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

**ZA CENTRAL REGISTRY, NPC’S
 REPLY IN SUPPORT OF MOTION
 TO INTERVENE PURSUANT TO
 RULE 24**

Date: September 19, 2016
 Time: 9:00 a.m.
 Location: Courtroom 850

1 In its response to ZA Central Registry, NPC's ("ZACR") motion to
2 intervene, Plaintiff DotConnectAfrica Trust ("DCA") asserts that it "does not
3 oppose ZACR's permissive intervention in this matter." Resp. Brief at 1. DCA
4 further concedes that ZACR has an important interest in this litigation. *See id.* at
5 3 ("... DCA does not dispute that ZACR has a right to intervene in this suit
6 pursuant to its interest in ICANN's delegation of the .Africa gTLD.").
7 Accordingly, because the real parties-in-interest, DCA and defendant Internet
8 Corporation for Assigned Names and Numbers ("ICANN"), do not dispute that
9 ZACR has significant interests implicated by this litigation, ZACR's motion to
10 intervene should be granted.¹

11 Apart from factually incorrect and irrelevant characterizations regarding the
12 status of ZACR's application for the .Africa gTLD,² DCA's only caveat to the
13 Court granting the motion is its assertion that ZACR should not be deemed a
14 "required party" because that "could impair this Court's jurisdiction." Resp. Brief
15 at 4. However, to the extent there is a potential concern about the Court's
16 jurisdiction, it is an issue entirely of DCA's own making. DCA could have sued
17 ICANN without including equitable claims that seek to, among other things,
18 invalidate the registry agreement between ZACR and ICANN. *See* FAC ¶ 132
19 ("Plaintiff seeks a judicial declaration that the registry agreement between ZACR
20 and ICANN be declared null and void and that ZACR's application does not meet
21 ICANN standards."). It is DCA's insistence on maintaining these claims for
22 declaratory relief, which directly implicate ZACR's existing contract rights with

23 ¹ As noted in ZACR's opening papers, ICANN previously advised that it
24 does not oppose ZACR's motion to intervene.

25 ² DCA's various assertions that "ZACR did not meet all of ICANN's
26 requirements" is simply wrong. DCA's desperate effort to sidestep its own lack of
27 required support among the African governments by raising doubts about ZACR's
28 prevailing bid is without merit. But these assertions have no bearing on the legal
issue before the Court on this motion. Accordingly, ZACR will properly address
the assertions at the appropriate time.

