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FILED
Superior Court of California
County of Los Angeles

OCT 03 2019

Sherri A. Carter, Executive Officer/Clerk
By K. Mason Deputy
K. Mason

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

DOTCONNECTAFRICA TRUST,

Plaintiff,

v.

INTERNET CORPORATION FOR
ASSIGNED NAMES AND NUMBERS,
et al.,

Defendant.

CASE NO. BC607494

Assigned for all purposes to
Hon. Robert B. Broadbelt III

~~PROPOSED~~ FINAL JUDGMENT

Complaint Filed: January 20, 2016
Bench Trial Date: February 6, 2019

1 On January 20, 2016, plaintiff DotConnectAfrica Trust (“DCA”) filed its complaint in this
2 action against defendant Internet Corporation for Assigned Names and Numbers (“ICANN”). On
3 February 26, 2016, DCA filed a First Amended Complaint (“FAC”), which alleges causes of
4 action for (1) breach of contract, (2) intentional misrepresentation, (3) negligent
5 misrepresentation, (4) fraud and conspiracy to commit fraud, (5) unfair competition (violation of
6 Cal. Bus. & Prof. Code § 17200), (6) negligence, (7) intentional interference with contract,
7 (8) confirmation of IRP Award, (9) declaratory relief, (10) declaratory relief, and (11) declaratory
8 relief. On August 1, 2016, ZA Central Registry (“ZACR”) successfully moved to intervene as a
9 defendant; neither DCA nor ICANN has asserted any claims against ZACR.

10 On August 9, 2017, the above-entitled Court granted ICANN’s motion for summary
11 judgment on the first, sixth, eighth, ninth, and eleventh causes of action on the ground that they
12 are barred by a covenant not to sue, waiver, and release provision in ICANN’s gTLD Applicant
13 Guidebook. The Court also ordered that the Court would hold a bifurcated court trial on the issue
14 of ICANN’s affirmative defense of judicial estoppel as to the remaining causes of action.

15 On February 6, 7, and 8, 2019, the Court conducted a nonjury trial on phase one of
16 bifurcated trial on the issue of ICANN’s affirmative defense of judicial estoppel. The Court, after
17 considering the pleadings, evidence, and arguments presented by the parties thereon, found that
18 “DCA’s successfully taking the first position in the IRP proceeding and gaining significant
19 advantages in that proceeding as a result thereof, and then taking the second position that its
20 totally inconsistent in this lawsuit, presents egregious circumstances that would result in a
21 miscarriage of justice if the court does not apply the doctrine of judicial estoppel to bar DCA
22 from taking the second position in this lawsuit. The court therefore exercises its discretion to find
23 in favor of ICANN, and against DCA, on ICANN’s affirmative defense of judicial estoppel and to
24 bar DCA from bringing or maintaining its claims against ICANN alleged in the FAC in this
25 lawsuit.” The Court’s findings, rulings, statement of decision and orders on the claims and issues
26 presented for trial are set forth in the Court’s August 22, 2019 Order (“Order”), attached hereto as
27 *(Phase One) on Affirmative Defense of Judicial Estoppel, filed October 3, 2019.*
28 *Exhibit A.* That Order resolves all remaining causes of action in the litigation.

Statement of Decision

10/04/2019

RS3

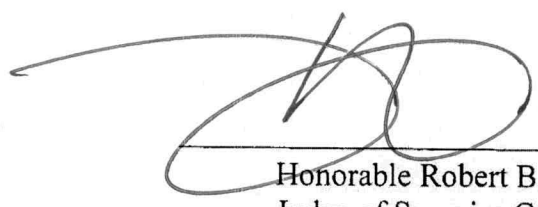
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IT IS HEREBY ORDERED AND ADJUDGED BY THE COURT that judgment ^{is} ~~be~~
entered in favor of ICANN and against DCA on all claims, that DCA takes nothing by its FAC,
that ICANN ^{is} ~~be~~ permitted to recover its costs of suit (to be determined following ICANN's
application to the Court), and that the FAC ^{is} ~~be~~ dismissed with prejudice.

RSB

IT IS SO ORDERED.

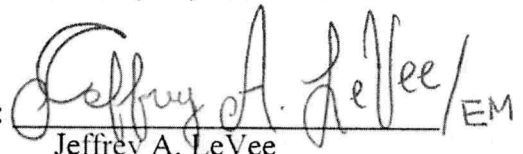
Dated: _____, 2019



Honorable Robert B. Broadbelt III
Judge of Superior Court

Prepared by:

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NAI-1508783132

10/04/2019