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11 *Attorneys for Defendants Internet Corporation*
for Assigned Names and Numbers and Göran Marby

12 IN THE SUPERIOR COURT OF ARIZONA
13 COUNTY OF PINAL

14 George Kelly and George Kelly as
15 slingfantasy.com, slingfantasy.net,
securesitel0.com, and slingframes.com,
16
17 Plaintiff,

18 v.

19 ICANN (Internet Corporation for Assigned
Names and Numbers) Göran Marby its
president, and CEO And John Doe's 1-15,
20
21 Defendants.

Case No. S-1100-CV-201700918

**DEFENDANTS' RESPONSE TO
PLAINTIFF'S MOTION TO QUASH
DEFENDANTS MOTION TO DISMISS
AND MOTION TO QUIT**

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1 Defendants the Internet Corporation for Assigned Names and Numbers (“ICANN”) and
2 its President and Chief Executive Officer, Göran Marby, hereby respond to Plaintiff’s “Motion
3 to Quash Defendants’ Motion to Dismiss and Motion to Quit” (“Motion to Quash/Quit”).¹

4 Plaintiff’s Motion to Quash/Quit is procedurally and substantively defective, for several
5 reasons. First, Plaintiff filed an opposition to ICANN’s and Mr. Marby’s Motion to Dismiss for
6 Lack of Personal Jurisdiction (“Motion to Dismiss”) on July 29, 2017, making Plaintiff’s
7 Motion to Quash/Quit, which seeks to further respond to the Motion to Dismiss, an
8 impermissible, supplemental response memorandum forbidden by the Arizona Rules of Civil
9 Procedure. *See* Arizona Rules of Civil Procedure 7.1(a)(3) (allowing a respondent to a motion
10 one response memorandum only). Second, a motion to quash is not the correct procedural
11 vehicle for responding to a motion to dismiss. *Id.* (allowing a party opposing a motion to file a
12 responsive memorandum only). Third, the contention in Plaintiff’s Motion to Quash/Quit that
13 the case law cited in the Motion to Dismiss is inapplicable because those courts did not “have a
14 mandate given by an agency or the Federal US government specifically to have some sort of
15 domain over certain activities of each person involved with the internet” (Motion to Quash/Quit
16 at 1:16-19), is baseless. The authorities cited in the Motion to Dismiss arise from courts fully
17 authorized to issue the opinions they issued. Fourth, Plaintiffs’ claim that the Motion to Dismiss
18 was untimely is without merit, and is entirely unsupported by fact. On June 10, 2017, the
19 parties stipulated to a 30-day extension of time to respond to Plaintiffs’ Complaint, as set forth
20 in Attachment A hereto, making a response to Plaintiff’s Complaint due on July 19, 2017, which
21 is the date on which ICANN and Mr. Marby filed their Motion to Dismiss. Moreover, Plaintiff
22 did not raise any timeliness objection in his opposition to the Motion to Dismiss and therefore
23 waived any such argument.

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25 _____
26 ¹ Defendants’ response to Plaintiff’s motion is a limited appearance for purposes of
seeking to dismiss this action based on lack of personal jurisdiction and does not in any way
constitute a waiver of Defendants’ challenge to personal jurisdiction in Arizona.

1 Despite the deficiencies associated with Plaintiff's Motion to Quash/Quit, ICANN and
2 Mr. Marby do not oppose the portion of Plaintiff's Motion to Quash/Quit that "asks to
3 discontinue its action in this court" (Motion to Quash/Quit at 1:27-29), and they respectfully
4 request that such a dismissal be granted. ICANN and Mr. Marby, however, reserve all rights
5 and arguments to challenge any future re-filing of Plaintiff's claims in any jurisdiction.

6 DATED this 25th day of August 2017.

7 DESSAULES LAW GROUP

8
9 By: 

10 Jonathan A. Dessaulles
11 F. Robert Connelly
12 *Attorneys for Defendants Internet Corporation
for Assigned Names and Numbers and Göran
Marby*

13 COPY of the foregoing mailed and e-mailed
14 this 2nd day of August, 2017 to:

15 George Kelly
16 Slingfantasy
17 Contact Information Redacted

18 *Plaintiff Pro Per*

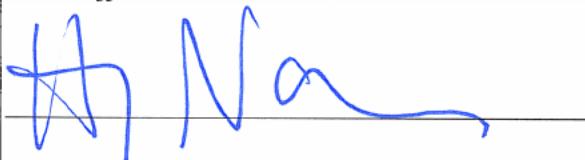
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EXHIBIT A

FW: Kelly v. ICANN, Case No. CV2 01700918 - Agreement to 30-day Extension

Eric P. Enson/JonesDay to: Amanda Pushinsky

08/25/2017 01:49 PM

This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.

----- Message from "G" Contact Information Redacted > on Mon, 12 Jun 2017 19:05:59 GMT -----

From: "G" <Contact Information Redacted >
To: "Eric P. Enson"
Subject: Re: Kelly v. ICANN, Case No. CV2 01700918 - Agreement to 30-day Extension

Yes I agree, it was nice chatting with you, it's about time there is a sensible individual involved, whether we strike a deal or not, it has been more than a pleasure dealing with you. I will agree to a 30 day extension on this matter of cv2 0170918, in hopes that an amicable solution will follow. So take this as a formal acceptance to your proposal for a time extension to answer. And in recognition of any extension let me say again, I really don't seek any vindictive harm to ICANN or any others, just positive action, so its hoped that any negativity can be avoided And in keeping it and simple and clean as to the intent herein, let me address my concerns in another note.

George Kelly

From: Eric P. Enson <epenson@JonesDay.com>
Sent: Monday, June 12, 2017 10:35 AM
To: Contact Information Redacted
Cc: Amanda Pushinsky
Subject: Kelly v. ICANN, Case No. CV2 01700918 - Agreement to 30-day Extension

Dear Mr. Kelly,

It was a pleasure speaking with you last week and today about the complaint you recently filed against ICANN and Garon Marby in the above-referenced lawsuit. This email is intended to confirm that you, as the plaintiff in the above-referenced lawsuit, have agreed that Defendants ICANN and Garon Marby may take an additional 30 days to respond to your complaint, making their response to your complaint due on or before July 19, 2017.

My contact information is below. Please feel free to contact me or my colleague Amanda Pushinsky, who is copied on this email, if you believe that my summary of the parties' agreement regarding a response date is inaccurate in any way or you would like to discuss this matter. Thank you very much.

Eric

Eric P. Enson

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