

EXHIBIT A

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FILED
Superior Court of California
County of Los Angeles

OCT 03 2019 *ECM*

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

~~PROPOSED~~ FINAL JUDGMENT

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 *Exhibit A*. That Order resolves all remaining causes of action in the litigation.

28 *Statement of Decision*

10/04/2019

RS3

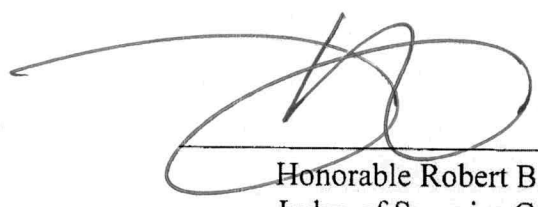
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IT IS HEREBY ORDERED AND ADJUDGED BY THE COURT that judgment ^{is} ~~be~~
entered in favor of ICANN and against DCA on all claims, that DCA takes nothing by its FAC,
that ICANN ^{is} ~~be~~ permitted to recover its costs of suit (to be determined following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

RSB

IT IS SO ORDERED.

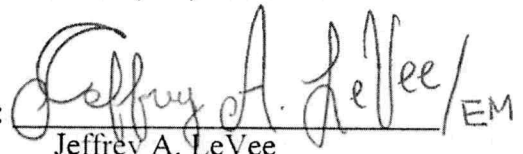
Dated: _____, 2019



Honorable Robert B. Broadbelt III
Judge of Superior Court

Prepared by:

JONES DAY
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Los Angeles, CA 90071
Telephone: (213) 489-3939
Facsimile: (213) 243-2539

By:  /EM
Jeffrey A. LeVee

Attorney for Defendant
INTERNET CORPORATION FOR
ASSIGNED NAMES AND NUMBERS

NAI-1508783132

10/04/2019

EXHIBIT B

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012	FILED Superior Court of California County of Los Angeles 10/03/2019
PLAINTIFF/PETITIONER: DotConnectAfrica Trust	Sherri R. Carter, Executive Officer / Clerk of Court By: <u> K. Mason </u> Deputy
DEFENDANT/RESPONDENT: ZA Central Registry, a South African non-profit company et al	
CERTIFICATE OF MAILING	CASE NUMBER: BC607494

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the, Statement of Decision On Bifurcated Trial (Phase One) On Affirmative Defense of Judicial Estoppel and Final Judgment, upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

David W. Kesselman
Kesselman Brantly Stockinger LLP
1230 Rosecrans Avenue Suite 400
Suite 690
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Ethan J. Brown
Brown, Neri, Smith & Khan, LLP
11601 Wilshire Boulevard
Suite 2080
Los Angeles, CA 90025-

Jeffrey A. Levee
Jones Day
555 South Flower Street
50th FL
Los Angeles, CA 90071-2300

Sherri R. Carter, Executive Officer / Clerk of Court

Dated: 10/3/2019

By: K. Mason
Deputy Clerk

EXHIBIT C

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 53

BC607494

**DOTCONNECTAFRICA TRUST VS INTERNET
CORPORATION FOR ASSIGNED**

October 3, 2019

5:20 PM

Judge: Honorable Robert B. Broadbelt
Judicial Assistant: K. Mason
Courtroom Assistant: None

CSR: None
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: Court Order (Non-Appearance);

On August 22, 2019, the court issued its Tentative Decision on Bifurcated Trial (Phase One) on Affirmative Defense of Judicial Estoppel, which stated that it is the court's proposed statement of decision, subject to a party's objection under subdivision (g) of California Rules of Court, rule 3.1590. On September 6, 2019, plaintiff DotConnectAfrica Trust ("DCA") filed its objection to the court's proposed statement of decision. On September 12, 2019, defendant Internet Corporation for Assigned Names and Numbers ("ICANN") filed its response to DCA's objection.

After considering DCA's objection to the court's proposed statement of decision and ICANN's response thereto, the court rules on DCA's objection as follows. The court overrules DCA's objection to the court's proposed statement of decision in its entirety, including, but not limited to, Objections Nos. 1-12. The court denies DCA's request that the court order a hearing on its objections pursuant to California Rules of Court, rule 3.1590, subdivision (k).

The court has signed and entered the Final Judgment in this case today. The court orders ICANN to give notice of entry of the judgment.

The court orders the clerk to give notice of this order.

Certificate of Mailing is attached.

EXHIBIT D

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Erin L. Burke (State Bar No. 186660)
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6 Attorneys for Defendant
INTERNET CORPORATION FOR ASSIGNED
7 NAMES AND NUMBERS

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

11 DOTCONNECTAFRICA TRUST,

12 Plaintiff,

13 v.

14 INTERNET CORPORATION FOR
15 ASSIGNED NAMES AND NUMBERS, et
16 al.,

17 Defendant.

CASE NO. BC607494

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

**NOTICE OF ENTRY OF FINAL
JUDGMENT**

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

1 **TO PLAINTIFF AND ITS COUNSEL OF RECORD:**

2 **NOTICE IS HEREBY GIVEN** that, on October 3, 2019, the Court entered final
3 judgment in the above-entitled action.

4 A true and correct copy of the Court's Final Judgment is attached hereto as Exhibit A. A
5 true and correct copy of the Court's Statement of Decision, dated October 3, 2019, is attached
6 hereto as Exhibit B.

7
8 Dated: October 10, 2019

Respectfully submitted,

JONES DAY

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11 By:  /EM

Jeffrey A. LeVee

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13 Attorneys for Defendant
14 INTERNET CORPORATION FOR
ASSIGNED NAMES AND NUMBERS

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