

IN THE CALIFORNIA COURT OF APPEAL  
SECOND APPELLATE DISTRICT, DIVISION 4

DotConnectAfrica Trust,  
Appellant,

v.

Internet Corporation for Assigned  
Names and Numbers,  
Respondent.

Court of Appeal Case Nos.  
B305993,  
B302739

Trial Court Case No.  
BC607494

On Appeal From a Judgment of the Superior Court,  
County of Los Angeles, Honorable Robert B. Broadbelt, III

---

**MOTION TO CONSOLIDATE APPEALS**

---

Arif H. Ali  
(admitted *pro hac vice*)  
arif.ali@dechert.com  
DECHERT LLP  
1900 K Street, NW  
Washington, DC 20006  
Telephone: 202 261 3300  
Facsimile: 202 261 3333

Anna Q. Do (Bar No. 281327)  
anna.do@dechert.com  
DECHERT LLP  
633 West 5th Street, Suite  
4900  
Los Angeles, CA 90071-2032  
Telephone: 213 808 5708  
Facsimile: 213 808 5760

Michael H. McGinley  
(admitted *pro hac vice*)  
michael.mcginley@dechert.com  
DECHERT LLP  
2929 Arch Street  
Philadelphia, PA 19104  
Telephone: 215 994 4000  
Facsimile: 215 994 2222

*Attorneys for Appellant*  
DOTCONNECTAFRICA TRUST

Document received by the CA 2nd District Court of Appeal.

Plaintiff-Appellant DotConnectAfrica Trust hereby moves this Court to consolidate the two appeals it has taken from the single action before the Los Angeles County Superior Court.

The single action before the Superior Court was brought by Plaintiff-Appellant DotConnectAfrica Trust (“DCA”) against Defendant-Appellee Internet Corporation for Assigned Names and Numbers (“ICANN”) on January 20, 2016. DCA sought various forms of relief from several claims, including claims sounding in breach of contract, fraud, and unfair competition (among other claims). On December 6, 2016, Intervenor ZA Central Registry, NPC (“ZACR”) filed their notice of appearance. The Superior Court granted ICANN summary judgment with respect to some of DCA’s claims on August 9, 2017, but set the remainder for trial. After a bench trial, the Superior Court ruled against DCA with respect to the remainder of its claims on October 3, 2019, entering a final judgment on that day. That final judgment also determined that ICANN and ZACR were entitled to costs—the amount to be determined at a later date—as prevailing parties. ICANN sent DCA notice of that judgment on October 10, 2019. DCA timely appealed from that final judgment on December 3, 2019 in appeal No. B302739.

ICANN and ZACR then filed memoranda of costs on October 18, 2019. DCA filed a motion to tax costs on November 5, 2019. The Superior Court granted that motion in part and denied it in

part on March 11, 2020, notice of which was sent by ICANN on March 17, 2020. DCA timely appealed from that order on May 8, 2020, pursuant to California Code of Civil Procedure § 904.1(a)(2), in appeal No. B305993. (See *People v. Bhakta* (2008) 162 Cal.App.4th 973, 981.)

Whether to consolidate appeals “is a factual question” that turns on “whether the questions presented are so related as to make it advisable to consolidate and whether the consideration of the appeals will be expedited by the consolidation.” (*Sampson v. Sapoznik* (1953) 117 Cal.App.2d 607, 609.) Here, the two appeals arise out of the same action before the trial court. The first appeal, No. B302739, was taken from the final judgment entered on October 3, 2019. The second appeal, No. 305993, was taken from the post-judgment order on DCA’s motion to tax costs. ICANN and ZACR were entitled to costs only because the Superior Court designated them as prevailing parties. (See Cal. Code Civ. P. §§ 1032, 1033.5.) If DCA were to prevail in its appeal of the final judgment, then it would necessarily prevail in its appeal of the order on costs.

### CONCLUSION

For the foregoing reasons, DCA respectfully requests that the Court consolidate its two appeals, Nos. B302739 and 305993.

Dated: June 30, 2020      By: /s/ Anna Q. Do

---

Arif H. Ali  
(admitted *pro hac vice*)  
arif.ali@dechert.com  
DECHERT LLP  
1900 K Street, NW  
Washington, DC 20006  
Tel: 202 261 3300  
Fax: 202 261 3333

Anna Q. Do  
(Bar No. 281327)  
anna.do@dechert.com  
DECHERT LLP  
633 West 5th Street  
Suite 4900  
Los Angeles, CA 90071  
Telephone: 213 808 5708  
Facsimile: 213 808 5760

Michael H. McGinley  
(admitted *pro hac vice*)  
michael.mcginley@dechert.com  
DECHERT LLP  
2929 Arch Street  
Philadelphia, PA 19104  
Tel: 215 994 4000  
Fax: 215 994 2222

*Attorneys for Appellant*  
DOTCONNECTAFRICA  
TRUST

Document received by the CA 2nd District Court of Appeal.