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11 DOTCONNECTAFRICA TRUST

12 **UNITED STATES DISTRICT COURT**

13 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

14 DOTCONNECTAFRICA TRUST, a  
15 Mauritius Trust,

16 Plaintiff,

17 v.

18 INTERNET CORPORATION FOR  
19 ASSIGNED NAMES AND NUMBERS,  
20 a California corporation; ZA Central  
21 Registry, a South African non-profit;  
22 DOES 1 through 50, inclusive,

23 Defendants.

Case No. 2:16-cv-00862-RGK (JCx)

24 **PLAINTIFF’S RESPONSE TO ZA  
25 CENTRAL REGISTRY, NPC’S  
26 CONSOLIDATED EVIDENTIARY  
27 OBJECTIONS TO  
28 DECLARATIONS OF SARA C.  
COLÓN**

Date: June 6, 2016

Hearing: 9:00 a.m.

Courtroom: 850

[Filed concurrently: Plaintiff’s  
Response to ZA Central Registry,  
NPC’s Consolidated Evidentiary  
Objections to Declarations of Sophia  
Bekele Eshete and Evidentiary  
Objections to Supplemental  
Declaration of Mokgabudi Lucky  
Masilela]

1 Plaintiff DOTCONNECTAFRICA TRUST (“DCA”) hereby responds to ZA  
 2 Central Registry, NPC’s (“ZACR”) evidentiary objections to the declarations of  
 3 Sara C. Colón (Dkt. No. 46 – “Colón Decl.”; Dkt. No. 92 – “Colón II Decl.”).

4 As an initial matter, the Court should not consider ZACR’s objections to the  
 5 Colón. Decl., which DCA filed with its motion for preliminary injunction papers.  
 6 Evidentiary objections must be filed before a hearing on the motion to which they  
 7 relate. *See Traylor v. Pyramid Servs.*, 2008 U.S. Dist. LEXIS 73494 at \*4 (C.D.  
 8 Cal. September 23, 2008). ZACR was served with the initial preliminary  
 9 injunction motion and supporting declarations on March 22, 2016, had counsel as  
 10 of April 1, 2016, and could have made evidentiary objections to the declarations  
 11 filed in support of the preliminary injunction papers before the Court ruled on  
 12 April 12, 2016. *See* Docket No. 55; Declaration of Sara C. Colón (Docket No. 92)  
 13 Ex. 5. At the very least, ZACR could have filed these evidentiary objections with  
 14 its initial motion for reconsideration. Its failure to do so was apparently calculated  
 15 to prevent DCA from addressing those objections in its opposition.

16 Furthermore, ZACR’s objections are made after the Court considered the  
 17 evidence and made its ruling. Thus, the Court accepted the evidence and ZACR  
 18 waived any objections. Accordingly, these objections are not timely and the Court  
 19 should not consider them. For the same reasons, DCA declines to respond to  
 20 ZACR’s specific objections to the Colón Decl. (Docket No. 46).

21 DCA responds to the Colón II Declaration as follows (Docket No. 92):

22 **PLAINTIFF’S RESPONSE**

Colón II Declaration	ZACR’s Objection	DCA’s Response	Ruling
¶5: “DCA’s application for a temporary restraining order and motion for preliminary injunction contained	Relevance. [Fed. R. Evid. 403]. The documents themselves are the best evidence of their content. [Fed. R. Evid. 1002].	ZACR’s knowledge of the temporary restraining order papers is relevant to show its knowledge	

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PLAINTIFF’S RESPONSE TO ZACR’S CONSOLIDATED EVIDENTIARY OBJECTIONS TO COLÓN DECLARATIONS

<p>1 arguments that were 2 almost identical.”</p>		<p>and notice of the issues in the preliminary injunction papers, which raised nearly identical facts and legal issues.</p>
<p>7 ¶ 8 &amp; Ex. 5 8 “Attached hereto as 9 Exhibit 5 is a true and 10 correct copy of the 11 email chain between 12 myself and counsel for 13 ZACR beginning on 14 April 1, 2016.”</p>	<p>Relevance. [Fed. R. Evid. 403].</p>	<p>The email demonstrates that ZACR had counsel prior to the Court’s order on the Motion for a Preliminary Injunction and that instead of seeking leave for additional briefing on ZACR’s behalf, ZACR choose not to take action while contemplating a personal jurisdiction defense.</p>

23 Dated: May 26, 2016

**BROWN NERI SMITH & KHAN LLP**

25 By:  /s/ Ethan J. Brown  
26 Ethan J. Brown

27 *Attorneys for Plaintiff*  
28 DOTCONNECTAFRICA TRUST

**CERTIFICATE OF SERVICE**

I, Ethan J. Brown, hereby declare under penalty of perjury as follows:

I am a partner at the law firm of Brown, Neri Smith & Khan LLP, with offices at 11766 Wilshire Blvd., Los Angeles, California 90025. On May 26, 2016, I caused the foregoing **PLAINTIFF’S RESPONSE TO ZA CENTRAL REGISTRY, NPC’S CONSOLIDATED EVIDENTIARY OBJECTIONS TO DECLARATIONS OF SARA C. COLÓN** to be electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing to counsel of record.

Executed on May 26, 2016

/s/ Ethan J. Brown