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INTERNET CORPORATION FOR
ASSIGNED NAMES AND NUMBERS

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

VERANDAGLOBAL.COM, INC., a Florida corporation, and BRYAN TALLMAN, a California citizen,

Plaintiffs,

v.

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS, a California Corporation, and DOES 1–10,

Defendants.

Case No. 23STCV19554

Assigned to Hon. Tony L. Richardson

DEFENDANT ICANN'S SUPPLEMENTAL REPLY IN SUPPORT OF DEMURRER TO PLAINTIFFS' VERIFIED FIRST AMENDED COMPLAINT

Date: January 29, 2025
Time: 8:30 a.m.
Dept: 39

Complaint Filed: August 16, 2023

Reservation ID: 379209426336

ICANN is filing this Supplemental Reply in Support of Demurrer to Plaintiffs' First Amended Complaint ("Supplemental Reply") in response to the Court's Minute Order from October 1, 2024. Plaintiffs filed an *ex parte* application requesting that the Court allow ICANN to file a supplemental reply brief to account for Plaintiffs' failure to file their Opposition to ICANN's Demurrer by the deadline and within the required page limits, which the Court granted. Upon review of the briefing to-date, however, ICANN does not believe that further briefing is necessary because the Court should dismiss Plaintiffs' First Amended Complaint for all of the reasons set forth in ICANN's Demurrer, Reply, and the Court's order dismissing Plaintiffs' original complaint. Specifically, Plaintiffs have not cured any of the fatal defects that caused the Court to sustain ICANN's demurrer to Plaintiffs' original complaint, nor can they. Indeed, ICANN has never made any statement or issued any "policy" that grants Plaintiffs the automatic right to register the same second-level domains in .COM as they have registered in other top-level domains. Further, a letter from a third party to ICANN in 2013 that ICANN posted on its website, along with thousands of other letters from the Internet community that ICANN posts in accordance with its transparency efforts under its Bylaws, cannot constitute any so-called policy. Therefore, ICANN reiterates its request that the Court sustain ICANN's Demurrer without leave to amend.

Dated: January 22, 2025

JONES DAY

By: */s/ Jeffrey A. LeVee*
Jeffrey A. LeVee

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