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Attorneys for Plaintiffs Verandaglobal.com, Inc. and Bryan Tallman

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

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

Plaintiffs,

vs.

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS, INC., a California Corporation, and DOES 1-10,

Defendants.

CASE No.: 23STCV19554

DECLARATION OF CHRISTOPHER HELLMICH IN SUPPORT OF PLAINTIFFS' EX PARTE APPLICATION

Complaint Filed:	August 16, 2023
FAC Filed:	March 14, 2024
Judge:	Hon. Tony L. Richardson
Hrng Date:	October 1, 2024
Time:	8:30 AM
Dept.:	39

I, Christopher Hellmich, declare as follows:

1. I am an attorney at law, licensed to practice in the State of California and before this Court. I am an attorney with the law firm of HELLMICH LAW GROUP, PC, an attorney of record for Plaintiffs Verandaglobal.com, Inc. and Bryan Tallman.

2. I submit this Declaration in support of Plaintiffs Ex Parte Application.

3. If called as a witness in this matter, I could and would competently testify of my own personal knowledge as to the matters set forth herein except where stated on information and belief, and where stated on information and belief, I believe them to be true.

4. On the evening of September 25, 2024, Plaintiffs' counsel read Defendant ICANN's reply and its argument that Plaintiffs' brief exceeded the 15-page limit and was filed a day late due to the September 27, 2024, Indigenous People's court holiday. ICANN Reply at 1.

5. I serve as local counsel for Plaintiffs and the out-of-state Plaintiffs' attorneys Talcott Franklin and Jonathan Sahrbeck. The Court approved Messrs. Franklin and Sahrbeck's pro hac vice applications on January 3, 2024. I was solely responsible for calendaring and filing the demurrer as well as the formatting of Plaintiffs' opposition brief.

6. I use Clio legal software for managing litigation including calendaring due dates, however, the version does not populate federal and state holidays. *Id.* I am solely responsible for failing to calculate the filing date of Plaintiffs' opposition brief to include the Court holiday on September 27, 2024. My federal and appellate practice caused me to erroneously approve and file Plaintiffs' opposition brief that exceeded the 15 pages permissible under Cal. Rules. Ct. 3.1113(d). None of my clients had any role in the two mistakes I made.

7. I, and on behalf of Messrs. Franklin and Sahrbeck, represent we did not maliciously or for any improper purpose commit these errors.

8. Should the case go forward, Plaintiffs' counsel commit to taking concrete steps to ensure this never happens again.

9. Our history in this case has been one of courtesy and professionalism. When ICANN's counsel asked to adjourn the hearing date for this motion to go on a personal vacation, Plaintiffs consented. When ICANN asked to stay its responses to the discovery Plaintiffs served last year, Plaintiffs consented. Just as ICANN should not suffer prejudice due to Mr. Hellmich's errors, neither should his clients.

10. It goes without saying that I sincerely apologize to ICANN, its counsel, and the Court for this error.

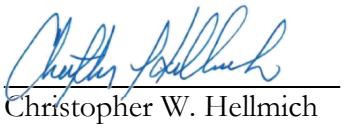
11. On Thursday, September 26, 2024, at 8:00 AM, I spoke with Plaintiffs' counsel, Talcott Franklin and agreed that Mr. Franklin would call ICANN's lead counsel, Jeff Levee to discuss the errors I committed. If an amicable resolution was not available Mr. Franklin would also give Mr. Levee verbal notice of Plaintiffs' Ex Parte Application. I spoke with Mr. Franklin at 8:50 AM and he advised that he spoke with Mr. Levee, but there was no agreement on resolving this matter. Mr. Franklin further advised that he gave notice of the Ex Parte Application. Later that morning, Mr. Levee emailed Plaintiffs' counsel stating ICANN rejected Plaintiff's proposals and the relief sought in the Application. By email Mr. Franklin offered to request the hearing on this Application be set for either September 30 or October 1 and Mr. Levee selected October 1, 2024. Mr. Levee asked that the papers state that ICANN opposes any relief that would either: (i) continue the hearing to allow Plaintiffs to file a new opposition, or (ii) continue the hearing to allow ICANN to file a new reply. Mr. Franklin subsequently communicated with Mr. Levee via email a third proposal, that the Court exercise its discretion, hold the hearing on October 3, 2024, and consider the opposition as filed, taking ICANN up on its offer to answer any questions the Court had concerning any points not addressed in the Reply at the hearing. Mr. Franklin also informed Mr. Levee of when and where the application would be made: in Judge Richardson's Courtroom at 8:30 am on October 1, 2024 pursuant to Courtroom Information paragraph

E. An appearance by ICANN's counsel at that time and place and opposition to the application is expected.

12. The Application seeks alternative relief: The first option would be for the Court to (i) continue the October 3 hearing on ICANN's demurrer until a date convenient for the Court and ICANN, and (ii) permit ICANN to file a new or supplemental reply brief not to exceed 25 pages total to address any points it determines it was unable to address due to the 10-page brief limit. Alternatively, Plaintiffs are prepared to file a 15-page opposition brief nine court days in advance of the reset hearing date. A third option would be for the Court to exercise its discretion and consider Plaintiffs' Opposition and ICANN's Reply, hold the October 3, 2024, hearing, and take ICANN up on its offer to respond to any questions the Court has on other issues at the hearing. ICANN Reply at 4 n.1.

13. The names, addresses, telephone numbers, and email addresses of any attorneys representing any party known to the applicant are in the signature block and the certificate of service attached to the Application.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Rancho Mirage, California on September 30, 2024.



Christopher W. Hellmich