

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION

ANNE MARTINEZ, individually and)
on behalf of all other persons)
similarly situated,)

Plaintiffs,)

v.)

REGISTERFLY, INC.,)

UNIFIEDNAMES INC.)

HOSTING SERVICES GROUP INC.)

KEVIN MEDINA, in his personal capacity and)

as an agent of RegisterFly, Inc. and)

as an agent of Unifiednames Inc.)

John Naruszewicz, in his capacity as an agent)

of both Unifiednames and RegisterFly,)

ENOM, and)

ICANN,)

Defendants.)

Civil Action No 07-cv-188

**PLAINTIFF'S MOTION FOR
IMMEDIATE CLASS
CERTIFICATION**

Plaintiff Anne Martinez moves the Court for an immediate determination that this case may proceed as a class action pursuant to Rules 23(a) and (b) of the Federal Rules of Civil Procedure. Plaintiff needs authority to represent a class comprised of individuals who have used the services of RegisterFly, Inc., UnifiedNames, Inc., and/or Hosting Services Group, Inc., and have been injured by the Defendants' numerous common law and statutory violations outlined in the Plaintiff's complaint, in order to protect the Class during the preliminary stages of the litigation.

In support of this motion, Plaintiff submits the accompanying Memorandum of Law. Plaintiff will also rely on her Complaint, the Plaintiff's Motion and Memorandum in support of

Temporary Restraining Order, such further documents and pleadings that have been or may be filed, and any argument that the Court may permit at the hearing of this Motion.

Plaintiff is moving the Court for immediate certification in this case since the Plaintiff and similarly situated members of the class are in need of injunctive relief, and are seeking simultaneously herewith, on order ordering Defendant ICANN to turn over a copy of the escrowed data to the Plaintiff so that the Plaintiff can hire a third party class administrator to immediately notify the members of the class regarding where and how to transfer their domain names without losing their domain names.

Plaintiff's Counsel needs the authority to act on behalf of the Class immediately to negotiate and secure contracts with Class action service providers such as Rust Consulting, Inc., Kinsella/Novak Communications, or EPIQ Systems, Inc. in order to effectively maintain the action without class members being further irreparably harmed by the ongoing acts of the Defendants.

Plaintiff's counsel is currently unable to negotiate with third party class administrators due to this action being under seal, and the lack of an interim class being approved. Upon court order approving this Class as an interim class, and approving Plaintiff's counsel as interim lead counsel, the undersigned will, as soon as practical negotiate with third party class administrators and file with the Court a preliminary Class Plan as to how to protect the Class during the preliminary injunction. With the Court's approval said Plan will be filed within 10 days.

Counsel, working with a software engineer, has created an electronic database of prospective class members which is ready to be populated as soon as ICANN will cooperate and transfer the electronic data, and the Court authorizes such transfer.

This database, among other things, enables the prospective class to establish the number of domain names each individual has registered, and then allows sub-classifications with regard to whether or not they were:

1. locked out of their domain name registration;
2. paid for and did not receive registrations;
3. paid for and did not receive renewals;
4. had the ownership of their domain name usurped;
5. temporarily have lost the use of their domain name;
6. permanently have lost the use of their domain name;

which may be used to establish numerosity for Sub-Class Certification as the case proceeds.

Counsel has also established an electronic database containing information for the immediate prospective class members to represent, however this has deliberately been kept private until such time as the Court unseals the pleading in this case as an added protective measure for the Class.

This the 19th day of March 2007.

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