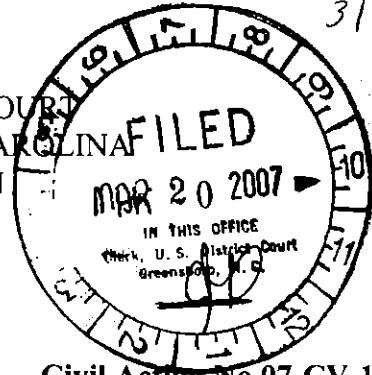


Filed
3/20/07

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION



Civil Action No 07-CV-188

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.)

**NOTICE OF SPECIAL APPEARANCE
BY DEFENDANT ICANN TO COMPLY
WITH COURT'S MARCH 14, 2007
ORDER BUT PRESERVING ALL
RULE 12 DEFENSES
(FILED UNDER SEAL)**

COMES NOW Defendant ICANN, by and through counsel, Ronald R. Davis and Philip J. Mohr and the law firm of Womble, Carlyle, Sandridge & Rice, PLLC, and hereby give the following notice of special appearance:

1. Plaintiff filed her complaint, asserting alleged claims on behalf of herself and all other persons similarly situated, on or prior to March 14, 2007. Plaintiff apparently took no steps to have the complaint immediately served on ICANN.

2. Instead, on March 14, 2007, plaintiff, through counsel, appeared *ex parte* and brought before the Court a Motion for Temporary Restraining Order. At the March 14, 2007 *ex parte* hearing, plaintiff admitted through counsel that she had taken no steps whatsoever to notify any of the defendants, including Defendant ICANN, of either the complaint or the pending

request for extraordinary injunctive relief. Nonetheless, plaintiff requested that the Court grant her motion for a Temporary Restraining Order.

3. The Court denied plaintiff's motion for TRO at the March 14, 2007 hearing, finding that plaintiff had failed to take reasonable steps to notify ICANN of the pending motion. The Court then ordered that plaintiff was to notify defendant ICANN orally of the pending motion as soon as practicable, and further to take all reasonable steps to serve the complaint and all other papers previously filed, including a copy of the Court's order of that date, on defendant ICANN as soon as practicable. Moreover, the Court ordered both plaintiff and ICANN to appear before the Court on Tuesday, March 20, 2007.

4. ICANN received an email referencing the complaint and hearing on March 15. However, ICANN did not receive an actual copy of the March 14 order requiring ICANN's appearance until Friday, March 16, 2007 when it received a facsimile of the order from plaintiff's counsel.

5. Despite the Court's Order that Plaintiff immediately initiate service of process on ICANN and the passage of almost a week, ICANN still has not been served with the complaint or other papers in this matter. ICANN still has not received even a signed, file-stamped copy of the complaint.

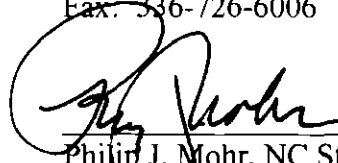
6. Upon receiving the order on March 16, 2007 and a follow-up email from plaintiff's counsel, ICANN's California counsel immediately notified plaintiff's counsel that ICANN still had not been served with the complaint and that ICANN was not subject to personal jurisdiction in North Carolina. Moreover, after reviewing the complaint in greater detail, ICANN believes it has other defenses afforded to it pursuant to Federal Rule of Civil Procedure 12 that ICANN intends to assert in response to Plaintiff's Complaint.

7. As a result of the Court's March 14, 2007 Order mandating the appearance of ICANN at a March 20, 2007 hearing, ICANN has retained local counsel to assist it in this matter. In addition, ICANN's California counsel has traveled from California in order to comply with the terms of the Court's Order. However, in doing so, ICANN gives notice that it is making a special appearance for the sole purpose of complying with the Court's March 14 order, and in doing so reserves and does not waive any defenses set forth in F.R.C.P. 12, including but not limited to any motions to dismiss on the basis of improper venue, lack of personal jurisdiction, or any other defense it may have to the Complaint.

This the 20 day of March, 2007.



Ronald R. Davis, NC State Bar #20408
Womble Carlyle Sandridge & Rice, PLLC
One West Fourth Street, NC 27101
Telephone: 336-721-3771
Fax: 336-726-6006

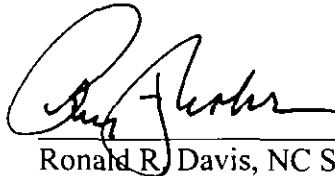


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CERTIFICATE OF SERVICE

I hereby certify that on this date a the foregoing **NOTICE OF SPECIAL APPEARANCE BY DEFENDANT ICANN TO COMPLY WITH COURT'S MARCH 14, 2007 ORDER BUT PRESERVING ALL RULE 12 DEFENSES** has been caused to be electronically filed with the Clerk of Court and that a copy was served on opposing counsel by hand-delivery at the hearing on March 20, 2007 to the following person(s):

E. Clarke Dummit, Esquire
213 West Sixth Street
Winston-Salem, NC 27101
Attorney for Plaintiff(s)



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Attorney for Defendant ICANN