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 INTERNET CORPORATION FOR
 ASSIGNED NAMES AND NUMBERS
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10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA
 12

13 RUBY GLEN, LLC,

14 Plaintiff,

15 v.

16 INTERNET CORPORATION FOR
 ASSIGNED NAMES AND
 17 NUMBERS,

18 Defendant.
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 20
 21
 22

Case No. 2:16-cv-5505 PA (ASx)

Assigned for all purposes to the
 Honorable Percy Anderson

**DECLARATION OF JOSE
 IGNACIO RASCO III IN
 SUPPORT OF DEFENDANT
 ICANN'S OPPOSITION TO
 PLAINTIFF'S *EX PARTE*
 APPLICATION FOR
 TEMPORARY RESTRAINING
 ORDER**

DECLARATION OF JOSE IGNACIO RASCO III

I, Jose Ignacio Rasco III, declare as follows:

1. I am the Chief Financial Officer and a manager of NU DOTCO, LLC (“Nu Dotco”). I have personal knowledge of the facts set forth below and if called upon as a witness, I could and would testify competently thereto.

2. On March 19, 2012, Nu Dotcoco was formed as an LLC pursuant to the laws of the State of Delaware.

3. Nu Dotco was formed for the specific purpose of submitting applications to ICANN to acquire rights to operate certain generic top-level domains (“gTLDs”).

4. In June 2012, Nu Dotco applied for the .WEB gTLD, among others.

5. Nu Dotco’s application to ICANN designated me as a manager and the Chief Financial Officer of Nu Dotco, Juan Diego Calle as a manager and the Chief Executive Officer of Nu Dotco, and Nicolai Bezsonoff as a manager and the Chief Operating Officer of Nu Dotco. As officers and managers, Mr. Calle, Mr. Bezsonoff and I have been, and are, responsible for the overall affairs of Nu Dotco. Nu Dotco’s .WEB application also listed me as “Primary Contact” at Nu Dotco and, as a backup, Mr. Bezsonoff as “Secondary Contact.”

6. There have been no changes or amendments made to Nu Dotco’s management since the time that Nu Dotco submitted its .WEB application to ICANN. Mr. Calle, Mr. Bezsonoff, and I remain the only managers and officers of Nu Dotco.

7. Nu Dotco’s application to ICANN designated those “shareholders” (i.e. members) holding at least 15% of the “shares” (i.e. membership interests) of Nu Dotco to be Domain Marketing Holdings, LLC and NUCO LP, LLC. Those entities were also the only members of Nu Dotco.

8. There have been no changes or amendments made to Nu Dotco’s membership, nor has any transfer of membership otherwise occurred, since the time

1 that Nu Dotco submitted its application to ICANN. Domain Marketing Holdings,
2 LLC and NUCO LP, LLC remain the only members of Nu Dotco.

3 9. Because there have been no changes in management, control or
4 ownership of Nu Dotco since Nu Dotco submitted its application to ICANN there
5 are no documents that memorialize any such changes.

6 10. By February 2014, Nu Dotco's .WEB application was placed by
7 ICANN in a contention set with seven other applications, including the .WEB
8 application submitted by Ruby Glen LLC. In April 2016, ICANN scheduled an
9 auction to resolve the contention set for July 27, 2016.

10 11. On June 7, 2016, I replied to an e-mail from Jon Nevett of Ruby Glen
11 LLC, which I understand was attached as Exhibit A to a declaration submitted by
12 Mr. Nevett in connection with these proceedings ("June 7 Response"). In my June
13 7 Response, I stated that "Nicolai [Bezsonoff] is at NSR full time and no longer
14 involved with our TLD applications. I'm still running our program and Juan
15 [Calle] sits on the board with me and several others. Based on your request, I went
16 back to check with all the powers that be and there was no change in response and
17 will not be seeking an extension."

18 12. What I meant in my June 7 Response with respect to "Nicolai" was
19 that, in addition to his duties as an officer and manager of Nu Dotco, which are
20 limited at this point because Nu Dotco has not been awarded the .WEB gTLD, Mr.
21 Bezsonoff is employed by Neustar, Inc. (stock ticker symbol: NSR), a registry
22 services provider that acquired Mr. Bezsonoff's previous employer, .CO Internet,
23 the operator of the .co top-level domain (country code TLD for Colombia), in April
24 2014. Nu Dotco selected Neustar as its registry services provider to assist Nu
25 Dotco with operation of .WEB if Nu Dotco is awarded the TLD. I did not intend to
26 convey that there had been any change in Mr. Bezsonoff's duties or responsibilities
27 as an officer and manager of Nu Dotco because there has been no such change since
28 Nu Dotco submitted its .WEB application to ICANN. He, Mr. Calle, and I continue

1 to serve jointly as managers of Nu Dotco; Mr. Bezsonoff also continues as backup
2 to my role as Primary Contact on the Nu Dotco application.

3 13. What I meant in my June 7 response with respect to “several others”
4 was in reference to there being others involved in the Nu Dotco managers’ decision
5 making process regarding management of our TLD investments, namely, other
6 beneficial owners, whose opinions I often seek and respect. I did not intend to
7 convey that there had been any change to Nu Dotco’s officers, owners or members
8 because there has been no such change since Nu Dotco submitted its .WEB
9 application to ICANN.

10 14. What I meant in my June 7 response with respect to “the powers that
11 be” was another reference to the beneficial owners of Nu Dotco described in the
12 paragraph above. As a manager, I naturally seek to ensure that the owners are
13 satisfied with how the company is being managed. I did not intend to convey that
14 there had been any change to Nu Dotco’s officers, owners or members because
15 there has been no such change since Nu Dotco submitted its .WEB application to
16 ICANN.

17 15. Finally, I believe that the context of my private, informal statements to
18 Mr. Nevett in my June 7 Response is relevant to the words I used. At that time, Mr.
19 Nevett had contacted me on several occasions to try to persuade me to have Nu
20 Dotco participate in a private resolution of the .WEB contention set. My intent in
21 this private email was to politely dissuade Mr. Nevett from continuing to pursue the
22 issue, but, at the same time, not to create any ill will between us. This was merely
23 what I viewed as a polite response to a competitor with whom neither I nor Nu
24 Dotco had any duty to provide information.

25 16. I confirmed the fact that Nu Dotco has not undergone any change in
26 management, control or ownership in a July 8, 2016 note to ICANN’s Ombudsman,
27 Chris LaHatte, wherein I stated: “Neither the governance, management nor the
28 ownership in Nu Dotcoco has changed.” I also stated: “There are no new

1 'directors,' nor have any left the company, and while the managers are ultimately
2 responsible for the LLC, as a Manager, I take my duties very seriously and for
3 major decisions, I confer with the Members (i.e. shareholders), which again for
4 clarification, have never changed. I hope this clarification puts this matter to rest."

5 17. I also confirmed the fact that Nu Dotco has not undergone any change
6 in management, control or ownership by telephone to Christine Willett of ICANN
7 on July 8, 2016, and confirmed the same via email to Ms. Willett on July 11, 2016.

8 I swear under penalty of perjury under the laws of the United States that the
9 foregoing is true and correct. Executed this 25th day of July, 2016.

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11 By: _____



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