

From: Samantha Eisner
Sent: Tuesday, August 21, 2018 7:34 AM
To: McAuley, David; [Redacted]
CC: Amy Stathos; Elizabeth Le
Subject: Re: [Ext] RE: ICANN - IRP Interim Supplementary Procedures - Sidley Comments

Hi David -

I'll be available for a call any day from 8/28 on next week.

My concern with the Sidley notes was not actually that they went beyond what was requested, but that many of their recommendations, particularly in the joinder section, were not internally consistent and could cause confusion.

Agreed that we need to get to versions without too many colors on it to make it easier to digest.

Sam

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From: McAuley, David; [Redacted]
Sent: Friday, August 17, 2018 6:31 AM
To: Samantha Eisner; [Redacted]
Cc: Amy Stathos; Elizabeth Le
Subject: RE: [Ext] RE: ICANN - IRP Interim Supplementary Procedures - Sidley Comments

Hi Sam and Liz,

I am hoping we can discuss by phone early next week.

I have to confess to being confused by the drafts (not the provisions – rather, the number and interplay of drafts) – and as much as I value Sidley's advice I was a bit put off by what seemed to me to go well beyond what was asked. The drafts we have been seeing seem like Christmas trees when printed in color. And I have tried to keep this straight.

One of my goals in our call will be to identify what document(s) we can forward to the team that will achieve these goals:

1. Try to trim away some confusion;
2. Allow them to fairly, objectively see Sidley's advice;
3. Allow us as a team to have a working doc (one, I hope) that we can use to try to finish interim rules asap. By that I mean on list starting at end of August, when vacations should be over, and on Sept 6th call.

Any help you can render in these regards will be very appreciated.

Best wishes,

David

David McAuley
Sr International Policy & Business Development Manager
Verisign Inc.
[Redacted]

From: Samantha Eisner <Samantha.Eisner@icann.org>
Sent: Friday, August 17, 2018 8:23 AM
To: McAuley, David <dmcauley@verisign.com>; Bernard Turcotte <turcotte.bernard@gmail.com>
Cc: Amy Stathos <amy.stathos@icann.org>; Elizabeth Le <elizabeth.le@icann.org>

Subject: [EXTERNAL] Fw: [Ext] RE: ICANN - IRP Interim Supplementary Procedures - Sidley Comments

Attached please find a proposed update to the language circulated by Sidley. From our read of it, there were still significant issues within both the translation and the consolidation sections, even after we'd provided them with comment. Because there was overlapping of the terms consolidation and joinder, without definition, we've proposed to remove the concept of joinder because it seemed to be equal to consolidation. That allows for (1) intervention, or bringing a new party into an existing IRP, or (2) consolidation, the merging of two IRPs.

We have a couple of other language suggestions provided by ICDR, including removing the term "discovery" because it is too close to litigation and using instead "exchange of information"

The good news is that after a preliminary view of the language, other than some nits as modified, the ICDR did not have concern with the rules as proposed (based on a review of the 5/8 version).

Attached you will find:

The clean (with comments) version of our proposed text;
a redline to Sidley's most recent version
a redline to the 5/8 version

Thanks,

Sam

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From: Grapsas, Rebecca <[Redacted]>
Sent: Friday, July 27, 2018 3:58 PM
To: Samantha Eisner; Gregory, Holly; McAuley, David; Elizabeth Le <[Redacted]>
Cc: McNicholas, Edward R.; Faircloth, Fran
Subject: RE: [Ext] RE: ICANN - IRP Interim Supplementary Procedures - Sidley Comments

Dear all,

Attached please find our responses to your questions/comments on the IRP interim supplementary procedures (cumulative tracked changes in Word and redline, showing in blue highlight Sidley comments/responses). Note that the ICANN comment bubbles and Sidley responses are a bit screwy in the redline.

Please do not hesitate to contact us if you would like to discuss.

With kind regards,

Rebecca (on behalf of Sidley team)

REBECCA GRAPSAS
Counsel

SIDLEY AUSTIN LLP

Redacted

From: Samantha Eisner <Samantha.Eisner@icann.org>
Sent: Monday, July 23, 2018 8:17 PM
To: Gregory, Holly <[Redacted]>; Elizabeth Le <elizabeth.le@icann.org>; [Redacted] Grapsas, Rebecca <[Redacted]>; [Redacted]
Cc: McNicholas, Edward R. <[Redacted]>; Faircloth, Fran <[Redacted]>
Subject: Re: [Ext] RE: ICANN - IRP Interim Supplementary Procedures - Sidley Comments

REV00000030-0002

Hi Holly and team,

Thanks for your work on this. We've connected with David on this and agree that many of the issues have been nicely addressed in here. We have annotated this with some comments (all noted with "SE NOTE" to begin) to identify where there could be more clarification, or we were not sure that all of the concerns were being addressed. You will also see some areas that I highlighted in green. I accepted a lot of the pre-existing track changes from those sections so that it was easier to focus on the text you presented and our inputs.

Please let us know if you'd like to discuss by phone prior to considering our comments.

Sam

—

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From: "Gregory, Holly" <holly.gregory@sidley.com>
Date: Monday, July 23, 2018 at 2:22 PM
To: David McAuley <[Redacted]>, "Grapsas, Rebecca" <[Redacted]> Samantha Eisner <samantha.eisner@icann.org>, Liz Le <elizabeth.le@icann.org>, [Redacted]
Cc: "McNicholas, Edward R." <[Redacted]>, "Faircloth, Fran" <[Redacted]>
Subject: [Ext] RE: ICANN - IRP Interim Supplementary Procedures - Sidley Comments

Please let us know when you would like to connect on this.

HOLLY J. GREGORY
Partner and Co-Chair, Global Corporate Governance & Executive Compensation Practice

SIDLEY AUSTIN LLP

[Redacted]

From: McAuley, David <[Redacted]>
Sent: Thursday, July 12, 2018 8:05 AM
To: Grapsas, Rebecca <[Redacted]>; Samantha.Eisner@icann.org; elizabeth.le@icann.org;
[Redacted]
Cc: Gregory, Holly <[Redacted]>; McNicholas, Edward R. <[Redacted]>; Faircloth, Fran <[Redacted]>
Subject: RE: ICANN - IRP Interim Supplementary Procedures - Sidley Comments

Thank you, Rebecca, Holly and Sidley team.

To others – I am downtown in DC all day today for meetings so will be mostly out of touch but will endeavor to have read this by end of day.

Can we try to touch base tomorrow to discuss getting this to IRP group, scheduling next meeting of IOT and next steps etc.

Best wishes,
David

David McAuley
Sr International Policy & Business Development Manager
Verisign Inc.

[Redacted]

From: Grapsas, Rebecca <[Redacted]>
Sent: Wednesday, July 11, 2018 10:43 PM
To: McAuley, David <[Redacted]>; Samantha Eisner <Samantha.Eisner@icann.org>; elizabeth.le@icann.org;
[Redacted]
Cc: Gregory, Holly <[Redacted]>; McNicholas, Edward R. <[Redacted]>; Faircloth, Fran

Redacted

Subject: [EXTERNAL] ICANN - IRP Interim Supplementary Procedures - Sidley Comments

Dear all,

Attached please find our comments on the IRP interim supplementary procedures (cumulative tracked changes in Word and redline showing Sidley comments on ICANN's draft). As requested, we focused on Section 5 as it relates to translation and Section 7 as it relates to joinder, intervention and participation as an amicus.

Please do not hesitate to contact us if you would like to discuss.

With kind regards,

Rebecca (on behalf of Sidley team)

REBECCA GRAPSAS

Counsel

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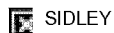
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