

**From:** Samantha Eisner  
**Sent:** Tuesday, July 17, 2018 10:01 AM  
**To:** McAuley, David  
**CC:** Elizabeth Le; [Redacted]  
**Subject:** Re: [Ext] RE: OFFLIST - Re: ICANN - IRP Interim Supplementary Procedures - Sidley Comments

Thanks David -

Looking forward to speaking with you at 1:30 PDT today, though it might be a quick call because our notes seem very well aligned!

Great catch on the need to include language to align with ICANN's commitment on the 12-month issue. We hadn't asked Sidley to draft; we'll get some language ready on that one.

Sam

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**From:** McAuley, David <[Redacted]>  
**Sent:** Tuesday, July 17, 2018 5:30 AM  
**To:** Samantha Eisner  
**Cc:** Elizabeth Le; [Redacted]  
**Subject:** RE: [Ext] RE: OFFLIST - Re: ICANN - IRP Interim Supplementary Procedures - Sidley Comments

Hi Sam,

I am tied up early today but will read your comments a bit later – let's create a placeholder for a call just in case we need to touch base. I **suggest 4:30 EDT (1:30 PDT)** – say for 30 minutes but let's hope we don't need that much time.

My principal concerns on reading over weekend were:

1. Don't we need language re time for filing that while rules are 'interim' a claimant would not be prejudiced by 12-month cap.
2. I wondered if 'presumption' against in-person hearings was strong enough language and I wanted to insert 'strong' before presumption – but perhaps the explanatory language starting with - may be rebutted only under extraordinary circumstances and what follows is ok.
3. Maybe condition 3 of the extraordinary in-person circumstances should include language like 'including, without limitation, translation services.'
4. Probably ought to be made clear that all travel costs for in-person hearing are on the parties themselves – including their witness travel if there is any (shouldn't be).
5. Not sure why the IRP panel would choose a translation-services provider. If ICANN pays for that it should pick.
6. UN Languages 'should' be the languages for translation. If other is needed maybe costs should be split equitably.
7. I like idea of IRP panel deciding joinder etc issues.
8. Where it says an amicus is not bound to decision as a claimant would be, fair enough but maybe language should note it is not intended to be read as carving out any protection from precedent.

David

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**From:** Samantha Eisner <Samantha.Eisner@icann.org>  
**Sent:** Monday, July 16, 2018 5:30 PM  
**To:** McAuley, David <[Redacted]>  
**Cc:** Elizabeth Le <elizabeth.le@icann.org>; [Redacted]  
**Subject:** [EXTERNAL] Re: [Ext] RE: OFFLIST - Re: ICANN - IRP Interim Supplementary Procedures - Sidley Comments

Hi David -

Here are some notes I made on Sidley's version, for your consideration and also to get back to them if you are in agreement. When we were doing the earlier set of supplemental procedures, we had some back and forth between ICANN and Sidley, while keeping Becky in chain, so this could be handled similarly.

I've removed a lot of the track changes from the areas that are not under question. Where I had comment or proposed modification, you'll see an "SE NOTE" or green highlight.

There is a lot of good material to work with here, but I think that there are a few areas where the procedures could benefit from some more specificity.

Please let us know if you have additional questions. I don't know Liz's availability, but I am available between 12:30 – 2:30 PDT tomorrow if you'd like to discuss.

REV00000050

Sam

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**From:** David McAuley <[Redacted]>  
**Date:** Friday, July 13, 2018 at 8:48 PM  
**To:** Samantha Eisner <samantha.eisner@icann.org>  
**Cc:** Liz Le <elizabeth.le@icann.org>, "[Redacted]" <[Redacted]>  
**Subject:** Re: [Ext] RE: OFFLIST - Re: ICANN - IRP Interim Supplementary Procedures - Sidley Comments

Ok Sam, but please let's talk some time Monday

David

Sent from my iPhone

On Jul 13, 2018, at 7:44 PM, Samantha Eisner <Samantha.Eisner@icann.org> wrote:

Please do not send to the IOT yet. We are still reviewing it internally. I think that Sidley has done well with a first version, but I have some notes that I will share with you early next week for consideration prior to making any decision to send to the IOT.

Sam

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**From:** David McAuley <[Redacted]>  
**Date:** Friday, July 13, 2018 at 11:54 AM  
**To:** Samantha Eisner <samantha.eisner@icann.org>  
**Cc:** Liz Le <elizabeth.le@icann.org>, "[Redacted]" <[Redacted]>  
**Subject:** [Ext] RE: OFFLIST - Re: ICANN - IRP Interim Supplementary Procedures - Sidley Comments

Hello Sam, Liz, and Bernie:

I am just now able to get into these documents and will read them this afternoon – it has just been very busy here – same problem we all face in the IOT.

Sam, am not sure I know what you mean by another loop – maybe that will become clear as I read.

Also, I want to do two things: first, send a copy of this to the IOT – but I also keep in mind Bernie's frequent advice not to send something on a Friday afternoon as it could easily get pushed into weekend traffic and possibly not seen at first.

Second, schedule the next meeting of the IOT.

I think Thursday the 19<sup>th</sup> of July may be a bit too soon after sending this mail and so I suggest Thursday the 26<sup>th</sup>. Bernie, can you hold that at our normal time?

David

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**From:** Samantha Eisner <Samantha.Eisner@icann.org>  
**Sent:** Thursday, July 12, 2018 12:09 PM  
**To:** McAuley, David <[Redacted]>  
**Cc:** Elizabeth Le <elizabeth.le@icann.org>; Bernard Turcotte <[Redacted]>  
**Subject:** [EXTERNAL] OFFLIST - Re: ICANN - IRP Interim Supplementary Procedures - Sidley Comments

I will try to read as soon as I can, but without having looked at it yet, want to flag that we might need to have another loop on this.

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Samantha Eisner

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**From:** McAuley, David <[Redacted]>  
**Sent:** Thursday, July 12, 2018 5:04 AM  
**To:** [Redacted]; Samantha Eisner; Elizabeth Le; [Redacted]  
**Cc:** [Redacted]; [Redacted]; [Redacted]  
**Subject:** [Ext] 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.

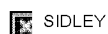
With kind regards,

Rebecca (on behalf of Sidley team)

**REBECCA GRAPSAS**  
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