

JURISDICTION SUBGROUP ICANN LITIGATION SUMMARY

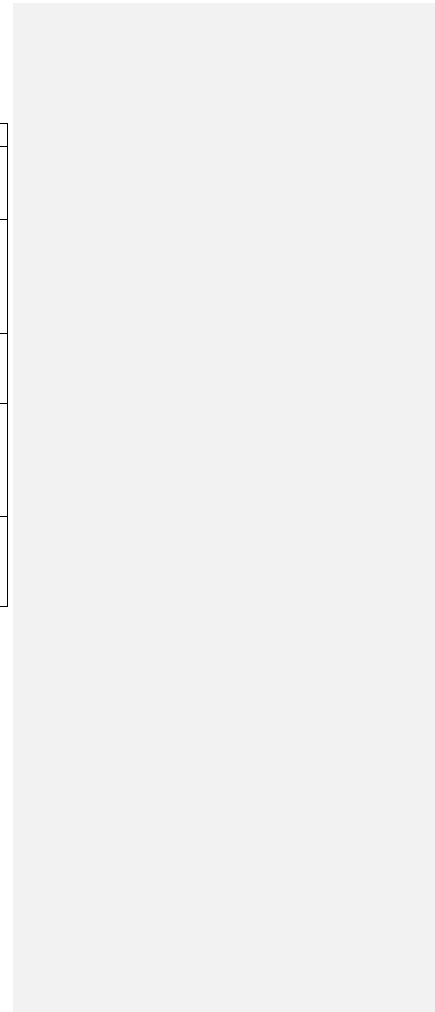
Name of Case:	State of Arizona vs NTIA
Parties: ¹	State of Arizona (P); NTIA (D), DoC (D); Secretary of Commerce (D); Assistant Secretary for Communications and Information (D); Internet association; I2C; Internet Society; CCIA; Netchoice; Mozilla; PCH; ACT; ARIN; ITIC; Access Now, Andrew Sullivan; Ted Hardie; Jari Arkko; Alissa Cooper (AC)
Citizenship of Parties:	Plaintiff and Defendants : USA AC : USA, one individual from Finland
Court/Venue:	US District Court, Southern District of Texas, Galveston Division
Choice of Law/Governing Law:	Federal Law: Property Clause of the U.S. Constitution and the First Amendment, as well as the Administrative Procedure Act, 5 U.S.C. §§ 551 <i>et seq.</i>
Date Case Began:	Sep 28, 2016
Date Case Ended:	Sep 30, 2016
Causes of Action:	Violation of the Property clause of the US Constitution and the First Amendment, as well as the Administrative Procedure Act, while letting the IANA contract expire.
Issues Presented:	ICANN could take unilateral actions adversely affecting .gov (even delete it) Possible interference in States property interest from foreign governments Possible violation of the First Amendment by ICANN
Preliminary Relief?:	Declaratory and Injunctive Requested, not granted
Outcome:	Injunction DENIED
Was Jurisdiction Contested? ²	Yes Defendants argued that the Court had no subject matter jurisdiction over the Plaintiff's claims. "The Contract Disputes Act ("CDA"), 41 U.S.C. § 7101-09, assigns to the Court of Federal Claims, and not to the district courts, exclusive jurisdiction over claims relating to CDA contracts".

Commented [w1]: Unsure what ICANN's status was, if any

¹ Indicate whether each party is Plaintiff (P) or Defendant (D), or other status. Please also list non-party participants, such as Amicus Curiae (AC).

² For example, challenge to venue, challenge to change of venue, challenge to governing law, challenge to application of "choice of law" provision. Please describe the outcome as well as the challenge.

	Court seems to have taken jurisdiction over the case.
Did the case have an impact on ICANN's accountability or the operation of ICANN's policies ? ³	If the injunction had been granted, the "IANA Stewardship Transition" may not have been able to proceed, and the associated mechanisms (including all of WS1) would not have been in place.
1) What relief was requested by the plaintiff from ICANN (or ICANN from defendant if ICANN was a plaintiff)?	The plaintiff's request aimed at stopping the IANA Stewardship Transition.
2) What relief, if any, was granted to the plaintiff?	None
3) Did the Court in its decision offer any conclusion as to the lack of merit/frivolity of the plaintiff's claim?	No.
Key Documents:	Application to injunction Opposition to injunctions by defendants Amici Curiae opposition to injunction Order denying injunction



³ Indicate whether the case had or will have an effect on ICANN's accountability mechanisms or the operation of ICANN's policies..