

08:11 1 of cyber squatting liability called --

2 THE COURT: Please, you guys know so much more
3 than I do. Judge Lynn put an order in place. It will
4 work. Both sides agree.

5 MR. BELL: Yes, your Honor, absolutely. I don't
6 think your Honor needs to modify that order, and I'm okay
7 with it, and I believe Mr. MacPete is as well.

8 THE COURT: You realize that order is an order
9 of the Court. So any failure to comply with that order is
10 contempt, punishable by lots of dollars, punishable by
11 possible jail, death.

12 MR. BELL: And death.

13 MR. RAWLS: The only part about that that I
14 would ask the Court is to give us a ruling on the earlier
08:12 15 issue that Mr. MacPete raised. There is this UDRP issue
16 where my client has no choice if he wants to keep his
17 accreditation with ICANN to change the registrant
18 information, who owns the names. And apparently there is
19 another process that doesn't involve UDRP where a third
20 party asserts a trademark claim to a name, and my client
21 in that situation also has no choice, and basically this
22 arises out of Judge Lynn's order on Friday that Mr.
23 MacPete's client is concerned that my client would get in
24 there to alter the date to alter the split. They were
25 concerned about alteration of data. Judge Lynn said

08:13 1 nothing is going to be changed, no documents, nothing. At
2 that time that seemed reasonable, but I didn't understand
3 at that time this technical property. So we're asking
4 this Court to enter Judge Lynn's order regarding the 24
5 hour period of time that we have agreed is acceptable with
6 the caveat that would allow my client to keep his
7 accreditation where he hasn't changed a third party.

8 THE COURT: Is Mr. MacPete willing to defend
9 that, defend --

10 MR. RAWLS: Mr. MacPete only raised the UDRP
11 issue where there is an order issued by ICANN afterwards.

12 THE COURT: I understand he has a lawyer, Mr.
13 Herrera, if I remember the name, who's defending all
14 trademark issues. Shouldn't you just give those over to
08:14 15 Mr. MacPete to defend, if I'm understanding you correctly?

16 MR. BELL: Your Honor, I think I can provide a
17 little clarification. There are third parties other than
18 what Mr. Baron is a beneficiary and Mr. Krishan. There
19 are other people that say "You charge too much, too less,
20 We want our domain name." Maybe, like Judge Furgeson.
21 You say, "I don't want Ondova to be my register anymore.
22 GoDaddy.com is offering them for \$2.99. I want you to
23 transfer them." So somebody like your Honor would get on
24 and say "Ondova you are charging too much, We want these
25 domains transferred to Go Daddy." If we don't comply with

08:19 1 THE COURT: I like California. Wish they had a
2 better system of governance, but I like California.

3 MR. BELL: We're in a little bit of a quagmire,
4 and I think the best thing to do would be to order us
5 right now -- It sounded like I was quasi-joking, but we
6 need to get into a room and get this knocked out, and
7 we're ready, willing and able to perform in contravention
8 of Mr. MacPete's representation, and I'm not saying he
9 misrepresented. We're ready willing and able to perform.
10 We want the case off the docket. There is a state court
11 motion pending. A motion to enforce in that court and I
12 don't believe, with all due respect to the Court, the
13 state court has jurisdiction on this.

14 THE COURT: They do and I have jurisdiction,
08:20 15 too. So I'll tell you what. I am going to stay in this
16 case through the preliminary injunction, and there is an
17 order entered. Nobody can violate it. Anybody violates
18 it, you are all paying big dollars. Not only corporately
19 but personally also. You want to challenge the court
20 order, I have the marshals behind me. I can come to your
21 house, pick you up, put you in jail. I can seize your
22 property, do anything I need to do to enforce my orders.
23 I'm telling you don't screw with me. You are a fool, a
24 fool, a fool, a fool to screw with a federal judge, and if
25 you don't understand that, I can make you understand it.

08:21 1 I have the force of the Navy, Army, Marines and Navy
2 behind me. There is a lot of playing games. Both sides
3 are probably completely complicit. But it's time to
4 resolve this. If you don't want to resolve it, I can put
5 you in jail. I can hold you six months, twelve months,
6 eighteen months, and I can do that, and if you want me to
7 do it, I will be glad to do it, but you need to be serious
8 about this. There is a problem here that I do not
9 understand. It's really beyond my comprehension, and I
10 actually am not a completely dumb person. So you need to
11 get this resolved.

12 MR. BELL: I have been on the case eight days.
13 So I'm not entirely complicit.

14 THE COURT: Everybody is to blame. When you get
08:22 15 up in the morning look in the mirror. Everybody is to
16 blame here. I'm going to hear you on the 1st, if I have
17 to, but in the meantime, there needs to be two adults, one
18 on each side, that figures this out.

19 MR. BELL: Do you think, your Honor -- I mean I
20 would make an oral motion before the honorable court maybe
21 to order a mediation and get this thing out and off your
22 docket.

23 THE COURT: There is no question that's what
24 needs to be done. Apparently, there is a lot of money to
25 be had here. Let's not be greedy. Let's get this done

08:22 1 and figure it out. I'm not going to order you to do
2 anything. You can do absolutely nothing until you show up
3 on the first. But on the 1st, the door is shut, and
4 everything ends, and I am going to enter orders that
5 nobody may like. It may not be good for anybody. I may
6 actually appoint a receiver and ask the receiver at the
7 expense of all the parties to find a new registrar. I'll
8 order Ondova and Mr. Baron to put every domain he's got in
9 with the new registrar. I'll have the new registrar
10 protect these names, and then we'll just wait for a trial
11 in five or six years and go from there. So you know,
12 there is things I can do. I'm sure the receiver won't
13 cost more than two or three hundred thousand dollars,
14 maybe half a million. But I know you have the money
08:23 15 because these things are valuable.

16 MR. BELL: I think that's the low end.

17 THE COURT: A million dollars. I'm sure there
18 is a good receiver out there that would love to have this.
19 So at any rate, you know -- You know, don't give us what
20 you think is your rightful interests. But I'm telling
21 you, the Court's are going to resolve this. You are not
22 going to resolve ex parte or at a whim. The courts are
23 going to resolve it, and if you don't like what the courts
24 do, we can pick you up on the street and put you in jail.
25 That's the way it works. So it's time to get serious here

08:24 1 and time to understand that once the Court steps in,
2 that's it, and I've got this case, and I'm keeping it. So
3 you want to screw with me, have at it. But I can put you
4 in jail, and I will do it, and I can also take all of your
5 money away from you. I can look at all of your financial
6 statements. I can take every penny you've got if I think
7 you are doing stuff that's unlawful, illegal, fraudulent
8 and whatever. So let's don't test me here. And at the
9 same time if you think you are right, litigate it.
10 Litigate it to the cows come in, but don't screw with the
11 courts.

12 That's where we are, Mr. Bell. You don't have
13 to do anything this weekend. You can play all next week,
14 but on the 1st something is going to happen.

08:25 15 MR. BELL: If I may.

16 THE COURT: Sure.

17 MR. BELL: How much time do we have for the
18 preliminary injunction hearing?

19 THE COURT: A day.

20 MR. BELL: Right now, unless we can get this
21 thing resolved which is my intention, I think Mr. MacPete
22 would agree we can bang it out over the weekend. I have
23 just gotten on the case. My client is going to appear. I
24 would ask that you order the plaintiff, especially Mr.
25 Munish, to appear as well.