



1 Plaintiff requested writs of execution to enforce the judgment. Writs were served upon each of  
2 the Defendants as well as upon two financial services companies alleged to collect subscription  
3 fees for Defendants' websites. Plaintiff also filed a motion transfer certain domain names  
4 allegedly owned by Defendants. Both the motion for transfer of the domain names and execution  
5 of the writs served upon the financial services companies are opposed by a third party, Belvedere  
6 St. James, Ltd. ("Belvedere").  
7

8 A hearing on these matters is scheduled for November 14, 2008. Plaintiff is concerned  
9 that Belvedere or one of the Defendants may attempt to transfer two domain names,  
10 <adultactioncam.com> and <adultactioncams.com>, out of this Court's jurisdiction before that  
11 date. Counsel for Belvedere does not oppose the instant request.  
12

13 In the Ninth Circuit, a party seeking a restraining order must show either (1) a likelihood  
14 of success on the merits and the possibility of irreparable injury, or (2) the existence of serious  
15 questions going to the merits and the balance of hardships tipping in the movant's favor. *Roe v.*  
16 *Anderson*, 134 F.3d 1400, 1401-02 (9th Cir. 1998); *Apple Computer, Inc. v. Formula Int'l, Inc.*,  
17 725 F.2d 521, 523 (9th Cir. 1984). These formulations represent two points on a sliding scale in  
18 which the required degree of irreparable harm increases as the probability of success decreases.  
19 *Roe*, 134 F.3d at 1402.  
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21 In the instant case, Plaintiff has prevailed on the merits of the underlying action, and the  
22 only remaining issues concern how the final judgment will be satisfied. Plaintiff has presented  
23 sufficient evidence that Defendants or another third party may attempt to transfer the domain  
24 names out of this Court's jurisdiction in an attempt to evade the judgment. There is no evidence  
25 that the web-based businesses associated with these two domain names will suffer any economic  
26 harm if transfer is restrained between now and the November 14 hearing.  
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1 The Court has jurisdiction to enforce Plaintiff's request. Under the Anticybersquatting  
2 Consumer Protection Act, Congress has provided for *in rem* jurisdiction over domain names "in  
3 the judicial district in which the domain name registrar, domain name registry, or other domain  
4 name authority that registered or assigned the domain name is located." 15 U.S.C. §  
5 1125(d)(2)(A). Plaintiff has presented evidence that VeriSign, Inc. ("VeriSign") is the registry  
6 for "dot com" domain names. VeriSign is headquartered in Mountain View, California. A  
7 domain name registry manages ownership of domain names through the domain names'  
8 respective registrars. The current registrar for the domain names at issue here is Tucows, which  
9 is headquartered in Toronto, Canada. Because VeriSign is based in Mountain View, the res is  
10 located within the Northern District, and the Court may enjoin VeriSign from changing the  
11 registrar for the domain names. *See America Online, Inc. v. Aol.Org*, 259 F. Supp. 2d 449, 454-  
12 56 (E.D. Va. 2003).

### 15 ORDER

16 Good cause therefor appearing, IT IS HEREBY ORDERED that:

- 17 (1) Plaintiff's application for an order restraining transfer pending hearing is  
18 GRANTED. Defendants and any third parties, including VeriSign, Tucows, or  
19 Belvedere, are HEREBY ENJOINED AND RESTRAINED from changing the  
20 registry, registrar, or owner of record for <adultactioncam.com> or  
21 <adultactioncams.com> until after the resolution of Plaintiff's motion for transfer  
22 of domain names.
- 22 (2) Plaintiff shall serve this order on Defendants, Belvedere, VeriSign, and Tucows.  
23 This order shall be binding upon the parties to this action, their officers, agents,  
24 employees, banking institutions or attorneys and all other persons or entities who  
25 receive actual notice of this order by personal service or otherwise.
- 26 (3) Because there is no evidence that the order will result in any economic harm to the  
27 owners of the domain names, Plaintiff shall not be required to post a bond.

1 DATED: October 7, 2008



JEREMY FOGEL  
United States District Judge

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1 This Order has been served upon the following persons:

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