

October 30, 2006

Mr. Lanham Napier
Rackspace, Ltd.
9725 Datapoint Dr, Suite 600
San Antonio, Texas 78229
abuse@rackspace.com

RE: DMCA Counter-notification re: www.10zenmonkeys.com

Dear Mr. Napier:

My name is Jeff Diehl and I am the publisher of the Internet magazine **10 Zen Monkeys** located at www.10zenmonkeys.com. On September 22, 2006, Rackspace, Ltd. notified my hosting provider, Laughing Squid, of a notice sent by Michael Crook Internet Properties and Michael Crook ("Crook") pursuant to 17 U.S.C. Section 512 ("DMCA") claiming that infringing content had been posted to www.10zenmonkeys.com.

Specifically, Crook's notice claimed that a certain posting (<http://www.10zenmonkeys.com/2006/09/18/in-the-company-of-jerkoffs/>) contained an image (<http://www.10zenmonkeys.com/images/crookdork.jpg>) that allegedly infringed a Crook copyright.

On October 24, 2006, Crook sent a second DMCA notice claiming that the same posting (<http://www.10zenmonkeys.com/2006/09/18/in-the-company-of-jerkoffs/>) contained a link to the same image (<http://members.aol.com/viperspages/about/foxnews2.jpg>) that also allegedly infringed a Crook copyright.

On behalf of 10 Zen Monkeys and myself, I hereby counter-notice pursuant to 17 U.S.C. Section 512(g)(3) for both the September 22, 2006 and October 24, 2006 Crook DMCA notices. I have a good faith belief that both of these images were removed or disabled in error as a result of intentional misrepresentations by Crook both as to copyright ownership of the images and Crook's authorization to send the Notice. I also have a good faith belief that use of the material was non-infringing. I declare that this is true and accurate under penalty of perjury under the laws of the United States of America.

For purposes of this matter, I consent to jurisdiction of the Federal District Court for the judicial district in which I reside. I also consent to service of process by the person providing notification under Section 512(c)(1)(C) or that person's agent. However, by this letter, I do not waive any other rights.

Having complied with the requirements of Section 512(g)(3), I hope that you will allow replacement of the removed material within fourteen business days of your receipt of this notice.

I appreciate your prompt attention to this matter. If you have any questions about this notice, please do not hesitate to contact my attorney, Jason Schultz. He can be reached at the Electronic Frontier Foundation, 415-436-9333 x 112, jason@eff.org.

Yours sincerely,



Jeff Diehl
10 Zen Monkeys


cc: Scott Beale, Laughing Squid