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NORTHERN DISTRICT OF CALIFORNIA
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8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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JEFFREY DIEHL,

Plaintiff,

v.

MICHAEL CROOK,

Defendant.

) Case No. C 06-6800 SBA
) ~~PROPOSED~~ DISMISSAL ORDER
)
) DEPT: Courtroom 3
) JUDGE: Hon. Sandra Brown Armstrong

18 Having considered the parties' joint stipulation seeking dismissal of the above captioned
19 matter without prejudice, pursuant to the parties' Settlement Agreement, and good cause appearing,
20 it is HEREBY ORDERED that:

21 1 Defendant Michael Crook ("Crook") may not issue any future cease and desist
22 notices, notices under 17 U.S.C. § 512 ("DMCA notices"), requests for suspension, and/or any
23 other similar processes to any person or entity in connection with the use of any video or image
24 related to Crook's 2005 appearance on Fox News;

25 2. Crook will send email to every person or entity to which he previously sent a
26 DMCA notice and/or request for suspension in connection with the use of any video or image
27 relating to Crook's 2005 appearance on Fox News, withdrawing the notice and/or request;

28 3. Crook will refrain from submitting any future copyright cease-and-desist notices,

1 DMCA notices, requests for suspension, and/or other similar processes in connection with the use
2 of any copyrighted work, for a period of (five) 5 years from the date of the entry of this Order
3 unless the material in question was personally authored, photographed, or originated in a tangible
4 medium by, or formally assigned to, Crook and/or his spouse.

5 4. To the extent that Crook does issue any copyright cease-and-desist notices, DMCA
6 notices, requests for suspension, or other threats regarding use of a copyrighted work, for a period
7 of (five) 5 years from the date of the entry of the Order of Dismissal of this Action, Crook will first
8 evaluate whether the use in question is a fair use and, at the top of any such notice, will include the
9 Internet Uniform Resource Locator (URL) for (a) the webpage regarding this Action maintained
10 by Diehl's counsel, currently located <http://www.eff.org/legal/cases/diehl_v_crook/>; and (b) a
11 webpage containing a copy of this Order, the URL for which will be provided to Crook by Diehl's
12 counsel once the Order is entered and the webpage is created.

13 5. Crook will complete the following online courses on copyright law: *Understanding*
14 *Basic Copyright Law 2006: Introduction and Overview of Basic Principles of Copyright Law* and
15 *Copyright Office Practice and Advanced Seminar on Copyright Law 2006: Fair Use*.

16 6. By April 30, 2007, Crook will provide Diehl with certificates of attendance of the
17 above courses.

18 7. Crook has represented under penalty of perjury that he is indigent and that the
19 financial documents he has provided to Diehl to substantiate this claim are true and accurate to the
20 best of Crook's knowledge.

21 8. Based on the above representation of financial indigence, and review by Diehl's
22 counsel of financial documents Crook has provided, Diehl waives any claim for financial
23 compensation including attorneys' fees related to his causes of action against Mr. Crook in this
24 Matter.

25 9. Crook agrees that if he violates any term of this Order, including his representations
26 of his financial status, Diehl's remedies shall include, without limitation, the right to require Crook
27 to assign to Diehl all rights in any domain name Crook owns, as of the date of execution of this
28 Order and/or at the time of the violation. In return, Diehl agrees to give Crook at least 48 hours

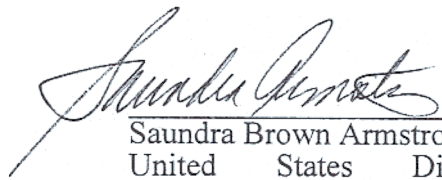
notice of any alleged violation by Crook of this Order before commencing any court action to enforce this Order, in order to provide an opportunity for Crook to cure said violations and/or volunteer to transfer all rights associated with the above references Internet domains.

10. Crook has made a video statement ("the Video"), acceptable to Diehl, apologizing to Diehl for sending false DMCA notices and requests for suspension. Crook has assigned all rights in the Video to Diehl, and has agreed that if Crook wishes to show the Video on any website or blog, he will do so exclusively via a link to the Video, the URL for which shall be provided by Diehl.

11. Crook will not revoke or deny any statement made in the Video in any forum.

12. This Court shall retain jurisdiction to resolve any dispute or controversy between the parties arising under or in connection with this Order. A magistrate judge may be assigned to resolve any such controversy or dispute.

Dated 3-15-07


Saundra Brown Armstrong
United States District Judge