CEASE AND DESIST LETTER

Date

To\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

RE: SocalLinux.Org Forum Defamation

Dear Messrs. Rustad and Kaiser:

Please be advised that this office represents ( ) of ( ). Kindly direct any and all future communications concerning this matter to our attention. Further, if you are represented by counsel then please direct this correspondence to the same for their review and consideration. Background. As you are aware, ( ) makes his living as a network systems security specialist. ( ) Profile, Training, and Experience are available for your perusal at http://www.linkedin.com/in/vissago) In particular, ( ) does presentations, similar to the one he did for SocalLinux.Org, to companies such as Qualcomm. (Qualcomm presentation video links: Part 1: http://vimeo.com/2847947;

Part 2: <http://vimeo.com/2879833>)

Libel. Libel is a false and unprivileged publication by writing, printing, picture, effigy, or other fixed representation to the eye, which exposes any person to hatred, contempt, ridicule, or obloquy, or which causes him to be shunned or avoided, or which has a tendency to injure him in his occupation. (Civil Code § 45) These acts by you have also placed \_\_\_\_\_\_\_\_\_\_\_\_\_ in a false light. (5 Witkin, Summary of California Law (9th Ed.), Torts, § 673, pp. 987-988) The defamatory character of language is measured according to the sense and meaning which such language may fairly be presumed to have conveyed to those to whom it was published. (Savage v. Pacific Gas & Electric Co. (1993) 21 Cal.App.4th 434, 447) Insinuating that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ did his demonstration for your group—as opposed to the many other groups he has done nearly the same demonstration for (see video links above)—with malevolent intent, that he had “secretly” committed misconduct against members of your group, and further continuously labeling him as a “script kiddie” and that his acts were “tantamount to pick pocketing,” “sophomoric,” that he set out to “steal

people’s passwords,” and imputing to \_\_\_\_\_\_\_\_\_\_\_ and implying other acts of dishonesty (regardless of whether they are couched in terms of an opinion or not) are derogatory and false statements of fact. With regard to your branding \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ a “script kiddie,” that term is commonly understood in the computer world as: “One who relies on premade exploit programs and files (‘script’) to conduct his hacking, and refuses to bother to learn how they work. The script kiddie flies in the face of all that the hacker subculture stands for-the pursuit of knowledge,

respect for skills, and motivation to self-teach are just three of the hacker ideals that the script kiddie ignores. While anyone can be a script kiddie, generally they are teenagers who want the power of the hacker without the discipline or training involved. …” (See www.urbandictionary.com/define.php?term=script+kiddie [emphasis added]) Given that the members of the audience on the forum in question “work at places like Apple, Google, Microsoft, ESRI, etc.” they would have understood your referencing Mr. Tentler in that manner as disparaging.

Please be further advised that your refusal to remove the postings (or at least make the postings private) will be additional evidence of malice and will be construed accordingly unless you take steps to rectify the situation outlined below.

As a result, we hereby demand that you either remove the forum posts referencing or

adverting to \_\_\_\_\_\_\_\_\_\_\_\_\_ or, at a bear minimum, make them private so that Google (or

any other search engine) is no longer able to index them.

To the extent that a demand for a retraction is required prior to the initiation of legal action this correspondence constitutes a demand for such a retraction. By statute, you have three weeks from the date of this demand to publish such a retraction.

In sum, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is seriously and in good faith contemplating litigation over this matter and we will allow you fourteen (14) days from the date of this communication to remove or make private the subject postings or legal action will be imminent. If you have any questions regarding the foregoing please feel free to contact this office.

Sincerely

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