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October 6, 2026

DigitalOcean, LLC
Attn: Security Operations Center / Trust & Safety
VIA EMAIL: abuse-replies@digitalocean.com

Re: ***Ticket #12670385 — Response to Revised Counter-Notice of Daniel Cosby; Continuing Objection to Restoration; Reservation of Rights Ref: !00Df2018t5m.!500QP01fNuay:ref***

To the Security Operations Center:

As you know, this firm represents Faith Temple Pentecostal Church ("**Faith Temple**"), the owner of the copyrights in the sermons and sermon recordings of Dr. Rosemary Redmon Cosby that are the subject of the above-referenced takedown. We acknowledge receipt of your email of October 6, 2026, forwarding a revised counter-notice signed by Daniel Cosby and advising that DigitalOcean will allow the account holder to restore the removed material unless it is informed of court action within ten days.

We write to supplement our letter of September 16, 2026, which we incorporate by reference, and to place DigitalOcean on notice of Faith Temple's position before any restoration occurs. We recognize that DigitalOcean does not adjudicate ownership disputes between its users and rights holders, and we do not ask it to. We raise the points below because DigitalOcean's own statutory protection depends on them.

1. The revised counter-notice remains deficient.

The revised submission now recites several of the elements our September 16 letter identified as missing. It remains deficient under 17 U.S.C. § 512(g)(3) in at least three respects.

(a) It does not identify the material or its location. Section 512(g)(3)(B) requires identification of the material removed and the location at which it appeared. The revised form describes only "[r]ecordings of my grandmother's sermons" and lists the root domain, https://soulrestorationministries.org/. It identifies no recording, file, or page, and so does not make clear whether the request for restoration is limited to the material identified in Faith Temple's notice or extends beyond it.

(b) It does not establish that it comes from the subscriber. Section 512(g)(3) requires a counter-notification signed by, and stating the name and address of, "the subscriber." The submission is made on behalf of "Daniel Cosby, Earnest Walton, and other family members," and is signed "Dan Cosby, Bishop, Soul Restoration ministries." As our prior letter noted, Soul Restoration Ministries' registration with the Utah Division of Corporations expired in 2024. A consent to jurisdiction and an agreement to accept service given on behalf of unnamed family members, or of an entity that no longer exists, does not supply the protection § 512(g)(3)(D) is meant to provide. If Mr. Cosby is not, individually, the account holder of record, the submission is not a counter-notification from the subscriber.

(c) Its sworn statement is contradicted by its own narrative. The form recites, under penalty of perjury, a good-faith belief that the material was removed "as a result of mistake or misidentification." The narrative identifies neither. It confirms that the material is exactly what Faith Temple identified: sermons of Dr. Cosby delivered at Faith Temple. It concedes that possession of a physical recording does not establish copyright ownership, and it asks that the material be restored "while this matter is reviewed." It also abandons the theory of the original counter-notice—that an unnamed uncle is a co-owner of Dr. Cosby's "copyright estate"—in favor of a new assertion that the recordings were given to Mr. Cosby by his grandmother. No probate or other evidence of intestate succession has been produced to support the first theory. The second fails on its face: a gift of a physical copy conveys no copyright interest, *see* 17 U.S.C. § 202, and a transfer of copyright by gift requires a signed writing, *see* 17 U.S.C. § 204(a), which no one has offered.

2. Restoration outside the statute may expose DigitalOcean to liability.

Section 512(g)(4) provides that a service provider's "compliance with paragraph (2)" will not subject it to liability for copyright infringement for restoring material. That protection is conditional. Compliance with paragraph (2) presupposes "receipt of a counter notification described in paragraph (3)," and requires that the material be restored "not less than 10, nor more than 14, business days following receipt of the counter notice." 17 U.S.C. § 512(g)(2)(B)–(C). A submission that does not substantially include the elements of § 512(g)(3) is not "effective under this subsection." 17 U.S.C. § 512(g)(3).

If DigitalOcean restores the material, or permits the account holder to restore it, in reliance on a counter-notice that does not satisfy § 512(g)(3), or before the statutory period has run, it will not have the benefit of § 512(g)(4). DigitalOcean would then be hosting material it has been specifically notified is infringing, with the facts set

out in our September 16 letter and in this letter before it. Its exposure would be governed by the ordinary principles of secondary copyright liability.

In that event, Faith Temple reserves the right to pursue all remedies against DigitalOcean available to it as allowed by law, including claims for contributory and vicarious infringement and the remedies provided by 17 U.S.C. §§ 502–505. We would prefer to resolve this matter without involving DigitalOcean in litigation, and we trust that will not be necessary.

3. DigitalOcean is not required to restore the material.

Section 512(g) does not, by its terms, require a service provider to restore anything. The restoration procedure in § 512(g)(2) is a condition of the limitation on liability in § 512(g)(1); it is not a mandate. DigitalOcean's Acceptable Use Policy separately prohibits use of its services in a manner that "violates, infringes on or misappropriates the intellectual property or proprietary rights of any third party, including without limitation any rights in or to copyright." It also reserves DigitalOcean's right, in its discretion, to "remove, disable access to, or modify any content or resource."

Given the deficiencies described above and the notice DigitalOcean now has, we respectfully ask that DigitalOcean exercise that discretion and keep the material disabled.

4. Requests and reservation of rights.

Faith Temple requests that DigitalOcean:

(a) Not restore, or permit the account holder to restore, the removed material while this dispute is pending;

(b) Confirm whether Daniel Cosby, individually, is the account holder of record for the account associated with soulrestorationministries.org;

(c) Confirm the date on which DigitalOcean received the revised counter-notice, and the earliest date on which it would permit restoration, computed in business days under § 512(g)(2)(C);

(d) Continue to preserve all records identified in our September 16 letter, which remains in effect as a litigation hold notice; and

(e) Direct all further communications regarding this matter to the undersigned.

Faith Temple continues to reserve all claims against Mr. Cosby and any person acting in concert with him, including claims under 17 U.S.C. § 512(f) for material misrepresentation in the counter-notice. Nothing in this letter waives any right, claim, or remedy, all of which are expressly reserved.

Respectfully,

SMITH KNOWLES



Ken Brown
Attorney at Law