



LAW OFFICES OF DARSHAN PATEL, APC

Darshan Patel, Esq.
Dpatel@lawpatel.com

R. Alan Smith, Esq.
asmith@lawpatel.com

October 4, 2019

Craig Cote, Esq.
Joseph Manning, Esq.
Manning Law Group
20062 SW Birch Street, Suite 200
Newport Beach, CA 92660

craigc@manninglawoffice.com
jmanning@manninglawoffice.com

NOTICE TO PRESERVE DOCUMENTS

REF: **Dona Dugo v. Bay Bridge Inn**

Dear Craig and Joseph:

The purpose of this letter is to notify you of your obligation to take reasonable steps to preserve and retain all hard copies and electronically stored information ("ESI"), as defined by Rule 34 of the Federal Rules of Civil Procedure relevant to this Action.

To fulfill your preservation obligation, you must take reasonable steps to preserve all hard copy documents and ESI relevant to this Action, including, but not limited to:

1. suspending your data destruction and backup tape recycling policies;
2. preserving relevant software, including legacy software (unless an exact copy or mirror image is made and stored) and hardware that is no longer in service but was in service during the relevant time period;
3. retaining and preserving necessary information to access, review and reconstruct (if necessary) relevant ESI, including identification codes and passwords, decryption applications, decompression software, reconstruction software, network access codes, manuals and user instructions;
4. retaining and preserving relevant backup tapes or other storage media; and
5. any other reasonable steps necessary to prevent the destruction, loss, override or modification of relevant data either intentionally or inadvertently, such as through implementation of your document retention policy.

All ESI must be preserved intact and without modification.

This above list is not exhaustive, and you must preserve all information that is potentially relevant to this Action.

We believe that, among other information, the following information is relevant to the case and must be preserved:

Browser search history regarding compliance to 28 C.F.R Section 36.302(e).

The foregoing list is not exhaustive, and you must preserve all information relevant to this Action.

In addition, we believe that at least Dona Dugo possesses, authored, or received relevant documents.

The foregoing list is not exhaustive, and you must preserve all information relevant to this Action.

In addition, you must take reasonable steps to preserve all hard copy documents and ESI relevant to this Action that are not in your possession but are in your custody or control.

As with documents in your possession, all ESI in the possession of non-parties must be preserved intact and without modification.

Potentially relevant ESI may include: active, archived, and deleted copies of ESI, such as emails, voicemails, text messages, instant messages (IMs), calendars, diaries, word processing files, spreadsheets, PDFs, JPEGs, PowerPoint presentations, search history relevant to 28 C.F.R Section 36.302(e) , database files, temporary internet files, cookies, and .ZIP files, among others whether stored online, offline, in a cloud-based server or in other electronic storage, or on any computers, handheld devices, tablets, cell phones or other devices over which you have possession, custody, or control.

We believe that relevant documents and information may exist in the browser search history within ESI of Dona Dugo.

The foregoing list is not exhaustive, and you must preserve all information relevant to this Action.

Your failure to preserve relevant data may constitute spoliation of evidence, which may subject you to sanctions. We trust that you will preserve for the duration of this Action all relevant hard copy documents and ESI. In the event of a dispute arising out of your failure to preserve documents, we will rely on this letter in court as evidence of our request and notice of your preservation obligations.

Thank you in advance for your cooperation.

Sincerely,



R. Alan Smith, Esq.

Cc: Darshan Patel, Esq.
Kumar Mahesh, Esq.