



[Redacted]
[Redacted]

[Redacted]

[Redacted]

RE: [Redacted]

To Whom It May Concern:

Please be advised that the Office of General Counsel of the [Redacted] requires your assistance with respect to preserving agency information in litigation currently pending adjudication before the Equal Employment Opportunity Commission (EEOC) concerning a complaint of discrimination filed by [Redacted]. I have been designated as one of the Agency's representatives in this matter.

[Redacted] has filed a complaint with the EEOC alleging s/he is being discriminated against based upon [Redacted]. You have been identified as a person who may have knowledge of facts and/or circumstances surrounding this matter. Accordingly, you may be called as a potential witness or otherwise called upon to provide evidence relevant to the issues raised in [Redacted] complaint.

I am writing to advise you that [Redacted] legal duty to proactively take steps to preserve potential evidence has been triggered because litigation is reasonably anticipated at this time. [Redacted] is required by law to take all reasonable steps to preserve all documents and data relating [Redacted] complaint of discrimination.

In connection with this complaint, the agency's legal obligation extends to *all documents and data* (regardless of its format) relevant to this matter.

You have been identified as a person who may have knowledge of facts and/or circumstances surrounding this matter. Accordingly, you may be called as a potential witness or otherwise called upon to provide evidence relevant to the issues raised in [Redacted] complaint.

Areas of specific focus should include, but not be limited to:

1. Any notes from meetings discussing [REDACTED];
2. Any electronically stored information in your possession regarding [REDACTED] including emails to, from, or regarding [REDACTED];
3. Any correspondence or notes regarding [REDACTED] specifically correspondence regarding any case or matter [REDACTED];
4. Any personnel records regarding [REDACTED];
5. Any complaints, with associated documentation and response, regarding [REDACTED] and [REDACTED];
6. Physical copies of any records kept regarding [REDACTED].

This list is not intended to be exhaustive. Instead, it is intended to assist you in identifying potential evidence in your custody and/or control that the agency is obliged to preserve and protect from destruction.

The agency has a duty to conduct a reasonable inquiry in an effort to identify, collect, and protect such responsive documents and information. The agency is required to preserve this potential evidence in whatever form it is generated and maintained. This requirement applies to paper copies as well as electronically stored information ("ESI") on computer systems, on removable or portable electronic storage media (e.g. laptop computers, portable hard drives, memory sticks, CDs, floppy disks, Blackberries, PDAs), and on personal home or portable computers. All ESI and other records containing information related to the subject of this dispute, including emails, and other electronic communication (e.g. text messages), word processing documents, spreadsheets, databases, calendars, telephone logs, internet usage files, network access information, information on other kinds of media (e.g. PDAs), digital voicemail, and data files (e.g. graphics, photographs, slides, prints, GIS data) must be retained until resolution of this matter. ESI should be preserved in its originally-created, or "native," format. In addition, you should retain non-electronic documents and evidence in whatever form, including but not limited to: personal or desk files, calendars, notes, correspondence, drafts (partial or complete), policies, manuals, etc. This litigation hold applies equally to documents created before and after your receipt of this letter.

Failure to preserve and retain information may result in severe sanctions. Consequently, if you are unsure whether certain information should be preserved, err on the side of caution and preserve the information until you have spoken to me about it. If you have any questions about how to preserve certain ESI, please contact me.

It is critical that you identify all record-keeping centers that are likely to maintain documents and information of the sort described above as soon as possible. Upon identifying the appropriate record-keeping centers, please contact each of them in writing and instruct them to immediately initiate measures to preserve all documents relevant to this matter. Such documents bear on this matter, may be discoverable, and must be maintained regardless of any routine document retention or destruction policies. As such, data destruction and any recycling policies (e.g. back up tape overwriting) must be immediately discontinued until further notice. In addition, please provide us with a list of the relevant record-keeping centers you have identified and instructed to preserve documents. As this matter progresses, please periodically

check with your record-keeping centers to confirm that your instructions have not been countermanded without notice.

In sum, nothing covered by this letter may be lawfully destroyed. The agency has a duty to preserve all potentially relevant documents and failure to do so can result in severe sanctions. As such, if you have any doubt concerning your role in implementing this Litigation Hold, please do not hesitate to contact me. [REDACTED]

[REDACTED]

