

**PRIVILEGED AND CONFIDENTIAL – ATTORNEY WORK PRODUCT
AND ATTORNEY-CLIENT COMMUNICATION**

TO:
FROM: Assistant General Counsel
DATE:
RE: Preservation Directive Relating to Litigation
Jane Smith v. ABC Inc.
Court of Common Pleas of Any County, Pennsylvania, 2012-cv-012345

IMPORTANT: PLEASE READ IMMEDIATELY

This is a matter of importance that relates to pending litigation adverse to ABC Inc. and David Boss, plant manager of our Pittsburgh facility. As Assistant General Counsel, I require your assistance to preserve documents, including electronically stored information, which may relate to the above matter (the “Smith Litigation”).

Analysis

Overview. The Smith Litigation involves claims by a former employee (Jane Smith) at our Pittsburgh facility. Smith was involved in a workplace incident on August 30, 2012 with a coworker, James Doe. ABC terminated its employment of Smith and Doe. Smith’s complaint alleges various types of employment discrimination, including gender discrimination and retaliation for her efforts at filing a workers compensation complaint. Smith alleges that two male coworkers (Jackson Cole and Mike King) committed similar or more serious workplace infractions without discipline. Smith also alleges she was defamed at some meetings held at Pittsburgh in September 2010. We see no merit to Smith’s claims, and we have instructed outside legal counsel to defend the claims. Although we do not believe that the claims against ABC and Mr. Boss are meritorious, it is important that potentially relevant information be preserved. Smith’s attorney has requested production of potentially relevant electronically stored information.

Preservation instruction. Accordingly, we need your cooperation to identify and preserve all hardcopy information, such as memos, notes, correspondence, calendars, and personnel files (“Documents”), and electronically stored information, such as computer files, emails, documents stored on hard drives and network shares, structured data in SAP and any other databases, and digital information of all kinds (“ESI”) that relate or pertain in any way to the following subjects:

- **ABC’s employment of Jane Smith and the termination of her employment, particularly events occurring from September 1, 2010 through August 30, 2012.**
- **ABC’s employment of James Doe and the termination of his employment, particularly events occurring from September 30, 2010 through August 30, 2012.**

- **ABC’s employment of Jackson Cole and Mike King, and any known incidents they were involved with in the nature of workplace violence or destruction of company property.**
- **All efforts made by Jane Smith to commence a workers compensation claim based on injuries she alleges to have sustained in the workplace on or about August 30, 2012.**
- **Any and all safety stand-down meetings and/or all-employee meetings held at ABC’s Pittsburgh facility in September 2010 through August 2012, in which Jane Smith was discussed in any fashion, directly or indirectly.**
- **An August 3, 2012 entry into the Pittsburgh facility by Jane Smith’s husband (including any security camera footage).**

Relevant time period. Except where otherwise indicated above, the time period for potentially relevant Documents and ESI is September 1, 2010 through August 30, 2012. Because the dispute is ongoing, potentially relevant Documents and ESI generated or received in the future are also subject to this direction.

Key players. At this time, the individuals most likely to have discoverable Documents or ESI, designated here as the “Key Players,” are the following people (note that Smith and Doe are not current employees and will not receive this document):

Jane Smith and James Doe
Jackson Cole
Mike King
Richard Corson
Denise Starr
Josh Puckett
Dave Corson
Bill Anderson
Andy Molner
Jane Lamp

What you must do. The potentially relevant Documents and ESI described above are referred to as “Preserved Information” throughout the remainder of this memo.

Do not destroy, dispose of, move or alter any Preserved Information, whether a draft, a final, or even a duplicate copy. You must suspend your normal routines and practices (if any) regarding deletion or modification of all Preserved Information, even if the Documents or ESI are unused or no longer needed for business purposes. You must take all reasonable actions necessary in order to retain any and all Preserved Information until further notice.

In applying this rule, you should construe the scope of this preservation directive broadly. If you have any questions about whether a Document or ESI constitutes Preserved Information, please call me as soon as possible. Please do not in any way alter, or even copy or resave any

computer records or other ESI, such as emails and documents, which you believe are covered by this Preservation Directive, as these actions may alter certain computer characteristics or metadata of the files that may be important.

Examples of types of materials that must be preserved. Preserved Information may include, but is not limited to, e-mails and attachments, text messages, instant messages, voicemails, word processing documents, calendars, spreadsheets, PowerPoint presentations, databases, security camera footage, telephone logs, contact manager information, and Internet usage files.

Places where Preserved Information might be located. You should preserve hard copy files, computer hard drives, removable media (e.g., thumb drives, CDs and DVDs), PDAs, BlackBerry devices, network shares, and any other locations where Preserved Information might be stored. This directive includes any computer you may have used that stores Preserved Information, including laptops, home computers, or other personal electronic storage devices. It also includes inaccessible storage media, such as back-up tapes, which may contain relevant ESI if such ESI does not exist in any other form.

Collection. You will be contacted soon as to steps that might be taken to collect relevant Documents and ESI. Please do not attempt to do this yourself without first receiving further instructions.

This Notice Supersedes Other Retention Policies. This Preservation Directive supersedes all existing instructions with regard to ABC's records retention policies and will remain in force until further notice.

Thank you for your cooperation and assistance. And again, if you have any questions about the requirements of this directive, or need help to comply with it, please contact me as soon as possible.

Assistant General Counsel
ABC Inc.