

DATE

Via U.S. Mail & Email

[Opposing Counsel or Relevant Contact]

RE: [Case Information]

Dear [Opposing Counsel or Relevant Contact]:

This letter is to give you notice that we intend to seek electronic evidence through discovery. We wish to arrange an inspection of your client's [*select all that apply*] computers, laptops, personal electronic devices, mobile devices, GPS devices, social media accounts, and emails.

Please preserve and prevent the deletion of all data in your client's possession, custody or control, including but not limited to: mobile device data; data contained on laptops, tablets, desktops or servers; data stored in the cloud, such as emails or documents; and, data on social platforms.

Do not dispose of any of this material, as I expect that it will be both discoverable and admissible. Should your failure to preserve potentially relevant evidence result in the corruption, loss or delay in production of evidence to which we are entitled, such failure would constitute spoliation of evidence, with all the attendant adverse consequences.

Sincerely,

DATE

Via U.S. Mail & Email

[Client]

RE: [Case Information]

Dear [Client]:

Preservation of electronic files and electronically stored information for litigation is extremely important, and courts have imposed penalties against parties who have not met their preservation obligations, which could have a significant adverse impact on your rights in this case. In general, you have a legal duty to preserve all relevant material; materials that relate directly, or indirectly to the underlying dispute. In this case, *[describe action]*.

Preservation should be interpreted in the broadest sense to accomplish the goal of maintaining the integrity of all documents, data and tangible things that are reasonably anticipated to be subject to discovery in this case. A duty to preserve means taking steps to prevent the destruction or alteration of relevant materials. If you engage in a routine policy or process of destruction, recycling, alteration, or relocation of any documents, data, or tangible things (for example, the automatic deletion of old emails), it is essential to immediately halt such policies or processes, sequester or remove relevant material from the policy or process or arrange for the preservation of complete and accurate duplicates or copies of such materials suitable for later review if necessary.

*[Optional, if business is involved.]* You may want to communicate directly with your information technology manager to ensure that all electronic files on your servers are regularly backed up and that all back-up files and any off site or cloud files will be maintained and not destroyed during the duration of this litigation. The duty to preserve extends to materials in your possession, custody, or control.

Please let us know if you have any questions about the foregoing.

Sincerely,