

[Name]
[Address]

Dear _____,

Our firm represents _____ [defendant's name] in connection with _____'s [plaintiff's name] claim against [him/her] for everything under the sun.

As part of our representation of _____ [defendant's name], we will be requesting documents in support of _____'s [defendant's name] counterclaims and the defense of the claims that your client may have against [him/her]. As part of this discovery process we have a right to examine all of _____'s [plaintiff's name] relevant records, reports, notes, letters, statements, emails, correspondences, calendars, documents and writings, among other things. These documents include paper writings and records but also consist of electronic, taped and computerized writings as well. These records further include computer files, faxes, email messages, instant messages, text messages, web history, and all other electronic files on any personal computers, work computers, computer storage devices, digital cameras, social networking sites, PDAs, Blackberrys, iPhones, and/or cell phones that _____ [plaintiff's name] used or may have used since January 1, 20___. We consider all of this information to be important evidence that should be preserved and we ask that you please take immediate steps to preserve such information.

Therefore, please advise _____ [plaintiff's name] not to destroy, erase or overwrite any writings or documents, regardless of physical form or type, that, in any manner, pertain to [his/her] claim against _____ [defendant's name], including, but not limited to any communications that _____ [plaintiff's name] had or may have had with any third party regarding this matter.

_____ [plaintiff's name] should ensure that all sources of potentially relevant information are identified and placed "on hold" to the extent required. Should document retention systems now in effect by _____ [plaintiff's name] perform automatic destruction or deletion of documents, information or data, you are hereby advised of your duty to immediately commence a litigation hold on these systems to prevent the spoliation, deletion or destruction of potentially relevant electronic materials, whether in digital or electronic form or hard copy. The form of materials to be preserved includes, but is not limited to the following:

- Electronic mail and file attachments including stored, deleted, sent or received mail;
- Electronic communication including texts, chats, video calls, Google Hangouts or chats, Skype, Facetime or any other electronic communication in any form;
- Electronic or other calendars;
- Data files on any computer including desktops, laptops, servers or other electronic device, including online storage;
- Hard drives, floppy disks, CDs, DVDs, flash drives or other data storage units or devices;

- Back-up tapes;
- Databases and related structural information, file remnants, and hidden or archived data and metadata.

On behalf of _____ [*defendant's name*], we hereby request that _____ [*plaintiff's name*] cease and desist any activities, implementation of policies or other acts, the result of which would inadvertently or intentionally result in the deletion or destruction of materials which may be the subject of a discovery request or may be potentially relevant. Upon receipt of this letter, an immediate back-up of any data should be made of the potentially relevant information, both on personal computers, smart phones, laptops, work computers or devices, and data and back-up tapes should be preserved and not recycled.

Cordially yours,

Attorney for Defendant