

**[Standard Litigation Hold Notice Letter]****[TBR Guideline G-075 / Appendix A]**

To: _____

From: _____

Date: _____

RE: LITIGATION HOLD NOTICE LETTER: Notice to Preserve Information and to Prevent Deletion or Destruction of Emails or other Electronic and Paper Files

The Institution has been [sued in federal court] by _____.

_____ can be expected to allege the following wrongful acts by the Institution's employees _____.

Pursuant to the rules of court, the Institution is required to take all reasonable steps to identify all hard copy and digitally maintained files (e.g., electronic records) that contain documents that may be relevant to the case. The electronic records that must be maintained include, but are not limited to: electronic mail; electronic files of all types (Microsoft Word, Excel, Adobe, etc.); recordings of telephone calls or meetings; voicemail messages; video tapes, and audio tapes. Failure to do so could result in sanctions being issued by the court that could seriously harm our ability to defend the case.

Therefore, it is imperative that you take all reasonable steps to prevent the automatic, intentional or accidental destruction of this information and data, including attorney-client privileged communication. You should conspicuously label any documents or data that include attorney-client privileged communication. **IMMEDIATELY HALT ALL ROUTINE HOUSEKEEPING OR DELETION EFFORTS** that could modify or destroy the following files:

1. All electronic records / electronically stored information and hard copy document files involving the following:
 - a.
 - b.
 - c.
 - d.
 - e.
 - f.
 - g.

Be advised that any new hard copy or electronic records created after the date of delivery of this letter that are relevant to this matter are not to be destroyed and you must take the appropriate



steps to avoid the destruction of such documents. NEW RECORDS THAT ARE SUBJECT TO THIS NOTICE MUST BE RETAINED UNDER THIS LITIGATION HOLD IN THE SAME MANNER AS EXISTING DOCUMENTS.

PRESERVE ALL ELECTRONIC RECORDS IN THE FORM IN WHICH THEY CURRENTLY EXIST UNTIL FURTHER NOTICE. IT IS IMPERATIVE THAT YOU RETAIN THE DOCUMENTS IN THEIR ORIGINAL ELECTRONIC FORM. IT IS NOT SUFFICIENT TO PRINT ELECTRONIC RECORDS AND RETAIN PAPER COPIES.

Other information may be identified as our investigation of the matter continues. I will follow up with you soon to discuss any information that you may have and how we may go about collecting it.

Please return a signed copy of this notice letter prior to _____ indicating that you have received it and understand the instructions that you have received. If you have any questions, please contact me at _____. Please also note that the Institution's obligation is continuing and you should not delete or modify these files until you receive written notice from me that we are no longer under a duty imposed by the court to preserve these records.

The Institution will exercise all reasonable methods to protect the privacy of the preserved data. The purpose of this litigation hold notice is to comply with federal law. It is not intended to and should not suggest any assessment of the merits of _____ claim.

I understand that these requirements may create a burden for you and I am prepared to discuss with you any questions or concerns that you may have. I appreciate your cooperation in this matter.

I ACKNOWLEDGE RECEIPT OF THIS LITIGATION HOLD NOTICE AND I UNDERSTAND THAT I HAVE AN AFFIRMATIVE OBLIGATION TO COMPLY WITH THE DIRECTIVES SET FORTH HEREIN.

Employee Name (Print)

Employee Signature

Date