



**BURMAN, CRITTON, LUTTIER
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A LIMITED LIABILITY PARTNERSHIP

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May 12, 2009

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PARALEGAL / INVESTIGATOR

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RITA H. BUDNYK
OF COUNSEL

Sent by E-Mail and U.S. Mail

Robert C. Josefsberg, Esq.
Podhurst Orseck, P.A.
25 West Flagler Street, Suite 800
Miami, FL 33130

Re: 

Dear Bob:

By this letter, you and your clients are hereby given notice not to destroy, conceal or alter any paper or electronic files and other data generated by and/or stored on your clients' computer and storage media (e.g., hard disks, backup tapes), or any other electronic data, such as voice mail. This includes Facebook, MySpace and any other social networking services. As you know, your clients' failure to comply with this notice can result in severe sanctions being imposed by the Court and liability in tort for spoliation of evidence or the adverse inference being imposed.

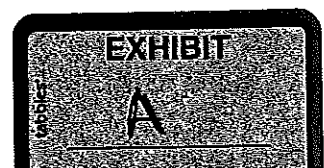
In order to avoid spoliation, you must be prepared to provide the data requested on the original media. They must not reuse any media on which potentially relevant data is presently stored.

Although we may bring a motion for an order preserving documents and things from destruction or alternation, your clients' obligation to preserve documents and things for discovery in this case arises in law and equity independently from any order on such motion.

L • A • W • Y • E • R • S

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Electronic documents and the storage media on which they reside contain relevant, discoverable information beyond that which may be found in printed documents. Therefore, even where a paper copy exists, we may seek all documents in their electronic form along with information about those documents contained on the media. We also may seek paper printouts of only those documents that contain unique information after they were printed out (such as paper documents containing handwriting, signatures, drawings, annotations, highlighting and redactions) along with any paper documents for which no corresponding electronic files exist.

Our discovery requests may ask for certain data on hard disks, floppy disks and backup media used in your clients' computers, some of which data are not readily available to an ordinary computer user, such as "deleted" files and "file fragments." As you may know, although a user may "erase" or "delete" a file, all that is really erased is a reference to that file in a table on the hard disk unless overwritten with new data, a "deleted" file can be intact on the disk as any "active" file you would see in a directory listing.

With regard to electronic data created subsequent to the date of delivery of this letter, relevant evidence is not to be destroyed, and your clients are to take whatever steps are appropriate to avoid destruction of evidence.

In order to assure that you and your clients' obligation to preserve documents and things will be met, please forward a copy of this letter to all persons with custodial responsibility for the items referred to in this letter.

Cordially yours,



Robert D. Critton, Jr.

RDC/clz

cc: Jack Goldberger, Esq.
J. Michael Burman, Esq.
Michael J. Pike, Esq.