

USER LITIGATION HOLD NOTICE AND CERTIFICATION FORM**PRIVACY ACT PROTECTED****I. NOTICE**

Please be advised that, by and through this Notice, we, the United States Attorney's Office for the Southern District of Florida ("USAO"), have instituted a "Litigation Hold" in connection with the claims set forth in *Jane Does #1 and #2*, *United States*, Case No.: 08-80736-CIV-MARRA/Johnson regarding alleged violation of the petitioners' rights under the Crime Victim's Rights Act ("CVRA").

To institute this Litigation Hold, we are implementing preservation procedures regarding any and all records, data, or other information, whether they exist in paper form or as electronically stored information ("ESI"), within the USAO's possession, custody or control relating to the Complaint/Claims (collectively, "Information"). The USAO's obligation to preserve this Information pertains not only to paper copies, or "hard copies" (whether in draft or final, partial or complete, versions), but also to ESI in its originally-created, or "native" format, as it exists on any computer system (whether it be on the USAO's system or your personal computer), as well as removable or portable electronic storage media. Specific examples of Information subject to this Litigation Hold include, but are not limited to, e-mails and other electronic communications, word processing documents, records, spreadsheets, databases, calendars, telephone logs, internet usage files, network access information, and information on other kinds of media, including PDAs (such as Palm Pilots, BlackBerries, and cell phones), thumb drives, CDs, as well as digital voicemail and text messages.

Because the USAO must take reasonable steps to preserve such Information in whatever form it has been created and maintained, the USAO's Lit Hold Coordinator and Systems Manager must coordinate with all those who may have such Information. We therefore require your assistance to both identify and preserve any and all Information relating to the Complaint/Claims, whether or not the Information is ultimately discoverable. Furthermore, we must confirm that you understand and accept your preservation obligations under this Litigation Hold.

Accordingly, you are required to take the two following steps: (1) Identify to us all such Information and where it resides (in Section II below); and (2) Certify having received notice of this Litigation Hold and understanding and accepting your preservation obligations under this Litigation Hold (in Section III below). [NOTE: *While seeking to identify all such Information, please refrain to the maximum extent possible from opening emails/files you believe to be relevant.*]

II. IDENTIFY ALL INFORMATION SUBJECT TO THE LITIGATION HOLD

Please identify all locations where the Information described above may exist: **CHECK ALL THAT APPLY**

Hard Copy Documents: Printed Emails Case Files/Logs Calendars/Appointment Books Other

USAO System – Microsoft Outlook:

Email Messages Calendar Items Tasks Telephone Data
 Notes Public Folders Contacts
 .PST Files ("Archive") Office Communicator

USAO System – EVolP:

(continued on next page)

ATTACHMENT 1

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USAO System – Network Data (i.e., documents/files and folders residing on network drives):

- Personal (N, H & M) Drive Document/Files/Folders Shared Files/Folders LIONS/Alcatraz/USA-5
 Inter- and Intra-net Other

USAO System – Mobile PIN/SMS:

- Blackberry/Other

USAO System – Classified/Special Data:

- Document/Files/Folders/Other

Non-Network Data (i.e., documents/files and folders residing on local hard drives and thumb drives):

- Local (C & D) Drives Portable Media/Thumb Drives Deleted Items (Recycle Bin)

Personal Non-Network Data (located or residing somewhere other than the USAO System):

- Document/Files/Folders Internet Email Messages Portable Media/Thumb Drives
 PDAs/Other

III. CERTIFICATION

By this Notice and Certification, I acknowledge that I have received, understand, and accept my obligations to preserve any and all Information (as defined above) I may have now, as well as all such Information I may subsequently receive, create or modify. I further understand and accept that my continuing Litigation Hold obligations require that I preserve all such Information in "native" format and, conversely, that I not delete or destroy any such Information until I receive formal written notice that this Litigation Hold is discontinued. To fulfill these continuing obligations, I will undertake the necessary steps to preserve this Information, be it "hard copy" and/or ESI, in coordination with the USAO's Lit Hold Coordinator and Systems Manager.

Please be advised that failure to preserve and retain this Information may result in sanctions and/or implicate professional conduct rules. Consequently, if you are unsure whether certain information should be preserved, err on the side of caution and preserve the information until you have spoken to the USAO's Lit Hold Coordinator about it. If you have any questions about whether to preserve certain ESI, or its native formatting, please contact the USAO's Lit Hold Coordinator or Systems Manager.

Please sign below to acknowledge you have read this Notice and Certification and understand and accept your preservation obligations, then return the executed copy to the USAO's Lit Hold Coordinator. Thank you.

User Signature: 

Date of User Signature:

11/5/10

cc: USAO Lit Hold Coordinator
National Preservation Officer
USAO Systems Manager

INFORMATION CONTAINED IN THIS FORM MAY CONSTITUTE PRIVATE, CONFIDENTIAL AND/OR SENSITIVE, AS WELL AS PERHAPS ALSO PRIVILEGED AND/OR OTHERWISE PROTECTED, INFORMATION