

THE BUSINESS PRACTICE
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Jonathan M. Parisi
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VIA EMAIL AND PRIORITY MAIL

Kyle R. Curtis
1532 Providence Church Rd.
Pleasant Garden, NC 27313
Kylercurtis@gmail.com
live@nonseqshow.com

**Re: McRae v. Curtis
Pre-Litigation Notice to Preserve Data**

Mr. Curtis:

As you may be aware, we represent Mr. Steven McRae in the pending legal action against you (file no. 19CVS8163).

This letter is to put you on notice of your obligation to keep and preserve all documents and electronically-stored information that is potentially relevant to Mr. McRae's claims. Please be advised that we believe electronically-stored information will be an important and irreplaceable source of discovery and/or evidence in this matter. You are required to preserve all information from your computer systems, removable electronic media, and other locations. This includes, but is not limited to, email and other electronic communication, word processing documents, spreadsheets, databases, calendars, telephone logs, internet usage files, network access information, and specifically, the contents of the NonSequitur YouTube Channel and podcast at the heart of this dispute.

You should also preserve the following: databases, networks, computer systems, including legacy systems (hardware and software), servers, archives, backup or disaster recovery systems, tapes, discs, drives, cartridges and other storage media, laptops, personal computers, internet data, personal digital assistants, handheld wireless devices, mobile telephones, paging devices, and audio systems (including voicemail).

All of the information should be preserved for the following dates and time periods:
December 1, 2017 through the present.

PRESERVATION OBLIGATIONS

The laws and rules prohibiting destruction of evidence apply to electronically-stored information in the same manner that they apply to other evidence. Due to its format, electronic information is easily deleted, modified or corrupted. Accordingly, you must take every reasonable step to preserve this information until the final resolution of this matter. This includes, but is not limited to, an obligation to:

- Discontinue all data destruction and backup tape recycling policies;
- Preserve the contents of the existing NonSequitur YouTube Channel, including but not limited to all videos, comments, and other material associated with the Channel;
- Preserve and not dispose of relevant hardware unless an exact replica of the file (a mirror image) is made;
- Maintain all other pertinent information and tools needed to access, review, and reconstruct necessary to access, view, and/or reconstruct all requested or potentially relevant electronic data.

DESCRIPTION OF DATA SOUGHT

This matter requires preservation of all information from your computer systems, removable electronic media and other locations relating to the NonSequitur Show and Mr. McRae. This includes, but is not limited to, email and other electronic communication, word processing documents, spreadsheets, databases, calendars, telephone logs, contact manager information, Internet usage files, network access information, and specifically, the contents of the NonSequitur YouTube Channel and podcast.

Electronic Files. You have an obligation to preserve all digital or analog electronic files in electronic format, regardless of whether hard copies of the information exist. This includes preserving active data, archived data, deleted data, and legacy data.

Hardware. You have an obligation to preserve all electronic processing systems, even if they are replaced. This includes computer servers, stand-alone personal computers, hard drives, laptops, PDAs, and other electronic processing devices.

Emails. You have an obligation to preserve all potentially relevant emails that were sent or received. Email must be preserved in electronic format, regardless of whether hard copies of the information exist.

Internet Web Activity. You have an obligation to preserve all records of Internet and Web-browser generated files in electronic format, regardless of whether hard copies of the information exist. This includes Internet and Web-browser-generated history files, caches and “cookies” files stored on backup media or generated employees of You.

Other Relevant Information. You should preserve all documents and data relating to computer systems, programs, software, hardware, materials, tools or information concerning the NonSequitur Show or Mr. McRae, including without limitation all changes, modifications, versions, and evidence that the document was disseminated and to whom.

PRESERVATION COMPLIANCE

Activity Log. In order to show preservation compliance, you must maintain a log, documenting all alterations or deletions made to any electronic data storage device or any electronic data processing system.

Mirror Images. You must secure a mirror image copy (a bit-by-bit copy of a hard drive that ensures the computer system is not altered during the imaging process) of all electronic data contained on your personal computer. The mirror image should include active files, deleted files, deleted file fragments, hidden files, directories, and any other data contained on the computer. You must also collect and store any offline or online storage devices that contain data from any electronic processing devices containing information about or concerning Mr. McRae.

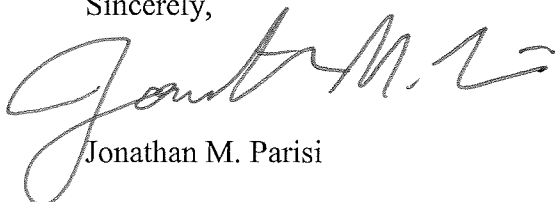
Chain of Custody. For all data preserved, you must document a complete chain of custody. A proper chain of custody will ensure that no material changes, alterations or modifications were made while the evidence was handled. Chain of custody documentation must indicate where the data has been, whose possession it has been in, and the reason for that possession.

Electronic Data Created After This Letter. For any electronic data created after this letter or for any electronic processing systems used after this letter, you must take the proper steps to avoid destroying potentially relevant evidence. This includes without limitation following the above preservation protocols.

Your compliance with its preservation obligations includes forwarding a copy of this letter to all individuals or organizations that are responsible for any of the items referred to in this letter.

If this correspondence is in any respect unclear, please call me immediately.

Sincerely,



Jonathan M. Parisi

/jmp