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From: Amber Johnson
Sent: Fri 7/17/2015 1:01:26 PM
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Subject: Litigation Hold - Documents must be retained, DO NOT DESTROY
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TO ALL BAY COUNTY EMPLOYEES, CIRCUIT COURT JUDGES AND CIRCUIT COURT ADMINISTRATION:

Attached please find a litigation hold on all documents that may be relevant to acts or omissions of:

- (1) any County Commissioner;
- (2) the County Executive; or
- (3) Circuit Court Administration

regarding the hiring of staff or the approval or modification of the budgets for any County elected official's office (Treasurer, Register of Deeds, Clerk, Sheriff, Prosecutor, Drain Commissioner, County Commissioner and County Executive) and any Act 139 Department. Any documents you possess (whether they be in print or electronic form) which touch upon the hiring of staff or budget approvals or modifications for those offices or departments SHALL NOT BE DESTROYED OR DELETED until further notice.

In addition, all documents which may contain information regarding the acts or omissions of the Board of Commissioners or the County Executive relevant to the County Clerk's claim of disparate treatment by these elected officials SHALL NOT BE DESTROYED OR DELETED until further notice.

Please read the attached Litigation Hold Notice carefully. If you have any questions whatsoever, please contact me directly.

Regards,

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Litigation Hold

In connection with matter, the parties involved are required to preserve documents and materials, regardless of medium or storage location, that may be relevant to the claims asserted by the County Clerk. This litigation hold notice ("Litigation Hold") outlines the steps that you must take immediately. Until further notice, it is critical that all documents relevant to this matter be preserved. If you have any questions or concerns about the requirements set forth in this Litigation Hold, please direct them to me at the number and email address listed above.

Subject Matter of Documents to Preserve

The subject matter of the County Clerk's claim(s) involve the acts and omissions of each County Commissioner, the County Executive, County Departments, and Circuit Court administration relating to the hiring of county staff including but not limited to, the hiring of staff of the Sheriff, Register of Deeds, Treasurer, and County Executive; approving or modifying county budgets of the County Clerk, Sheriff, Register of Deeds, Treasurer, and County Executive and county departments; and information and documentation relevant to Ms. Luczak's claim of disparate treatment by members of the County Board of Commissioners and the County Executive.

Types of Documents to Preserve

The obligation to preserve documents and materials applies to tangible information of any kind, whether in hard copy or electronically stored.

Hard-copy documents and materials include, but are not limited to, letters, memoranda, notes, plans, surveys, models, drawings, designs, calendars, diaries, reports, studies, statistical or informational accumulations, analyses, tabulations, records of meetings, records of conversations (including tape recordings), manuals, charts, and graphs.

Electronically stored information includes, but is not limited to, digital communications such as e-mail and attachments, voice mail and instant messaging, word-processing documents, spreadsheets, databases, calendar entries (such as Outlook), computer drawings, computer plans and surveys, network access, internet usage files, presentations (such as PowerPoint), or any other documents or files created or stored on the company's computer or other information systems, including backup and archival files.

Please keep in mind that you can have both a hard copy and an electronic copy of the same document or information. You are obligated to preserve both. Further, this obligation to preserve applies to any copy or draft of a document or tangible thing that is not an identical duplicate of the original document or tangible thing.

Suspension of all Ordinary-Course Deletion of Electronic Documents

Effective immediately, it is critical that you and all relevant individuals do NOT delete, over-write, or otherwise alter or destroy any documents, files or information (paper copy or electronic, including backup) which may be relevant to this case and subject to this Litigation Hold and that you take those steps necessary to guard against such deletion.

Documents to be Retained

All documents (including hard-copy documents, electronic documents, and e-mail messages) that refer or relate to the Cynthia Luczak, County Clerk and the County Clerk Office, county appropriations, hiring of county staff (including but not limited to, the hiring of staff of the Sheriff, Register of Deeds, Treasurer, and County Executive), and/or the disparate treatment by members of the County Board of Commissioners and the County Executive must be retained no matter how old the documents may be. If you are uncertain as to whether to retain a document, please err on the side of retention. As indicated above, please direct any questions regarding retention to me. The topics of information subject to this Litigation Hold may change and we will keep you informed of any such changes.