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February 22, 2021

BY FIRST CLASS MAIL AND EMAIL

David R. Aden
Progressive Claims
2150 Harvard Street
Sacramento, CA 95815
Facsimile: (833) 958-1219
Email: david_r_aden@progressive.com

Re: **EVIDENCE PRESERVATION DEMAND**
Motor Vessel "Gritz" Claim (the "Vessel")
Claim No.: 20-1068426 (the "Claim")
DOL: October 23, 2020
Policy No.: 2748 (05/11) (the "Policy")

Dear David:

This letter constitutes a demand that you immediately act to preserve and do not delete or otherwise destroy any and all documents that relate to the Claim or the Policy. The relevant time period pertaining to this demand is October 23, 2020 to the present day and includes, but is not limited to, the preservation of all items described below:

Purpose of this Notice

This Preservation Notice is your formal notification from the insured under the above-referenced Policy (the "Insured") to preserve, and not delete or in any way destroy, all "Material," as defined herein, in your possession, custody or control, relating to the Matter as defined below.

Description of the Matter

Any actions, meetings, events, communications, documents relating or referring to the Policy or the Claim.

Preservation Responsibilities

You must take immediate steps to identify the Materials potentially related to the Matter defined herein, in your possession, custody, or control which are to be preserved pursuant to this

Notice. This includes any and all materials in your possession, including those that you have transferred to archives or to an assistant or that are located outside of your primary office, including at home, in another office, on a laptop or storage medium, or anywhere else. The term “Materials” means drafts, originals, and things in whatever form, medium, or location which are potentially relevant to the issues described in this Notice. You must preserve all copies of a document, even if they appear to be identical. The date range of Material to be preserved is at least January 1, 2017 through the present but do not limit preservation if you have relevant materials that fall outside of this date range.

You are obligated to retain and to not delete, discard, destroy, shred, purge, or modify the Materials described in this notice relating to this Matter.

Possible Formats and Location/Sources of Materials

It is essential that you identify and preserve Materials pertaining to this Matter in the manner in which they are currently stored and maintained. Possible formats and locations of Materials include, but are not limited to, the following:

Hard copy/paper documents (writings, notebooks, drawings, graphs, charts, presentations, photographs, calendars, diaries, etc.)

Email and attachments, instant messages and any other electronic and/or computerized communication, including as necessary any electronic business communications sent from otherwise personal e-mail or instant messaging accounts (e.g., Gmail)

All electronic files and records, including word processing, spreadsheets, presentations, PDFs, electronic calendar, audio, (including voice mail), video, database or other application records, and any other electronic and/or computer files or records

Data contained cloud-based storage platforms, databases, collaboration platforms (e.g., SharePoint), Wikis, and any other accessible source of electronic information maintained by the Company

Possible locations/sources include, but are not limited to, the following:

Computer and electronic folders or other electronic storage sources, including flash drives or data held on smartphones.

Office and home computers, storage devices and the like.

Archives, including both physical file rooms and electronic archives

Storage devices (hard drives of desktops, laptops, and home computers, storage area networks, thumb drives, flash memory cards, CDs, DVDs, USBs, and magnetic tape

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Audio systems, including voicemail and transaction recording system

If litigation were to proceed in the Matter and during the course of discovery it was revealed that you spoliated any evidence relating to this Matter, whether intentional or by accident, we will seek all available remedies under the law.

Very truly yours,

A handwritten signature in black ink, appearing to read "B.C. Fernald", with a long horizontal stroke extending to the right.

Brandon C. Fernald

BCF/