July 13, 2018

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| AT&T  Global Legal Demand  11760 U.S. Highway 1  N. Palm Beach, FL 33408  ***Via Fax: 888.938.4715*** | Custodian of Records AT&T  AT&T Subpoena Center  208 S. Akard St., 10th Floor M  Dallas, TX 75202  ***Via Fax 877.971.6093***  ***Via CM/RRR: 7017-0530-0000-0157-0545*** |

**Preservation and Antispoliation Request**

**RE: (325) 226-5584 (CELL PHONE NUMBER YOU WANT)**

To Whom It May Concern:

I represent John Doe, who was critically injured in a head-on collision with a vehicle driven by Don Driver. Mr. Driver was in the course and scope of employment with BadCompany at the time he crashed into my client.

A copy of the New Mexico State Police crash report is attached. All original communications and correspondence should be sent to this office.

At the time of the crash, Don Driver was in possession of a cell phone assigned (325) 226-5584.

We sent Mr. Driver, BadCompany, and their insurer, Travelers, notices of representation and demands that they preserve all cell phone records, data, and information. We now make the same preservation request of AT&T. In the event a lawsuit is filed, these records will be critically important and must be preserved. At that point we will send a subpoena to AT&T for the records identified below.

Therefore, **we ask that AT&T preserve the following cellular phone records for (325) 226-5584 from 12:01 A.M. July 2, 2018 through 11:59 P.M. July 4, 2018**, including but not limited to:

1. cell phone or mobile phone billing records and cell phone or mobile phone usage records showing each incoming voice call identified by incoming telephone number, connection time, elapsed time and duration, and seizure time;
2. cell phone or mobile phone billing records and cell phone or mobile phone usage records showing each outgoing voice call identified by outgoing telephone number, connection time, elapsed time and duration, and seizure time;
3. cell phone or mobile phone billing records and cell phone or mobile phone usage records showing each incoming voice, text, and SIMS message identified by incoming telephone number, connection time, elapsed time and duration, and seizure time, including, content of the text and SIMS message; and
4. cell phone or mobile phone billing records and cell phone or mobile phone usage records showing each outgoing voice, text, and SIMS message identified by outgoing telephone number, connection time, elapsed time and duration, and seizure time, including, content of the text and SIMS message.

The importance of immediate action cannot be overstated. Cell records are easily corrupted, altered, and deleted in normal daily operations.

These records are **CRITICAL EVIDENCE and should not be altered, destroyed, changed or tampered** with in any way. Any such alteration or destruction is spoliation of critical evidence. **If you do not preserve this evidence, we will ask the court for an instruction that the jury presume the information was destroyed in an effort to conceal your customer’s wrongdoing.**

Current law and rules of civil procedure clearly apply to the discovery of cell phone records, just as they apply to other evidence, and confirm the duty to preserve such information for discovery. Under current law, you must take all reasonable steps to ensure the preservation of this information until this legal matter is finally resolved. Failure to take the necessary steps to preserve the information addressed in this letter or other pertinent information in your possession or control may result in serious sanctions or penalties for your customer.

I would greatly appreciate it if you could provide written, emailed, or faxed confirmation, within 48 hours, that you will preserve this evidence in its current unaltered condition and grant access to inspect your insured’s vehicle. Thank you for your anticipated assistance and immediate response to this matter.

Sincerely,



Rachel Ambler

/RA