

PHILLIPS, RICHARD & RIND, P.A.
ATTORNEYS AT LAW

**KATHLEEN M. PHILLIPS
MARK RICHARD
OSNAT K. RIND**

9360 SW 72 STREET, SUITE 283
MIAMI, FLORIDA 33173
Tel: (305) 412-8322
Fax: (305) 412-8299

OF COUNSEL:
LIBBY HERRERA-NAVARRETE, P.A.
PATRICIA IRELAND

July 31, 2019

VIA ELECTRONIC MAIL, (Carol.licko@hoganlovells.com)
CERTIFIED MAIL & U.S. MAIL

Carol Licko
Senior Counsel
Hogan Lovells US LLP
600 Brickell Avenue, Suite 2700
Miami, FL 33131

Re: Notice to Preserve Electronic Evidence

Dear Ms. Licko:

This law firm represents and/or will represent a number of individuals having claims regarding a matter in which the Board of Trustees of Miami Dade College (BOT) will be named as a defendant. This letter requests your immediate action to preserve all documents including electronically stored information that may contain evidence important to the above legal matter. Briefly, the matter involves the presidential search and selection process, and improprieties therein.

The scope of the pertinent information includes, but is not limited to, all information however stored pertaining to the search process, all communications pertaining thereto, all communications, documents and calendars on any and all devices pertaining to the subject matter herein. This would include the personal or other institutional devices used by any member of the BOT, or any employees or staff of the BOT or MDC pertaining to the matters herein.

This notice applies to on- and off-site computer systems and removable electronic media plus all computer systems, services, and devices (including all remote access and wireless devices) used for the College's/BOT's overall operation. This includes, but is not limited to, e-mail and other electronic communications including text messages; electronically stored documents, records, images, graphics, recordings, spreadsheets, databases; calendars, system usage logs, contact manager information, telephone logs, internet usage files, deleted files, cache files, user information, and other data. Further, this notice applies to archives, backup and disaster recovery tapes, discs, drives, cartridges, voicemail and other data. All operating systems, software, applications, hardware, operating manuals, codes, keys and other support information needed to fully

search, use, and access the electronically stored information must also be preserved.

The importance of immediate action cannot be overstated. Electronically stored information is easily corrupted, altered, and deleted in normal daily operations. Even booting a drive, running an application, or reviewing a document can permanently alter evidence. An important method for preserving data in its original state is to have a forensic image (mirror image or clone image) made of pertinent hard drives of both office and home computers used for business and of network servers. This image captures all current data, including the background or metadata about each document. Simply copying data to a CD-ROM or other common back-up medium is not adequate. For each captured image file, record and identify the person creating the image and the date of creation. Secure the file to prevent subsequent alteration or corruption and create a chain of custody log. Once the forensic data image file is created, the pertinent computer or other device can be placed back into operation.

Special attention should be directed to all computers and electronic devices of all persons involved in the selection process, including, but not limited to, all members of the Board of Trustees, their staff, and advisors. This does not include volunteers.

This preservation notice covers the above items and information between the following dates: January 1, 2019 to the present and continuing. Follow the above procedures to preserve electronic information created after this notice.

Current law and rules of civil procedure clearly apply to the discovery of electronically stored information just as they apply to other evidence, and confirm the duty to preserve such information for discovery. The Board of Trustees and officers, employees, agents, and affiliated organizations of the BOT/MDC must take all reasonable steps to preserve 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.

Further, to properly fulfill your preservation obligation, stop all scheduled data destruction, electronic shredding, rotation of backup tapes, and the sale, gift or destruction of hardware. Notify all individuals and affiliated organizations of the need and duty to take the necessary affirmatives steps to comply with the duty to preserve evidence.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christina Gornail', written in a cursive style.

Christina Gornail

Cc: Javier Ley-Soto, Esq.