



ZUZOLO LAW OFFICES, LLC
ATTORNEYS AND COUNSELORS AT LAW

700 Youngstown-Warren Rd – Niles, Ohio 44446
Phone: (330) 652-1609 Fax: (330) 652-9421

Ralph A. Zuzolo Sr. (1942-
2005)

Christopher P. Zuzolo
Ralph A. Zuzolo Jr.
Philip D. Zuzolo

November 9, 2012

Trustees of the Champion Township Ohio Board of Trustees

c/o Mark Finamore, Esq.
258 Seneca Avenue NE
Warren, OH 44481

RE: *Dr. Gina Reghetti*

Current Address: 115 State Road NW, Champion, Ohio 44483

Future Address: 110 Edwards Street, Champion, Ohio 44483

Re: Relocation of her medical practice

Dear Mark:

I write as counsel for Dr. Gina Reghetti ("Client") to advise you of a potential claim of which your clients, Trustees of The Champion Township Ohio Board of Trustees ("Trustees") may have relevant information of improper acts and statements regarding Dr. Reghetti and relocation of her medical practice to 110 Edwards Street, Champion, Ohio 44483.

The Client demands that your client(s) preserve documents, tangible things and electronically stored information that are potentially relevant to the issues in this case, including identification of publishers of statements concerning Dr. Reghetti and the relocation of her medical practice, the content of such statements and the publication thereof. As used in this letter, the terms you refer to your clients, the members of the Champion Ohio Board of Trustees and their predecessors, successors, agents, attorneys, employees, and other persons occupying similar positions or performing any functions on their behalf.

Much of the information that is subject to disclosure or responsive to discovery in this case will be stored on your current and former computer systems and other media and devices, including personal digital assistants, voice messaging systems, online repositories and cell phones.

Atty. Mark Finamore

November 9, 2012

Page -2-

The term Electronically Stored Information (hereinafter "ESI") should be afforded the broadest possible meaning and includes (by way of example and not as an exclusive list) potentially relevant information electronically, magnetically, optically or otherwise stored as:

- digital communications (for example email, voicemail, and instant messaging)
- email service stores (for example lotus domino.nsf or Microsoft exchange.edb)
- word processed documents (for example Word or WordPerfect files and all drafts thereof)
- spreadsheets and table
- accounting application data
- imaging and facsimile files
- scan recording of any conversations with either Plaintiff
- databases (for example Access, Oracle, SQL Server data)
- Contact and relationship data management (for example Outlook, Ask or Interaction)
- Calendar and diary application data
- online access data (for example temporary internet files, history files and cookies)
- presentations (for example PowerPoint and Corel presentations)
- network access and server activity logs relating to information exchanged between defendants and by defendants with third parties
- project management application data
- backup and archival files

Atty. Mark Finamore

November 9, 2012

Page -3-

Clients hereby demand that you preserve both accessible and inaccessible ESI. That demand is reasonable and necessary. Pursuant to the Rules of Civil Procedure you must identify all sources of ESI you decline to produce and demonstrate why such sources are not reasonably accessible. For good cause shown, the court may order production of ESI even if it is not reasonably accessible. Accordingly you must preserve ESI that you deem inaccessible so as not to preempt the court's authority.

Preservation requires immediate intervention

You must act immediately to preserve potentially relevant ESI, including, without limitation, information and the earlier of a created or last modified date for ESI concerning the matter of Dr. Reghetti and relocation of her medical practice to 110 Edward Street, Champion, Ohio from on or after October 1, 2012 through the date of this demand. Adequate preservation of ESI requires more than simply refraining from efforts to destroy or dispose of such evidence. You must immediately intervene to prevent loss due to routine operations or malfeasance and employ proper techniques and protocols to preserve ESI. Booting a drive, examining its contents or running any application may irretrievably alter the evidence contained therein and constitute spoliation of evidence.

Preservation requires action

You are directed to immediately initiate a litigation hold for potentially relevant ESI, documents and tangible things and to act diligently and in good faith to secure and audit compliance with that litigation hold. You are further directed to immediately identify and modify or suspend features of your information systems and devices that, in routine operation, operate to cause the loss of potentially relevant ESI. Examples of such features and operations that could result in spoliation include:

- purging the contents of email repositories by age, capacity or any other criteria
- using data or media wiping, disposal, erasure of encryption utilities or devices
- overriding erasing, destroying or discarding backup media
- reassigning, re-imaging or deposing of systems, servers, devices or media
- running antivirus or other programs affecting wholesale metadata alteration
- releasing or purging online storage repositories
- using metadata stripper utilities

Atty. Mark Finamore

November 9, 2012

Page -4-

- disabling server, packet or local instant messaging login
- executing drive or file defragmentation or compression programs

Guard against deletion

You should anticipate that persons subject to this ESI preservation obligation, or others in their employ or on their behalf, may seek to hide, destroy or alter ESI. This is not a concern that is unique to you. Rather it is simply conduct that occurs with such regularity that any custodian of ESI and their counsel must anticipate and guard against its occurrence. You are directed to preserve complete backup tape sets (including differentials and incrementals) containing emails and ESI for any person involved in the matter regarding Dr. Reghetti and relocation of her medical practice to 110 Edwards Street, Champion, Ohio from October 1, 2012 through the present. You should also take affirmative steps to prevent anyone with access to your data, systems or archives from seeking to modify destroy or hide ESI.

System sequestration or forensic sound imaging

As an appropriate and cost effective means of preservation you should remove from service and securely sequester the systems, media and devices housing potentially relevant ESI of any lawyer that has participated in any proceeding or meeting or exchange or conversation relevant to Dr. Reghetti and relocation of her medical practice to 110 Edwards Street, Champion, Ohio from October 1, 2012 through the present. In the event that you deem it impractical to sequester those systems, we believe that the breath of preservation required, coupled with the modest number of systems implicated, dictates that forensically sound imaging of the systems identified above is expedient and cost effective. As we anticipate the need for forensic examination of one or more of the systems and the presence of relevant evidence in forensically accessible areas of the drives, we demand that you employ forensically sound ESI preservation methods. Failure to use such methods imposes a significant threat of spoliation and data loss. Be advised that a conventional copy, backup or ghosting of a hard drive does not produce a forensically sound image because it only captures active, unlocked data files and fails to preserve forensically significant data existing in for example unallocated clusters and slack space.

You anticipate that certain ESI, including but not limited to spreadsheets and databases will be sought in the forms or form in which it was ordinarily maintained, that is in native form. Accordingly, you should preserve ESI in such native forms and should not employ methods to preserve ESI that remove or degrade the ability to search ESI by electronic means or that make it difficult or burdensome to use that information.

Atty. Mark Finamore
November 9, 2012
Page -5-

You should further anticipate the need to disclose and produce system and application metadata and act to preserve it. System metadata is information describing the history and characteristics of other ESI. This information is typically associated with tracking or managing an electronic file and often includes data reflecting a files name, size, custodian, location and dates of creation and last modification or access. Metadata may be overwritten or corrupted by careless handling or improper preservation, including by moving, copying or examining the contents of files.

As hard copies do not preserve electronic search ability or metadata, they are not an adequate substitute for, or cumulative of, electronically stored version. If information exists in both electronic and paper forms, you should preserve both the forms.

We desire to work with you to agree upon an acceptable protocol for forensically sound preservation and can supply a suitable protocol if you will furnish an inventory and description of the systems and media to be preserved. Alternatively if you promptly disclose the preservation protocol you intend to employ, perhaps we can now identify any points of disagreement and resolve them.

A successful and compliant ESI preservation effort requires expertise. If you do not currently have such expertise, we urge you to engage the services of an expert in electronic evidence and computer forensics. Perhaps our respective experts can work cooperatively to secure a balance between evidence preservation and burden that's fair to both sides and acceptable to the court.

I am available to discuss reasonable preservation steps; however, you should not defer preservation steps pending such discussions if ESI may be lost or corrupted as a consequence of delay. Should your failure to preserve potentially relevant evidence result in the corruption, loss or delay of production of evidence to which we are entitled, that failure would constitute spoliation of evidence.

Atty. Mark Finamore

November 9, 2012

Page -6-

Please confirm no later than December 9, 2012, that you have taken the steps outlined in this letter to preserve ESI and tangible documents potentially relevant to this action. If you have not undertaken the steps outlined above, or have taken other actions, please describe what you have done to preserve potentially relevant evidence.

Sincerely,

ZUZOLO LAW OFFICES, LLC



Philip D. Zuzolo
Attorney at Law

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