

ATTACHMENT I

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August 16, 2007

BY FEDERAL EXPRESS

Henry D. Blinder, Esq.
City Attorney
101 City Hall Plaza
Durham, NC 27701

**Re: Request to Preserve Documents, Electronically Stored
Information, and Tangible Things**

Dear Mr. Blinder:

This law firm represents David Evans and Collin Finnerty. On their behalf, and on behalf of Reade Seligmann and his attorneys, I am writing to request that you take all necessary steps to preserve documents, electronically stored information, and tangible things relevant to civil claims that Messrs. Evans, Finnerty, and Seligmann have against the City of Durham, the Durham Police Department, and various individuals employed by these entities (collectively, the "City of Durham Defendants") relating to the investigation and prosecution of our respective clients by the Durham Police Department and District Attorney's Office.

To the extent you have not already done so, I request that you, the City of Durham, and its departments, officials, employees, and agents take immediate steps to preserve all documents, electronically stored information and tangible things concerning Messrs. Evans, Finnerty, and Seligmann and the investigation and prosecution of the false allegations that a Durham woman was purportedly kidnapped, raped, and sexually assaulted at a March 2006 party attended by certain members of the Duke men's lacrosse team (the "Allegations").

Our request that you preserve evidence or materials which could reasonably lead to evidence extends to all documents, electronically stored information, or other tangible things in any form whatsoever, including, without limitation, writings, drafts, drawings, graphs, charts, photographs, sound recordings, video recordings,

Henry D. Blinder, Esq.
August 16, 2007
Page 2

images, emails, instant messages, voicemails, and other data or data compilations stored in any medium from which information can be obtained (collectively, "Documents") that are in the possession, custody, or control of the City of Durham or its departments, officials, employees, and agents.

Our investigation to date has revealed that the following City of Durham departments, officials, employees, and agents, among others, are likely to have created or received Documents that are potentially relevant to claims against the City of Durham Defendants:

Departments/Offices/Divisions/Agents

Durham Police Department	Office of Budget and Management Services
Durham CrimeStoppers	Department of Finance
Durham 911 Emergency Services	Risk Management Division
Office of the Mayor	Office of Human Resources
Office of the City Council	Office of Public Affairs
Office of the City Manager	Durham City Office of Technology Solutions
Office of the City Attorney	
Office of the City Clerk	

Individuals

Hon. William V. Bell	James T. Soukup
Hon. Cora Cole-McFadden	Julie Brenman
Hon. Eugene A. Brown	Henry D. Blinder, Esq.
Hon. Diane Catotti	D. Ann Gray
Hon. Howard Clement, III	Michael Barros
Hon. Thomas Stith, III	Kenneth C. Pennoyer
Hon. Michael Woodard	Alethea C. Bell
Patrick W. Baker	Constance Stancil
Theodore L. Voorhees	Beverly B. Thompson
Wanda Page	Michie Wagner
Reginald Johnson	Steven W. Chalmers
Karmisha Wallace	Mark Gottlieb
Eddie Aikins	Benjamin Himan
Terry Capers	Jose L. Lopez, Sr.
Sandra Keener	Ronald Hodge
Edelmira Paloma	Edward Sarvis

Henry D. Blinder, Esq.
August 16, 2007
Page 3

B.J. Council
Arnetta Herring
Toni Smith
Lee Russ
Richard Pendergrass
Steven Mihaich
Kammie Michael
James Cleary
Martin Walkowe
Lummie Campbell
Anthony Marsh
James Bjurstrom
Jesse Burwell
Kim Walker
David Addison
Ray Taylor
Lawrence Smith
Jonathan Peter
Thomas Stubbs
Angela Ashby
Portia Sidberry
Kevin Wright
P.T. Williams
Winslow Forbes
Maurice Hayes
Robert Faggart
Connie Bullock

Randy Browning
Deborah Chelette
Kathy Koechling
Mark Stykes
Jeannie Fort
Steve Martin
Keith Phillips
Youthella Ivory
Shari Montgomery
Jason Schiess
Chris Moody
Dee Morgan
Doris Gardner
Monica Tucker
Jeffrey Lamb
Michael Ripberger
Sheree Bekhet
Michael Britton
John Shelton
David Addison
Richard Clayton
Mark Gottlieb
Benjamin Himan
Steven Mihaich
Michelle Soucie

Please note that this is not intended to be an exhaustive list of all sources of potentially relevant Documents. Our request that you preserve evidence includes the further request that you identify all such sources within your possession, custody, and control, including those in the possession, custody, or control of the City of Durham or its departments, officials, employees, and agents.

The request to preserve also includes, but is not limited to, the following categories of Documents:

Henry D. Blinder, Esq.

August 16, 2007

Page 4

- all Documents and communications concerning the Allegations and the Durham Police Department's investigation of the Allegations;
- all Documents and communications concerning the role of Mike Nifong and Linwood Wilson with respect to the Durham Police Department's investigation of the Allegations;
- all reports and communications provided to supervisory officials in the Durham Police Department, the District Attorney's Office, the City Manager's Office, the Office of the Mayor, and/or the Durham City Council concerning the investigation or prosecution of the Allegations;
- all employment records (including but not limited to personnel files, internal reviews, complaints, and disciplinary actions) of the Durham Police Department personnel who conducted the investigation of the Allegations, made public statements concerning the Allegations, and/or supervised the personnel who conducted the investigation or made public statements concerning the Allegations, including but not limited to David Addison, Steven Chalmers, Beverly Council, Mark Gottlieb, Benjamin Himan, Ronald Hodge, Jeffrey Lamb, Steven Mihaich, Michael Ripberger, and Lee Russ;
- all Documents and communications concerning DNA Security, Inc., Brian Meehan, or Richard Clark;
- all Documents and communications relating to Crystal Mangum, Kimberly Pittman (a/k/a Kimberly Roberts), Angel's Escort Service, or the Platinum Club;
- all Documents and communications relating to Moezeldin Elmostafa;
- all public statements and draft public statements made or prepared by Durham Police Department personnel concerning the Allegations or the investigation or prosecution of the Allegations;

Henry D. Blinder, Esq.
August 16, 2007
Page 5

- all Documents and communications relating to Durham CrimeStoppers, the relationship between Durham CrimeStoppers and the Durham Police Department, and public statements attributed to Durham CrimeStoppers concerning the Allegations;
- all Documents and communications concerning any Durham Police Department custom, policy, practice, procedure, or guideline concerning the supervision of criminal investigations;
- all Documents and communications concerning any Durham Police Department custom, policy, practice, procedure, or guideline concerning public statements by Durham Police Department personnel relating to an open investigation;
- all Documents and communications concerning any Durham Police Department custom, policy, practice, procedure, or guideline concerning the service of outstanding warrants;
- all Documents and communications concerning any Durham Police Department custom, policy, practice, procedure, or guideline concerning the conduct of eyewitness identifications;
- all Documents and communications concerning any Durham Police Department custom, policy, practice, procedure, or guideline concerning the preparation of police reports, investigator's notes, and/or reports of investigations;
- all Documents and communications concerning any Durham Police Department custom, policy, practice, procedure, or guideline concerning the retention of private companies to provide scientific testing or other services in connection with a police investigation;
- all Documents and communications concerning any Durham Police Department custom, policy, practice, procedure, or guideline concerning students attending Duke University;

Henry D. Blinder, Esq.
August 16, 2007
Page 6

- all Documents and communications concerning any Durham Police Department custom, policy, practice, procedure, or guideline concerning the Trinity Park neighborhood in Durham;
- all Documents and communications relating to internal or external review of the customs, policies, practices, procedures, or guidelines of the Durham Police Department;
- all communications with the North Carolina Bar Association, the Disciplinary Hearing Commission of the North Carolina Bar, and attorneys and individuals associated with the North Carolina Bar relating to Michael Nifong, the Allegations, or the investigation or prosecution of the Allegations;
- all Documents and communications concerning the memorandum of Durham City Council Member Eugene Brown dated May 31, 2007, entitled "Questions concerning role of Durham Police Department in the Duke Lacrosse Case";
- all Documents provided to the North Carolina Attorney General's Office relating to the Allegations or the investigation and prosecution of the Allegations;
- all communications between officials or employees of the City of Durham and officials or employees of Durham County relating to the Allegations or the investigation and prosecution of the Allegations;
- all Documents relating to any insurance or risk-pooling agreement under which any person carrying on an insurance or risk-pooling business may be liable to satisfy part or all of a judgment which may be entered against the City of Durham Defendants in a civil action relating to the Allegations, or to indemnify or reimburse the City of Durham Defendants for payments made to satisfy a judgment in a civil action relating to the Allegations; and
- all Documents and communications concerning the deletion, alteration, destruction, or loss of any of the Documents or communications described above.

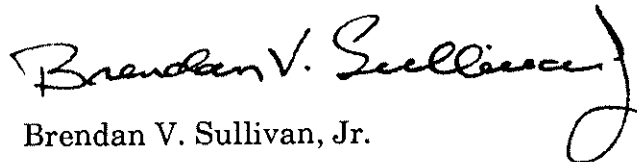
Henry D. Blinder, Esq.
August 16, 2007
Page 7

Please be aware that under recent amendments to the Federal Rules of Civil Procedure relating to the discovery of electronically stored information, there is a duty to act in good faith which requires you to take all necessary steps to prevent the loss of any relevant information, even if it is believed to be not reasonably accessible. Please also note that electronically stored information typically contains relevant, discoverable information beyond what is apparent to the viewer, including, for example, embedded data and metadata. Therefore, it is necessary for you to preserve all electronically stored information in its original electronic form, even where paper copies might exist. Moreover, electronically stored information can be easily modified, deleted, or corrupted, and you are required to take all reasonable steps to ensure that all relevant, discoverable electronically stored information is preserved. Because modification, deletion, or corruption may result from automatic functions within the routine operation of an electronic information system, or from routine upgrades or recycling of computer-related hardware or software, this preservation requirement includes, but is not limited to, the obligation to suspend any such operations, upgrades, or recycling features or protocols (including any document or data destruction policies) pending resolution of potential claims against the City of Durham Defendants.

Also, please note that there may be non-privileged material in the files of attorneys who are, or have a relationship with you. I do not seek privileged materials from any such attorneys. However, I do request that privileged materials be identified, preserved and listed on an appropriate privilege log maintained by you for the moment so that issues about privilege can be decided, if necessary, by a court.

Thank you very much for your cooperation with this request. Please contact me if you have any questions.

Sincerely,



Brendan V. Sullivan, Jr.

cc: Barry Scheck, Esq.

