

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CRANEL, INCORPORATED,)	
)	
Plaintiff,)	Case No. 2:13-cv-766
)	
v.)	Judge Graham
)	
PRO IMAGE CONSULTANTS GROUP, LLC, ET AL.,)	Magistrate Judge Abel
)	
Defendants.)	

**AGREED ORDER COMPELLING DEFENDANTS TO PRESERVE EVIDENCE AND
ENJOINING DEFENDANTS’ FROM DESTRUCTION OF EVIDENCE**

On November 20, 2013, Plaintiff Cranel, Incorporated (“Cranel”) filed an Emergency Motion to Preserve Evidence and to Enjoin Defendants’ Further Destruction of Evidence (“Motion”). Cranel’s Motion requested the Court to order Defendants Pro Image Consultants Group, LLC; Richard Morin; and Frank Damico (collectively, “Defendants”) to preserve evidence and to enjoin them from alleged further destruction of evidence relevant to Cranel’s claims against them in this case.

The parties have agreed to resolve the matters raised in Cranel’s Motion through an agreed order. By this Agreed Order Defendants do not admit or otherwise concede to the allegations made by Cranel’s Motion, and the Court makes no findings or issues any rulings thereon. Accordingly, the Court ORDERS as follows:

1. Defendants shall preserve all evidence in their possession, custody, or control relevant to Cranel’s claims in this case in the medium in which such evidence exists.
2. Defendants shall turn over to their counsel all such evidence for preservation within five business days. To the extent that Defendants require possession of such evidence

for ongoing business purposes, Defendants shall turn over to their counsel copies of such evidence in the medium in which the evidence exists, without alteration, within five business days.

3. Defendant Damico shall produce the unaltered home computer drive of the computer(s) in existence during the period June 25, 2012, to present to Defendants' counsel on a date agreeable to counsel for Cranel for inspection and copying.

4. Defendants shall further produce to Cranel any and all downloads, copies, or other versions of Defendant Damico's home computer hard drive or drives in their possession, custody, or control within five business days, including copies of any files or documents that are or were contained on the hard drive or drives regardless of where they are now located or stored.

5. All such obligations to produce are subject to the fact that subsequent to the date of the alleged activities set forth in Cranel's Motion, the Federal Bureau of Investigation on August 1, 2013, confiscated various external drives and discs from the Defendants and have not returned these items, thus many of the foregoing requested items are not available through Defendants.

6. Defendants shall identify to their counsel any evidence transferred outside their possession, custody, and control, recover that evidence subject to paragraph 5 above, and turn it over to their counsel.

7. Defendants shall not destroy, alter, transfer, hide, or render inaccessible any evidence relevant to Cranel's claims in this case.

SO ORDERED.

s/Mark R. Abel
United States Magistrate Judge