

# EXHIBIT

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# KINARD & JONES LLC

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VIA EMAIL & FIRST-CLASS MAIL  
February 20, 2023

MURRY KINARD  
†\*ASHBY LAWTON JONES  
KATHARINE S. FISHER  
REBEKAH L. MANDEVILLE  
ALYSSA R. IGLESIAS  
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Andrew B. Farley, Esquire  
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*Farley Law Firm, LLC*  
137 East Butler St., Suite 2  
Lexington, SC 29072

RE: Megan Cronin v. William Cronin  
Case No.: 2023-DR-32-00229

Dear Mr. Farley:

You and your client are hereby given notice not to destroy, conceal or alter any paper or electronic files and other data generated by and/or stored on any of your client's computers, storage media, any form of social media, to include but not limited to, Instagram, Snapchat, TikTok, Facebook, Twitter, LinkedIn, any application/website profiles and messages to third parties via applications, or any other electronic data, such as cell phones, tablets, and voice mail. **This letter is intended to notify you that this request includes any and all recordings, e-mails, texts messages and communications of any kind to and from the Plaintiff.** As you know, your client's failure to comply with this notice can result in sanctions being imposed by the Court as well as liability in tort for spoliation of evidence or potential evidence.

Through discovery we expect to obtain from you and to continue to obtain from you a number of documents and things, including files stored on your client's computers, your client's computer storage media, and her cell phone(s). In order to avoid spoliation, you will need to provide the data requested on the original media. Do not reuse any media to provide this data.

Electronic documents and the storage media on which they reside contain relevant, discoverable information beyond that which may be found in printed documents. Therefore, even where a paper copy exists, we will seek all documents in their electronic form along with information about those documents contained on the media. We also will seek paper printouts of only those documents that contain unique information after they were printed out (such as paper documents containing

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handwriting, signatures, marginalia, drawings, annotations, highlighting and redactions) along with any paper documents for which no corresponding electronic files exist.

Courts have made it clear that all information available on electronic storage media is discoverable, whether readily readable ("active") or "deleted" but recoverable. See, e.g., *Easley, McCaleb & Assocs., Inc. v. Perry*, No. E-2663 (Ga. Super. Ct. July 13, 1994) ("deleted" files on a party's computer hard drive held to be discoverable, and plaintiff's expert was allowed to retrieve all recoverable files); *Santiago v. Miles*, 121 F.R.D. 636, 640 (W.D.N.Y. 1988); a request for "raw information in computer banks" was proper and obtainable under the discovery rules); *Gates Rubber Co. v. Bando Chemical Indus., Ltd.*, 167 F.R.D. 90, 112 (D. Colo. 1996) (mirror-image copy of everything on a hard drive "the method which would yield the most complete and accurate results," chastising a party's expert for failing to do so); and *Northwest Airlines, Inc. v. Teamsters Local 2000*, 163 L.R.R.M. (BNA) 2460, (USDC Minn. 1999) (court ordered image-copying by Northwest's expert of home computer hard drives of employees suspected of orchestrating an illegal "sick-out" on the Internet).

All digital or analog electronic files, including "deleted" files and file fragments, stored in machine-readable format on magnetic, optical or other storage media, including the hard drives or floppy disks used by your computers and their backup media (e.g., other hard drives, backup tapes, floppies, Jaz cartridges, CD-ROMs) or otherwise, whether such files have been reduced to paper printouts or not. More specifically, you are to preserve all of your text messages, both sent and received; your e-mails, both sent and received, whether internally or externally; your messages in any format, both sent and received; all word-processed files, including drafts and revisions; all spreadsheets, including drafts and revisions; all databases; all CAD (computer-aided design) files, including drafts and revisions; and all recordings unedited.

You are also not to pack, compress, purge or otherwise dispose of files and parts of files unless a true and correct copy of such files is made. You are also to preserve and not destroy all passwords, decryption procedures (including, if necessary, the software to decrypt the files); network access codes, ID names, manuals, tutorials, written instructions, decompression or reconstruction software, and any and all other information and things necessary to access, view and (if necessary) reconstruct the electronic data we are requesting through this subpoena.

With regard to electronic data created subsequent to the date of delivery of this letter, relevant evidence is not to be destroyed and you are to take whatever steps are appropriate to avoid destruction of evidence. In order to assure that your obligation to preserve documents and things will be met, please forward a copy of this letter to all persons and entities with custodial responsibility for the items referred to in this letter. Please forward this letter to your client immediately.

With kind personal regards, I am

Kinard and Jones, LLC

  
Emily Turner Looney

cc: William Cronin (*via e-mail*)

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VIA EMAIL ONLY  
February 21, 2023

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Dear Andy:

We understand Ms. Cronin has at least three devices: (1) an Apple MacBook Air; (2) an iPad; and (3) an iPhone. We intend to have all three devices examined by an expert. I would like to do this in as tight a timeline as possible. Please speak to your client and let me know when she can arrange to have her devices delivered to our expert. We will attempt to reduce the time she is without her devices as much as possible.

Thank you for your attention to this matter.

With kind personal regards, I am

Kinard and Jones, LLC

  
Ashby Lawton Jones  
/bkc

cc: William Cronin (*via e-mail*)