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May 3, 2013

**VIA E-MAIL & CERTIFIED MAIL**

**LITIGATION HOLD LETTER  
TIME SENSITIVE – URGENT ATTENTION REQUIRED**

Mr. Dave Bullock  
Town Manager, Town of Longboat Key  
Longboat Key Town Hall  
501 Bay Isles Road  
Longboat Key, FL 34228

**Re: *Town of Longboat Key, Florida vs. BP Exploration & Production, Inc., et al.***  
**Case No. 2:13-cv-01407 (E.D. La.)**  
**Document Preservation and Retention**

Dear Mr. Bullock:

As you are aware, we filed the above-captioned action on your behalf on April 19, 2013 against certain BP, Halliburton, and Transocean entities, asserting claims for injuries and damages arising out of the *Deepwater Horizon* Oil Spill. You may have documents and files in both written and electronic format (including e-mail and attachments) relevant to the events surrounding the claims raised in the lawsuit and the damages you suffered. Under applicable law, you have a duty to preserve all documents and information that may be relevant to the lawsuit. This is known as a “litigation hold.”

To implement the required litigation hold, it is important that you promptly take all steps necessary to preserve and retain, in their current form, all documents (including e-mails and other electronic or electronically stored information or data) that refer, concern, or relate to the lawsuit, the events giving rise to the lawsuit, and your damages. Examples of relevant documents or information include, but are not limited to:

1. All documents (in both written and electronic format) and information in any way relating to the *Deepwater Horizon* Oil Spill (the “Oil Spill”), the response activities conducted in connection with the Oil Spill, and the impact of the Oil Spill, including the damages you suffered.

2. All communications with BP Exploration & Production, Inc., BP America Production Company, BP p.l.c., Halliburton Energy Services, Inc. and its Sperry Drilling Services division, Transocean Offshore Deepwater Drilling, Inc., Transocean Holdings, LLC, Transocean Deepwater, Inc., Transocean Ltd., and/or Triton Asset Leasing GmbH (collectively, the “Defendants”) that in any way relate to the Oil Spill and/or the lawsuit.
3. All documents (in both written and electronic format) compiled, relied on, communicated, and/or prepared in connection with a “presentment” claim under the Oil Pollution Act of 1990.
4. All documents (in both written and electronic format) that in any way relate to your profits, losses, revenues, expenses, and/or financial condition. By way of example, such documents would include, but not be limited to, tax returns, profit and loss statements, general ledgers, leases, contracts, receipts, loan documents, business plans and projections, comprehensive annual financial reports, budgets, inter-local agreements, franchise agreements, revenue-sharing agreements, local ordinances, and/or communications with creditors, lenders, or others. You should retain all such documents and information from as far back as at least April 20, 2005.
5. All communications (in both written and electronic format) related to the above-captioned lawsuit.

Your obligation to preserve and retain all relevant information is an ongoing responsibility and applies to documents (in both written and electronic form) and data created in the future.

You must insure that all of your employees and agents who are under your supervision are made aware of the litigation hold requirements and that they take every reasonable step to preserve the required information until you receive further written notice. Further, you must preserve these documents and records regardless of where they are ordinarily kept — your office, home, in storage, in some other location, or by your administrative assistant or staff.

Please be advised that in order to avoid the possible inadvertent disposal of electronic evidence, it is particularly important that you secure, preserve, and prevent deletion of all electronically stored information (referred to as “ESI”) until otherwise advised. **You must immediately suspend the deletion, overwriting or any other possible destruction of relevant electronic information relating to injuries and damages arising out of the Oil Spill, regardless of any existing document retention policy that might otherwise apply.** This includes, but is not limited to: e-mail and other electronic communications; word processing documents; spreadsheets; databases’ calendars; telephone logs; contact manager information; Internet usage files; offline storage or information stored on removable media; information

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contained laptops, Blackberries, iPads, or other portable devices; and network access information.

The federal courts maintain a heightened awareness of the obligations of the client and his attorneys to maintain a litigation hold on documents and ESI. One court has summarized its view of the obligation of the client and its attorneys to preserve and locate ESI, in whatever form, as follows:

For the current “good faith” discovery system to function in the electronic age, attorneys and clients must work together to ensure that both understand how and where electronic documents, records and e-mails are maintained and to determine how best to locate, review, and produce responsive documents. Attorneys must take responsibility for ensuring that their clients conduct a comprehensive and appropriate documents search.<sup>1</sup>

You should promptly communicate the litigation-hold requirements, including not deleting or inadvertently destroying possibly relevant documents (in both written and electronic form), to all relevant people, including current or former employees who may have relevant information and whose information remains in your possession.

In light of the preservation obligations required by law, I trust you understand and appreciate the purpose of this letter and the recommendations set forth above. I look forward to working with you at your earliest convenience so that we can move forward with the above requests.

Sincerely,

  
Lisa M. Saltzburg

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<sup>1</sup> *Richard Green (Fine Paintings) v. McClendon*, 262 F.R.D. 284, 290 (S.D.N.Y. 2009).