

CONFIDENTIAL MEMORANDUM
ATTORNEY/CLIENT PRIVILEGED, ATTORNEY WORK PRODUCT
INFORMATION PRESERVATION NOTICE

May 3, 20XX

To: RECIPIENTS

From: Yogi Berra
Deputy General Counsel
Yankee University

The University recently received a subpoena from _____ demanding certain records related to sponsored research projects managed by the University Research Department ("URD") from January 1, 2008 to the present. Among other records, the subpoena covers the following documents:

- (1) All time and effort reports and other documentation supporting salary expenses charged to sponsored research projects managed by the URD;
- (2) All documentation demonstrating compensation paid, including salary, bonus payments, "additional compensation," payments from federal awards and contracts, payments from matching funds, payments from indirect costs and incidental payments for employees of URD and for Primary Investigators and co-Primary Investigators on URD-managed, federally-sponsored research projects; and
- (3) All e-mails, memoranda, letters or other correspondence related to salary, compensation, "additional compensation," bonuses, incidental payments, and payments from federally-sponsored research awards or contracts for employees of URD and for Primary Investigators and co-Primary Investigators on URD-managed, federally-sponsored research projects.

You have been identified as a person who may possess or be in control of documents relevant to this subpoena. It is imperative that you preserve all documents in your possession or control that meet any of the document categories listed above.

INSTRUCTIONS

1. This document preservation notice applies to **both hard-copy and electronic documents**. Electronic documents include all emails and attachments, and all “loose” electronic records (i.e., Word documents, PowerPoint presentations, Excel spreadsheets and so on). Accordingly, do not, for example, delete any emails or “loose” electronic records that fit within any of the document categories listed below. In addition, please note that this notice applies to drafts, as well as all handwritten or printed documents, as well as “working” or other personal files. It also includes videotapes, audiotapes, CDs, DVDs, flash drives, PDAs, external hard drives and any other method for storing data.
2. Documents must be preserved even if you know that you or another person has duplicates of the document. Likewise, a hard-copy document must be preserved even if you know that there is an electronic duplicate (and vice versa).
3. This document preservation notice applies to any UPR documents in the categories above that you may have in a personal email account or at your home or other non-UPR location.
4. If you are unsure whether a document needs to be preserved, **err on the side of caution** and preserve the document.
5. If you supervise any employees who you believe may possess or control documents that need to be preserved, please let me know immediately so that I may send them a copy of this notice and update the list of employees who have been instructed to preserve records.

UNTIL FURTHER INSTRUCTION, POTENTIALLY RELEVANT INFORMATION RELATING TO THE SUBJECT OF THIS NOTICE MUST BE KEPT AND MAY NOT BE DISCARDED, ALTERED OR DESTROYED. FAILURE TO ABIDE BY THESE REQUIREMENTS CAN RESULT IN: (1) SERIOUS PENALTIES FOR THE INDIVIDUAL INVOLVED; (2) ADVERSE OUTCOMES OF LEGAL MATTERS DUE TO THE LOSS OF CRITICAL INFORMATION; AND/OR (3) COURT SANCTIONS AGAINST THE UNIVERSITY, UP TO AND INCLUDING CRIMINAL CHARGES OR AN ADVERSE JUDGMENT. **THIS DUTY TO PRESERVE POTENTIALLY RELEVANT INFORMATION IS WITHOUT TIME RESTRICTION.**