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ADMITTED: USVI, NM & DC

June 8, 2018

Charlotte Perrell, Esq.  
DTF  
Law House  
St. Thomas, VI 00820

By Email Only

Mr. John Gaffney  
St. Croix, USVI

By Email Only

RE: Preservation / Spoliation Notice re Fiduciary Work of John Gaffney

Dear Attorney and Mr. Gaffney:

Please be advised that Fathi Yusuf, DTF and Mr. Gaffney are, pursuant to the Order of the Special Master dated June 6, 2018, restrained from all *ex parte* communications regarding the accounting process Mr. Gaffney will undertake pursuant to Section A of the Discovery Plan.

In addition, the Special Master made it clear that Mr. Gaffney does not work for, nor is he represented by either party or that party's counsel -- thus, **NO COMMUNICATIONS OF ANY KIND ARE SUBJECT TO ANY CLAIM OF PRIVILEGE. ALL SUCH COMMUNICATIONS ARE DISCOVERABLE.**

Hamed expects that this fiduciary accounting will be a statement of what the books and the Partnership documents show, or if supporting documents do not show anything or cannot be located, what they don't show. This requires no *ex parte* communications.

In addition, Hamed will similarly seek to assure that the prohibition against Mr. Gaffney being asked to fee-split or otherwise "kick back" any of the fee payments. **Hamed will enforce these prohibitions by requiring testimony, documents and forensic**

**examination of communications at the deposition of Mr. Gaffney and otherwise, as follows:**

With regard to the accounting or any matter related thereto you will be required to:

1. Produce all communications between Mr. Gaffney and: Yusuf, Yusuf's counsel, United, and the Yusuf children or any other persons on which Carl J. Hartmann has not been copied.
2. Describe all communications between Mr. Gaffney and: Yusuf, Yusuf's counsel, United, and the Yusuf children or any other persons on which Carl J. Hartmann has not been copied.
3. Describe all communications between Mr. Gaffney and: Yusuf, Yusuf's counsel, United, and the Yusuf children or any other persons regarding Mr. Gaffney's fees for the accounting work under Section A of the Discovery Plan.
4. Describe all payments, bonuses, or other flow of funds between Mr. Gaffney and: Yusuf, Yusuf's counsel, United, and the Yusuf children or any other persons regarding Mr. Gaffney's fees for the accounting work under Section A of the Discovery Plan.

**THUS, THIS IS LEGAL NOTICE** that Mr. John Gaffney, Fathi Yusuf, his counsel (including but not limited to DTF), and any corporations controlled by him are under a legal duty to maintain, preserve, retain, protect, and not destroy any and all documents and data, both electronic and hard copy, that may be relevant to this accounting process and the fees for the same. The failure to preserve and retain the electronic data and evidence outlined in this notice may constitute spoliation of evidence which will subject you to legal claims for damages and/or evidentiary and monetary sanctions.

For purposes of this notice, electronic data or electronic evidence shall include, but not be limited to, all text files (including word processing documents), presentation files (such as PowerPoint), financial data, spread sheets, **e-mail files and information concerning e-mail files (including logs of e-mail history and usage, header information, and deleted files)**, Internet history files and preferences, graphical files in any format, databases, calendar and scheduling information, task lists, **voice mail, instant messaging and other electronic communications**, telephone logs, **cellphone bills, cellphone texts**, contact managers, computer system activity logs, and all file fragments, internet usage files, offline storage or information stored on removable media or storage media, **information contained on laptops, or other portable devices**, network access information and backup files containing electronic data or electronic evidence.

Specifically, you are instructed not to destroy, disable, erase, encrypt, alter, or otherwise make unavailable any electronic data and/or evidence relevant to the

Plaintiffs claims, and you are further instructed to take reasonable efforts to preserve such data and/or evidence. To meet this burden, you are instructed by way of example and not limitation, to:

Preserve all data storage backup files (i.e., not overwrite any previously existing backups);

Preserve and retain all electronic data generated or received by employees who may have personal knowledge of the facts involved in the claims against the Defendants as set forth in the Complaint;

Refrain from operating, removing or altering, fixed or external drives and media attached to any workstations or laptops, voice mail systems, and cell phones, copy machines that are reasonably thought to have data related to the claims, including but not limited to the workstations and/or laptops used by S and T;

Preserve and retain all data from servers and networking equipment logging network access activity and system authentication;

Preserve and retain all electronic data in any format, media, or location relating to the claims, including data on hard drives, hard disks, floppy disks, zip drives, CD-ROMs, CD-RWs, DVDs, backup tapes, PDAs, cell phones, smart phones, memory cards/sticks, or digital copiers or facsimile machines; Prevent employees from deleting or overwriting any electronic data related to the Plaintiffs claims; and

Take such other security measures, including, but not limited to, restricting physical and electronic access to all electronically stored data directly or indirectly related to the Plaintiff s claims.

To facilitate the retrieval of said data, be advised that a forensic accounting firm will be retained to, in addition to reviewing the requisite documentation, forensically acquire the hard drives and other media that may contain electronic data related to this Notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl J. Hartmann". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Carl J. Hartmann