

SAMPLE PRESERVATION MEMO / HOLD ORDER

CONFIDENTIAL

TO: [All Employees] [or Specified Employees]

FROM: [Legal Counsel]

DATE:

The company has received a subpoena from [government agency] which will require the collection and production of certain company documents in connection with an investigation of [subject matter]. We intend to comply fully with the subpoena and to cooperate with the [government agency's] investigation. A description of the documents covered by the subpoena is attached.

In order to fully comply with the [government agency] subpoena, it is vital that all documents described in the attachment (including hard copy documents as well as electronic data and documents) be preserved, and all routine destruction or discarding of any such documents or data, whether pursuant to formal company policies or otherwise, be suspended until further notice. This includes turning off any "auto-delete" functions, and insuring that all back-up tapes are preserved and not overwritten or deleted. If you have a question about whether or not something needs to be preserved, err on the side of preserving it until advised otherwise by legal counsel.

This policy applies to all such documents, whether kept at the office, at off-site storage facilities, or at your home. It includes not only formal company documents but also materials such as handwritten notes, drafts, calendars and the like.

In addition, if anyone under your supervision has custody or control of such documents or data and is not listed as a recipient of this memorandum, please forward it to them immediately. If you know of others who should receive this memorandum, or if you know of documents beyond your control that should be preserved, please notify [legal counsel] immediately.

Detailed instructions regarding the procedures for collection of documents will follow shortly, and will be designed to minimize disruption of your daily business activities. Until such instructions are provided, all documents and files should be maintained as they are kept in the ordinary course of business.

The subpoena should not be discussed outside of any discussions necessary for document preservation and compliance, or in communications with company counsel. There should be no discussions with third parties.

If you have any questions concerning this matter, please contact [legal counsel].

Thank you for your assistance.