

# TIN FULTON WALKER & OWEN

September 5, 2013

Francis X. De Luca  
President  
The Civitas Institute  
100 S. Harrington Street  
Raleigh, N.C. 27603

Re: NC State Conference of the NAACP v. McCrory, et al.  
USDC-MDNC File No. 1:13-CV-658

---

Noell P. Tin

\* Shirley L. Fulton

Nancy E. Walker

C. Melissa Owen

\* Adam Stein

\* Jonathan P. Wallas

John W. Gresham

William G. Simpson, Jr.

S. Luke Iargess

Katherine L. Parker

Mark J. Kleinschmidt

Jacob H. Sussman

Matthew G. Pruden

Amy Wallas Fox

Sarah E. Bennett

\* *Of Counsel*

---

312 West Franklin Street

Chapel Hill, NC 27516

tel 919.240.7089

fax 919.967.4953

[www.tinfulton.com](http://www.tinfulton.com)

Dear Mr. De Luca:

I write on behalf of my clients, the NAACP of North Carolina and Rosanell Eaton (collectively, "Plaintiffs"). As you are aware, plaintiffs filed the above-referenced lawsuit in the United States District Court for the Middle District of North Carolina against Patrick McCrory, the Governor of North Carolina, and various officers and board members of the North Carolina State Board of Elections. The lawsuit brings federal statutory and constitutional challenges to certain provisions of H.B. 589, which was recently signed into law by Governor McCrory.

I am contacting you to inform you that your organization may be requested to produce certain documents in your possession that are relevant to these issues. In connection with this lawsuit, please preserve — and do not destroy, conceal, alter, and/or make inaccessible — any paper or electronic files, other electronically stored information or data generated by and/or stored on your computer systems, portable electronic devices (e.g., Blackberrys, iPhones, pagers, etc.) and storage media (e.g., hard disks, USB drives, CDs, DVDs, floppy disks, backup tapes, etc.), that relate in any way to H.B. 589 or any other legislation concerning North Carolina's elections laws that was proposed or enacted during the 2013-2014 session (regular or special) of the North Carolina General Assembly. This obligation includes, but is not limited to, any documents, files, and/or communications from or to the Civitas Institute relating to its efforts to support or oppose the enactment of any legislation concerning North Carolina's elections laws that was proposed or enacted during the 2013-2014 session of the North Carolina General Assembly. This preservation obligation includes, without limitation, paper documents; email and other electronic communications; word processing documents; spreadsheets; presentation slides; databases; calendars and calendar entries; diaries; meeting notes; telephone logs; contact manager information; Internet usage files; offline storage for information stored on removable media; information contained on laptops or other portable devices; and network access information.

Electronic documents and storage media on which they reside contain relevant, discoverable information beyond what may be found in printed documents. Therefore, even where a paper copy exists, you must retain and preserve all documents in their electronic form along with metadata or information about those documents contained on the media. You must also preserve paper printouts of only those documents that contain unique information created after they were printed (e.g., paper documents containing handwriting, signatures, marginalia, drawings, annotations, highlighting, or redactions) along with any paper documents for which no corresponding electronic files exist.

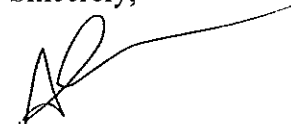
The laws and rules prohibiting destruction of evidence apply to electronically-stored information in the same manner that they apply to other evidence. Due to its format, electronic information is easily deleted, modified, or corrupted. Accordingly, you must take every reasonable step to preserve this information until the final resolution of this matter. This may include, but would not be limited to, an obligation to discontinue all data destruction and backup tape recycling policies and procedures.

You are instructed to forward a copy of this letter to all persons and entities affiliated with the Civitas Institute or any other individual with custodial responsibility for the items referred to in this letter.

If you have any questions regarding this letter, please contact me immediately at (919) 240-7089.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'AS', with a long horizontal line extending to the right.

Adam Stein  
astein@tinfulton.com

AS:dm