



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, N.Y. 10007-2601

MICHAEL A. CARDOZO
Corporation Counsel

June 25, 2003

Hon. Christopher O. Ward
Commissioner of the Department of Environmental Protection
59-17 Junction Boulevard
Corona, NY 11368

Dear Commissioner Ward: *Chris*

As previously reported, the City of New York is defending more than two thousand claims arising from the September 11, 2001 terrorist attacks on the World Trade Center. The amount currently claimed is more than \$12 billion, with the possibility of future claims in even greater amounts.

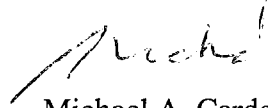
To meet our discovery obligations in this litigation, my staff and I have instructed City agencies to preserve documents concerning the attacks on the World Trade Center and their aftermath, including documents in electronic form. We have recently learned, however, that some agencies may not be taking all necessary steps to preserve electronic evidence. Please be advised that the City may be subject to the most extreme legal penalties if the strongest possible steps are not taken to preserve all electronic evidence that may bear in any way on the World Trade Center litigation. It is vital that we make every effort to insure that the City meets its legal obligations and does not become subject to sanctions. Accordingly, senior members of the WTC Litigation Unit will contact your agency to meet with your Chief Information Officer to discuss the steps that must be taken to preserve and copy electronic data. It is essential that your agency cooperate fully with them.

All agency personnel should be directed to preserve all electronic evidence (as well as hardcopy documents) that may concern the World Trade Center litigation. Please transmit, in substantially the form attached, a directive to all your employees that electronic data and other documents that may concern the terrorist attacks and their aftermath must be preserved.

To enable us to document the measures taken by the City to meet its discovery obligations, please supply to the WTC Unit a copy of the directive you transmit to your

employees. A stamped, self-addressed envelope is enclosed for convenience. If you have any questions, please call Jay Cohen of the WTC Unit at (212) 341-3687. Thank you very much for your cooperation.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Michael A. Cardozo", written in a cursive style.

Michael A. Cardozo

cc: Mark D. Hoffer, Esq., General Counsel (w/ Enc!.)

COMMISSIONERS' MEMO TO ALL STAFF

To: All Employees

From: Commissioner _____

Subject: Preservation of World Trade Center-Related Documents and Data

The City is currently defending more than two thousand claims arising from the September 11, 2001 terrorist attacks on the World Trade Center and there is the potential for additional claims to be filed in the future. As a result of this litigation, the City must preserve all documents concerning the attacks and their aftermath, including data in electronic form.

Employees of this agency are directed to preserve both paper documents and electronic data concerning the WTC disaster. This means you may not delete, erase, or otherwise destroy any data relating to the attacks or the City's response from your computers, PDAs, agency electronic data systems and any personal electronic equipment that you use in conjunction with your work. It is impossible to describe every type of electronic data that you must preserve. However, in general terms, if data may concern any aspect of the events of September 11, 2001, or their aftermath, it must be preserved. If you have any doubt about preservation, you must preserve the data.

It is vital that all employees comply with this directive immediately. If you have any questions, please contact our General Counsel's Office. Thank you for your cooperation.