UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

STATE OF INDIANA, *ex rel.* Steve Carter, Attorney General of Indiana, and the CITY OF EAST CHICAGO, *ex rel.* Steve Carter, Attorney General of Indiana, Plaintiffs, vs. ROBERT A. PASTRICK; TIMOTHY W. RAYKOVICH; EDWARDO MALDONADO; FRANK KOLLINTZAS; ADRIAN SANTOS; JOE DE LA CRUZ; JOSE VALDEZ, JR.; PEDRO PORRAS; GEORGE E. WEEMS; FRANK MISKOWSKI; KIMBERLY K. ANDERSON; JAMES HAROLD FIFE, III; A & A ENTERPRISES; ACE ENTERPRISE; A-1 DAVE'S TREE SERVICE, INC., d/b/a DAVE'S TREE SERVICE; B & S CONSTRUCTION; CALUMET CONCRETE & MASONRY, INC; D/S COMMERCIAL EQUIPMENT & CONSTRUCTION; GARCIA LE & ASSOCIATES, LLC., d/b/a GREAT LAKES ENGINEERING, LLC.; H & Y MAINTENANCE CO., INC.; J.G.M. ENTERPRISES, INC.; RESIDENTIAL CONSTRUCTION SERVICE, INC., a/k/a RESIDENTIAL ROOFING & CONCRETE, INC.; RIETH-RILEY CONSTRUCTION CO., INC.; ROGERS & SONS CONSTRUCTION, INC.; T.R.I., INC.; WINDSTORM ENTERPRISES, INC.; ST. PAUL FIRE AND MARINE INSURANCE; and DEFENDANTS A through Z, Defendants.	)	Cause No. 3:04CV 506AS

ORDER FOR PRESERVATION OF RECORDS

Plaintiffs, State of Indiana, *ex rel.* Steve Carter, Attorney General of Indiana, and the City of East Chicago, *ex rel.* Steve Carter, Attorney General of Indiana, having filed their Motion for the Preservation of Records and the Court, having reviewed said motion and being duly advised in the premises, now **GRANTS** the motion.

It is ORDERED:

1. **Preservation.** During the pendency of this litigation, and for 90 days after entry of a final order closing all cases, each of the parties herein, its officers, agents, employees, representatives, accountants and attorneys, and all persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise, are restrained from altering, interlining, destroying, permitting the destruction of, or in any fashion changing any document or record in the actual or constructive care, custody of control of such person, wherever such document or record is physically located, or irrevocably changing the form or sequence of the files in which the document or record is located. Such persons are also enjoined from changing the location of any such document or record except to facilitate compilation, review, or production (as by filing a document in a depository).

2. **Scope.**

(a) Document(s) and record(s) shall mean any writing, drawing, film, videotape, chart, graph, photograph, phonograph record, tape record, mechanical or electronic sound recording or transcript thereof, retrievable data (whether carded, taped coded, electrostatically or electromagnetically recorded, or otherwise), or other data compilation from which information can be obtained, including (but not limited to) notices, memoranda, diaries, minutes, purchase records, purchase invoices, market data, correspondence, computer storage tapes, computer storage cards or disks, books, journals, ledgers, statements, reports, invoices, bills, vouchers,

worksheets, jottings, notes, letters, abstracts, audits, charts, checks, diagrams, drafts, recordings, instructions, lists, logs, orders, recitals, telegram messages, telephone bills and logs, resumes, summaries, compilations, computations, and other formal and informal writings or tangible preservation of information. Documents and records include information from computer systems and removable electronic media as well as paper records.

(b) This Order pertains only to documents and records containing formation that may be relevant to, or may lead to the discovery of relevant information relevant to the allegations in the Complaint that have been written or generated within the last eight years of the date of this Order. Specifically, this Order pertains to the categories of documents described in the attached Appendix 1. Any document or record described or referred to in any discovery request or response made during this litigation shall, from the time of the request or response, be treated for purposes of this order as containing such information unless and until the court rules such information to be irrelevant.

(c) The documents and records described in Appendix 1 must be preserved in accordance with this Order regardless of the regular document destruction practices of a particular Defendant.

(d) Counsel are directed to confer to resolve questions as to what documents or records are outside the scope of this Order or otherwise need not be preserved and as to an earlier date for permissible destruction of particular categories of documents. If counsels are unable to agree, any party may apply to the court for clarification or relief from this order upon reasonable notice.

(e) Any of the Defendants may move the Court for an appropriate order limiting the categories of documents and records subject to this Order. Nothing in this Order shall preclude

any party from seeking a further Order of the Court permitting that party to destroy documents or records covered by this Order.

3. **Implementation.** Each party will, within 10 days after receiving this order, designate an individual who shall be responsible for ensuring that the party carries out the requirements of this Order.

Date: 8/9/04

S/Allen Sharp

Judge, United States District Court
Northern District of Indiana