

# **Exhibit B**

Ryan J. Walsh  
(608) 620-8346  
rwalsh@eimerstahl.com

January 27, 2023

Zoning, Neighborhoods, and Development Committee  
City of Milwaukee

Re: *Legal Hold: Proposed Resolution 221501 Regarding Working Group to Monitor Berrada Properties Management, Inc.*

Dear Members of the Committee:

In connection with the enclosed letter, my clients, Berrada Properties Management, Inc. and Mr. Berrada (“BPM”), are preparing to file one or more state- and/or federal-court lawsuits (“prospective Actions” or “Actions”) that would name this Committee and each of its members, including Alderman Bauman, as Defendants. The Actions would assert claims under state and federal law. The Actions would relate broadly to Alderman Bauman’s defamatory statements about BPM and Mr. Berrada, and to the Proposed Resolution that would “[m]onitor” properties “owned or managed” by BPM and “[d]evelop and implement strategies to remediate” alleged “substandard conditions observed in living conditions, code compliance, code enforcement, and negative impacts of these properties on their neighborhoods.” See Ex. A at 2-3 to January 27, 2023, Letter. The issues raised in the Actions would include, but would not be limited to, Alderman Bauman’s mind, motives, and interests in making defamatory statements about and targeting BPM and Mr. Berrada, and the Committee’s mind, motives, and interests in considering and adopting the Proposed Resolution, including those of Alderman Bauman’s and the Committee’s agents or representatives. The Actions would also raise questions as to Alderman Bauman’s and the Committee’s past and current treatment of similarly situated individuals or corporations.

The purpose of this letter is to notify you and your agents or representatives of your obligations under federal and state law to take reasonable steps to preserve and retain all documents, materials, and other tangible evidence, including any electronically stored information (“ESI”), possibly relevant to the Proceedings and the prospective Actions.

The definitions of “documents” and “materials” are to be construed as broadly as provided for by state and federal law. See, e.g., Wis. Stat. § 804.09. These definitions include ESI, which is defined as information that is stored in an electronic medium and is retrievable in perceivable form. See Fed. R. Civ. P. 3. Examples of such documents include, but are not limited to, the following:

- a) Paper and/or “hard” copy documents including files, records, handwritten notes, letters, telegrams, contracts, memoranda, intra- or inter-office memoranda, papers, minutes, reports, studies, calendar and diary entries, maps, sketches, drawings, reproductions, photographs, advertisements, pamphlets, periodicals, books, graphs, charts, tabulations, analyses, working papers, indices, statistical or information accumulations, data sheets, computer printouts, notes or recollections of interviews, notes or recollections of conferences, notes or recollections of telephone calls, notes or recollections of meetings, notes or recollections of another type of communication, drafts or preliminary revisions of all of the above;
- b) Electronic mail (email) in any relevant user’s personal, professional, or official inbox, outbox, deleted folder, subject or file folders, calendar entries and contacts (including printed emails and those on email servers or on personal or home computers);
- c) Text, SMS, Chat, iMessage or any similar messages in any relevant individual’s or entity’s personal, professional, or official accounts or applications, whether in the default messaging applications or third-party applications on any personal, professional, or official cell phones or other devices;
- d) Corporate or office documents (*e.g.*, word processing documents, memoranda, Excel spreadsheets) on computer file servers, or on personal or home computers;
- e) Electronically-stored information which can be saved on personal and/or home computers or hard drives, workstations, desktops, laptops, cell phones, cloud storage services;
- f) Audio recordings or audio tapes;
- g) Video tapes or video recordings;
- h) Back-up tapes for any of the above-listed documents or data;
- i) Other possible media (DVDs, CDs, floppy discs, external drives).

You should preserve documents regardless of their form; originals, drafts, and all non-identical copies (*i.e.*, different from originals by reason of notations made on or attached to such copies) should be preserved.

With respect to ESI, potentially relevant ESI include:

- a) Active, archived, and deleted copies of ESI, such as emails, voicemails, text messages, instant messages, ephemeral messages, calendars, diaries, word processing files, spreadsheets, PDFs, JPEGs, Power Point presentations, database files, temporary internet files, cookies, .ZIP files, Internet of Things generated data, stored correspondence from workplace collaboration tools, among others; and
- b) The ESI's metadata, including the date it was created, the date it was last modified, and the name of the individual who created it; whether stored online, offline, in a cloud-based server or in other electronic storage, or on any computers, handheld devices, tablets, cell phones, or other devices over which you have possession, custody, or control.

You should review the settings of each relevant account, application, and device to ensure that no documents, materials, or ESI is being automatically deleted due to lack of storage space, time, or any other reason. If you find that such documents, materials, or ESI are at risk of automatic deletion, you should alter the applicable settings to ensure they are preserved.

Therefore, fulfill your preservation obligation, you must take reasonable steps to preserve all documents relevant to these Actions, including, but not limited to:

- a) Suspending your data and backup tape recycling policies.
- b) Retaining software, hardware, or other information required to access or view the ESI, such as
  - i. Identification codes; destruction
  - ii. Passwords;
  - iii. Decryption applications;
  - iv. Decompression software
  - v. Reconstruction software
  - vi. Network access codes;
  - vii. Manuals; and
  - viii. User instructions

- c) Taking special action for
  - i. Archived or deleted ESI;
  - ii. ESI stored in a database;
  - iii. Computer logs;
  - iv. Metadata, including the date ESI was created, the date ESI was last modified, and the name of the individual who created the ESI.
- d) Taking any other reasonable steps necessary to prevent the destruction, loss, override, or modification of relevant data or documents either intentionally or inadvertently such as through modification of your document retention policy and systems.

This above list is not exhaustive. You must preserve all information that is potentially relevant to this Action.

We believe that at minimum, each member of the Committee possesses, authored, or received relevant ESI, hard-copy documents or materials, or other tangible evidence. However, that list is not exhaustive, and you and your representatives and agents must preserve all information relevant to this Action.

As with documents in your possession or custody, all documents in a nonparty's possession or custody must be preserved intact and without modification.

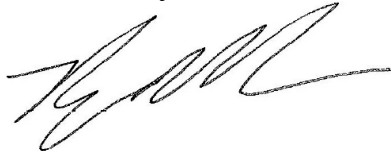
This letter is not intended to set forth or to define the scope of BPM's or Mr. Berrada's claims or defenses. As this investigation continues, BPM's and Mr. Berrada's claims or defenses may be modified or enlarged, meaning that any document, material, or other form of information that relates to BPM or Mr. Berrada and actions or statements by this Committee, including Alderman Bauman, towards them are covered by this notice.

The duty to preserve potentially discoverable documents does not arise from this letter. Nor are your duties in any way limited or constrained by the demands made herein. The duty to preserve evidence, electronic or otherwise, is governed by state and federal law and arises once a party reasonably anticipates litigation, and it applies to all sources of potentially relevant information. *See* Wis. Stat. § 804.12(1)(c) Judicial Council Note, 2010; Fed. R. Civ. P. 37(e). Failure to comply fully with the duty to preserve evidence, either through intentional or negligent destruction, may subject a party and their counsel to sanctions, adverse inference jury instructions, and liability for spoliation of evidence.

We trust that you will preserve for the duration of these matters all relevant tangible evidence, documents, and ESI. In the event of a dispute arising out of your failure to preserve documents we will rely on this letter in court as evidence of our request and notice of your preservation obligations.

If you have any questions or concerns, please do not hesitate to contact me immediately. Thank you in advance for your cooperation.

Sincerely,



Ryan J. Walsh

cc:

Mayor Cavalier Johnson  
mayor@milwaukee.gov  
Alderman Robert Bauman  
rjbauma@milwaukee.gov  
Alderman Marina Dimitrijevic  
marina@milwaukee.gov  
Alderman Michael J. Murphy  
mmurph@milwaukee.gov  
Alderman Scott Spiker  
scott.spiker@milwaukee.gov  
Alderman Russell W. Stamper  
russell.stamper@milwaukee.gov  
City Attorney Tearman Spencer  
tspencer@milwaukee.gov