

## FAX COVER SHEET

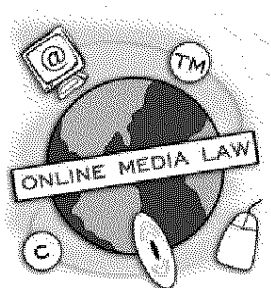
TO	General Counsel Tom Sabatino
COMPANY	Walgreens Co.
FAX NUMBER	12062603966
FROM	Charles Carreon
DATE	2012-07-20 03:52:24 GMT
RE	Doe v. Carreon / Evidence Preservation Request

### COVER MESSAGE

PLEASE DELIVER THE ATTACHED MESSAGE AND THIS COVER SHEET, COMPRISING FIVE (5) PAGES IN ALL TO MR. SABATINO IMMEDIATELY. IF YOU DO NOT RECEIVE ALL FIVE (5) PAGES, PLEASE CALL THE UNDERSIGNED TO REQUEST A RESEND.

Thank you,  
Charles Carreon, Esq.  
2165 S. Avenida Planeta  
Tucson, AZ 85710  
Tel 1: 520-841-0835  
Tel 2: 520-762-7314  
Fax: 520-843-2083

This message may contain attorney-client and/or attorney work-product privileged material. If you are not the intended recipient, please first notify the sender and then delete the message and any attachment. Inadvertent disclosures shall not work a waiver of any privilege.



Charles Carreon, Attorney at Law  
 2165 S. Avenida Planeta  
 Tucson, Arizona 85710  
 chas@charlescarreon.com  
 Telephone: 520-841-0835  
 Fax: 520-843-2083

July 19, 2012

Fax to: 206-260-3966  
 Thomas J. Sabatino, General Counsel  
 Walgreens Co.  
 200 Wilmot Road  
 Deerfield, IL 60015

Re: Doe v. Carreon, USDC N.D.Cal. C 12-03435 NC

Dear Mr. Sabatino:

This letter follows up on three voicemail messages left for you on three consecutive days at your telephone number 312-213-5973.

I am formally requesting that Walgreens Co. preserve all discoverable materials in their care, custody and control that may lead to the discovery of admissible evidence in the above named and numbered action. As Judge Scheindlin stated recently in "By now, it should be abundantly clear that the duty to preserve means what it says." *Pension Committee of the Univ. of Montreal Pension Plan v. Banc of America Securities LLC, et al.*, 685 F. Supp. 2d 456, 462 (S.D.N.Y. Jan. 15, 2010). The grounds for this preservation request are as follows.

I have been sued by Walgreens Co. employee Christopher Recouvreur in the above named and numbered action, in which he is represented by Public Citizen. Although I have not been served or read the complaint, I reasonably infer that the gravamen of Mr. Recouvreur's complaint is that he claims the right to own and operate the Internet domain name Charles-Carreon.com, notwithstanding my ownership of USPTO Trademark 3,749,709 for the use of the "Charles Carreon" mark in the field of legal services.

Although Mr. Recouvreur is identified as "Doe," in the filing, and although he concealed his identity by using "privacy protection" when he registered the domain at Register.com, upon my demand, Register.com unmasked the Whois data for me and I can reliably state that he is the registrant of Charles-Carreon.com, recorded in the Whois database as follows:

Domain Name: charles-carreon.com  
 Created on.....: 2012-06-18  
 Expires on.....: 2013-06-18  
 Administrative Contact:

Charles Carreon, Esq.

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Christopher Recouvreur  
7961 Hellman Ave  
Rosemead, CA 91770  
Phone: +1.5102921354  
Email: crecouvreur@gmail.com

Mr. Recouvreur's employment as a Walgreens Assistant Manager is recorded on his Google+ profile at <https://plus.google.com/113604204682480678709#113604204682480678709/posts>.

Mr. Recouvreur's website initially misappropriated both my name and likeness, utilizing the registered copyright photograph of the author photo from my published book, and combining my name and likeness with the epithet "Censorious Douchebag." The website now purports to be my blog, and has been abundantly filled with content that, suffice it to say, does not meet with my approval.

Given the fact that Mr. Recouvreur has assiduously developed and maintained the website on a very active basis since the initial registration, I reasonably infer that he has done so during his working hours. Thus, I reasonably infer that he used the Walgreens Internet connection and Walgreens computers in pursuit of this litigation-related activity. Whether Walgreens will be a party to the litigation is uncertain at present, but it is clear that it possesses material likely to lead to the discovery of admissible evidence, and thus subject to the preservation duties applied pursuant to Federal Rule of Civil Procedure 26.

Accordingly, I hereby request that Walgreens preserve all relevant computer data on the Walgreens computers to which Mr. Recouvreur has access, as more specifically set forth below. An Internet search on Google Maps shows a Walgreens located at 2750 San Gabriel Blvd., Rosemead, CA, so perhaps that is the most likely location where the computer data needs to be secured. In any event, wherever Mr. Recouvreur works, please immediately take all necessary steps to secure the following materials described below.

#### **Definitions and Instructions**

- The Relevant Time Period ("RTP") for the documents to be preserved is June 18, 2012 until July 31, 2012.
- Mr. Recouvreur is referred to as "CR."
- To "PRESERVE" means (1) to halt all routine business practices geared to the deletion, alteration, or destruction of potential evidence, including but not limited to halting any scheduled hard-drive re-imaging, email or other digital data purging, electronic data shredding, sale or transfer of computers, server backup tape rotation, disk defragmentation or maintenance routines, and (2) to maintain the data in a form where it can be accessed, copied, and transferred to my possession upon Walgreens' receipt of a duly-issued subpoena.

- PRESERVATION shall continue until you receive an Order from the Court having jurisdiction of Doe v. Carreon discharging Walgreens from its duties

### **Documents To Be Preserved**

PLEASE PRESERVE all documents recording:

1. CR's work duties during the RTP.
2. CR's work schedule and hours actually worked during the RTP.
3. The work schedules and contact information for all Walgreens employees on duty at the same store where CR worked during the RTP.
4. All emails in CR's Walgreens email account sent or received during the RTP.
5. All telephone call records from telephones located at the Walgreens store(s) where CR worked and works during the RTP.
6. The Internet browsing history for all computers at the Walgreens store(s) where CR worked and works during the RTP.
7. The search history for Google and other search engines accesses by all computers at the Walgreens store(s) where CR worked and works during the RTP.
8. All digital files (text, image, video or data) created or edited by CR during the RTP.
9. All records of deletions of digital files (text, image, video or data) deleted by CR during the RTP.
10. All VoIP or Instant Messenger activity conducted by CR using Walgreens computers or handheld Internet-access devices provided by Walgreens to CR, during the RTP.
11. All telephone records and text messages generated by CR during the RTP using a Walgreens-provided cellular phone.
12. All records showing the computer activity on any Walgreens computer to which CR had access, and any handheld Internet-access device provided by Walgreens to CR, indicating connections made to:
  1. register.com
  2. wordpress.org
  3. charles-carreon.com
  4. charles-carreon.com/wp-admin
  5. any other URL associated with charles-carreon.com
  6. <https://twitter.com/deselect>
  7. <https://twitter.com/SatiricalChas>
  8. <http://forums.theregister.co.uk/user/58686/>
  9. <http://www.huffingtonpost.com/social/deselect?action=comments>
  10. <http://www.comicsalliance.com/2012/07/09/charles-carreon-withdraws-lawsuit-against-the-oatmeal/#aolc=BMUzBQ>
  11. <https://www.facebook.com/recouvreur>

Charles Carreon, Esq.


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Please contact me immediately should you have any questions or concerns regarding the preservation request. If I do not hear from you, I will presume that Walgreens is complying with the preservation request, and will be prepared to provide me with all of the preserved data in response to a duly-issued subpoena. Should this litigation resolve in some manner that does not require continued preservation, I will notify you promptly.

Thank you for your attention to this matter.

Very truly yours,

 Charles Carreon  
2012.07.19  
20:49:11 -07'00'

Charles Carreon

cc: Addressee via USPS Certified Mail