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VIA PROCESS SERVER

Brendan P. Bryant
3301 Palm Blvd.
Isle of Palms, SC 29451

Re: Surreptitious Recordings of Nancy Mace

Dear Mr. Bryant,

This firm along with Steve and Kate Schmutz represent Nancy Mace for damages arising from your voyeuristic audio and video recordings of Ms. Mace in violation of S.C Code Ann. Sec. §16-17-470.

This statute states, "A person commits the crime of voyeurism if, for the purpose of arousing or gratifying sexual desire of any person, he or she knowingly views, photographs, audio records, video records, produces, or creates a digital electronic file, or films another person, without that person's knowledge and consent, while the person is in a place where he or she would have a reasonable expectation of privacy." The statute continues that a person would have a reasonable expectation of privacy "in a place where a reasonable person would believe that he or she could disrobe in privacy, without being concerned that his or her undressing was being photographed, filmed, or videotaped by another.

We are in possession of substantial evidence of numerous such recordings you have made. Based on our investigation, you have violated all elements of this statute which potentially exposes you to civil liability including actual and punitive/exemplary damages.

You should forward this letter to your attorney immediately so that I may discuss the preservation of all documents and Electronically Stored Information (hereafter "ESI") in your

possession, custody and/or control. The ESI and documents constitute evidence against you in a potential civil action and it shall be maintained in its original condition and not be altered, amended, edited, deleted or destroyed.

In the event you do not have an attorney, you are hereby instructed to confirm that you have taken the steps outlined below to preserve ESI and tangible documents potentially relevant to this matter. If you have not undertaken the steps outlined below or have taken other actions, please describe what you have done to preserve potentially relevant evidence.

Considering the disastrous financial consequences you face from your illegal recordings of Ms. Mace, you should seek the advice of your attorney and provide him or her with a copy of this letter and ask him or her to contact me immediately. Should you choose not to consult counsel in this matter, please call me immediately at my office, 843-723-7491, or my mobile phone, [REDACTED]

PRESERVATION OF MATERIAL

Additionally, this letter is formal notice that you preserve all documents, tangible things, and electronically stored information and files potentially relevant to the issues in the above-referenced matter. As used in this letter the terms "you" refers to you, your family members, all businesses and entities controlled or operated by in which you have any interest, and any predecessors, successors, parents, subsidiaries, division, or affiliates, and its respective officers, directors, agents, attorneys, accountants, employees, partners, or other persons occupying similar positions or performing similar functions.

This demand includes the preservation and retention of all documents, records, files, and data relating in any way to: Yourself or Ms. Mace whether by written or hard copy format or by electronic or digital format of either you or anyone acting on your behalf. You should anticipate that much of the information subject to disclosure or responsive to discovery in this matter is stored on your current and former computer systems, laptops, online repositories, cloud services, electronic or digital apps, hard drives, cameras and cell phones.

ESI should be afforded the broadest possible definition and includes (by way of example and not as an exclusive list) potentially relevant information electronically, digitally, magnetically or optically stored as:

1. Digital communications (e-mail, voicemail, instant messaging, sms messaging, text messaging, messaging apps, etc.);
2. Word processing documents (Word, WordPerfect, Google documents or any other documents and drafts, etc.);
3. Spreadsheets and Tables (Excel, Lotus123, Google spreadsheets or other worksheets, etc.);
4. Accounting Application Data (Quickbooks, Money, Peachtree Data Files);

5. Image and Facsimile Files (.pdf, .tiff, .jpg, .png, .heic, .jpeg, .gif images, etc.);
6. Sound Recordings (.wav and .mp3 files, etc.);
7. Video and Animation (.avi, .mov and .mp4 files, etc.);
8. Databases (Access, Oracle, SQL Server data, SAP;
9. Contact and Relationship Management Data (Outlook and Act!, Google, Google contacts, cell phone contacts, email contacts, contacts in spreadsheets, contacts in electronic or digital apps, etc.
10. Presentation (Powerpoint, Corel Presentations, Google Presentations);
11. Network Access and Server Activity Logs, hard drive activity logs, other activity logs;
12. Project Management Application Data;
13. Computer Aided Design/Drawing Files; and
14. Back up and Archival Files (.zip and .gho)

ESI resides not only in areas of electronic, magnetic and optical storage media reasonably accessible to you, but also in areas you may deem not reasonably accessible. You are obligated to preserve potentially relevant evidence from all sources of ESI, even if you do not anticipate producing such ESI.

The demand that you preserve both accessible and inaccessible ESI is reasonable and necessary. Please be aware that even ESI that you deem reasonably inaccessible must be preserved in the interim so as not to deprive my client of her right to secure evidence or the Court of its right to adjudicate the issue.

PRESERVATION REQUIRES IMMEDIATE INTERVENTION

You must act immediately to preserve potentially relevant ESI in any way relating to my client's claim. Adequate preservation of ESI requires more than simply refraining from efforts to destroy or dispose of such evidence. You must also intervene to prevent loss due to routine operations and employ proper techniques and protocols suited to protection of ESI. Be advised that sources of ESI are altered and erased by continued use of your computers and other devices. Booting a drive, examining its contents or running any application will irretrievably alter the evidence it contains and may constitute unlawful spoliation of evidence. Consequently, alteration and erasure may result from your failure to act diligently and responsibly to prevent loss or corruption of ESI.

Nothing in this demand for preservation for ESI should be understood to diminish your concurrent obligation to preserve documents, tangible things, and other potentially relevant evidence.

SUSPENSION OF ROUTINE DESTRUCTION

You are directed to immediately initiate a litigation hold for potentially relevant ESI, documents and tangible things, and to act diligently and in good faith to secure and audit compliance with such litigation hold. You are further directed to immediately identify and modify or suspend features of your

information systems and devices that, in routine operation, operate to cause the loss of potentially relevant ESI. Examples of such features and operations include:

1. Purging the contents of e-mail repositories by age, capacity or other criteria;
2. Using data or media wiping, disposal, erasure or encryption utilities or devices;
3. Overwriting, erasing, destroying, deleting or discarding back-up media;
4. Re-assigning, re-imaging or disposing of systems, servers, devices and media;
5. Running antivirus or other programs effecting wholesale metadata alteration;
6. Releasing or purging online storage repositories;
7. Using metadata stripper utilities;
8. Disabling server or IM logging; and
9. Executing drive or file defragmentation or compression programs.

GUARD AGAINST DELETION

You should anticipate that your family members, employees, business partners, officers, or others may seek to hide, destroy or alter ESI and act to prevent or guard against such actions. Especially where machines have been used to access the internet or for personal communications, you should anticipate that users may seek to delete or destroy information that they regard as personal, confidential, or embarrassing, and, in doing so, may also delete or destroy potentially relevant ESI. This concern is not one unique to you or your family members, employees, business partners or officers. It is simply an event that occurs with such regularity in electronic discovery efforts that any custodian of ESI and their counsel are obliged to anticipate and guard against its occurrence.

ANCILLARY PRESERVATION

You must preserve the documents and other tangible items that may be required to access, interpret or search potentially relevant ESI including log control sheets, specifications, indices, naming protocols, file lists, network diagrams, flow charts, instruction sheets, data entry forms, abbreviation keys, user ID and password rosters or the like.

You must preserve any passwords, keys, or other authenticators required to access encrypted files or standard CD or DVD optical disk drives if needed to access the encrypted files or run applications, along with installation disks, user manuals, and license keys for applications required to access the ESI.

You must preserve any cabling, drivers and hardware, other than a standard 3.5" floppy disk or standard CD or DVD optical disc drive, if needed to access or interpret medical information on which ESI is stored. This includes tape drivers, bar code readers, Zip drives and other legacy or proprietary devices.

PRESERVATION PROTOCOLS

We are desirous of working with you to agree upon an acceptable protocol for forensically sound preservation and can supply a suitable protocol, if you wish to furnish an inventory of the systems preservation and media to be preserved. If you will promptly disclose the preservation protocol you intend to employ, perhaps we can identify any points of disagreement and resolve them. A successful and compliant ESI preservation effort requires expertise. If you do not currently have such expertise at your disposal, we urge you to engage the services of an expert in electronic evidence and computer forensics.

DO NOT DELAY PRESERVATION

The afore referenced ESI constitutes evidence in a potential civil action and should your failure to preserve potentially relevant evidence result in the corruption, loss, or delay in production of evidence to which we are entitled, such failure would constitute spoliation of evidence, and we will not hesitate to seek sanctions.

CONFIRMATION OF COMPLIANCE

If you have not undertaken the steps outlined above or have taken other actions, please describe what you have done to preserve potentially relevant evidence.

Once again, considering the dire financial consequences you face as a result of your nonconsensual recordings of Ms. Mace, please forward this correspondence to your attorney. Should you choose not to retain counsel in this matter, please call me immediately at my office, 843-723-7491, or my mobile phone, [REDACTED] to discuss this matter.

With kindest personal regards,

URICCHIO, HOWE, KRELL, JACOBSON,
TOPOREK & KEITH, P.A.

Jonathan F. Krell

JFK/sms

Cc: Kate Schmutz
Steven J. Schmutz, Esquire