

SNOW, CHRISTENSEN & MARTINEAU

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April 28, 2008

Thurman & Sutherland 1886
Thurman, Sutherland & King 1888
Thurman, Wedgwood & Irvine 1906
Irvine, Skeen & Thurman 1923
Skeen, Thurman, Worsley & Snow 1952
Worsley, Snow & Christensen 1967

John H. Snow 1917-1980

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To Contact Writer:

JOYCE JAMES
ASSISTANT COMMISSIONER
CHILDREN PROTECTIVE SERVICES
TEXAS DEPT. OF FAMILY & PROTECTIVE SERVICES
PO BOX 149030
AUSTIN TX 78714-9030

Re: FLDS

Dear Ms. James:

This firm represents all residents of the Yearning for Zion Ranch in Eldorado, Texas in connection with any civil claims arising from your agency's participation in the searches and seizures that occurred at the ranch from April 4 to April 7, 2008. Specifically, we are concerned that the United States Constitutional rights of our clients have been violated by your agency's activities. The purpose of this letter is to remind you of your duty under Texas and federal law to preserve evidence related to any potential civil claims against your agency, its agents, officers, and investigators.

In order to fulfill your duty to preserve evidence, please preserve all items seized in the searches of the ranch, including, but not limited to, any documents, records, photographs, books, computers, computer hard drives, electronically stored information, cell phones, and PDAs. In addition, please preserve the names of all investigators and law enforcement personnel who participated in the searches. Please preserve the names of any witnesses, investigators, law enforcement officers, or any other person who supplied information used to procure the warrants. Please preserve the names of every child seized in the incident. Please preserve the names of every nurse, physician, physician's assistant, psychologist, social worker, or anyone else practicing the healing arts that interviewed or examined any child removed from the ranch.

Under the Federal Rules of Civil Procedure, you are required to cease normal deletion of your internal electronically-stored information. By this letter, Children Protective Services at the Texas Dept. of Family & Protective Services is given notice not to destroy, conceal or alter any relevant or discoverable paper, or electronic files, or other data generated by and/or stored on your computer systems, storage media (*e.g.*, hard drives, floppy disks, backup tapes, thumb drives, etc.), or any other electronic data, such as voice mail. This includes, but is not limited to, email and other electronic communications, word processing documents, spreadsheets, databases, calendars, telephone logs, contact information, internet usage files, offline storage or information stored on removable media, information contained on laptops or other portable devices, and network access information. The duty to preserve relevant evidence also extends to all hard copies (*i.e.*, paper copies) of documents related to our clients and the matters at issue in this dispute. If Children Protective Services at the Texas Dept. of Family & Protective Services fails to preserve this evidence, it may be sanctioned by a court of law.

Sincerely,

SNOW, CHRISTENSEN & MARTINEAU



Rodney R. Parker

RRP:mj

cc: Carey Cockerell, Commissioner, Texas Dept. of Family & Protective Services
Schleicher County Sheriff David Doran