

September 11, 2007

**VIA FEDERAL EXPRESS and  
VIA FACSIMILE (412) 355-6501**

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Henry W. Oliver Bldg.  
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Pittsburgh, PA 15222-2312

**RE: Estate of Christopher Benoit – World Wrestling Entertainment,  
Inc.**

Dear Mr. McDevitt:

The undersigned represents the Estate of Christopher Benoit (the "Estate"). I write to advise your client, World Wrestling Entertainment, Inc. ("WWE"), as to their obligation to preserve certain corporate information. If it is your position that we need to send this notice directly to WWE, then please advise us as soon as possible, and we will do so. As you are likely aware, electronically stored information is an irreplaceable source of discovery and/or evidence in litigation, which in this case stems from the tragic death of Chris Benoit and his family. Such litigation requires preservation of all information from WWE's computer systems, removable electronic media, and other locations that relate, in any way, to the following topics:

- 1) Chris Benoit, Nancy Benoit, Daniel Benoit or Wolverine Sports, Inc.;
- 2) WWE's Wellness Program relating to drug testing, steroids, head injuries or concussions;
- 3) the use of steroids, testosterone, pain medications, human growth hormone by WWE performers;
- 4) concussions, post-concussion syndrome, head injuries or any conditions, such as brain damage, headaches or amnesia, caused by head injuries;
- 5) WWE or WWF Wrestlers who have died before the age of 50;
- 6) current or former WWE or WWF Wrestlers who have suffered head injuries or concussions;
- 7) current or former WWE or WWF Wrestlers who have engaged in steroid, testosterone, or human growth hormone use;
- 8) Dr. Phil Astin or any other doctors dispensing testosterone or steroids to WWE or WWF performers, officers or board

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- members;
- 9) any former WWF or WWE wrestlers who have committed suicide or homicide;
- 10) medical records of all WWF or WWE performers and their doctors who have treated WWF or WWE wrestlers for head injuries or concussions; and
- 11) any investigation WWE has conducted concerning the death of Chris Benoit and his family; and
- 12) any investigation WWE has conducted in response to any governmental agency or Congressional Committee's investigation into WWE relating to steroids or the health and safety of its wrestlers.

This type of information may be contained in emails and other electronic communications, word processing documents, spreadsheets, databases, calendars, telephone logs, contact manager information, Internet usage files, and network access information, among other places.

WWE should also preserve the following platforms in the possession of any of its subsidiaries, affiliates, foundations, vendors, and independent contractors over which it has control: databases, networks, computer systems, including legacy systems (hardware and software), servers, archives, backup or disaster recovery systems, tapes, discs, drives, cartridges and other storage media, laptops, personal computers, internet data, personal digital assistants, handheld wireless devices, mobile telephones, paging devices, and audio systems (including voicemail).

***To the extent WWE employs a document retention policy that provides for the occasional destruction of documents, such destruction practices should be suspended immediately as they relate to any documents or other tangible material which may relate to the above-referenced matter.***

All of the information contained in the letter should be preserved for the following dates and time periods: ***from the time period Chris Benoit began wrestling for WWF, WWE or any of its affiliates and/or subsidiaries except for information relating to concussions or head injuries. Information regarding concussions or head injuries should be preserved from 1998 forward.***

#### **PRESERVATION OBLIGATIONS**

The laws and rules prohibiting destruction of evidence apply to electronically stored information in the same manner that they apply to other evidence. Due to its

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format, electronic information is easily deleted, modified or corrupted. Accordingly, WWE must take every reasonable step to preserve this information until the final resolution of this matter.

This includes, but is not limited to, an obligation to:

- Discontinue all data destruction and backup tape recycling policies;
- Preserve and not dispose of relevant hardware unless an exact replica of the file (a mirror image) is made;
- Preserve and not destroy passwords, decryption procedures (and accompany software), network access codes, ID names, manuals, tutorials, written instructions, decompression or reconstruction software; and
- Maintain all other pertinent information and tools needed to access, review, and reconstruct necessary to access, view, and/or reconstruct all requested or potentially relevant electronic data.

#### **DESCRIPTION OF DATA SOUGHT**

**I. Electronic Files.** You have an obligation to preserve all digital or analog electronic files in electronic format, regardless of whether hard copies of the information exist. This includes preserving:

- A. Active data (i.e., data immediately and easily accessible on WWE's systems today);
- B. Archived data (i.e., data residing on backup tapes or other storage media);
- C. Deleted data (i.e., data that has been deleted from a computer hard drive but is recoverable through computer forensic techniques); and
- D. Legacy data (i.e., data created on old or obsolete hardware or software).
- E. WWE must preserve active, archived and legacy data including but not limited to:
  - 1. Word-processed files, including drafts and revisions;
  - 2. Spreadsheets, including drafts and revisions;
  - 3. Databases;
  - 4. Presentation data or slide shows produced by presentation software (such as Microsoft PowerPoint);
  - 5. Animations, images, audio, video and audiovisual recordings, MP3 players, and voicemail files.
  - 6. Data generated by calendaring, task management and personal information management (PIM) software (such as Microsoft Outlook or Lotus Notes);

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7. Data created with the use of personal data assistants (PDAs), such as PalmPilot, HP Jornada; Cassiopeia or other Windows CE-based or Pocket PC devices;
8. Data created with the use of document management software; and
9. Data created with the use of paper and electronic mail logging and routing software.

F. WWE must preserve media used by its computers including but not limited to:

1. Magnetic, optical or other storage media, including the hard drives or floppy disks used by WWE computers;
2. Backup media (i.e., other hard drives, backup tapes, floppies, Jaz cartridges, CD-ROMs) and the software necessary to reconstruct the data contained on the media; and
3. Archived media (you should retain a mirror image copy of any media no longer in service **but used during the following time periods**):

a) **from the time period in which Chris Benoit began wrestling for WWF or WWE or any of its affiliates or subsidiaries for information except regarding head injuries or concussions; and**

b) **1998 to present for information regarding post-concussion syndrome, head injuries or brain damage**

**II. Hardware.** WWE has an obligation to preserve all electronic processing systems, even if they are replaced. This includes computer servers, stand-alone personal computers, hard drives, laptops, PDAs, and other electronic processing devices. WWE should retain copies of any hardware no longer in service but used during the time period in which Chris Benoit began wrestling for the WWF or WWE or any of its affiliates or subsidiaries.

**III. Emails.** You have an obligation to preserve all potentially relevant internal and external emails that were sent or received. Email must be preserved in electronic format, regardless of whether hard copies of the information exist.

**IV. Internet Web Activity.** You have an obligation to preserve all records of Internet and Web-browser generated files in electronic format, regardless of whether hard copies of the information exist. This includes Internet and Web-browser-generated history files, caches and "cookies" files stored on backup media or

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generated by an individual employed by or on behalf of WWE.

**V. Activity Logs.** WWE must preserve all hard copy or electronic logs documenting computer use by WWL.

**VI. Supporting Information.** WWE must preserve all supporting information relating to the requested electronic data and/or media including:

A. Codebooks, keys, data dictionaries, diagrams, handbooks, or other supporting documents that aid in reading or interpreting database, media, email, hardware, software, or activity log information.

**VII. Information for Wrestlers - as Employees and/or Independent Contractors.** WWE should preserve all data that contains the information described below for the following wrestlers, employees and/or independent contractors: Chris Benoit, any other WWF or WWE wrestler who died before the age of 50, any WWF or WWE wrestler who uses steroids or testosterone and any WWF or WWE wrestler who has suffered concussions or any head injuries.

- A. Name(s) and Job Title(s) and Employee Classification - whether independent contractor, employee or other classification;
- B. Talent Booking Contracts and Loan Out Agreements or Enhancement Arrangements;
- C. Basic employee/independent contractor information, including name, date of birth, social security number, employee identification number, race, date hired (or re-hired), and medical background;
- D. Employment performance evaluations or reviews, fines, suspensions, admonitions, drug tests, results of drug tests, counseling, or medical treatment;
- E. All information, including 1099 or W-2 forms, relating to compensation (including salary, bonuses, royalties, commissions, merit increases, stock options or other forms of compensation);
- F. Any disciplinary action or contract violations; and
- G. Any showing the date of departure and reason for leaving; and
- H. Any lawsuits filed by performers or their family members relating to suicide, homicide, steroids, painkillers, injuries suffered due to

wrestling, head injuries, concussions or post-concussion syndrome.

**DESCRIPTION OF DOCUMENTS AND MEDIA THAT SHOULD BE PRESERVED**

**I. Data Preservation.** WWE should immediately preserve all data and information about the data (i.e., backup activity logs and document retention policies) relating to documents maintained in the ordinary course of business for the employees listed below. This includes, but is not limited to, the information listed below.

- A. Email and any relevant metadata, including message contents, header information, and email system logs that was sent or received by or is in the possession of the following parties and/or contains information about the following subjects:

1. **Parties:**

- a) Vince McMahon;
- b) Linda McMahon;
- c) Shane B. McMahon, Executive Vice President Global Media;
- d) John Laurinaitis, Senior Vice President, Talent Relations;
- e) Joe Bogdan;
- f) Edward L. Kaufman, Executive Vice President and General Counsel;
- g) Michael Sileck - Chief Operating Officer;
- h) Kevin Dunn, Executive vice President, Television Production;
- i) Donna Goldsmith, Executive Vice President, Consumer Products;
- j) Stephanie McMahon Levesque, Executive Vice President, Talent and Creative Writing;
- k) Frank G. Scorp, Chief Financial Officer;
- l) Geof Rochester, Executive Vice President, Marketing;
- m) Carl DeMarco - WWE Canada, Inc., President;
- n) Wolverine Sports, Inc. or Chris Benoit website or e-mails;
- o) The head of the WWE Wellness Program;
- p) All persons involved in WWE head injury management programs of any kind;
- q) All persons and entities involved in enforcement of

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- r) WWE steroid and drug policies; and  
David L. Black, Ph.D.

2. **Subject Matters:**

- a) AEGIS Sciences Corporation – drug testing and drug testing results;
- b) Chris Benoit, Nancy Sullivan Benoit, Daniel Benoit;
- c) Fragile X Syndrome;
- d) Steroids and human growth hormone (investigations, use, testing or otherwise);
- e) Painkillers (investigations, use, testing or otherwise);
- f) Concussions, Brain Damage or Head Injuries
- g) WWE's Wellness Program;
- h) WWF or WWE Wrestler's Deaths of Wrestler's Prior to Age 50;
- i) Failed drug tests;
- j) Suspensions, fines or admonishments due to failed drug tests;
- k) Contact to Fayette County Sheriff's Office regarding Benoit family;
- l) Contact to any current or former WWE Wrestler's regarding Benoit family prior to or after call to Fayette County Sheriff's Office;
- m) Dr. Cyril Wecht;
- n) Lawsuits, settlements, arbitrations regarding post-concussion syndrome, head injuries or brain damage; and
- o) Talent Personnel Appearance Reports relating to Chris Benoit.

B. All active and deleted copies of any word processing files, spreadsheets, PowerPoint presentations, or other documents that are in the possession of the parties in Section I.A.2 above and/or contain information about the subjects listed in Section I.A.2 above.

C. Databases and any information about the databases that are in the possession of the parties listed in Section I.A.2 above and/or contain information about the subjects listed in Section I.A.2 above.

D. All paper and/or electronic logs of computer system and network activity that pertain to electronic data storage that are in the possession of the parties listed in Section I.A.2 above and/or contain information about the

subjects listed in Section I.A.2 above.

E. All active and deleted copies of any electronic calendars or scheduling programs, including programs maintained on PDAs, that are in the possession of the parties listed in Section I.A.2 above and/or contain information about the subjects listed in Section I.A.2 above.

## **II. Data Storage Devices**

A. *Online Data Storage.* If WWE uses online storage and/or direct access storage devices, they must immediately cease modifying or deleting any electronic data unless a computer forensic expert makes a mirror image of the electronic file, follows proper preservation protocols for assuring the accuracy of the file (i.e., chain of custody), and makes the file available for litigation.

B. *Offline Data Storage.* Offline data storage includes, but is not limited to, backup and archival media, floppy diskettes, magnetic, magneto-optical, and/or optical tapes and cartridges, DVDs, CDRoms, and other removable media. WWE should immediately suspend all activity that might result in destruction or modification of all of the data stored on any offline media. This includes overwriting, recycling or erasing all or part of the media. This request includes, but is not limited to, media used to store data from personal computers, laptops, mainframe computers, and servers.

C. *Data Storage Device Replacement.* If WWE replace(s) any electronic data storage devices, WWE may not dispose of the storage devices.

D. *Preservation of Storage Devices.* WWE may not modify, delete or otherwise alter (i.e., by data compression, disk de-fragmentation, or optimization routines) any electronic data unless a computer forensic expert makes a mirror image of the electronic file, follows proper preservation protocols for assuring the accuracy of the file (i.e., chain of custody), and makes the file available for litigation. The expert must make a mirror image of active files, restored versions of deleted files, and restored versions of deleted file fragments, hidden files, and directory listings. This includes, but is not limited to, preserving electronic data (stored on online or offline storage devices) that came from the following hardware or software applications:

1. Fixed drives on stand-alone personal computers or laptops;
2. Network servers and workstations; and
3. Software application programs and utilities.



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**PRESERVATION COMPLIANCE**

**I. Activity Log.** In order to show preservation compliance, WWE must maintain a log, documenting all alterations or deletions made to any electronic data storage device or any electronic data processing system. The log should include changes and deletions made by supervisors, employees, contractors, vendors, or any other third parties.

**II. Mirror Images.** WWE must secure a mirror image copy (a bit-by-bit copy of a hard drive that ensures the computer system is not altered during the imaging process) of all electronic data contained on the personal computers and/or laptops of the individuals listed below. The mirror image should include active files, deleted files, deleted file fragments, hidden files, directories, and any other data contained on the computer. WWE must also collect and store any offline or online storage devices that contain data from any electronic processing devices for the individuals listed in Section I.A.2.

**III. Chain of Custody.** For each piece of media that WWE preserves, WWE must document a complete chain of custody. A proper chain of custody will ensure that no material changes, alterations or modifications were made while the evidence was handled. Chain of custody documentation must indicate where the media has been, whose possession it has been in, and the reason for that possession.

**IV. Electronic Data Created After This Letter.** For any electronic data created after this letter or for any electronic processing systems used after this letter, WWE must take the proper steps to avoid destroying potentially relevant evidence. This includes following the above preservation protocols.

Compliance with WWE's preservation obligations includes forwarding a copy of this letter to all individuals or organizations that are responsible for any of the items referred to in this letter. If this correspondence is in any respect unclear, please call me immediately.

Sincerely,



Cary Ichter

cc: Mr. Mike Benoit