

## IN DISTRICT COURT, COUNTY OF CASS, STATE OF NORTH DAKOTA

<p>Sierra Corporate Design, Inc.,  Plaintiff,  v.  David Ritz,  Defendant.</p>	<p>File No. <u>09 05 C - 1460</u></p> <p><b>ORDER TO PRESERVE EVIDENCE AND SHORTEN TIME FOR MOTION</b></p>
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The above-captioned matter came on for an *ex parte* hearing before the Honorable Judge of District Court on the 31<sup>st</sup> day of May, 2005, on Plaintiff's motion for expedited discovery.

Appearing for Plaintiff was Tim O'Keeffe, Kennelly & O'Keeffe, Alerus Financial Building, 15 Broadway, Suite 604, Fargo, North Dakota 58102.

The Court, having heard the arguments of counsel and having considered the submitted memoranda of law and affidavits, and based on all of the files and records herein, makes the following order:

1. The defendant in the above matter, and all individuals or entities acting in concert with him shall preserve all information relating to plaintiff Sierra Corporate Design, Inc. ("Sierra"), and/or its various business entities including, but not limited to, Newsfeeds.com. The information to be preserved includes, but is not limited to, evidence pertaining to defendant's accessing plaintiff's servers and websites and all communications about those visits. This Order specifically prohibits the deletion or other spoliation of any evidence which is discoverable in this action, whether such evidence is maintained via hard copy, on e-mail server, on personal computers and laptops, on disk, or on any other storage medium. No

activity is to take place on any computer, server or disk on which such evidence can be found until such time as a forensic image has been taken of the hard drives of such equipment.

2. Pursuant to N.D.R.Civ.P. 6(d) Plaintiff shall be allowed to bring a motion for expedited discovery and a Rule 34 motion for inspection of things on an abbreviated briefing and hearing schedule. Said motion shall be heard on JUNE 7, 2005 at 10:00 (a.m./p.m.) and defendant may attend in person or via telephone.

BY THE COURT:

Date:

5/31/05

  
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Judge of District Court