integrity of" such materials. *In re Nat'l Security Agency Telecommunications Records Litig.*, No. 06-1791, 2007 WL 3306579, at *1 (N.D. Cal. Nov. 6, 2007).

Preservation includes, more specifically, "taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of such material, as well as negligent or intentional handling that would make material incomplete or inaccessible." *Id.* Counsel should likewise "exercise efforts to identify and notify . . . non-parties, including employees of corporate or institutional parties." *Id.*; *see also Silvestri*, 271 F.3d at 591 ("If a party cannot fulfill this duty to preserve because he does not own or control the evidence, he still has an obligation to give the opposing party notice of access to the evidence if the party anticipates litigation involving that evidence."). Such efforts include inquiring of their clients "if the business practices of any party involve the routine destruction, recycling, relocation, or mutation os [sic] such materials and, if so, direct the party . . . either to (1) halt such business processes; (2) sequester or remove such material from the business process; or (3) arrange for the preservation or complete and accurate duplicates or copies of such material, suitable for later discovery if requested." *Id.* at *2.

Pursuant to Local Rule 7.02, counsel for plaintiffs certify they attempted to consult with counsel for defendants to no avail.

For the reasons set forth above, the Court should grant Plaintiffs' Motion in its entirety and enter the attached proposed Order Governing Preservation of Evidence in this matter.

Respectfully submitted,

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TOY-TQ002-06-3D-00004717