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April 26, 2021

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Via Hand Delivery and U.S. Certified Mail Return Receipt Requested

Mark D. Stiles, Esquire
Virginia Beach City Attorney
City Attorney’s Office
2401 Courthouse Drive, Bldg. 1
Virginia Beach, Virginia 23456

Re: Notice of Claim, Litigation Hold of Tangible Items, Documents and Digital/Electronic Evidence

Claimant’s Name/Our Client: The Estate of Donovan Lynch (the “Estate”)
Date of Loss: March 26, 2021 at or about 12:00 am
Location of Homicide: Southwest Corner of 20th Street and Pacific Avenue,
Virginia Beach, VA.

Dear Mr. Stiles,

Please be advised that our firm, Anchor Legal Group, PLLC, has been retained to represent the Estate of Donovan Lynch, deceased (hereinafter “the Estate”), in a claim for personal injuries and the wrongful death of Donovan Lynch (hereinafter “Donovon”) occurring on March 26, 2021. Donovon was wrongfully and intentionally shot with a firearm by Officer Solomon D. Simmons, of the Virginia Beach Police Department. Please accept this letter as the Estate’s Notice of Claim pursuant to §15.2-209 of the Code of Virginia.

The nature of this claim is for personal injury and wrongful death as a direct and a proximate result of the actions of the City of Virginia Beach Police Department and its agents and/or employees. Specifically, in the early morning hours of March 26, 2021, at approximately 12:00 am, Donovon was shot and killed by a Virginia Beach Police Officer, believed to be Officer Solomon D. Simmons. As a result of the actions of the City of Virginia Beach and its agents and/or employees, Donovon was caused great physical injury and death. At all times relevant hereto, the Virginia Beach Police Officer who shot Donovon, and other officers/agents/employees of the Virginia Beach Police Department acted with a high degree of reckless disregard for the safety, well-being, and life of the public.

As noted, this letter is to first advise you of our firm’s representation in this matter. You and your liability insurance carrier are hereby instructed to make all further contacts concerning this matter through our office(s). If a representative of the Estate has previously provided the City



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of Virginia Beach or its representatives with any authorizations for the release of medical, employment, or any other information, please be advised that such authorizations are hereby wholly revoked. Additionally, if the City of Virginia Beach or its representatives have obtained or taken a recorded statement from Officer Solomon D. Simmons or any witness to the incident, please forward a transcript of such statement to this office within thirty (30) days of your receipt of this letter.

Preservation of Evidence/Litigation Hold

Further, this letter serves as notice of our demand for the City of Virginia Beach and its agents and representatives to fully preserve any and all evidence relevant and material to this incident and that such evidence be maintained and preserved and not destroyed, modified, altered, repaired or changed in any manner. Further, pursuant to the Virginia Freedom of Information Act, Va. Code §2.2-3700 et seq., I hereby request you provide me with the information and documents described below.

Specifically, we request that you preserve and provide, **at a minimum**:

- a. Any and all information, documents, data video and audio recordings, including, but not limited to traffic cameras, security cameras, police body cameras, all footage obtained from all businesses/entities, and photographs depicting the incident giving rise to the above claim, whether such information is electronically or otherwise stored in any other format;
- b. All information, documents, and electronic data containing any information pertaining to the incident that occurred on or about March 25 - 26, 2021 involving Donovan Lynch;
- c. Any and all written, audio, video or otherwise recorded statements of witnesses, employees, independent contractors, police officers, including Officer Solomon D. Simmons, and/or my client's representative(s) concerning the incident giving rise to this claim;
- d. Any and all incident reports, investigative reports, or accident reports involving the incident or claim;
- e. All information, documents and electronic data containing any information whatsoever about Officer Solomon D. Simmons and any/all officers/agents/employees of the City of Virginia Beach involved with this incident;
- f. All information, documents, and electronic data containing information about complaints, and/or claims pertaining to Officer Solomon D. Simmons;

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- g. All information, documents and electronic data containing information about applications, background information, evaluations, and information which would otherwise be stored in personnel file(s), relating to Officer Solomon D. Simmons;**
- h. All information, documents and electronic data containing any information pertaining to any and all incidents that occurred within a 1-mile radius of the Southwest Corner of 20th Street and Pacific Avenue in the City of Virginia Beach, from 10:00 pm, March 25, 2021, to 12:00 pm March 26, 2021;**
- i. Any e-mails, electronic messages, letters, memos, or other documents concerning the shooting and death of Donovan Lynch that occurred on or after March 26, 2021;**
- j. Any and all e-mails, electronic messages, letters, memos, recordings, and/or other documents that in any way relate to Solomon D. Simmons and any/all officers/agents/employees of the City of Virginia Beach involved with this incident.**

As you know, electronic documents are subject to discovery in litigation arising out of this incident under applicable state and federal law. Rules prohibiting the destruction of evidence apply to electronic data in the same manner as they apply to other forms of evidence.

Our client views electronic data, video and/or camera footage as vitally important and irreplaceable sources for discovery and/or evidence in this case. In the event this matter proceeds to litigation, we intend to submit discovery requests to access your computer systems and video and/or camera surveillance equipment to seek the production of certain evidence the City of Virginia Beach is believed to possess in either electronic and/or hard copy form. We ask you to take the broadest view of your obligations under applicable rules to preserve relevant electronic, cell phone, smart phone, computer, traffic cameras, police body cameras, and/or hard copy video and/or camera surveillance footage and to take steps to prevent the destruction of evidence in this case.

To minimize the risk of spoliation of relevant electronic and/or hard copy video and/or camera surveillance footage, you should:

Not modify or delete any electronic data files that are maintained in on-line storage and/or direct access storage devices which exist as of the delivery of this letter and meet the criteria of the above ¶¶ (a)-(j), unless a true and correct copy of each such electronic data file has been made and steps have been taken to ensure that such copy will be preserved and accessible.

Stop any activity that may result in the loss of such electronic data meeting the criteria of ¶¶ (a)-(j) in electronic media used for off-line storage, including magnetic tapes and cartridges and other media. This activity includes rotation, destruction, overwriting and/or erasure of such media in whole or in part.

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Preserve any electronic data storage devices and/or media that may contain electronic data meeting the criteria of ¶¶ (a)-(j) which may be replaced due to failure and/or upgrade or for any other reason.

Not alter or erase such electronic data meeting the criteria of ¶¶(a)-(j) and should not perform any other procedures (such as data compression and disk de-fragmentation or optimization routines) which may impact such data on any stand-alone microcomputers and/or network workstations, unless a true and correct copy had been made of such active files and of completely restored versions of such deleted electronic files and file fragments and unless copies have been made of all directory listings (including hidden files) for all directories and subdirectories containing such files, and unless arrangements have been made to preserve copies.

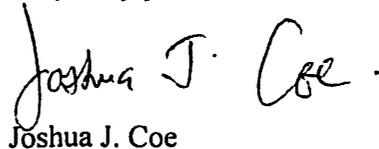
Preserve copies of all application programs and utilities that may be used to process electronic data described in ¶¶ (a)-(j).

Maintain an activity log that documents all modifications made to any electronic data processing system that may affect the system's capability to process any electronic data meeting the criteria described in ¶¶ (a)-(j).

In order to assure that your obligation to preserve documents and things is met, please immediately forward a copy of this letter to all persons and entities with custodial responsibility for the items referred to in this letter.

We appreciate your prompt attention to these matters. Please contact me if you have any questions or concerns. With kind regards, I remain

Very truly yours,

A handwritten signature in black ink that reads "Joshua J. Coe". The signature is written in a cursive style with a period at the end.

Joshua J. Coe

JJC/zjc

cc: Jeffrey Reichert, Esq.
Wayne Lynch