



February 10, 2026

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**VIA E-MAIL**

File Number: 89AF-371175

City Council  
City of Monterey Park  
320 W. Newmark Avenue  
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Email: c/o City Clerk,  
[MPCLerk@montereypark.ca.gov](mailto:MPCLerk@montereypark.ca.gov)

Re: Notice Of Duty To Preserve Evidence

Dear City of Monterey Park and City Councilmembers:

As you know, we represent HMC StratCap 1977 Saturn, LLC (“**Applicant**”) regarding the proposed data center project (“**Project**”) at 1977 Saturn Street (“**Project Site**”) in the City of Monterey Park. The City of Monterey Park has an existing and continuing obligation under state and federal law to preserve all evidence relating to the Project.

Please take immediate steps to ensure that the City of Monterey Park, its City Council (including Councilmembers Thomas Wong, Elizabeth Yang, Jose Sanchez, Henry Lo, Vinh T. Ngo, and any other individuals who have served at any time on the City of Monterey Park City Council since January 1, 2023), its City Manager (Inez Alvarez), its Director of Community Development (Timothy Hou), its City Attorney (Karl Berger), and its (prior since January 1, 2023 and current) employees, its staff, and all persons and entities who are in active concert or participation with the City of Monterey Park or who are associated or affiliated with the City of Monterey Park (collectively, the “**City**”), and any special consultants to the City, including but not limited to, Talbot Consulting Group (Paul Talbot) and Willdan (Jeffery Anderson) preserve and maintain, and do not alter or modify in any manner, the following documents, communications, information, electronically-stored information (“**ESI**”), data, devices, and materials<sup>1</sup>:

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<sup>1</sup> As used in these enumerated items:

- “**ESI**” includes information stored on digital systems, networks, and devices. Digital systems, networks, and devices include systems, networks, and devices that are currently in use and that are no longer in use. Digital systems networks, and devices also include systems, networks, and devices to which the City does not have immediate proximity, but over which it has agency. Examples include, without limitation, servers, computers, laptops, smartphones and tablets, messaging systems, digital devices, and cloud and other repositories.

The term “ESI” should be afforded the broadest possible definition. It includes, by way of example and not limitation, potentially relevant information stored electronically, magnetically, or optically as digital communications (e.g., e-mail, groupware, voicemail, and text, direct or private messages), word-processed documents and drafts, spreadsheets and tables and worksheets, sound recordings (e.g., .WAV and .MP3 files), databases, calendar and diary application data (e.g., Outlook PST), and backup and archival files.

ESI resides within electronic, cloud-based, magnetic, and optical storage media. Some ESI might reside in areas the City deems reasonably accessible. Some ESI might reside in areas the City

1. All mobile phones, smartphones, wearable technology devices, computers, tablets, laptops, and handheld wireless devices belonging to or used by the City and its special consultants since January 1, 2023, as well as all cloud-based, computer, and other data backup and archival systems or accounts used to back up or archive data in such devices and tangible things. ***Note that, if it becomes necessary, we intend to have such devices and tangible items delivered to and inspected by a third-party data recovery and forensic expert/analyst pursuant to CALIFORNIA CODE OF CIVIL PROCEDURE §§ 2031.030(1) and (4) so please make sure that all devices and all data and communications on such devices are preserved.***
  
2. All Documents, ESI, Social Media Messaging, and Tangible Things that reflect, concern, mention, or relate to: (a) all entities associated with the Applicant; (b) applications for the Project; (c) the Project and its entitlements; (d) data centers and similar permitted uses; (e) the property located at 1977 Saturn Street; (f) McCaslin Park; (g) Saturn Park; (h) the Saturn Park Advisory Review Committee (“SPARC”); (i) the Saturn Park Innovation/Technology Zone (“SPITZ”); (j) all data center and project-related ordinances, moratoriums, and city actions; (k) staff reports; (l) environmental review documents; (m) related communications with California State Legislators; (n) related communications with teachers’ unions and other union groups; (o) related communications with activist groups and their

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deems not reasonably accessible. ESI stored in both areas must be preserved so as not to deny the Applicant’s right to examine such evidence or impact the City’s obligation to secure the evidence or a court’s ability to adjudicate any issues if necessary.

- **“Tangible Things”** includes, but is not limited to, all work-related, home or personal computers, tablets, laptops and servers, handheld wireless devices, wearable technology devices (e.g., smartwatches), mobile phones and smartphones, PDAs, electronic archives, computer hard drives, removable data storage devices, back-up tapes, thumb drives or other back-up storage media, video content, audiovisual content, photographs, and calendars.
- **“Documents”** is used herein in the broadest sense possible and shall mean and include, without any limitation, any and all “writings” as that term is defined by CALIFORNIA EVIDENCE CODE § 250, papers, correspondence, notes, letters, facsimiles, transmittals, bulletins, policies, binders, file folders, printed matter, notebooks, minutes, agenda, memoranda, calendars, calendar entries, files, studies, forecasts, surveys, appraisals, invoices, statements, notes of meetings or interviews or telephone conversations, press releases, recordings of meetings or conversations or interviews either in writing or made upon any mechanical, electronic or electrical recording device, computer inputs or outputs, or any other written, graphic, or recorded representations or communications whatsoever, and any other form of communication or representation including letters, records, pictures, film, videotape, sounds, symbols, or communications thereof. The term “documents” also shall include all (a) communications (whether written, oral or electronic), including all letters, telefaxes, emails, text, direct or private messages, snapshots, letters, notes, minutes, correspondence, conferences, conversations, meetings, telephone calls, discussions, negotiations, acts, events, transactions, telegrams, handwritten transcriptions, and computer transcriptions; (b) content on websites, blogs, vlogs, and social media platforms; and (c) any and all drafts or “work-in-progress” versions of the foregoing.
- **“Social Media Messaging”** includes SMS texts, MMS messages, posts, tweets, direct messages DMs, private messages (PMs), videos, snaps, or messages on any social media platform, including, but not limited to: WhatsApp; WeChat; Instagram; YouTube; Twitter; X; TikTok; Slack; Pinterest; Facebook; Snapchat; LinkedIn; Viber; Telegram; Google Hangouts; Voxer; HeyTell; Talkatone; and Silent Phone.

members, including but not limited to, San Gabriel Valley Progressive Action; (p) related communications with teachers unions; and (q) related communications with media and press.

3. All Documents, ESI, Social Media Messaging, and Tangible Things reflecting any communications (whether written, oral or electronic, including, but not limited to, communications and content through Google, Yelp, Twitter/X, Instagram, and YouTube) that reflect, concern, mention, or relate any of the items listed in paragraph 2, above.

All of the foregoing is collectively referred to hereinafter as the “**Written And Electronic Information To Be Preserved**”.

Note that the obligation to preserve and maintain, and not alter or modify in any manner, such Written And Electronic Information To Be Preserved extends to all persons and entities with whom the City has had any communications or meetings. The City should reach out to all such persons and entities and ensure that they are on notice to preserve and maintain, and not alter, destroy, delete or modify in any manner, all such Written And Electronic Information To Be Preserved.

Please ensure that the City maintains all such Written And Electronic Information To Be Preserved and prevents any alteration, destruction, deletion, or modification of it—intentional or unintentional. The City must put a document and data retention policy in place that preserves at least the following:

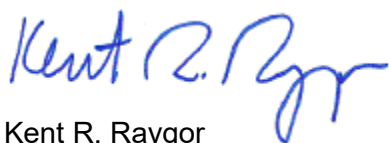
- All e-mails, texts, ESI, and Social Media Messaging concerning, reflecting, or containing Written And Electronic Information To Be Preserved. ***The City must not delete any e-mails, texts, ESI, Social Media Messaging, or other communications, whether maintained in servers or text accounts belonging to, or used by, the City.***
- All electronic databases, files and file fragments, including, but not limited to, word processing files and files from electronic calendars and scheduling programs, work-related, home or personal computers, tablets, laptops and servers, handheld wireless devices, wearable technology devices, mobile phones and smartphones, PDAs, electronic archives, computer hard drives, removable data storage devices, back-up tapes, thumb drives or other back-up storage media, and other devices upon which Written And Electronic Information To Be Preserved is or might have been stored.
- All systems and computer hard drives, removable data storage devices, back-up tapes or other back-up or archival storage media, including those no longer in use, that might be storing or might at one time have stored files or file fragments concerning, related to, or containing Written And Electronic Information To Be Preserved.
- Any other electronic data concerning, reflecting, or containing Written And Electronic Information To Be Preserved—***including, but not limited to, any and all metadata associated with such Written And Electronic Information To Be Preserved.***

The City must immediately stop any activity, including, but not limited to, deletion, rotation, destruction, disposal, replacement, overwriting and erasure, in whole or in part, that might result in the loss, deletion or alteration of any Written And Electronic Information To Be Preserved. To the extent any changes are made to electronic data processing or storage devices or systems, the City must maintain an activity log documenting such changes. With respect to fixed drives on stand-alone personal computers and networked workstations, the City must not alter or erase Written And Electronic Information To Be Preserved, and must not perform other procedures (such as data compression or disk re-fragmentation or optimization routines) that might affect or impact the Written And Electronic Information To Be Preserved stored therein, unless a true and correct copy has been made of all active files and file fragments, and all directory listings, including hidden files, for all directories and subdirectories containing such files, and arrangements have been made to preserve such copies during the pendency of this matter.

Finally, please note that, if the City fails to fully preserve and maintain all such materials, this failure could constitute spoliation of evidence and could subject the City to serious additional liability. See *Golden Door Properties, LLC v. Superior Court*, 53 Cal. App. 5th 733, 746 (2020) (“a lead agency may not destroy, but rather must retain, writings [that Public Resources Code] section 21167.6 mandates for inclusion in the record of proceedings”); *Wm. T. Thompson Co. v. General Nutrition Corp.*, 593 F. Supp. 1443, 1455 (C.D. Cal. 1984); *Kronisch v. United States*, 150 F.3d 112, 130 (2<sup>nd</sup> Cir. 1998); *Sensonics, Inc. v. Aerosonic Corp.*, 81 F.3d 1566, 1575 (Fed. Cir. 1996); *Mathias v. Jacobs*, 197 F.R.D. 29, 37 (S.D.N.Y. 2000); *Bayoil, S.A. v. Polembros Shipping Ltd.*, 196 F.R.D. 479, 482 (S.D. Tex. 2000); *Silvestri v. General Motors Corp.*, 271 F.3d 583, 591 (4<sup>th</sup> Cir. 2001); *Residential Funding Corp. v. DeGeorge Financial Shipping Ltd.*, 306 F.3d 99, 107 (2<sup>nd</sup> Cir. 2002); *Cedars-Sinai Medical Center v. Superior Court of Los Angeles County*, 18 Cal. 4th 1 (1998); CALIFORNIA EVIDENCE CODE § 413; CALIFORNIA PENAL CODE § 135; CALIFORNIA PUBLIC RESOURCES CODE § 21167.6.

The statements in this letter do not constitute a full and complete statement of the facts of, or our client’s rights or defenses with regard to, this matter, nor do such statements constitute a waiver of any of our client’s legal or equitable rights or defenses, all of which are expressly reserved.

Very truly yours,



Kent R. Raygor  
for SHEPPARD MULLIN RICHTER & HAMPTON LLP

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