



# Northwest Justice Project

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César E. Torres  
Executive Director

## **Privileged and Confidential: Attorney-Client Communication and Attorney Work Product**

May 24, 2022

Northwest Youth Services  
1020 N State St.  
Bellingham, WA 98225

*Re: Klaus Lohse v. Northwest Youth Services, Whatcom Co. Superior Court Case # 22-2-00387-37*

Dear Northwest Youth Services staff and board members,

As you may know, a lawsuit has been filed against Northwest Youth Services by Klaus Lohse, a resident of the Viewmont Heights neighborhood. The lawsuit concerns NWYS's plan to use the home at 1000 36th Street in Bellingham (referred to in this letter as "the Home") as the new location for the PAD and whether that use will violate the neighborhood's restrictive covenants. The covenants at issue require that the Home be used for permanent residential purposes and forbid any business activity from taking place at the Home.

Because NWYS is being sued, all NWYS employees and board members now have certain responsibilities and duties related to the lawsuit, including preserving documents and information that may be relevant to it. This is called a "litigation hold."

There is a lot of important information in this letter. We know it is overwhelming, but we ask that you please read this letter carefully. If you have any questions or concerns about anything we discuss in this letter, please contact Director of Core Mission Support Paula Matthyse for more information.

### **The General Litigation Hold and Preservation of Documents**

In general, everyone is required to preserve *any and all* documents related to this matter. If you are unsure whether a document needs to be preserved, err on the side of saving it.

You are required to preserve, and we are requesting that you preserve, all hard copy and "electronically stored information" that are relevant to this case. That means all emails and their attachments, text and voicemail messages, attachments, calendar entries, notes, appointments, meeting requests, letters, all documents created on a computer, and all other

documents (drafts and final versions) that may be relevant to the lawsuit. These documents and information are referred to in this letter as “Material.”

Additionally, you are required *not* to delete, destroy, or modify any such Material retained on your personal work computer, home computer, or any other device or media, including USB drives, flash memory, iPhones, iPods, smart phones, CDs, or DVDs. Therefore, please save all relevant information and ensure that any kind of automatic computer processes that automatically delete information from your email account(s), computer(s), or other devices are turned off to preserve any documents or information related to the lawsuit. If you do not know how to turn off auto-delete functions, please contact Ms. Matthyse. If you are not sure if you are using an auto-delete program, please also contact Ms. Matthyse.

Your obligation to preserve Material that is potentially relevant to the case extends to Material that you have in your possession or over which you have control. This means that you are responsible to preserve documents that you personally have in your possession and custody. If you are unsure as to whether a document or category of documents or information should be preserved, please contact Ms. Matthyse right away for more guidance.

You are required by this notice only to *preserve* potentially relevant documents. Please do not copy, move, forward, or otherwise collect potentially relevant documents unless we ask you to do so.

### **What Type of Information to Preserve**

Most importantly right now for purposes of the lawsuit, until further written notice from us, we ask that *all* NWYS employees and board members please retain *all* communications they have had with *any* person related to the topics listed below. “Communications” include, but are not limited to, letters; emails; text messages; WhatsApp messages; and messages sent on social media including, but not limited to, Facebook and Facebook Messenger, Snapchat, and Instagram.

Please retain all communications related to the following topics:

- The Home;
- The relocation of the PAD to the Home;
- The restrictive covenants that apply to the Home;
- Any comments and/or communications received from the public regarding the PAD, at either location;
- Funding for purchase of the Home or use of the Home; and
- Remodeling, maintenance, and any other work performed, or to be performed, on the Home.

We recognize that this request is onerous and intrusive. As a result, we are conducting research to try to limit this ask to only certain NWYS employees and board members. However, for now, we ask that all NWYS employees and board members preserve all communications related to those topics.

**Time Period for Retention of Materials**

Please retain all Material and communications going back to January 1, 2012. While we may be able to reduce the requested time period, as discussed above, please ensure that any kind of automatic computer processes that automatically delete information from your email account(s), computer(s), or other devices are turned off to preserve any documents or information related to the lawsuit. Any regularly scheduled file deletion program or protocol should also be suspended until further notice.

In addition, it is important to retain any and all *current* or *future* Material and communications received or created on or following the date of this notice. Please do not stop retaining Material and communications until you receive written notice from us that you no longer need to retain them. Additionally, if you become aware of such Material and communications being destroyed, deleted, or changed, immediately notify Ms. Matthyse immediately.

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Please do not discuss matter with anyone outside of Northwest Youth Services. If you have questions or concerns about the contents of this letter, please contact Ms. Matthyse, who can contact us for additional advice as needed.

Please save this letter for future reference.

Sincerely,



Karen Phillips  
Brendan Gaff  
Staff Attorneys