

December 14, 2010

VIA EMAIL ONLY

Jane F. Thorpe Alston & Bird, LLP 1201 West Peachtree Street Atlanta, GA 30309

Re: McDonald's Corporation and McDonald's USA, LLC, Inc., Defendants

Dear Jane:

I'm writing as part of the notice of intent to sue served on your clients on June 22, 2010. Presumably, your clients have already taken all necessary steps to avoid spoliation of potentially relevant documents, but I am writing to ask you be confirm that.

Please confirm that your clients have implemented procedures to prevent destruction of all documents relating to the use of toys to advertise¹ Happy Meals to children, as well as all other documents relating to Happy Meals.

Specifically, (1) no potentially discoverable data should be deleted or modified; (2) procedures that may alter or erase computer data should be suspended, including routing operation of any system; and (3) all affirmative steps necessary to prevent deleting, overwriting, defragmenting, and compressing data should be implemented.

Data should be preserved in all media, including but not limited to (1) paper; (2) archived back-up tapes; (3) local hard drives; (4) network drives; (5) flash drives, floppy disks, CD and DVD drives, and all other types of removable drives; (6) portable computers such as laptops and palmtops, as well as home computers if these are used for work purposes; and (7) computers that are no longer in use, but the drives of which were not erased or wiped.

Data to be preserved should be at least that generated by, or in the possession of, all people who have knowledge of facts relating to Happy Meals, Happy Meal toys, and Happy Meals promotions, and those who work with them, such as assistants. If archive tapes are rotated, the relevant tapes should be removed from the rotation. If back-ups are made to hard drives, the hard drive should be preserved as well.

The term "advertise" includes all forms of marketing in all forms of media and venues, including without limitation: print advertisements, television and radio commercials, product labels, magazines, use of licensed characters, use of celebrities, viral marketing, Web sites, signage at restaurants, contests, premiums, incentives, toys and other merchandise, games, advergaming, sponsorships, school-based marketing (such as book covers and sponsored educational material), and kids clubs.

Please advise if my request is unclear in any fashion and, if not, please confirm by reply letter to me that your client has implemented these procedures, so that we don't need to seek an emergency protective order at the time suit is filed. In addition, please advise whether any potentially relevant documents have been destroyed on or after June 22, 2010.

Thank you, as always, for your cooperation and the anticipated cooperation of your client.

Yours truly,

Stephen Gardner Director of Litigation