



HERRMAN & HERRMAN
A Professional Limited Liability Company • Attorneys at Law

LETTER TO PRESERVE EVIDENCE
FILL IN ALL WORDS IN BOLD

Date

Truck company name

Address

City, State, Zip Code

Re: **[date]** collision

To whom it concern at **XYZ Trucking**:

I am writing to you about a collision that occurred on **[month, day], 20xx** in **[city, state]**, in which **[I, my wife, my husband, my son, my daughter]** was **[killed, injured]**. This letter is a formal request that you preserve and not alter any equipment that was involved in the collision, along with photographs, video recordings, recorded audio or computer media, measurements, real evidence, documents, materials, and all other evidence and things relating to the crash presently in your possession or the possession of your employee or agent. This includes, but is not limited to, all documents, whether paper, electronic or otherwise stored, relative to the driver and truck company in general.

In addition to the above, I specifically request that you preserve:

1. All photographs, videotapes, or other audio or computer generated media relating to the occurrence, the scene, or relating to any equipment or things originally located at or near the site of the collision.
2. The driver's qualification file (pursuant to 49 CFR 391.51).
3. The driver's entire investigation history file (pursuant to 49 CFR 391.53).
4. The entire personnel file of the driver.
5. The driver's daily log or on-board recording device for six months before the collision and a week after, along with all supporting data, such as bills of lading, carrier pros, freight bills, dispatch records, electronic mobile communication/tracking records, gate record receipts, weight/scale tickets, fuel receipts, fuel billing statements, toll receipts, toll billing statements, port of entry receipts, cash advance receipts, delivery receipts, lumper receipts, interchange and inspection reports, lessor settlement sheets, over/short and damage reports, agricultural inspection reports, driver and vehicle examination reports, crash reports, telephone billing statements, credit card receipts, border crossing reports, custom declarations, traffic citations, and overweight/oversize permits and traffic citations, as required by 49 CFR 395.8 and 395.15.
6. The printout from any commercial software program (e.g., J.J. Keller's LogChecker©) or other program used to record and audit the driver's log book entries for the one year preceding this collision.
7. The entire drug and alcohol file of the driver, including, but not limited to, pre-employment, post-accident, random, reasonable suspicion, and return to duty drug and alcohol testing results maintained pursuant to 49 CFR 382.401.
8. The driver's entire medical file.
9. All existing driver vehicle inspection reports (pursuant to 49 CFR 396.11).

10. Any and all data from the electronic control monitor or “black box” in the engine or cab of the truck.
11. Any and all GPS or other geographic tracking data concerning the truck’s location for the six months before the crash up to and including the date of crash.
12. Any and all communications via CB radio, mobile or satellite communication system, e-mail, cellular telephone, text message, pager, or other in-cab communication device.
13. All freight and loading information for the load being hauled at the time of crash.
14. The Permanent Unit File or its equivalent (pursuant to 49 CFR 396.3), including, but not limited to, records relating to the inspections, repairs, maintenance, and costs for the tractor and trailer(s) involved in the collision.
15. All still shots or video from any Drive Cam or other camera in or on the truck involved.
16. All statements, notes, audio or video recordings and other materials or things obtained from any person having information respecting this incident or who has knowledge of the circumstances.
17. All computer, electronic or e-mail messages created in the first 48 hours immediately after the incident, by or between your company and any agents or third parties, relating to the facts, circumstances, or investigation of the incident, as well as any computer messages which relate to this particular incident generated or received during the 24-hour period preceding same.
18. Any other information that may be relevant to the crash.

Please retain all this evidence. A number of court decisions have permitted court sanctions or “destruction of evidence” lawsuits where a party permanently alters important evidence after receiving written notice of a claim that also requests preservation of evidence. Unless I have your written explanation to the contrary within five business days from the date of this letter, I will presume you will strictly abide by all requests outlined above.

Very truly yours,

Your name