

TRIPP SCOTT

ATTORNEYS AT LAW

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December 17, 2025

VIA FEDERAL EXPRESS, CERTIFIED MAIL, & EMAIL

Mr. Shannon Blake Harris, Esq.
201 S Biscayne Blvd., Suite 2800
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blake@blakeharrislaw.com

Re: Cease and Desist Defamatory Statements; Notice of Evidence Preservation Obligations

Mr. Harris,

This firm represents Kevin Wessell (“**Mr. Wessell**” or “**Client**”) in connection with your ongoing dissemination of defamatory statements about our Client and his businesses. All future correspondence concerning your barrage of libelous statements—and your yet-to-be served lawsuit—should be sent to the undersigned counsel.

We write specifically regarding your recent social media posts wherein you publish numerous false and misleading statements concerning our Client and his business, along with various narratives concerning the lawsuit you have filed against, but not served on, our Client. As an attorney licensed in the state of Florida, you should know the litigation privilege does not apply to the publication of defamatory statements on the internet. In fact, it seems you and your law firm have attempted to leverage the lawsuit as a tool for business development—making false statements concerning your direct competitor under the cloak of the litigation privilege. The privilege does not permit a litigant to defame another party to the litigation online; your libelous statements are actionable. Accordingly, **DEMAND IS HEREBY MADE** for you and your firm to immediately **CEASE AND DESIST** false and misleading statements concerning our Client and his businesses. Your defamatory statements about our Client and his businesses have already caused substantial damages—damages which continue to proliferate due to your conduct. If you do not immediately cease and desist your libelous statements, our Client will exercise his rights to the fullest extent of the law—including seeking compensatory and punitive damages against you.

We also note your recent Instagram post where you discuss your firm’s yet-to-be served lawsuit and tout a website you’ve created— theoffshorewatchdog.com — which allows your followers to “learn more” about our Client and his companies. In a separate video, you admonish our Client for not responding publicly to a lawsuit he has not been served with. As an attorney, you should recognize this is invariably misleading, as one cannot respond to allegations they have not been confronted with. In the same video, you ostensibly convey a proposal for settlement regarding your lawsuit to Mr. Wessel—and the general public. As noted, all future correspondence regarding any dispute with our Client shall be directed to the undersigned counsel.

Furthermore, because litigation is likely to ensue in connection with your conduct concerning our Client, ***YOU ARE HEREBY ON NOTICE*** of your duty to preserve all documentary and electronically stored evidence pertinent to your ongoing dissemination of defamatory statements about our Client and his businesses—including, but not limited to, social media posts, e-mails, text messages, and website development logs for theoffshorewatchdog.com—as explained in further detail within the “LITIGATION HOLD & PRESERVATION NOTICE” attached to this letter. Your failure to comply with your obligations to preserve the evidence identified therein may subject you to significant penalties imposed by a court of competent jurisdiction.

Nothing herein should be construed as a waiver of my Client’s rights or remedies under the law, all of which are expressly and completely reserved. Should you wish to discuss this matter, please do not hesitate to contact me at the phone number or email address ascribed to the heading of this letter. If you are or choose to be represented by an attorney in this dispute, please promptly provide them with a copy of this letter.

GOVERN YOURSELF ACCORDINGLY.

Very truly yours,

Seth J. Donahoe

Seth J. Donahoe, Esquire
FOR THE FIRM

cc: Client

SJD/jmb

LITIGATION HOLD & PRESERVATION NOTICE

It is incumbent upon you to preserve all information of any type, hard copy or electronic, as described in more detail below, **and all other records that are in any way related to the dispute identified in this letter**. Recently there have been several courts that have imposed significant penalties on companies and litigants who, although they were aware of the claims, did not preserve potentially relevant information. In those cases, along with monetary penalties, the courts assumed that the “missing” documents or data had information that was damaging to the company or litigant, simply because the documents or data were not saved when the company knew a lawsuit was threatened or discovery would be sought from the company.

It is therefore essential that all relevant documents and data be diligently searched for and retained. To avoid any question as to whether you took reasonable steps to secure relevant information, you are required to save all relevant documents and data in your possession, custody, or control, as well as those documents and data found in the future as the result of a good-faith, diligent search effort.

I. DESCRIPTION OF DOCUMENTS AND MEDIA THAT MUST BE PRESERVED

In addition to your duty to maintain all potentially relevant hard copy documents, you must also preserve all information, to the extent that it is reasonably accessible, from your computers, computer systems, laptops, removable electronic media, cellular telephones, tablets, iPads, and other locations relating in any way to the dispute outlined in this letter. This includes, but is not limited to, email and other electronic communication, word processing documents, spreadsheets, databases, calendars, telephone logs, text messages, contact manager information, Internet usage files, and network access information.

Electronic Files. You have an obligation to preserve all digital or analog electronic files in electronic format, regardless of whether hard copies of the information exist. This includes preserving:

- a. All call data;
- b. Audio recordings;
- c. Text messages, WhatsApp messages, emails, other messages;
- d. Active data (i.e., data immediately and easily accessible on your systems today);
- e. Archived data (i.e., data residing on backup tapes or other storage media);
- f. Deleted data (i.e., data that has been deleted from a computer hard drive but is recoverable through computer forensic techniques); and
- g. Legacy data (i.e., data created on old or obsolete hardware or software), including

but not limited to:

- i. Word-processed files, including drafts and revisions;
- ii. Spreadsheets, including drafts and revisions;
- iii. Databases;
- iv. CAD (computer-aided design) files, including drafts and revisions;
- v. Presentation data or slide shows produced by presentation software (such as Microsoft PowerPoint);
- vi. Graphs, charts and other data produced by project management software (such as Microsoft Project);
- vii. Animations, images, audio, video and audiovisual recordings, MP3 players, and voicemail files;
- viii. Data generated by calendaring, task management and personal information management (PIM) software (such as Microsoft Outlook or Lotus Notes);
- ix. Data created with the use of personal data assistants (PDAs), such as Palm Pilot, or other Windows CE-based or Pocket PC devices;
- x. Data created with the use of a smartphone, such as an iPhone, Blackberry, Android, etc.
- xi. Data created with the use of a personal tablet, such as an iPad;
- xii. Data created with the use of document management software; and
- xiii. Data created with the use of paper and electronic mail logging and routing software.

h. Media used by your computers including, but not limited to:

- i. Magnetic, optical or other storage media, including the hard drives or floppy disks used by your computers; and
- ii. Backup media (i.e., other hard drives, backup tapes, floppies, Jaz cartridges, CD-ROMs) and the software necessary to reconstruct the data contained on the media.

2. **Hardware.** You have an obligation to preserve all electronic processing systems, even if they are replaced. This includes computer servers, stand-alone personal computers, hard

drives, laptops, PDAs, iPhones, Androids, tablets, and other electronic processing devices.

3. **Emails/text messages/Skype messages/ WhatsApp messages.** You have an obligation to preserve all potentially relevant internal and external emails, text messages, and messages sent through ephemeral programs like Skype, Google Chat, and WhatsApp, that were sent or received. They must be preserved in electronic format, regardless of whether hard copies of the information exist.
4. **Internet Web Activity.** You have an obligation to preserve all records of Internet and Web-browser generated files in electronic format, regardless of whether hard copies of the information exist. This includes Internet and Web-browser-generated history files, caches and “cookies” files. **This also includes data on social media sites, such as Facebook, Twitter, Instagram, MySpace, TikTok, LinkedIn, etc.** This further includes website development logs and code.
5. **Activity Logs.** You must preserve all hard copy or electronic logs documenting computer use.

You should err on the side of caution, with any question you have as to the relevance of particular information being resolved in favor of preservation and retention. You must take every reasonable step to preserve this information until further notice from us. Failure to do so could result in extreme penalties against you.

II. PRESERVATION OBLIGATIONS

The laws and rules prohibiting destruction of evidence apply to electronically stored information in the same manner that they apply to other evidence. Due to its format, electronically stored information is easily deleted, modified, or corrupted. Accordingly, you must take every reasonable step to preserve this information. This includes, but is not limited to, an obligation to:

- Discontinue all data destruction and backup tape recycling policies;
- Preserve and not dispose of relevant hardware unless an exact replica of the file (a mirror image) is made;
- Preserve and not destroy passwords, decryption procedures (and accompanying software), network access codes, ID names, manuals, tutorials, written instructions, decompression or reconstruction software;
- Maintain all other pertinent information and tools necessary to access, view, and/or reconstruct all requested or potentially relevant electronic data.