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January 23, 2023

**VIA E-FILING AND HAND DELIVERY**

The Honorable Kathaleen St. Jude McCormick  
Court of Chancery of the State of Delaware  
Leonard L. Williams Justice Center  
500 North King Street  
Wilmington, Delaware 19801

**Re: *In re Madison Square Garden Enter. Corp. S'holders Litig.*,  
Cons. C.A. No. 2021-0468-KSJM;  
*In re MSG Networks Inc. S'holder Class Action Litig.*,  
C.A. No. 2021-0575-KSJM**

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Dear Chancellor McCormick:

I write on behalf of Madison Square Garden Entertainment Corp. ("Entertainment") in response to Christine M. Mackintosh's January 20, 2023 letter (Trans. ID. 68943920) concerning my January 19 letter to the Court that Entertainment (i) no longer has the electronically-stored information ("ESI") custodial file for Lorraine Peoples and (ii) is seeking to gather as much ESI involving her as possible to review in accordance with the Court's January 17, 2023 ("Ruling").

Ms. Mackintosh's letter came as a surprise and requires a response on certain points.



First, although Ms. Mackintosh's letter says "Plaintiffs intend to discuss this matter with defense counsel," the fact is that my co-counsel and I had spoken earlier that day with her co-counsel, Mr. Scott Tucker, about steps Entertainment is taking to gather and review ESI relating to Ms. Peoples that Entertainment may be able to locate in the files of other Entertainment employees. We also informed Mr. Tucker that Entertainment continues to attempt to locate any of Ms. Peoples' ESI through other means.

During that conversation, Mr. Tucker proposed additional steps (while reserving his rights) that Entertainment could take. We told Mr. Tucker we would confer with our client on those steps. Based on his request, Entertainment will (i) describe to Networks Plaintiffs the employees whose ESI will be included in the search for Ms. Peoples' emails, (ii) produce to Networks Plaintiffs the Entertainment document retention policies in place in February 2021 when Ms. Peoples was terminated, (iii) produce to Networks Plaintiffs all information concerning Mr. Peoples' termination that Entertainment sent to Deloitte, (iv) work with Deloitte to see if Deloitte has any information concerning Ms. Peoples' termination that Entertainment does not have, and (v) provide (to the best of its ability) the precise date Ms. Peoples' emails were deleted.

On Friday, after Ms. Mackintosh submitted her letter to the Court, she sent me an email (attached here as Exhibit 1) with numerous questions concerning, among other things, the briefing process, Entertainment's retention policies, the possibility of finding additional ESI concerning Ms. Peoples, and the investigation into and termination of Ms. Peoples. We are working on answering those questions to the best of Entertainment's ability.

Second, certain statements in Ms. Mackintosh's letter do not accurately reflect what I said in my letter. Entertainment did not destroy Ms. Peoples' emails concurrent with her termination on February 9, 2021. Rather, our understanding is that her emails were automatically deleted pursuant to Entertainment's email deletion policy, which is that emails of terminated employees are automatically deleted 90 days after termination unless the terminated employee is subject to a litigation or other hold, which Ms. Peoples was not. After Ms. Peoples' emails were deleted, they were recoverable for another 30 days in a deleted items folder. Accordingly, we understand Ms. Peoples' emails were no longer recoverable as of around June 10, 2021, well before Networks Plaintiffs first asked for any of her ESI information.<sup>1</sup>

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<sup>1</sup> We understand that, to the extent Ms. Peoples had documents on her Microsoft OneDrive Account, Entertainment could no longer recover those as of

An automatic email deletion policy for terminated employees is standard among many corporations. Ms. Mackintosh says this cannot be Entertainment's policy because Entertainment produced emails of Ms. McGivern and Mr. Urenay, both of whom left Entertainment prior to the collection and review of their documents in this litigation. But Ms. McGivern and Mr. Urenay, unlike Ms. Peoples, were subject to litigation holds involving other litigations.

We again apologize to the Court and are attempting to remedy the situation by finding any responsive ESI or other information concerning Ms. Peoples and to answer the numerous questions the Networks Plaintiffs have asked.

We look forward to answering any of the Court's questions at the January 24, 2023 conference.

Respectfully,

*/s/ Raymond J. DiCamillo*

Raymond J. DiCamillo (#3188)  
Words: 637

RJD/jzc

cc: Gregory V. Varallo, Esq. (via File & ServeXpress)

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September 13, 2021, again, long before Networks Plaintiffs first asked for Ms. Peoples' ESI.

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