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April 9, 2025

PRESERVATION LETTER AND DEMAND FOR LITIGATION HOLD

Via Email: jsperling@cov.com

Jonathan M. Sperling, Esq.
Covington & Burling LLP
The New York Times Building,
620 Eighth Avenue
New York, NY 10018-1405

Re: Marcel Albert (Marc Mysterio) v. Amazon.com Services LLC, et al
Civil Action No.: 25-1705

Dear Mr. Sperling:

As you know, we represent the Plaintiff in the above referenced matter. Plaintiff's complaint asserts a cause of action for tortious interference with prospective business relations, based upon your client through its Amazon Music portal having engaged in shadow-banning, in which Amazon Music has blocked Plaintiff's music from being played, requested or featured as a similar artist.


I have unsuccessfully attempted to discuss this matter informally with you. Plaintiff is requesting that you advise your client of their responsibilities to preserve relevant evidence and take appropriate steps to ensure that such records are preserved for the duration of the above referenced litigation, pursuant to their obligations under F.R.C.P. Rules 26(a)(1)(A)(ii), as well as F.R.C.P. Rules 34 and 37(e) and relevant Second Circuit caselaw. More specifically, pursuant to F.R.C.P. Rule 37(e), we request that the following categories of electronically stored information be preserved and protected for use in this litigation:

1. The Metadata logs related to Amazon Standard Identification Number (ASIN) B0041A1P4U from August 1, 2024 through and including the present, including all interval edits and metadata changes to the aforesaid ASIN number.
2. Complete profile snapshots from August 1, 2024 through the present, including all metadata, station links and playlist mapping related to Amazon Standard Identification Number (ASIN) B0041A1P4U.
3. All Algorithm Audit Trails including but not limited to all algorithmic rules and filters, applied to Amazon Standard Identification Number (ASIN) B0041A1P4U from August 1, 2024 through and including the present.
4. All Station Play Logs and/or Play Data for the Marc Mysterio Station and/or any stations which Amazon Standard Identification Number (ASIN) B0041A1P4U was identified as a similar artist for, including but not limited to the Taylor Swift Station and Neon Tom Station from August 1, 2024 through the present.
5. All IT system changes tied to Amazon Standard Identification Number (ASIN) B0041A1P4U from August 1, 2024 through the present, including but not limited to commands, timestamps, staff IDs, and any "Related Artists" restore(s).
6. All Royalty Stream Data, including stream counts and royalty payouts for Amazon Standard Identification Number (ASIN) B0041A1P4U from August 11, 2023 through the present.
7. All Search Index Logs related to Amazon Standard Identification Number (ASIN) B0041A1P4U from August 1, 2024 through the present.
8. All API Response Data, Logs and associated metadata for queries related to Amazon Standard Identification Number (ASIN) B0041A1P4U from August 1, 2024 through the present.
9. All User Interaction Metrics and Listener metrics tied to Amazon Standard Identification Number (ASIN) B0041A1P4U, including but not limited to play attempts, skips and errors from August 1, 2024 through the present.
10. All Distrokid Upload/Transfer Logs to Amazon Music for Amazon Standard Identification Number (ASIN) B0041A1P4U from August 1, 2024 through the present.
11. All Snapshot Restore Metadata for any Related Artists restore and/or change logs for the Artist Page for Amazon Standard Identification Number (ASIN) B0041A1P4U from August 1, 2024 through the present.
12. All Internal Tickets, Incident Reports, and IT Flags for Amazon Standard Identification Number (ASIN) B0041A1P4U from August 1, 2024 through the present.
13. All Content Delivery Network (CDN) Logs for tracks delivery for Amazon Standard Identification Number (ASIN) B0041A1P4U from August 1, 2024 through the present.
14. All records of A/B tests (comparison testing), experiment logs and/or algorithm experiments linked to Amazon Standard Identification Number (ASIN) B0041A1P4U, including but not limited to test parameters, dates, outcomes from August 1, 2024 through the present.
15. All Customer Support Correspondence, including but not limited to support tickets or chats from fans or representatives concerning track failing for tracks linked to Amazon Standard Identification Number (ASIN) B0041A1P4U, as well as all

records/logs and associated metadata for remedial actions taken in response to the aforesaid communications from August 1, 2024 through the present.

16. All Historical Artist Profile Snapshots including Public-Facing cached Amazon Standard Identification Number (ASIN) B0041A1P4U from August 1, 2024 through the present.
17. All Cross-Platform Linkage data, logs and metadata for the linkage between Amazon Standard Identification Number (ASIN) B0041A1P4U to All Amazon Services, including Alexa, Amazon Prime playlists and Audible tie-ins from August 1, 2024 through the present.

Very truly yours,



Michael H. Joseph, Esq.

Client: Pro-Se
Address:

MARCEL ALBERT (MARC MYSTERIO)

vs

AMAZON SERVICES LLC, ET AL

Plaintiff

Defendant

Index Number: 25-1705

Client's File No.:

Court Date:

Date Filed:

JEREMY COLEY, affirms and says:

AFFIRMATION OF SERVICE

Affirmant is not a party herein; is over the age of 18 years and resides in the State of New York.

On 4/10/2025, at 1:42 PM at: 620 EIGHTH AVENUE, NEW YORK, NY 10018 affirmant served the within PRESERVATION LETTER AND DEMAND FOR LITIGATION HOLD

On: COVINGTON & BURLING LLP C/O JONATHAN M. SPERLING, ESQ., therein named.

☒ #1 Corporation or Partnership or Trust or LLC or Non-Profit

By delivering thereat a true copy of each to COLLIN "DOE" personally, affirmant knew said corporation/partnership/trust/LLC/Non-Profit so served to be the corporation/partnership/trust/LLC/Non-Profit described in said aforementioned document as said and knew said individual to be General Agent authorized to accept service thereof.

☒ #2 DESCRIPTION

Gender: Male

Race: White

Color of hair: Gray

Age: 50

Height: 5ft 9in - 6ft 0in

Weight: 161-200 Lbs.

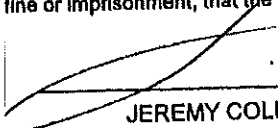
Other Features:

☐ #3 WITNESS FEES

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☐ #4 OTHER

I affirm on 04/11/2025 under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.


JEREMY COLEY
DCA License # 2112646

