

October 5, 2025

From: Maurice Fitzpatrick, Jr.
Dallas, Texas
Phone: (214) 694-1551
Email: afglawsuit@yahoo.com

VIA EMAIL

To: All Recipients of the Email this Letter is Attached
Subj: Evidence Preservation Inquiry - Preservation and Retention of Digital Records & ESI

Dear Counsel,

I am writing in connection with ongoing matters involving Brand Engagement Network, Inc. (“BEN”), DHC Acquisition Corp. (“DHCAC”), Automotive Financial Group, Inc. (“AFG”) and their respective related parties, entities, affiliates, subsidiaries, officers, assigns, or counsel (hereinafter, the “Parties”), as well as parallel state and federal proceedings in which I have asserted and/or will be asserting, without limitation, federal and state claims concerning fraud on the court, fraudulent inducement, misrepresentation, concealment, and obstruction of justice.

It has come to my attention, through independent verification that the domain ‘ben.exchange’, historically used by BEN and its affiliated entities for business operations, corporate communications, and email, that the domain was active between at least June 13, 2018, and March 2025, and the domain was re-registered or otherwise removed, deleted, or recycled in March 2025, with a “coming soon” placeholder appearing in or about April 2025. It has also come to my attention that the ‘dhcacquisition.partners’ domain, public website, and email has experienced a similar episode of removal, deletion, and/or alteration. These domain, webpage, email, servers, and/or other ESI alterations occurred during periods when litigation, regulatory complaints, and preservation notices were already pending or reasonably foreseeable.

Given the materiality of these domains and related electronically stored information (ESI) to the facts and claims at issue, including potential business communications, internal email correspondence, and other ESI relevant to discovery, ongoing and forthcoming litigation, I am requesting confirmation of the following:

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- a) Whether the parties have retained or have access to any archived emails, files, website backups, or server data associated with the 'ben.exchange', 'dhcacquisition.partners', domain (including subdomains, email accounts, DNS records to include MX records, and associated metadata);
- b) Whether any data migration, deletion, or re-registration events occurred between December 2024 and April 2025; and
- c) Whether the parties have issued or complied with litigation hold directives concerning the 'ben.exchange', 'dhcacquisition.partners', and related domain(s) or related email accounts, as required under applicable rules governing ESI preservation.

This inquiry is made in good faith to ensure preservation of material evidence and to avoid later disputes over spoliation or non-production, and is directed to all counsel and parties previously provided with notice of claims or preservation demands since at least October and November 2024.

Please provide a response to the email below confirming the status of such data retention and the measures taken to preserve it.

This request is made in accordance with:

- a) Rule 3.04(a) of the Texas Disciplinary Rules of Professional Conduct (prohibiting obstruction or destruction of evidence);
- b) Rule 37(e) of the Federal Rules of Civil Procedure (spoliation sanctions for loss of electronically stored information); and
- c) The continuing obligations under all prior preservation and litigation hold notices transmitted by me since at least December 2024.

Please confirm to the email below within seven (7) calendar days:

- a) Whether preservation of these digital assets is active and effective; and
- b) If so, the names and contact information of custodians and counsel responsible for ensuring ongoing compliance.

Please be advised that, in the absence of a timely written response confirming that the above-referenced ESI, including domains, domain records, email servers and accounts, and

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associated metadata, has been fully preserved and remains unaltered, I will interpret such silence as non-compliance with discovery preservation obligations. In that event, I will seek all appropriate remedies, including but not limited to bar complaint(s), motion(s) for sanctions, evidentiary preclusion, and a ruling of adverse inference by the Court and from a jury as to each client or party represented by counsel who fails to respond. Such relief will be sought under Federal Rule of Civil Procedure, Texas Rule of Civil Procedure, and applicable spoliation precedent under both federal and Texas law.

This notice is sent in good faith to protect the integrity of the record, mitigate potential prejudice, and preserve all discoverable evidence relevant to pending and forthcoming proceedings. Nothing in this correspondence shall be construed as a waiver of any claims, rights, or remedies available to me under federal or state law.

Respectfully,

/s/ Maurice Fitzpatrick, Jr.
Maurice Fitzpatrick, Jr.
Phone: (214) 694-1551
Email: afglawsuit@yahoo.com

Cc: Counsel of Record for:

Automotive Financial Group, Inc.
CareGard Warranty Services, Inc.
Blockchain Exchange Network, Inc.
Brand Engagement Network, Inc.
Genuine Lifetime, LLC
October 3rd Holdings LLC
Due Figlie, LLC
Lucas Venture Partners LLC
BEN Capital Fund I LLC
Datum Point Labs Inc.
Genuine PartProtection
Lion Compass LLC
Lucas Venture Partners LLC
PartProtection Services Inc.
DHC Acquisition Corp
Law Offices of James Dale Henderson, Jr.
and Affiliates.