

October 3, 2026

VIA EMAIL

Lisa S. Loo
Senior Vice President and General Counsel
ARIZONA STATE UNIVERSITY
Fulton Center
300 East University Drive, Suite 335
Tempe, Arizona 85281
lisaloo@asu.edu

Re: **Matthew Mayich Matter — Preservation of Coach Greg Powers's Mobile Phone; Outstanding Correspondence**

Dear Ms. Loo:

As you know, this firm represents Matthew Mayich and his parents, John and Christina Mayich (the "Mayich family"). We write regarding a serious development concerning the preservation of evidence by Arizona State University ("ASU") and its head hockey coach, Greg Powers, and to address ASU's continued failure to respond to this firm's prior correspondence.

On August 20, 2026, Matthew, a 21-year-old ASU hockey player, collapsed from exertional heat stroke during an outdoor team workout at Joe Selloh Track / Sun Angel Stadium in Tempe. The workout was directed by outside instructor Tim Ziesel, reportedly at Coach Powers's request, and members of the ASU hockey coaching staff, including Coach Powers, were present on the field. Matthew suffered a catastrophic brain injury and remains hospitalized.

1. Confirmation That Coach Powers Replaced His Mobile Phone

We have now confirmed that Coach Powers replaced his mobile phone. Whether that device was issued by the University or is personally owned is immaterial. Coach Powers used the phone for work purposes on August 20, 2026, including on the field during the workout at issue. ASU has possession, custody, or control over the work-related electronically stored information ("ESI") of its head coach, and the device and its contents must be preserved.

Accordingly, we demand that ASU confirm in writing that it has taken physical possession of Coach Powers's original device or that the device is otherwise secured. That confirmation must:

- (a) identify the custodian currently holding the device and its location;
- (b) describe the chain of custody of the device from August 20, 2026, to the present;

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- (c) confirm that the device has not been wiped, factory reset, traded in, or recycled; and
- (d) confirm that ASU has taken steps to preserve all associated data held by the wireless carrier, all cloud backups (including iCloud and Google accounts), and all messaging application data associated with the device.

2. The “Death Threats” Justification Is Inadequate

We were told that Coach Powers replaced his phone because of a concern about “death threats.” While such threats would seem to be handled by changing just the number, that is not the information we have been provided. Replacing the physical device does nothing to stop threats directed to a phone number or account; it does, however, put at risk the very data that is relevant to the events of August 20, 2026.

The timing and circumstances raise serious concerns that relevant evidence has been destroyed. Coach Powers replaced his phone after this firm’s August 31, 2026, preservation notice—which expressly covered materials on phones and mobile devices, text messages, photos, videos, and communications among coaches—and after the apparent deletion of his X account, @asucoachpowers, which was the subject of our firm’s September 15, 2026, letter. In our firm’s September 28, 2026, letter to Maricopa County Attorney Rachel Mitchell, Rob Carey asked that phones be collected and preserved “before phones are replaced or messages deleted,” and noted that “some phones may already have been replaced.” That concern has now been confirmed as to Coach Powers.

3. ASU’s Preservation Obligations

ASU has been under a duty to preserve relevant evidence since litigation became reasonably anticipated, and at a minimum since it received this firm’s preservation notice on August 31, 2026. That letter required ASU to suspend any deletion practices and to provide, within ten days, written confirmation of its compliance and the steps it had taken. A separate preservation notice was sent directly to Coach Powers on August 31, 2026. The failure to secure the mobile device of the head coach who was present at, and reportedly arranged, the workout at issue is unacceptable.

ASU should understand that the loss or destruction of this evidence may result in serious consequences, including adverse inference instructions, monetary sanctions, issue-related and case-dispositive sanctions, and relief under Arizona Rule of Civil Procedure 37(g), as well as independent claims arising from the destruction of evidence.

If Coach Powers’s original device has been disposed of, we demand that ASU disclose in writing when the device was disposed of, how it was disposed of, and to whom it was given, and that ASU describe all steps it has taken or will take to recover the data from the device, including through forensic examination, the wireless carrier, and any trade-in or recycling vendor.

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4. ASU's Failure to Respond to Prior Correspondence

Apart from your September 1, 2026, email acknowledging receipt of our firm's August 31, 2026, letter and instructing this firm to cease contact with University employees without the consent of the Office of General Counsel, ASU has not responded to any of this firm's correspondence. Specifically, ASU has not responded to:

- (a) our firm's September 4, 2026, letter, which requested that ASU ask the Phoenix Police Department (or, alternatively, the Arizona Attorney General or the Arizona Department of Public Safety) to take over the criminal investigation, including with respect to evidence that may have been deleted, and which requested an answer by September 11, 2026;
- (b) our firm's September 9, 2026, letter, which addressed the Ethical Rule 4.2 contact issue, asked for the legal basis for ASU's blanket no-contact instruction and for confirmation that Mr. Ziesel is not an ASU employee, and requested a reply within ten business days; and
- (c) our firm's September 15, 2026, letter regarding the apparent deletion of Coach Powers's X account, which demanded, within seven business days, written confirmation of items (a) through (f) of that letter, including (e) whether Coach Powers deleted, altered, or destroyed any other ESI, including text messages, photos, and videos, and (f) a description of the litigation hold procedures implemented for Coach Powers and others.

Nor has ASU provided the written confirmation of compliance and the steps taken requested in our firm's August 31, 2026, letter.

We demand a written response to all outstanding correspondence, and to this letter, within five business days of the date of this letter. Any further failure to respond, or to preserve relevant evidence, will result in this firm seeking all available relief from the court.

This letter is written without waiver of, and with express reservation of, all rights, claims, and remedies of the Mayich family, all of which are reserved. All prior preservation demands remain in full force and effect.

Sincerely,
HAGENS BERMAN SOBOL SHAPIRO LLP

/s/ Leonard W. Aragon
Leonard W. Aragon
Partner

cc: Kimberly Demarchi (Kimberly.Demarchi@asu.edu)
Kwan Piensook (Kwan.Piensook@asu.edu)