

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

PORSHA DYANNE WILLIAMS, )  
 )  
 Petitioner, )  
 ) CIVIL ACTION  
 v. ) FILE NO.: 24CV002165  
 )  
 SIMON IYORE GUOBADIA, )  
 a/k/a IYORE GUOBADIA )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

**NOTICE TO PRESERVE EVIDENCE AND SPOILIATION NOTICE TO PETITIONER**

COMES NOW, SIMON IYORE GUOBADIA, Respondent named herein, by and through the undersigned counsel of record, Onyema A. Farrey, Esq., and hereby files and serves upon Petitioner PORSHA DYANNE WILLIAMS this Notice to Preserve Evidence and Spoliation Notice, pursuant to O.C.G.A. § 24-14-22 and Georgia law, and demands that Petitioner preserves any and all evidence and restrains from destroying the same as follows,

Under Georgia law, spoliation of evidence specifically refers to “the destruction or failure to preserve evidence that is relevant to contemplated or pending litigation,” Phillips v. Harmon, 297 Ga. 386, 393, 774 S.E.2d 596 (2015). Such conduct may give rise to the rebuttable presumption that the evidence would have been harmful to the spoliator. Lane v. Montgomery Elevator Co., 225 Ga. App. 523, 525(1), 484 S.E.2d 249 (1997). See, O.C.G.A. § 24-4-22; see, Cavin v. Brown, 538 S.E.2d 802, 246 Ga. App. 40 (Ga. App. 2000).

Pursuant to Georgia law, the Petitioner shall preserve and not destroy, conceal, tamper with, or alter any video, audio, telephone, paper, or electronic files or other data in connection with this pending litigation, including, but not limited to, any of the following items that are either

presently in Petitioner's possession or control, or which may come into Petitioner's possession while this case is ongoing:

1. Any and all evidence regarding any claims and/or defenses involved in this action;
2. Any and all communications between Porsha Dyanne Williams and Kelvin Owusu-Ansah;
3. Any and all communications between Porsha Dyanne Williams and Lauren Williams;
4. Any and all communications between Porsha Dyanne Williams and Karen McKinney;
5. Any and all recordings or evidence reflecting relevant conduct by either party;
6. Any and all communications between Petitioner and Respondent;
7. Any and all evidence related to the parties' marriage and/or relationship;
8. Any cell phones and cell phone data;
9. Any and all evidence obtained in the investigation of this matter;
10. Any and all income records;
11. Any and all financial and expense records;
12. Any and all business records;
13. Any evidence pursuant to O.C.G.A. § 24-4-22; see, *Cavin v. Brown*, 538 S.E.2d 802, 246 Ga. App. 40 (Ga. App. 2000);

The Respondent is hereby placing the Petitioner on notice that the defense is demanding the preservation of any and all evidence in this matter. Respondent anticipates that the evidence will be both discoverable and admissible in the instant litigation and any litigation that may arise out of this divorce action or any future legal action. Petitioner is further notified that a failure to comply with this notice may result in sanctions for any destruction or failures to preserve any such evidence, including without limitation adverse inferences against Petitioner at trial, sanctions, as well as an award of expenses and attorney fees necessitated by such conduct. *Lane v. Montgomery*

Elevator Co., 225 Ga. App. 523, 525(1), 484 S.E.2d 249 (1997). See, O.C.G.A. § 24-4-22; see, Cavin v. Brown, 538 S.E.2d 802, 246 Ga. App. 40 (Ga. App. 2000).

Respectfully submitted this 25th day of March, 2024.

ANENE FARREY & ASSOCIATES, LLC



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ONYEMA A. FARREY

Georgia Bar No.: 910413

*Attorney for Simon Iyore Guobadia*

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**Notice to Preserve Evidence and Spoliation Notice to Petitioner**

Porsha Dyanne Guobadia v. Simon Iyore Guobadia a/k/a Iyore Guobadia  
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**CERTIFICATE OF SERVICE**

This is to certify that I have on this day served a copy of the attached **Notice to Preserve Evidence and Spoliation Notice to Petitioner** to all relevant parties via the online electronic filing system pursuant to USCR 36.16(E) and addressed as follows:

Randall M. Kessler  
Asha Heyward-James  
Kessler & Solomiany, LLC  
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Atlanta, Georgia 30303  
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Submitted this 25th day of March 2024.

ANENE FARREY & ASSOCIATES, LLC

  
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ONYEMA A. FARREY  
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*Attorney for Simon Iyore Guobadia*

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