

WRITER'S DIRECT DIAL NO.
(212) 849-7150

WRITER'S EMAIL ADDRESS
michaelcarlinsky@quinnemanuel.com

August 4, 2024

VIA E-MAIL
DBOIES@BSFLLP.COM

David Boies
Boies Schiller Flexner LLP
55 Hudson Yards
New York, NY 10001

RE: CROWDSTRIKE RESPONSE TO DELTA AIRLINES

Dear David:

I am writing on behalf of my client CrowdStrike, Inc. in response to your letter dated July 29, 2024, in which Delta Air Lines, Inc. raises issues and threatens CrowdStrike with legal claims related to the July 19, 2024 content configuration update impacting the Falcon sensor and the Windows Operating System (the “Channel File 291 incident”).

CrowdStrike reiterates its apology to Delta, its employees, and its customers, and is empathetic to the circumstances they faced. However, CrowdStrike is highly disappointed by Delta’s suggestion that CrowdStrike acted inappropriately and strongly rejects any allegation that it was grossly negligent or committed willful misconduct with respect to the Channel File 291 incident. Your suggestion that CrowdStrike failed to do testing and validation is contradicted by the very information on which you rely from CrowdStrike’s Preliminary Post Incident Review.¹

CrowdStrike worked tirelessly to help its customers restore impacted systems and resume services to their customers. Within hours of the incident, CrowdStrike reached out to Delta to offer assistance and ensure Delta was aware of an available remediation. Additionally, CrowdStrike’s CEO personally reached out to Delta’s CEO to offer onsite assistance, but received no response. CrowdStrike followed up with Delta on the offer for onsite support and was told that the onsite

¹ Preliminary Post Incident Review: Content Configuration Update Impacting the Falcon Sensor and the Windows Operating System, available at <https://www.crowdstrike.com/blog/falcon-content-update-preliminary-post-incident-report/>.

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resources were not needed. To this day, CrowdStrike continues to work closely and professionally with the Delta information security team.

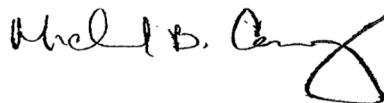
Delta's public threat of litigation distracts from this work and has contributed to a misleading narrative that CrowdStrike is responsible *for Delta's IT decisions and response to the outage*. Should Delta pursue this path, Delta will have to explain to the public, its shareholders, and ultimately a jury why CrowdStrike took responsibility for its actions—swiftly, transparently, and constructively—while Delta did not. Among other things, Delta will need to explain:

- Why Delta's competitors, facing similar challenges, all restored operations much faster.²
- Why Delta turned down free onsite help from CrowdStrike professionals who assisted many other customers to restore operations much more quickly than Delta.
- That any liability by CrowdStrike is contractually capped at an amount in the single-digit millions.
- Every action, or failure to act, by Delta or its third-party service providers, related to the Channel File 291 incident.
- The design and operational resiliency capabilities of Delta's IT infrastructure, including decisions by Delta with respect to system upgrades, and all other contributory factors that relate in any way to the damage Delta allegedly suffered.

In light of Delta's July 29 letter, CrowdStrike must also demand that Delta preserve all documents, records, and communications of any kind—including emails, text messages, and other communications—in the possession, custody, or control of Delta, its officers and directors, and employees concerning, but not limited to, the items listed below. As I am sure you can appreciate, while litigation would be unfortunate, CrowdStrike will respond aggressively, if forced to do so, in order to protect its shareholders, employees, and other stakeholders.

CrowdStrike's focus remains on its customers, including Delta. CrowdStrike hopes Delta reconsiders its approach and agrees to work cooperatively with CrowdStrike going forward, as the two sides historically have done.

Sincerely,



Michael B. Carlinsky

² <https://onemileatatime.com/news/delta-operational-meltdown-flights-cancelled/>.

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Items for Legal Preservation:

1. Delta's response to the Channel File 291 incident.
2. Delta's emergency backup, disaster recovery, and IT business continuity plans, and any related testing of those plans.
3. All assessments of Delta's IT infrastructure, including any gaps and remediation recommendations, for the last five years, including in the wake of the Channel File 291 incident.
4. All decisions to upgrade or not upgrade Delta's IT infrastructure in the last five years.
5. All scripts and software that Delta has deployed before and after the Channel File 291 incident to address possible Windows group policy corruption issues across the IT estate.
6. All system event logs for the weeks preceding and succeeding the Channel File 291 incident.
7. All encryption-level software that Delta deployed on all its IT infrastructure and the management of this software.
8. All technology and operating systems that Delta utilizes to assign workflow, routes, crews, flight schedules, etc. and any information, documents, or analysis on how that technology interacts with any software that Delta employs on its IT infrastructure.
9. Any data loss following the Channel File 291 incident related to Delta's workflow routes, crew and flight schedules, and all communications with crew members following the Channel File 291 incident.
10. Delta's response and recovery to any previous IT outages in the past five years.