



July 29, 2024

VIA FEDEX & E-MAIL

Cathleen Anderson
Chief Legal Officer
CrowdStrike, Inc.
150 Mathilda Place, Suite 300
Sunnyvale, CA 94086
cathleen.anderson@crowdstrike.com

RE: NOTICE OF LITIGATION

Dear Ms. Anderson,

We represent Delta Air Lines, Inc. (“Delta”) in connection with Delta’s claims against CrowdStrike, Inc. (“CrowdStrike”) arising from CrowdStrike’s faulty configuration updates for its Falcon security software released on Friday, July 19, 2024 (the “Faulty Update”).

As you are no doubt aware, the Faulty Update disabled more than 8 million computers worldwide causing disruption to airlines, railroads, hospitals, emergency services, government agencies, banks, and hotels, among other businesses and organizations, and negatively impacting millions of people across the globe. The Faulty Update caused a catastrophic shutdown of many of Delta’s most critical systems which, in turn, caused a crippling disruption to Delta’s operations for several days, forcing flight cancellations and delays, and adversely affecting more than a million Delta customers. The Faulty Update has severely damaged Delta’s business, reputation, and goodwill.

It is clear that CrowdStrike has engaged in grossly negligent, and indeed willful, misconduct, including but not limited to:

- **Failing to Test Prior to Deployment:** CrowdStrike admits that it did not properly test the Faulty Update before it was deployed to all endpoints running Falcon. Large updates must be stress tested and deployed in stages. Even if some earlier Template Instances may have been tested in prior deployments, it is well established that each new Template Instance must be tested prior to deployment. CrowdStrike admits that such testing, staging, and “staggered deployment” are needed for responsible and safe deployment; yet it knowingly avoided all such efforts, leading to catastrophic effects on businesses around the globe, including Delta.¹ It is unclear why CrowdStrike ignored such clear and well-established necessary steps.

¹ [Falcon Content Update Remediation and Guidance Hub | CrowdStrike](#) (updated July 24, 2024).



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- **Failing to Validate the Content Update:** CrowdStrike admits that its standard processes for checking content updates for errors failed “[d]ue to a bug in the Content Validator.”² CrowdStrike admits it relied on validations of previous “Template Instances,” which have no bearing on uncovering errors or defects in new Template Instances. It is difficult to comprehend how and why CrowdStrike simultaneously failed to test *and* failed to properly validate its content update.

CrowdStrike is responsible for these intentional and reckless actions, and Delta will pursue all legal remedies available to recover damages for the substantial harm done to its business, reputation, and goodwill.

Delta intends to initiate legal action promptly. In anticipation of litigation, Delta demands that CrowdStrike preserve all documents and records of any kind in its possession, custody, or control regarding the Faulty Update and related issues, including but not limited to the issues identified above, and instruct all of its agents and affiliates to do the same.

Sincerely,

A handwritten signature in black ink that reads "David Boies". The signature is written in a cursive style with a vertical line through the word "David".

David Boies

cc: Peter Carter
Delta Air Lines, Inc., Executive Vice President - External Affairs

² *Id.*
