

[Your Name/Law Firm]
[Address]
[City, State, Zip Code]
[Phone Number]
[Email]

[Date]

[Opposing Counsel Name]
[Law Firm]
[Address]
[City, State, Zip Code]

Re: [Case Name/Matter Number] - Meet and Confer Regarding Spoliation of Electronically Stored Information (ESI)

Dear [Opposing Counsel Name],

This letter serves as a formal request to meet and confer regarding the apparent spoliation of electronically stored information (ESI) by your client. Based on recent discovery production and/or testimony, it has come to our attention that relevant data has been lost, deleted, or otherwise rendered inaccessible.

Specifically, we have identified the following issues:

- **Missing Data Sources:** [Identify specific sources, e.g., mobile devices, email accounts, or cloud storage].
- **Time Periods:** [Specify the date ranges for which data is missing].
- **Evidence of Deletion:** [Describe why you believe data was destroyed, e.g., gaps in email threads or failure to implement a litigation hold].

As you are aware, your client had an affirmative duty to preserve all potentially relevant evidence once litigation was reasonably anticipated. The loss of this information significantly prejudices our ability to [prosecute/defend] this case.

We request that you provide the following information immediately:

1. The date the litigation hold was first issued and the specific individuals who received it.
2. An explanation of the circumstances surrounding the loss of this data.
3. Details regarding any efforts made to recover or reconstruct the lost ESI.
4. A date and time within the next [Number] days for a meet and confer session to discuss these deficiencies.

If we are unable to resolve this matter through the meet and confer process, we will be forced to seek relief from the Court, including but not limited to motions for sanctions, adverse inference instructions, and recovery of attorney's fees.

I look forward to your prompt response.

Sincerely,

[Your Signature]

[Your Printed Name]