

Sent via Email

[Date]

[Opposing Counsel Name]

[Law Firm Name]

[Address]

[City, State, Zip]

Re: [Case Name and Docket Number]

Subject: Follow-Up to Meet and Confer Regarding Document Destruction and Spoliation

Dear [Counsel Name],

I am writing to follow up on our meet and confer held on [Date] regarding the preservation of evidence and the apparent destruction of relevant documents by your client, [Client/Company Name].

During our discussion, we addressed the following concerns:

- The failure to suspend routine document retention/destruction policies after the duty to preserve arose on [Date].
- The specific loss of [describe specific records, e.g., emails, server logs, or physical files] belonging to [Key Person/Custodian].
- The insufficiency of your client's efforts to recover or reconstruct the missing data.

As discussed, the loss of this information significantly prejudices my client's ability to [prosecute/defend] this matter. While you indicated that [summarize opposing counsel's position/explanation], this does not alleviate the legal obligation to maintain relevant evidence.

We requested that you provide the following by [Date]:

1. A formal declaration detailing the date the litigation hold was implemented.
2. The specific steps taken to recover the deleted or destroyed materials.
3. A list of all custodians whose data was permanently lost.

Please confirm by [Time] on [Date] whether your client will voluntarily provide these items or if we must seek judicial intervention. It is my hope that we can resolve this issue without a formal motion for spoliation sanctions or a request for an adverse inference instruction.

I look forward to your prompt response.

Sincerely,

[Your Name]

[Your Law Firm]

[Your Phone Number]

[Your Email]