

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

[Date]

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

Re: [Case Name/Caption]
Case No.: [Court Case Number]
Subject: Good Faith Meet and Confer Regarding Spoliation of Evidence

Dear [Opposing Counsel Name],

I am writing this letter in a good faith effort to meet and confer regarding the loss or destruction of evidence relevant to the above-referenced matter. This letter serves as a formal attempt to resolve this spoliation dispute without the need for judicial intervention.

Specifically, our review indicates that the following evidence has not been produced or preserved: [Identify specific Electronically Stored Information (ESI), physical documents, or objects].

The relevance of this evidence is as follows: [Briefly describe why the evidence is material to the claims or defenses].

Our records indicate that your client had a duty to preserve this evidence as of [Date], when [Reason duty was triggered, e.g., litigation was reasonably anticipated or preservation notice was sent]. Despite this duty, it appears that [Describe the nature of the spoliation, e.g., data was deleted, hardware was destroyed, or documents were shredded].

To resolve this matter, we request that you provide the following by [Date]:

1. A detailed explanation of why the evidence was not preserved.
2. Identification of the specific date and method of destruction.
3. Information regarding any available backups, mirrors, or alternative sources for this information.
4. Your proposal for a remedial measure or stipulation to address the prejudice caused by this loss of evidence.

I am available to discuss this further via telephone on [Date] at [Time]. It is our hope that we can reach an agreement regarding sanctions or curative measures to avoid the necessity of filing a Motion for Spoliation Sanctions with the Court.

I look forward to your prompt response.

Sincerely,

[Your Signature]

[Your Printed Name]