

[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] / [Case Number]

Subject: Meet and Confer Regarding Intentional Spoliation of Evidence

Dear [Opposing Counsel Name],

This letter serves as a formal meet and confer effort regarding the intentional destruction or alteration of evidence critical to this litigation. Despite our prior preservation demand dated [Date] and the ongoing discovery obligations, it has come to our attention that [describe the specific evidence lost/destroyed, e.g., emails, physical hardware, surveillance footage].

Based on our investigation, it appears this evidence was [destroyed/deleted/altered] on or about [Date]. This action occurred at a time when your client had a clear duty to preserve such materials. We believe this destruction was intentional and has significantly prejudiced our ability to prove [specific claims or defenses].

Before we move for terminating, evidentiary, or monetary sanctions with the Court, we request that you provide the following by [Date]:

- A detailed explanation of why the evidence was not preserved;
- An identification of the individuals responsible for the destruction;
- Information regarding any available backups or forensic methods to recover the lost data.

If we do not receive a satisfactory response or a commitment to remediate this prejudice by the aforementioned date, we will have no choice but to seek judicial intervention, including a request for an adverse inference jury instruction and reimbursement of attorney fees incurred due to this spoliation.

I am available to discuss this matter via telephone on [Date/Time] if you believe a conversation will resolve this issue without motion practice.

Sincerely,

[Your Signature]

[Your Printed Name]