

## Case Summary

### ADHI Parasakthi Charitable v. Township of W. Pikeland

2010 WL 1047894 (E.D.Pa. March 16, 2010)

**Plaintiff Ordered to Allow Forensic Investigation of its Computers**

On an appeal from a town Zoning Board, the district court ordered the plaintiff to allow the defendant's computer expert to inspect its computers for responsive emails not produced in the first round of discovery.

The plaintiff sought a variance from the defendant's zoning regulations in order to build a religious temple on a parcel of land within the township of West Pikeland. During discovery, the defendant made several interrogatories and document requests that it felt the plaintiff insufficiently answered. After the court ordered the plaintiff's compliance with the discovery requests, the plaintiff produced 2600 pages of responsive documents. This production, however, contained only three emails.

Believing there must be more emails related to the planned development, the defendant again sought a court order to enforce the document requests. The plaintiff argued that, if any additional responsive emails had existed, they had since been deleted in the ordinary course of business and could not be produced. The defendant responded that mere deletion does not mean the emails were lost forever. Some emails, it said, could be recovered by a forensic collection.

#### Decision

Agreeing with the defendant, the court ordered the plaintiff to allow the defendant's computer expert to forensically examine its computer systems for any responsive documents. The court reasoned that the plaintiff had not argued the emails never existed and that the defendant was entitled to fully discover any relevant information that may still exist on the computers.