

Case Summary

Invision Media Communications, Inc. v. Federal Insurance Company

2004 WL 396037 (S.D.N.Y. Mar. 2, 2004)

Sanctions Imposed Against Party Failing to Reasonably Produce Emails Upon Discovery Request

In an action for breach of an insurance contract, the defendant moved for sanctions against the plaintiff for discovery misconduct. The allegations of misconduct against the plaintiff included making false statements regarding the location and existence of its documents; failing to timely disclose requested documents; and destroying evidence relevant to the pending case. Among the documents requested by the defendant were "all electronic mail communications sent or received by the plaintiffs during August 2001, September 2001 and October 2001." In response to the request for email communications, the plaintiff contended that the emails could not be produced because all email was archived on servers for two weeks only.

Decision

The court found this statement to be false, as demonstrated by the plaintiff's eventual disclosure of the electronic mail. The court held that "a reasonable inquiry by the plaintiff's counsel prior to responding to [defendant's] document request... would have alerted counsel that the plaintiff possessed electronic mail that fell within the scope of [defendant's] document request." Accordingly, the court imposed sanctions against the plaintiff in the form of costs and attorney's fees incurred by defendant in connection to associated pretrial discovery.

Preservation of Electronic Documents
Production of Electronic Documents