

## Case Summary

### QZO, Inc. v. Moyer

594 S.E. 2d 541 (S.C. App. 2004)

#### **Default Judgment Issued Against Party For Destroying Computer Evidence**

The plaintiff suspected the defendant, former officer at plaintiff's corporation, had plans to compete. The plaintiff was granted a temporary restraining order (TRO), which required the defendant to turn over his work laptop computer to the plaintiff. The defendant took seven days to turn over his computer, and when he did so, a computer forensic expert determined that the hard drive had been reformatted the day before. The reformatting destroyed any possible evidence that would have shown the defendant's plan to compete.

#### **Decision**

The court held that the defendant had willfully destroyed evidence related to the case and violated the TRO, and based on this, the court assigned liability to the defendant. The appellate court affirmed the judgment denying the defendant's argument that there was insufficient evidence to support the sanctions the plaintiff was seeking.

Deletion of Electronic Documents