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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

COLONIES PARTNERS, L.P., et al.,
Plaintiffs,
v.
COUNTY OF SAN BERNARDINO,
et al.,
Defendants.

Case No. 5:18-cv-00420-JGB (SHK)

**ORDER ACCEPTING FINDINGS
AND RECOMMENDATION OF
UNITED STATES MAGISTRATE
JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed Plaintiffs’ Motion for Sanctions (“Motion”), Defendants’ Opposition to the Motion (“Opposition” or “Opp’n”), Plaintiffs’ Reply in Support of the Motion (“Reply”), the relevant records on file, and the Report and Recommendation of the United States Magistrate Judge (“R&R”). Electronic Case Filing Number (“ECF No.”) 249, Motion; ECF No. 263, Opp’n; ECF No. 266, Reply; ECF No. 305, R&R. No objections have been filed. The Court accepts the findings and recommendation of the Magistrate Judge.

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IT IS THEREFORE ORDERED that:

- 1) The R&R [ECF No. 305] is ADOPTED;
- 2) Plaintiffs’ Motion [ECF No. 249] is GRANTED insofar as Plaintiffs seek an adverse jury instruction at trial—that the jury may presume that the deleted ESI information from the mike@joinmikeramos.com e-mail account and text messages deleted after March 2018, was unfavorable to Plaintiffs—but DENIED insofar as Plaintiffs seek terminating sanctions;
- 3) Plaintiffs are AWARDED reasonable fees associated with bringing this Motion; and
- 4) Plaintiffs must submit their declaration and records in support of their fee award for the Court’s consideration within **fourteen days** of the date of this Order, Defendants shall file their Response within **fourteen days** of the filing of Plaintiffs’ submission, and Plaintiffs may file a Reply within seven days of Defendants’ Response, after which time the fee award will be decided on the papers.

Dated: March 27, 2020


HONORABLE JESUS G. BERNAL
United States District Judge