

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BRUCE KOPITAR, an individual,

Plaintiff,

vs.

NATIONWIDE MUTUAL INSURANCE
COMPANY, and DOES 1 through 50,
inclusive,

Defendants.

**CASE NO. 1:07-cv-00891-OWW-GSA

ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT,
NATIONWIDE MUTUAL
INSURANCE COMPANY'S MOTION
FOR SANCTIONS FOR
SPOILIATION OF EVIDENCE**

Defendant Nationwide Mutual Insurance Company filed a Motion for Sanctions for Spoliation of Evidence on September 30, 2009. [Doc. 21] Plaintiff Bruce Kopitar thereafter filed opposition papers [Doc. 27], and Nationwide replied. [Doc. 30] Oral argument was heard by the Court on December 7, 2009, at which time it took the matter under submission. The Court issued a Memorandum Decision on Nationwide's Motion on March 17, 2010. [Doc. 39]

After considering each of the parties' briefing and oral argument, and based on the reasons set forth in the Court's Memorandum Decision, IT IS HEREBY ORDERED that Nationwide's Motion is granted in part and denied in part. Nationwide's motion for monetary sanctions is granted. Plaintiff is ordered to pay Nationwide \$2,280.00 no later

1 than ten business days following the entry of this Order. Nationwide's motion for
2 terminating sanctions is denied without prejudice.

3
4
5
6 IT IS SO ORDERED.

7 Dated: March 30, 2010

/s/ Oliver W. Wanger
8 UNITED STATES DISTRICT JUDGE