

1 orders as part of their general authority ‘to manage their own affairs so as to achieve the orderly and
2 expeditious disposition of cases.’” American LegalNet, Inc. v. Davis, 673 F.Supp.2d 1063, 1071
3 (C.D. Cal. 2009) (quoting Pueblo of Laguna v. United States, 60 Fed. Cl. 133, 135-36 (2004)).
4 Plaintiff’s motion is not premised on any showing that relevant and existing evidence is in danger of
5 being destroyed, but on general request to preserve any potential evidence. Plaintiff has not shown
6 that a preservation order is needed due to any actual risk that specific evidence will be lost or
7 destroyed during the pendency of this action. Generalized, unsupported concerns simply to not
8 suffice. American LegalNet, Inc., 673 F.Supp.2d at 1072. Furthermore, Defendants have a duty to
9 preserve evidence. “A party’s destruction of evidence qualifies as willful spoliation if the party has
10 some notice that the documents were potentially relevant to the litigation before they were destroyed.”
11 Leon v. IDX Systems Corp., 464 F.3d 951, 959 (9th Cir. 2006). Discovery in this action is ongoing
12 and the discovery deadline is currently set for August 25, 2017. To the extent there is a dispute over
13 whether certain evidence exists and/or should be disclosed, the proper procedural mechanism is to file
14 a motion to compel. Accordingly, Plaintiff’s motion for a protective order is denied.

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16 IT IS SO ORDERED.

17 Dated: May 30, 2017


18 UNITED STATES MAGISTRATE JUDGE