

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LOGTALE, LTD.,

No. C-11-05452 EDL (DMR)

Plaintiff(s),

**ORDER TO FILE DECLARATION BY  
STEVE KOHLES**

v.

IKOR, INC. ET AL,

Defendant(s).

The court has reviewed Plaintiff's motion for sanctions for spoliation of evidence and Defendants' opposition thereto, which is set for hearing on May 22, 2014 at 11:00 a.m. before the undersigned. In its motion, Plaintiff argues in part that an April 30, 2013 email from Steve Kohles, in which he states "I had deleted any emails prior to 2010 and basically only kept emails relating to financial statements since then" is evidence of spoliation. (*See* Knier Decl., March 28, 2014 Ex. D.) In response, Defendants submitted a declaration by Kohles in which he elaborates on the statement in his April 2013 email and explains his "culling process" for emails. (Kohles Decl., April 10, 2014 ¶¶ 10-11.) However, Kohles does not set forth information about the time period during which he deleted emails according to this process. He also does not state indicate whether he stopped his practice of deleting emails, and if so, when. Additionally, he does not indicate whether he was ever instructed by anyone to preserve documents relevant to this litigation, and if so, who instructed him, when he was instructed, and what steps, if any, he took to preserve documents.

1           Therefore, **by no later than 9:00 a.m. on Wednesday, May 21, 2014**, Defendants shall file  
2 a sworn, detailed declaration by Kohles setting forth the above information. In addition, Kohles  
3 shall indicate whether he or anyone else has ever made an attempt to recover deleted emails from his  
4 account and set forth specific details about any such efforts, such as when the attempt(s) was made,  
5 what the attempt(s) entailed, and the outcome of the attempt(s).

6  
7           IT IS SO ORDERED.

8  
9           Dated: May 16, 2014

