

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID RUDOVSKY and LEONARD SOSNOV,	:	CIVIL ACTION –
	:	JURY TRIAL DEMANDED
	:	
Plaintiffs,	:	
	:	
v.	:	NO. 09-CV-727
	:	
WEST PUBLISHING CORPORATION, WEST SERVICES INC., AND THOMSON LEGAL AND REGULATORY INC. t/a THOMSON WEST,	:	
	:	
Defendants.	:	
	:	

ORDER

AND NOW, this ____ day of May, 2010, upon consideration of Plaintiffs’ Motion in Limine/Motion for Sanctions, the Defendants’ response thereto, and the argument thereon, it is hereby ORDERED and DECREED that said Motion is GRANTED; and

it is further ORDERED that defendants shall be sanctioned as follows:

1. Defendants are precluded from presenting evidence from any of its witnesses concerning the manner of preparation, quality or adequacy of the 2009 Pocket Part.
2. Plaintiffs shall be permitted to read to the jury, and move into evidence, any of the several documents containing communications with Chris Gimeno or otherwise sent to Chris Gimeno.
3. Within three (3) days of the date of this Order, defendants shall file with the Court affidavits by Jerome Kahnke and Catherine Smith that:

- a) state whether all documents responsive to Plaintiffs' First Request For Production Of Documents, paragraphs 5, 12, 13, 14 and 34, have been produced;
 - b) specifically answer the question as to whether any such documents existed, but have not been produced, and, if so, the reason therefore, including whether any such documents have been destroyed or otherwise not retained, and
 - c) state whether they were advised that West had a duty to retain documents relevant to this case, and, if so, when they were so advised.
4. The Court shall instruct the jury that defendants has failed to produce relevant communications between itself and Ms. Gimeno, and that the jury should infer from that failure that the contents of the documents would have been adverse to West.

BY THE COURT:

Hon. John P. Fullam, U.S.D.J.