

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

COREY BROWN,	:	
	:	
Plaintiff,	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 16-cv-02737
CERTAIN UNDERWRITERS AT	:	
LLOYDS, LONDON, ET AL.	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 9th day of June, 2017, upon consideration of Plaintiff's Objection to Request to Produce Cell Phone for Examination by Expert (Doc. No. 27), Defendants' Response to Plaintiff's Objection to Request to Produce Cell Phone for Examination by Expert, and Defendants' Resulting Motion for Spoliation Sanctions (Doc. No. 29), Defendants' Supplemental Memorandum in Support of Defendants' Motion for Spoliation Sanctions (Doc. No. 36), Plaintiff's opposition thereto (Doc. No. 39), and Defendants' reply in further support thereof (Doc. No. 41), for the reasons given in the attached Memorandum, it is hereby ORDERED as follows:

- (1) Plaintiff's Objection is OVERRULED;
- (2) Defendants' Motion for Spoliation Sanctions is GRANTED in part and DENIED in part;
- (3) Plaintiff shall pay all fees and costs associated with Defendants' Motion for Spoliation Sanctions (Doc. No. 29), Defendant's Supplemental Memorandum in Support of Defendants'

Motion for Spoliation Sanctions (Doc. No. 36), and Defendants' reply in further support thereof (Doc. No. 41);

(4) Plaintiff shall also pay all fees and costs already incurred that are associated with Defendants' efforts to obtain records from Plaintiff's cellular carrier, including but not necessarily limited to those fees and costs associated with Defendants' Motion for Order to Authorize Release of Plaintiff's Cellular Telephone Data (Doc. No. 8);

(5) Defendants are MANDATED to submit, within fourteen (14) days of entry of this Order, an affidavit and/or other materials detailing their costs and fees associated with (3) and (4) above. Defendants' submission of costs and fees should contain, at minimum, a description of work completed, time expended on various tasks, and the hourly rate charged. Plaintiff shall have 14 days after submission of this affidavit to file a response, if any;

(6) Defendants are entitled to an adverse jury instruction and spoliation inference. The Court will consider specific proposed jury instructions from the parties at or around the time of trial.

BY THE COURT:

s/J. Curtis Joyner
J. CURTIS JOYNER, J.