Botey v. Green et al Doc. 124

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JONATHAN BOTEY	:	
	:	
Plaintiff,	:	
v.	:	**3:12-CV-01520**
	:	**(JUDGE MARIANI)**
ROBERT GREEN, et al.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, THIS 4TH DAY OF APRIL, 2016, IT IS HEREBY ORDERED THAT Plaintiff's Motion for Sanctions for Spoliation of Evidence (Doc. 74) is **GRANTED IN PART AND DENIED IN PART**, to wit:

1. Plaintiff's request that an adverse inference jury instruction be read against Defendants at the time of trial is **DENIED**.
2. Plaintiff's request that Defendants be precluded from arguing in dispositive motions that Plaintiff lacks evidence to prove his corporate negligence claims against Defendants FFE and Conwell based on the documents destroyed is **GRANTED** in so far as Defendants are precluded from proving the contents of the destroyed documents by other means or argue their contents in dispositive motions or at trial.

Robert D. Mariani
United States District Court Judge

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