



## Law360: \$3M Takeaways From GN Netcom V. Plantronics

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In an article published by Law360 on Dec. 12, 2016, Matthew Scully provides insight on the electronically stored information (ESI) spoliation sanctions standard under the 2015 Amendments to the Federal Rules of Civil Procedure, what went wrong in GN Netcom v. Plantronics, and steps companies and practitioners should take to avoid a similar outcome. GN Netcom v. Plantronics is a troubling read for practitioners who have dealt with ESI. Significant ESI preservation steps were taken but the actions of one rogue executive cost the company significantly despite its seemingly best efforts. But, critically, the court found the company failed to do enough to remedy, or at least mitigate, the loss. The court was particularly concerned with Plantronics' failure to take all reasonable steps to fully examine and rectify the deletion of emails and its "obfuscation and misrepresentations" of the issue in discovery.

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