

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
CIVIL MINUTES**

Phoenix Division

CV06-2076-PHX-NVW DATE: August 25, 2008

Year Case No. Dft #

HON: NEIL V. WAKE Judge # 7032

Caption: Atlantic Recording Corporation, et. al. v. Howell, et. al.

Deputy Clerk: Sandi Fredlund Crt Rptr/ECR: Laurie Adams

Plaintiff's counsel: Timothy M. Reynolds and Ira M. Schwartz

Defendant: Jeffrey Howell is present on his own behalf

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11:00 a.m. This is the time set for motion hearing and pretrial conference. The Court finds that the order to show cause of 8/1/08 is discharged. All undisputed facts listed by plaintiff in the proposed pretrial order are deemed true and do not have to be proved at trial.

Discussion held regarding Plaintiff's Motion for Terminating Sanctions Against Defendant based on Defendant's Spoliation of Material Evidence [doc. 103]. 11:56 a.m. Recess.

12:26 p.m. Court reconvenes. The Court finds that the destruction of the evidence after repeated and explicit warnings about the obligation to preserve evidence was in bad faith and therefore warrants appropriate sanctions. The extent of sanctions is within the Court's discretion. The Court will issue a written order on the pending issues. The Motion for Sanctions [doc. 103] is taken under advisement. A written order will issue regarding the pending Motions to Dismiss.

Time in Court: 1 hr. 10 mins.