Insights: Publications

Planting the Seeds of Accountability for Spoliation Sanctions

KT LitSmart Blog

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When seeking sanctions for spoliated evidence, the nature of the evidence and your jurisdiction can play a pivotal role. Are you in state or federal court? Is the missing evidence electronically stored information or not? The same facts and circumstances could yield vastly different outcomes depending on the answers to those questions. In the case of Seattle Tunnel Partners v. Great Lakes Reinsurance (UK) PLC, a Washington appellate court rejected the lower courts' imposition of adverse inference jury instructions for spoliation of evidence by Seattle Tunnel Partners ("STP"), despite lower court findings that evidence was "critically relevant" and that the disappearance could "hardly be characterized as innocent…."

Related People



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