Insights: Perspectives

It's Purple Raining Sanctions: Litigation Regarding Prince's Estate Provides Framework for Determining When Sanctions Apply Under FRCP Rule 37(e)

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You may have read my colleague Starling Underwood's post on two recent Second Circuit decisions discussing sanctions for spoliation. If you have not, I encourage you to read it here. In this post, and continuing our music-themed sanction discussions, I narrow the focus to Federal Rule of Civil Procedure Rule 37(e), which is used to determine whether and what sanctions are appropriate when ESI spoliation occurs. A recent decision from the Minnesota District Court involving the estate of the artist Prince Rodgers Nelson ("Prince"), *Paisley Park Enterprises, Inc. v. Boxill*, provides a detailed review of the sanctions analysis under Rule 37(e), while dealing with a category of very common ESI data often at issue in litigation today – mobile phone text messages.

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