

The Supreme Court of the State of Louisiana

HILDA FOBB, TRINETTE SMITH, JUANISHA
WINCHESTER, RAVAUGHN HARRIS,
PRECIOUS DIAZ, AND QUINTOSHA WISHEM

No. 2023-CC-00697

VS.

STERICYCLE, INC.

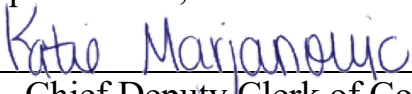
IN RE: Stericycle, Inc. - Applicant Defendant; Applying For Writ Of Certiorari,
Parish of Orleans Civil, Orleans Civil District Court Number(s) 2018-08066, Court
of Appeal, Fourth Circuit, Number(s) 2023-C-0238;

September 19, 2023

Writ application granted. See per curiam.

SJC
JLW
JDH
JTG
WJC
JBM
PDG

Supreme Court of Louisiana
September 19, 2023



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2023-CC-00697

**HILDA FOBB, TRINETTE SMITH, JUANISHA WINCHESTER,
RAVAUGHN HARRIS, PRECIOUS DIAZ, AND QUINTOSHA WISHEM**

VS.

STERICYCLE, INC.

On Writ of Certiorari to the Court of Appeal, Fourth Circuit, Parish of Orleans
Civil

PER CURIAM

A plaintiff asserting a claim for spoliation of evidence must allege that the defendant intentionally destroyed evidence. *Clavier v. Our Lady of the Lake Hosp. Inc.*, 2012-0560 (La. App. 1 Cir. 12/28/12), 112 So.3d 881, 885, *writ denied*, 2013-0264 (La. 3/15/13), 109 So.3d 384. Although some data is no longer accessible through defendant's computer system, the evidence of the data has not been destroyed, but was copied and preserved in a September 2018 report which defendant provided to plaintiffs. Therefore, plaintiffs have failed to establish defendant intentionally destroyed any evidence.

Accordingly, the writ is granted. The judgment of the district court granting plaintiffs' motion for spoliation and awarding attorney fees and costs is reversed. The case is remanded to the district court for further proceedings.