

Court Sanctions Party And Counsel Over Deleted Facebook Content

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What one posts on a social media page may be relevant to claims being pursued by that person in court. Deleting this information during the pendency of a lawsuit could result in sanctions by the court. This is precisely what happened to Plaintiff Isaiah Lester, who sued Allied Concrete for the alleged wrongful death of his wife, 25-year-old Jessica Lester, who died when an Allied Concrete truck rolled onto her car.

Apparently, before producing information requested by Allied Concrete, Lester's attorney, Matt Murray, instructed Lester to delete Facebook photos of himself holding a beer and wearing a t-shirt emblazoned with "I [heart] hot moms." Murray's assistant's email to Lester read "[w]e do not want blow ups of other pics at trial, so please, please clean up your Facebook and MySpace!"

The court found that the deletion of the photos constituted misconduct by Lester and Murray, his attorney. Granting defendant's motion for sanctions, the court awarded a total of \$722,000 to Allied Concrete for attorney fees. Of this amount, Lester was ordered to pay \$180,000 and Murray ordered to pay \$542,000. It remains to be seen whether the sanctions award will stand, as both sides are currently appealing the court's decision.

Social media content is treated like other information that may be relevant to a case -- deleting potential evidence can be grounds for sanctions.