

## Corporate & Financial Weekly Digest

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### Monetary Sanctions Imposed on Counsel and Client for Discovery Violations

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The U.S. District Court for the Western District of Washington imposed monetary sanctions on plaintiff Play Visions, Inc. and its counsel for failure to search for documents in a timely fashion, delayed and inadequate document production, false certification that the relevant records were maintained only in paper format, and for counsel's specific failure to adequately understand the client's document retention system or assist in production.

Following over a year of contentious litigation, Play Visions moved to voluntarily dismiss its suit with prejudice. Defendants Dollar Tree Inc., and Greenbrier International, Inc. did not oppose the dismissal, but sought sanctions for alleged discovery misconduct and moved to recover fees and costs.

Defendants alleged that plaintiff's counsel was unreliable in ensuring appropriate production and discovery as required by Rule 26(g)(1) of the Federal Rules of Civil Procedure. The court found that Play Visions' counsel did nothing to familiarize himself with Play Visions' document retention and destruction policies, and did not assist in searching for or responding to defendants' first or second requests for production. Instead, the slow production of documents, with false or misleading certifications that all relevant documents had been reproduced, violated Rule 26(g)'s mandate that such certifications be formed after a reasonable inquiry. Based on the defendants' billing records, the court ordered fees in the amount of \$137,168.41, to be born by both plaintiff and its counsel jointly and severally. (*Play Visions, Inc. v. Dollar Tree Stores, Inc.*, No. C09-1769 MJP (W.D. Wash. June 8, 2011))

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