

RULING NO. C2008-3/16

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Complaint of Capital One Services, Inc.

Docket No. C2008-3

PRESIDING OFFICER'S RULING CONCERNING
MOTION REQUESTING PRESERVATION OF DOCUMENTS

(Issued September 16 2008)

American Postal Workers Union, AFL-CIO (APWU) filed a motion requesting a ruling directing the Postal Service to preserve all documents, whether stored electronically or in hard copy, related to the current complaint.¹ APWU expresses specific concern with preserving documents that may reside on computers used by Ms. Lowrance, Mr. Plunkett, and Ms. Mayes because of statements made at the deposition concerning the standard operating procedures for scrubbing computer hard disks upon termination of employment with the Postal Service.

The Postal Service filed a response to this Motion stating that it is aware of the need to protect and preserve electronically stored information applicable to this proceeding.² It explains that counsel has physical custody of Ms. Lowrance's computer and further outlines the steps being undertaken to preserve the data on its hard drive. The Postal Service also comments on the current status Mr. Plunkett's and Ms. Mayes'

¹ American Postal Workers Union, AFL-CIO Request for Order Concerning United States Postal Service Documents, September 3, 2008 (Motion).

² Reply of United States Postal Service to American Postal Workers Union, AFL-CIO 'Request for Order Concerning ... Documents', September 10, 2008.

computers and states that Mr. Plunkett and Ms. Mayes are aware of the need to retain documents.

This Motion appears to have arisen from a misunderstanding occurring at Ms. Lowrence's deposition. Ms. Lowrence may have understood that it is standard operating procedure to scrub an employee's computer hard drive upon termination of employment. However, the Postal Service has explained that it is aware of its responsibilities for preservation of electronic documents (and presumably hard copy documents) related to litigation, and is taking steps to do so. A ruling directing the Postal Service to preserve documents does not appear necessary. Thus, the Motion is effectively moot.

RULING

American Postal Workers Union, AFL-CIO Request for Order Concerning United States Postal Service Documents, filed September 3, 2008, is dismissed as moot.

Dan G. Blair
Presiding Officer