

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:21-cv-10761-AK**

09/01/2022	60	<p>District Judge Angel Kelley: ELECTRONIC ORDER entered re Plaintiff's 58 Emergency Motion.</p> <p>The motion is GRANTED as unopposed. The Court has the authority to issue a preservation order, where, as here, it is necessary to preserve Plaintiffs' rights and is not unduly burdensome. See <u>Williams v. Massachusetts Mut. Life Ins. Co.</u>, 226 F.R.D. 144, 147 (D. Mass. 2005). Here, the order is necessary to preserve records Plaintiffs may potentially be entitled to, and is not unduly burdensome because the limited number of devices in question are already within Defendant's possession. Accordingly, it is hereby ORDERED that:</p> <p>a. For the pendency of this litigation and any appeals, Defendant preserve in their present condition all mobile devices, including cellular telephones, within its possession, custody, or control, that were issued at any time by any government agency to Thomas Homan, Matthew Albence, Ronald Vitiello, Thomas Blank, Tracy Short, Jon Feere, and/or Nathalie Asher, without any modification, deletion, or destruction of the data contained therein; and</p> <p>b. Defendant continue its efforts, as described in its supplemental affidavits, to access Mr. Feere's mobile device, and shall submit a status report on or before September 19, 2022, provided that Defendant shall not modify, delete, or destroy any data contained on that device.</p> <p>(Currie, Haley) (Entered: 09/01/2022)</p>
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