

Practical Law The Journal Interviews Partner Nicholas J. Panarella on Discovery Sanctions

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In the "GC Agenda" section of *Practical Law The Journal*, partner **Nicholas J. Panarella** discussed the Second Circuit decision in *Chin v. Port Authority*. In that case the defendant failed to timely issue a litigation hold, resulting in lost evidence. The court held that a failure to issue a litigation hold is not gross negligence per se and a district court has wide discretion in determining whether to issue discovery sanctions. It denied the plaintiff's request to issue an adverse inference instruction to the jury. Nonetheless, Mr. Panarella cautioned that litigation holds warrant a case-by-case analysis.

To read the full article, click [here](#).