

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH,
NORTHERN DIVISION

Anthony J. Edlefsen v. IHC Health Services, Inc.

No. 1:25-cv-00167 (D. Utah Apr. 28, 2026) · No. 1:25-cv-00167 · Decided April 28, 2026

SUMMARY

The United States District Court for the District of Utah denied Anthony J. Edlefsen’s motion seeking information about IHC Health Services, Inc.’s preservation of electronically stored information. The court held that Rule 26(f) does not require particular disclosures about preservation protocols and that the requested information constituted disfavored “discovery on discovery” absent a reasonable basis to doubt the sufficiency of IHC’s preservation efforts.

CASE DETAILS

COURT	United States District Court for the District of Utah, Northern Division
WRITING FOR THE COURT	Daphne A. Oberg
JURISDICTION	United States District Court for the District of Utah, Northern Division
DECIDED	April 28, 2026
DOCKET	1:25-cv-00167
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se in a wrongful-termination action, moved to compel the defendant to provide information concerning its preservation of electronically stored information. The magistrate judge denied the motion.
STANDARD OF REVIEW	Discovery-motion and motion-to-compel standards; the court evaluated whether plaintiff established a basis to compel the requested preservation information.
PRECEDENTIAL VALUE	unpublished memorandum decision

TOPICS

- discovery dispute
- civil procedure
- wrongful termination

PRACTICE AREAS

- civil procedure
- employment law
- electronic discovery

QUESTIONS PRESENTED

1. Whether Rule 26(f) or another legal authority required IHC to disclose details about its ESI preservation protocols.
2. Whether plaintiff could obtain preservation-protocol information as discovery on discovery absent reasonable doubt about the sufficiency of IHC's preservation efforts.

HOLDINGS

1. Federal Rule of Civil Procedure 26(f) requires the parties to discuss issues concerning preservation of discoverable information, but it does not require particular disclosures about a party's preservation protocols.
2. Discovery seeking details about a party's discovery-preservation process is disfavored absent reasonable doubt about the sufficiency of the party's discovery response or preservation efforts.
3. A party has a pre-existing legal obligation to preserve information it knows or should know is relevant to imminent or ongoing litigation, and a preemptive order compelling preservation is not necessary merely to impose that obligation.

KEY QUOTATIONS

“Because Mr. Edlefsen’s request is not legally supported and improperly seeks “discovery on discovery,” his motion is denied.”

“This is a “general duty that arises from case law,” and “[t]here is no need for a preemptive order to require preservation.””

“And even if he had, such requests would constitute “discovery on discovery,” which is disfavored unless there is “reasonable doubt about the sufficiency of a party’s response.””

FACTUAL BACKGROUND

Edlefsen brought a wrongful-termination action against his former employer after an employment period that IHC characterized as lasting only three months. He sought information about whether IHC had preserved specified electronic sources, including email, Microsoft Teams, shared drives, human-resources files, and training records, and whether retention or auto-deletion policies had been suspended under a litigation hold. IHC represented that it had taken reasonable steps to preserve information relevant to the litigation, and plaintiff did not identify any preservation deficiency or discovery response whose sufficiency was reasonably in doubt.

PROCEDURAL HISTORY

Anthony J. Edlefsen sued his former employer, IHC Health Services, Inc., for wrongful termination. After plaintiff's counsel withdrew and plaintiff appeared pro se, he filed a short-form discovery motion seeking information about IHC's ESI preservation sources and litigation hold practices. IHC opposed the motion, and the court denied it because plaintiff identified no legal entitlement to the requested information and no reasonable basis to doubt the sufficiency of IHC's preservation efforts.

DISPOSITION

other

CASES CITED

- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)
- Fry v. School District No. 1, No. 24-cv-02284, 2024 U.S. Dist. LEXIS 253885 (D. Colo. Dec. 31, 2024)
- Zbyski v. Douglas County School District, 154 F. Supp. 3d 1146, 1162-64 (D. Colo. 2015)
- Dalton v. Town of Silver City, No. 17-1143, 2021 U.S. Dist. LEXIS 181328 (D.N.M. Sept. 22, 2021)

OPINION

Edlefsen

PER CURIAM.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

NORTHERN DIVISION

MEMORANDUM DECISION AND

ANTHONY J. EDLEFSEN, ORDER DENYING PLAINTIFF'S

MOTION REGARDING ESI

Plaintiff, PRESERVATION CONFIRMATIONS

(DOC. NO. 19)

v. Case No. 1:25-cv-00167

IHC HEALTH SERVICES, INC.,

District Judge Robert J. Shelby Defendant. Magistrate Judge Daphne A. Oberg Anthony J. Edlefsen brought this wrongful termination case against his former employer, IHC Health Services, Inc.¹ Proceeding without counsel,² Mr. Edlefsen has filed a motion to compel IHC to provide certain information regarding its preservation of electronically stored information (ESI).³ Because Mr. Edlefsen's request is not legally supported and improperly seeks "discovery on discovery," his motion is denied. ¹ (See Compl., Doc. No. 1; Second Am. Compl., Doc. No. 29.) ² Mr. Edlefsen's counsel withdrew after the case was filed. (See Order Granting Mot. to Withdraw as Counsel, Doc. No. 9; Notice of Pro Se Appearance, Doc. No. 12.) Mr. Edlefsen's pro se filings are construed liberally. See Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991). ³ (Pl.'s Short Form Disc. Mot. Re: ESI Preservation Confirmations, Doc. No. 19.) Mr. Edlefsen seeks to compel IHC to disclose: (1) whether its preservation steps include specific electronic sources listed in the motion,⁴ and (2) whether "retention/auto-deletion policies that could affect Teams content and email content for custodians in scope have been suspended or otherwise preserved under [IHC's] litigation hold."⁵ Mr. Edlefsen argues this information will allow the parties to complete ESI discussions required by Rule 26(f) of the Federal Rules of Civil Procedure, and to avoid later disputes if ESI subject to retention policies is lost.⁶ IHC opposes the motion, noting it confirmed to Mr. Edlefsen that it has taken reasonable steps to preserve information relevant to this

litigation.⁷ IHC explains it does not anticipate ESI discovery to be complex, given that Mr. Edlefsen's employment lasted only three months.⁸ And it argues disclosure of the requested preservation information is unjustified because Mr. Edlefsen has not explained why he needs the information or identified any related deficiencies in IHC's discovery responses.⁹ Mr. Edlefsen's motion is denied. As an initial matter, IHC is under a "pre-existing legal obligation to preserve information that it knows or should know is relevant to 4 The sources listed in the motion are: "O365 email (including archives), Microsoft Teams (including chats and meeting chats), SharePoint/OneDrive/shared drives, HR/Employee Relations case files (investigation/termination/appeal materials), any AskHR shared mailbox/workflow, and LMS/training records." (Id.) 5 (Id.) 6 (Id.) 7 (Def.'s Resp. to Pl.'s Short Form Disc. Mot. Re: ESI Preservation Confirmations 2, Doc. No. 20.) 8 (Id.) 9 (Id. at 3.) imminent or ongoing litigation."10 This is a "general duty that arises from case law," and "[t]here is no need for a preemptive order to require preservation."11 Mr. Edlefsen identifies no legal authority entitling him to the information he seeks regarding IHC's preservation protocols. Rule 26(f) requires the parties to discuss "any issues about preserving discoverable information,"12 but it does not require any particular disclosures relating to preservation protocols. There is also no indication Mr. Edlefsen has propounded a formal discovery request for the information he seeks. And even if he had, such requests would constitute "discovery on discovery," which is disfavored unless there is "reasonable doubt about the sufficiency of a party's response."13 Mr. Edlefsen identifies no reason to doubt the sufficiency of IHC's preservation protocols. And although he has filed other discovery motions alleging deficiencies in IHC's responses,¹⁴ he does not contend the deficiencies relate to a failure to preserve ESI. In other words, Mr. Edlefsen has offered no basis to compel IHC to provide the information he seeks regarding ESI preservation protocols. 10 Fry v. Sch. Dist. No. 1, No. 24-cv-02284, 2024 U.S. Dist. LEXIS 253885, at *7 (D. Colo. Dec. 31, 2024) (unpublished) (citing Zbylski v. Douglas Cnty. Sch. Dist., 154 F. Supp. 3d 1146, 1162–64 (D. Colo. 2015)). 11 Id. 12 Fed. R. Civ. P. 26(f)(2). 13 Dalton v. Town of Silver City, No. 17-1143, 2021 U.S. Dist. LEXIS 181328, at *14 (D.N.M. Sept. 22, 2021) (unpublished). 14 (See Doc. Nos. 23– 25, 36– 38, & 57–64.) Accordingly, Mr. Edlefsen's motion[®] is denied. DATED this 28th day of April, 2026. BY THE COURT: Sootee A. Oberg 4 United States Magistrate Judge (Doc. No. 19.)