

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Sami El Filali v. Harrisburg AL Operations (Kane) LLC

Civil No. 1:23-cv-00133 (M.D. Pa. Feb. 2, 2026) · No. 1:23-cv-00133 · Decided February 2, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania denied Sami El Filali’s motions for sanctions and spoliation sanctions concerning allegedly missing workplace surveillance footage. The court held that the defendant’s duty to preserve the footage arose only when it received the plaintiff’s EEOC and PHRC filings on October 5, 2022, by which time any footage would have been overwritten in the ordinary course. Because the defendant was not under a preservation duty when the footage was lost, the court found no spoliation under Federal Rule of Civil Procedure 37(e).

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Leo A. Latella
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	February 2, 2026
DOCKET	1:23-cv-00133
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed two motions for sanctions, including spoliation sanctions, alleging that Defendant failed to preserve or destroyed workplace-surveillance footage. The district court denied both motions.
STANDARD OF REVIEW	The court applied Federal Rule of Civil Procedure 37(e) to determine whether spoliation of electronically stored information occurred and whether sanctions were warranted.
PRECEDENTIAL VALUE	unpublished
PARTIES	Sami El Filali v. Harrisburg AL Operations (Kane) LLC

TOPICS

- sanctions
- discovery dispute
- employment discrimination
- evidence
- civil procedure

PRACTICE AREAS

civil procedure

evidence

employment discrimination

civil rights

QUESTIONS PRESENTED

1. Whether Defendant was under a duty to preserve surveillance footage when the footage was allegedly overwritten.
2. Whether the alleged loss or destruction of the surveillance footage constituted spoliation under Federal Rule of Civil Procedure 37(e).
3. Whether Plaintiff was entitled to sanctions for the alleged spoliation.

HOLDINGS

1. Defendant's duty to preserve evidence arose no earlier than October 5, 2022, when Defendant received Plaintiff's EEOC and Pennsylvania Human Relations Commission filings; the March 13, 2022 email did not reasonably put Defendant on notice of a potential discrimination claim.
2. No spoliation occurred under Rule 37(e) because the surveillance footage was allegedly overwritten in the ordinary course before Defendant's duty to preserve arose.
3. Plaintiff was not entitled to sanctions because he failed to establish spoliation under Rule 37(e).

KEY QUOTATIONS

“Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another’s use as evidence in pending or reasonably foreseeable litigation.” (Section II)

“The common-law standard is an objective one, asking not whether a party actually anticipated litigation, but “whether a reasonable party in the same factual circumstances would have reasonably foreseen litigation.”” (Section III.A)

“Because Defendant was not under a duty to preserve evidence at the time any video surveillance footage was overwritten in the normal course, there was no spoliation pursuant to Federal Rule of Civil Procedure 37(e).” (Section III.A)

FACTUAL BACKGROUND

Plaintiff alleged that surveillance footage of a workplace incident relevant to his discrimination claims had not been produced and had been destroyed, overwritten, or never saved. He asserted that Defendant had notice of the incident through his workplace complaints and later had a duty to preserve the footage. Defendant responded that any footage would have been overwritten in the ordinary course before Defendant received Plaintiff's EEOC and Pennsylvania Human Relations Commission filings.

PROCEDURAL HISTORY

Plaintiff filed the action on January 24, 2023, and Defendant answered on April 17, 2023. After discovery-related motions and a motion for summary judgment were filed, Plaintiff filed motions for sanctions on

November 25, 2025, and January 22, 2026. The court considered the motions under Federal Rule of Civil Procedure 37(e) and denied them.

DISPOSITION

other

CASES CITED

- Paramount Pictures Corp. v. Davis, 234 F.R.D. 102, 110 (E.D. Pa. 2005)
- Mosaid Techs., Inc. v. Samsung Elecs. Co., Ltd., 348 F. Supp. 2d 332, 335 (D.N.J. 2004)
- Bistran v. Levi, 448 F. Supp. 3d 454, 464, 468 (E.D. Pa. 2020)
- GN Netcom, Inc. v. Plantronics, Inc., 930 F.3d 76, 82 (3d Cir. 2019)
- Schmid v. Milwaukee Elec. Tool Corp., 13 F.3d 76, 79 (3d Cir. 1994)
- Micron Tech., Inc. v. Rambus Inc., 645 F.3d 1311, 1320 (Fed. Cir. 2011)
- Thompson v. Bridgeton Bd. of Educ., 9. F. Supp. 3d 446, 453 (D.N.J. 2014)
- Tabon v. University of Pennsylvania Health System, No. 10-2781, 2012 WL 2953216, at *2 (E.D. Pa. July 20, 2012)