

NEWS & INSIGHTS

The Preservation Letter Trap

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The Big Picture

Plaintiff attorneys routinely weaponize evidence preservation demands in truck accident cases, creating costly burdens for carriers while setting up “spoliation” claims as litigation leverage.

Why It Matters

Even minor accidents trigger sweeping preservation letters demanding everything from electronic control module (ECM) downloads to driver phones — not because the data is needed, but to create legal tripwires.

The stakes: Courts can punish spoliation (failure to preserve evidence) by:

- Instructing juries to assume missing evidence was unfavorable
- In extreme cases, automatically finding fault with the trucking company

The State of Play

Three motivations drive these demands:

1. Autopilot — Copy-paste templates circulated since seminars decades ago (some still request “tachograph” records)
2. Herd mentality — Everyone else does it, so they do too
3. Leverage — Creating failure points for future “gotcha” moments

The New Threat

Plaintiff attorneys are bypassing warning letters entirely, obtaining **preliminary injunctions without notice**. That puts carriers under immediate court orders before they can respond.

What they’re saying: “We need everything preserved for justice.”

The reality: Most demanded materials are never actually reviewed or used.

Your Defense Playbook

Act fast on critical data:

- Lock down 6 months of logs immediately
- Preserve telematics (30-day shelf life)
- Download or swap driver phones

Push back strategically:

- Set finite inspection periods (15 days)
- Demand compensation for truck downtime
- Make them justify the burden

The Bottom Line

This isn't about justice — it's litigation gamesmanship. Recognize the trap, preserve defensively, and turn their tactics into your leverage. Make them ask: Is this fender-bender really worth the fight?

What's next: Courts may eventually push back on these abusive tactics, but until then, carriers must stay one move ahead.

If you have any questions on evidence preservation, please [contact me](#) at any time.

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