

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

FAKHOURI & ASSOCIATES, PC,

Plaintiff,

v

Case No. 2013-137800-CK

Hon. Wendy Potts

TODD QUATRO, et al,

Defendants.

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OPINION AND ORDER RE: QUATRO CONSTRUCTION, INC'S MOTION IN LIMINE TO EXCLUDE EVIDENCE REGARDING ALLEGED DEFECTIVE CONSTRUCTION WORK

At a session of Court  
Held in Pontiac, Michigan

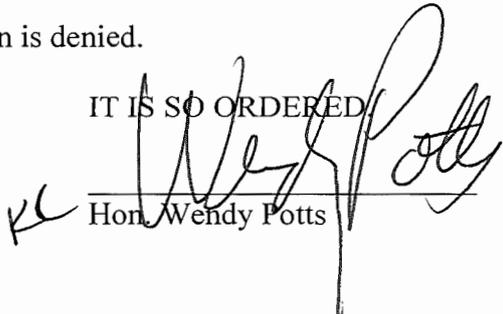
**MAY 21 2015**

Defendants move the Court to bar Plaintiff from presenting evidence of alleged defective construction work as a sanction for Plaintiff's alleged failure to take photographs or otherwise preserve physical evidence of their claim. The Court has inherent authority to sanction a party for failing to preserve relevant evidence. *Bloemendaal v Town & Country Sports Ctr Inc*, 255 Mich App 207, 211; 659 NW2d 684 (2003). However, Defendants fail to show that they will be unfairly prejudiced by the absence of physical evidence. Because both sides will be relying on testimony to establish their claims and defenses regarding Defendants' work, neither side will be at a disadvantage. Further, Defendants had the ability to take photographs of their work but did not do so. To the extent that there was a failure to preserve evidence, both sides are equally culpable. For all of these reasons, Defendants' motion is denied.

Dated:

**MAY 21 2015**

IT IS SO ORDERED

  
Hon. Wendy Potts