

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division


	)	
BMG RIGHTS MANAGEMENT (US)	)	
LLC, and ROUND HILL MUSIC LP,	)	
	)	Civil No. 1:14-cv-1611
Plaintiffs,	)	
	)	Hon. Liam O'Grady
v.	)	
	)	
COX COMMUNICATIONS, INC., and	)	
COXCOM, LLC,	)	
	)	
Defendants.	)	

**ORDER**

Pursuant to its Order of November 19, 2015 (Dkt. No. 675), the Court has now considered Judge Anderson's spoliation findings. (Dkt. No. 447). The Court agrees with Judge Anderson's finding that Cox established spoliation of evidence related to Rightscorp's historical source code. After hearing the evidence presented at trial, the Court will fashion an appropriate jury instruction that serves to "level[] the evidentiary playing field and . . . sanction[] the improper conduct." *Vodusek v. Bayliner Marine Corp.*, 71 F.3d 148, 156 (4th Cir. 1995). Cox may also identify the spoliation issue in its opening statement.

So **ORDERED**.

November 25, 2015  
Alexandria, Virginia

/s/   
\_\_\_\_\_  
Liam O'Grady  
United States District Judge