

ELECTRONIC EVIDENCE IN CALIFORNIA

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By
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THE EXPERT SERIES



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Highlights of the 2026–2027 Edition

In addition to updating this work with the most recent and significant new cases, highlights of this updated edition include the following:

- *Gonzalez v. Interstate Cleaning Corp.*, finding that failure to request the court apply the adverse evidentiary presumption or discovery sanctions waives the spoliation issue at trial and on any subsequent appeal.
- *Lim v. Expel*, holding where a company’s Employee Handbook explicitly stated “you may use Company property for incidental personal reasons,” an employee’s personal email data is protected by the California constitutional right to privacy.
- *White v. Walmart, Inc.*, noting that attorneys and litigants must exercise independent judgment and oversight when using AI discovery tools; reliance on AI without independent verification is improper.
- *United Association National Pension Fund v. Carvana Company*, stating although both traditional attachments and hyperlinked documents contained within an email may serve similar purposes, courts are loathe to treat them interchangeably.

About The Author

Michael Paul Thomas is a graduate of UC Berkeley School of Law and is widely recognized for his extensive expertise in California Civil Procedure. For over two decades, Mr. Thomas has been named in *The Best Lawyers in America*, universally regarded as the definitive referral guide to the nation's best legal talent; has been repeatedly named to *Super Lawyers*, an honor bestowed upon only 5% of California lawyers; and has received an "AV" rating by the Martindale-Hubbell Lawyers Directory, denoting the highest level of ethics and legal ability. He is also a multi-time member of the Million Dollar Advocates Forum, whose membership is limited to trial lawyers who have demonstrated exceptional skill, experience and excellence in advocacy by achieving a trial verdict, award or settlement in the amount of one million dollars or more. Mr. Thomas has been honored with a lifetime achievement award by *America's Top 100 Attorneys*.

In addition to his legal practice, Mr. Thomas is a well-known author and educator. He is the author of the widely regarded California Civil Courtroom Handbook & Desktop Reference; co-author with Justice Eileen C. Moore of the authoritative six-volume *California Civil Practice: Procedure*; lead author of the five-volume *California Civil Practice: Torts*; coauthor of *California Premises Liability*; creator and author of The Rutter Group's *FlipLaw* legal guides; contributing editor for the nationwide publication *Drone Law*; and has published over 150 articles on various legal topics, including seven MCLE articles for *California Lawyer Magazine*. He has also taught courses in Civil Procedure, Lawyering Skills, and Legal Research and Writing at several Southern California law schools including Chapman University College of Law, Western State University College of Law, and Whittier Law School. He has also taught numerous continuing legal education courses and is frequently called upon to provide expert legal commentary for newspapers, radio, and television.

Mr. Thomas has served as a judge pro tem and is a CADRA certified mediator. He is a member of the Orange County Sheriff's Advisory Council and serves on the Advisory Board for Crime Survivors Inc., a crime victims' rights advocacy organization.



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