

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JENNIFER ELLER,

*

Plaintiff,

*

v.

*

Case No. TDC-18-3649

PRINCE GEORGE’S COUNTY PUBLIC
SCHOOLS, *et al.*,

*

*

Defendants.

* * * * *

ORDER

For the reasons set forth in the accompanying Memorandum Opinion, Plaintiff’s Motion for Sanctions (ECF No. 75) is **GRANTED IN PART** and **DENIED IN PART**.

Should this case proceed to a jury trial, I recommend that the presiding judge instruct the jury as follows:

You have heard evidence that Ms. Eller was subject to harassment by students on the basis of her transgender status during her tenure at Friendly High School. Other evidence about this harassment and the discipline imposed on these students was contained in written forms. These forms have been lost by Defendants. If the forms had not been lost, they would have described the harassment that Ms. Eller experienced. The forms would also have shown whether the students responsible for the harassment were disciplined and what kind of discipline was imposed. Defendants bear the sole responsibility for the loss of this evidence.

I further recommend that the presiding judge preclude Defendants from (1) arguing that the lost or destroyed PS-74 forms corroborated Defendants’ version of events regarding the type of discipline imposed on students that harassed Plaintiff, and (2) offering any evidence about the contents of the PS-74 forms not already produced in discovery.

To the extent that the relief sought in Plaintiff's Motion is consistent with this Order, it is granted. Otherwise, the Motion is denied.

December 11, 2020
Date

/s/
Timothy J. Sullivan
United States Magistrate Judge