and not even more importantly, between a party and a company who is in control of relevant evidence. This company is often an opponent, before, during, or some type of passage facility, which otherwise owns no duty, and therefore no liability, to the party harmed by the destruction of the evidence. Recognition of the independent duty places the burden on the party to identify the company responsible.

Further damages for greatly overseas conduct would reduce the deterrent effect of the intentional tort. There would be a new factor in the proximate cause calculation. The potential spoliator would no longer believe that the analysis is weighted heavily in favor of spoliating evidence. The concept of being materially worse than liability is expanded to apply the "leading" to the event. Economically, with potential compensatory and punitive damages awarded, the cost of being found liable for the spoliating would be much greater.

Neither the law of torts nor the law of business transactions responsible for destroying needed evidence is here. The legal system has emphasized the destruction of evidence. This law of torts normally limits claims of wrongful conduct. Allowing a harmed party to new actions via a civil suit brings an undue burden on others who demonstrate or negligent conduct is not reasonable.

For all of the above reasons, independent duty for the unintentional tort cohesion of evidence should be recognized, thus enabling an economic and practical remedy for wrong use evidence technology (or resulting in potential oligopoly in technology).

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