

**FILED**

23 JAN 2017 11:36 pm

**Civil Administration**

E. MASCULLI

THE COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY, PENNSYLVANIA

DOCKETED  
COMPLEX LIT CENTER

SEP 19 2017

**J. STEWART**

KELLY A. GRADY

*Plaintiff*

vs.

THE HERTZ CORPORATION;

HERTZ RENT-A-CAR PHILADELPHIA INTL. AIRPORT;

JOHN DOE(S)<sup>1</sup>

*Defendants*

Grady Vs The Hertz Corp-ORDER



15110338000327

ACTION COMMENCED BY:  
WRIT OF SUMMONS ON:  
NOVEMBER 23, 2015

NOVEMBER TERM, 2015

CIVIL ACTION NO.:  
151103380

COMPLAINT FILED:  
FEBRUARY 22, 2016

CAUSES OF ACTION:  
MALICIOUS PROSECUTION  
FALSE IMPRISONMENT  
INT. INFLICTION OF  
EMOTIONAL DISTRESS

*JURY TRIAL DEMANDED*

## ORDER

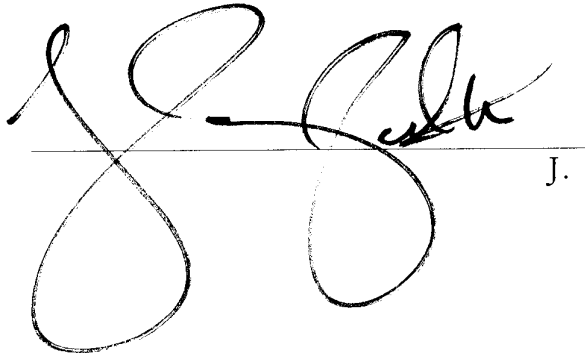
AND NOW, on this 8 day of September, 2017, upon consideration of PLAINTIFF'S MOTION IN LIMINE FOR NEGATIVE SPOILIATION INFERENCE BECAUSE HERTZ ADMITTED IT "PURGED" AND DESTROYED PLAINTIFF'S CONTRACT AND PAYMENT INFORMATION IN VIOLATION OF ITS OWN POLICIES, any response thereto, and the record as a whole, it is hereby **ORDERED** and **DECREEED** that Plaintiff's Motion is **GRANTED**.

- The jury will be instructed at the beginning and end of trial that: Defendant The Hertz Corporation admits "purging" and destroying Plaintiff's contract and payment information; had such information had not been destroyed the information it contained would have damaged Hertz's defense of this case and shown that Grady did not steal the car and that she had done nothing criminal.
- Hertz is precluded from introducing any evidence, testimony, or argument concerning the lack of electronic or physical contract renewal records.
- Hertz is precluded from offering any evidence, testimony, or argument contesting that Ms. Grady was charged in full for the car rental on July 15, 2013.

<sup>1</sup> Manager(s) at Hertz Rent-A-Car Philadelphia Intl. Airport from March 2013 to June 2014.

- Hertz is precluded from offering any evidence, testimony, or argument claiming that the July 15, 2013 charge was a “forced charge.”
- Hertz is precluded from offering any evidence, testimony, or argument to dispute that Grady made 12 phone calls to Hertz numbers between April 17 to July 22, 2013.

BY THE COURT:



A handwritten signature in black ink, appearing to be "J. S. G.", is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke.