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124 ~~(b)(2).~~

125 ~~(g)(c)~~ Failure to preserve evidence. Nothing in this rule limits the inherent power of  
126 the court to take any action authorized by ~~Subdivision paragraph~~ (b)(2) if a party  
127 destroys, conceals, alters, tampers with or fails to preserve a document, tangible item,  
128 electronic data or other evidence in violation of a duty. Absent exceptional  
129 circumstances, a court may not impose sanctions under these rules on a party for failing  
130 to provide electronically stored information lost as a result of the routine, good-faith  
131 operation of an electronic information system.

132 Advisory Committee Notes

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