

Spoliation Letters in Truck Accident Cases in Alabama

Our Mobile truck crash attorneys know the value of preserving evidence

After a violent [truck accident](#), the scene often feels like a storm that has already passed. The glass is swept up, the mangled vehicles are towed away, and traffic on I-65 or I-10 flows again as if nothing happened. But for the person in the smaller vehicle, the real damage is just beginning, and the most important proof of what went wrong is already starting to disappear.

[Dean Waite & Associates, LLC](#) has seen how quickly trucking companies and their insurers move after a serious wreck. Their goal isn't to preserve every uncomfortable truth. Their goal is to limit their exposure. Important data can be "lost," overwritten, or destroyed in a matter of days, while your life is just starting to spin from hospital visits, missed work, and unanswered questions.

That's why spoliation letters matter. A spoliation letter is like hitting a legal pause button on the evidence. When we send that notice in an Alabama truck accident case, we're telling the trucking company, in no uncertain terms, that they must stop the shredder, stop the auto-delete settings, and preserve the exact records that can show how and why the crash happened.

What is a spoliation letter in a truck case?

A spoliation letter, also called a preservation letter, is a formal notice from our firm to the trucking company and sometimes its insurance provider telling them that we represent an injured person and that specific categories of evidence must be preserved for potential litigation.

Under [Alabama law](#), spoliation means destroying, hiding, or failing to preserve evidence that a party knows or should know will be important to a legal claim. Courts here have recognized that when a party is found guilty of spoliation, the judge and jury can assume the missing evidence would have hurt that party's case.

The letter does three things at once:

- It puts the trucking company on actual notice that a claim is coming.
- It identifies the exact evidence that must be preserved.
- It lays the groundwork for court sanctions if the company ignores its legal duty.

Why timing is everything for truck crash evidence

One of the most misunderstood realities in truck accident litigation is how brutally short the retention window is for key records. Trucking companies are required by the Federal Motor

Carrier Safety Administration to [keep certain documents](#) only for limited periods, and many digital systems automatically overwrite older data.

If we don't act quickly, the evidence that could have proven driver fatigue, mechanical failure, or reckless dispatch decisions can be gone long before a lawsuit is even filed.

Here is how some of those timelines typically look in a commercial truck case:

- Driver logs and supporting hours of service records are usually kept for just six months, after which carriers can legally destroy them under FMCSA rules.
- Daily vehicle inspection reports are often retained at the trucking company for only three months before they can be discarded.
- Maintenance and repair records may be kept for around a year at the location where the vehicle is housed, then purged once the vehicle leaves service.
- Dashcam, onboard video, and certain telematics data can be overwritten in a matter of days or weeks depending on storage settings.

What a strong spoliation letter actually demands

A good spoliation letter isn't vague. Courts and commentators are clear that "please preserve all evidence" isn't enough. The letter has to call out specific categories of records, devices, and data by name so the trucking company can't pretend it didn't understand what needed to be kept.

Key evidence to preserve in truck accident cases includes:

- **Black Box and Electronic Data Recorder Information:** We tell the company to download and preserve all event data recorder and engine control module data showing speed, braking, throttle, and other parameters before, during, and after the collision.
- **Electronic Logging Device and Hours of Service Data:** We instruct them to retain all ELD records, backup copies, and supporting documents such as fuel receipts, dispatch records, and toll records, not just the bare log history.
- **GPS, Telematics, and Routing Information:** We demand preserved data from any GPS, fleet management, or telematics system that tracked the truck's location, speed, and routing leading up to the crash.
- **Dashcam and Camera Footage:** We require them to secure all forward facing, driver facing, and side-view camera footage, along with any third-party video collected by their investigators.

Company and driver records include:

- **Driver Qualification Files:** This includes the driver's commercial license history, training records, medical certificates, road tests, and prior crash or violation reports.
- **Drug and Alcohol Testing Records:** We call for pre-employment, random, post-accident, and reasonable suspicion test results, as required under federal law.
- **Vehicle Inspection and Maintenance Records:** We insist on production of all inspection, repair, and maintenance documents for at least the twelve months before the crash, including daily inspection reports and annual inspections.
- **Dispatch and Communication Logs:** We demand emails, text messages, Qualcomm-style messages, and phone records between the driver, dispatch, safety personnel, and company managers.

How spoliation letters create a legal duty to preserve evidence

From a legal standpoint, a spoliation letter does more than ask politely. Courts recognize that once a party has actual notice of a potential claim, it has a duty to preserve relevant evidence.

In Alabama, when a judge looks at whether spoliation occurred and what to do about it, they often consider a five-factor test laid out by the state's highest court. Those factors include:

- How important the destroyed evidence was to the case.
- How blameworthy the destroying party was.
- Whether it is fundamentally fair to penalize that party.
- Whether the information can be obtained from other sources.
- What sanctions would be effective.

What happens when a trucking company destroys evidence anyway?

Even with a spoliation letter in hand, some companies take the risk and let key records be altered, overwritten, or "misplaced." When that happens, Alabama courts have several tools to restore balance and punish misconduct.

Possible consequences of spoliation include:

- **Negative Inference Jury Instruction:** The court can tell jurors they are allowed to assume that the missing evidence would have been unfavorable to the trucking company's version of events.

- **Exclusion of Other Evidence:** Judges may prevent the company from introducing certain testimony or documents to keep them from benefiting from their own destruction of proof.
- **Monetary Sanctions and Fees:** Courts can order the company to pay fines or reimburse the injured party's attorney's fees and costs associated with chasing the missing evidence.
- **Default Judgment or Other Severe Sanctions:** In extreme cases where destruction is intentional and egregious, a court can enter judgment against the trucking company without a full trial or strike critical defenses.

Alabama's view of spoliation and why it matters in truck cases

Alabama courts have long acknowledged that when a party destroys or suppresses evidence that would be favorable to an opponent, the fact finder is allowed to infer that the missing evidence would have been damaging to the party who destroyed it.

In the truck crash context, that matters because trucking companies and their insurance companies control most of the key information, such as electronic logs, safety policies, internal investigations, maintenance records, and more. The driver sitting in a hospital bed doesn't control any of that.

When it's shown that a carrier had both actual notice through a spoliation letter and constructive notice because a serious injury crash almost always leads to litigation, there's a strong argument for adverse inferences and other sanctions if records are not produced.

That argument becomes even more important under Alabama's pure [contributory negligence rule](#). If the defense wants to point the finger at you for even a sliver of blame, the court should also know they are the ones who allowed the best evidence to vanish.

How our firm uses spoliation letters as part of a larger strategy

For Dean Waite & Associates, LLC, a spoliation letter isn't a formality; it's one part of a broader evidence preservation strategy. We don't just send a letter and hope for the best. We follow through.

When we take on a serious truck case, we typically

- Send a detailed spoliation letter to the carrier, its insurer, and sometimes other entities such as brokers or maintenance companies.
- Follow up with formal discovery requests and, if necessary, motions asking the court to enforce preservation obligations.

- Seek temporary restraining orders when there is a real risk the truck will be repaired, scrapped, or moved before inspection.
- Retain qualified reconstruction and trucking industry professionals to inspect the truck, download electronic data, and analyze patterns in the carrier's safety practices once the evidence is secured.

Reach out to our law firm after a truck crash in Alabama

If you have been hit by a commercial truck in Alabama, it's natural to focus first on medical appointments, your vehicle, and basic day-to-day survival. But from a legal standpoint, the first days and weeks after the crash are when some of the most important decisions are made about the evidence that will either protect you or leave you vulnerable.

You shouldn't have to trust that a trucking company will voluntarily save records that could cost it millions of dollars. Our Alabama attorneys can step in to send spoliation letters, enforce preservation duties, and start building a strong case while you focus on healing and your family.

If a truck crash in or around Mobile has turned your life upside down, our firm is ready to listen, explain your options, and fight to keep the proof from slipping away. [Contact us](#) today for a free conversation about what happened and how we can help pursue accountability and meaningful recovery.