

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

May 15, 2026

Lyle W. Cayce  
Clerk

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No. 25-10549

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PHILIPS NORTH AMERICA, L.L.C.,

*Plaintiff—Appellee,*

*versus*

IMAGE TECHNOLOGY CONSULTING, L.L.C.; MARSHALL R.  
SHANNON; IMAGE TECHNOLOGY CONSULTING II, L.L.C.;  
AXIOM IMAGING SOLUTIONS, INCORPORATED,

*Defendants—Appellants.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:22-CV-147

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Before ELROD, *Chief Judge*, and WILLETT and WILSON, *Circuit Judges*.

PER CURIAM:\*

Having carefully considered the briefing, the record, and the oral arguments of counsel, we conclude that the district court did not abuse its discretion in granting Philips's motion for spoliation sanctions and awarding damages. We AFFIRM substantially for the reasons stated in the district court's thorough November 4, 2024 Memorandum Opinion and Order. We

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\* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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also AFFIRM the dismissal of the counterclaims brought by Image Technology Consulting, LLC and Shannon.