
Second Circuit Reaffirms Federal Courts May Not Order Discovery for Private Commercial Arbitrations Abroad

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In *In Re Guo*, No. 19-781, 2020 WL 3816098 (2d Cir. July 8, 2020), *as amended* (July 9, 2020), the United States Court of Appeals for the Second Circuit evaluated whether the Supreme Court's decision in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004), required reconsideration of the Second Circuit's prior holding that 28 U.S.C. §1782(a) is inapplicable to discovery sought in connection with private international commercial arbitrations. See *National Broadcasting Co. v. Bear Stearns & Co.*, 165 F.3d 184 (2d Cir. 1999) ("*NBC*"). After carefully considering the Supreme Court's analysis in *Intel* and recognizing the existence of a circuit split on the issue, the Second Circuit reaffirmed its prior decision, concluding that "nothing in the Supreme Court's *Intel* decision alters our prior conclusion in *NBC* that §1782(a) does not extend to private international commercial arbitrations."

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