Nos. 19-368, 19-369

IN THE

Supreme Court of the United States

FORD MOTOR COMPANY,
Petitioner,

v.

MONTANA EIGHTH JUDICIAL DISTRICT COURT, *et al.*,
Respondents.

FORD MOTOR COMPANY,
Petitioner,

v.

ADAM BANDEMER,
Respondent.

ON WRITS OF CERTIORARI TO THE SUPREME COURTS OF MONTANA AND MINNESOTA

BRIEF OF *AMICUS CURIAE* INSTITUTE OF INTERNATIONAL BANKERS IN SUPPORT OF PETITIONER

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INTRODUCTION AND INTEREST OF *AMICUS CURIAE*[1]

If affirmed, the decisions below would not just affect the rights of defendants haled into courts but also open the floodgates to third-party discovery. Subpoenaed parties have due process rights too. Under the Due Process Clauses, a court can order these parties to comply only if it has personal jurisdiction over them. This case will directly impact those due process rights by determining the scope of specific personal jurisdiction.

This brief highlights this potential collateral damage from the Court's decision here, with particular focus on international banks—frequent targets of third-party discovery requests because these banks offer services and products that are often entangled in disputes between other parties. The state high courts below held that Petitioner's advertising and sale of *other similar* cars in forum states was "related" enough to establish specific jurisdiction, even though those *other* cars bore no causal relationship to the accidents at issue. By that logic, international banks could be compelled to

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[1] All parties, including counsel for Respondents, have consented to the filing of this brief. This brief was not authored in whole or in part by counsel for any party. A party or a party's counsel did not contribute money that was intended to fund preparing or submitting this brief. No person, other than *amicus curiae*, its members, or its counsel, contributed money that was intended to fund preparing or submitting this brief.

provide discovery regarding any of their business overseas provided that they conduct *other similar* business within the United States.

That possibility is of grave concern to *amicus curiae* the Institute of International Bankers (the "Institute"). The Institute is the only national association devoted exclusively to representing and advancing the interests of banking organizations headquartered outside the United States that operate in the United States. The IIB's membership consists of internationally headquartered banking and financial institutions from around the world, which would be on the front lines of any such expansion in third-party discovery.

Through this brief, the Institute seeks simply to ensure this Court is aware of the wide impact this case will have. Petitioner's brief convincingly explains why the decisions below are wrong, and that specific jurisdiction requires a defendant's forum-state contacts to *cause* the alleged injury. The Institute does not rehash those arguments, but focuses solely on how the decision here will affect third-party discovery in both domestic and overseas litigation.

SUMMARY OF ARGUMENT

I. Affirming the decisions below would expand third-party discovery in domestic litigation and cause at least two major problems. *First*, it would deter international banks from doing business in the United

States. A broad relatedness standard would closely resemble the type of "doing business" test this Court rejected as inconsistent with due process in *Daimler AG* v. *Bauman*, 571 U.S. 117, 141–42 (2014). Every U.S branch of a foreign bank, or even U.S.-based transaction, could become a jurisdictional hook for discovery into an international bank's business conducted overseas. *Second*, overbroad third-party discovery would threaten international comity. Jurisdictional overreach has, in the past, "impeded negotiations of international agreements" and "led to international friction." *Ibid.* It would do so here as well, especially when U.S.-style discovery is far more expansive than that of an international bank's home country.

II. Those problems are magnified in the context of 28 U.S.C. § 1782, which allows an American court to compel discovery in aid of a foreign proceeding if, among other requirements, a respondent "resides or is found" in the judicial district. In recent years courts have given Section 1782 "increasingly broad applicability," *Brandi-Dohrn* v. *IKB Deutsche Industriebank AG*, 673 F.3d 76, 80 (2d Cir. 2012) (internal quotation marks and citation omitted), and the number and scope of Section 1782 petitions has increased accordingly. Of particular importance here, the Second Circuit recently held that the statute's requirement that a respondent be "found" in a judicial district extends to the limits of specific jurisdiction. So this case will affect the scope of Section 1782 as well, potentially opening the Institute's members to

the discovery practices of U.S. courts in connection with overseas litigation based solely on those members' similar business and services within the United States.

ARGUMENT

I. A Broad Relatedness Standard Would Open the Floodgates to Third-Party Discovery in Domestic Litigation.

Both federal and state courts have the power to subpoena third parties for discovery. Federal Rule of Civil Procedure 45 allows litigants to subpoena third parties, including international banks, for discovery in cases pending before federal courts. Third parties can be compelled to testify at depositions, produce documents or things, or permit inspection of their premises. Fed. R. Civ. P. 45(a)(1)(iii). Such subpoenas are enforceable by court order, *id.* at (d)(2)(B)(i), and failure to comply can result in contempt of court, *id.* at (g). The states have adopted similar rules authorizing the issuance of subpoenas for taking third-party discovery in cases in their courts.[2]

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[2] This case concerns the exercise of specific jurisdiction by state courts rather than federal courts. Nevertheless, the Court's decision here will unquestionably shape federal courts' exercise of specific jurisdiction as well. That is because most federal cases "concern Federal Rule of Civil Procedure 4(k)(1), which directs courts to determine whether a state court would have personal jurisdiction, an analysis governed by the Fourteenth Amendment." *Livnat* v. *Palestinian Auth.*, 851

That subpoena power is limited, however, by due process. As a matter of due process, a court order is only valid if the court has "jurisdiction over both the subject matter and the parties." *Ins. Corp. of Ireland, Ltd.* v. *Compagnie des Bauxites de Guinee,* 456 U.S. 694, 701 (1982). And as the courts of appeals have uniformly concluded, that bedrock principle applies to orders compelling third parties to respond to subpoenas. *See, e.g., Leibovitch* v. *Islamic Republic of Iran*, 852 F.3d 687 (7th Cir. 2017) (Posner, J.); *Gucci Am., Inc.* v. *Weixing Li*, 768 F.3d 122, 134 (2d Cir. 2014); *In re Sealed Case*, 141 F.3d 337, 341 (D.C. Cir. 1998).

There are two ways to establish personal jurisdiction: general and specific. The former is unlikely to apply to a foreign corporation, like an international bank, as general jurisdiction exists only where the third party is "essentially at home." *Daimler*, 571 U.S. at 122 (internal quotation marks and citation omitted). That is normally the place of incorporation or the principal place of business in the case of a corporation, except in "extraordinary" cases in which "the corporation's affiliations with the State in which suit is brought are so constant and pervasive 'as to render it essentially at home in the forum

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F.3d 45, 54 (D.C. Cir. 2017). And in any event, "the Second, Sixth, Seventh, Eleventh, and Federal Circuits . . . agree that there is no meaningful difference in the level of contacts required for personal jurisdiction" under the Fifth and Fourteenth Amendments. *Ibid.* (citations omitted).

State.'" *Id.* at 122, 139 n.19 (quoting *Goodyear Dunlop Tires Operations, S.A.* v. *Brown,* 564 U.S. 915, 919 (2011)).

Personal jurisdiction as to foreign corporations, such as the Institute's members, thus almost always requires specific jurisdiction. Because these foreign companies have elected not to incorporate or locate their principal place of business here, due process limits the reach of a U.S. court accordingly. To be haled into court as a first-party defendant, the alleged injury must "arise out of or relate to the foreign corporation's activities in the forum State." *Helicopteros Nacionales de Colombia, S.A.* v. *Hall*, 466 U.S. 408, 414 (1984).

Third-party discovery from a foreign corporation is no different: because courts typically lack general jurisdiction, there must be case-specific jurisdiction. Several courts of appeals have "translated" the specific jurisdiction analysis to third-party discovery requests. *See In re del Valle Ruiz*, 939 F.3d 520, 529 (2d Cir. 2019) (citing *Gucci Am.,* 768 F.3d at 134). *See also Leibovitch*, 852 F.3d at 690; *Application to Enforce Admin. Subpoenas Duces Tecum of the SEC* v. *Knowles,* 87 F.3d 413, 418–19 (10th Cir. 1996). In that context, the lower courts have held that the forum-state contacts must connect not to an "alleged injur[y]," *Burger King Corp.* v. *Rudzewicz*, 471 U.S. 462, 472 (1985), but to the "discovery material sought." *Id. See also Knowles*, 87 F.3d at 418–19;

Leibovitch, 852 F.3d at 690 (assessing connection between forum-state contacts and the "subpoenas").

Critically, each of these circuits has "required some *causal* relationship between an entity's in-forum contacts and the proceeding at issue" and carried that limitation over to the context of third-party discovery. *del Valle Ruiz*, 939 F.3d at 530 (emphasis in original).[3] And this restrained view of specific jurisdiction has served as a critical check on attempts to obtain discovery regarding overseas business from banks based abroad. *See Leibovitch*, 852 F.3d at 689–90.

In *Leibovitch*, for example, survivors of a terrorist attack in Jerusalem obtained a default judgment of $67 million against the Republic of Iran in a federal district court in Chicago. *Id.* at 689. In attempting to collect, the plaintiffs subpoenaed two banks incorporated and headquartered abroad but with branches in Chicago, requesting information about the Iranian holdings of *all 7,500 branches* of those banks, worldwide. *Id.* The Seventh Circuit concluded there was no specific jurisdiction, holding that the banks' American branches did not *cause* the requested information to exist because those branches did not, themselves, have that information (or hold any of the Iranian accounts). *See id.* at 690.

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[3] *See also uBID, Inc.* v. *GoDaddy Group, Inc.*, 623 F.3d 421, 430 (7th Cir. 2010) (recognizing causation requirement for specific jurisdiction); *Dudnikov* v. *Chalk & Vermilion Fine Arts, Inc.*, 514 F.3d 1063, 1078 (10th Cir. 2008) (Gorsuch, J.) (same).

Under a looser "relatedness" standard like that adopted below, the result would likely have been different. The decisions below held that Petitioner's advertising and sale of *other similar* cars in forum states was sufficiently "related" to establish specific jurisdiction, even though those *other* cars bore no causal relationship to the relevant accidents. Translated to the discovery context, the standard adopted below would allow courts to compel international banks to produce documents and information concerning overseas accounts or other overseas business merely because such business is *similar* to that held by their American branches. *Leibovitch* likely would have found the bank's Chicago contacts "related" to the discovery sought, since the Chicago branches held the same types of accounts and information as the other 7,500. This would have effectively exercised *general jurisdiction* on an international third-party bank simply for "doing business"—a practice this Court expressly rejected in *Daimler*.

This sort of sweeping jurisdiction in the context of third-party discovery would have significant ramifications. *First*, it likely would discourage international banks from operating branches within the United States. The very point of the specific jurisdiction analysis is "to allow a [person] to anticipate his jurisdictional exposure based on his own actions." *Dudnikov*, 514 F.3d at 1079. In the context of third-party discovery, a broad relatedness standard creates uncertainty rather than

predictability for international banks. If even a small foothold would open their entire overseas business to the discovery practices of U.S. courts, banks might think twice before doing business here. As the United States once explained to this Court, "the inability to predict the jurisdictional consequences of commercial or investment activity" in the United States would likely cause foreign businesses to be "reluctant to invest or do business" here. Br. for the United States as Amicus Curiae Supporting Petitioner at 2, *DaimlerChrysler AG* v. *Bauman*, 571 U.S. 117 (2014) (No. 11-965), 2013 WL 3377321 at *2.

Second, like the "expansive view of general jurisdiction" this Court recently rejected in *Daimler*, an expansive view of specific jurisdiction in the context of third-party discovery would pose "risks to international comity." 571 U.S. at 141. "Great care and reserve should be exercised when extending our notions of personal jurisdiction into the international field." *Asahi Metal Indus. Co., Ltd.* v. *Super. Ct. of California, Solano County*, 480 U.S. 102, 115 (1987) (internal quotation marks and citation omitted). And for good reason—jurisdictional overreach has, in the past, "impeded negotiations of international agreements" and "led to international friction." *Daimler*, 571 U.S. at 141–42.

One source of such friction is conflict between American discovery orders and foreign banking or privacy laws. This Court has held that foreign "statutes do not deprive an American court of the

power to order a party subject to its jurisdiction to produce evidence even though the act of production may violate that statute." *Societe Nationale Industrielle Aerospatiale* v. *U.S. Dist. Ct. for S. Dist. of Iowa*, 482 U.S. 522, 544 n.29 (1987). Thus, the Institute's members could find themselves caught between a U.S. discovery order requiring production of information located overseas and a foreign law prohibiting production of that same information. *See Richmark Corp.* v. *Timber Falling Consultants*, 959 F.2d 1468, 1478 (9th Cir. 1992) (upholding discovery order that required violation of Chinese privacy law); *In re Grand Jury Proceedings*, 691 F.2d 1384, 1389 (11th Cir. 1982) (same, requiring violation of Bahamian bank secrecy laws); *Arthur Andersen & Co.* v. *Finesilver*, 546 F.2d 338, 340–42 (10th Cir. 1976) (same, requiring violation of Swiss privacy laws). Making matters worse, it may not always be clear to an American court whether its discovery order has created such a conflict, since foreign law is "beyond the ken of our federal courts or their competence." *U.S.* v. *First Nat. City Bank*, 379 U.S. 378, 384 (1965)). *See also Gucci*, 768 F.3d at 139 (discussing an "apparent conflict" between a district court's asset freeze injunction and "Chinese banking law").

The "significant" differences "between discovery practices in the United States and those in other countries" only exacerbate these conflicts. *See Societe Nationale*, 482 U.S. at 549 (Blackmun, J., concurring in part). For example, "[m]ost civil-law systems lack procedures analogous to the pretrial discovery regime

operative under the Federal Rules of Civil Procedure." *Intel Corp.* v. *Advanced Micro Devices, Inc.*, 542 U.S. 241, 261 n.12 (2004). Indeed, "no aspect of the extension of the American legal system beyond the territorial frontier of the United States has given rise to so much friction as the request for documents associated with investigation and litigation in the United States." *Societe Nationale*, 482 U.S. at 549 (Blackmun, J., concurring in part) (citation omitted). Adoption of a broad relatedness standard governing specific jurisdiction would invite third-party subpoenas of increasing frequency and scope to the Institute's members, promising more conflict and undermining "international rapport." *See Daimler*, 571 U.S. at 142. The Due Process Clause does not require such a result.

II. A Broad Relatedness Standard Would Dramatically Expand Discovery in Aid of Foreign Proceedings under 28 U.S.C. § 1782.

Should this Court affirm the decisions below, the consequences would travel farther than third-party discovery in *domestic* litigation. Under a recent Second Circuit decision, a broad relatedness standard for specific jurisdiction would also expand discovery for use in *foreign* proceedings under 28 U.S.C. § 1782.

Section 1782 provides "federal-court assistance in gathering evidence for use in foreign tribunals." *Intel*, 542 U.S. at 247. By its terms, Section 1782 authorizes "[t]he district court of the district in which a person

resides or is found" to "order him to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal" on the application of that tribunal or an "interested person." 28 U.S.C. § 1782(a). If those statutory requirements are met, the district court has discretion to order discovery, considering factors prescribed by this Court. *Intel*, 542 U.S. at 247. By "provid[ing] efficient means of assistance in our federal courts for litigants involved in international litigation," Congress hoped to "prompt foreign courts to follow our generous example and provide similar assistance to our court systems." S.Rep. No. 1580, 88th Cong., 2d Sess. (1964), *reprinted in* 1964 U.S.C.C.A.N. 3782, 3792–94.

Over time, courts have given Section 1782 "increasingly broad applicability." *Brandi-Dohrn*, 673 F.3d at 80 (internal quotation marks and citation omitted). For example, courts have held that an "interested person" need not, before filing a Section 1782 petition, first make a discovery request to the foreign tribunal in which the underlying proceeding is pending. *Application of Malev Hungarian Airlines*, 964 F.2d 97, 100 (2d Cir. 1992). Courts have also held that a "proceeding" does not have to be "pending" or even "imminent"—it just has to be "within reasonable contemplation," meaning "more than a twinkle in counsel's eye." *Certain Funds, Accounts and/or Inv. Vehicles* v. *KPMG, L.L.P.*, 798 F.3d 113, 123–24 (2d Cir. 2015).

Most recently, the Second and Eleventh Circuits have declined to apply the presumption against extraterritoriality to Section 1782, thereby permitting discovery of documents located abroad. *del Valle Ruiz*, 939 F.3d at 533; *Sergeeva* v. *Tripleton Intl. Ltd.*, 834 F.3d 1194, 1200 (11th Cir. 2016). Although this Court has directed that the presumption applies "in all cases," *Morrison* v. *Natl. Australia Bank Ltd.*, 561 U.S. 247, 261 (2010), the Second Circuit saw "no reason" to apply it "to a strictly jurisdictional statute not otherwise tethered to regulating conduct or providing a cause of action." *del Valle Ruiz*, 939 F.3d at 532 (citing *Kiobel* v. *Royal Dutch Petroleum Co.*, 569 U.S. 108, 113 (2013)). *But see Kestrel Coal Pty. Ltd.* v. *Joy Glob., Inc.*, 362 F.3d 401, 404 (7th Cir. 2004) (questioning "whether § 1782 ever permits a district judge to require evidence to be imported from a foreign nation so that it may be handed over here and then exported"); *Four Pillars Enterprises Co., Ltd.* v. *Avery Dennison Corp.*, 308 F.3d 1075, 1079 (9th Cir. 2002) (noting "support" for the view that Section 1782 does not "encompass[] the discovery of material located in foreign countries").

The judicial expansion of Section 1782's reach has corresponded with an increase in the number of petitions seeking discovery under that statute. In the past year alone, district courts ruled on over 65 petitions, more than four times the number decided ten years ago. *See* Appendix 1 (listing cases). And even more so than domestic third-party discovery, discovery under Section 1782 disproportionately

impacts the Institute's member institutions. As the statute's principal drafter, Professor Hans Smit, wrote, "[i]t is no coincidence that most of the cases concerning the production of evidence to be produced or to be obtained abroad have involved banks doing business in the United States and abroad." *American Assistance to Litigation in Foreign and International Tribunals: Section 1782 of Title 28 of the U.S.C. Revisited*, 25 Syracuse J. Intl. L. & Com. 1, 11 (1998).

In the face of this expansion in both statutory reach and the number of petitions, the most meaningful limit on Section 1782 remains the first statutory requirement—that the respondent "reside[]" or be "found" in the relevant judicial district. But that requirement too has recently been stretched. At least one court has held that the language required a court to have general jurisdiction over an entity to order discovery under Section 1782. *In re Sargeant*, 278 F. Supp. 3d 814, 821 (S.D.N.Y. 2017). Last year, however, the Second Circuit held that the term "found" "extends to the limits of personal jurisdiction," embracing specific as well as general jurisdiction. *del Valle Ruiz*, 939 F.3d at 527–28.

That specific jurisdiction requires a *causal* relationship between a respondent's contacts and the discovery sought is, therefore, critical to limiting an otherwise unfettered expansion of Section 1782. Take *del Valle Ruiz*. There, U.S. and Mexican investors filed Section 1782 petitions seeking information from a Spanish bank about its government-facilitated

acquisition of another Spanish bank, purportedly for use in proceedings in Spain and the European Union. *Id.* at 523, 525. Unsurprisingly, almost all of the discovery sought regarding the acquisition was located overseas. *See id.* at 531. To establish specific jurisdiction, the investors relied primarily on a number of New York-based contacts by the Spanish bank that occurred *after* the transaction. *Id.* at 531. The Second Circuit affirmed the denial of the petitions, concurring with the district court's conclusion that those contacts could not bear even a "but for" causal connection to the discovery sought because they post-dated the acquisition. *Ibid.*

Under the broader relatedness doctrine embraced by the state high courts below, those post-acquisition contacts might have sufficed to establish the specific jurisdiction necessary under *del Valle Ruiz* to order discovery under Section 1782. It is literally impossible for the post-acquisition contacts to have *caused* the pre-acquisition information sought, but a court certainly might have found that such contacts were *related* to the desired information. And if so, a United States court would have had authority to order a Spanish bank to produce Spanish documents about a transaction with another Spanish bank so those documents could then be used in Spanish and European courts. *Id.* at 523. Under the decisions below, the specific jurisdiction limit imposed by the Second Circuit in *del Valle Ruiz* on Section 1782 would be virtually no limit at all. A federal district court could, under Section 1782, require an

international bank to provide *any* documents or information regarding overseas accounts or services so long as the bank had a branch or offered some services in that district.

Application of a broad relatedness standard to Section 1782 would magnify the problems discussed in Part I on a global scale. *First*, by overinflating jurisdictional exposure for international banks, a broader Section 1782 would further discourage international commerce. The Institute's members would not only risk entanglement in an increasing number of American disputes, as described in Part I. By doing business in the United States, they would also risk opening themselves to American-style discovery in disputes they have *anywhere* in the world.

Second, a further expansion of Section 1782 would also create greater threats to international comity by generating all the same risks discussed in Section I, plus more. Without a meaningful requirement of specific jurisdiction, Section 1782 would invite litigants to turn U.S. courts into clearinghouses for disputes that have no U.S. nexus. And because this Court has held that Section 1782 can authorize discovery whether or not it would be allowed in the underlying foreign proceeding, an unchecked Section 1782 would be an even brighter beacon for those seeking specifically to obtain discovery that they have been denied or would be prohibited abroad. *Intel,* 542 U.S. at 253 (rejecting a "foreign-discoverability

requirement"). Greater international conflict would ensue. *See also* Smit, *American Assistance*, 25 Syracuse J. Intl. L. & Com. at 12 ("It is one thing for [an] American court to insist that its procedures be used in aid of American litigation but quite another to impose them on actions brought in foreign courts."). As Professor Smit warned, "if American courts were to assume the role of clearing house for world-wide information gathering, conflicts with foreign countries would inevitably arise." *Id*.

CONCLUSION

The decisions below have far-reaching consequences not just for prospective defendants, but also prospective discovery respondents like the Institute's international banking members. If a third party's contacts with the forum need only bear some relation to the discovery sought, those parties would be exposed to sweeping discovery in both domestic and foreign disputes. For these reasons and those stated in Petitioner's brief, the decisions of the Montana and Minnesota Supreme Courts should be reversed.

March 6, 2020

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APPENDIX

APPENDIX 1

A) Federal district courts have ruled on approximately sixty-six 28 U.S.C. § 1782 applications since March 6, 2019.

1. *In re Eleanor de Leon*, 2020 WL 1047742, at *1 (D.D.C. Mar. 4, 2020).
2. *In re Nagatsuki Association*, 2020 WL 887890, *1 (N.D. Cal. Feb. 24, 2020).
3. *Request From First Instance National Civil Court No. 94 in Buenos Aires, Argentina for Documents From Apple, Inc.*, 2020 WL 807489, *1 (N.D. Cal. Feb. 18, 2020).
4. *In re Application of Shervin Pishevar for an Order to take Discovery for use in Foreign Proceedings Pursuant to 28 U.S.C. § 1782*, 2020 WL 769445, *1 (S.D.N.Y. Feb. 18, 2020).
5. *In re Hopkins*, 2020 WL 733182, *1 (N.D. Cal. Feb. 13, 2020).
6. *Matter of HES (Caribbean) International Holdings, S.R.L.*, 2020 WL 728892, *1 (D.N.J. Feb. 13, 2020).
7. *In re Aenergy, S.A.*, 2020 WL 615108, *1 (S.D.N.Y. Feb. 07, 2020).
8. *In re Request for Judicial Assistance From Obolonskyi District Court in Kyiv, Ukraine*, 2020 WL 571032, *1, N.D.Cal. (Feb. 05, 2020).
9. *In re Dickson*, 2020 WL 550271, *1 (S.D.N.Y. Feb. 04, 2020).

10. *In re Bio Energias Comercializadora de Energia Ltda.*, 2020 WL 509987, *1 (S.D. Fla. Jan. 31, 2020).
11. *In re Aluminum Warehousing Antitrust Litigation*, 2020 WL 505042, *1 (S.D.N.Y. Jan. 31, 2020).
12. *In re Top Matrix Holdings Ltd.*, 2020 WL 248716, *1 (S.D.N.Y. Jan. 16, 2020).
13. *Republic Technologies (NA), LLC v. BBK Tobacco & Foods, LLP*, 2020 WL 208825, *1 (N.D. Ill. Jan. 14, 2020).
14. *In re ALB-GOLD Teigwaren GmbH*, 2020 WL 122943, *1 (E.D.N.Y. Jan. 10, 2020).
15. *In re Mota*, 2020 WL 95493, *1 (D. Del. Jan. 08, 2020).
16. *In re Eurasian Bank JSC*, 2020 WL 85226, *1 (S.D.N.Y. Jan. 02, 2020).
17. *In re Judicial Assistance Pursuant to 28 U.S.C. § 1782 of Fagan*, 2019 WL 7290964, *1 (N.D. Ohio Dec. 30, 2019).
18. *In re Martinez Sampedro*, 2019 WL 7207361, *2 (D. Conn. Dec. 27, 2019).
19. *Xie v. Lai*, 2019 WL 7020340, *1 (N.D. Cal. Dec. 20, 2019).
20. *In re Cedar Shake & Shingle Antitrust Litigation*, 2019 WL 6715068, *2 (W.D. Wash. Dec. 10, 2019).
21. *In re PGS Home Co. Ltd.*, 2019 WL 6311407, *1 (N.D. Cal. Nov. 25, 2019).

22. *In re Bayerische Motoren Werke AG*, 2019 WL 5963234, *1 (N.D. Cal. Nov. 13, 2019).
23. *In re Illumina Cambridge Ltd.*, 2019 WL 5811467, *1 (N.D. Cal. Nov. 07, 2019).
24. *In re Fagan*, 2019 WL 5819972, *1 (D. Colo. Nov. 07, 2019).
25. *Republic of Kazakhstan v. Lawler*, 2019 WL 5558997, *1 (D. Ariz. Oct. 28, 2019).
26. *In re Request for Judicial Assistance From the National Court of Original Jurisdiction Number 68 in Buenos Aires, Argentina*, 2019 WL 5528394, *1 (M.D. Fla. Oct. 25, 2019).
27. *DiGiulian v. Johns Hopkins Health System Corporation*, 2019 WL 5064672, *1 (D. Md. Oct. 09, 2019).
28. *In re Broadcom Corporation*, 2019 WL 4978849, *1 (W.D. Wash. Oct. 08, 2019).
29. *In re Yasuda*, 2019 WL 4933581, *1 (N.D. Cal. Oct. 07, 2019).
30. *In re Medical Incorporated Association Smile Create*, 2019 WL 4933582, *1 (N.D. Cal. Oct. 07, 2019).
31. *IN RE EX PARTE APPLICATION OF: GOLDEN ROOT INVESTMENTS PTE LTD.*, 2019 WL 8011743, *1 (C.D. Cal. Sep. 06, 2019).
32. *In re Hulley Enterprises Ltd.*, 400 F. Supp. 3d 62 (S.D.N.Y. Sep. 05, 2019).

33. *In re Application for Discovery Pursuant to 28 U.S.C. § 1782*, 2019 WL 4110442, *1 (N.D. Ohio Aug. 29, 2019).
34. *Request from District Court of Lugano , Switzerland for Information from Oath Holdings, Inc.*, 2019 WL 4040552, *1 (N.D. Cal. Aug. 26, 2019).
35. *In re G2A.com SP. Z.O.O. (LTD.)*, 412 F. Supp. 3d 145 (E.D.N.Y. Aug. 22, 2019).
36. *In re Tomabechi*, 2019 WL 3891393, *1 (N.D. Cal. Aug. 19, 2019).
37. *In re Ming Yang*, 2019 WL 3891444, *1 (N.D. Cal. Aug. 19, 2019).
38. *M&S LLC v. M&S LLC*, 2019 WL 3891497, *1 (N.D. Cal. Aug. 19, 2019).
39. *In re Iraq Telecom Limited*, 2019 WL 3798059, *1 (S.D.N.Y. Aug. 13, 2019).
40. *In re Medytox, Inc.*, 2019 WL 3556930, *1 (S.D. Ind. Aug. 05, 2019).
41. *In re Lakhtakia*, 2019 WL 3406659, *1 (S.D.N.Y. July 29, 2019).
42. *In re Frontier Co.*, 2019 WL 3345348, *2 (N.D. Cal. July 25, 2019).
43. *Kardas v. Astas Holdings A.S.*, 2019 WL 3365636, *1 (N.D. Cal. July 25, 2019).
44. *Sandra Holding Ltd. v. Al Saleh*, 2019 WL 3072197, *1 (D. Mass. July 15, 2019).

45. *In re Letter Rogatory - Request for International Judicial Assistance*, 2019 WL 3065009, *1 (N.D. Cal. July 12, 2019).
46. *In re Galaxy Energy and Resources Co. Pte. Ltd.*, 2019 WL 2743205, *1 (S.D.N.Y. July 01, 2019).
47. *In re MoneyOnMobile, Inc.*, 2019 WL 2515612, *1 (N.D. Cal. June 18, 2019).
48. *In re Fernando Celso De Aquino Chad*, 2019 WL 2502060, *1 (S.D.N.Y. June 17, 2019).
49. *Roche Diagnostics Corporation v. Priority Healthcare Corporation*, 2019 WL 4687016, *5 (N.D. Ala. June 06, 2019).
50. *In re Aso*, 2019 WL 2345443, *1 (S.D.N.Y. June 03, 2019).
51. *In re Request for Assistance From Basic Court in Subotica Serbia in Matter of Hubai*, 2019 WL 2270445, *1 (N.D. Cal. May 28, 2019).
52. *In re Fagan*, 2019 WL 2267063, *1 (D. Mass. May 28, 2019).
53. *In re Fagan*, 2019 WL 8011742, *1 (C.D. Cal. May 10, 2019).
54. *Bush v. Cardtronics Inc.*, 2019 WL 1993792, *1 (N.D. Cal. May 06, 2019).
55. *In re West Face Capital Inc.*, 2019 WL 1594994, *1 (N.D. Cal. Apr. 15, 2019).
56. *In re Hayashi Surgical Clinic*, 2019 WL 1560461, *1 (N.D. Cal. Apr. 10, 2019).

57. *Islamic Republic of Pakistan v. Arnold & Porter Kaye Scholer LLP*, 2019 WL 1559433, *1 (D.D.C. Apr. 10, 2019).
58. *In re CA Investment (Brazil) S.A.*, 2019 WL 1531268, *1 (D. Minn. Apr. 09, 2019).
59. *In re Jagodzinski*, 2019 WL 2255564, *1 (S.D. Fla. Apr. 08, 2019).
60. *In re Request for Judicial Assistance from the Municipal Court in Brno, Czech Republic*, 2019 WL 1513897, *1 (D. Minn. Apr. 08, 2019).
61. *In re Request for Judicial Assistance From District Court of Frankfurt, Germany*, 2019 WL 1359726, *1 (M.D. Fla. Mar. 26, 2019).
62. *In re Polymer Solutions International, Inc.*, 2019 WL 1239778, *1 (D. Md. Mar. 18, 2019).
63. *In re Medical Corporation H&S*, 2019 WL 1230440, *1 (N.D. Cal. Mar. 15, 2019).
64. *In re Fuhr*, 2019 WL 2245473, *1 (S.D. Fla. Mar. 15, 2019).
65. *Fagan v. J.P. Morgan Chase Bank*, 2019 WL 984281, *1 (W.D. Tex. Feb. 28, 2019).
66. *In re Stadtwerke Frankfurt Am Main Holding GmbH*, 2019 WL 4453913, *1 (S.D. Ga. Feb. 27, 2019).

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B) Federal district courts ruled on approximately fifteen 28 U.S.C. § 1782 applications between March 6, 2009 and March 5, 2010.

1. *In re Chevron Corp.*, 2010 WL 8767265, *1 (N.D. Ga. Mar. 02, 2010).
2. *Chubb Ins. Co. of Europe SE v. Zurich American Ins. Co.*, 2010 WL 411323, *1 (N.D. Ohio Jan. 28, 2010).
3. *In re Application of FG Wilson (Engineering) Limited*, 2009 WL 10671837, *1 (N.D. Ga. Dec. 17, 2009).
4. *In re Anglin*, 2009 WL 4739481, *1 (D. Neb. Dec. 04, 2009).
5. *Aventis Pharma v. Wyeth*, 2009 WL 3754191, *1 (S.D.N.Y. Nov. 09, 2009).
6. *In re Letter of Request From Dist. Court Stara Lubovna*, 2009 WL 3711924, *1 (M.D. Fla. Nov. 05, 2009).
7. *Kulzer v. Biomet Inc.*, 2009 WL 3642746, *1 (N.D. Ind. Oct. 29, 2009).
8. *In re Application of Blue Oil Trading Ltd.*, 2009 WL 3353293, *1 (W.D.N.C. Oct. 15, 2009).
9. *In re Application of OOO Promnefstroy for an Order to Conduct Discovery for Use in a Foreign Proceeding*, 2009 WL 3335608, *1 (S.D.N.Y. Oct. 15, 2009).

10. *In re Blue Oil Trading Ltd.*, 2009 WL 3247854, *1 (W.D.N.C. Oct. 05, 2009).
11. *In re Application of Temporary Services Ins. Ltd.*, 2009 WL 2843258, *1 (W.D.N.Y. Aug. 28, 2009).
12. *Ukrnafta v. Carpatsky Petroleum Corp.*, 2009 WL 2877156, *1 (D. Conn. Aug. 27, 2009).
13. *In re Operadora DB Mexico, S.A. de C.V.*, 2009 WL 2423138, *1 (M.D. Fla Aug. 04, 2009).
14. *In re Application of Strand Investments Ltd.*, 2009 WL 2225536, *1 (S.D. Fla. July 24, 2009).
15. *In re Arbitration between Norfolk Southern Corp., Norfolk Southern Ry. Co., and General Sec. Ins. Co. and Ace Bermuda Ltd.*, 626 F. Supp. 2d 882 (N.D. Ill. June 15, 2009).