

Certiorari Granted: SCOTUS to Decide if 28 U.S.C. § 1782(a) Applies to Private, Commercial, International Arbitrations

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After its conference on March 19, the Supreme Court decided to hear the request of Servotronics, Inc. to determine whether parties in private, commercial, international arbitrations can avail themselves of 28 U.S.C. § 1782(a) (Section 1782) to obtain discovery through U.S. federal courts. See [Order List: 592 U.S. \(March 22, 2021\)](#) ; see also *Servotronics, Inc., Petitioner v. Rolls-Royce PLC, et al. No. 20-794*. The Court granted Servotronic's petition for writ of certiorari on March 22, with Justice Alito taking no part in the consideration or decision of the petition.

Section 1782 governs “foreign or international tribunal[s],” and SCOTUS will determine whether private commercial arbitrations fall within that ambit for the purposes of discovery. The Fourth and Sixth circuits have ruled in favor of the statute granting district courts' discretion to order discovery, but the Second, Fifth, and Seventh circuits have found otherwise. To resolve the circuit split, SCOTUS will hear oral argument next term, but a definite date has not been set.

For more information, please see our [December 9, 2020](#) article.

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