Journey Across the Pond The Tension Between Broad U.S. Discovery Procedures and Strict EU Privacy and Data Protection Laws

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In a time of ever-increasing globalization, the likelihood that a multi-national corporation will be named as a party in a lawsuit overseas is greater than ever. An increase in product liability litigation — or any litigation, for that matter — in the U.S. involving foreign corporations has consequently resulted in an increased need for U.S. litigants to conduct discovery and collect evidence located outside the U.S. See ABA Section of Antitrust Law: Obtaining Discovery Abroad (2d ed.), at p. 1 (2005). However, antithetical notions of the appropriate scope of discovery in the EU and U.S. may lead to conflict when European companies are named as parties in U.S. lawsuits, or vice versa, or when a U.S. corporation needs to gather information and discovery in Europe for litigation pending in the U.S.