



March 3, 2023

The Honorable Robin L. Rosenberg
Chair, Advisory Committee on Civil Rules
United States District Court for the
Southern District of Florida

Dear Judge Rosenberg,

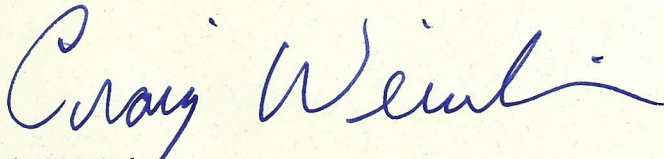
We are writing to support The Honorable Michael M. Baylson's proposal to specifically address cross-border discovery of documents and electronically stored information (ESI) in the Federal Rules of Civil Procedure. Judge Baylson's proposal addresses an unsettled issue arising with greater frequency in civil litigation. ESI increasingly is located in "the cloud" on servers throughout the world. Also, the Federal Rules of Civil Procedure currently provide little guidance for parties seeking to compel the production of documents and ESI from non-parties outside the United States. Judge Baylson's proposal would provide important and useful guidance for such cross-border discovery.

If the Advisory Committee undertakes consideration of Judge Baylson's proposal, the leadership of The Sedona Conference would be pleased to assist in any way. In addition, members of The Sedona Conference Working Group 6 on International Electronic Information Management, Discovery, and Disclosure (WG6) can be called upon to review proposals and offer comments. WG6 is committed to developing principles, guidance and best practice recommendations for information governance, discovery and disclosure involving cross-border data transfers related to civil litigation, dispute resolution and internal and civil regulatory investigations.

The membership of WG6 includes outside counsel, in-house counsel, jurists, regulators, data protection authorities, and technical experts, among others. The membership of WG6 spans six continents and many more countries. Members have extensive experience with legal issues surrounding cross-border data transfers. WG6 has published the following nonpartisan consensus commentaries relevant to cross-border discovery of ESI: *The Sedona Conference International Principles on Discovery, Disclosure & Data Protection* (December 2011), *The Sedona Conference International Litigation Principles on Discovery, Disclosure & Data Protection in Civil Litigation (Transitional Edition)* (January 2017), and *The Sedona Conference Commentary and Principles on Jurisdictional Conflicts over Transfers of Personal Data Across Borders* (April 2020).

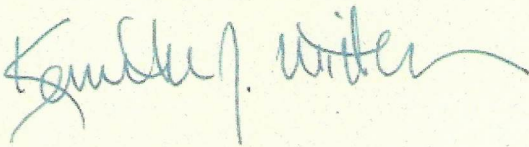
Please let us know if we can provide any additional information. Thank you for considering our position.

Respectfully submitted,



Craig Weinlein

Executive Director



Ken Withers

Deputy Executive Director