

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**25-MC-444 (VSB) (VF)**

IN RE: VSMPO-AVISMA CORPORATION

**REPORT &  
RECOMMENDATION**

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**VALERIE FIGUEREDO, United States Magistrate Judge**

**TO: THE HONORABLE VERNON S. BRODERICK, United States District Judge.**

On October 9, 2025, VSMPO-AVISMA Corporation (“VSMPO” or “Applicant”) filed this *ex parte* application seeking an order pursuant to 28 U.S.C. § 1782, authorizing it to issue subpoenas to the Clearing House Payments Company LLC (“CHIPS”), the Federal Reserve Bank of New York (“Fed-NY”), JPMorgan Chase & Co. (“Chase”), JPMorgan Chase Bank National Association (“JPMC”), Morgan Stanley & Co. LLC (“Morgan Stanley”), Interlink Metals & Chemicals Inc. (“Interlink US”), and Joshua Raykhelson (collectively, the “Discovery Targets”) for information and documents for use in foreign criminal proceedings in Russia. ECF No. 1. On November 6, 2025, Igor Raykhelson (“Igor”) and Interlink Metals & Chemicals, AG (“Interlink AG”) (together, the “Intervenors”) moved to intervene in this action. ECF No. 22. For the reasons that follow, I respectfully recommend that the Section 1782 application be **GRANTED** because it satisfies the statutory and discretionary factors. I further recommend that the motion to intervene be **GRANTED**.

## **BACKGROUND**

### A. Factual Background<sup>1</sup>

VSMPO is a Russian metal-production company that operates facilities in England, Switzerland, Germany, and the United States, where it serves high-performance sectors, including aerospace, industrial, automotive, and medical devices, and produces aluminum, magnesium, and steel alloys. ECF No. 4 at ¶ 6. “[I]t is best known as the world’s largest producer of titanium.” Id. From 2009 to 2020, Mikhail Viktorovich Voevodin (“Voevodin”) was VSMPO’s general director, a Russian analogue for a CEO. Id. at ¶ 10.

Interlink is an international network of titanium distribution companies, including Switzerland-based Interlink AG and Tava Titanium (“Tava”), U.S.-based Interlink Metals & Chemicals Inc. and RayTi LLC (“RayTi”), Ukraine-based Interlink Ukraine LLC (“Interlink Ukraine”), and Bahrain Titanium W.L.L. (“Bahrain Titanium”). Id. at ¶ 7. Interlink is headquartered in Switzerland but has a “representative office” in New York City. Id.

Igor is a “Russian-born American” who co-founded Interlink in 1991. Id. at ¶ 8. He owns and manages certain Interlink companies through his wife Ekaterina Alexandrovna Astashova (“Astashova”) and adult sons Joshua Raykhelson (“Joshua”) and Allan Raykhelson (“Allan”). Id. at ¶ 9. Igor is the “ultimate beneficial owner” of Interlink AG, where Astashova is the “nominal beneficiary.” Id. Joshua is the director of Interlink US and RayTi, and Allan is the project manager at Bahrain Titanium. Id.

Beginning in late 2013, Voevodin caused VSMPO to enter into a series of contracts with three Russian companies, Vtorpromresursy (“VPR”), Promindustria, and Torgovo-Promyshlenny

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<sup>1</sup> Unless otherwise stated, the facts recounted herein are taken from the Declaration of Yury Aksenov (“Aksenov”) (ECF No. 4), a Russian attorney for VSMPO who submits the declaration in support of Igor’s Section 1782 application.

Vector (“TPV”), and under these contracts, VSMPO sold to VPR, Promindustria, and TPV approximately 30,000 metric tons of titanium shavings and scrap for approximately \$21.6 million. Id. at ¶ 11. VPR is controlled by Igor’s business partner, Evgeny Borisovich Lysenko (“Lysenko”). Id.

After entering into these contracts, VPR, Promindustria, and TPV exported the titanium scrap to Interlink’s warehouses in Estonia and the Netherlands, which were operated by Interlink AG, Tava, and another company, Mast Europe OU (“Mast”). Id. at ¶ 12. Interlink’s subsidiaries subsequently repackaged the titanium scrap, relabeled it as “titanium alloy charge material,” and resold the “charge” to VPR and TPV, which ultimately sold approximately 14,000 metric tons of the “charge” back to VSMPO for approximately \$245 million. Id. at ¶¶ 13-14. VSMPO’s counsel, Aksenov, attests that “[o]n information and belief, the rest of the ‘charge’ was exported into the U.S. falsely labeled as titanium of Estonian and Dutch origin.” Id. at ¶ 15. Payments for the imports of the charge material were processed through various bank accounts, including those belonging to Interlink’s Swiss subsidiaries, Interlink AG and Tava. Id. at ¶¶ 7, 16. Funds were transferred from VSMPO to VPR, Promindustria, and TPV for the purchase of charge material and subsequently moved to the accounts of Interlink’s associates, resulting in Interlink AG and Tava accumulating between \$90 million to \$110 million. Id. at ¶ 17. These funds were then “distributed through trust structures and invested in various assets, including real estate and business projects.” Id. at ¶ 18.

Between 2015 and 2020, Voevodin authorized the sale of titanium products to select companies at significantly reduced prices, and “he and his team profited from the funds siphoned through the inflated pricing schemes, which were funneled through intermediary companies and accumulated [by] . . . Interlink AG and Tava.” Id. at ¶ 19. Upon information and belief,

VSMPO’s counsel, Aksenov, contends that “from 2013 to 2020, Interlink and [Igor] implemented a sophisticated plan that employed a complex network of companies and individuals to manipulate titanium transactions, divert funds from Russia, and likely evade taxes in the USA,” and “orchestrated a circular supply scheme designed to enrich themselves and their Russian co-conspirators, [Voevodin] and [Lysenko].” Id. at ¶ 20. Aksenov additionally avers upon information and belief that “Interlink bought approximately \$20 million worth of titanium shaving from VSMPO through Russian intermediaries, exported the material to Estonia, repackaged it as ‘titanium discharge’ purportedly produced by Interlink, and sold it back to VSMPO through the same intermediaries for approximately \$270 million,” and VSMPO lost at least 4 billion rubles as a result. Id. at ¶¶ 21-22. VSMPO terminated Voevodin in 2020 because of these dealings. Id. at ¶¶ 10, 23.

Under Russian law, criminal proceedings advance from initiation of the case, to investigation, to indictment, and then to trial. Id. at ¶ 25. At the initiation stage, the identities of accused persons are generally not known to the public. Id. Beginning in 2020, the Russian Prosecutor’s Office launched multiple criminal investigations into Voevodin’s involvement in the fraud. Id. at ¶ 24. On August 1, 2023, November 29, 2023, and April 9, 2024, Russian authorities interrogated Andrey Fedyakov (“Fedyakov”) as a representative of VSMPO, the party injured by the scheme. Id. at ¶ 26. Fedyakov testified that a company called RegionProm LLC (“RegionProm”) sold charge material at the lowest price of any company. ECF No. 4-1 at 20.<sup>2</sup> He explained that he and others “assume that the companies [VPR] and [TPV] were granted a preference in the form of an inflated purchase cost of [charge material] compared to the prices of

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<sup>2</sup> The page numbers referenced herein for citations to the electronic docket (“ECF”) are to the electronically generated pagination in those documents.

the supplier [RegionProm],” and that “the interests of [VPR] and [TPV] in their relations with [VSMPO] were represented by [Igor], who simultaneously acts as a long-term consultant for [VSMPO]’s foreign partner, [Interlink AG].” Id. at 21. Fedyakov also testified that as a result of an internal audit of VSMPO, it was established that from 2016 to April 2020, “individuals performing managerial functions in [VSMPO] facilitated the conclusion of contracts and their specifications for the supply of [charge materials] in the interests of [TPV] and [VPR], without conducting tenders and market analysis, approving the supply price proposed by the said Suppliers, while not considering other commercial proposals for supplying [charge material] at lower costs and not exercising due diligence regarding the unscrupulous counterparty [TPV], which caused severe consequences for [VSMPO].” Id. at 22.

On June 23, 2025, the Russian Prosecutor’s Office made public its investigation of a large-scale fraud under Part 4 of Article 159 of the Russian Criminal Code, and on June 24, 2025, Voevodin was indicted and charged by Russian prosecutors with “[f]raud, through abuse of trust, carried out by a group of individuals by prior conspiracy on a particularly large scale” in violation of Part 4 of Article 159 of the Russian Criminal Code. ECF No. 4 at ¶¶ 27-28. Lysenko and Igor were also “indicted and charge[d] with conspiring with Voevodin in violation of Part 4 of Article 159” on June 24, 2025. Id. at ¶ 29. Voevodin and Lysenko are detained pending trial. Id. at ¶ 30. The Russian authorities have issued a warrant for Igor’s arrest, and VSMPO’s counsel, Aksenov, believes that Igor “has thus far been able to evade arrest by refusing to return to Russia.” Id. at ¶ 31. Aksenov also believes that Igor hid misappropriated money in several banks, including Chase, JPMC, and Morgan Stanley. Id. at ¶ 32.

B. Procedural Background

On October 9, 2025, VSMPO submitted an *ex parte* application for judicial assistance pursuant to 28 U.S.C. § 1782 and supporting memorandum. ECF Nos. 1-4. VSMPO seeks discovery from CHIPS, Fed-NY, Chase, JPMC, Morgan Stanley, Interlink US, and Joshua. ECF No. 2 at 18-20. VSMPO issued document subpoenas to each of the Discovery Targets (see ECF Nos. 3-6, 3-7, 3-8, 3-9, 3-10, 3-11, 3-13), as well as deposition subpoenas to Interlink US's corporate representative and Joshua (see ECF Nos. 3-12, 3-14). Across the nine subpoenas, VSMPO seeks wire transfer records, internal bank communications, account opening documents and other statements, deposition testimony, transaction logs, and beneficial ownership information from October 29, 2013, to the present, related to a total of 51 different entities and individuals tied to the Russian criminal proceedings as either (1) persons accused, (2) companies involved in the fraud and their owners, (3) entities under the Interlink umbrella, (4) parties involved in the repackaging and transportation of relabeled titanium, (5) VSMPO's former employees in charge of controlling the relevant contracts for titanium, or (6) close relatives of Igor involved with the Interlink umbrella.<sup>3</sup> ECF No. 2 at 20; ECF No. 42 at 47-49; see ECF Nos. 3-6, 3-7, 3-8, 3-9, 3-10, 3-11, 3-12, 3-13, 3-14.

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<sup>3</sup> The entities and individuals are: Igor Efimovich Raykhelson, Joshua Raykhelson, Allan Reuben Raykhelson, Ekaterina Alexandrovna Astashova, Olga Raykhelson, Olga Vinitzky, Evgeny Borisovich Lysenko, Andrey Petrovich Orlov, Amleto Cappeletti, Sergey Makhov, Mikhail Voevodin, Andrey Petrovich Orlov, Tatyana Konstantinovna Koroleva, Oleg Leder, Alexey Borisovich Mindlin, Dimitri Dobri, Sylvain Gehler, Interlink Metals & Chemicals Inc., Interlink Metals & Chemicals AG, Interlink Metals UK Ltd., Interlink Ukraine LLC, Rayti LLC, Cap.Co. S.R.L., Bahrain Titanium W.L.L., East-West Shipping Agency OÜ, OOO East-West Cargo Company, Mast Europe OÜ, DAGÖSTRAND OÜ, ALUS GRUPP OÜ, EXPOTRAGE, ALEKON CARGO OÜ, ESTMA, Tava Titanium SA, Tava Titanium AG, Divermet Ltd, OOO NPO Vtorpromresursy, NPO Vtorpromresursy LLC, OOO Promindustriya, Promindustriya LLC, OOO Torgovo-Promyshlennyi Vektor, Torgovo-Promyshlennyi Vektor LLC, Commercial and Industrial Vector LLC, Industrial Industry Limited Liability Company, URALSPETSPLAV LLC, PJSC IZHSTAL, Tivolga LLC, TD Tivolga LLC, Charitable Fund for the Development

The subpoenas to CHIPS and Fed-NY seek information about 50 individuals and entities.<sup>4</sup> ECF No. 3-6 at 7-9; ECF No. 3-7 at 7-9. The subpoenas contain the same single request for “[a]ll documents concerning all wire transfers processed by YOU in which the names of the SUBJECTS provided above appear in the wire or payment message.” ECF No. 3-6 at 13; ECF No. 3-7 at 13. The subpoenas to Chase, JPMC, and Morgan Stanley request “[a]ll documents relating to accounts owned by Igor Raykhelson,” “[a]ll documents relating to accounts managed by Igor Raykhelson,” “[a]ll documents relating to accounts owned by Interlink Metals & Chemicals AG and its affiliates,” and “[a]ll documents relating to accounts managed by Interlink Metals & Chemicals AG and its affiliates.” ECF No. 3-8 at 11; ECF No. 3-9 at 11; ECF No. 3-10 at 11. The document subpoenas to Interlink US and Joshua request 18 categories of documents, including “[a]ll documents and communications with or relating to VSMPO,” “[a]ll documents and communications with or relating to E.B Lysenko,” “[a]ll documents and communications with or relating to M.V. Voevodin,” “[d]ocuments sufficient to show structure, ownership, and relationship with Igor Raykhelson of Interlink Metals & Chemicals Inc. and its affiliates,” and “[d]ocuments sufficient to show structure, ownership, and relationship with Igor Raykhelson of Torgovo-Promyshlenny Vektor LLC (INN 7727839296) and its affiliates.” ECF. No. 3-11 at 11-12; ECF. No. 3-13 at 11-13.

VSMPO seeks this discovery so that it may provide “evidence to help establish each participant’s role in the fraud, to identify the scale of damages, and to assist in locating funds

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and Support of Contemporary Musical and Artistic Culture “T Fund,” Titanium Metals Corp., TIMET, and Golden League Trading FZE. ECF Nos. 3-6, 3-7, 3-8, 3-9, 3-10, 3-11, 3-12, 3-13, 3-14.

<sup>4</sup> The subpoena to Fed-NY also seeks information about an individual named Sergey Makhov; the subpoena to CHIPS does not seek such information. Compare ECF No. 3-7 at 7 with No. 3-6 at 7.

stolen from VSMPO as part of its right to submit evidence in support of the investigation and VSMPO's claims for restitution (pursuant to Article 42 of the Russian Criminal Procedure Code)." ECF No. 2 at 18. VSMPO hopes to obtain records "pertaining to Interlink's companies' and [Igor]'s roles in the fraudulent scheme from Interlink U.S." and testimony from Joshua "regarding the structure of Interlink, [Igor]'s role in Interlink, his entitlement to compensation from Interlink, and location and authenticity of records pertaining to the fraud." *Id.* at 20. VSMPO's Russian counsel, Aksenov, explains that these materials will allow VSMPO "to identify critical details about each co-conspirator's role in the fraudulent scheme," "help establish the financial structure and flow of funds derived from the fraudulent scheme," and "provide insight into the movement of the illicit proceeds through U.S. financial institutions." ECF No. 4 at ¶¶ 44-45.

On October 16, 2025, the Honorable Analisa Torres<sup>5</sup> issued an order directing VSMPO to serve its Section 1782 application on the Discovery Targets by October 23, 2025. ECF No. 7. Judge Torres also directed the Discovery Targets to file any responses to the application by November 6, 2025, and directed VSMPO to file any reply by November 20, 2025. *Id.* On October 23, 2025, VSMPO filed a notice of compliance with the October 16 order. ECF No. 11.

On November 4, 2025, CHIPS informed VSMPO via e-mail that it would not be filing objections to the subpoena served on it. ECF No. 45-2 at 2. On November 5, 2025, Morgan Stanley, Chase, and JPMC sought an extension of time to file their responses (ECF No. 17), which the Court granted (ECF No. 30). On November 6, 2025, the Intervenor moved to intervene in this action. ECF No. 22. The same day, the Intervenor and Discovery Targets Interlink US and Joshua filed a brief in support of the motion to intervene and in opposition to

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<sup>5</sup> This action was later reassigned to the Honorable Vernon S. Broderick.

VSMPO's application for Section 1782 relief. ECF No. 23. Also on November 6, 2025, Fed-NY filed a response in opposition to VSMPO's application. ECF No. 33. On November 21, 2025, Morgan Stanley filed a response in opposition to VSMPO's application (ECF No. 38), and Chase and JPMC<sup>6</sup> also filed their response in opposition to VSMPO's application (ECF No. 39).

On December 5, 2025, VSMPO filed an omnibus reply brief in further support of its Section 1782 application. ECF No. 42. On December 16, 2025, the Intervenor, Interlink US, and Joshua submitted a letter to the Court seeking leave to file a sur-reply (ECF No. 51), which the Honorable Vernon S. Broderick permitted on December 17, 2025 (ECF No. 52). On January 20, 2026, the Intervenor, Interlink US, and Joshua filed their sur-reply.<sup>7</sup> ECF No. 56. By order

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<sup>6</sup> The response notes that "Chase & Co. is a holding company that does not provide banking services," while "[i]n contrast, JPMC NA does provide banking services." ECF No. 39 at 1 n.2. As a result, Chase and JPMC request that "[s]hould the Court approve the Application, in whole or in part, only JPMC NA (and not Chase & Co.) should be required to respond to the subpoena directed to it." *Id.* The subpoenas served on both entities are identical. *Id.* at 1 n.1. VSMPO does not oppose this request. I thus recommend that the request be granted, and any subpoena be served only on JPMC.

<sup>7</sup> On April 3, 2026, VSMPO submitted a letter to the Court seeking leave to file a supplemental declaration in response to the declaration submitted by the Intervenor, Interlink US, and Joshua in support of their sur-reply. ECF No. 60. On April 8, 2026, the Intervenor, Interlink US, and Joshua opposed VSMPO's request. ECF No. 61. The Court construes this request as one for a sur-sur-reply. "The decision to grant a requested sur-reply is left to the 'sound discretion of the court.'" Moreno-Godoy v. Gallet Dreyer & Berkey, LLP, No. 14-CV-7082 (PAE), 2015 WL 5737565, at \*10 (S.D.N.Y. Sept. 30, 2015) (quoting Anghel v. N.Y. State Dep't of Health, 947 F.Supp.2d 284, 293 (E.D.N.Y.2013)). And "courts in this circuit grant leave to file sur-replies sparingly." Sec. & Exch. Comm'n v. Xia, No. 21-CV-5350 (PKC) (RER), 2022 WL 2784871, at \*1 (E.D.N.Y. July 15, 2022); see United States v. Int'l Bus. Machs. Corp., 66 F.R.D. 383, 384 (S.D.N.Y. 1975) ("The court believes that [sur-reply] papers should be viewed as the exception and not the rule."); Jandres v. Armor Health Care Inc., No. 12-CV-3132 (JS) (GRB), 2014 WL 1330655, at \*4 (E.D.N.Y. Mar. 31, 2014) ("Allowing parties to submit sur-replies [regularly may place the] court in the position of refereeing an endless volley of briefs."). The Court has reviewed VSMPO's proposed declaration and concluded that it would not affect the outcome of the decision on the instant Section 1782 application, and accordingly the motion is denied as moot. See Reich v. Lopez, No. 13-CV-5307 (JPO), 2015 WL 1958878, at \*1 (S.D.N.Y. Apr. 30, 2015), aff'd by, 858 F.3d 55 (2d Cir. 2017).

dated February 12, 2026, Judge Broderick referred the instant application and motion to intervene to the undersigned for a report and recommendation. See ECF No. 58.

### **LEGAL STANDARD**

#### **A. Intervention**

Pursuant to Rule 24(a) of the Federal Rules of Civil Procedure, courts “must permit anyone to intervene who: (1) is given an unconditional right to intervene by a federal statute; or (2) claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant’s ability to protect its interest, unless existing parties adequately represent that interest.” Fed. R. Civ. P. 24(a). In order to intervene as a matter of right, “an applicant must (1) timely file an application, (2) show an interest in the action, (3) demonstrate that the interest may be impaired by the disposition of the action, and (4) show that the interest is not protected adequately by the parties to the action.” N.Y. News, Inc. v. Kheel, 972 F.2d 482, 485 (2d Cir. 1992). In considering whether a movant is entitled to permissive intervention, “a district court considers the same factors [outlined above], as well as whether the proposed intervention will unduly delay or prejudice the adjudication of the [original] parties’ rights.” In re Tel. Media Grp. Ltd., No. 23-MC-215 (JGLC), 2023 WL 5770115, at \*2 (S.D.N.Y. Sept. 6, 2023).

#### **B. Section 1782**

Under 28 U.S.C. § 1782,

[t]he district court of the district in which a person resides or is found may 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 . . . . The order may be made . . . upon the application of any interested person and may direct that the testimony or statement be given, or the document or other thing be produced, before a person appointed by the court.

28 U.S.C. § 1782(a).

A district court has jurisdiction to grant an application under Section 1782 if the following statutory requirements are met: “(1) the person from whom discovery is sought resides or is found within the district; (2) the discovery is for use in a proceeding before a foreign tribunal; and (3) the application is made by a foreign or international tribunal or any interested person.” Kiobel by Samkalden v. Cravath, Swaine & Moore, LLP, 895 F.3d 238, 243 (2d Cir. 2018) (cleaned up); see also In re Microsoft Corp., 428 F. Supp. 2d 188, 192 (S.D.N.Y. 2006), abrogated on other grounds by, In re del Valle Ruiz, 939 F.3d 520 (2d Cir. 2019) (citing Schmitz v. Bernstein, Liebhard & Lifshitz, LLP, 376 F.3d 79, 83 (2d Cir. 2004)); Fed. Republic of Nigeria v. VR Advisory Servs., Ltd., 27 F.4th 136, 148 (2d Cir. 2022) (citation omitted). Additionally, the statute requires that the discovery not be “in violation of any legally applicable privilege.” Mangouras v. Squire Patton Boggs, 980 F.3d 88, 97 (2d Cir. 2020) (quoting 28 U.S.C. § 1782(a)); In re Guo, 965 F.3d 96, 102 n.3 (2d Cir. 2020) (explaining that Section 1782 also requires “that the discovery not be in violation of any legally applicable privilege”) (internal quotation marks and citation omitted).

Provided that the statutory requirements are met, a court then determines, in its discretion, whether the discovery should be permitted. Kiobel, 895 F.3d at 244; Fed. Republic of Nigeria, 27 F.4th at 148. The Supreme Court has identified four discretionary factors (known as the Intel factors) that a court considers when ruling on a Section 1782 application: (1) whether the person from whom the discovery is sought is a participant in the foreign proceeding; (2) the nature of the foreign tribunal, the character of the proceedings underway abroad, and the receptivity of the foreign government or the court or agency abroad to U.S. federal-court judicial assistance; (3) whether the Section 1782 request conceals an attempt to circumvent foreign proof-gathering restrictions or other policies of a foreign country or the United States; and (4)

whether the Section 1782 application contains unduly intrusive or burdensome discovery requests. See Intel Corp. v. Advanced Micro Devices, Inc., 542 U.S. 241, 264-65 (2004). Courts must exercise their discretion in light of the “twin aims” of Section 1782: “providing efficient assistance to participants in international litigation and encouraging foreign countries by example to provide similar means of assistance to our courts.” Id. at 252 (citation omitted).

As the Second Circuit has explained, “the Intel factors are not to be applied mechanically,” and a court should “take into account any other pertinent issues arising from the facts of the particular dispute.” Kiobel, 895 F.3d at 245. Additionally, although the instant application is *ex parte*, “it is neither uncommon nor improper for district courts to grant applications made pursuant to § 1782 *ex parte*.” Gushlak v. Gushlak, 486 F. App’x 215, 217 (2d Cir. 2012) (summary order). The Second Circuit has also clarified that a respondent from whom discovery is sought “can later challenge any discovery request by moving to quash pursuant to Federal Rule of Civil Procedure 45(c)(3).” Id.

### **DISCUSSION**

#### **A. The Intervenors may intervene in this action.**

The Intervenors argue that intervention as of right is proper under Rule 24(a). ECF No. 23 at 15. In the alternative, the Intervenors argue that they are entitled to permissive intervention under Rule 24(b). Id. VSMPO does not dispute that the Intervenors have standing to intervene and does not oppose their intervention. ECF No. 42 at 17.

“The Second Circuit has previously explained that ‘standing to oppose subpoenas issued under § 1782 is [not] limited to the subpoenaed witness’ and ‘that parties against whom the requested information will be used may have standing to challenge the lawfulness of discovery orders directed to third parties.’” In re Kuwait Ports Auth., No. 20-MC-46 (ALC), 2021 WL

5909999, at \*5 (S.D.N.Y. Dec. 13, 2021) (quoting In re Hornbeam Corp., No. 14-MC-424, 2015 WL 13647606, at \*2 (S.D.N.Y. Sept. 17, 2015), aff'd by, 722 F. App'x 7 (2d Cir. 2018) (alteration in original). VSMPO raises no argument contesting this well-established principle. And there is no doubt that the Intervenors are parties “against whom the requested information will be used” in the Russian criminal proceedings as Igor is one of the accused in those proceedings and his alleged conduct occurred through his work for Interlink AG. ECF No. 23 at 15.

Because none of the discretionary factors weigh against permitting intervention, and VSMPO does not oppose intervention, I recommend that the Intervenors’ motion be granted. The Intervenors should be permitted to intervene to oppose VSMPO’s Section 1782 application.

B. VSMPO’s application satisfies the Section 1782 statutory factors.

As explained below, VSMPO has satisfied the statutory requirements of Section 1782.

1. The Discovery Targets are found in this District.

First, each of the Discovery Targets is found in this District. “[Section] 1782’s ‘resides or found’ language extends its reach to the limits of personal jurisdiction consistent with due process[.]” In re del Valle Ruiz, 939 F.3d at 534. “This can be met by showing that the Court has [ ] general or all-purpose jurisdiction[.]” In re Polygon Glob. Partners LLP, No. 21-MC-364 (ER), 2021 WL 2117397, at \*4 (S.D.N.Y. May 25, 2021) (internal quotation marks and citation omitted). “For a corporation, the appropriate forum for the exercise of general jurisdiction is where the corporation ‘is fairly regarded as at home,’ Goodyear Dunlop Tires Operations, S.A. v. Brown, 564 U.S. 915, 924 (2011), which is typically ‘where it is incorporated or maintains its principal place of business.’” In re Kuwait Ports Auth., 2021 WL 5909999, at \*6 (quoting Brown v. Lockheed Martin Corp., 814 F.3d 619, 627 (2d Cir. 2016)).

As an initial matter, none of the Discovery Targets dispute that they are found in this District for purposes of Section 1782. See In Re Tecnologias Relacionadas Con Energia Y Servicios Especializados, S.A. De C.V., No. 25-MC-435 (JPO), 2026 WL 972455, at \*4 (S.D.N.Y. Apr. 10, 2026) (explaining that personal jurisdiction can be waived and “courts have consistently found this factor satisfied where the respondent concedes or does not oppose the fact of its residency in the relevant district”). Further, each of the Discovery Targets are headquartered in this District.<sup>8</sup> Joshua, the only individual who is a target of a subpoena, resides and works in this District. See ECF No. 3 at ¶¶ 13-14 (Joshua is the managing director of Interlink US and his contact address in this role is in Manhattan); ECF No. 23 at 18 (stating that Joshua lives in New York); see also In re Genial Institucional Corretora de Cambio, Titulos e Valores Mobiliarios S.A., No. 24-MC-348 (JMF), 2025 WL 40783, at \*2 (S.D.N.Y. Jan. 7, 2025) (“As [the individual] nowhere disputes that he was properly served . . . it follows that . . . he was found in the district for [S]ection 1782 purposes.”) (internal quotation marks and citations omitted).

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<sup>8</sup> See ECF No. 2 at 11, 23-24; ECF No. 3 at ¶¶ 5-6 (CHIPS is headquartered in Manhattan); id. at ¶ 7 (Fed-NY is headquartered in Manhattan); id. at ¶ 8 (Chase is headquartered in Manhattan); id. at ¶ 10 (Morgan Stanley is headquartered in Manhattan); id. at ¶ 11 (Interlink US is incorporated in New York and its principal executive office is in Manhattan); see also Matter of Appl. for an Order Seeking Disc. Under 28 U.S.C. § 1782, No. 24-MC-152 (GHW) (GS), 2024 WL 2883293, at \*3 (S.D.N.Y. May 16, 2024), adopted sub nom. by, Matter of Order Seeking Disc. Under 28 U.S.C. § 1782, 2024 WL 2883091 (S.D.N.Y. June 5, 2024) (concluding that CHIPS and Fed-NY were found in this District where applicant averred that they “maintain offices at specified addresses within Manhattan . . . and courts in this District have concluded that both entities are found or reside in this District for Section 1782 purposes”); In re Tuohy, No. 24-MC-605 (GHW) (OTW), 2025 WL 1147574, at \*1 (S.D.N.Y. Apr. 18, 2025) (concluding that JPMC and Morgan Stanley are headquartered in Manhattan and thus found in this District); In re Mammoet Salvage, B.V., No. 23-MC-73 (LJL), 2025 WL 3009507, at \*10 (S.D.N.Y. Oct. 28, 2025) (explaining that JPMC’s “Manhattan offices are properly considered the bank’s nerve center” and it is therefore found in this District for purposes of Section 1782) (internal quotation marks and citations omitted).

The first statutory factor is therefore satisfied.

2. The requested discovery is “for use” in foreign proceedings.

Second, VSMPO’s requested discovery satisfies the “for use” requirement in Section 1782. Section 1782 requires an applicant to make a “*de minimis* showing that it is seeking discovery ‘for use’ in proceedings[.]” In re Atvos Agroindustrial Investimentos S.A., 481 F. Supp. 3d 166, 175 (S.D.N.Y. 2020). The term “for use” is afforded a “broad interpretation,” and the “sought-after evidence need not be admissible or even discoverable under the rules of the foreign jurisdiction.” Deposit Ins. Agency v. Leontiev, No. 17-MC-414 (GBD) (SN), 2018 WL 3536083, at \*3 (S.D.N.Y. July 23, 2018) (internal citations omitted). An applicant need only show that he has “the practical ability to inject the requested information into a foreign proceeding.” In re Accent Delight Int’l Ltd., 869 F.3d 121, 131-32 (2d Cir. 2017); see also In re Kingstown Partners Master Ltd., No. 21-MC-691 (LTS), 2022 WL 1081333, at \*5 (S.D.N.Y. Apr. 8, 2022) (noting that the “for use” requirement is “afforded a broad interpretation” and is satisfied if the “materials sought are to be used at some stage of a foreign proceeding”) (internal quotation marks and citations omitted). As the Second Circuit has explained, “to satisfy Section 1782’s ‘for use’ requirement, an applicant need only show that ‘the evidence is *minimally* relevant to the foreign proceeding.’” In re B&C Kb Holding GmbH, No. 23-1014, 2024 WL 3170983, at \*4 (2d Cir. June 26, 2024) (quoting In re BonSens.org, 95 F.4th 75, 80 (2d Cir. 2024)) (emphasis in original).

VSMPO seeks to use the sought-after discovery “to provide evidence in support of the ongoing criminal proceeding that will aid the prosecutors in establishing the transactions underlying the scheme and enable the tracing of fraudulently obtained funds in support of VSMPO’s restitution claims.” ECF No. 2 at 27. VSMPO may also “initiate its civil claims

against alleged fraudsters directly in the criminal proceedings (without bringing a separate civil lawsuit).” Id. VSMPO contends that the sought-after discovery will “help establish the financial structure and flow of funds derived from the fraudulent scheme,” “help to confirm [Igor] as a co-defendant, and “provide insight into the movement of the illicit proceeds through U.S. financial institutions.” Id.

VSMPO also avers that “the proceedings are at the investigatory stage” and that VSMPO has the right to present evidence that the alleged fraud was broader than purchasing titanium at inflated prices, that Igor’s role included orchestrating the repackaging and relabeling of the titanium chips bought from VSMPO through TPV and VPR—which VSMPO contends were “controlled by [Igor’s] confederates” —at below-market prices, “resale of that titanium as titanium alloy charge of foreign origin to VSMPO through the same intermediaries (despite existence of direct contracts between Interlink AG and VSMPO) at ten times the price, and then laundering the proceeds from the sales outside of Russia.” ECF No. 42 at 21 (emphasis omitted). Additionally, VSMPO’s Russian counsel, Aksenov, explains via sworn declaration that under Russian law, “VSMPO has the right to submit evidence, request investigative actions, and seek restitution as a victim of economic crime.” ECF No. 4 at ¶ 33. Aksenov also attests that “Russian Federation law and local court rules allow for the submission of documentary evidence.” Id. at ¶ 47.

In short, VSMPO has satisfied its minimal burden of demonstrating that the sought-after discovery is for use in the pending Russian proceedings, and all of the arguments to the contrary are unavailing. First, the Intervenor, Interlink US, and Joshua argue that the VSMPO fails to meet the “for use” prong of Section 1782 because the application is a “pretext” to seek documents for use in ongoing Swiss arbitration proceedings. ECF No. 23 at 17-20. The pending

Swiss arbitration proceedings are between Interlink AG and VSMPO and arose from VSMPO's alleged breach of a settlement agreement between the parties.<sup>9</sup> Id. at 13. The Intervenor, Interlink US, and Joshua aver that the breadth of VSMPO's sought-after discovery demonstrates that VSMPO is actually seeking documents for the Swiss arbitrations. Id. at 18-19. The Intervenor, Interlink US, and Joshua also point to the fact that VSMPO alleges in its application that it "lost at least 4 billion rubles" (ECF No. 2 at 13), despite the fact that the Russian criminal proceeding "in which VSMPO purports to seek documents in support, only alleges fraud of 1,519,680,619 rubles" (ECF No. 23 at 19-20).

But VSMPO has explained how the sought-after discovery is relevant to the Russian criminal proceeding, see supra pp. 15-16, and it has explained how, because the Russian criminal proceeding is still at the investigative phase, it can present evidence that the fraud was broader than originally thought. ECF No. 2 at 19-21. Moreover, the fact that the indictment against Igor describes only a scheme related to inflated prices as the basis for the accusations against him does not mean that evidence concerning the fraudulent supply scheme is not relevant to the criminal proceeding (see ECF No. 23 at 17-20; ECF No. 33 at 8-12; ECF No. 38 at 4-6), because as VSMPO explains, an indictment in a Russian criminal proceeding does not summarize the facts of the case and does not represent the entire basis for Igor's prosecution if the case reaches the adjudicatory stage (ECF No. 44 at ¶¶ 22-27). As VSMPO explains, because the proceeding is

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<sup>9</sup> In June 2022, VSMPO's German subsidiary "initiated debt collection proceedings against Interlink [AG] for a failure to pay under a contract." ECF No. 42 at 13. In December 2024, Interlink AG "sought sequestration of VSMPO's assets in Switzerland," and in March 2025, VSMPO filed a claim with the International Court of Arbitration in Switzerland "claiming breach of the [s]ettlement [a]greement by Interlink [AG] and damages from sequestration." Id. In May 2025, Interlink AG filed a claim with the International Court of Arbitration in Switzerland against VSMPO, "claiming damages from violation of [the] [s]ettlement agreement and pain and suffering damage[s]." Id. The arbitrations were consolidated and remain pending as of December 5, 2025. Id.

in the investigatory stage, it does not have access to case materials but is able to present evidence that the fraud was broader than purchasing titanium at inflated prices. ECF No. 42 at 9, 18-22. In this regard, the flow of money to and from Interlink Group and Igor to others is relevant to the pending criminal proceedings.

Further, while it is true that “a party in this Circuit could not use an arbitration as the underlying ‘foreign proceeding’ for which discovery is requested in a Section 1782 application,” In re B&C KB Holding GmbH, No. 22-MC-180 (LAK) (VF), 2023 WL 1777326, at \*4 (S.D.N.Y. Feb. 6, 2023), objections overruled by, 2023 WL 4544775 (S.D.N.Y. June 8, 2023), aff’d sub nom. by, In re B&C Kb Holding GmbH, 2024 WL 3170983, the Intervenors, Interlink US, and Joshua have not demonstrated that VSMPO’s application is a pretext for obtaining evidence for the Swiss arbitration proceedings, particularly where, as here, VSMPO has shown how the sought-after discovery is directly relevant to the pending Russian criminal proceeding. Cf. In re Postalis, No. 18-MC-497 (JGK), 2018 WL 6725406, at \*3-4 (S.D.N.Y. Dec. 20, 2018) (finding “for use” requirement not met where applicant “publicly stated its hope to bring a lawsuit against [the discovery target],” “affirmed that the present discovery application w[ould] assist . . . in bringing such a lawsuit,” and “ma[d]e[ ] no showing that the evidence sought is likely to be for use in the foreign proceedings” noted in the application); Ayyash v. Crowe Horwath LLP, No. 17-MC-482 (AJN), 2018 WL 2976017, at \*3 (S.D.N.Y. June 13, 2018) (denying Section 1782 application because “the Court [wa]s concerned that [the applicant] [wa]s using the § 1782 petition as a fishing expedition to determine if it should pursue litigation against [the discovery targets]”).

Moreover, even if the sought-after discovery were for use in another proceeding, that alone “does not mean it is not *also* for use in the” Russian criminal proceeding. See In re

Martinez, 24-MC-306 (RA) (SN), 2025 WL 2505471, at \*4 (S.D.N.Y. Sept. 2, 2025) (alteration and citation omitted) (*italics added*); see also In re Associacao dos Profissionais dos Correios, No. 22-MC-132 (RA), 2024 WL 4299019, at \*5 (S.D.N.Y. Sept. 25, 2024) (“While the Court has no doubt that at least some of the requested documents are being sought for use in a potential U.S. litigation, it finds that the requests themselves—contextualized by argument and supporting declarations—demonstrate that requested materials will also be used in the Brazil litigation. [The applicant] thus established the statutory prerequisites for obtaining a discovery order.”); In re Al-Attabi, No. 21-MC-207 (VSB) (RWL), 2022 WL 229784, at \*9 (S.D.N.Y. Jan. 26, 2022) (explaining that “provided the statutory and discretionary criteria are satisfied, as they are here, a Section 1782 application should not be denied merely because the discovery material may have potential other uses by the [applicant]”). Indeed, it is well settled that “Section 1782 does not prevent an applicant who lawfully has obtained discovery under the statute with respect to one foreign proceeding from using the discovery elsewhere unless the district court orders otherwise.” In re Accent Delight Int’l, 869 F.3d at 135.

The Intervenors, Interlink US, and Joshua also argue that VSMPO has not shown that the sought-after discovery will provide it with an advantage in the Russian criminal proceedings. ECF No. 23 at 22-23. But this is not a basis for concluding that the for use factor is not met. The Second Circuit has explained that “[t]he plain meaning of the phrase ‘for use in a proceeding’ indicates something that will be employed with some advantage or serve some use in the proceeding—not necessarily something without which the applicant could not prevail.” Mees v. Buitter, 793 F.3d 291, 298 (2d Cir. 2015); see In re Republic of Kazakhstan, No. 23-MC-283 (ER), 2023 WL 8373070, at \*3 (S.D.N.Y. Dec. 4, 2023) (explaining that the “for use” requirement “looks to [the applicant’s] *practical ability* . . . to place a beneficial document—or

the information it contains—before a foreign tribunal” and that the applicant need only show “that the discovery will be used at some stage”) (internal quotation marks and citations omitted) (emphasis in original). This for use requirement is a low hurdle, which VSMPO has cleared by explaining how the sought-after materials “will help establish the financial structure and flow of funds derived from the fraudulent scheme, are expected to help to confirm [Igor] as a co-defendant, and to provide insight into the movement of the illicit proceeds through U.S. financial institutions.” See ECF No. 2 at 27; In re Grynberg, 223 F. Supp. 3d 197, 201 (S.D.N.Y. 2017) (finding “for use” requirement met where it was “possible that [the applicant] could use discovery from [the respondent] and his associates . . . in the foreign proceeding to increase [his] chances of success” even where “[i]t [wa]s not entirely clear” whether the discovery would be admissible in the foreign proceeding) (internal quotation marks and citations omitted); In re Martinez, 2025 WL 2505471, at \*4 (concluding that the sought-after discovery “could be employed with some advantage in the foreign proceedings” where the documents were “relevant to [the applicants’] defense in the foreign defamation proceeding” and “b[o]r[e] upon whether [a]pplicants’ purportedly defamatory statements at issue in the foreign proceedings were true or false”) (internal quotations marks and citations omitted).

Additionally, VSMPO contends that “the universe of relevant facts is much broader because the case is at the investigative stage and VSMPO can present evidence that [Igor] and Interlink were involved in the fraudulent scheme that involved the theft and laundering of over \$100 million” (ECF No. 42 at 23), demonstrating that there is a procedural mechanism by which VSMPO may inject the sought-after discovery into the Russian criminal proceedings. Cf. In re BonSens.org, 95 F.4th at 80 (quoting IJK Palm LLC v. Anholt Servs. USA, Inc., 33 F.4th 669, 680 (2d Cir. 2022)) (explaining that “an applicant who cannot identify a ‘procedural mechanism

by which [to] inject the discovery . . . into foreign proceedings’ will not meet the ‘for use’ standard”) (alterations in original).

Next, Fed-NY argues that VSMPO has not met the “for use” requirement because “VSMPO has made no showing that the bulk of the information it seeks could be relevant to the Russian Criminal Proceedings at all.” ECF No. 33 at 8. Similarly, Morgan Stanley contends that VSMPO has not shown that the documents requested pertaining to Interlink AG are relevant to the Russian criminal proceedings. ECF No. 38 at 4-6. In responding to the argument of the Intervenor and Discovery Targets about relevance, VSMPO explains that “U.S. dollar transactions of Interlink and subsequent payouts to [Igor] and his alleged coconspirators . . . will show that Interlink paid ‘kickbacks’ to alleged co-conspirators outside of Russia and whether th[ose] transactions with VSMPO, TPV, and VPR stood out amongst Interlink’s normal business operations[.]” ECF No. 42 at 22-23. Additionally, VSMPO contends that the “ownership and structure of Interlink as a group of companies—that are headed by [Igor]’s close relatives—and [Igor]’s role therein are at least ‘minimally’ relevant even to [the] allegation that [Igor], representing Interlink, in fact, ‘controlled’ TPV and VPR.” *Id.* at 23. This suffices to demonstrate relevance for satisfaction of the “for use” factor.

To the extent the Discovery Targets believe the document requests are overly broad, that is an argument that can be addressed by tailoring the document requests. Other courts in this District have found that “the alleged overbreadth of the Subpoenas is better addressed when considering the fourth Intel factor, particularly when, as here, [a discovery target] concedes that at least some of the documents sought are relevant to a . . . determination to be made by the [foreign tribunal].” 507 Summit LLC v. Balance L. PLLC, No. 25-MC-235 (KHP), 2026 WL 205837, at \*6 (S.D.N.Y. Jan. 26, 2026); see also In re Mammoet Salvage, B.V., No. 23-MC-73

(LJL), 2025 WL 3009507, at \*13 (S.D.N.Y. Oct. 28, 2025) (finding that applicant satisfied “for use” requirement as to proceedings in the Netherlands and France but not as to other jurisdictions but explaining that “the extent to which the Subpoenas as drafted go beyond the uses to which the documents can be put in the Netherlands and France is more properly analyzed under the fourth discretionary Intel factor”). Thus, Fed-NY and Morgan Stanley’s arguments are not a reason to conclude that VSMPO does not satisfy the for use requirement. See 507 Summit LLC, 2026 WL 205837, at \*6 (concluding that subpoena met the “for use” prong “because *some* of the documents sought are relevant to . . . the core of the [foreign] action”) (emphasis added).

The Intervenors, Interlink US, and Joshua also argue that “VSMPO may not seek evidence in support of trying to collect on a future, potential, restitution award, or for asset information to recover on a civil judgment where no underlying case has yet been filed.” ECF No. 23 at 21. But VSMPO is seeking the documents for use in the pending Russian criminal proceedings, rather than an anticipated future proceeding, because restitution can be ordered as part of the Russian criminal proceedings. ECF No. 42 at 24-25. As VSMPO’s Russian counsel attests, under Russian law, VSMPO may make claims for restitution in the already-pending criminal proceedings, the Russian court will adjudicate those claims at the same time it renders the verdict on the accused, and evidence of damages must be presented during the same trial. ECF No. 4 at ¶¶ 34-37; see Mees, 793 F.3d at 299 (analyzing “for use” factor and explaining that “[a] ‘proceeding’ means the entire proceeding, not merely its initial stage”).

Finally, Chase and JPMC assert that VSMPO’s application is deficient because VSMPO “does not demonstrate that it gave notice to the Russian authorities responsible for the criminal investigation and prosecution of this proceeding or that any documents obtained from the JPMC subpoenas would be admissible in or admitted by Russian authorities.” ECF No. 39 at 4. As it

concerns the latter argument, VSMPO need not show that the sought-after discovery will be admissible during the Russian criminal proceedings. See In re Kipperband, No. 24-2627, 2025 WL 1418706, at \*1 (2d Cir. May 16, 2025) (summary order) (explaining that Section 1782 applicants “did not need to show that the discovery they sought was likely to be admitted in the foreign proceeding” because it “is sufficient that the records are minimally relevant to the subject-matter of the foreign litigation”) (internal quotation marks and citations omitted). And as to the former argument, Chase and JPMC cite no case that requires VSMPO to have given notice to the Russian authorities. To the contrary, Section 1782 permits the discovery to be “requested either by a foreign or international tribunal or by a private litigant,” like VSMPO, and the statute “does not articulate different standards for evaluating the two.” Mees, 793 F.3d at 300. Further, VSMPO provides a sworn declaration from counsel averring that Russian courts are receptive to U.S. judicial assistance. See ECF No. 4 at ¶ 50.

In short, VSMPO has made the necessary *de minimis* showing that the discovery sought will be for use in foreign criminal proceedings and has therefore satisfied the second statutory factor.

3. VSMPO is an “interested person” under Section 1782.

Third, VSMPO is an “interested” party under Section 1782, and, here too, neither the Intervenor nor the Discovery Targets raise any arguments to the contrary. In Intel, the Supreme Court indicated that a “complainant” who had “a significant role” in an antitrust investigation, including “the right to submit information” during the investigation was an “interested person” within the meaning of Section 1782. 542 U.S. at 256. Although Intel concerned an antitrust investigation, courts have applied its holding in the context of a foreign criminal investigation. See, e.g., In re Berlamont, No. 14-MC-190 (JSR), 2014 WL 3893953, \*1 (S.D.N.Y. Aug. 4,

2014) (complaining witness in Swiss criminal investigation was an interested party), aff'd by, 773 F.3d 456, 457, 461 (2d Cir. 2014) (“The Swiss criminal investigation in the instant case is exactly the type of proceeding that” Section 1782 “intended to reach.”); In re Furstenberg Finance SAS, 785 F. App’x 882, 885 (2d Cir. Aug. 30, 2019) (summary order) (affirming determination that applicants were interested persons in light of affidavits indicating that they would be parties to foreign criminal proceeding and would “submit the relevant evidence directly” in that proceeding).

VSMPO is the alleged victim of the fraud that is the subject of the investigation and prosecution in Russia. See ECF No. 4 at ¶¶ 22, 26, 33. Further, under Russian law, as an alleged victim of the economic crime, VSMPO has the right to submit evidence, request investigative actions, and seek restitution, in a criminal proceeding. Id. at ¶¶ 33-38. VSMPO is an “interested person” within the meaning of the statute, and the third and final statutory factor is therefore satisfied.

C. VSMPO’s application also satisfies the discretionary *Intel* factors.

Once the statutory requirements are met, a district court has discretion to determine whether, and to what extent, to honor a request for assistance under Section 1782. See Intel, 542 U.S. at 260-61. A district court acts within its discretion so long as it fashions its order in accordance with the “twin aims” of Section 1782—“providing efficient means of assistance to participants in international litigation in our federal courts and encouraging foreign countries by example to provide similar means of assistance to our courts.” In re Aldunate, 3 F.3d 54, 58 (2d Cir. 1993) (quoting In re Malev Hungarian Airlines, 964 F.2d 97, 100 (2d Cir. 1992)); see also In re Edelman, 295 F.3d 171, 181 (2d Cir. 2002) (“Congress planned for district courts to exercise broad discretion over the issuance of discovery orders pursuant to § 1782(a)—both over whether to grant a discovery order and, if so, what limits to place on that discovery.”). As explained

below, the discretionary factors weigh in favor of permitting VSMPO to seek the requested discovery.

*1. Participation in the foreign proceeding*

The first Intel factor provides that “when the person from whom discovery is sought is a participant . . . the need for § 1782(a) aid generally is not as apparent as it ordinarily is when evidence is sought from a nonparticipant in the matter arising abroad.” Intel, 542 U.S. at 264. Courts in this District have found that this factor weighs in favor of a Section 1782 applicant where “none of the entities from whom discovery is sought is a party to the [foreign proceeding].” In re Klein, No. 20-MC-203 (PKC), 2022 WL 1567584, at \*8 (S.D.N.Y. May 18, 2022). Nonetheless, “the relevant inquiry is whether the foreign tribunal has the ability to control the evidence sought and order production, not whether the tribunal has control over the party targeted by the Section 1782 application[.]” In re Porsche Automobil Holding SE, No. 15-MC-417 (LAK), 2016 WL 702327, at \*7 (S.D.N.Y. Feb. 18, 2016).

This factor favors VSMPO. None of the Discovery Targets (except Interlink US and Joshua), are “parties to the Russian criminal proceedings against Voevodin, Lysenko or [Igor].” See ECF No. 2 at 30; ECF No. 4 at ¶ 48; In re Kuwait Ports Auth., 2021 WL 5909999, at \*9 (quoting Intel, 542 U.S. at 264) (reasoning that because subpoena target “will not be a participant in the anticipated litigation proceedings,” the need for Section 1782 assistance was apparent).

The Intervenors, Interlink US, and Joshua argue that this factor weighs against granting the discovery because VSMPO seeks to use it to add Interlink US and Joshua as future participants in the Russian criminal proceeding. See ECF No. 23 at 24-25. But there is no dispute that neither is a current subject of the Russian criminal proceedings. And even if they are, that would not bar the discovery if the other discretionary factors favored VSMPO. See In re Patokh

Chodiev, No. 21-MC-423 (AT), 2021 WL 3270042, at \*2 (S.D.N.Y. July 30, 2021) (“Despite [one of the discovery targets] being a party to the contemplated proceeding . . . in weighing these factors the Court concludes that the subpoena is warranted under the Intel factors.”); In re XPO Logistics, Inc., No. 15-MC-205 (LGS) (SN), 2017 WL 2226593, at \*5, 10 (S.D.N.Y. May 22, 2017), aff’d by, 2017 WL 6343689 (S.D.N.Y. Dec. 11, 2017) (granting Section 1782 application despite the subpoena target being a party to the foreign proceeding). Additionally, the Intervenor, Interlink US, and Joshua provide no case in which a court found that the first Intel factor weighed against granting Section 1782 relief based on the possibility that certain discovery targets *might* become parties to an already-pending foreign proceeding.

The Intervenor, Interlink US, and Joshua also argue that seeking discovery from Interlink US and Joshua is essentially the same as seeking documents from Igor. See ECF No. 23 at 24-25. This argument falls flat. The only case cited in support of this argument, Schmitz v. Bernstein Liebhard & Lifshitz, LLP., 376 F.3d 79, 81-85 (2d Cir. 2004), is distinguishable because it involved an applicant seeking documents produced by its adversary, the adversary was a participant in the foreign proceeding, and the foreign tribunal had indicated that granting the petition would invade German sovereignty rights and could hinder the efforts of the prosecutor in the German proceeding. See In re Schmitz, 259 F. Supp. 2d 294, 298-300. Additionally, as the Second Circuit noted in affirming the district court’s decision, the entity whose documents were sought was the applicant’s “opponent in the German litigation” subject to “German court jurisdiction” and thus the first discretionary factor weighed against granting the application, because ordinarily the need for Section 1782 assistance is apparent when the evidence sought is from a *nonparticipant* in the foreign proceeding. Schmitz, 376 F.3d at 85.

Regardless, the Intervenors, Interlink US, and Joshua do not identify a single document that VSMPO seeks that purportedly belongs to Igor and is available for production in Russia. But even if such a document existed, Igor has indicated that he does not intend to go to Russia and subject himself to the jurisdiction of the Russian tribunal. See In re Raykhelson, No. 25-MC-427 (VSB) (VF) (S.D.N.Y. Mar. 18, 2026), ECF No. 22 at 1 (explaining that “the Russian government has recently amended its indictment of [Igor] and issued a decree directing that a request be made to Interpol for the issuance of a Red Notice against him, for the purpose of having him arrested in the event that he travels, and seeking his extradition to Russia”). As such, the Russian tribunal would be unable to compel production of any documents in Igor’s possession, even if the documents sought were in his possession.

Accordingly, the first discretionary factor weighs in favor of granting the application.

2. *Receptivity of the foreign court*

Under the second Intel factor, a district court considers “the nature of the foreign tribunal, the character of the proceeding underway abroad, and the receptivity of the foreign government or the court or agency abroad to U.S. federal-court judicial assistance.” Intel, 542 U.S. at 264. “[A] district court’s inquiry into the discoverability of requested materials should consider only authoritative proof that a foreign tribunal would reject evidence obtained with the aid of section 1782,” such as proof “embodied in a forum country’s judicial, executive or legislative declarations that specifically address the use of evidence gathered under foreign procedures[.]” Euromepa S.A. v. R. Esmerian, Inc., 51 F.3d 1095, 1100 (2d Cir. 1995). “Granting discovery in

the face of opposition from the foreign tribunal would undermine the spirit and purpose of the statute[.]” In re Microsoft Corp., 428 F. Supp. 2d at 194.

This factor favors granting the application. First, VSMPO is the alleged victim of crimes in Russia, and the criminal proceedings for which VSMPO seeks discovery are undoubtedly adjudicative in nature. See In re Ulmans, No. 23-MC-23 (GHW) (VF), 2023 WL 3853703, at \*5 (S.D.N.Y. Apr. 20, 2023), adopted by, 2023 WL 3412769 (S.D.N.Y. May 12, 2023) (finding second discretionary factor weighed in applicant’s favor where applicant “ha[d] been formally charged with a crime in Latvia, and the pending criminal proceeding for which [applicant] s[ought] discovery [wa]s undoubtedly adjudicative in nature”). Second, there is no authoritative proof or indication that Russian courts are generally not receptive to Section 1782 assistance. To the contrary, “[t]he consensus view among U.S. courts is that Russian tribunals are generally receptive to discovery obtained through [S]ection 1782.” In re Arida, LLC, No. 19-MC-522 (PKC), 2020 WL 7496355, at \*8 (S.D.N.Y. Dec. 21, 2020); Deposit Ins. Agency, 2018 WL 3536083, at \*4 (S.D.N.Y. July 23, 2018) (explaining that “courts have continued to enforce subpoenas pursuant to § 1782 intended for use in Russian courts”). VSMPO’s Russian counsel, Aksenov, attests that “[b]oth the Russian Prosecutor’s Office and Russian courts are receptive to documents received though U.S. judicial assistance.” ECF No. 4 at ¶ 50. Aksenov also states that “[n]o judicial authority in the Russian Federation has rejected any efforts by [VSMPO] to obtain the requested documents.” Id. at ¶ 51. Finally, no party disputes that this factor has been satisfied by VSMPO.

Thus, this factor weighs in favor of granting VSMPO's application.

3. Circumvention of foreign proof-gathering restrictions

The third Intel factor seeks to identify "attempt[s] to circumvent foreign proof-gathering restrictions or other policies of a foreign country or the United States." Intel, 542 U.S. at 264-65. The Intervenors and Discovery Targets Interlink US and Joshua contend that this factor weighs against granting VSMPO's application because VSMPO is (1) circumventing Russian law prohibiting close relatives from being compelled to testify against one another, (2) circumventing the Russian process for obtaining information for use in criminal proceedings, and (3) disregarding its contractual obligations with Interlink AG. ECF No. 23 at 25-28. These arguments fail and the third Intel factor also favors granting VSMPO's application.

A section 1782 application circumvents foreign proof-gathering restrictions when the grant of discovery "trenched upon the clearly established procedures of a foreign tribunal" as "embodied in a forum country's judicial, executive or legislative declarations that specifically address the use of evidence gathered under foreign procedures." Euromepa, 51 F.3d at 1059-1100 (2d Cir. 1995) (internal quotation marks, citation, and emphasis omitted). Stated differently, "circumvention occurs where the applicant uses a § 1782 application to avoid measures that are *intended* to restrict certain means of gathering or using evidence." Fed. Republic of Nigeria, 27 F.4th at 153 (emphasis in original). For example, where the Section 1782 application "attempts to circumvent the more limited . . . rules of discovery" in the foreign jurisdiction, this weighs against granting the discovery sought. Kiobel, 895 F.3d at 245-46 (concluding that third Intel factor weighed against granting the application where the discovery could not be obtained under the "more limited Dutch rules of discovery"). Section 1782, however, does not limit a district court's authority to require the production of evidence "to

materials that could be discovered in the foreign jurisdiction if the materials were located there.” In re Hansainvest Hanseatische Inv.-GmbH, 364 F. Supp. 3d 243, 251 (S.D.N.Y. 2018) (citation omitted). “The Second Circuit has observed that few if any foreign jurisdictions permit the scope of discovery available in U.S. courts, and that if district courts were free to refuse discovery based upon its unavailability in a foreign court § 1782 would be irrelevant to much international litigation, frustrating its underlying purposes.” In re Arida, LLC, 2020 WL 7496355, at \*8 (internal quotation marks, citations, and alterations omitted).

Importantly, a Section 1782 application should not become “a battle-by-affidavit of international legal experts” and result in a “superficial” ruling on foreign law. Euromepa, 51 F.3d at 1099. Indeed, “[t]he drafters of section 1782 definitely did not want to have a request for cooperation turn into an unduly expensive and time-consuming fight about foreign law. That would be quite contrary to what they sought to be achieved.” In re Arida, LLC, 2020 WL 7496355, at \*9 (internal quotation marks and citation omitted).

First, the Intervenors, Interlink US, and Joshua argue that VSMPO is attempting to circumvent Russian law prohibiting testimony against close relatives. Their Russian counsel, Roman Bubnov (“Bubnov”), attests that Article 51 of the Russian Constitution prohibits a “close relative” from being compelled to testify against other close relatives, thereby providing Joshua with the right to “refuse to testify against [himself], [his] spouse, or other close relatives.” ECF No. 27 at ¶¶ 36-37. But as VSMPO correctly points out, other courts in this District have determined that Article 51 does not constitute a “proof gathering restriction” for application of the third Intel factor. See ECF No. 42 at 29.

Here, as in In re Arida, LLC, 2020 WL 7496355, at \*9, the parties “have submitted numerous expert declarations about the boundaries and applicability of Article 51[.]” See ECF

No. 27 at ¶ 37; ECF No. 44 at ¶¶ 28-31; ECF No. 57 at ¶¶ 54-65. Bubnov explains that the “very important and basic right” that “close relatives are not obliged to give evidence against close relatives” is set out in Article 51 (ECF No. 27 at ¶¶ 36-37), whereas VSMPO’s Russian counsel, Aksenov, clarifies that “Article 51 must be balanced against Article 55 of the [Russian] Constitution that guarantees protection of the rights of all citizens,” and the familial privilege provided by Article 51 “does not provide blanket immunity from answering any questions and does not limit discovery of documents” (ECF No. 44 at ¶ 28). Aksenov also contends that Article 51 does not apply extraterritorially. *Id.* In a second declaration, Bubnov avers that “[t]here is no federal law authorizing private companies or foreign courts to compel individuals—whether citizens or non-citizens—to provide information for use in a Russian criminal case in disregard of Article 51.” ECF No. 57 at ¶ 63. But aside from these dueling legal declarations, there is no authoritative proof from a Russian authority regarding Article 51. As the court explained in In re Arida, LLC, there is no “clear directive” from a Russian authority as to the application of Article 51, and thus “the privilege does not weigh against the Court’s exercise of discretion in granting [the] application.” 2020 WL 7496355, at \*11. The Second Circuit has also warned about the perils of deciding privilege issues where the authorities cited by the parties are “far from clear,” as is the case here. In re Metallgesellschaft AG, 121 F.3d 77, 80 (2d Cir. 1997). Accordingly, the Intervenor, Interlink US, and Joshua have not demonstrated that VSMPO is attempting to circumvent a foreign proof gathering restriction.

In a similar vein, the Intervenor, Interlink US, and Joshua argue that VSMPO is attempting to circumvent Russian law regarding who may obtain evidence to use in criminal proceedings. Bubnov avers that under Russian law and the 1999 Treaty on Mutual Legal Assistance in Criminal Matters (“MLAT”), “[p]rivate entities such as VSMPO have no authority

to seek or receive foreign judicial assistance for use in criminal proceedings” and such materials may only be requested by the General Prosecutor’s Office of the Russian Federation. ECF No. 27 at ¶ 33. Bubnov adds that it is a “widespread practice” in Russia for investigators to request mutual legal assistance “through official channels when seeking banking information abroad.” Id. at ¶ 34. He concludes that VSMPO’s Section 1782 application would “produce procedurally void and legally impermissible evidence under Russian law.” Id. at ¶ 35.

As an initial matter, any argument that the application must be denied because the materials must be requested through MLAT is meritless. See In re Brookfield Infrastructure Partners L.P., No. 25-MC-278 (LJL), 2025 WL 3215607, at \*18-19 (S.D.N.Y. Nov. 18, 2025) (rejecting argument that Section 1782 application must be denied because Peruvian prosecutors had made a request for same discovery via MLAT). The availability of the discovery through an MLAT request does not preclude seeking the discovery through Section 1782. See id. at 19.

VSMPO’s counsel, Aksenov, explains that the Russian Criminal Procedure Code permits evidence collection for criminal proceedings by parties besides public actors, “such as the person conducting the initial inquiry, the investigator, the prosecutor and the court.” ECF No. 44 at ¶¶ 48-51. And as VSMPO points out, if Bubnov and the Intervenors are correct that a private entity has no authority under Russian law to seek foreign judicial assistance, then that argument would foreclose Igor’s application for foreign judicial assistance, because Igor is not the Russian prosecutor or investigator. ECF No. 42 at 33-35; see also In re Raykhelson, No. 25-MC-427 (VSB) (VF) (S.D.N.Y.) (Igor’s Section 1782 application for discovery to be used in same Russian criminal proceeding). Additionally, Section 1782 does not require that an applicant be a prosecutor or governmental investigator, and VSMPO has amply demonstrated how it will be able to present the evidence gathered through the subpoenas in the Russian criminal proceeding.

See Mees, 793 F.3d at 303-304 (explaining that Section 17832 permits discovery “upon the application of any interested person” and does not require “an overt expression from the foreign court that it wants or needs the information”); In re Ibiuna Credito Gestao de Recursos Ltda., 24-MC-13 (JGK) (RFT), 2024 WL 1077559, at \*8 (S.D.N.Y. Feb. 14, 2024) (“Courts in this Circuit have permitted discovery under Section 1782 for use in a criminal investigation where, as here, the petitioners would be able to present the evidence to the relevant criminal authorities.”).

The Intervenors, Interlink US, and Joshua additionally argue that VSMPO is prohibited from “seeking documents in support of criminal proceedings” under the 2020 settlement agreement between VSMPO and Interlink AG that led to the Swiss arbitration proceedings. ECF No. 23 at 27-28. They also aver that VSMPO’s “failure to apprise this Court as to the pending Swiss Arbitration and the prohibition on seeking documents in support of criminal proceedings” reflects a lack of candor. Id. As to the lack of candor argument, VSMPO asserts that the confidentiality provision in the 2020 settlement agreement required it “to refrain from disclosing the settlement’s existence and contents.” ECF No. 42 at 52. There thus is no evidence of a lack of candor as VSMPO was contractually obligated not to disclose the existence of the settlement.

Additionally, as it concerns the argument that VSMPO is prohibited from seeking these documents under the 2020 settlement agreement, VSMPO disputes that it is prohibited by the settlement agreement from seeking these documents. Id. at 36-38. Whether the settlement agreement was breached is an issue being decided in the Swiss arbitration proceedings. See ECF No. 27 at ¶ 41 (Bubnov explaining that “[i]t is currently being litigated in the Swiss arbitrations whether *inter alia* the Russian criminal case that was expanded largely due to VSMPO’s lobbying and testimony from its representatives, not because of independent investigative findings, is a breach of the settlement agreement”); ECF No. 44 at ¶ 7(e) (Aksenov explaining

that the settlement is governed by Swiss law). But in any event, the third Intel factor concerns circumvention of “policies of a foreign country or the United States,” Brandi-Dohrn v. IKB Deutsche Industriebank AG, 673 F.3d 76, 80 (2d Cir. 2012), not contractual obligations under a settlement agreement. The Intervenor, Interlink US, and Joshua have not provided any case to suggest that a purported breach of a contractual obligation has any bearing on the third Intel factor.

In short, there is no evidence that Raykhelson is “engaged in a bad faith endeavor to misuse Section 1782” by circumventing Russian law. In re Refinería de Cartagena S.A.S., No. 23-MC-455 (JPC), 2024 WL 95056, at \*10 (S.D.N.Y. Jan. 8, 2024) (citation omitted).

This factor therefore also favors granting VSMPO’s application.

4. Unduly burdensome request

The final Intel factor directs courts to be mindful of overly intrusive or burdensome discovery requests. Intel, 542 U.S. at 264-65. “[A] district court evaluating a [Section] 1782 discovery request should assess whether the discovery sought is overbroad or unduly burdensome by applying the familiar standards of Rule 26 of the Federal Rules of Civil Procedure.” Mees, 793 F.3d at 302. As the Second Circuit has explained, if a court has “misgivings . . . about the impact of its participation in the foreign litigation,” it is preferable for the court to issue “a closely tailored discovery order rather than . . . simply denying relief outright.” Euromepa, 51 F.3d at 1101. The Intervenor and all of the Discovery Targets (except for CHIPS) argue that the fourth Intel factor weighs against granting VSMPO’s discovery requests. ECF No. 23 at 28-36; ECF No. 33 at 10-12; ECF No. 38 at 6-9; ECF No. 39 at 5-9.

Each subpoena VSMPO seeks to issue has a 12-year temporal scope, seeking documents from October 29, 2013 to the present. See ECF Nos. 3-6 at 9; ECF No. 3-7 at 9; ECF No. 3-8 at

9; ECF No. 3-9 at 7; ECF No. 3-10 at 7; ECF No. 3-11 at 7; ECF No. 3-13 at 7. The subpoenas to CHIPS and Fed-NY both seek information for 50 individuals and entities and request “[a]ll documents concerning all wire transfers processed by YOU in which the names of the SUBJECTS provided above appear in the wire or payment message.” ECF No. 3-6 at 13; ECF No. 3-7 at 13. The subpoenas to Chase, JPMC, and Morgan Stanley request “[a]ll documents relating to accounts owned by Igor Raykhelson,” “[a]ll documents relating to accounts managed by Igor Raykhelson,” “[a]ll documents relating to accounts owned by Interlink Metals & Chemicals AG and its affiliates,” and “[a]ll documents relating to accounts managed by Interlink Metals & Chemicals AG and its affiliates.” ECF No. 3-8 at 11; ECF No. 3-9 at 11; ECF No. 3-10 at 11. The document subpoenas to Interlink US and Joshua request 18 categories of documents, including “[a]ll documents and communications with or relating to VSMPO,” “[a]ll documents and communications with or relating to E.B Lysenko,” and “[a]ll documents and communications with or relating to M.V. Voevodin.” ECF. No. 3-11 at 7, 11-12; ECF. No. 3-13 at 7, 11-13. The document subpoenas to Interlink US and Joshua contain 12 requests for “all documents and communications” or “all nonprivileged communications” and six requests for “documents sufficient to show.” ECF. No. 3-11 at 11-12; ECF. No. 3-13 at 11-13.

The Intervenors and Discovery Targets Interlink US and Joshua state that the sought-after discovery is overbroad, burdensome, intrusive, and “can more easily be sought elsewhere,” arguing that “VSMPO seeks over 12 years of banking transaction information, and communications, of dozens of unrelated persons and entities, from financial institutions, without identifying any transactions, relevant date range, or how such requests are tied to the TPV/VPR contracts in the criminal proceedings,” and that “VSMPO takes no position as to why Joshua Raykhelson and Interlink US would have the information that it seeks[.]” ECF No. 23 at 28-29.

They criticize the subpoenas targeted at Interlink US and Joshua as “exceedingly overbroad and intrusive” because VSMPO seeks all documents and communications “relating to seven Russian individuals and entities—with no limit as to subject matter or tied to the discreet transactions alleged as fraudulent in the criminal proceedings—five separate Russian criminal proceedings, and documents concerning the ownership structure of various Russian and Swiss entities.” *Id.* at 31.<sup>10</sup> Finally, the Intervenor, Interlink US, and Joshua assert that VSMPO’s application as a whole has been made in bad faith, as evidenced by the breadth of content VSMPO seeks, and is actually “part of a coordinated campaign to harass and defame [Igor], rather than a legitimate effort to obtain evidence for use in a foreign proceeding.” ECF No. 23 at 36.

VSMPO concedes that the sought-after discovery is broad but not overbroad or otherwise impermissible. ECF No. 42 at 39. VSMPO also avers that it is acting in good faith and that it “would welcome meet and confer efforts to clarify and adjust the scope of the requests and/or stipulate to protective orders, especially with the Bank Respondents, who appear to be also acting in good faith.” *Id.* In response to the Intervenor, Interlink US, and Joshua VSMPO asserts that separate subpoenas are necessary for Interlink US and Joshua because different documents

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<sup>10</sup> The Intervenor, Interlink US, and Joshua also argue that the proposed subpoenas for the other Discovery Targets are “not proportional to the needs of the case” and that “VSMPO’s intrusion into the confidential financial transactions of 51 persons and entities . . . is radically untethered from any reasonable attempt to collect information to the Russian criminal proceedings.” ECF No. 23 at 34. But the Intervenor, Interlink US, and Joshua do not have standing to argue that the subpoenas served to the other Discovery Targets are unduly burdensome or seek privileged information. See *In re Ulmans*, 2023 WL 3853703, at \*6 (explaining that “should a bank served with a subpoena conclude that the requests are unduly burdensome, the bank may challenge the subpoena by moving to quash under Federal Rule of Civil Procedure 45”); *In re BM Brazil 1 Fundo de Investimento em Participacoes Multistrategia*, No. 23-MC-208 (JGLC) (GS), 2024 WL 555780, at \*17 (S.D.N.Y. Jan. 18, 2024), adopted sub nom. by, *In re BM Brazil 1 Fundo De Investimento EM Participacoes Multistrategia*, 2024 WL 554302 (S.D.N.Y. Feb. 12, 2024) (quoting *In re Kleimar N.V.*, 220 F. Supp. 3d 517, 522 (S.D.N.Y. 2016)) (“It is [the non-party itself] who ‘carries the burden of proving that the subpoena imposes an undue burden on it as a non-party.’”).

may be in their custody despite Joshua being an officer for the company. Id. at 39-40. VSMPO also argues that the scope of the requests is not overly expansive and is proportionate to the needs of the case because the requests seek materials “relating to actors named in the criminal case materials (VSMPO, TPV, VPR, and their directors at the time of fraud, and RegionProm LLC, the target of the [Igor] Application), relating to the prior criminal cases against Voevodin and the current case, including non-privileged communications with [Igor], and documents sufficient to show ownership, structure, and the role of [Igor] and Astashova (Joshua’s step-mother and the nominal owner of Interlink as to Interlink US, Interlink [AG], TPV, and VPR.” Id. at 40 (internal citation omitted). VSMPO also explains that it has reason to believe Joshua and/or Interlink US “have at least some of the requested documents” because Interlink’s website lists Joshua as the main contact for entire umbrella of Interlink entities and at least three Interlink-related entities are registered with an address of Joshua’s apartment, and he is listed as the CEO of all of them. Id. at 41.

Next, Fed-NY contends that the Court should limit the proposed subpoena’s scope to “Fedwire transactions that VSMPO has shown to be relevant to the Russian Criminal Proceedings.” ECF No. 33 at 10. With regard to the temporal scope of the subpoenas, VSMPO explains that October 29, 2013 was “a watershed moment when the first contract underlying the fraud was signed,” but VSMPO is open to “fine-tun[ing]” this timeframe to minimize burden. ECF No. 42 at 47-48. Additionally, VSMPO asserts that all of the subjects of the subpoenas to Fed-NY and CHIPS are relevant and fall into one of the following categories: “(1) persons accused in the Criminal Proceedings ([Igor], Voevodin, and Lysenko); (2) companies directly involved in the fraud and their owners (TPV, VPR, Interlink Switzerland, Lysenko, Orlov, and Astashova); (3) entities part of the Interlink umbrella; (4) counterparties in Estonia that were

involved in the repackaging and transportation of the relabeled titanium; (5) two of VSMPO's former employees (Russian citizens) who were in charge of controlling the terms of the Contracts but inexplicably missed red flags; and (6) close relatives of [Igor] who are involved with the Interlink umbrella, mostly as nominal owners (Astashova, Joshua, Allan, and Olga Raykhelson a.k.a. Vinitsky)." Id. at 49.

As to the banks, Morgan Stanley, Chase, and JPMC each argue that the document requests are impermissibly overbroad and request that any materials required to be produced be subject to a protective order. See ECF No. 38 at 6-9; ECF No. 39 at 7-9. In response, VSMPO argues that the document requests and subjects of those request are relevant. ECF No. 42 at 43-44. It also explains that the banks may not even have certain records, which minimizes potential burdens. Id. at 44. VSMPO states that it is amenable to narrowing the timeframe of the records sought, will meet-and-confer with the banks to clarify and tailor the requests, and does not oppose the entry of a tailored protective order. Id. at 43-44.

Here, the document subpoenas are indisputably broad, but the Court is not persuaded that they are so overly broad and burdensome as to justify denying Section 1782 relief. See Mees, 793 F.3d at 302 (quoting Euromepa, 51 F.3d at 1101) (“[W]e have instructed that ‘it is far preferable for a district court to reconcile whatever misgivings it may have about the impact of its participation in the foreign litigation by issuing a closely tailored discovery order rather than by simply denying relief outright.’”); In re Martinez, No. 24-MC-306 (RA) (SN), 2024 WL 5402058, at \*8 (S.D.N.Y. Nov. 1, 2024), adopted by, 2025 WL 2505471 (explaining that “the Court should not deny the [Section 1782] application even though part of the discovery request is overbroad and should instead cure the defect by narrowing the subpoenas”). “In considering overbreadth, courts evaluating Section 1782 applications borrow from the standards of Federal

Rule of Civil Procedure 26.” In re Navios S. Am. Logistics Inc., No. 24-MC-575 (LJL), 2025 WL 369717, at \*10 (S.D.N.Y. Feb. 3, 2025). Rule 26 provides that discovery should be “proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.” Fed. R. Civ. P. 26. And although a Section 1782 applicant “must satisfy the more relaxed ‘minimally relevant’ standard, the Court may also consider the somewhat more robust Rule 26 standard.” In re Navios S. Am. Logistics Inc., 2025 WL 369717, at \*10 (citations omitted).

VSMPO asserts, and the Court agrees, that the proposed subjects of the sought-after discovery are relevant. See ECF No. 42 at 18-25. The Court is also satisfied that VSMPO will work with each of the Discovery Targets to narrow the timeframe (which, in any case, will likely be narrowed by institutional retention policies), types of documents, and subjects of discovery where necessary to ensure that the document requests are not unduly burdensome.

In sum, because all of the statutory and discretionary factors weigh in favor of VSMPO, I respectfully recommend that the Section 1782 application be granted, and VSMPO be permitted to issue the subpoenas to the Discovery Targets.<sup>11</sup> Once the subpoenas are served, VSMPO is directed to meet and confer with the Discovery Targets to discuss narrowing the scope of the requests. If the parties are unable to reach a resolution on their own, they are directed to submit a letter to the Court explaining the dispute and requesting a discovery conference. See In re Vale S.A., No. 20-MC-199 (JGK) (OTW), 2020 WL 4048669, at \*5 (S.D.N.Y. July 20, 2020) (granting Section 1782 application and explaining that the respondent “may still challenge

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<sup>11</sup> As discussed, see supra n.6, VSMPO is directed to serve the subpoena on JPMC.

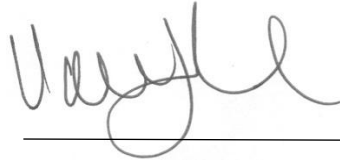
particular requests under Rule 26 *et seq.* of the Federal Rules of Civil Procedure and any local civil rules governing discovery”).

As a final matter, the Intervenors, Interlink US, and Joshua include in a footnote a request to receive the discovery produced to VSMPO, if the application is granted. ECF No. 23 at 35 n.27. VSMPO does not respond to this request. If the Intervenors, Interlink US, and Joshua still seek reciprocal discovery, they are directed to file a separate motion for reciprocal discovery by **June 9, 2026**, and VSMPO is directed to respond by **June 23, 2026**.

**CONCLUSION**

For the reasons set forth above, I respectfully recommend that the Section 1782 application be granted. I further recommend that the motion to intervene be granted.

DATED: New York, New York  
May 26, 2026



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VALERIE FIGUEREDO  
United States Magistrate Judge

**PROCEDURE FOR FILING OBJECTIONS TO THIS REPORT AND RECOMMENDATION**

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties have fourteen (14) days (including weekends and holidays) from service of this Report and Recommendation to file any objections. See also Fed. R. Civ. P. 6(a), 6(b), 6(d). A party may respond to any objections within 14 days after being served. Any objections and responses shall be filed with the Clerk of the Court. Any request for an extension of time to file objections or responses must be directed to the Honorable Vernon S. Broderick. If a party fails to file timely objections, that party will not be permitted to raise any objections to this Report and Recommendation on appeal. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; Fed. R. Civ. P. 6(a), 6(b), 6(d); Thomas v. Arn, 474 U.S. 140 (1985); Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, P.C., 596 F.3d 84, 92 (2d Cir. 2010).