

APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, FIRST DEPARTMENT

Dorilton Capital Management LLC et al. v. Stilus LLC et al.

2026 NY Slip Op 02875 · No. Index No. 652428/23; Appeal No. 6558; Case No. 2025-06684 · Decided May 7, 2026

SUMMARY

The Appellate Division, First Department affirmed an order directing defendants to submit a Letter of Request to obtain the deposition of a nonparty located in Jersey, United Kingdom, under the Hague Convention on the Taking of Evidence Abroad. The court held that the deposition testimony was sufficiently crucial, relevant, and unavailable through other means to justify international discovery.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, First Department
WRITING FOR THE COURT	Moulton, J.P.; Gesmer, J.; Higgitt, J.; Michael, J.; Chan, J.
JURISDICTION	New York Appellate Division, First Department
DECIDED	May 7, 2026
DOCKET	Index No. 652428/23; Appeal No. 6558; Case No. 2025-06684
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed from an order of Supreme Court, New York County, granting defendants' motion to obtain the deposition of nonparty Peter de Putron by directing defendants to submit a Letter of Request for issuance to the Royal Court in Jersey, United Kingdom.
STANDARD OF REVIEW	Abuse of discretion; the court reviewed whether Supreme Court providently exercised its discretion in determining that the requested testimony was necessary and that a Letter of Request was appropriate.
PRECEDENTIAL VALUE	Published appellate decision
PARTIES	Dorilton Capital Management LLC et al. v. Stilus LLC et al.

TOPICS

- discovery dispute
- civil procedure
- commercial litigation
- appellate procedure
- standard of review

PRACTICE AREAS

Civil procedure

International discovery

Commercial litigation

Appellate procedure

QUESTIONS PRESENTED

1. Whether Supreme Court properly directed defendants to seek de Putron's foreign deposition through a Letter of Request under the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters.
2. Whether the requested deposition testimony was sufficiently crucial, targeted, relevant, and unavailable through other means to justify international discovery.

HOLDINGS

1. When discovery is sought from a nonparty in a foreign jurisdiction that is a signatory to the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, application of the Convention is virtually compulsory; a domestic court may seek the discovery through a Letter of Request to the appropriate foreign jurisdiction.
2. Before authorizing international discovery under the Hague Convention, the court must conduct a case-specific balancing of sovereign and party interests; the movant must establish that the information sought is crucial to resolution of a key issue in the litigation.

KEY QUOTATIONS

"[W]hen discovery is sought from a nonparty in a foreign jurisdiction [that is a signatory to the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (23 UST 2555, TIAS No. 7444 [1970])], application of the . . . Convention . . . is virtually compulsory" ([*1])

FACTUAL BACKGROUND

Defendants sought the deposition of nonparty Peter de Putron, who was allegedly directly and intimately involved in managing the plaintiffs. The record indicated that de Putron may have been displeased with defendants' performance and possibly involved in terminating the contracts underlying the dispute. His testimony concerning the reasons for termination and his possible motives was material, and comparable evidence was not readily obtainable through other means.

PROCEDURAL HISTORY

Supreme Court, New York County, granted defendants' motion in part and directed defendants to submit a Letter of Request seeking to obtain de Putron's deposition through the Royal Court in Jersey. The Appellate Division, First Department, unanimously affirmed the order with costs.

DISPOSITION

affirmed

CASES CITED

- Dorilton Capital Mgt. LLC v. Stilus LLC, 242 A.D.3d 546, 547 (1st Dep't 2025)
- Société Nationale Industrielle Aérospatiale v. United States District Court, 482 U.S. 522, 543-44 (1987)
- Richbell Info. Servs., Inc. v. Jupiter Partners L.P., 32 A.D.3d 150, 155, 157 (1st Dep't 2006)
- Orlich v. Helm Bros., 160 A.D.2d 135, 143-144 (1st Dep't 1990)

OPINION

PER CURIAM.

Dorilton Capital Mgt. LLC v Stilus LLC - 2026 NY Slip Op 02875 skip to main content It appears you are using Adblock. Please disable Adblock to best experience our website. Law Reporting Bureau Thomas J.K. Smith, State Reporter Court Decisions Resources About Home All Court Decisions Decisions Dorilton Capital Mgt. LLC v Stilus LLC 2026 NY Slip Op 02875 May 7, 2026 Appellate Division, First Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431.

This decision is uncorrected and subject to revision before publication in the Official Reports. Dorilton Capital Management LLC et al., Plaintiffs-Appellants, v Stilus LLC et al., Defendants-Respondents. Decided and Entered: May 07, 2026 Index No. 652428/23 |Appeal No. 6558|Case No. 2025-06684| Before: Moulton, J.P., Gesmer, Higgitt, Michael, Chan, JJ. Mayer Brown LLP, New York (Rory K. Schneider of counsel), for appellants.

Friedland Law, New York (Olivia Browne of counsel), and Downs Law Group, P.A., Miami, FL (Jeremy Friedman of the bar of the State of Florida, admitted pro hac vice, of counsel), for respondents. [*1] Order, Supreme Court, New York County (Andrew Borrok, J.), entered on or about October 16, 2025, which, to the extent appealed from, granted defendants' motion to produce nonparty Peter de Putron for deposition to the extent of directing defendants to submit to the court a Letter of Request seeking to obtain de Putron's deposition to the Royal Court in Jersey, United Kingdom, to be signed and issued by the court, unanimously affirmed, with costs. "[W]hen discovery is sought from a nonparty in a foreign jurisdiction [that is a signatory to the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (23 UST 2555, TIAS No. 74444 [1970])], application of the...

Convention... is virtually compulsory" (Dorilton Capital Mgt. LLC v Stilus LLC, 242 AD3d 546, 547 [2025] [hereinafter Dorilton I] [internal quotation marks omitted]). Under the Convention, to which the United Kingdom is a signatory, the domestic court seeking discovery from a nonparty such as de Putron may submit a Letter of Request to the appropriate foreign jurisdiction (see 23 UST 2555, TIAS No. 74444).

Thus, in Dorilton I, we held that the court lacked the power to direct discovery of de Putron's electronic devices without complying with the Hague Convention (see Dorilton I, 242 AD3d at

547). Nevertheless, a case-specific balancing of sovereign and party interests is required before authorizing international discovery pursuant to the Hague Convention (see Soci  t   Nationale Industrielle A  rospatiale v United States Dist.

Ct., 482 US 522, 543-44 [1987]; Richbell Info. Servs., Inc. v Jupiter Partners L.P., 32 AD3d 150, 155 [1st Dept 2006]; Orlich v Helm Bros., 160 AD2d 135, 143-144 [1st Dept 1990]). To compel the production of discovery from international entities, the movant must establish that the information sought is "crucial to the resolution of a key issue in the litigation" (Richbell at 157). [*2] Here, contrary to plaintiff's contention, the court providently exercised its discretion in concluding that the requested deposition testimony was necessary to address a crucial issue in this case, and that a Letter of Request was therefore appropriate.

The record contains substantial evidence that de Putron was directly and intimately involved in the management of plaintiffs, appeared to have been displeased with defendants' performance in terms of the fan base they were engaging, and possibly was involved in the termination of plaintiffs' contracts with defendants that forms the basis of this dispute.

The record, therefore, establishes that his testimony is directly relevant and material to the issue of why the contracts were terminated. The record also establishes that evidence of de Putron's motives, if any, for seeking to have plaintiffs terminate the contracts has not been readily obtainable through other means. Despite plaintiffs' arguments to the contrary, the information sought in defendants' proposed Letter of Request is sufficiently targeted to key issues in this litigation that are within his knowledge and that only he may be in a position to answer.

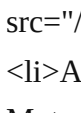
We have considered plaintiffs' remaining arguments and find them to be unavailing. THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: May 7, 2026 Court Decisions All Court Decisions Official Reports Service Bound Volumes Decision Search Resources RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index About About the Law Reporting Bureau About our Operations Contact Us Twitter Quick Contact Info 17 Lodge Street Albany, NY 12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.

PER CURIAM.

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May 7, 2026

Appellate Division, First Department

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Dorilton Capital Management LLC et al., Plaintiffs-Appellants,

v

Stilus LLC et al., Defendants-Respondents.

Decided and Entered: May 07, 2026

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Before: Moulton, J.P., Gesmer, Higgitt, Michael, Chan, JJ.

Mayer Brown LLP, New York (Rory K. Schneider of counsel), for appellants.

Friedland Law, New York (Olivia Browne of counsel), and Downs Law Group, P.A., Miami, FL (Jeremy Friedman of the bar of the State of Florida, admitted pro hac vice, of counsel), for respondents.

*1

Order, Supreme Court, New York County (Andrew Borrok, J.), entered on or about October 16, 2025, which, to the extent appealed from, granted defendants' motion to produce nonparty Peter de Putron for deposition to the extent of directing defendants to submit to the court a Letter of Request seeking to obtain de Putron's deposition to the Royal Court in Jersey, United Kingdom, to be signed and issued by the court, unanimously affirmed, with costs.

"[W]hen discovery is sought from a nonparty in a foreign jurisdiction [that is a signatory to the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (23 UST 2555, TIAS No. 74444 [1970])], application of the...

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Thus, in *Dorilton I*, we held that the court lacked the power to direct discovery of de Putron's electronic devices without complying with the Hague Convention (*see* *Dorilton I*, 242 AD3d at 547).

Nevertheless, a case-specific balancing of sovereign and party interests is required before authorizing international discovery pursuant to the Hague Convention (*see Soci t  Nationale Industrielle A rospatiale v United States Dist.*

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*2

Here, contrary to plaintiff's contention, the

court providently exercised its discretion in concluding that the requested deposition testimony was necessary to address a crucial issue in this case, and that a Letter of Request was therefore appropriate.

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The record, therefore, establishes that his testimony is directly relevant and material to the issue of why the contracts were terminated. The record also establishes that evidence of de Putron's motives, if any, for seeking to have plaintiffs terminate the contracts has not been readily obtainable through other means. Despite plaintiffs' arguments to the contrary, the information sought in defendants' proposed Letter of Request is sufficiently targeted to key issues in this litigation that are within his knowledge and that only he may be in a position to answer.

We have considered plaintiffs' remaining arguments and find them to be unavailing.

THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: May 7, 2026

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