

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)

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