

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION**

CIVIL ACTION NO. 3:16-CV-00024-JHM

PHOENIX PROCESS EQUIPMENT CO.

PLAINTIFF

V.

**CAPITAL EQUIPMENT & TRADING
CORPORATION, et al**

DEFENDANTS


MEMORANDUM OPINION & ORDER

This matter is before the Court on a motion for authorization of substituted service of process on Defendant Alexander Chudnovets by Plaintiff Phoenix Process Equipment Co. (DN 80.) In support of this motion, Phoenix argues that it is impossible to serve process upon Chudnovets, a Russian citizen, in a manner that comports with the requirements of the Hague Service Convention, as the Russian Federation does not fulfill requests for service of process sent to its Central Authority by the United States. Therefore, Phoenix asks this Court to authorize substituted service upon Chudnovets' Kentucky-based attorney via Fed. R. Civ. P. 4(f)(3). Chudnovets has responded and objects to the motion. (DN 82.)

In a prior order, this Court authorized similar substituted service upon Defendant Coralina Engineering, LLC. (DN 75, at 13–20.) The Court agreed with Phoenix that any attempt to serve Coralina, a Russian limited liability company, in accordance with the requirements of the Hague Service Convention would be futile, and that service upon Coralina's Kentucky-based attorney would neither implicate the Hague Service Convention nor run afoul of the Federal Rules of Civil Procedure or any constitutional requirements. (Id.) The Court also noted that Phoenix may choose to seek authorization for substituted service upon Chudnovets as it had done with Coralina. (Id. at 6 n. 1.)

The reasoning behind the Court's prior order permitting substituted service on Coralina is equally applicable to the present motion seeking substituted service on Chudnovets. Therefore, for the reasons stated in the Court's prior order, the Court **GRANTS** Phoenix's motion for authorization of substituted service of process on Alexander Chudnovets. Phoenix is permitted to serve Chudnovets' Kentucky-based attorney, Byron E. Leet at Wyatt, Tarrant & Combs, LLP, by serving him at his business address and email address on file with this Court.

So ordered.


Joseph H. McKinley, Jr., Chief Judge
United States District Court

July 25, 2017

cc: Counsel of Record