

United States District Court
 District of Massachusetts

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|------------------|---|------------------|
| TIGRAN TAMAZYAN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. |
| |) | 15-10416-NMG |
| EUGENE KNASKY, |) | |
| |) | |
| Defendant. |) | |


ORDER

GORTON, J.

The Court will not require plaintiff to go through the futile exercise of attempting to serve process on defendant in Russia in accordance with the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents, as called for by Fed. R. Civ. P. 4(f)(1). Nuance Commc'ns, Inc. v. Abby Software House, 626 F.3d 1222, 1237-38 (Fed. Cir. 2010) (discussing the Russian Federation's long-standing refusal to comply with relevant provisions of the Hague Service Convention despite being a signatory); Arista Records LLC v. Media Servs. LLC, 2008 WL 563470, at *2 (S.D.N.Y. Feb. 25, 2008) (same). Therefore, plaintiff will instead be permitted to attempt to effectuate service of process on defendant in accordance with Russian Federation law for service in an action within its own courts of general jurisdiction. Fed. R. Civ. P. 4(f)(2)(A).

For the time being, the Court will not, however, permit plaintiff to utilize facsimile or email to effectuate service on defendant. See Fed. R. Civ. P. 4(f)(3). Plaintiff must first diligently attempt to serve defendant in accordance with Russian Federation law before the Court will entertain permitting alternative methods of service of process. Accordingly, plaintiff's motion to authorize alternate methods of service of process (Docket No. 4) is **ALLOWED, in part,** and **DENIED, in part,** **without prejudice** as described herein.

So ordered.



Nathaniel M. Gorton
United States District Judge

Dated April 3, 2015