UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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IN RE PETITION OF:

CAROLE FERSTENBERG SAUSER, pursuant to 28 U.S.C.
§ 1782 to issue subpoenas upon MORGAN STANLEY & CO.
LLC, MORGAN STANLEY INVESTMENT MANAGEMENT,
INC., TOWERBROOK CAPITAL PARTNERS, L.P., and
TOWERBROOK INVESTOR II EXECUTIVE FUND L.P. for
production of documents for use in a foreign action.

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18-MC-242 (JMF)

MEMORANDUM OPINION
AND ORDER

JESSE M. FURMAN, United States District Judge:

On June 6, 2018, Applicant Carole Ferstenberg Sauser filed an Application Pursuant to
28 U.S.C. § 1782 for an Order Compelling Discovery for Use in a Foreign Proceeding. (Docket
No. 1). The Applicant seeks discovery from two banks in this judicial district that are relevant to
"issues in [her] divorce action pending in Switzerland including child support, spousal
maintenance and marital assets." (Docket No. 2, at 2-3). Substantially for the reasons stated in
Applicant's memorandum of law, the Application is GRANTED. The only opposition to the
Application — if it can properly be called that — comes from third-party Ronald Sauser (who is
the other party to the divorce action in Switzerland), who primarily argues that he has already
disclosed the existence of these investments to the Applicant. (Docket No. 8). Ronald Sauser,
however, does not establish that the request for discovery is unduly intrusive or burdensome
enough to warrant denial. The Court also notes that the targets of the subpoenas themselves —
various financial institutions — have not opposed the Application. For those reasons, and,
considering the factors set forth in Intel Corp. v. Advanced Micro Devices, Inc., 542 U.S. 241,
264-65 (2004), the Court concludes that the discovery sought is warranted here.

The Clerk of Court is directed to terminate Docket No. 1 and to close this case.

SO ORDERED.

Dated: July 2, 2018
       New York, New York

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JESSE M. FURMAN
United States District Judge