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Putin References Banned At Russian's Hack-And-Trade Trial

By [Brian Dowling](#) · [Listen to article](#)

Law360 (January 12, 2023, 3:55 PM EST) -- Jurors in a case alleging a Kremlin-linked Russian national used corporations' stolen financial information to rake in \$82.5 million through insider trading won't hear the name of President Vladimir Putin during the trial, a Boston federal judge said Thursday.

Vladislav Klyushin, who was handed over to the U.S. by Swiss authorities in late 2021, received Russia's Medal of Honor from Putin a year and a half before being indicted in the hack-and-trade case, prosecutors have said. A technology entrepreneur and lawyer, Klyushin's firm M-13 is also listed as having performed work for the Russian Federation.

U.S. District Judge Patti B. Saris told prosecutors and Klyushin's defense team during a pretrial hearing that the Russian president's name shouldn't be uttered at trial.

"We will never mention Putin, Mr. Putin, or anything having to do with what's going on right now," the judge said in an apparent reference to Russia's war in Ukraine.

The judge said anti-Russian sentiment could cause problems with seating a jury and indicated she'd request a larger-than-usual pool of potential jurors

for selection Jan. 30.

The court also floated the idea of using a written questionnaire to ask potential jurors if they believed they could be fair and impartial given that the defendant is a Russian national.

Assistant U.S. Attorney Stephen Frank said a questionnaire focusing solely on Klyushin's nationality could "make it a focal point for the jury above everything else."

"We have no qualms with incorporating it into questions you normally ask jurors," Frank added.

Klyushin's attorney Marc Fernich countered that the issue of Klyushin's nationality should be directly put to potential jurors.

"We are in the middle of a massive war, and it strains credulity" that jurors wouldn't be influenced by his Russian connections, Fernich said. "It is vital to his right to a fair trial."

The trial is expected to last two weeks of half-day sessions with much of the evidence consisting of documents and expert reports about Klyushin's and others' stock trades, government attorneys said.

Klyushin has challenged the government's expected use at trial of an expert analysis that concluded the probability of the defendant's trading being explained as mere chance is "one in a trillion." A hearing on the expert is scheduled for Jan. 18.

Prosecutors have claimed that one of Klyushin's associates, Ivan Ermakov, broke into the servers of two U.S.-based vendors that companies use to make financial filings with the [U.S. Securities and Exchange Commission](#).

Klyushin and four others then allegedly used the corporations' insider information to trade ahead of whatever way they predicted the companies' stock would move after the rest of the market digested the financial results.

Ermakov, a former Russian military intelligence officer, is also wanted in the U.S. concerning intrusions and disinformation efforts targeting the 2016 U.S. presidential election and intrusions related to anti-doping agencies.

The government is represented by Seth Kosto and Stephen E. Frank of the [U.S. Attorney's Office for the District of Massachusetts](#).

Klyushin is represented by Maksim Nemtsev of the Law Offices of [Martin G. Weinberg PC](#) and Marc Fernich.

The case is U.S. v. Klyushin et al., case number [1:21-cr-10104](#), in the [U.S. District Court for the District of Massachusetts](#).

--Editing by Janice Carter Brown.

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Case Information

Case Title

[USA v. Klyushin et al](#)

Case Number

[1:21-cr-10104](#)

Court

Massachusetts

Nature of Suit

Judge

[Patti B. Saris](#)

Date Filed

April 06, 2021

Law Firms

- [Martin G. Weinberg Attorney at Law](#)

Government Agencies

- [U.S. Attorney's Office for the District of Massachusetts](#)
- [U.S. District Court for the District of Massachusetts](#)
- [U.S. Securities and Exchange Commission](#)

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