



Frank Catalina
Counsel

PENN 1
1 Pennsylvania Plaza
New York, NY 10119
212.597.2848
fcatalina@rksllp.com

July 1, 2025

Via ECF

The Honorable John P. Mastando, U.S.B.J.
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, New York 10004

Re: *In re Eletson Holdings, Inc., et al.*, Case No. 23-10322 (JPM)

Dear Judge Mastando:

This office represents Elafonissos Shipping Corporation (“Elafonissos”) in connection with its pending Motion For Relief From the Court’s Orders of January 29, 2025 and March 13, 2025 Pursuant to Federal Rule of Civil Procedure 60(b)(4) and Federal Rule of Bankruptcy Procedure 9024 (the “9024 Motion”) (Dkt. No. 1569). We write in response to the Court’s Order (Dkt. No. 1701) directing the parties to make additional submissions “addressing the impact of the United States Supreme Court decision in *Fuld, et al. v. Palestine Liberation Organization, et al.*, 606 U.S. ___, 2025 WL 1716140 (June 20, 2025) on” the 9024 Motion. We recognize the Court’s Order directed submissions to be made by June 27, 2025 and respectfully request the Court consider this brief letter submission despite its filing after that date as the 9024 Motion still is undecided.

We agree with Reorganized Eletson Holdings, Inc. (“Reorganized Holdings”) that “the Court did not purport to alter the traditional minimum contacts standard applicable under the Fourteenth Amendment.” (Dkt. No. 1708.) Because that standard applies to the 9024 Motion, *Fuld* has no impact on the motion.

The Supreme Court’s decision in *Fuld* noted that its holding was limited to a small subset of cases, of which this is not one—*i.e.*, those in which the personal jurisdictional analysis is performed under the Fifth Amendment rather than the Fourteenth Amendment. As *Fuld* explained, “[a]ny difference between the Fifth and Fourteenth Amendments is therefore implicated in only a subset of federal cases, such as those in which personal jurisdiction is—as in the [Promoting Security and Justice for Victims of Terrorism Act (the “PSJVTa”)]—‘authorized by federal statute.’” 2025 WL 1716140, at *6.

This is not such a case, as the Bankruptcy Code, unlike the PSJVTa, does not include a specific provision providing for personal jurisdiction over certain classes of foreign parties. In particular, the Fifth Amendment due process analysis applied in *Fuld* because personal jurisdiction was



2310322250701000000000001

July 1, 2025

Page 2

authorized by the PSJVT, under which the plaintiffs in that case sued, which expressly provides for for personal jurisdiction over foreign entities who engaged in certain activities and who maintained offices or facilities in the U.S. *See* 2025 WL 1716140, at *4-5. There is no similar applicable provision of federal law providing for personal jurisdiction as to Elafonissos, so this matter does not fall within the “subset of federal cases” to which a *Fuld*’s holding applies. *See id.* at *6.

Respectfully submitted,



Frank T.M. Catalina