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May 19, 2026

VIA ECF
The Honorable John P. Mastando III
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, NY 10004

Holdings' request for leave to file the Contempt and Arrest Motion is granted. Holdings may file the Contempt and Arrest Motion by May 22, 2026. Any response shall be filed by June 1, 2026. Any reply shall be filed by June 8, 2026. The Court will hold a hearing on the Arrest and Contempt Motion on June 10, 2026 at 10:00AM.

IT IS SO ORDERED.

May 20, 2026
New York, New York

/s/ John P. Mastando III
HONORABLE JOHN P. MASTANDO III
UNITED STATES BANKRUPTCY JUDGE

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

Dear Judge Mastando,

Pursuant to Your Honor's Chambers' Rules and Local Bankruptcy Rule 7037-1, Eletson Holdings Inc. ("Holdings") respectfully requests a conference in anticipation of filing a motion for a finding of civil contempt and application for a bench warrant for civil arrest and incarceration (the "Contempt and Arrest Motion") as to Vassilis Kertsikoff ("Kertsikoff") based upon his repeated failure to appear for his properly noticed post-judgment deposition and blatant disregard of this Court's orders.

Kertsikoff's Serial Noncompliance

On December 30, 2025, this Court entered a judgment in favor of Holdings and against Kertsikoff (Dkt. No. 1933) (the "Judgment"). Following entry of the Judgment, Holdings served various forms of post-judgment discovery on Kertsikoff (and others), including a notice of Kertsikoff's deposition served on January 9, 2026 (Dkt. No. 1982-1) (the "January Notice"), which noticed Kertsikoff's deposition for January 30, 2026. Holdings served the January Notice on Kertsikoff and provided notice to his known counsel on other matters, Solomon Shinerock of Morrison Cohen LLP ("Attorney Shinerock"). Kertsikoff failed to appear for his deposition.

On April 6, 2026, after obtaining leave of Court, Holdings filed a motion to compel Kertsikoff's deposition (Dkt. Nos. 1981–1983) (the "Motion"). Holdings notified Kertsikoff that his deadline to oppose the Motion was April 23, 2026, and that a hearing on the Motion was set for April 30, 2026. Dkt. No. 1983. Kertsikoff failed to oppose the Motion by the deadline, and so on April 27, 2026, Holdings filed a Certificate of No Objection. Dkt. No. 1998. Kertsikoff also failed to attend the hearing, though Attorney Shinerock was present in the courtroom.

On May 4, 2026, this Court granted the Motion, ordering Kertsikoff to appear for post-judgment deposition at the New York offices of Goulston & Storrs P.C. "within fourteen (14) days of the entry of th[e] order" (Dkt. No. 2006) (the "Order"). On May 4, 2026, pursuant to the Order, Holdings served a new deposition notice on Kertsikoff (the "May Notice") along with a copy of the Order. Holdings properly served the May Notice on Kertsikoff by both first-class mail and email and copied Attorney Shinerock. Holdings noticed the deposition for May 18, 2026. Once again, Kertsikoff failed to appear for his deposition.

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On May 19, 2026, Holdings emailed Kertsikoff, copying Attorney Shinerock, to schedule a meet and confer. In the email, Holdings provided that, if it did not hear back within 24 hours, it would seek to file the Contempt and Arrest Motion. Kertsikoff has not responded.[1]

Basis for the Contempt and Arrest Motion

Fed. R. Civ. P. 37 (made applicable by Fed. R. Bankr. P. 7037) permits courts to treat as contempt a party's failure to obey an order compelling discovery, including an order directing depositions. *See* FRCP 37(b)(1), (2)(A)(vii). "A court may hold a party in contempt if (1) the order the party failed to comply with is clear and unambiguous, (2) the proof of noncompliance is clear and convincing, and (3) the party has not diligently attempted to comply in a reasonable manner." *Avalon Holdings Corp. v. Gentile*, 2024 WL 4252058, at *1 (S.D.N.Y. Sept. 20, 2024) (cleaned up). As outlined above, and as will be demonstrated in further detail in the Contempt and Arrest Motion, these grounds plainly are satisfied here. Kertsikoff has not responded to a single discovery request sent to or served on him since the outset of the instant post-judgment discovery efforts nor has he responded to the Order. Moreover, "[a]rrest may be an appropriate sanction for civil contempt, so long as it is designed to compel the party to comply with the court's orders, rather than to punish." *Id.* at *2 (finding contempt for failure to respond to post-judgment subpoenas or oppose motion to compel regarding same; ordering arrest and incarceration until party responded to post-judgment subpoenas); *Al-Bahar v. Lockhart*, Case No. 1:24-CV-00682 (S.D.N.Y. Nov. 6, 2025), at Dkt. Nos. 61–62 (finding contempt for failure to obey court order compelling post-judgment deposition and respond to written discovery requests and ordering civil arrest until party purged contempt). Here, Holdings intends to seek confinement only until such time as he complies with the Order and appears for a deposition. Your Honor previously found that the arrest of the Individual Judgment Debtors[2] was warranted in this case for the same failures to comply with post-judgment depositions. *In re Eletson Holdings Inc.*, No. 23-10322, Dkt. No. 1971, 2026 WL 699539, at *4 (Bankr. S.D.N.Y. Mar. 12, 2026) (Mastando, J.). Accordingly, Holdings respectfully requests leave to file the Contempt and Arrest Motion pursuant to Fed. R. Civ. P. 37 and 69 (made applicable by Fed. R. Bankr. P. 7037 and 7069) and serve the Contempt and Arrest Motion on Kertsikoff by first-class mail, priority mail, and email.

Respectfully submitted,
/s/ Nathaniel R.B. Koslof
Nathaniel R.B. Koslof

cc: All Counsel (via ECF);
Vassilis Kertsikoff (via email, first-class mail, and priority mail);
Solomon Shinerock, Morrison Cohen LLP (via email)

[1] Upon Holdings' *ex parte* application, the Court entered an Order to Show Cause directing Kertsikoff to show cause as to why a joint account in his name at National Financial Services LLC should not be turned over to Holdings in satisfaction, in full or in part, of the Judgment and the Supplemental Judgment entered May 11, 2026. Dkt. Nos. 2009-10. At present, the Court has not ruled on this request. Holdings does not know whether Your Honor will grant the request, nor whether the account balance is sufficient to satisfy, in full, all amounts due. Accordingly, Holdings intends to proceed with all avenues of enforcement until the Judgement and Supplemental Judgment are paid in full.

[2] The Individual Judgment Debtors, as defined in the Court's Memorandum Opinion and Order entered on March 12, 2026, Dkt. No. 1971, are specific individuals not including Kertsikoff whom the Court entered a judgment against in favor of Holdings on September 22, 2025, Dkt. No. 1836.