Docket #2132 Date Filed: 10/07/2026

The Clerk of Court is respectfully directed to close the case.
Date: October 7, 2026

SO ORDERED.

LEWIS J. LIMAN
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	:	Chapter 11
ELETSON HOLDINGS INC., et al.,	:	Case No.: 24-cv-08672-LJL [rel. 23-cv-07331-LJL; 24-cv-05096-LJL]
Debtors.[1]	:	

STIPULATION AND AGREEMENT TO DISMISS APPEAL UNDER RULE 42(A) OF THE FEDERAL RULES OF APPELLATE PROCEDURE

WHEREAS Appellant Eletson Holdings Inc. ("Appellant"), and certain of its affiliated entities (collectively, the "Debtors") are debtors and debtors-in-possession in the case *In re Eletson Holdings Inc., et al.*, Case No. 23-10322 (JPM), pending in the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court").

WHEREAS on October 25, 2024, the Bankruptcy Court issued a Memorandum Opinion and Order (the "Confirmation Ruling") confirming the *Revised Joint Chapter 11 Plan of Reorganization of Eletson Holdings Inc. and its Affiliated Debtors* [Bankr. Dkt. No. 1132] (the "Plan"), which had been proposed by Appellees in the above-captioned appeal and had been supported by the Official Committee of Unsecured Creditors of Eletson Holdings Inc., et al. (the "Committee").[2]

[1] The Debtors in these chapter 11 cases are: Eletson Holdings Inc., Eletson Finance (US) LLC, and Agathonissos Finance LLC.

[2] The Petitioning Creditors in these chapter 11 cases are Pach Shemen LLC, VR Global Partners, L.P., Alpine Partners (BVI), L.P., Gene B. Goldstein, In His Capacity as Trustee of the Gene B. Goldstein and Francine T. Goldstein Family Trust, Mark Millet, In His Capacity as Trustee of the Mark E. Millet Living Trust, Mark Millet, In His Capacity as Trustee of the Millet 2016 Irrevocable Trust, Robert Latter, Tracy Lee Gustafson, Jason Chamness, and Ron Pike ("Appellees").

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WHEREAS on November 4, 2024, the Bankruptcy Court entered the *Findings of Fact, Conclusions of Law, and Order Confirming Petitioning Creditors' Amended Joint Chapter 11 Plan of Eletson Holdings Inc. and its Affiliated Debtors* [Bankr. Dkt. No. 1223] (the "Confirmation Order").

WHEREAS on November 7, 2024, the Debtors filed the *Debtors' Notice of Appeal of Confirmation Opinion*. [Bankr. Dkt. No. 1233].

WHEREAS on November 19, 2024 (the "Effective Date"), the Plan became effective in accordance with the terms set forth in the Plan (*see Notice of (I) the Occurrence of the Effective Date and (II) Final Deadlines for Filing Certain Claims* [Bankr. Dkt. No. 1258]).

WHEREAS on the Effective Date, in accordance with Section 12.11 of the Plan and Paragraph 8 of the Confirmation Order, Eletson Finance (US) LLC and Agathonissos Finance LLC were deemed dissolved without further action under applicable law, regulation, order, or rule, such that the only remaining Appellant in the above-captioned appeal is Eletson Holdings Inc.

WHEREAS under Section 10.6 of the Plan, upon the Effective Date, "[a]ny Professionals retained by the Debtors will not be considered employed by Reorganized Holdings absent execution of a new engagement letter for services rendered after the Effective Date."

WHEREAS on November 22, 2024, the law firm of Goulston & Storrs PC filed a Notice of Appearance on behalf of Appellant. [Dkt. No. 7].

WHEREAS, on November 22, 2024, the Committee filed a notice of appearance. [Dkt. Nos. 4, 5 and 6].

WHEREAS on November 25, 2024, Appellant, Appellees and the Committee filed that certain *Stipulation and Agreement to Dismiss Appeal Under Rule 8023 of The Federal Rules of Bankruptcy Procedure* [Dkt. No. 9] (the "Stipulation of Dismissal").

WHEREAS on December 30, 2024, the Court entered an order endorsing the Stipulation of Dismissal [Dkt. No. 20] (the "Dismissal Order"), dismissing this appeal with prejudice.

WHEREAS other than this appeal (which this Court ordered to be dismissed with prejudice), no other appeal of the Confirmation Order is outstanding and the time to file an appeal of that order has lapsed.

WHEREAS on January 16, 2025, two attorneys from Rimon, P.C. filed Notices of Appearance purportedly on behalf of Appellant [Dkt Nos. 22 and 23]; however, Appellant has not retained Rimon, P.C. and has not authorized these attorneys to appear on its behalf (in this Appeal or otherwise).

WHEREAS on January 16, 2025, Rimon, P.C. and Reed Smith LLP together filed a Notice of Appeal seeking to appeal the Dismissal Order (the "Notice of Appeal") [Dkt. No. 24] purportedly on behalf of Appellant (in the case of Rimon, P.C.) and "Appellants" (in the case of Reed Smith LLP); however, Appellant has not sought to appeal the Dismissal Order and has not authorized either firm to file the Notice of Appeal.

WHEREAS contemporaneously herewith, Appellant and Appellees are jointly moving for an order (I) striking the unauthorized notices of appearance [Dkt. Nos. 22 and 23] and Notice of Appeal [Dkt. No. 24], (II) dismissing the purported appeal of the Dismissal Order (which was not authorized by Appellant), and/or (III) displacing the purported attorneys (who are not authorized to represent Appellant).

WHEREAS the purported appeal has not been docketed with the United States Court of Appeals for the Second Circuit.

WHEREAS all parties to the purported appeal seek to dismiss the purported appeal and have all signed this stipulation.

IT IS HEREBY AGREED AND STIPULATED by and between Appellant, Appellees, and the Committee that, pursuant to Rule 42(a) of the Federal Rules of Appellate Procedure, the purported appeal is voluntarily dismissed with prejudice. Appellant shall bear the costs, expenses and fees of the Committee (subject to the Bankruptcy Court application and approval process, to the extent required), and all other parties shall bear their own costs.

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Dated: January 20, 2025
New York, New York

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