

UNITED STATES DISTRICT
 COURT SOUTHERN DISTRICT
 OF NEW YORK

USDC SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DOC #: _____
 DATE FILED: _____

ELETSON HOLDINGS, INC. and ELETSON
 CORPORATION,

Petitioners,

-v-

LEVONA HOLDINGS LTD.,

Respondent.

X
 :
 :
 :
 :
 :
 :
 :
 :
 :
 X

10/10/2023

23-cv-7331 (LJL)

MEMORANDUM AND
ORDER

LEWIS J. LIMAN, United States District
 Judge:

Respondent moves, by letter brief, for an order “effectuating the referral of this proceeding [to enforce an arbitration award] to the bankruptcy court of this District.” Dkt. No. 34, at 1. The motion is curious. Respondent is not the debtor in the bankruptcy proceeding it references, *In re Eletson Holdings Inc.*, 23-bk-10322 (Bankr. S.D.N.Y. 2023). Respondent also has not asserted a claim as a creditor in the bankruptcy proceeding. Dkt. No. 33, at 1-2. Respondent does not contend that this is a core proceeding as to which the bankruptcy court has the power to enter a final judgment. Respondent invokes no authority for the Court, an Article III tribunal, to refer this matter to the bankruptcy court which does not have Article III powers. The motion is denied.

Respondent admits that this is a petition to confirm an arbitration award governed by the Convention on the Enforcement and Recognition of Foreign Arbitral Awards (the “New York Convention”), 9 U.S.C. § 201 *et seq.*, and the Federal Arbitration Act, 9 U.S.C. § 1 *et seq.* Dkt. No. 29 ¶ 7; *see also id.* ¶ 4 (denying that the Court has jurisdiction only on the basis that Petitioners lack standing). As such, this Court has original jurisdiction over the action. 9 U.S.C. § 203. This Court thus is the proper forum to decide whether to confirm or vacate the award. *See Fotochrome, Inc. v. Copal Co.*, 517 F.2d 512, 517 (2d Cir. 1975); *see also Europcar Italia, S.p.A. v. Maiellano Tours, Inc.*, 156 F.3d 310, 313 (2d Cir. 1998) (explaining that district courts have been given original jurisdiction over actions or proceedings falling under the New York Convention according to 9 U.S.C. § 203, and any party to a foreign arbitration may seek confirmation in a district court of any arbitral award within three years after the award is made according to 9 U.S.C. § 207).¹

SO ORDERED.

Dated: October 10, 2023

New York, New York



LEWIS J. LIMAN
United States District Judge

¹ Respondent’s Statement of Relatedness also is denied. Dkt. No. 32.