



November 7, 2025

The Honorable Jeannette A. Vargas
United States District Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

**Re: *In re JJ Arch LLC*, Case #24-08649 (JAV) (S.D.N.Y. Nov. 14, 2024),
appeal from Case #24-10381 (JPM) (Bankr. S.D.N.Y. Mar. 7, 2024)
Response to Letter of AREH’s Counsel of Record (ECF Dkt. #57)**

Dear Judge Vargas:

On behalf of Appellant JJ Arch LLC (“JJ Arch” and “Appellant”), this letter is respectfully submitted in the interest of briefly responding on the record to the recent letter of counsel of record for Appellee Arch Real Estate Holdings LLC (“AREH”). ECF Dkt. #57.

Appellee AREH mischaracterizes Appellant’s letter by suggesting that “this Court is not equipped” to take judicial notice of the substance of, or its lack of response to, the Federal Rule of Bankruptcy Procedure 8008 motion (ECF Dkt. #57 at 2), or of newly disclosed evidence filed with the Bankruptcy Court post-appellate briefing (ECF Dkt. #56, Attorney Decl. Exs. A-B).

The Bankruptcy Rule 8008 motion, furthermore, asserts that AREH lacks standing as a nominal party with no underlying claims or defenses. ECF Dkt. #56 at 2 n.2. The contention that the District Court lacks subject matter jurisdiction “to consider its own subject matter jurisdiction is nonsensical.” *ANZ Sales, Inc. v. Bank of Baroda (In re Indu Craft, Inc.)*, 630 Fed. Appx. 27, 29 (2d Cir. Nov. 10, 2015); *see also id.* (“It is proper ... for a district court to dismiss an action for lack of subject matter jurisdiction without providing notice and an opportunity to be heard where ‘it is unmistakably clear that the court lacks jurisdiction, or that the [appeal] lacks merit or is otherwise defective.’” (quoting *Mojias v. Johnson*, 351 F.3d 606, 610-11 (2d Cir. 2003))).

Furthermore, the lack of specificity of a return date in the Bankruptcy Rule 8008 motion does not divest the Bankruptcy Court of its discretion and authority, including to “issue any order, process, or judgment that is necessary or appropriate” under 11 U.S.C. § 105(a). In the

alternative to a substantive indicative ruling, such procedural relief may include the ordering of a further briefing schedule or hearing, or other such relief, as the Court may find is warranted.

It bears noting, finally, that Appellant, through undersigned counsel, has raised detailed allegations of professional misconduct since September 30, 2025 – first in the Supreme Court,¹ followed by the Second Circuit,² as well as in the Bankruptcy Court,³ and this Court by the instant request for judicial notice of that filing.⁴ These filings were made with caution in view of their implications. 35 Oak Holdings Ltd., acting as the authorized representative of AREH and 608941 NJ Inc., has not contested these factual allegations in any proceeding.

Respectfully submitted,



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cc: All parties entitled to notice via ECF

¹ *Simpson v. Chassen*, Index #158055/2023 (Sup. Ct. N.Y. County, Comm. Div. Aug. 15, 2023), NYSCEF Dkt. #[1859](#), [1900](#), [1901](#), [1902](#), [1903](#), [1904](#).

² *Simpson v. Chassen*, 25-2388 (2d Cir. Sept. 30, 2025).

³ Bankr. Pro. Case #24-10381, ECF Dkt. #237, Debtor Rule 8008 Mot.; *id.* #239, Debtor Notice of No Opp.

⁴ ECF Dkt. #56.