

Glencore Ltd. v Kamca Trading S.A.

2026 NY Slip Op 30867(U)

March 5, 2026

Supreme Court, New York County

Docket Number: Index No. 651244/2025

Judge: Andrea Masley

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 48

-----X

GLENCORE LTD.,

Plaintiff,

- v -

KAMCA TRADING S.A., KAMCA OIL & BUNKERS CORP.,
and KAMCA HOLDING PANAMA S.A.,

Defendants.

INDEX NO. 651244/2025

MOTION DATE _____

MOTION SEQ. NO. 016 017

**DECISION + ORDER ON
MOTION**

-----X

HON. ANDREA MASLEY:

The following e-filed documents, listed by NYSCEF document number (Motion 016) 387, 388, 389, 390, 404, 405, 406, 407

were read on this motion to/for HEARING.

The following e-filed documents, listed by NYSCEF document number (Motion 017) 391, 392, 393, 394, 408, 409

were read on this motion to/for HEARING.

In motions sequence 016 and 017, filed February 6, 2026, the alleged contemnors Freddy Kahn Lerner and Danny Kahn Lerner (together the Kahns) move by notice of motion to request a Spanish language interpreter and for permission to appear virtually at the March 6, 2026 contempt hearing on plaintiff's (Glencore) motions 009¹ and 011² to hold them in contempt. (NYSCEF Doc. No. [NYSCEF] 207, Glencore's OSC for contempt; NYSCEF 249, Glencore's OSC for Contempt.) The return date was Friday February 27, 2026.

¹ In motion 009, Glencore seeks an order of contempt against Juan David Marulanda Cuartas, Gustavo Jesus Garcia-Montes, Gustavo J. Garcia-Montes P.A., and CI Kamca Energy LLC.

² In motion 011, Glencore seeks an order of civil and criminal contempt against Danny Kahn Lerner and Freddy Kahn Lerner and Juan David Marulanda Cuartas for violation of this court's April 15, 2025 preliminary injunction. (NYSCEF 87.)

In this action,³ Glencore seeks to stop Kamca from improperly pursuing claims against it in Panama, notwithstanding this 2025 action is pending, and that “Kamca is bound by mandatory forum selection clauses that require such claims to be brought in New York.” (NYSCEF 1, Complaint ¶¶1.) The 2018 contracts provide for Glencore’s delivery of marine fuel too Kamca in Panama as well as exclusive jurisdiction in New York state or federal courts. (NYSCEF 54, 56, 58, 60, Contracts.) Juan David Marulanda Cuartas is a principal of Kamca. (NYSCEF 224, Marulanda aff.) The Kahns, are owner and principals of Kamca. (NYSCEF 350, Freddy Kahn aff ¶¶ 6; NYSCEF 362, Danny Kahn aff ¶¶ 11.)

On March 7, 2025, this Court entered a TRO **with Kamca’s consent**, enjoining Kamca, and its agents and attorneys, from “pursuing the claims, causes of action, or other attempts to receive relief” in the Panama Lawsuit.” (NYSCEF 30, Order.)

On May 13, 2025, this Court granted Glencore’s motion 004 and held Kamca, the Carreira-Pitti firm, and Carreira-Pitti in contempt of the TRO, and directed Kamca to file the TRO in the Panama Lawsuit. (NYSCEF 106, Order.)

On August 12, 2025, the court granted Glencore’s motion 005, finding Kamca Oil & Bunkers Corp., Kamca Holding Panama S.A., Carreira Pitti PC Abogados, and Dr. Francisco Carreira-Pitti are in contempt of court for willfully disobeying this court’s April

³ Related actions: Kamca Trading S.A. and Sturzenegger & Co. LLC v. Glencore Ltd., Index No. 651089/2022 (Sup. Ct. N.Y. Cnty.); Index No. 651279/2022, Kamca Trading S.A., Sturzenegger & Co LLC v. Glencore Ltd. (Sup. Ct. N.Y. Cnty.); Index No. 651840/2022, Kamca Trading S.A., Sturzenegger & Co LLC v. Glencore Ltd. (Sup. Ct. N.Y. Cnty.); Index No. 651993/2022, Kamca Trading S.A., Sturzenegger & Co LLC v. Glencore Ltd. (Sup. Ct. N.Y. Cnty.)

15, 2025 Preliminary Injunction Order (NYSCEF 87) and May 13, 2025 First Contempt Order (NYSCEF 106). (NYSCEF 165, Order.)

In December 2025, this court directed defendants Kamca Trading S.A., Kamca Oil & Bunkers Corp., and Kamca Holding Panama S.A., (Kamca) to appear in the courtroom in person, to testify about violations of this court's preliminary injunction and related orders. (NYSCEF 315, December 21, 2025 Order; see NYSCEF 168, May 12, 2025 Transcript at 6:21-23, 7:1-3; NYSCEF 207, September 9, 2025 Order at 1.) Counsel for the Kahns notified the court by email on March 4, 2026 of these motions filed by notice of motion.

In addition, this court's OSC addendum to every OSC states that all appearances on motions for contempt shall be in person. The court reiterated this requirement on May 12, 2025. (NYSCEF 168, May 12 tr 6:21-23, 7:1-3 ["[T]he next time you appear . . . I want everyone in person in my courtroom"]) Again, on August 1, 2025. (NYSCEF 201, August 1, 2025 Email at 3 ["The oral arguments on motions 005 and 008 will be held in person."]) Again on September 9, 2025. (NYSCEF 207, September 9, 2025 Order at 1 ["Let Contemnors show cause in person before this Court"]) The court has issued default orders against defendants for failure to appear in the courtroom in person. (NYSCEF 179, August 6, 2025 tr. at 3:21-25, 4:3-4 ["[W]e have no one present for the defendants [I]t's a default by defendants today by failing to appear."]); NYSCEF 188, August 28, 2025 Order at 3 ["Kamca . . . failed to appear in court on August 21, 2025."]). The Kahns fail to state that they were unaware of the requirement to appear in person.

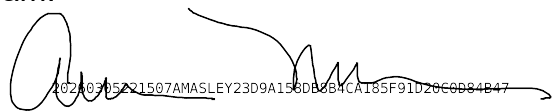
The Kahns also fail to state any travel restrictions that would prevent them from traveling to the United States. Rather, Danny Kahn Lerner, states that he is facing “serious financial hardship” and traveling to the United States would be a “substantial hardship”. (NYSCEF 362, Danny Kahn aff ¶¶ 17, 45.) However, he fails to offer any documentation to support his request. Freddy Kahn Lerner fails to state why travel to the United States would be a hardship. (NYSCEF 350, Freddy Kahn aff.) Neither Khan provides copies of applications for visas or plane tickets. Absent any documentation from the Kahns demonstrating restrictions on their to travel to the United States, the motions seeking to appear virtually are denied.

Accordingly, it is

ORDERED motions sequence 016 and 017 requesting permission to appear virtually is denied; and it is further

ORDERED motions sequence 016 and 017 requesting a Spanish interpreter is granted; and it is further

ORDERED, the contempt hearing, as directed in the December 2025 Order, shall proceed in person on Friday, March 6, 2026 at 10 am.



3/5/2026
DATE

ANDREA MASLEY, J.S.C.

CHECK ONE:

CASE DISPOSED
 GRANTED DENIED

NON-FINAL DISPOSITION
 GRANTED IN PART OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT REFERENCE