

No. 26A_____

IN THE
SUPREME COURT OF THE UNITED STATES

WEBUILD S.P.A.,
Applicant,

v.

SOCIEDAD CONCESIONARIA METROPOLITANA DE SALUD S.A.,
Respondent.

**APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH
TO FILE PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

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September 17, 2026

PARTIES TO THE PROCEEDINGS BELOW

Applicant Webuild S.P.A. (Milan Stock Exchange: WBD, WBDR) was the respondent in the district court proceedings and the appellee in the court of appeals proceedings.

Respondent Sociedad Concesionaria Metropolitana de Salud S.A. was the petitioner in the district court proceedings and the appellant in the court of appeals proceedings.

RULE 29.6 STATEMENT

Pursuant to this Court's Rule 29.6, applicant Webuild S.P.A. states the following:

Webuild S.P.A. discloses that its parent company is Salini S.P.A. Webuild S.P.A. is a publicly traded company listed on the Milan Stock Exchange (WBD, WBDR). More than 10% of Webuild S.P.A.'s stock is held by Cassa Depositi e Prestiti Equity, S.P.A., a joint-stock company under public control, whose majority shareholder is the Ministry of Economy and Finance of Italy. No publicly owned company not a party to this appeal has a financial interest in the outcome of this litigation.

RELATED CASES

Related Decisions Under Review

Sociedad Concesionaria Metropolitana de Salud S.A. v. Webuild S.P.A.,
2024 WL 4333144 (D. Del. Sept. 27, 2024) (Civil Action No. 23-1175-CFC)
(dismissing action or lack of jurisdiction)

Sociedad Concesionaria Metropolitana de Salud S.A. v. Webuild S.P.A.,
177 F.4th 231 (3d Cir. May 18, 2026) (No. 24-3005) (vacating and remanding)

Sociedad Concesionaria Metropolitana de Salud S.A. v. Webuild S.P.A.,
No. 24-3005 (3d Cir. June 30, 2026) (denying rehearing and rehearing en banc)

Related Decisions Not Under Review

Sociedad Concesionaria Metropolitana de Salud v. Astaldi Sucursal Chile,
CAM - Santiago Case No. 3586-19 (Dec. 30, 2021) (arbitral award)

Sociedad Concesionaria Metropolitana de Salud v. Astaldi Sucursal Chile,
CAM - Santiago Case No. 3586-19 (Aug. 21, 2022) (Santiago court of appeals
confirming arbitral award in relevant part)

Sociedad Concesionaria Metropolitana de Salud v. Astaldi Sucursal Chile,
Case No. 53,981-2022 (June 9, 2023) (Chile supreme court declining to hear appeal)

Sociedad Concesionaria Metropolitana de Salud S.A. v. Webuild S.P.A.,
2026 WL 84524 (D. Conn. Jan. 12, 2026) (No. 3:24-CV-02043 (SVN))
(dismissing parallel action on *forum non conveniens* grounds), *appeal pending*,
No. 26-336 (2d Cir.)

Sociedad Concesionaria Metropolitana de Salud S.A. v. Webuild S.P.A.,
2024 ONSC 4491 (Ontario superior court of justice staying parallel action
on *forum non conveniens* grounds)

Sociedad Concesionaria Metropolitana de Salud S.A. v. Webuild S.p.A.,
2026 ONCA 28 (Ontario court of appeal dismissing appeal from order staying
parallel action on *forum non conveniens* grounds)

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To the Honorable Samuel A. Alito, Jr., Associate Justice of the United States Supreme Court and Circuit Justice for the Third Circuit:

Pursuant to 28 U.S.C. § 2101(c) and Rules 13.5, 22, and 30.3 of the Rules of this Court, applicant Webuild S.P.A. respectfully requests a 53-day extension of time, up to and including November 20, 2026, within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Third Circuit.

The court of appeals entered its judgment on May 18, 2026 and denied a petition for panel rehearing and rehearing en banc on June 30, 2026. The court of appeals' opinion is reported at 177 F.4th 231 and attached hereto as Exhibit A; the court of appeals' order denying rehearing is attached hereto as Exhibit B. The memorandum opinion of the district court is not reported but is available at 2024 WL 4333144 and is attached hereto as Exhibit C. The petition would be due on September 28, 2026, and this application is made at least 10 days before that date. This Court's jurisdiction would be invoked under 28 U.S.C. § 1254(1).

1. This case presents an important and recurring question about the due-process limits on enforcement of foreign arbitral awards: whether a court may exercise jurisdiction based solely on the defendant's ownership of unrelated property in the forum, without requiring minimum contacts. The courts of appeals "have adopted inconsistent positions" on that question. Brief of *Amicus Curiae*

Professor George A. Bermann in Support of Petitioners at 21, *CC/Devas (Mauritius) Ltd. v. Antrix Corp.*, Nos. 23-1201 & 24-17 (U.S. Dec. 11, 2024), 2024 WL 5119390.

In an action to enforce a foreign arbitral award, the Fourth Circuit applied the minimum-contacts standard and rejected jurisdiction based on property unrelated to the underlying dispute. *See Base Metal Trading, Ltd. v. OJSC “Novokuznetsky Aluminum Factory,”* 283 F.3d 208, 213-14 (4th Cir. 2002). The Second and Ninth Circuits, by contrast, have recognized property-based jurisdiction to enforce foreign arbitral awards without requiring minimum contacts. *See Frontera Res. Azerbaijan Corp. v. State Oil Co. of Azerbaijan Republic*, 582 F.3d 393, 396-98 (2d Cir. 2009); *Cerner Middle East Ltd. v. iCapital, LLC*, 939 F.3d 1016, 1022 (9th Cir. 2019). The decision below adopted the latter approach and extended it to permit adjudication of an alleged successor’s liability even though no tribunal had determined that it owed the award debt. 177 F.4th at 242-46, 250-51.

This case illustrates the practical importance of that disagreement. Respondent Sociedad Concesionaria Metropolitana de Salud S.A. (“SCMS”), a Chilean company, contracted with the Chilean branch of Astaldi, an Italian construction company, to build a hospital in Santiago. After Astaldi entered restructuring proceedings in Italy, SCMS terminated the contract, and the parties proceeded to arbitration in Chile. While the arbitration was pending, applicant Webuild, another Italian construction company, acquired Astaldi’s continuing business through a transaction undertaken as part of the Italian restructuring. The arbitration culminated in a December 2021 award against Astaldi. Webuild was not a party to the arbitration, and the award did not adjudicate its obligations.

SCMS nevertheless commenced this proceeding against Webuild in Delaware, seeking nearly \$140 million plus interest on the theory that Webuild had assumed Astaldi's liability through the Italian transaction. Webuild disputes that it assumed that liability. Neither the Chilean arbitration nor the Italian transaction concerned Delaware—or even the United States. SCMS invoked quasi in rem jurisdiction based on Webuild's ownership of shares in Webuild US Holdings, Inc., a Delaware subsidiary unrelated to the underlying dispute. The district court dismissed, holding that the shares did not supply the necessary minimum contacts and that no competent tribunal had determined that Webuild was SCMS's debtor. 2024 WL 4333144, at *1-2.

The court of appeals vacated and remanded. It held that ownership of forum property permits enforcement of a foreign arbitral award without requiring minimum contacts and that the district court could determine Webuild's disputed successor liability as part of its jurisdictional inquiry. If the district court found Webuild liable as a successor, the court reasoned, a competent court would then have determined that Webuild owed SCMS the debt. 177 F.4th at 250-51.

That reasoning conflicts with *Shaffer v. Heitner*, 433 U.S. 186 (1977). *Shaffer* rejected ownership of unrelated forum property as a basis for adjudicating a defendant's liability. *Id.* at 209, 212-13. As the Court observed, property-based enforcement may be permissible once “a court of competent jurisdiction” has determined “that the defendant is a debtor of the plaintiff.” *Id.* at 210 n.36. That predicate is absent here: the award established Astaldi's liability, but no tribunal has adjudicated Webuild's responsibility for that debt. The decision below permits a court to establish its

jurisdiction by adjudicating the very liability for which jurisdiction is required. It thus collapses *Shaffer*'s distinction between determining liability and enforcing an obligation already established by a competent tribunal.

This Court's recent decisions underscore the importance of clarifying jurisdiction over foreign defendants. In *CC/Devas (Mauritius) Ltd. v. Antrix Corp.*, 605 U.S. 223 (2025), the Court addressed the statutory requirements for personal jurisdiction under the Foreign Sovereign Immunities Act of 1976 in an action to enforce a foreign arbitral award. In *Fuld v. Palestine Liberation Organization*, 606 U.S. 1 (2025), the Court addressed the Fifth Amendment limits on congressionally authorized jurisdiction over foreign defendants. This case presents the related, unresolved question whether unrelated forum property permits adjudication of a private foreign corporation's disputed liability for an award rendered in an arbitration to which it was not a party.

The question has substantial consequences for international commerce. Under the decision below, ownership of shares in a Delaware subsidiary exposes a foreign corporation to adjudication of disputed liability for another entity's foreign arbitral award, without requiring any connection between the forum and the underlying dispute or the alleged assumption of liability. Given Delaware's central role in corporate organization, the decision's reach extends well beyond this case. This Court's review is needed to resolve the disagreement over property-based enforcement and to preserve the constitutional distinction between adjudicating liability and collecting an established debt.

2. The 53-day extension to file a certiorari petition is necessary because undersigned counsel only recently has been retained in this case and needs the added time to review the record and prepare the petition and appendix given other, previously engaged matters in this and other courts, including: (1) a reply brief in the Seventh Circuit in *Amory Investments Inc. v. Mountaire Farms, et al.*, No. 26-2311 (due September 23, 2026); (2) a reply brief in the Court of Appeals of Ohio, Seventh Appellate District, Mahoning County, in *Ohio Gambling Recovery LLC v. VGW Holdings Ltd., et al.*, No. 2026 MA 00063 (due September 24, 2026); (3) a reply brief in this Court in *Burford German Funding LLC, et al. v. financialright claims GmbH*, No. 25-1269 (due September 30, 2026); and (4) extensive expert discovery prior to a reply report deadline in the Northern District of Illinois in *In re Broiler Chicken Antitrust Litigation*, No. 1:16-cv-08637 (due October 9, 2026).

The requested extension would also afford *amici curiae* additional time to prepare briefs that would assist the Court's consideration of the petition, including by addressing the broader implications of the decision below for international commerce and the enforcement of foreign arbitral awards.

For all these reasons, there is good cause for a 53-day extension of time, up to and including November 20, 2026, within which to file a certiorari petition in this case to review the judgment of the United States Court of Appeals for the Third Circuit.

Respectfully submitted,



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