

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 45

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CHEYNE EUROPEAN STRATEGIC VALUE CREDIT RAIF - CHEYNE EUROPEAN SPECIAL SITUATIONS FUND, CHEYNE EUROPEAN STRATEGIC VALUE CREDIT RAIF - CHEYNE EUROPEAN STRATEGIC VALUE CREDIT FUND II, MAN FUNDS VI PLC - MAN HIGH YIELD OPPORTUNITIES DE, MAN GLG GLOBAL CREDIT OPPORTUNITIES, MAN FIXED INTEREST ICVC - MAN HIGH YIELD OPPORTUNITIES FUND, ST. JAMES PLACE DIVERSIFIED BOND UNIT TRUST, MAN FUNDS VI PLC - MAN HIGH YIELD OPPORTUNITIES, MAN FUNDS VI PLC - MAN GLG SENIOR SECURED OPPORTUNITIES, MAN FUNDS VI PLC - MAN EUROPEAN HIGH YIELD OPPORTUNITIES, MAN FUNDS XII SPC - MAN 1783 II SP, CONTRARIAN CAPITAL FUND I LP, CONTRARIAN OPPORTUNITY FUND III LP

INDEX NO. 659297/2024
MOTION DATES 03/31/2025,
03/31/2025,
03/31/2025
MOTION SEQ. NOS. 001 002 003

DECISION + ORDER ON MOTIONS

Plaintiffs,

- v -

HUNKEMOLLER INTERNATIONAL BV, BNY MELLON CORPORATE TRUSTEE SERVICES LIMITED, REDWOOD MASTER FUND, LTD., REDWOOD DRAWDOWN MASTER FUND III, LP,

Defendants.

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HON. ANAR RATHOD PATEL:

The following e-filed documents, listed by NYSCEF document number (Motion 001) 66–77, 129–132, 142, 155 were read on this motion to/for DISMISS.

The following e-filed documents, listed by NYSCEF document number (Motion 002) 78–91, 133–136, 141, 153, 154, 163–166 were read on this motion to/for DISMISS.

The following e-filed documents, listed by NYSCEF document number (Motion 003) 92–127, 137–140, 143–152, 156–162, 178 were read on this motion to/for DISMISS.

Upon the foregoing documents, and pursuant to the reasons stated on the record following oral argument held on July 16 and 17, 2025, it is hereby

ORDERED that Defendant BNY Mellon Corporate Trustee Services Limited’s (“BNY”) Motion to Dismiss the First Amended Complaint in part (Mot. Seq. 001) is **GRANTED** to the extent that Count VIII (breach of contract against BNY) is dismissed as to Defendant BNY; and it is further

ORDERED that Defendant Hunkemöller International BV’s (“Hunkemöller”) Motion to Dismiss the First Amended Complaint (Mot. Seq. 002) is **GRANTED** in part to the extent that Counts I, II (only as to breaches of Sections 3.02, 9.02(c), and 9.02(h) of the October 31, 2022 Indenture), III, IV, V, VI, VII are dismissed as to Defendant Hunkemöller and **DENIED** in part to as to Count II (only as to breaches of Sections 2.01, 9.02, 4.18, 2.07, 2.11); and it is further

ORDERED that Defendants Redwood Master Fund Ltd. and Redwood Drawdown Master Fund III, L.P.’s (“Redwood”) Motion to Dismiss the First Amended Complaint (Mot. Seq. 003) is **GRANTED** to the extent that Counts IV, V, VI, VII are dismissed as to Defendant Redwood; and it is further

ORDERED that the action is severed and continued against the remaining Defendant Hunkemöller; and it is further

ORDERED that the caption be amended to reflect the dismissal and that all future papers filed with the Court bear the amended caption; and it is further

ORDERED that counsel for the movants shall serve a copy of this order with notice of entry upon the Clerk of the Court and the Clerk of the General Clerk’s Office, who are directed to mark the Court’s records to reflect the change in the caption herein; and it is further

ORDERED that Defendant Hunkemöller is directed to serve an answer to the First Amended Complaint within twenty (20) days after service of a copy of this Decision and Order with notice of entry; and it is further

ORDERED that the movants shall file a copy of the July 16 and 17, 2025 transcripts within thirty (30) days of this Decision and Order.

The foregoing constitutes the decision and order of this Court.


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ANAR RATHOD PATEL, A.J.S.C.

7/17/2025

DATE

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE