

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 03M

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DR. BAVAGUTHU RAGHURAM SHETTY, NEOPHARMA LLC,	INDEX NO.	654399/2021
Plaintiffs,		08/14/2023, 08/14/2023, 08/14/2023, 11/16/2023
- v -	MOTION DATE	
BANK OF BARODA, CREDIT EUROPE BANK N.V., PRASANTH MANGHAT, PROMOTH MANGHAT, SURESH KUMAR VADAKKE KOOTALA, SURESH KUMAR NANDIRAJU, ERNST & YOUNG LLP, ERNST & YOUNG MIDDLE EAST	MOTION SEQ. NO.	011 012 013 014
Defendants.	DECISION + ORDER ON MOTION	

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HON. JOEL M. COHEN:		
The following e-filed documents, listed by NYSCEF document number (Motion 011) 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 419, 455, 460, 461, 462, 463, 464, 466, 472, 473, 474, 476, 538, 539, 540, 541, 542, 543, 544, 546, 547		
were read on this motion to	DISMISS	
The following e-filed documents, listed by NYSCEF document number (Motion 012) 414, 415, 416, 465, 475		
were read on this motion to	DISMISS	
The following e-filed documents, listed by NYSCEF document number (Motion 013) 417, 418, 420, 467, 471		
were read on this motion to	DISMISS	
The following e-filed documents, listed by NYSCEF document number (Motion 014) 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 456, 468, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488		
were read on this motion to	DISMISS	

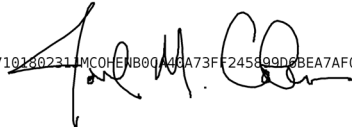
Upon the foregoing documents, and for the reasons stated on the record following oral argument on June 4, 2024 (NYSCEF 545 [Transcript]), it is

ORDERED that Defendants’ Bank of Baroda’s (Mot. Seq. No. 11), Credit Europe Bank NV’s (Mot. Seq. No. 12), Ernst & Young LLP’s (Mot. Seq. No. 13), and Ernst & Young Middle

East (Abu Dhabi)'s (Mot. Seq. No. 14) (collectively "Corporate Defendants") motions to dismiss on the basis of *forum non conveniens* pursuant to CPLR 327 and for lack of personal jurisdiction pursuant to CPLR 3211(a)(8) are **GRANTED** to the extent that Plaintiffs Dr. Bavaguthu Raghuram Shetty's and Neopharma LLC's Amended Complaint is **DISMISSED** without prejudice on the basis of *forum non conveniens*, conditioned upon Corporate Defendants accepting service of process (or analogous local procedure) in their home jurisdictions should Plaintiffs reassert their claims in such jurisdictions; and waiving any statute of limitations defenses other than those that would have been available to the Corporate Defendants under applicable law at the time they were sued in this action (Tr. 95-96); it is further

ORDERED that the parties jointly inform the Court by letter within seven (7) days as to whether any Corporate Defendant(s) objects to the conditions specified above.

This constitutes the decision and order of the Court.

<u>7/10/2024</u>				 <small>20240710130231 JMC0HENB00A06A73FF245699D8BEA7AF0DA3CE2</small>	
DATE				JOEL M. COHEN, J.S.C.	
CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION	
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	GRANTED IN PART	<input type="checkbox"/>
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER		SUBMIT ORDER	<input type="checkbox"/>
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN		FIDUCIARY APPOINTMENT	<input type="checkbox"/>
					OTHER
					REFERENCE