

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 22nd day of January, two thousand twenty-five.

PRESENT:

**JOSÉ A. CABRANES,
REENA RAGGI,
ALISON J. NATHAN,**
Circuit Judges.

**MCGM, GmbH, on behalf of itself and all
those similarly situated,**

Plaintiff-Appellant,

Management Consulting Group, GmbH,

Plaintiff,

v.

No. 24-1061-cv

Opta Group LLC, Jeff Stone, Oliver

**Maier, Opta Minerals, Inc., Speyside
Equity Fund 1 LP,**

Defendants-Appellees,

**Speyside Equity LLC, Speyside Equity
Fund LLP, John and Jane Doe 1–99, Kay
Michel, Kevin Daugherty, Speyside
Private Fund Advisers LLC, Speyside
Private Fund LLP,**

*Defendants.**

FOR PLAINTIFF-APPELLANT:

ANDREW GOLDENBERG, Levy
Goldenberg LLP, New York, NY
(Jared B. Stamell & Richard J.
Schager, Jr., Stamell & Schager LLP,
New York, NY, *on the brief*).

FOR DEFENDANTS-APPELLEES:

ANTHONY B. ULLMAN, Dentons US
LLP, New York, NY (John J. Hay,
Dentons US LLP, New York, NY, *on
the brief*).

Appeal from judgments of the United States District Court for the Southern
District of New York (Castel, J.).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED,

* The Clerk of Court is respectfully directed to amend the official caption as set forth above.

ADJUDGED, AND DECREED that the judgments of the district court are **AFFIRMED**.

Plaintiff-Appellant MCGM, GmbH (“MCGM”) appeals from the March 21, 2024 dismissal of its fourth amended complaint against Defendants-Appellees for a failure to state a claim, and the June 28, 2024 denial of reconsideration under Fed. R. Civ. P. 60(b). We assume the parties’ familiarity with the underlying facts, procedural history, and issues on appeal.

“We review *de novo* a district court’s grant of a defendant’s motion to dismiss, accepting all factual allegations in the complaint as true, and drawing all reasonable inferences in the plaintiff’s favor.” *City of Pontiac Gen. Employees’ Ret. Sys. v. MBIA, Inc.*, 637 F.3d 169, 173 (2d Cir. 2011) (quotation marks omitted). Upon such review, we conclude that MCGM’s appeal is without merit substantially for the reasons articulated by the district court in its thorough, thoughtful, and well-reasoned decision. *See MCGM, GmbH v. OPTA Grp. LLC*, No. 22-CV-5851 (PKC), 2024 WL 3070952 (S.D.N.Y. June 18, 2024).

For the foregoing reasons, we **AFFIRM** the judgment of the district court.

FOR THE COURT:

Catherine O’Hagan Wolfe, Clerk of Court