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Order Filed on May 13, 2026
by Clerk
U.S. Bankruptcy Court
District of New Jersey

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

In re: Del Monte Foods Corporation II, Inc., *et al.*, Debtors.	Case No. 25-16984 (MBK) Chapter 11 (Jointly Administered)
Certain Members of the Ad Hoc Group of Minority Secured Lenders, Plaintiffs, v. Members of the Ad Hoc Term Lender Group, Defendants.	Adv. Pro. No. 26-01018 (MBK)

ORDER GRANTING IN PART AND DENYING IN PART MOTION OF DEFENDANTS FOR DISMISSAL OF PLAINTIFF'S COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(6) AND FED. R. BANKR. P. 7012(b)

The relief set forth on the following page, numbered two (2), is hereby **ORDERED**.

DATED: May 13, 2026

Honorable Michael B. Kaplan
United States Bankruptcy Judge

Upon the *Motion of Defendants for Dismissal of Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) and Fed. R. Bankr. P. 7012(b)* [Adv. Pro. Docket No. 5] (the "Motion to Dismiss");[1] and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this Court having found that venue is proper under 28 U.S.C. §§ 1408 and 1409; and the Court having concluded and found that the notice of the Motion to Dismiss was proper and sufficient; and the Court having found and determined that the relief requested in the Motion to Dismiss and provided for herein is proper, lawful and appropriate; and after consideration of the opposition to the Motion to Dismiss; and a hearing having been held before this Court to consider the Motion to Dismiss; and for good cause shown; and for the reasons stated in the *Memorandum Decision* [Adv. Pro. Docket No. 31] filed by the Court on May 11, 2026, it is hereby **ORDERED**:

1. The Motion to Dismiss is GRANTED in part and DENIED in part as set forth herein.

2. Count I of the Complaint is dismissed with prejudice.

3. Count II of the Complaint is dismissed without prejudice.

4. The Motion to Dismiss is DENIED as to Count III of the Complaint.

5. This Court retains jurisdiction with respect to all matters, claims, rights or disputes arising from, based upon or related to this Order.

6. Defendants are directed to file an Answer within 30 days.

[1] Capitalized terms not otherwise defined shall have the meanings ascribed to those terms in the Motion to Dismiss.

Form order − ntcorder

UNITED STATES BANKRUPTCY COURT

District of New Jersey
402 East State Street
Trenton, NJ 08608

In Re: Del Monte Foods Corporation II Inc.
Debtor

Case No.: 25−16984−MBK
Chapter 11

Certain Members of the Ad Hoc Group of Minority Secured Lenders
Plaintiff

v.

Members of the Ad Hoc Term Lender Group
Defendant

Adv. Proc. No. 26−01018−MBK Judge: Michael B. Kaplan

NOTICE OF JUDGMENT OR ORDER
Pursuant to Fed. R. Bankr. P. 9022

Please be advised that on May 13, 2026, the court entered the following judgment or order on the court's docket in the above−captioned case:

Document Number: 32 − 5, 31
ORDER GRANTING IN PART AND DENYING IN PART MOTION OF DEFENDANTS FOR DISMISSAL OF PLAINTIFFS COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(6) AND FED. R. BANKR. P. 7012(b) (related document:5 Motion to Dismiss Adversary Proceeding Filed by Members of the Ad Hoc Term Lender Group.. (Attachments: # 1 Memorandum of Law # 2 Exhibit Term Loan Agreement # 3 Proposed Order) filed by Defendant Members of the Ad Hoc Term Lender Group, 31 OPINION (related document:5 Motion to Dismiss Adversary Proceeding filed by Defendant Members of the Ad Hoc Term Lender Group).. Service of notice of the entry of this order pursuant to Rule 9022 was made on the appropriate parties. See BNC Certificate of Notice. Signed on 5/11/2026 (bwj)). Service of notice of the entry of this order pursuant to Rule 9022 was made on the appropriate parties. See BNC Certificate of Notice. Signed on 5/13/2026. (wiq)

Parties may review the order by accessing it through PACER or the court's electronic case filing system (CM/ECF). Public terminals for viewing are also available at the courthouse in each vicinage.

Dated: May 13, 2026
JAN: wiq

Jeanne Naughton
Clerk