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July 15, 2014

### Court Dismisses Breach of Contract Claim

*Rhinerson v. Van's Int'l Foods, Inc.*, No. 13cv5923 (N.D. Cal.): A federal judge granted in part and denied in part defendants' motion to dismiss this putative class action alleging California consumer protection claims and several common law claims on behalf of a nationwide class. In ruling on the motion, the court incorporated by reference its June 2, 2014 order in *Garrison v. Whole Foods Market Group, Inc.*, No. 13-cv-5222, holding that the issues were largely identical. The only non-common argument was Van's position that plaintiff's breach of contract claim failed for lack of privity. The court agreed with Van's, holding that the privity exceptions that apply to breach of warranty claims do not apply to breach of contract, and dismissed the breach of contract claim with prejudice. [Order](#).

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