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Food & Consumer Packaged Goods Litigation

Mott's Defeats Class Certification in Apple Juice Labeling Fight

Rahman v. Mott's LLP, No. 3:13-cv-03482 (N.D. Cal.): A California federal judge denied certification of a California class in a case alleging that Mott's mislabeled its 100% apple juice as "no sugar added." The plaintiff sought class certification under Rule 23(b)(3) for his California Unfair Competition Law and quasi-contract claims, which previously survived summary judgment. The Court found the plaintiff satisfied Rule 23's predominance requirement as to issues of liability but failed to show predominance as to damages because he introduced no evidence showing that restitution damages could feasibly and efficiently be calculated on a class-wide basis. Thus, no class could be certified for purposes of seeking damages. Acknowledging his failure to provide evidence that damages could be measured on a class-wide basis, the plaintiff asked the Court to certify a liability-only class under Rule 23(c)(4). The Court denied the plaintiff's request, finding the plaintiff failed to show why certifying a liability-only class would be efficient or desirable. The court found that allowing the plaintiff to later certify a second class for damages (if he was successful on his liability class) would essentially require two trials. The court noted that the plaintiff was vague about whether he intended to later seek a class for damages, let class members pursue damage claims individually, or pursue some other undisclosed plan. None of these options were desirable and the court accordingly denied the request for a liability-only class. [Order](#).

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