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Food & Consumer Packaged Goods Litigation

District Court Dismisses and Stays False Labeling Case Against Nature's Path

Leonhart v. Nature's Path Foods, Inc., No. 13-cv-00492 (N.D. Cal.): The Court granted Defendant's motion to dismiss Plaintiff's claims that Defendant's cereal products are misleadingly labeled as low sodium, and granted Defendant's motion to stay pending the Ninth Circuit's resolution of appeals pending in *Jones v. ConAgra Foods, Inc.*, Case No. 14-16327, and *Brazil v. Dole Packaged Foods*, Case No. 14-17480. The Court dismissed Plaintiff's "low sodium" claims with leave to amend because the complaint failed to allege adequate details to determine whether Defendant's label was authorized under federal law, which would mean Plaintiff's claim is preempted. The Court also stayed the case pending the appeals of *Jones*, in which the plaintiff challenges the district court's application of the ascertainability and predominance requirements of Rule 23 and the standing requirements for California consumer protective statutory claims, and *Brazil*, in which the plaintiff challenges the district court's dismissal of his unjust enrichment claims as duplicative of his statutory claims, standing for a California Unfair Competition Law claim, and rejection of his damages model. First, the Court noted the Plaintiff failed to identify any particular harm that would result from a stay and failed to address the fact that the Court had already stayed Plaintiff's evaporated cane juice claims. Second, the Court found that, depending on the results of the appeals, both parties would be in danger of expending resources unnecessarily absent a stay. Finally, the Court found that guidance from the Ninth Circuit would aid in the orderly, just resolution of the case. [Order](#).

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