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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

<p>SYLVIA KOH and DAVID GREEN, On Behalf of Themselves and All Others Similarly Situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>THE KRAFT HEINZ COMPANY,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:20-Cv-04425-JSW</p> <p>Judge: Hon. Jeffrey S. White</p> <p>PLAINTIFFS' STATEMENT OF RECENT DECISION</p> <p>Civil L.R. 7-3</p>
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CASE NO. 4:20-CV-04425-JSW
STATEMENT OF RECENT DECISION

1 Pursuant to Civil Local Rule 7-3(d) and in further support of Plaintiffs' Opposition to
2 Defendant's Motion to Dismiss (ECF No. 28), Plaintiffs respectfully submit the following
3 relevant judicial opinion published after the date Plaintiff's Opposition was filed with the Court:
4 the most recent ruling in *Organic Consumers Association v. Kraft Heinz Co.*, No. 2020 CA
5 005036 B, 2021 D.C. Super. LEXIS 9 (May 10, 2021) (Order on Motion to Dismiss). A copy of
6 the May 10, 2021 Order is attached hereto as Exhibit A.
7

8 Dated: May 12, 2021

Respectfully submitted,

9 **RICHMAN LAW & POLICY**

10 By: /s/ Jay R. Shooster

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically with the Clerk of the Court using the CM/ECF system and is available for viewing and downloading from the CM/ECF system. The foregoing document was served upon all counsel of record via the CM/ECF system on this 12th day of May, 2021.

/s/ Jay R. Shooster

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EXHIBIT A

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

ORGANIC CONSUMERS ASSOCIATION	:	
	:	
v.	:	Case No. 2020 CA 005036 B
	:	
THE KRAFT HEINZ COMPANY	:	

ORDER

The Court denies the motion to dismiss or to stay proceedings of defendant The Kraft Heinz Company (“Kraft”).

I. BACKGROUND

On December 16, 2020, plaintiff Organic Consumers Association (“OCA”), a public interest organization dedicated to consumer protection and accurate food labeling, filed a complaint against Kraft under the D.C. Consumer Protection Procedures Act (“DCCPPA”) seeking injunctive relief for D.C. consumers for Kraft’s allegedly deceptive marketing. OCA alleges that it is unfair and deceptive for Kraft to label cheese products as “natural” when the cows from whose milk the cheese is produced have been given an artificial growth hormone rbST.

On February 10, 2021, Kraft filed a motion to dismiss or, in the alternative, to stay the proceedings (“Motion”). On March 29, 2021, OCA filed an opposition (“Opp.”). On April 19, 2021, Kraft filed a reply.

II. LEGAL STANDARD

A complaint should be dismissed under Rule 12(b)(6) if it does not satisfy the requirement of Rule 8(a) that a pleading contain a “short and plain statement of the claim showing that the pleader is entitled to relief.” “To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its

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