

1 Jay R. Shooster (*admitted pro hac vice*)
2 jshooster@richmanlawpolicy.com
3 Jaimie Mak (SBN 236505)
4 jmak@richmanlawpolicy.com
5 535 Mission Street
6 San Francisco, CA 94105
7 T: (718) 705-4579
8 F: (718) 228-8522

9 *Attorneys for Plaintiffs*
10 *Sylvia Koh and David Green*

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **OAKLAND DIVISION**

14 SYLVIA KOH and DAVID GREEN, 15 On Behalf of Themselves and All 16 Others Similarly Situated, 17 18 19 20	21 Case No. 4:20-Cv-04425-JSW 22 Judge: Hon. Jeffrey S. White 23 PLAINTIFFS' STATEMENT OF 24 RECENT DECISION 25 Civil L.R. 7-3
26 27 28	
29	
30	
31	
32	
33	
34	
35	
36	
37	
38	
39	
40	
41	
42	
43	
44	
45	
46	
47	
48	
49	
50	
51	
52	
53	
54	
55	
56	
57	
58	
59	
60	
61	
62	
63	
64	
65	
66	
67	
68	
69	
70	
71	
72	
73	
74	
75	
76	
77	
78	
79	
80	
81	
82	
83	
84	
85	
86	
87	
88	
89	
90	
91	
92	
93	
94	
95	
96	
97	
98	
99	
100	

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

11 Jay R. Shooster (*admitted pro hac vice*)

12 jshooster@richmanlawpolicy.com

13 Jaimie Mak (SBN 236505)

14 jmak@richmanlawpolicy.com

535 Mission Street

San Francisco, CA 94105

15 T: (718) 705-4579

16 F: (718) 228-8522

17 *Attorneys for Plaintiffs*

18 *Sylvia Koh and David Green*
19
20
21
22
23
24
25
26
27
28

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.