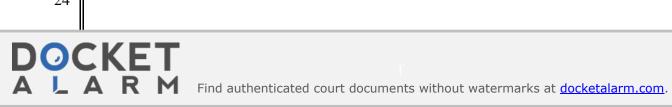
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10		DISTRICT COURT	
11	NORTHERN DISTRICT OF CALIFORNIA SAN JOSE		
12			
13	ANKUSH PURI, individually, and on behalf of those similarly situated,	Case No. 5:21-CV-01202-EJD	
14	Plaintiff,	DEFENDANT COSTCO WHOLESALE	
15	v.	CORPORATION'S NOTICE OF MOTION AND MEMORANDUM IN SUPPORT OF	
16	COSTCO WHOLESALE COPORATION,	DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT	
17	Defendant.		
18		Date: August 5, 2021 Time: 9:00 a.m.	
19		Courtroom: 4 (San Jose Courthouse) Judge: Hon. Edward J. Davila	
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#### STATEMENT OF ISSUES TO BE DECIDED

- 1. Does Plaintiff fail to plausibly allege that a reasonable consumer would be deceived by
- Defendant's packaging to believe that it contains less vegetable oil than it does, such that
- Plaintiff fails to state a claim for relief under the California consumer protection statutes?
  - 2. Are Plaintiff's claims preempted by the Food, Drug and Cosmetics Act?
- 3. Does Plaintiff fail to plausibly allege that the Product does not comply with relevant federal and state food laws and regulations?
- 4. Does Plaintiff lack standing to seek injunctive relief because he fails to plausibly allege a future injury?
  - 5. Should Plaintiff's claim for unjust enrichment be dismissed?
  - 6. Should Plaintiff's claims for breach of express and implied warranty be dismissed?
  - 7. Should Plaintiff's claim for breach of the Magnuson-Moss Warranty Act claim be dismissed?
  - 8. Should Plaintiff's CLRA claims for monetary damages be dismissed?

DEFENDANT COSTCO WHOLESALE CORPORATION'S NOTICE OF MOTION AND MEMORANDUM IN



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