

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

GABRIELLE STUVE and JESSICA
NICODEMO, on behalf of themselves and all
others similarly situated,

Plaintiffs,

vs.

THE KRAFT HEINZ COMPANY a/k/a
KRAFT HEINZ FOODS COMPANY,

Defendant.

Case No. 1:21-CV-01845

The Hon. Rebecca R. Pallmeyer

**THE KRAFT HEINZ COMPANY'S
MOTION TO DISMISS PLAINTIFFS' CLASS ACTION COMPLAINT**

PLEASE TAKE NOTICE that the undersigned attorneys for Defendant The Kraft Heinz Company hereby move, pursuant to Federal Rule of Civil Procedure 12(b)(6), for an order dismissing Plaintiffs Gabrielle Stuve and Jessica Nicodemo's Class Action Complaint for failure to state a claim on which relief can be granted.

Kraft Heinz's motion is based on this motion, the accompanying Memorandum of Law, the accompanying Request for Judicial Notice and Exhibits 1-6 thereto, any reply or supplemental briefing Kraft Heinz may submit, and any further evidence or argument (including oral argument) that the Court may invite Kraft Heinz to present in connection with this motion.

WHEREFORE, Kraft Heinz respectfully requests that the Court dismiss Plaintiffs' Class Action Complaint with prejudice and without leave to amend.

Dated: June 7, 2021

Respectfully submitted,

By: /s/ Dean N. Panos

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was filed on June 7, 2021 with the Clerk of the Court by using the CM/ECF system, which will effect electronic service on all parties and attorneys registered to receive notifications via the CM/ECF system.

Dated: June 7, 2021

By: _____/s/ Dean N. Panos_____