

**BEFORE THE UNITED STATES  
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

IN RE:

BABY FOOD MARKETING, SALES  
PRACTICES AND PRODUCTION LIABILITY  
LITIGATION

MDL No. \_\_\_\_\_

**PLAINTIFFS' MOTION FOR TRANSFER OF ACTIONS TO  
THE EASTERN DISTRICT OF NEW YORK PURSUANT TO 28 U.S.C. § 1407**

Pursuant to 28 U.S.C. § 1407 and Rule 6.2(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, Plaintiffs Lori-Anne Albano, Myjorie Philippe, Rebecca Telaro and Alyssa Rose (“Albano Plaintiffs”) in the case titled *Albano, et al. v. Hain Celestial Group, Inc., et al.*, Case No. 21-cv-01118 (E.D.N.Y.), respectfully request that all currently filed cases identified in the accompanying Schedule of Actions (“Actions”), as well as any cases subsequently filed involving similar facts or causes of action (“tag along cases”) (collectively, “Related Actions”), be transferred to the Eastern District of New York for coordination of pretrial proceedings. There are currently \_\_\_ actions pending in 12 different judicial districts in the United States alleging similar wrongful conduct against eight baby food companies: Beech-Nut Nutrition Company; Campbell Soup Company; Gerber Products Company; Hain Celestial Group, Inc.; North Castle Partners; Nurture, Inc.; Plum, PBC; and Walmart, Inc. (“Defendants”).

Transfer for pretrial consolidation and coordination is proper and necessary for the following reasons:

1. The Related Actions are proposed class actions alleging numerous causes of action relating to Defendants’ marketing and sale of baby foods sold throughout the United States. These claims include, but are not limited to, unfair business practices, violations of various state consumer protection statutes, breach of implied warranty, unjust enrichment, and fraudulent concealment and omission.
2. There are currently \_\_\_ actions alleging similar claims pending in the following federal district courts: Central District of California, Northern District of California, District of Colorado, Middle District of Florida, Northern District of Illinois, District of Kansas, Western District of Missouri, District of New Jersey, Eastern District of New York, Northern District of New York, Southern District of New York, and the Eastern District of Virginia.
3. Each of the Related Actions arises out of the same or similar nucleus of operative facts, and all arise out of the same or similar alleged wrongful conduct.
4. Each of the Related Actions will involve the resolution of the same or similar questions of fact and law, as they all stem from similar conduct of the Defendants.

5. Discovery in each of the Related Actions will be substantially similar and will involve the same type of documents because each Related Action arises from the same or similar nucleus of operative facts.
6. Each of the Related Actions was filed after February 4, 2021 and hence is in its early stages. No discovery has commenced in any of the Related Actions. Thus, no prejudice or inconvenience will result from the transfer, coordination, and consolidation of the Related Actions to the Eastern District of New York.

For the foregoing reasons, and as explained in more detail in the accompanying Brief in Support, the transfer, coordination, and consolidation of the Related Actions and tag along cases to the Eastern District of New York will promote an efficient administration of the Related Actions. According, Albano Plaintiffs respectfully request that the Related Actions listed on the annexed Schedule of Actions be transferred to the Eastern District of New York for consolidation and coordinated proceedings.

Dated: March 8, 2021

Respectfully submitted,

*/s/ Douglas J. McNamara* \_\_\_\_\_

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