

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NICOLE STEWART, ELIZABETH
AGRAMONTE, and SUMMER APICELLA,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

HAIN CELESTIAL GROUP, INC.,

Defendant.

Case No. 2:21-cv-678

**OBJECTION OF NON-PARTY PLUM,
PBC TO THE MOTION TO
CONSOLIDATE *WALLS V. BEECHNUT
NUTRITION CO., ET AL.* WITH CASES
CURRENTLY PENDING AGAINST
DEFENDANT, HAIN CELESTIAL
GROUP, INC.**

NOTICE OF OBJECTION OF NON-PARTY PLUM, PBC TO THE MOTION TO
CONSOLIDATE *WALLS V. BEECHNUT NUTRITION CO., ET AL.* WITH CASES
CURRENTLY PENDING AGAINST DEFENDANT, HAIN CELESTIAL GROUP, INC.

Plum, PBC (“Plum”) respectfully files this brief Notice of Objection and response to Plaintiffs’ motion to consolidate *Walls v. Beechnut Nutrition Co., et al.* (“Walls”), Case No. 1:21-cv-870-DG-SJB (E.D.N.Y. filed Feb. 17, 2021), with several putative class action complaints filed against Hain Celestial Group, Inc. (“Hain”). (Dkt. No. 6) Plum is not a party to any of the other putative class action complaints pending before this Court against Hain, including the first-filed case, *Stewart et al. v. Hain Celestial Grp, Inc.*, No. 2:21-cv-00678-JS-AYS (E.D.N.Y.), which Plaintiffs propose for consolidation. *Walls*, the only case naming Plum that Plaintiffs seek to consolidate, is not currently before this Court. Rather, *Walls* is pending before Judge Gujarati.

Plaintiffs acknowledge the irregular nature of their motion to consolidate *Walls* into a single proceeding styled as *In re Hain Celestial Heavy Metals Baby Food Litigation*, and particularly the jurisdictional problem created by a request to affect the rights of parties not before this Court. As such, they qualify their motion by stating that the issue of consolidating all

claims “can be revisited and revised following appearances by those defendants other than Hain and the Court’s examination and any rulings regarding how that case will be handled in light of the multiple defendants.” ECF No. 19-1 at n.5.

Plum respectfully disagrees with Plaintiffs’ invitation for this Court to take jurisdiction over a matter not before it. Plum objects to Plaintiffs’ motion to consolidate to the extent they propose to include any counts or claims brought by the *Walls* plaintiffs against Plum.¹

Dated: March 15, 2021

Respectfully Submitted,

/s/ Mark Cheffo

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¹ Plum takes no position at this time on whether Hain-only counts or claims, were they to be severed and refiled by the *Walls* Plaintiffs, could be coordinated in some fashion with the Hain-only cases.