

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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

Plaintiffs,

CONSOLIDATION ORDER
Case No.: 21-CV-0678 (JS)(AYS)

-against-

HAIN CELESTIAL GROUP, INC.,

Defendant.

..... X
SALLY BREDBERG and REBECCA
BROMBERG, individually and on behalf of
all others similarly situated,

Plaintiffs,

Case No.: 21-CV-0758

-against-

THE HAIN CELESTIAL GROUP, INC.,

Defendant.

..... X
ALYSSA MAYS, individually and on behalf
of all others similarly situated,

Plaintiffs,

Case No.: 21-CV-0805

-against-

HAIN CELESTIAL GROUP, INC.,

Defendant.

..... X

..... X
MICHELLE WALLS, on behalf of herself
and all others similarly situated; and N.W.,
a minor child, by his parent and general
guardian Michelle Walls, on behalf of himself
and all others similarly situated,

Plaintiffs,

-against-

Case No.: 21-CV-0870

BEECH-NUT NUTRITION COMPANY;
THE HAIN CELESTIAL GROUP, INC.;
NURTURE, INC. D/B/A HAPPY FAMILY
ORGANICS; GERBER PRODUCTS
COMPANY; and PLUM PBC.,

Defendants.

..... X
LEE BOYD, individually and on behalf of all
others similarly situated,

Plaintiff,

-against-

Case No.: 21-CV-0884

HAIN CELESTIAL GROUP, INC.,

Defendant.

..... X
KELLY MCKEON, RENEE BRYAN, and
MARILYN CARSON, individually and on
behalf of all others similarly situated,

Plaintiffs,

-against-

Case No.: 21-CV-0938

HAIN CELESTIAL GROUP, d/b/a
Earth's Best Organics,

Defendant.

..... X

..... X
LEIBA BAUMGARTEN, individually and on
behalf of all others similarly situated,

Plaintiff,

-against-

Case No.: 21-CV-0944

THE HAIN CELESTIAL GROUP, INC.,

Defendant.

..... X
CHARLOTTE WILLOUGHBY,

Plaintiff,

-against-

Case No.: 21-CV-0970

HAIN CELESTIAL GROUP, d/b/a
Earth's Best Organics,

Defendant.

..... X

SEYBERT, District Judge:

WHEREAS, there are five (5) putative class actions pending before the undersigned against The Hain Celestial Group, Inc. (“Hain”) asserting violations of various state consumer protection laws and statutes arising out of allegations that Hain engaged in deceptive business practices with respect to its baby food products by failing to disclose that the products contain levels of toxic heavy metals, including arsenic, lead, cadmium, and mercury. See Stewart et al. v. Hain Celestial Group, Inc., No. 21-CV-0678 (the “Stewart Action”); Bredberg et al. v. The Hain Celestial Group, Inc., No. 21-CV-0758 (the “Bredberg Action”); Boyd v. Hain Celestial Group, Inc., No. 21-CV-0884 (the “Boyd Action”); Galloway v. Hain Celestial Group, Inc., No. 21-CV-1067 (the “Galloway Action”); and Baccari et al. v. Hain Celestial Group, Inc., No. 21-CV-1076 (the “Baccari Action”).

WHEREAS, in addition to the Stewart Action, the Bredberg Action, the Boyd Action, the Galloway Action, and the Baccari Action, there are eleven (11) similar putative class actions pending in this District against Hain (for a total of sixteen (16)) alleging violations of various state statutes and common law based on the same or similar facts and issues of law: Zorrilla v. Hain Celestial Group, Inc., No. 21-CV-1062; Lopez-Sanchez v. Hain Celestial Group, Inc., No. 21-CV-1045; Albano v. Hain Celestial Group, Inc., No. 21-CV-1118 (the “Albano Action”); Hanson v. Hain Celestial Group, Inc., No. 21-CV-1269; Lawrence v. Hain Celestial Group, Inc., No. 21-CV-1287 (the “Lawrence Action”); Walls v. Beech Nut Nutrition Company, et al., No. 21-CV-0870 (the “Walls Action”); Mays v. Hain Celestial Group, Inc., No. 21-CV-0805; Willoughby v. Hain Celestial Group, d/b/a Earth’s Best Organics, No. 21-CV-0970 (the “Willoughby Action”); McKeon et al. v. Hain Celestial Group, d/b/a Earth’s Best Organics, No. 21-CV-0938 (the “McKeon Action”); Baumgarten v. The Hain Celestial Group, Inc., No. 21-CV-0944; and Henry v. Hain Celestial Group, Inc., No. 21-CV-1293.

WHEREAS, the Plaintiffs in the Stewart Action filed a motion to consolidate all sixteen (16) cases, referenced above, in the Stewart Action, the first-filed action, before the undersigned. (Stewart Pls. Mot., ECF No. 19; Stewart Pls. Br., ECF No. 19-1; Stewart Pls. Replies, ECF Nos. 39 & 43; Pollack Decl., ECF No. 40.)¹

WHEREAS, Hain contests the allegations asserted against it but does not oppose consolidation; however, Hain objects to consolidation of actions asserting product liability claims or personal injury claims, including the Walls Action. (Hain Resp., ECF No. 28.)

¹ Unless otherwise indicated, all docket citations refer to the Stewart Action docket. Note, however, that the Stewart Plaintiffs filed their motion to the dockets in the Bredberg Action at ECF No. 11, the Boyd Action at ECF No. 8, the Galloway Action at ECF No. 2, and the Baccari Action at ECF No. 6.

WHEREAS, the plaintiffs in the Willoughby Action and the McKeon Action do not oppose consolidation. (Willoughby Pl. Resp., ECF No. 26; McKeon Pls. Resp., ECF No. 27.)

WHEREAS, the plaintiffs in the Walls Action and the Albano Action oppose consolidation. (Walls Pl. Resp., ECF No. 36; Albano Pl. Resp., Albano Action Dkt., ECF No. 20.)

WHEREAS, Gerber Products Company, a defendant in the Walls Action, the Albano Action, and the Lawrence Action, moved to intervene for the limited purpose of opposing consolidation, arguing that it intends to file a motion to (1) sever the claims asserted against it and (2) transfer the claims to the District of New Jersey. (Gerber Mot., ECF No. 32; Gerber Br., ECF No. 33.)

WHEREAS, Plum, PBC, a defendant in the Walls Action, filed an objection to Plaintiffs' motion to consolidate. (Plum Obj., ECF No. 35.)

WHEREAS, Nurture Inc., a defendant in the Walls Action, the Albano Action, and the Lawrence Action, filed an opposition to the consolidation motion, arguing that the plaintiffs “fail to show that consolidation of the claims against multiple defendants is appropriate,” among other arguments. (Nurture Opp., ECF No. 37.)

WHEREAS, Federal Rule of Civil Procedure 42(a) provides that a court may consolidate “actions before the court” if they “involve a common question of law or fact.” Courts have “‘broad discretion’ to determine whether to consolidate actions.” Breakwater Trading LLC v. JPMorgan Chase & Co., No. 20-CV-3515, 2020 WL 5992344, at *2 (S.D.N.Y. Oct. 9, 2020) (quoting Johnson v. Celotex Corp., 899 F.2d 1281, 1284 (2d Cir. 1990)). In determining whether to consolidate actions, courts may consider “judicial economy,” which favors consolidation, but must ensure that consolidation will not jeopardize “a fair and impartial trial.” Johnson, 899 F.2d at 1285.

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