

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PRESTON JONES,
Plaintiff,
v.
NUTIVA, INC.,
Defendant.

Case No. [16-cv-00711-HSG](#) (KAW)

**ORDER TERMINATING 9/16/16 JOINT
LETTER REGARDING DEFINITION
NOS. 7 & 8 IN LIGHT OF DISTRICT
COURT'S 9/22/16 RULING**

Re: Dkt. No. 50

On September 16, 2016, the parties filed a joint discovery letter regarding “whether discovery properly includes information only about the Nutiva Virgin Coconut Oil that plaintiff purchased, or also should include information about Nutiva’s Extra Virgin and Refined Coconut Oils, based on plaintiff also seeking to represent purchasers of those products.” (Joint Letter, Dkt. No. 50 at 2.) The letter also addressed whether Plaintiff’s definition of “Nutiva Coconut Oil Claims” could include challenged statements on Nutiva’s website considering that Plaintiff never accessed the website himself. (Joint Letter at 3.) At the time of filing, both issues were pending before the district court. Indeed, Defendant acknowledged that its discovery position was the same position it advocated in the fully briefed motion for judgment on the pleadings, and, that should the district court find in Plaintiff’s favor, it would provide information related to all products. (Joint Letter at 4.) On September 22, 2016, the district court granted in part and denied in part Defendant’s motion for judgment on the pleadings, which appears to resolve the pending disputes in their entirety. Notwithstanding, to the extent that certain challenged statements were not contained in the Complaint, Defendant need not respond. Thus, Defendant need not supplement its responses to address subparts (l) through (q).

///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, the Court TERMINATES the joint letter. Should the parties believe that any disputes contained therein remain unresolved, they are ordered to meet and confer in an effort to resolve those disputes informally before seeking further court intervention.

IT IS SO ORDERED.

Dated: September 23, 2016


KANDIS A. WESTMORE
United States Magistrate Judge