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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ELIZABETH PARK, ET AL.)	Case No. 5:12-cv-06449-PSG
)	
Plaintiffs,)	ORDER GRANTING MOTION TO
)	STAY
v.)	
)	(Re: Docket No. 75)
WELCH FOODS INC.,)	
)	
Defendant.)	

Plaintiffs Elizabeth Park and Carolyn Otto, individually and on behalf of all others similarly situated, and Defendant Welch Foods, Inc. jointly move to stay this case pending resolution of the appeals of Brazil v. Dole Food Company, Inc., et al.,¹ Jones v. ConAgra Foods, Inc.² and Kosta v. Del Monte Foods, Inc.³ The stay is GRANTED and all currently scheduled hearings in this case are vacated.

¹ Case No. 14-17480 (9th Cir. filed Dec. 17, 2014).
² Case No. 14-16327 (9th Cir. filed July 15, 2014).
³ Case No. 15-16974 (9th Cir. filed Oct. 2, 2015).

1 **I.**

2 Plaintiffs challenge various labels on Welch Foods' products as misleading⁴ and seek class
3 certification of

4 All persons in the State of California who, from December 20, 2008 until the date
5 of class notice, who purchased one or more of the following Welch Food, Inc.,
6 products:

- 7 • Welch's 100% Fruit Juices
- 8 • Welch's Natural Spreads⁵

9 Plaintiffs' motion for class certification is fully briefed,⁶ as is Welch Foods' motion for partial
10 summary judgment. Both motions are scheduled to be heard on October 28, 2015.⁷ However,
11 three cases currently on appeal before the Ninth Circuit raise issues that may affect certification in
12 this case, and so the parties jointly move to stay pending resolution of those appeals. Brazil raises
13 issues of the appropriate damages model;⁸ Jones addresses Rule 23's ascertainability and
14 predominance requirements, standing requirements under California's UCL, FAL, and CLRA, and
15 the appropriate damages theory;⁹ and Kosta also involves questions of ascertainability and
16 materiality.¹⁰

17 **II.**

18 The court has subject matter jurisdiction under 28 U.S.C. § 1332(d). The parties consented
19 to the jurisdiction of the undersigned magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P.
20 72(a).¹¹

21 ⁴ See Docket No. 36 at 1.

22 ⁵ See Docket No. 57 at ii.

23 ⁶ See Docket Nos. 57, 62, 66.

24 ⁷ See Docket Nos. 63, 72, 73.

25 ⁸ See Case No. 14-17480 (9th Cir. filed Dec. 17, 2014).

26 ⁹ See Case No. 14-16327 (9th Cir. filed July 15, 2014).

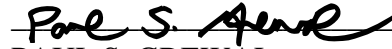
27 ¹⁰ See Case No. 15-16974 (9th Cir. filed Oct. 2, 2015).

28 ¹¹ See Docket Nos. 28, 29.

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SO ORDERED.

Dated: October 22, 2015



PAUL S. GREWAL
United States Magistrate Judge