

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02815-MSK-MJW

NICOLE VAN ATTA, as an individual, and on behalf of all others similarly situated,

Plaintiff,

v.

GENERAL MILLS, INC., a Delaware corporation,

Defendant.

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**ORDER ON  
PLAINTIFF'S MOTION TO RE-OPEN CASE  
(Docket No. 53)**

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**MICHAEL J. WATANABE**  
**United States Magistrate Judge**

This case is before this court pursuant to an Order Referring Case (Docket No. 5) issued by Chief Judge Marcia S. Krieger on November 9, 2012.

Now before the court is plaintiff's Motion To Re-Open Case (Docket No. 53). The court has carefully considered the subject motion (Docket No. 53), defendant's response (Docket No. 54), and plaintiff's reply (Docket No. 55). In addition, the court has taken judicial notice of the court's file, and has considered the applicable Federal Rules of Civil Procedure and case law. The court now being fully informed makes the following findings of fact, conclusions of law, and order.

On August 5, 2014, this matter was closed pending an administrative action by the FDA with respect to a referral made by Judge Rogers in Cox v. Gruma Corp., Case No. 12-cv-6502-YGR (N.D. Cal. 2012). Chief Judge Krieger's Order (Docket No. 52) closing the case stated that either party may move to reopen the case upon a showing

that the final administrative action had occurred. On January 14, 2014, plaintiff filed the subject motion requesting this matter to be reopened, and noted therein that the FDA issued its response in Cox on January 6, 2014. The FDA stated that “we respectfully decline to make a determination at this time regarding whether and under what circumstances food products containing ingredients produced using genetically engineered ingredients may or may not be labeled ‘natural.’”

In its response (Docket No. 53), defendant’s put forth several arguments as to why this matter should remain closed, none of which directly address the predicate for reopening the case set forth in Chief Judge Krieger’s Order (Docket No. 52). Because the “the final administrative action contemplate by the Recommendation” as been issued, the court finds good cause to reopen the case.

**WHEREFORE**, for the foregoing reasons, it is hereby

**ORDERED** that plaintiff’s Motion To Re-Open Case (Docket No. 53) is **GRANTED**. The Clerk is directed to reopen this matter. The matter remains stayed until further order of the court. It is

**FURTHER ORDERED** that the court will hold a Telephonic Status Conference on May 27, 2014 at 10:00 a.m. The parties are directed to jointly contact the court’s chambers (303-844-2403) at the scheduled time.

Date: May 9, 2014  
Denver, Colorado

s/ Michael J. Watanabe  
Michael J. Watanabe  
United States Magistrate Judge