

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: KEURIG GREEN MOUNTAIN :
SINGLE-SERVE COFFEE ANTITRUST :
LITIGATION :
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This Document Concerns All Related Actions :
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<p>USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>5/26/2021</u></p>

14-md-2542 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

I am in receipt of the conditional objection to the proposed settlement between the Indirect Purchaser Plaintiffs (“IPPs”) and Defendant Keurig Green Mountain, Inc. (“Keurig” or “Defendant”) submitted by Plaintiffs TreeHouse Foods, Inc., Bay Valley Foods, LLC, and Sturm Foods, Inc. (collectively, “TreeHouse”) and JBR, Inc. (“JBR” and, together with TreeHouse, “Competitor Plaintiffs”) on May 14, 2021. (Doc. 1326.) I am also in receipt of the responses in opposition filed by Keurig, (Doc. 1331), and the IPPs, (Doc. 1339), on May 21, 2021.

Competitor Plaintiffs note that their filing “serve[s] as a formal notice of opt-out from the Proposed Settlement.” (Doc. 1326.) “Class members who opt-out of the settlement extinguish their ability to object to it and those objections need not be considered.” *Stinson v. City of N.Y.*, 256 F. Supp. 3d 293, 292 (S.D.N.Y. 2017); *see also Ferrick v. Spotify USA Inc.*, No. 16-cv-8412 (AJN), 2018 WL 2324076, at * 7 (S.D.N.Y. May 22, 2018) (“If an individual opts out of a settlement, he no longer has standing to challenge the settlement.”).

Accordingly, it is hereby:

ORDERED that Competitor Plaintiffs’ conditional objection, (Doc. 1326), is DENIED for lack of standing.

IT IS FURTHER ORDERED that the motion to seal at Document 1328 is GRANTED.

SO ORDERED.

Dated: May 26, 2021

New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive style with a large initial "V".

Vernon S. Broderick

United States District Judge