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Food & Consumer Packaged Goods Litigation

## Coffee Suit Grinds to a Halt on Defendants' Motion for Summary Judgment

*Suchanek v. Sturm Foods, Inc.*, No. 11cv0569 (S.D. Ill.): Plaintiffs sued under eight states' consumer protection statutes, alleging that defendants' Garden Square coffee products falsely represent the products to be freshly ground when they are, in fact, instant. The court had previously denied class certification and here, denied a motion for reconsideration. The court adhered to its previous ruling that that determination of liability required an individual determination. Defendant subsequently moved for summary judgment, arguing that the evidence established as a matter of law that the plaintiffs were neither deceived nor injured. On a named plaintiff-by-plaintiff basis, the court concluded that none of them read the labels at issue, or purchased the coffee for reasons unrelated to the brewed/instant issue, or understood the labels meant the product contained instant coffee. The Court added that, based on its review of the product packaging, it "is not designed to mislead consumers. It says what it is." [Order](#).

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