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July 31, 2014

Court Finds Pre-Answer Certification Motion Premature

Dye v. Bodacious Food Co., No. 9:14-cv-80627 (S.D. Fla.): The court rejected plaintiff's motion for class certification as premature in a recently filed putative class action alleging claims under Florida's DUTPA, negligent misrepresentation, breach of express warranty, a violation of Magnusson-Moss Warranty act, and unjust enrichment, claiming defendant advertises its cookies as "all natural," when in fact they contain GMOs and synthetic ingredients such as sugar, canola oil, dextrose, corn starch, and citric acid. Although plaintiff complained of concerns that defendants would "pick off" some of her claims, the court refused to rule on certification before responsive pleadings or any discovery had taken place. [Order](#).

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