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Food & Consumer Packaged Goods Litigation

Court Strikes Complaint As “Shotgun Pleading”

Hulse v. Wal-Mart Stores, Inc., No. 15cv0233 (M.D. Fla.): In this putative class action alleging violations of Florida's DUTPA, negligent misrepresentation, and unjust enrichment based on claims that defendant's cranberry-pomegranate juice is misleadingly and unfairly labeled and marketed as "Cranberry Pomegranate," when the juice is actually a flavored juice from concentrate, the Court struck the complaint sua sponte. In striking the complaint the Court found the complaint to be an instance of "shotgun pleading." In addition, the Court found that Plaintiff did not identify Defendant's citizenship, nor did she come close to pleading the required amount in controversy. Lastly the Court denied without prejudice Plaintiff's motion for class certification. [Order.](#)

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