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Court Approves Preliminary Settlement in Tortilla False Advertising Suit

Guttman v. Ole Mexican Foods, Inc., No. 3:14-cv-4845 (N.D. Cal.): In this putative class action alleging a breach of express warranty claim and violations of California's CLRA, UCL, and FAL, based on Defendant's failure to disclose that its "Xtreme Wellness" line of tortillas contain partially-hydrogenated oil, an artificial trans-fat food additive, the Court granted Plaintiff's motion for preliminary approval of class settlement. The terms of the settlement are as follows: (1) Defendant will immediately refrain from using any partially-hydrogenated oils in its products for ten years; (2) Defendant will pay an incentive award of up to \$1,800 to the class representative; and (3) Defendant will not oppose an application for up to \$85,000 in attorneys' fees and costs. [Order attached.](#)

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