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Food & Consumer Packaged Goods Litigation

## **Another Food Class Action Stayed Pending Ninth Circuit's Guidance in ConAgra**

Parker v. J.M. Smucker Co., No. 13-cv-0690 (N.D. Cal): A federal judge has ordered a stay of proceedings pending action by the Ninth Circuit in Jones v. ConAgra. Plaintiff in the Parker action alleges that various Crisco products labeled are "all natural" but contain GMO corn, soy or canola. The court ordered a stay of these proceedings in light of the fact that the Ninth Circuit decision expected in ConAgra could resolve three issues critical to the Parker case: (1) what standard the Court should apply to determine whether a "precise, objective, and presently ascertainable" class exists; (2) what impact did Comcast v. Behrend have on plaintiff's damages allegations; and (3) whether plaintiff lacks standing to seek injunctive relief based on products she has not alleged any intent to purchase in the future. [Order.](#)

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