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May 10, 2016

Food & Consumer Packaged Goods Litigation

# Court Denies Motion to Stay Personal Care Products Case Pending **Jones v. ConAgra**

*Balser et al v. The Hain Celestial Grp., Inc.*, No. 2:13-cv-5604 (C.D. Cal.): The Court issued an order denying Defendant's motion to stay this putative class action alleging that the use of the word "Natural" on some of the labels of Defendant's "Alba Botanics" line of personal care products is misleading because the products contain synthetic ingredients. Defendant sought to stay the action pending the Ninth Circuit's resolution of *Jones v. ConAgra Foods* and *Brazil v. Dole Packaged Foods, LLC*, which are scheduled for oral argument in July 2016. Judge Manuel Real declined to exercise the Court's "inherent power" to stay proceedings of the case, noting "the Ninth Circuit is always examining cases that have relevance to those on this Court's docket." The Court found there was no justification for drawing out the litigation further, especially as the case had been delayed for years while the Court's dismissal of Plaintiff's claims were appealed to the Ninth Circuit (as reported in the February 23, 2016 update, the Ninth Circuit recently reversed and remanded Judge Real's dismissal of Plaintiff's claims for failure to satisfy Fed. R. Civ. P. 9(b)). Rather, Judge Real noted, "[t]he Ninth Circuit . . . has asked this Court to move forward on class certification and discovery issues in light of the *already existing* case law, and this Court finds no reason to delay compliance with this demand." The Court took this position even though Plaintiff did not oppose the motion to stay, and the parties' post-mandate position papers appeared to treat the stay as a foregone conclusion. [Order.](#)

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