



CASE SUMMARY

CASE INFORMATION

ASSIGNMENT INFORMATION

PARTY INFORMATION

EVENTS AND ORDERS OF THE COURT

FINANCIAL INFORMATION

→ Case Summary

Civil Actions

Case Summary

Case No. 2020-CA-002775-B

GMO FREE USA et al Vs. NESTLE USA, INC. et al

§
§
§Location: **Civil Actions**
Judicial Officer: **Edelman, Todd E**
Filed on: **06/12/2020**

Case Information

File Date 06/12/2020

Cause of Action

Complaint for Deceit
(Misrepresentation) Filed

Description/Remedy

Action
Complaint for Deceit
(Misrepresentation) Filed

Case Type: Civil II

Subtype: Complaint for Deceit (Misrepresentation)
FiledCase Status: **09/29/2021 Closed**
06/12/2020 Open

Statistical Closures

09/29/2021 Dismissed by Consent

Assignment Information

Current Case Assignment

Case Number 2020-CA-002775-B
Court Civil Actions
Date Assigned 12/31/2020
Judicial Officer Edelman, Todd E

Party Information

Lead Attorneys

Plaintiff

Clean Label Project Foundation

280 E. 1st Ave. #873
BROOMFIELD, CO 80038

Richman, Kim E

Retained

917-204-6237(F)
914-693-2018(W)
RICHMAN LAW & POLICY
1 Bridge Street, Suite 83
Irvington, NY 10533
krichman@richmanlawpolicy.com

Gmo Free USA

Doing Business As TOXIN FREE USA
P.O. Box 458
UNIONVILLE, CT 06085

Richman, Kim E

Retained

917-204-6237(F)
914-693-2018(W)
RICHMAN LAW & POLICY
1 Bridge Street, Suite 83
Irvington, NY 10533
krichman@richmanlawpolicy.com

Defendant

Nestle Purina Petcare Company

1 Checkerboard Square
SAINT LOUIS, MO 63164

Klein, Jonathan S

Retained

202-263-3467(W)
Mayer Brown, LLP
1999 K Street NW
WASHINGTON, DC 20006
jklein@jd16.law.harvard.edu

Events and Orders of the Court

06/12/2020 Complaint for Deceit (Misrepresentation) Filed
*Complaint for Deceit (Misrepresentation) Filed Receipt: 456673 Date: 06/15/2020*06/12/2020
eComplaint Filed*eComplaint Filed. Submitted 06/12/2020 14:24. TB (NO SUMMONS SUBMITTED WITH THIS FILING) Attorney: RICHMAN, KIM E. (1022978) GMO FREE USA (Plaintiff); CLEAN LABEL PROJECT FOUNDATION (Plaintiff);*06/15/2020
Event Scheduled*Event Scheduled Event: Initial Scheduling Conference-60 Date: 09/11/2020 Time: 9:30 am Judge: HIGASHI, KELLY A Location: Courtroom JM-4*

06/15/2020

Initial Order and Addendum Issued (60 Days)
Initial Order and Addendum Issued (60 Days) Initial Order-60 Days Sent on: 06/15/2020 08:58:03.51

06/15/2020

Complaint Package eServed
Complaint Package eServed to Filer

06/15/2020

Initial Summons Requested as to
Initial Summons Requested as to: NESTLE PURINA PETCARE COMPANY (Defendant);

06/15/2020
Service Issued
Issue Date: 06/15/2020 Service: Summons Issued Method: Service Issued Cost Per: \$ NESTLE USA, INC. 1812 N. Moore Street ARLINGTON, VA 22209 Tracking No: 5000227442 NESTLE PURINA PETCARE COMPANY 1 Checkerboard Square SAINT LOUIS, MO 63164 Tracking No: 5000227443

06/15/2020 
Complaint Package eServed
Complaint Package eServed to Filer

08/07/2020 
Motion Filed: (Judicial Officer: Higashi, Kelly A)
Consent Motion to Set Briefing Schedule on Defendants' Motion to Dismiss Filed. Submitted 08/07/2020 16:43. kd Attorney: KLEIN, JONATHAN S (1615088) JONATHAN S KLEIN (Attorney) on behalf of NESTLE USA, INC., NESTLE PURINA PETCARE COMPANY (Defendant) Receipt: 459063 Date: 08/10/2020

08/07/2020
Additional eFiling Document to
Additional eFiling Document to Consent Motion to Set Briefing Schedule on Defendants' Motion to Dismiss. Submitted 08/07/2020 16:43. kd Attorney: KLEIN, JONATHAN S (1615088) JONATHAN S KLEIN (Attorney) on behalf of NESTLE USA, INC., NESTLE PURINA PETCARE COMPANY (Defendant)

08/07/2020 
Rule 7.1 Disclosure Statement Filed
Defendants' Rule 7.1 Disclosure Statements Filed. Submitted 08/07/2020 16:55. kd Attorney: KLEIN, JONATHAN S (1615088) JONATHAN S KLEIN (Attorney) on behalf of NESTLE USA, INC., NESTLE PURINA PETCARE COMPANY (Defendant)

08/26/2020
Order Granting Motion * Entered on the Docket
Order Granting Consent Motion to Set Briefing Schedule Entered on the Docket. Signed by Judge Higashi in chambers, docketed, efiled, and served on August 26, 2020. ML/LC

08/26/2020
Event Resulted:
Event Resulted: The following event: Initial Scheduling Conference-60 scheduled for 09/11/2020 at 9:30 am has been resulted as follows: Result: Event Cancelled Judge: HIGASHI, KELLY A Location: Courtroom JM-4

08/26/2020
Scheduling Conference Hearing
Scheduling Conference Hearing Event: Scheduling Conference Hearing Date: 11/20/2020 Time: 9:30 am Judge: HIGASHI, KELLY A Location: Courtroom JM-4

08/27/2020 
Notice of Hearing Mailed Next Business Day
Notice of Hearing Mailed Next Business Day Notice Of Hearing Sent on: 08/27/2020 10:06:03.31

09/08/2020 
Motion Filed: (Judicial Officer: Higashi, Kelly A)
Consent Motion to Extend Briefing Schedule on Defendants' Motion to Dismiss Filed. Submitted 09/08/2020 18:03. ajm Attorney: KLEIN, JONATHAN S (1615088) NESTLE USA, INC. (Defendant); NESTLE PURINA PETCARE COMPANY (Defendant); Receipt: 460495 Date: 09/10/2020

09/08/2020
Additional eFiling Document to
Additional eFiling Document to Consent Motion to Extend Briefing Schedule on Defendants' Motion to Dismiss Filed. Submitted 09/08/2020 18:03. ajm Attorney: KLEIN, JONATHAN S (1615088)

09/11/2020 **Initial Scheduling Conference-60** (9:30 AM) (Judicial Officer: Higashi, Kelly A)
Event Cancelled

09/18/2020
Order Granting Motion to Extend * Entered on the Docket
Order Granting Motion to Extend Briefing Schedule Entered on the Docket. Signed by Judge Higashi in chambers, docketed, efiled, and served on September 18, 2020. ML/LC

09/18/2020 
Order Granting Motion * Entered on the Docket
Order Granting Defendants' Consent Motion to Extend Briefing Schedule signed by J/Higashi on 09/18/2020. Submitted on 09/18/2020 11:38. KT

09/20/2020 
Returned Mail:
Returned Mail: SCHEDULING CONFERENCE HEARING Mailed to: KIM E. RICHMAN Address: 8 WEST 12TH ST, NEW YORK, NY 10027 Returned to Court on: 09/20/2020 Reason: RETURN TO SENDER NOT DELIVERABLE TO FORWARD

09/21/2020 
Motion to Dismiss Filed (Judicial Officer: Higashi, Kelly A)
Defendants Nestle Purina Petcare Co. and Nestle USA, Inc.'s Opposed Motion to Dismiss Plaintiffs' Complaint Filed. Submitted 09/21/2020 17:10. kd Attorney: KLEIN, JONATHAN S (1615088) JONATHAN S KLEIN (Attorney) on behalf of NESTLE USA, INC., NESTLE PURINA PETCARE COMPANY (Defendant) Receipt: 461042 Date: 09/22/2020

10/21/2020 
Opposition to Motion to Dismiss Filed
Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion to Dismiss Filed. Submitted 10/21/2020 17:24. kd Attorney:

RICHMAN, KIM E. (1022978) KIM E. RICHMAN (Attorney) on behalf of GMO FREE USA, CLEAN LABEL PROJECT FOUNDATION (Plaintiff)

10/21/2020

Additional eFiling Document to

Additional eFiling Document to Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion to Dismiss. Submitted 10/21/2020 17:24. kd Attorney: RICHMAN, KIM E. (1022978) KIM E. RICHMAN (Attorney) on behalf of GMO FREE USA (Plaintiff)

10/21/2020



Praeipce to Enter Appearance Filed

Praeipce Noting Appearance of Dale J. Giali Filed. Submitted 10/21/2020 20:16. kd Attorney: GIALI, Mr DALE J (436514) Mr DALE J GIALI (Attorney) on behalf of NESTLE USA, INC. (Defendant); JONATHAN S KLEIN (Attorney) on behalf of NESTLE PURINA PETCARE COMPANY (Defendant)

10/21/2020



Praeipce Filed:

Notice of Voluntary Dismissal Without Prejudice Filed. submitted 10/21/2020 16:26. TB Attorney: RICHMAN, KIM E. (1022978) GMO FREE USA (Plaintiff);

10/28/2020



Reply Brief Filed

Defendant Nestle Purina Petcare Co'S Reply Brief filed submitted 10/28/2020 19:02pm. ae Attorney: GIALI, Mr DALE J (436514)

10/28/2020



Affidavit:

Declaration of Dale J. Giali in support of defendant's motion to dismiss submitted 10/28/2020 19:10pm. ae Attorney: GIALI, Mr DALE J (436514)

11/12/2020



Motion to Admit Attorney Pro Hac Vice Filed (Judicial Officer: Higashi, Kelly A)

Motion to Admit Attorney Pro Hac Vice Filed. submitted 11/12/2020 14:27. NB Attorney: KLEIN, JONATHAN S (1615088) NESTLE PURINA PETCARE COMPANY (Defendant); Receipt: 463524 Date: 11/13/2020

11/12/2020

Additional eFiling Document to

Additional eFiling Document to Motion to Admit Attorney Pro Hac Vice Filed. submitted 11/12/2020 14:27. NB Attorney: KLEIN, JONATHAN S (1615088) NESTLE PURINA PETCARE COMPANY (Defendant);

11/17/2020



Praeipce Requesting a Scheduling Order Filed

Joint Praeipce Requesting Entry of Scheduling Order Filed. Submitted 11/17/2020 15:12. kd Attorney: RICHMAN, KIM E. (1022978) Mr DALE J GIALI (Attorney) on behalf of NESTLE USA, INC., NESTLE PURINA PETCARE COMPANY (Defendant); KIM E. RICHMAN (Attorney) on behalf of GMO FREE USA, CLEAN LABEL PROJECT FOUNDATION (Plaintiff)

11/19/2020

Event Resulted:

Event Resulted: The following event: Scheduling Conference Hearing scheduled for 11/20/2020 at 9:30 am has been resulted as follows: Result: Event Cancelled Judge: HIGASHI, KELLY A Location: Courtroom JM-4

11/20/2020

Scheduling Conference Hearing (9:30 AM) (Judicial Officer: Higashi, Kelly A)

Event Cancelled

12/31/2020

Judge Caseload Transfer

Judge Caseload Transfer The judge was changed from HIGASHI, KELLY A to EDELMAN, TODD .

04/06/2021

Order Denying Motion * Entered on the Docket

Order Denying Defendant's Motion to Dismiss Entered on the Docket. Signed by Judge Higashi in chambers, docketed, efiled, and served on April 6, 2021. ML/LC

04/06/2021



Order Denying Motion to Dismiss Entered on the Docket

Order Denying Defendant's Motion to Dismiss. Signed by J/Higashi. Submitted 04/06/2021 17:18. TM

04/20/2021



Answer to Complaint Filed

Answer to Complaint Filed submitted 04/20/2021 13:25pm. ae Attorney: KLEIN, JONATHAN S (1615088) NESTLE USA, INC. (Defendant);

05/26/2021



Motion to Admit Attorney Pro Hac Vice Filed (Judicial Officer: Edelman, Todd E)

Motion to Admit Attorney Pro Hac Vice Filed submitted 05/26/2021 15:04pm. ae Attorney: RICHMAN, KIM E. (1022978) Receipt: 473224 Date: 05/26/2021

05/26/2021

Additional eFiling Document to

Additional eFiling Document to Motion to Admit Attorney Pro Hac Vice Filed submitted 05/26/2021 15:04pm. ae Attorney: RICHMAN, KIM E. (1022978)

06/02/2021

Order Granting Mot to Admit Atty Pro Hac Ent on the Dkt

Order Granting Plaintiff's Motion to Admit Attorney Pro Hac Vice Entered on the Docket on 6/2/21. Signed in Chambers by Judge Edelman on 6/2/21. Docketed, efiled, served, and emailed on 6/2/21. MTJ

Edelman on 6/2/21. Docketed, e-filed, e-served, and emailed on 6/2/21. MJS.

06/02/2021



Order Granting Mot to Admit Atty Pro Hac Ent on the Dkt

Order Granting Plaintiffs' Consent Unopposed Motion for Admission Pro Hac Vice (of Clark A. Binkley), Signed by J/Edelman on June 2nd, 2021. Submitted 06/02/2021 16:58. DM



07/29/2021

Witness List Filed

Defendant's Initial List of Fact Witnesses Filed. Submitted 07/29/2021 21:17. ajm Attorney: GIALI, Mr DALE J (436514) NESTLE PURINA PETCARE COMPANY (Defendant);



07/29/2021

Witness List Filed

Plaintiff's Witness List Filed. Submitted 07/29/2021 18:11. kc. Attorney: RICHMAN, KIM E. (1022978) GMO FREE USA (Plaintiff);



09/29/2021

Stipulation of Dismissal Filed

Stipulation of Voluntary Dismissal Filed. submitted 09/29/2021 16:58. mw Attorney: RICHMAN, KIM E. (1022978) GMO FREE USA (Plaintiff); CLEAN LABEL PROJECT FOUNDATION (Plaintiff); NESTLE PURINA PETCARE COMPANY (Defendant);

09/29/2021 Dismissed by Consent
Dismissed by Consent

Financial Information

Defendant Nestle Purina Petcare Company

Total Financial Assessment

40.00

Total Payments and Credits

40.00

Balance Due as of 05/15/2025

0.00

Plaintiff Gmo Free USA

Total Financial Assessment

140.00

Total Payments and Credits

140.00

Balance Due as of 05/15/2025

0.00