

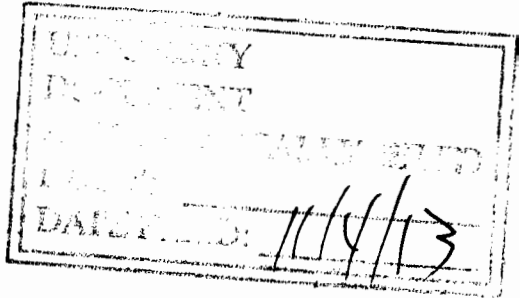
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOSEPH EBIN and YERUCHUM JENKINS, :
 :
 Plaintiffs, :
 :
 -v- :
 :
 KANGADIS FOOD INC. d/b/a THE GOURMET :
 FACTORY, :
 :
 Defendant. :
-----X

13 Civ. 2311 (JSR)
ORDER

-----X
FRANK TOSCANO :
 :
 Plaintiffs, :
 :
 -v- :
 :
 KANGADIS FOOD INC. d/b/a THE GOURMET :
 FACTORY, :
 :
 Defendant. :
-----X

13 Civ. 5944 (JSR)
ORDER



JED S. RAKOFF, U.S.D.J.

Plaintiffs Joseph Ebin and Yeruchum Jenkins assert this putative consumer class action against defendant Kangadis Food Inc., doing business as The Gourmet Factory ("Kangadis"), claiming various causes of action sounding in fraud, breach of warranty, and unjust enrichment. All of plaintiffs' claims relate to Kangadis's alleged practice of selling containers of Capatriti-brand "100% Pure Olive Oil" that actually contain an industrially processed substance known as "olive-pomace oil," "olive-residue oil," or "Pomace." On May 16, 2013 in a related matter, plaintiff Frank Toscano filed a class

action complaint against defendant Kangadis, asserting claims for violation of the New Jersey Consumer Fraud Act and breach of express warranty under New Jersey law.

Before the Court currently is plaintiffs' motion to consolidate the two actions and defendant's cross motion to stay *Toscano*. Upon consideration, the Court denies plaintiffs' motion to consolidate and grants defendant's motion to stay *Toscano*. An opinion explaining the reason for this ruling will issue in due course. The Clerk of the Court is directed to close document number 41 in the docket of 13 Civ 2311.

SO ORDERED.

Dated: New York, NY
~~October~~ 11/11, 2013



JED S. RAKOFF, U.S.D.J.