

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SCOTT KOLLER,  
Plaintiff,  
v.  
MED FOODS, INC., et al.,  
Defendants.

Case No. [14-cv-02400-RS](#)

**ORDER GRANTING MOTION FOR  
PRELIMINARY APPROVAL OF  
SETTLEMENT**

The procedural history and the factual allegations of this action have been set out in prior orders. The parties have now reached a settlement calling for a \$7 million settlement fund. Each class member who makes a claim may obtain a cash refund of up to \$7.25 per bottle of the olive oil he or she purchased. Up to five claims, for a total of \$25, will be paid without proof of purchase.

According to plaintiff, as a result of this litigation, defendant Deoleo has already removed the phrase “Imported from Italy” from its products and has agreed to refrain from using similar phrases, such as “Made in Italy,” unless the oil is entirely from olives grown and pressed in Italy. Plaintiff represents Deoleo also has begun to bottle its EVOO (extra virgin olive oil) in dark green bottles to protect it from light degradation and has agreed to continue to use such bottles. Deleo has agreed to stricter testing protocols at the time of bottling and to shorten the “best by” period and disclose the date of harvest on every bottle of Bertolli EVOO, better to ensure that the oil remains “extra virgin” at time of sale and use.

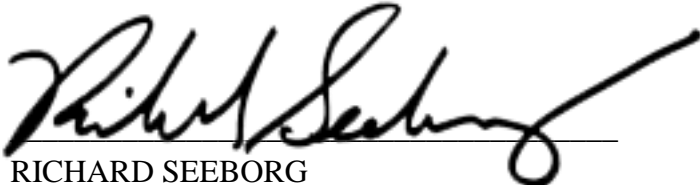
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The terms of the proposed settlement warrant approval at the preliminary stage. The proposed notice plan, provisions for objections, and provision for filing a timely motion for attorney fees likewise support preliminary approval. Accordingly, the unopposed motion is granted, and the hearing set for April 19, 2018 is vacated. Plaintiff shall submit a proposed order, approved as to form by defendants, setting out the schedule for filing of the fee motion, filing of objections, filing of the motion for final approval, and the final approval hearing.

**IT IS SO ORDERED.**

Dated: April 16, 2018

  
RICHARD SEEBORG  
United States District Judge