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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	SACV 18-00013 AG (KESx)	Date	May 7, 2018
Title	CHAUNCEY LEROY WHITE v. NATURES PATH FOODS USA, INC. ET AL.		

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Present: The Honorable ANDREW J. GUILFORD

Dwayne Roberts

Not Present

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

**Proceedings: [IN CHAMBERS] ORDER GRANTING MOTION TO  
TRANSFER [19]**

This matter is appropriate for resolution without oral argument. *See* Fed. R. Civ. P. 78(b). The Court VACATES the May 14, 2018 hearing.

Plaintiff Chauncey Leroy White filed this putative class action against Defendant Nature's Path Foods USA, Inc. ("Nature's Path USA") for various consumer protection claims about the advertising and packaging of Nature's Path cereal. White alleges that Nature's Path USA misled customers by under filling their cereal boxes. Nature's Path USA filed a motion asking the Court to transfer this case to the Northern District of California. Nature's Path USA argues that this case should be transferred because a class action challenging "the same allegedly misleading packaging of Nature's Path cereal products" is pending in the Northern District of California. (Mot., Dkt. No. 19 at 1.)

After Nature's Path USA filed its motion to transfer, White filed an amended complaint, adding Defendant Nature's Path Foods, Inc.—apparently an entity related to Nature's Path USA—as a defendant. (First Amended Compl., Dkt. No. 24.) Both Nature's Path USA and Nature's Path Foods, Inc. are represented by the same counsel, and adding Nature's Path Foods, Inc. as a defendant apparently doesn't change the merits of the motion to transfer. Indeed, after filing the amended complaint and perhaps recognizing the strength of the

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arguments presented in the motion to transfer, White filed a notice of non-opposition to the motion to transfer. (Dkt. No. 31.)

Considering the almost identical case pending in the Northern District of California, and since the parties agree that this case belongs in the Northern District, the Court GRANTS the motion to transfer. (Dkt. No. 19.)

The Court notes that two similar motions to dismiss are currently pending on the docket, one filed before White filed his amended complaint and one filed after. (*See* Dkt. Nos. 18, 35.) Considering White’s filing of the amended complaint, the Court DENIES as moot the earlier motion to dismiss. (Dkt. No. 18.) The Court declines to rule on the second motion to dismiss at this time.

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