

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:18-cv-06423-GHW**

Mason v. Diamond Foods, LLC  
Assigned to: Judge Gregory H. Woods  
Cause: 28:1332 Diversity Action

Date Filed: 07/16/2018  
Date Terminated: 10/04/2018  
Jury Demand: Plaintiff  
Nature of Suit: 370 Other Fraud  
Jurisdiction: Diversity

**Plaintiff**

**Denise Mason**  
*individually and on behalf of other similarly  
situated individuals*

represented by **Michael Joseph Gabrielli**  
Law Office of Michael J. Gabrielli  
(718)-708-5322  
Fax: (718)-708-5966  
Email: michael@gabriellilaw.com  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Diamond Foods, LLC**  
*TERMINATED: 09/12/2018*  
*doing business as*  
Kettle Foods, Inc.  
*TERMINATED: 09/12/2018*

represented by **Jalina Joy Hudson**  
Perkins Coie LLP  
30 Ruckerfeller Plaza  
New York, NY 10112  
(212)-261-6856  
Fax: (212)-399-8056  
Email: jhudson@perkinscoie.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Snyder's-Lance, Inc.**

represented by **Jalina Joy Hudson**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**S-L Snacks National, LLC**  
*doing business as*  
Kettle Foods

represented by **Jalina Joy Hudson**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
07/16/2018	<u>1</u>	COMPLAINT against Diamond Foods, LLC. (Filing Fee \$ 400.00, Receipt Number 0208-15329063)Document filed by Denise Mason. (Attachments: # <u>1</u> Exhibit FDA Warning Letter, # <u>2</u> Exhibit Product Label, # <u>3</u> Exhibit USDA Report)(Gabrielli, Michael) (Entered: 07/16/2018)

		07/16/2018)
07/16/2018	İ 2	<b>FILING ERROR – PDF ERROR – CIVIL COVER SHEET</b> filed. (Gabrielli, Michael) Modified on 7/17/2018 (jgo). (Entered: 07/16/2018)
07/16/2018	İ 3	REQUEST FOR ISSUANCE OF SUMMONS as to Diamond Foods, LLC, re: 1 Complaint. Document filed by Denise Mason. (Gabrielli, Michael) (Entered: 07/16/2018)
07/17/2018	İ	<b>***NOTICE TO ATTORNEY REGARDING DEFICIENT CIVIL COVER SHEET. Notice to attorney Michael Joseph Gabrielli to RE–FILE Document No. 2 Civil Cover Sheet. The filing is deficient for the following reason(s): Citizenship Defendant Code – multiple selections;. Re–file the document using the event type Civil Cover Sheet found under the event list Other Documents and attach the correct PDF. Use civil cover sheet issued by S.D.N.Y. dated June 2017. The S.D.N.Y. Civil Cover Sheet dated June 2017 is located at <a href="http://nysd.uscourts.gov/file/forms/civil–cover–sheet..">http://nysd.uscourts.gov/file/forms/civil–cover–sheet..</a> (jgo)</b> (Entered: 07/17/2018)
07/17/2018	İ	<b>***NOTICE TO ATTORNEY REGARDING CIVIL CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Michael Joseph Gabrielli. The following case opening statistical information was erroneously selected/entered: Cause of Action code none; County code New York;. The following correction(s) have been made to your case entry: the Cause of Action code has been modified to 28:1332; the County code has been modified to Bronx;. (jgo)</b> (Entered: 07/17/2018)
07/17/2018	İ	<b>***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Michael Joseph Gabrielli. The party information for the following party/parties has been modified: Denise Mason; Diamond Foods, LLC. The information for the party/parties has been modified for the following reason/reasons: party role was entered incorrectly; party text was omitted; alias party name was omitted;. (jgo)</b> (Entered: 07/17/2018)
07/17/2018	İ	CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Gregory H. Woods. Please download and review the Individual Practices of the assigned District Judge, located at <a href="http://nysd.uscourts.gov/judges/District">http://nysd.uscourts.gov/judges/District</a> . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at <a href="http://nysd.uscourts.gov/ecf_filing.php">http://nysd.uscourts.gov/ecf_filing.php</a> . (jgo) (Entered: 07/17/2018)
07/17/2018	İ	Magistrate Judge Stewart D. Aaron is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: <a href="http://nysd.uscourts.gov/forms.php">http://nysd.uscourts.gov/forms.php</a> . (jgo) (Entered: 07/17/2018)
07/17/2018	İ	Case Designated ECF. (jgo) (Entered: 07/17/2018)
07/17/2018	İ 4	ELECTRONIC SUMMONS ISSUED as to Diamond Foods, LLC. (jgo) (Entered: 07/17/2018)
07/17/2018	İ 5	CIVIL COVER SHEET filed. (Gabrielli, Michael) (Entered: 07/17/2018)
07/31/2018	İ 6	AFFIDAVIT OF SERVICE of Summons and Complaint. Diamond Foods, LLC served on 7/23/2018, answer due 8/13/2018. Service was accepted by Susan Castro, Receptionist. Document filed by Denise Mason. (Gabrielli, Michael) (Entered: 07/31/2018)
08/21/2018	İ 7	PROPOSED STIPULATION AND ORDER. Document filed by Diamond Foods, LLC. (Hudson, Jalina) (Entered: 08/21/2018)
08/21/2018	İ 8	NOTICE OF APPEARANCE by Jalina Joy Hudson on behalf of Diamond Foods, LLC. (Hudson, Jalina) (Entered: 08/21/2018)
08/21/2018	İ 9	

		NOTICE OF INITIAL PRETRIAL CONFERENCE: Initial Conference set for 9/19/2018 at 03:30 PM in Courtroom 12C, U.S. Courthouse, 500 Pearl Street, New York, NY 10007 before Judge Gregory H. Woods, and as further set forth in this Order. So ordered. (Signed by Judge Gregory H. Woods on 8/21/2018) (rjm) (Entered: 08/21/2018)
08/21/2018	<u>10</u>	STIPULATION AND ORDER EXTENDING TIME TO RESPOND TO THE COMPLAINT. IT IS HEREBY STIPULATED CONSENTED AND AGREED, by and between the undersigned attorneys for the parties that the deadline within which Defendant Diamond Foods, LLC may move, answer or otherwise respond to the Complaint filed on July 16, 2018 is hereby extended until September 12, 2018, and as further set forth in this Stipulation and Order. Defendant's time to answer or otherwise respond to the complaint is extended to September 12, 2018. The Court takes no position on the remainder of the stipulation between the parties. So ordered. Diamond Foods, LLC answer due 9/12/2018. (Signed by Judge Gregory H. Woods on 8/21/2018) (rjm) (Entered: 08/21/2018)
09/10/2018	<u>11</u>	LETTER MOTION for Extension of Time to File <i>Response to the Complaint</i> addressed to Judge Gregory H. Woods from Jalina J. Hudson dated 09/10/2018., LETTER MOTION to Adjourn Conference addressed to Judge Gregory H. Woods from Jalina J. Hudson dated 09/10/2018. Document filed by Diamond Foods, LLC.(Hudson, Jalina) (Entered: 09/10/2018)
09/11/2018	<u>12</u>	ORDER denying <u>11</u> Letter Motion for Extension of Time to File ; denying <u>11</u> Letter Motion to Adjourn Conference. Defendant's request for an extension of time to answer or otherwise respond to the complaint is denied. The parties' request to adjourn sine die the initial pretrial conference currently scheduled for September 19, 2018 is denied. (Signed by Judge Gregory H. Woods on 9/11/2018) (cf) (Entered: 09/11/2018)
09/12/2018	<u>13</u>	FIRST AMENDED COMPLAINT amending <u>1</u> Complaint against Snyder's-Lance, Inc., S-L Snacks National, LLC with JURY DEMAND.Document filed by Denise Mason. Related document: <u>1</u> Complaint. (Attachments: # <u>1</u> Exhibit FDA Warning Letter, # <u>2</u> Exhibit Sample Product Label, # <u>3</u> Exhibit USDA Report)(Gabrielli, Michael) (Entered: 09/12/2018)
09/12/2018	<u>14</u>	JOINT LETTER addressed to Judge Gregory H. Woods from Michael Gabrielli dated September 12, 2018 re: Initial Pretrial Conference. Document filed by Denise Mason. (Attachments: # <u>1</u> Proposed Case Managenet Plan and Scheduling Order)(Gabrielli, Michael) (Entered: 09/12/2018)
09/13/2018	<u>1</u>	<b>***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Michael Joseph Gabrielli. The party information for the following party/parties has been modified: Snyder's-Lance, Inc.; S-L Snacks National, LLC. The information for the party/parties has been modified for the following reason/reasons: party role was entered incorrectly; alias party name was omitted. (sj)</b> (Entered: 09/13/2018)
09/14/2018	<u>15</u>	NOTICE OF APPEARANCE by Jalina Joy Hudson on behalf of S-L Snacks National, LLC, Snyder's-Lance, Inc.. (Hudson, Jalina) (Entered: 09/14/2018)
09/14/2018	<u>16</u>	MOTION for Charles C. Sipos to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15574308. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by S-L Snacks National, LLC, Snyder's-Lance, Inc.. (Attachments: # <u>1</u> Affidavit of Charles Sipos in Support of Admission Pro Hac Vice with Certificate of Good Standing, # <u>2</u> Text of Proposed Order)(Hudson, Jalina) (Entered: 09/14/2018)
09/17/2018	<u>1</u>	<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>16</u> MOTION for Charles C. Sipos to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15574308. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb)</b> (Entered: 09/17/2018)
09/18/2018	<u>17</u>	ORDER granting <u>16</u> Motion for Charles C. Sipos to Appear Pro Hac Vice. (HEREBY ORDERED by Judge Gregory H. Woods)(Text Only Order) (Woods, Gregory) (Entered: 09/18/2018)

09/19/2018	<u>I</u>	Minute Entry for proceedings held before Judge Gregory H. Woods: Initial Pretrial Conference held on 9/19/2018. (Daniels, Anthony) (Entered: 09/21/2018)
09/20/2018	<u>18</u>	CIVIL CASE MANAGEMENT PLAN AND SCHEDULING ORDER: All parties do not consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. Except for amendments permitted by Fed. R. Civ. P. 15(a)(1) and this Court's Individual Rules of Practice in Civil Cases ("Individual Rules"), amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed within 30 days from the date of this Order. Fact Discovery due by 5/20/2019. Depositions due by 4/15/2019. Expert Discovery due by 7/5/2019. The joint pretrial order shall be due 30 days from the close of discovery, or if any dispositive motion is filed, 21 days from the Court's decision on such motion. This case is to be tried to a jury. Counsel for the parties have conferred and their present best estimate of the length of trial is 3–5 days. Status Conference set for 8/22/2019 at 04:00 PM before Judge Gregory H. Woods. SO ORDERED. (Signed by Judge Gregory H. Woods on 9/20/2018) (anc) Modified on 9/21/2018 (anc). (Entered: 09/20/2018)
10/03/2018	<u>19</u>	PROPOSED STIPULATION AND ORDER. Document filed by Diamond Foods, LLC, S–L Snacks National, LLC, Snyder's–Lance, Inc.. (Attachments: # <u>1</u> Exhibit A– Final Judgment) (Hudson, Jalina) (Entered: 10/03/2018)
10/04/2018	<u>20</u>	STIPULATION TO TRANSFER VENUE: NOW THEREFORE, in consideration of the foregoing, and pursuant to § 1404(a), the Parties agree and stipulate to the transfer of this Action to the United States District Court to the Southern District of Florida, and request that this Action be transferred accordingly. The parties have stipulated to the transfer of this action to the United States District Court for the Southern District of Florida. See 28 U.S.C. § 1404(a) ("For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to... any district or division to which all parties have consented."). The Court takes no position on the remainder of the stipulation between the parties. Accordingly, the Clerk of Court is directed to transfer this action to the United States District Court for the Southern District of Florida without delay. This order supersedes the seven day waiting period established in Local Rule 83.1. SO ORDERED. (Signed by Judge Gregory H. Woods on 10/4/2018) (anc) (Entered: 10/04/2018)
10/04/2018	<u>I</u>	CASE TRANSFERRED OUT ELECTRONICALLY from the U.S.D.C. Southern District of New York to the United States District Court – District of Southern District of Florida. (anc) (Entered: 10/04/2018)