

MAYER BROWN LLP
JENNIFER M. ROSA
jrosa@mayerbrown.com
1221 Avenue of the Americas
New York, NY 10020-1001
Telephone: (212) 506-2500
Facsimile: (212) 262-1910

*Attorneys for Defendants Nestlé USA, Inc.,
Ferrara Candy Company and Ferrero U.S.A., Inc.*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

REGAN IGLESIA, et al.,

Plaintiffs,

v.

NESTLÉ USA, INC., et al.,

Defendants.

Civil Action No. 3:20-cv-05971- BRM-DEA

**CONSENT ORDER RE STAY OF CASE
PENDING MEDIATION**

The parties hereto hereby stipulate and agree, subject to order of the Court, that all proceedings in this matter be stayed, pending the parties' participation in alternate dispute resolution to be completed on or about December 1, 2020. By presenting this consent order to the Court, the parties make the following representations:

1. Jade Thomas and Carey Hoffman, on behalf of themselves and a certified California consumer class and represented by plaintiffs' counsel in this action, and defendants Nestlé USA, Inc. and Ferrara Candy Company, are parties to an action filed in Los Angeles County Superior Court, Los Angeles, California, entitled *Thomas, et al. v. Nestlé USA, Inc., et al.*, Case No. BC649863. As detailed in the operative complaint in this action (ECF. No. 3, ¶ 60), in *Thomas*, plaintiffs make the same allegations as to the same products challenged in this case; namely that

defendants' concession box candy products are misleading because of the presence of nonfunctional slack-fill or empty space in the product containers.

2. In *Thomas*, the parties have agreed to participate in a mediation on December 1, 2020, before a California state retired judge, the Hon. Peter J. Lichtman (Ret.). Because of the identity of parties, issues and counsel in *Thomas* and this action, the parties also intend to discuss resolution of the claims in this action during the *Thomas* mediation.

3. Pending the December 1, 2020 mediation, and to conserve party and court time and resources, the parties in *Thomas* have agreed to a "standstill" of litigation activities in *Thomas*. The parties here agree that a temporary stay in this matter likewise makes sense in order to preserve Court and party resources and allow the parties to focus on resolution.

4. Accordingly, the parties request that this matter be stayed, including the Court's consideration of and ruling on defendants' currently pending motion to dismiss (ECF Nos. 14, 16, 17), until after the mediation is completed. The parties will submit a joint statement regarding the status of the case and mediation no later than December 15, 2020.

Consent to form and entry of this Order.

DATED: October 5, 2020

MAYER BROWN LLP

/s/ Jennifer M. Rosa
Jennifer M. Rosa
1221 Avenue of the Americas
New York, NY 10020-1001
Counsel for Defendants

Respectfully submitted,

SHEPHERD, FINKELMAN, MILLER &
SHAH, LLP

/s/ James C. Shah
James C. Shah
475 White Horse Pike
Collingswood, NJ 08107
Counsel for Plaintiffs

On consent of the parties, IT IS SO ORDERED that all proceedings in this matter be stayed pending the parties' December 1, 2020 mediation. The parties shall submit a report to the Court regarding mediation by December 15, 2020.

DATED: 10/6/2020

_____

Hon. Brian R. Martinotti, U.S.D.J.

CERTIFICATE OF SERVICE

I, Jennifer M. Rosa, an attorney, hereby certify that on October 5, 2020, I caused a copy of the CONSENT ORDER RE STAY OF CASE PENDING MEDIATION to be served upon all counsel of record via the Court's electronic filing system.

/s/ Jennifer M. Rosa
Jennifer M. Rosa