

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

NATALIA LA ROSA, and PHOEBE CANEDA,  
on behalf of themselves and all others similarly  
situated,

Plaintiffs,

v.

ABBOTT LABORATORIES, ALERE, PROCTER  
& GAMBLE MANUFACTURING COMPANY,  
SPD SWISS PRECISION DIAGNOSTICS GMBH,  
CHURCH & DWIGHT CO. INC., TARGET  
CORPORATION, CVS PHARMACY, INC., and  
WALGREEN CO.,

Defendants.

Case No. 1:22-cv-5435- NRM-JRC

PRUSHTI DAVE, ARLENE BERGUM, EMILY  
DEPOL, KEYA JOHNIGAN, and BRIANNA  
MCKAY on behalf of themselves and all others  
similarly situated,

Plaintiffs,

v.

ABBOTT LABORATORIES, ALERE, PROCTER &  
GAMBLE MANUFACTURING COMPANY, SPD  
SWISS PRECISION DIAGNOSTICS GMBH,  
CHURCH & DWIGHT CO. INC., TARGET  
CORPORATION, and WALGREEN CO.,

Defendants.

Case No. 1:22-cv-7642-NRM-JRC

**ORDER CONSOLIDATING CASES**

WHEREAS, on September 12, 2022, plaintiffs Natalia La Rosa and Phoebe Caneda, represented by the undersigned counsel, filed a putative class action, under New York law, in this Court related to defendants' packaging of certain ovulation test kits;

WHEREAS, on September 12, 2022, plaintiffs Prushti Dave, Arlene Bergum, Emily Depol, Keya Johnigan, and Brianna McKay, also represented by the undersigned counsel, filed a putative class action, under California law, in the United States District Court for the Northern District of California (the "Dave Action") also related to defendants' packaging of certain ovulation test kits;

WHEREAS, the Dave Action was transferred to this Court on December 13, 2022 and assigned to Judge Nina R. Morrison on December 19, 2022;

WHEREAS, under Fed. R. Civ. P. 42(a), when actions involve "a common question of law of fact," the Court may "(1) join for hearing or trial or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any orders to avoid unnecessary cost or delay";

WHEREAS, the two actions challenge substantially the same alleged conduct; and

WHEREAS, to avoid potentially duplicative actions and to prevent any waste of the Court's and the parties' resources, the parties agree that the two actions should be consolidated for all purposes, including pre-trial proceedings and any trial into a single consolidated action;

NOW THEREFORE, IT IS HEREBY ORDERED as follows:

1. The two actions captioned above are hereby consolidated for all purposes, including pre-trial proceedings and any trial, under Case No. 1:22-cv-5435-NRM-JRC (hereinafter, the "Consolidated Action"), pursuant to Federal Rule of Civil Procedure 42(a).

2. All papers filed in connection with the Consolidated Action will be maintained in one file under Case No. 1:22-cv-5435- NRM-JRC.

IT IS SO ORDERED this 27th day of January 2023.

/s/ Nina R. Morrison

HON. UNITED STATES DISTRICT JUDGE