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VIA ECF

May 3, 2023

Judge Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

RE: *Newman v. Lindt & Sprüngli (North America) Inc.*, No. 23 Civ. 01972

Dear Judge Gardephe:

The Parties write jointly to request that the Court transfer the above-captioned action, immediately and in its entirety, to the United States District Court for the Eastern District of New York, in favor of the nearly identical, first-filed case of *Gralia et al. v. Lindt & Sprüngli (USA) Inc.*, Case No. 1:23-cv-01186-AMD-RER (“*Gralia*”), currently pending there before the Honorable Judge Ann M. Donnelly, so that this action may be consolidated with four other substantially similar putative consumer class actions that have been filed against Lindt & Sprüngli (USA) Inc. (“LSUS”) relating to Defendant’s dark chocolate products.

On February 13, 2023, the first-filed *Gralia* action was filed in the United States District Court for the Eastern District of New York, based on allegations substantially similar to those here. Subsequent to that date, three other pending actions have been filed based on allegations substantially similar to those here. *See Goldstein v. Lindt & Sprüngli (USA) Inc.*, Case No. 1:23-cv-03014 (S.D.N.Y. filed 2/13/2023, transferred to E.D.N.Y. on 4/20/2023); *Howard v. Lindt & Sprüngli (USA) Inc.*, Case No. 2:23-cv-00243 (N.D. Ala. filed Feb. 28, 2023); *Tettenhorst v. Lindt & Sprüngli (USA) Inc.*, Case No. 1:23-cv-00194 (D.N.H. filed March 17, 2023). Counsel for parties in the other actions have conferred and agree to transfer and/or consolidate those actions with the first-filed *Gralia* action and the parties in those actions are working on accomplishing that.

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The Parties in this action have conferred and agree that the above-captioned action should be transferred to the United States District Court for the Eastern District of New York so that it may be consolidated with the first-filed *Gralia* action currently pending there in front of the Honorable Ann M. Donnelly. The Parties further agree that the transfer of this action serves the interests of judicial economy and conservation of the Courts' and Parties' resources because it enables the actions to be consolidated so that the litigation may proceed without duplication of efforts.

As such the Parties jointly request that the Court enter an order transferring the above-captioned action immediately and in its entirety to the United States District Court for the Eastern District of New York, so that it may be consolidated with the first-filed *Gralia* action currently pending there in front of the Honorable Ann M. Donnelly.

Respectfully submitted,

By: /s/ Jason Sultzer
Jason Sultzer

By: /s/ Alvina Pillai
Alvina Pillai

AP:slr

cc: All counsel of record via ECF

MEMO ENDORSED:

The Clerk of Court is directed to transfer this case to the United States District Court for the Eastern District of New York.

SO ORDERED.



Paul G. Gardephe
United States District Judge

Dated: May 8, 2023