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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

VALERIE MORRISON, on behalf of  
herself, all others similarly situated, and the  
general public,

Plaintiff,

v.

TRADER JOE’S COMPANY,

Defendant.

Case No. 3:23-cv-00061-RBM-KSC  
Case No. 3:23-cv-00444-RBM-KSC  
Case No. 3:23-cv-00462-RBM-KSC  
Case No. 3:23-cv-00479-RBM-KSC  
Case No. 3:23-cv-00513-RBM-KSC

**ORDER GRANTING JOINT  
MOTION TO CONSOLIDATE  
CASES**

**[Doc. 10]**

TAMAKIA HERD, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

TRADER JOE’S COMPANY,

Defendant.

VYACHESLAV SHAUSMANOV,  
individually, and on behalf of all others  
similarly situated,

Plaintiff,

1 v.  
2 TRADER JOE’S COMPANY, a California  
3 corporation,  
4 Defendant.

5 ROBERT L. WARING, on behalf of  
6 himself and all others similarly situated,  
7 Plaintiff,

8 v.  
9 TRADER JOE’S COMPANY,  
10 Defendant.

11 ROME ISH-HURWITZ, individually and  
12 on behalf of all others similarly situated,  
13 Plaintiff,

14 v.  
15 TRADER JOE’S COMPANY, INC.  
16 Defendant.

17 Five related putative class action lawsuits are pending in the Southern District of  
18 California before the undersigned. Plaintiffs Valerie Morrison, Tamakia Herd, Vyacheslav  
19 Shausmanov, Robert L. Waring, and Rome Ish-Hurwitz (collectively “Plaintiffs”) bring  
20 these actions against Defendant Trader Joe’s Company on behalf of all purchasers of two  
21 dark chocolate bars sold in Trader Joe’s stores: Trader Joe’s 72% Cacao Dark Chocolate  
22 Bar and Trader Joe’s 85% Cacao Dark Chocolate Lover’s Chocolate Bar (the “Products”).  
23 Plaintiffs and Defendant now seek to consolidate the five related cases. (Doc. 10.) The  
24 Court determines the motion on the papers submitted without oral argument pursuant to  
25 Civil Local Rule 7.1(d).

26 The Parties stipulate to consolidating the five related cases on the basis that each of  
27 the cases present substantially similar claims on behalf of virtually identical nationwide  
28 classes against the same Defendant. (Doc. 10 at 3.) Each of the actions allege Trader Joe’s

1 sold the Products without disclosing the Products contained lead and cadmium. (*Id.*)  
2 Having reviewed the pleadings, the Court finds consolidation of the actions is warranted  
3 pursuant to Federal Rule of Civil Procedure 42.

4 Based on the foregoing, **IT IS ORDERED:**

5 1. The motion to consolidate cases in *Morrison v. Trader Joe's Company*, 3:23-  
6 cv-00061-RBM-KSC (Doc. 10) is **GRANTED** and the actions (i.e., *Morrison v. Trader*  
7 *Joe's Company*, 3:23-cv-00061-RBM-KSC; *Herd v. Trader Joe's Company*, 3:23-cv-  
8 00444-RMB-KSC; *Shausmanov v. Trader Joe's Company*, 3:23-cv-00462-RBM-KSC;  
9 *Waring v. Trader Joe's Company*, 3:23-cv-00479-RBM-KSC; and *Ish-Hurwitz v. Trader*  
10 *Joe's Company, Inc.*, 3:23-cv-00513-RBM-KSC) are consolidated for all purposes.

11 2. All documents filed shall bear the caption In Re Trader Joe's Company Dark  
12 Chocolate Litigation, 3:23-cv-00061-RBM-KSC.

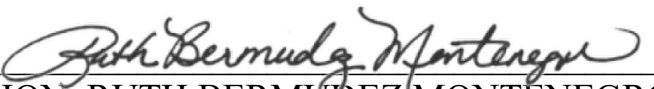
13 3. A consolidated amended complaint shall be filed within **thirty (30) days** of  
14 the filing of this Order.

15 4. Defendant shall answer or otherwise respond to the amended consolidated  
16 complaint within thirty (30) days after the filing of such consolidated complaint.

17 5. The Clerk of Court is **DIRECTED** to change the docket to bear the caption  
18 In Re Trader Joe's Company Dark Chocolate Litigation, 3:23-cv-00061-RBM-KSC and  
19 administratively close the following cases: *Herd v. Trader Joe's Company*, 3:23-cv-  
20 00444-RBM-KSC; *Shausmanov v. Trader Joe's Company*, 3:23-cv-00462-RBM-KSC;  
21 *Waring v. Trader Joe's Company*, 3:23-cv-00479-RBM-KSC; and *Ish-Hurwitz v. Trader*  
22 *Joe's Company, Inc.*, 3:23-cv-00513-RBM-KSC.

23 **IT IS SO ORDERED.**

24 DATE: April 11, 2023

25   
26 HON. RUTH BERMUDEZ MONTENEGRO  
27 UNITED STATES DISTRICT JUDGE  
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