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6 Attorneys for Defendant,
OCEAN SPRAY CRANBERRIES, INC.
7

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10
11 NOELLE MAJOR, individually and on behalf
of all others similarly situated,

12 Plaintiff,

13 vs.
14

15 OCEAN SPRAY CRANBERRIES, INC., a
Delaware corporation; and DOES 1-10,
16 inclusive,

17 Defendant.

Case No. CV12-03067 EJD (HRL)

**JOINT STIPULATION TO ENTRY OF
FINAL JUDGMENT**

Complaint Filed: June 14, 2012
Trial Date: None Set

1 WHEREAS, Plaintiff's Complaint (Dkt. #1), filed June 15, 2012, and First Amended Complaint¹
2 (Dkt. #37), filed May 13, 2013 ("FAC") contained various claims regarding the labels of a number of
3 Ocean Spray Cranberries, Inc. ("Ocean Spray") products including: Ocean Spray 100% Juice Blends,
4 Ocean Spray Blueberry Juice Cocktail, Ocean Spray Diet Sparkling Pomegranate Blueberry Juice
5 Beverage, Ocean Spray Light Cranberry Juice Drink, and Ocean Spray Ruby (Grapefruit) Cherry Juice
6 Drink.

7 WHEREAS on March 29, 2013, Plaintiff filed a Motion for Class Certification (Dkt. #23) ("First
8 Class Cert. Motion"), seeking certification of a class of California purchasers of any flavor in any of the
9 following Ocean Spray product lines: Ocean Spray 100% Juice Blends (e.g. 100% Juice Cranberry
10 Pomegranate Blend); Ocean Spray Juice Drinks (e.g. Blueberry Juice Cocktail); Ocean Spray Sparkling
11 Juice Beverages (e.g. Diet Sparkling Pomegranate Blueberry Juice Beverage); and, Ocean Spray Cherry
12 Juice Drinks (e.g. Ruby (Grapefruit) Cherry Juice Drink).

13 WHEREAS on June 10, 2013, this Court issued an order (Dkt. 44) denying Plaintiff's First Class
14 Cert Motion.

15 WHEREAS on November 1, 2013, Plaintiff filed her Second Motion for Class Certification
16 (Dkt. #50) ("Second Class Certification Motion"), a narrower motion seeking certification of a class of
17 California purchasers of only the Ocean Spray 100% Juice line of products.

18 WHEREAS on January 3, 2014, Ocean Spray filed its opposition to the Second Class
19 Certification Motion (Dkt. #56) and its Motion for Partial Summary Judgment (Dkt. #55) (the "MSJ")
20 seeking summary judgment against all of Plaintiff's claims concerning Ocean Spray's 100% Juice line.

21 WHEREAS, on March 25, 2014, after Ocean Spray's MSJ was on file, Plaintiff represented to
22 this Court in the Parties' Joint Preliminary Pretrial Conference Statement that she was abandoning her
23 claims against all of the Ocean Spray products named in her Complaint and in the FAC except for the
24 Ocean Spray 100% Juice line of products at issue in the then-pending Second Class Certification
25 Motion.

26
27 ¹ Plaintiff's FAC was identical to the original Complaint except for: (1) the addition of a request for
28 monetary damages under the Consumer Legal Remedies Act, Cal. Civ. Code §1780 and (2) the
dismissal of Plaintiffs' claims under the Song-Beverly Act and Magnuson-Moss Act.

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~~PROPOSED~~ FINAL JUDGMENT

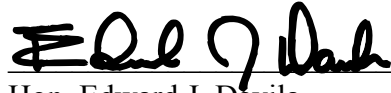
Complaint Filed: June 14, 2012
Trial Date: None Set

1 Pursuant to the Parties' Joint Stipulation to Entry of Final Judgment and in accordance with that
2 verdict and Rule 58 of the Federal Rules of Civil Procedure:

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4 IT IS **ADJUDGED** that:

- 5 1. Plaintiff Noelle Major takes nothing by this suit;
- 6 2. This action is dismissed on its merits; and
- 7 3. Defendant Ocean Spray Cranberries, Inc. may recover its costs of suit taxed in this matter
8 from the plaintiff, Noelle Major.
- 9 4. The Clerk shall close this file.

10 DATED: 4/3/2015



11 Hon. Edward J. Davila
12 United States District Court Judge

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