

**U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:18-cv-00658-AJB-WVG**

Littlejohn v. Nestle USA, Inc.
Assigned to: Judge Anthony J. Battaglia
Referred to: Magistrate Judge William V. Gallo
Demand: \$5,000,000
Cause: 28:1332 Diversity Action

Date Filed: 04/02/2018
Jury Demand: Plaintiff
Nature of Suit: 370 Other Fraud
Jurisdiction: Diversity

Plaintiff

Jessica Littlejohn
*on behalf of herself, all others similarly
situated, and the general public*

represented by **Lilach Halperin**
Law Offices of Ronald A. Marron, PLC
651 Arroyo Drive
San Diego, CA 92103
619-696-9006
Email: lilach@consumersadvocates.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Houchin
Law Offices of Ronald A. Marron
651 Arroyo Drive
San Diego, CA 92103
619-696-9006
Fax: 619-564-6665
Email: mike@consumersadvocates.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ronald Marron
Law Office of Ronald Marron
651 Arroyo Drive
San Diego, CA 92103
(619)696-9006
Fax: (619)564-6665
Email: ron@consumersadvocates.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tania Babaie
Law Offices of Ronald A Marron
651 Arroyo Firm
San Diego, CA 92103
619-696-9006
Email: tania@consumersadvocates.com
TERMINATED: 01/15/2019
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**Nestle USA, Inc.***a Delaware Corporation**TERMINATED: 06/07/2018***Defendant****Ferrara Candy Company**

represented by **Neal A. Potischman**
 Davis Polk & Wardwell LLP
 1600 El Camino Real
 Menlo Park, CA 94025
 (650) 752-2000
 Fax: (650) 752-2111
 Email: neal.potischman@davispolk.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Arif Hakim Dhillia
 Davis Polk & Wardwell LLP
 1600 El Camino Real
 Menlo Park, CA 94025
 650-752-2000
 Fax: 650-752-2111
 Email: arif.dhillia@davispolk.com
TERMINATED: 05/14/2019
ATTORNEY TO BE NOTICED

Kelley B. Harrington
 Davis Polk & Wardell
 1600 El Camino Real
 Menlo Park, CA 94025
 650-752-2000
 Fax: 650-752-2111
 Email: kelley.harrington@davispolk.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/02/2018	1 R	COMPLAINT with Jury Demand against Nestle USA, Inc. (filing fee \$ 400 receipt number 0974-11072194), filed by Jessica Littlejohn. (Attachments: # 1 Civil Cover Sheet, # 2 Exhibit 1) The new case number is 3:18-cv-00658-AJB-WVG. Judge Anthony J. Battaglia and Magistrate Judge William V. Gallo are assigned to the case. (Marron, Ronald)(jrm) (sjt). (Entered: 04/02/2018)
04/02/2018	2	Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. (jrm) (Entered: 04/02/2018)
04/17/2018	3	SUMMONS Returned Executed by Jessica Littlejohn. Nestle USA, Inc. served. (Marron, Ronald) (acc). (Entered: 04/17/2018)

05/02/2018	4	NOTICE of Appearance by Neal A. Potischman on behalf of Ferrara Candy Company (Potischman, Neal)Attorney Neal A. Potischman added to party Ferrara Candy Company(pty:dft) (Entered: 05/02/2018)
05/02/2018	5	NOTICE of Party With Financial Interest by Ferrara Candy Company . Identifying Corporate Parent F&S Holdings 1, Inc., Corporate Parent Candy Intermediate Holdings, Inc., Corporate Parent Ferrara Candy Company Holdings, Inc., Corporate Parent Pontiac Holdco Inc. for Ferrara Candy Company. (Potischman, Neal) (acc). (jao). (Entered: 05/02/2018)
05/02/2018	6	Joint MOTION for Extension of Time to File <i>Joint Motion to Extend Time to Respond to Complaint</i> by Ferrara Candy Company. (Potischman, Neal) Modified on 5/3/2018 to correct event type (acc). (Entered: 05/02/2018)
05/02/2018	7	NOTICE of Appearance by Arif Hakim Dhillia on behalf of Ferrara Candy Company (Dhillia, Arif)Attorney Arif Hakim Dhillia added to party Ferrara Candy Company(pty:dft) (acc). (Entered: 05/02/2018)
05/02/2018	8	NOTICE of Appearance by Kelley B. Harrington on behalf of Ferrara Candy Company (Harrington, Kelley)Attorney Kelley B. Harrington added to party Ferrara Candy Company(pty:dft) (acc). (Entered: 05/02/2018)
05/03/2018	9	ORDER granting 6 Joint Motion to Extend Time to Respond to Complaint. Plaintiff and Ferrara Candy Company stipulate that the deadline to respond to plaintiff's Complaint shall be extended to 6/15/2018. Signed by Judge Anthony J. Battaglia on 5/2/2018. (acc) (Entered: 05/03/2018)
06/06/2018	10	Joint MOTION to Substitute Party <i>and Set Schedule for Amended Complaint</i> by Ferrara Candy Company. (Attachments: # 1 Table of Contents, # 2 Exhibit A)(Potischman, Neal) (mpl). (Entered: 06/06/2018)
06/07/2018	11 R	ORDER Granting 10 Joint Motion to Substitute Party and Set Schedule for Amended Complaint. Signed by Judge Anthony J. Battaglia on 6/7/2018. (mpl) (Entered: 06/07/2018)
07/06/2018	12 R	AMENDED COMPLAINT with Jury Demand against Ferrara Candy Company, filed by Jessica Littlejohn. (Marron, Ronald) (acc). (Entered: 07/06/2018)
07/23/2018	13	Joint MOTION for Extension of Time to File <i>Response to First Amended Class Action Complaint</i> by Ferrara Candy Company. (Potischman, Neal). Modified on 7/24/2018 to correct event type(acc). (Entered: 07/23/2018)
07/24/2018	14	ORDER granting 13 Joint Motion to extend Time to Respond to First Amended Class Action Complaint. Ferrara Candy Company answer due 8/24/2018. Signed by Judge Anthony J. Battaglia on 7/24/2018. (acc) (Entered: 07/24/2018)
08/20/2018	15	Joint MOTION for Extension of Time to File <i>Response to First Amended Class Action Complaint</i> by Ferrara Candy Company. (Potischman, Neal). Modified on 8/21/2018 to correct event type(acc). (Entered: 08/20/2018)
08/21/2018	16	ORDER granting 15 Joint Motion to Extend Time to Respond to First Amended Class Action Complaint. Ferrara Candy Company answer due 10/31/2018. Signed by Judge Anthony J. Battaglia on 8/21/2018. (acc) (Entered: 08/21/2018)
08/27/2018	17	NOTICE of Appearance by Tania Babaie on behalf of Jessica Littlejohn (Attachments: # 1 Proof of Service)(Babaie, Tania)Attorney Tania Babaie added to party Jessica Littlejohn(pty:pla)(acc). (Entered: 08/27/2018)
10/30/2018	18	Joint MOTION to Vacate <i>Defendant's Deadline to Respond to the First Amended</i>

		<i>Complaint and to Set a Deadline for the Parties to File a Motion for Preliminary Approval of Class Action Settlement</i> by Jessica Littlejohn. (Attachments: # 1 Proof of Service)(Houchin, Michael)Attorney Michael Houchin added to party Jessica Littlejohn(pty:pla)(acc). (Entered: 10/30/2018)
10/31/2018	19	ORDER Granting 18 Joint Motion to Vacate Defendant's Deadline to Respond to the First Amended Complaint. The Court hereby GRANTS the Parties' Joint Motion and hereby ORDERS as follows: 1. Defendant's deadline of 10/31/2018 to respond to the First Amended Complaint is hereby VACATED; 2. The Parties are DIRECTED to file their Motion for Preliminary Approval of Class Action Settlement by no later than 11/30/2018. Signed by Judge Anthony J. Battaglia on 10/31/2018. (acc) (Entered: 10/31/2018)
11/26/2018	20	Joint MOTION to Continue <i>the Deadline for the Parties to File a Motion for Preliminary Approval of Class Action Settlement</i> by Jessica Littlejohn. (Attachments: # 1 Proof of Service)(Houchin, Michael) (acc). (Entered: 11/26/2018)
11/27/2018	21	ORDER Granting 20 Joint Motion to Continue Deadline for the Parties to File a Motion for Preliminary Approval of Class Action Settlement. Signed by Judge Anthony J. Battaglia on 11/27/2018. (acc) (Entered: 11/27/2018)
12/20/2018	22	NOTICE of Appearance by Lilach Halperin on behalf of Jessica Littlejohn (Attachments: # 1 Proof of Service)(Halperin, Lilach)Attorney Lilach Halperin added to party Jessica Littlejohn(pty:pla) (acc). (Entered: 12/20/2018)
12/21/2018	23	Joint MOTION for Settlement <i>Joint Motion for Preliminary Approval of Class Action Settlement</i> by Jessica Littlejohn. (Attachments: # 1 Memo of Points and Authorities, # 2 Declaration of Ronald A. Marron, # 3 R Exhibit 1, # 4 Exhibit 2, # 5 Proof of Service) (Marron, Ronald) (acc). (Entered: 12/21/2018)
12/21/2018	24	ORDER BY JUDGE BATTAGLIA: Setting Hearing on Motion 23 Joint MOTION for Settlement <i>Joint Motion for Preliminary Approval of Class Action Settlement</i> : Motion Hearing set for 2/28/2019 at 2:00 PM in Courtroom 4A before Judge Anthony J. Battaglia.(no document attached) (sc) (Entered: 12/21/2018)
01/15/2019	25	NOTICE to Withdraw as Attorney (<i>re: Tania Babaie</i>) by Jessica Littlejohn. (Attachments: # 1 Proof of Service)(Marron, Ronald) (acc). (Entered: 01/15/2019)
02/05/2019	26	Joint MOTION for Leave to Appear Telephonically <i>at Hearing on Joint Motion for Preliminary Approval of Class Action Settlement</i> by Ferrara Candy Company. (Potischman, Neal)(acc). (Entered: 02/05/2019)
02/05/2019	27	ORDER Granting 26 Joint Motion for Defendant's Counsel to Appear Telephonically at the Hearing on Joint Motion for Preliminary Approval of Class Action Settlement. Signed by Judge Anthony J. Battaglia on 2/5/2019. (acc) (Entered: 02/05/2019)
02/28/2019	28 R	ORDER Preliminarily Approving Class Action Settlement, Certifying the Class, Appointing Class Representative and Class Counsel, Approving Notice Plan, and Setting Final Approval Hearing. Final Approval Hearing set for 5/31/2019 02:00 PM in Courtroom 4A before Judge Anthony J. Battaglia. Signed by Judge Anthony J. Battaglia on 2/28/2019. (acc) (Entered: 02/28/2019)
02/28/2019	29	Minute Entry for proceedings held before Judge Anthony J. Battaglia: Motion Hearing held on 2/28/2019. Granting [23 -1] Joint MOTION for Settlement <i>Joint Motion for Preliminary Approval of Class Action Settlement</i> filed by Jessica Littlejohn. Court will issue order. (Final Approval Hearing is set for 5/31/19 @ 2pm in courtroom 4A before Judge Anthony J. Battaglia) (Court Reporter/ECR Jeannette Hill). (Plaintiff Attorney

		Michael Houchin, Ronald Marron). (Defendant Attorney Neal A. Potischman (Telephonic)). (no document attached) (ymm) (Entered: 03/01/2019)
04/17/2019	30	MOTION for Attorney Fees , <i>Costs, and Incentive Award</i> by Jessica Littlejohn. (Attachments: # 1 Memo of Points and Authorities, # 2 Declaration of Ronald A. Marron, # 3 Exhibit 1, # 4 Exhibit 2, # 5 Exhibit 3, # 6 Proof of Service)(Marron, Ronald) (acc). (Entered: 04/17/2019)
04/18/2019	31	ORDER Setting Briefing Schedule re 30 MOTION for Attorney Fees , <i>Costs, and Incentive Award</i> : Responses due by 5/2/2019; Replies due by 5/9/2019; sur-replies will not be accepted. Motion hearing scheduled for 5/31/19 at 2:00 p.m. in Courtroom 4A. (no document attached) (sc) (Entered: 04/18/2019)
04/29/2019	32	NOTICE by David Greenstein. (acc) (Entered: 04/30/2019)
04/29/2019	33	CERTIFICATE OF SERVICE of "Objector's Fairness Brief on Administrator" by David Greenstein. (acc) (Entered: 04/30/2019)
05/01/2019	34	OBJECTION by James Copland re 30 MOTION for Attorney Fees , <i>Costs, and Incentive Award</i> , 28 R Order on Motion for Settlement, [23-1] <i>Motion for Settlement</i> . (Attachments: # 1 Declaration of James Copland, # 2 Declaration of Theodore H. Frank)(Frank, Theodore) (acc). (Entered: 05/01/2019)
05/13/2019	35	Notice of Document Discrepancies and Order Thereon by Judge Anthony J. Battaglia Accepting Document 36 R : Objection to Class Settlement; Request to Reset Final Hearing. Non-compliance with local rule(s), Civ. L. Rule 7.1: Date noticed for hearing not in compliance with rules/documents are not timely, OTHER: Not a party to the case. Nunc Pro Tunc 5/10/2019. Signed by Judge Anthony J. Battaglia on 5/13/2019. (acc) (Entered: 05/13/2019)
05/13/2019	36 R	OBJECTION to Class Settlement; Request to Reset Final Hearing by David Greenstein. Nunc pro tunc 5/10/2019. (acc) (Entered: 05/13/2019)
05/14/2019	37	NOTICE of <i>Withdrawal of Counsel</i> by Ferrara Candy Company (Potischman, Neal) (acc). (Entered: 05/14/2019)
05/17/2019	38	Joint MOTION for Settlement <i>Joint Motion for Final Approval of Class Action Settlement</i> by Jessica Littlejohn. (Attachments: # 1 Memo of Points and Authorities, # 2 Declaration of Compliance by Class Action Administrator Gajan Retnasaba, # 3 Declaration of Ronald A. Marron, # 4 Exhibit 1, # 5 Exhibit 2, # 6 Proof of Service) (Marron, Ronald) (tcf). (Entered: 05/17/2019)
05/23/2019	39	NOTICE of Hearing on Motion 38 Joint MOTION for Settlement <i>Joint Motion for Final Approval of Class Action Settlement</i> , 30 MOTION for Attorney Fees , <i>Costs, and Incentive Award</i> : Due to a conflict in the Court's calendar, the Motion Hearing is hereby continued to 6/14/2019 at 2:00 PM in Courtroom 4A before Judge Anthony J. Battaglia. (no document attached) (sc) (Entered: 05/23/2019)
05/24/2019	40	RESPONSE re 34 Objection, 32 Notice (Other), 36 R Objection <i>Defendant Ferrara Candy Company's Response to Objectors</i> filed by Ferrara Candy Company. (Attachments: # 1 Table of Contents of Exhibits, # 2 Exhibit A, # 3 Exhibit B) (Potischman, Neal) (acc). (Entered: 05/24/2019)
05/24/2019	41	Joint MOTION for Leave to Appear Telephonically <i>at Hearing on Joint Motion for Final Approval of Class Action Settlement</i> by Ferrara Candy Company. (Potischman, Neal)(acc). (Entered: 05/24/2019)
05/24/2019	42	RESPONSE re 34 Objection, 32 Notice (Other), 36 R Objection <i>Plaintiff's Response to Objections</i> filed by Jessica Littlejohn. (Attachments: # 1 Proof of Service)(Marron,

		Ronald) (acc). (Entered: 05/24/2019)
05/28/2019	43	ORDER Granting 41 Joint Motion for Defendant's Counsel to Appear Telephonically a the Hearing on Joint Motion for Final Approval of Class Action Settlement (L. Civ. R. 7.1 & 7.2). Signed by Judge Anthony J. Battaglia on 5/24/2019. (acc) (Entered: 05/28/2019)
06/12/2019	44	Notice of Document Discrepancies and Order Thereon by Judge Anthony J. Battaglia Accepting Document 45 : Motion to Exclude. Non-compliance with local rule(s), by Marshall Ray Partain. OTHER: LR 83.9 Ex- Parte Communication. Nunc Pro Tunc 5/29/2019. Signed by Judge Anthony J. Battaglia on 6/12/2019.(acc) (Entered: 06/13/2019)
06/12/2019	45	MOTION to Exclude, by Marshall Ray Partain. Nunc pro tunc 5/29/2019. (acc) (Entered: 06/13/2019)
06/14/2019	46	Minute Order for proceedings held before Judge Anthony J. Battaglia:Motion Hearing held on 6/14/2019. Granting [38-1] Motion for Settlement Joint Motion for Final Approval of Class Action Settlement; Granting [45-1] Motion to Exclude. Granting [30-1] Motion for Attorney Fees, Costs, and Incentive Award. Plaintiff Counsel to submit revised order. (Court Reporter/ECR Jeannette Hill). (Plaintiff Attorney Michael Houchin, Ronald Marron,).(Defendant Attorney Neal A. Ptischman (telephonic appearance), Kelley Harrington (Telephonic appearance)).(Attorney Theodore H. Frank for objector Jim Copeland)). (no document attached) (ymm) (Entered: 06/14/2019)