

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: BABY FOOD PRODUCTS  
LIABILITY LITIGATION

Case No. 3:24-md-03101-JSC

**PRETRIAL ORDER NO. 9**

\_\_\_\_\_  
This document relates to:

ALL ACTIONS

This Order confirms the matters discussed at the November 7, 2024 case management conference.

**1. Motion to Dismiss Schedule**

The parties agree all Defendants have now been served. The Court sets a hearing date of February 27, 2025, at 9:00 a.m. for any Rule 12(b) motions. The parties shall meet and confer regarding a briefing schedule whereby the last brief is filed by February 6, 2025. The parties shall file a stipulation regarding the briefing schedule by November 14, 2024.

**2. General Causation Schedule**

Expert discovery shall commence in April 2025 to ensure sufficient time for the Court to rule on any forthcoming Rule 12(b) motions before the parties commence such discovery. The Court sets a five-day hearing (as needed) on General Causation to commence on December 8, 2025. The parties shall meet and confer to set the interim schedule and include a proposed schedule in the next case management conference statement.

**3. Discovery Issues**

The parties are meeting and conferring regarding a protective order to govern Nurture’s document production. The parties shall file a stipulated protective order to govern this production

United States District Court  
Northern District of California

United States District Court  
Northern District of California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

by November 14, 2024.

To the extent any defendant has refused to file a preservation statement, Plaintiffs shall send such defendants a letter setting forth the matters they believe subject to preservation holds.

Plaintiffs and Wal-Mart shall meet and confer in person or via videoconference regarding discovery to Wal-Mart’s third-party suppliers and co-manufacturers. Plaintiffs have permission to issue subpoenas to the third-party suppliers and co-manufacturers.

Plaintiffs will provide Defendants with information regarding any customer loyalty programs in which they participated on a rolling basis.

Plaintiffs have represented they are on notice to preserve relevant credit card statements for the caregivers who purchased baby food for Plaintiffs.

**4. Plaintiff Short-Form Complaint**

Plaintiffs shall begin preparing a short-form complaint with the goal of finalizing it following the Court’s ruling on Rule 12(b) motions.

**5. Plaintiff Fact Sheets**

The parties shall meet and confer regarding a short form Plaintiff Fact Sheet with the goal of finalizing the form of the fact sheet by the end of the year. The parties shall provide a status update in their next case management conference statement.

**6. Further Case Management Conferences**

The Court set the following schedule for future case management conferences, which shall commence at 9:00 a.m.: December 12, 2024; January 23, 2025; February 27, 2025; March 27, 2025; April 24, 2025; May 29, 2025; June 26, 2025; July 24, 2025; and August 28, 2025.

**IT IS SO ORDERED.**

Dated: November 8, 2024

  
JACQUELINE SCOTT CORLEY  
United States District Judge