

**BEFORE THE UNITED STATES JUDICIAL PANEL  
ON MULTIDISTRICT LITIGATION**

**IN RE: BABY FOOD PRODUCTS  
LIABILITY LITIGATION**

**MDL DOCKET NO. \_\_\_\_\_**

**MOTION OF PLAINTIFFS FOR TRANSFER OF ACTIONS PURSUANT TO  
28 U.S.C. § 1407 FOR COORDINATED OR CONSOLIDATED  
PRETRIAL PROCEEDINGS**

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Pursuant to 28 U.S.C. § 1407 and Rule 6.2 of the Panel’s Rules of Procedure, the following Plaintiffs in the following actions respectfully request that all currently filed cases identified in the Schedule of Actions (“Actions”),<sup>1</sup> as well as any subsequently filed cases involving similar facts or claims (“tag-along actions”) be transferred to the Hon. Judge Cristina D. Silva of United States District Court for the District of Nevada, alternatively to the Hon. Judge Jacqueline Scott Corley of United States District Court for the Northern District of California, alternatively to the Hon. Judge Fred W. Slaughter of United States District Court for the Central District of California, or alternatively to the Hon. Judge Papillon of United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings:

- Vanity Vale-Ayala on behalf of A.A.
- Vanity Vale-Ayala on behalf of M.A.
- Sequoia Tomahn on behalf of A.T.
- Tamera Wilson on behalf of D.S.
- Annie Pompa Morejon on behalf of D.M.P.
- Ruby Perez Chino on behalf of C.V.P

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<sup>1</sup> As explained in the accompanying Memorandum, Movants request that, should the Panel grant Movants’ request for centralization, that the *Watkins* case not be centralized due to its advanced stage and imminent trial date.

- America Cardona on behalf of C.R.C.
- Jesenia Plascencia on behalf of J.P.
- Margaret Petneaud on behalf of D.P.
- Fanny Lopez on behalf of E.R.
- Adriana Munoz on behalf of A.M.
- Geraldine Nji on behalf of H.N.
- Jewel Mosley, individually and on behalf of T.E.
- Shawntilea Clark, individually and on behalf of E.M.
- Ylexis A. Zapien on behalf of V.Z.
- Robin Maglinti on behalf of K.M.
- Marwa Amer on behalf of M.H.

As explained more fully in the accompanying memorandum of law, a Section 1407 transfer of these actions is appropriate for the following reasons:

1. Currently, there are 11 Actions pending in 7 different judicial districts in the United States alleging similar wrongful conduct by Defendants Nurture, Inc., Danone S.A., Hain Celestial Group, Inc., Beech-Nut Nutrition Company, Gerber Products Company, Nestle S.A., Plum, PBC, d.b.a. Plum Organics, Campbell Soup Company, Sprout Foods, and Walmart, Inc. and all claiming they sustained brain injury manifesting as autism (“ASD”) as a result of Defendants’ baby foods.

2. This Motion is filed by the above-named Plaintiffs in 10 of the 11 Actions.

3. All of the Actions arise out of a common factual core—Defendants knowingly sold Baby Food products containing dangerous levels lead, arsenic, and mercury (“Toxic Heavy Metals”) that was consumed by thousands of babies, including Plaintiffs. As a result of

consuming Defendants' Baby Food products, Plaintiffs were exposed to Toxic Heavy Metals and developed permanent and lifelong brain injury in the form of Autism Spectrum Disorder ("ASD"), and/or Attention Deficit Hyperactivity Disorder ("ADHD"). Exposure to poisonous Baby Food products substantially contributed to Plaintiffs' condition and ability to live a fulfilling life.

4. A transfer and consolidation is warranted to avoid inconsistent pretrial rulings, duplicative discovery obligations, and inconsistent or overlapping rulings, and to promote the just and efficient conduct of this litigation.

5. Plaintiffs propose that 10 of the 11 Actions—and any subsequently filed tag-along actions—be transferred to the Hon. Judge Cristina D. Silva of United States District Court for the District of Nevada, alternatively to the Hon. Judge Jacqueline Scott Corley of United States District Court for the Northern District of California, alternatively to the Hon. Judge Fred W. Slaughter of United States District Court for the Central District of California, or alternatively to the Hon. Judge Papillon of United States District Court for the Eastern District of Louisiana for coordinated and consolidated pretrial proceedings.

6. Centralization of these Actions in a single judicial district for consolidated pretrial proceedings will promote the just and efficient conduct of these Actions, will be most convenient for the parties and witnesses, and will promote the interests of justice.

7. Each Action arises from the same or substantially similar facts involving the manufacturing, distribution, marketing, testing, labeling, and sale of Baby Food Products. Each Plaintiff is alleging to have sustained brain injury which manifested as the neurodevelopmental disorders autism spectrum disorder ("ASD") and/or attention deficit hyperactivity disorder ("ADHD"), following exposure to Heavy Metals in Baby Food products.

8. Transfer of the Actions to a single court for consolidated pretrial proceedings also will conserve judicial resources, reduce litigation costs, prevent potentially inconsistent pretrial rulings, and permit the cases to proceed to trial more efficiently.

9. Because discovery in each of the Actions will involve many of the same witnesses and documents, transfer and consolidation also would avoid duplicative discovery to the benefit of Plaintiffs and Defendants.

10. Given the current number of cases (11) and the number of distinct plaintiffs' firms currently involved (10), along with the number of various judicial districts (7), informal coordination is not feasible. Furthermore, undersigned counsel has thousands of clients under contract and anticipates that a significant number of Baby Food cases will be filed over the coming weeks and months by multiple different law firms, compounding the unfeasibility of informal coordination.

11. As explained in the accompanying Memorandum, transfer to any of the districts identified above is appropriate.

12. This Motion is supported by the accompanying Brief, as well as any other materials or oral argument that may be presented to the Panel before or at the time of any hearing on this matter.

WHEREFORE, Plaintiffs respectfully request that the Actions, and all subsequently filed related actions, be transferred to the any of the above listed Districts for consolidation and coordinated proceedings.

Dated: January 4, 2024

Respectfully submitted,

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