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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

SKYE ASTIANA and TAMAR DAVIS
LARSEN, on behalf of herself and all others
similarly situated,

Plaintiffs,

vs.

THE HAIN CELESTIAL GROUP, INC., a
Delaware Corporation, and JASON
NATURAL PRODUCTS, INC., a California
Corporation;

Defendants.

Civil Case No.: CV 11-06342-PJH (EDL)

**AMENDED ORDER REGARDING
MOTION TO COMPEL
DISCOVERY**

Date: September 25, 2012
Time: 9:00 a.m.
Judge: Hon. Elizabeth D. Laporte
Courtroom: E, 15th Floor

1 Having duly considered Plaintiffs' Motion to Compel Responses to Discovery
2 dated August 21, 2012, the supporting and opposing papers, and the arguments of counsel at the
3 September 25, 2012 hearing, IT IS HEREBY ORDERED that:

4 The Motion to Compel is denied to the extent it seeks discovery as to products
5 that Plaintiffs did not purchase. September 25, 2012 Transcript of Proceedings ("Transcript"),
6 p. 3:21-23. The scope of the case for discovery purposes will be determined at such time as the
7 Defendants' pending Motion to Dismiss the Revised Second Amended Complaint is considered
8 and resolved by the Court. Until such time, discovery shall remain restricted to the products
9 purchased by Plaintiffs or matters that are not product specific. Upon a ruling by the Court on
10 Defendants' pending Motion to Dismiss the Revised Second Amended Complaint, Defendants
11 shall supplement their production of documents and answers to any interrogatories consistent
12 with Judge Hamilton's ruling, unless the case is dismissed with prejudice. If necessary, within
13 five (5) days of Judge Hamilton's ruling, the Parties shall confer regarding the timing and scope
14 of such supplemental production. If the Parties cannot agree on the timing and scope of such
15 production, they shall submit a joint letter setting forth their respective positions to this Court
16 for resolution within ten (10) days of the Judge Hamilton's order. Transcript, pp. 23:25-24:5.

17 Subject to the meet and confer between the parties regarding the submission of a
18 draft order subsequent to the September 25, 2012 hearing, IT IS FURTHER ORDERED that:

19 The Motion to Compel as to Document Request No. 11 is granted in part and
20 denied in part. Defendants agree to produce a complete ingredient list for each product
21 allegedly purchased by Plaintiffs in the State of California. Defendants shall also produce
22 documents regarding the designation of the ingredients as natural or unnatural to the extent such
23 documents exist and are within the possession, custody, or control of Defendants, and
24 documents sufficient to identify the suppliers of each ingredient to the extent such documents
25 exist and are within the possession, custody or control of Defendants. Transcript p: 23:13-19.
26 Defendants shall supplement their production to conform to any ruling by Judge Hamilton on
27 Defendants' Motion to Dismiss the Revised Second Amended Complaint subject to the post-
28 ruling conferral process described above.

1 The Motion to Compel as to Document Request No. 13 is granted. Defendants
2 agree to search for and produce Defendants' written return policy for unused or unsold
3 merchandise to the extent such policy exists and is within the possession, custody, or control of
4 Defendants.

5 The Motion to Compel as to Document Request No. 17 is granted in part and
6 denied in part. Defendants agree to search for and produce an administrative complaint filed
7 with the United States Department of Agriculture by the plaintiffs in *All One God Faith v. Hain*
8 *Celestial Group, Inc.*, No. C 09-3517, a case previously before this Court, to the extent such
9 documents exist and are within the possession, custody, or control of Defendants. Defendants'
10 counsel represented to the Court that no discovery has been taken in the following cases: *All*
11 *One God Faith, Inc. v. The Hain Celestial Group, Inc.*, Case No. CV-09-3517-SI (N.D.Cal.), or
12 *Crivier v. The Hain Celestial Group, Inc., et al.*, Case No. CV-12-3054-GW(PLAx) (C.D. Cal.).

13 The Motion to Compel as to Document Request No. 18 is granted in part.
14 Defendants agree to search for and produce documents concerning *Celestial Seasonings, Inc. v.*
15 *R.C. Bigelow, Inc.*, Case No. 1:95-cv-1549-EWN (D. Colo.), and any other action brought by
16 Defendants against competitors based on the use of the word "natural" to the extent such
17 documents exist and are within the possession, custody, or control of Defendants. Transcript, p.
18 24:10-19. If no such documents are within Defendants' possession, custody or control,
19 Defendants will provide a declaration stating this fact. Transcript, pp. 6:8-8:14.

20 The Motion to Compel as to Document Request No. 19 is granted in part and
21 denied in part. Defendants shall produce documents related to the value of sales in California
22 during the putative class period limited to sales of the products identified at paragraphs 9 and 11
23 of the Revised Second Amended Complaint ("RSAC") to the extent such documents exist and
24 are within the possession, custody or control of Defendants. Transcript p. 13:13-17. Consistent
25 with the limitation set forth at the beginning of this Order, those paragraphs of the RSAC
26 identify those products within the Jason brand which Plaintiffs purchased. Defendants shall
27 supplement their production to conform to any ruling by Judge Hamilton on Defendants'
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Motion to Dismiss the Revised Second Amended Complaint subject to the post-ruling conferral process described above.

The Motion to Compel as to Interrogatory No. 1 is granted in part and denied in part. Defendants will provide an answer with regards to the products Plaintiffs purchased. Defendants shall supplement their production to conform to any ruling by Judge Hamilton on Defendants' Motion to Dismiss the Revised Second Amended Complaint subject to the post-ruling conferral process described above.

The Motion to Compel as to Interrogatory No. 3 is granted in part and denied in part. Defendants agree to state, to the extent possible, the value of sales in California for the products allegedly purchased by Plaintiffs during the putative class period. Transcript p. 13:13-17. Defendants shall supplement their production to conform to any ruling by Judge Hamilton on Defendants' Motion to Dismiss the Revised Second Amended Complaint subject to the post-ruling conferral process described above.

IT IS SO ORDERED.

DATED: ___October 17____, 2012

By: 
The Honorable Elizabeth D. Laporte
United States Magistrate Judge