

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
ILLINOIS, EASTERN DIVISION

Megan Waggener Van Meter v. Mondelēz International, Inc.;  
Jeremiah Pearson v. Mondelēz International, Inc.

Waggener Van Meter v. Mondelēz · No. 24-cv-7368; 25-cv-10819 · Decided December 18, 2025

SUMMARY

The court denies Mondelēz International’s motion to consolidate Megan Waggener Van Meter’s consumer-protection action with Jeremiah Pearson’s related action because consolidation would prejudice Pearson by combining distinct theories of deception. The court grants in part and denies in part Mondelēz’s motion to dismiss, holding that Waggener Van Meter lacks standing to pursue claims concerning products she did not purchase, other than Oreos and Toblerone, and lacks standing to seek injunctive relief. The court otherwise concludes that she plausibly alleged deceptive representations concerning the sustainability of Mondelēz’s cocoa sourcing.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Northern District of Illinois, Eastern Division                                                                                                                                                                                                                                                                                                                                                                                        |
| WRITING FOR THE COURT | Lindsay C. Jenkins                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| JURISDICTION          | United States District Court for the Northern District of Illinois, Eastern Division                                                                                                                                                                                                                                                                                                                                                                                        |
| DECIDED               | December 18, 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| DOCKET                | 24-cv-7368; 25-cv-10819                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| PROCEDURAL POSTURE    | Mondelēz moved to consolidate Waggener Van Meter's putative class action with Pearson's related putative class action and moved under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) to dismiss Waggener Van Meter's claims. The court denied consolidation, dismissed without prejudice the claims concerning products Waggener Van Meter did not purchase and her request for injunctive relief for lack of standing, and otherwise denied the motion to dismiss. |
| STANDARD OF REVIEW    | On a Rule 12(b)(1) motion, the court accepted well-pleaded factual allegations as true and drew reasonable inferences in the plaintiff's favor while evaluating Article III standing. On a Rule 12(b)(6) motion,                                                                                                                                                                                                                                                            |

the court applied the same assumption and inference rules and asked whether the complaint's factual allegations plausibly stated a claim. Consolidation under Rule 42(a) was reviewed under the district court's substantial discretion, considering common questions, efficiency, inconsistent rulings, and undue prejudice.

**PRECEDENTIAL VALUE**

nonprecedential district court memorandum opinion

**TOPICS**

motions to dismiss

standing

class actions

consumer protection

deceptive trade practices

**PRACTICE AREAS**

civil procedure

consumer protection

consumer class actions

false advertising

standing

**QUESTIONS PRESENTED**

1. Whether the related Waggener Van Meter and Pearson actions should be consolidated under Federal Rule of Civil Procedure 42(a).
2. Whether Waggener Van Meter had Article III standing to assert claims concerning Mondelēz products she did not purchase.
3. Whether Waggener Van Meter had standing to seek injunctive relief based on her alleged willingness to repurchase products if Mondelēz changed its practices.
4. Whether Waggener Van Meter plausibly alleged that Mondelēz's Cocoa Life and sustainability representations were deceptive under the California Consumers Legal Remedies Act.
5. Whether Waggener Van Meter's derivative California Unfair Competition Law and unjust-enrichment claims survived because the underlying deception claim survived.

**HOLDINGS**

1. Consolidation was denied because, although the two cases shared a common labeling statement and product line sufficient to satisfy Rule 42(a)'s common-question threshold, consolidation would unduly prejudice Pearson by combining materially distinct theories of deception, impairing class-certification prospects, creating conflicting damages and remedy theories, and risking abandonment of Pearson's claims.
2. Waggener Van Meter lacked Article III standing to pursue claims concerning Mondelēz products she did not purchase. Her claims were dismissed without prejudice, but the court treated Oreos as the operative product category rather than limiting her claims to the specific Gluten Free Oreo variety she purchased.
3. Waggener Van Meter lacked standing to pursue injunctive relief because her alleged willingness to repurchase products depended on Mondelēz fundamentally changing its farming practices and therefore did not establish a real and immediate threat of future injury.

4. Waggener Van Meter plausibly alleged that Oreo's sustainability representations, considered together and in context, could mislead a reasonable consumer into believing that the cocoa was fully sustainable from a people-and-planet perspective. The CLRA claim therefore survived Rule 12(b)(6) as to Oreo products.
5. The UCL and unjust-enrichment claims survived because the parties agreed they were derivative of the plausible CLRA deception claim.

#### KEY QUOTATIONS

*“Rule 42 requires only ‘a common issue of law or fact,’ and [the corresponding] Local Rule 40.4 requires only ‘some of the same issues of fact or law’ (not all the same).”* (Section II.A.3)

*“Eventually, the court may permit her to represent absent purchasers, but she must still possess standing at this stage of the litigation.”* (Section II.B.2.a)

*“But that does not suffice to transform a hypothetical injury into one that is actual or imminent.”* (Section II.B.2.b)

*“A reasonable consumer could plausibly read these in tandem, believing that Oreo’s sourcing practices are, from a people and planet perspective, 100% sustainable.”* (Section II.B.3.a)

#### FACTUAL BACKGROUND

Mondelēz marketed Oreo products using the statements “100% Sustainably Sourced Cocoa,” “help[s] support sustainable cocoa sourcing,” and language stating that Cocoa Life helps protect people and the planet. Waggener Van Meter purchased Gluten Free Oreos and Toblerone for more than four years and alleged that Mondelēz's sustainability representations were inconsistent with child labor, forced labor, deforestation, and other environmental harms in the cocoa supply chain. Pearson purchased other Oreo products and alleged a separate deception theory based on Mondelēz's mass-balance accounting, under which Cocoa Life beans could be mixed with non-certified beans. Waggener Van Meter asserted California consumer-protection and derivative claims, while Pearson asserted consumer-protection, unjust-enrichment, warranty, and misrepresentation claims.

#### PROCEDURAL HISTORY

Waggener Van Meter filed a putative class action alleging that Mondelēz's sustainability representations concerning Oreo and other products were deceptive and supported claims under California consumer-protection law and unjust enrichment. Pearson filed a separate putative class action based on a different theory concerning the same general labeling language; his case was transferred from the Eastern District of California to the Northern District of Illinois and related to Waggener Van Meter's case. The court denied Mondelēz's motion to consolidate because the cases' distinct theories created a substantial risk of prejudice, and it partially granted and partially denied Mondelēz's motion to dismiss Waggener Van Meter's complaint.

#### DISPOSITION

other

#### CASES CITED

- Thomas v. Neenah Joint Sch. Dist., 74 F.4th 521, 522 (7th Cir. 2023)
- Hall v. Hall, 584 U.S. 59, 67, 77 (2018)
- United States v. Knauer, 149 F.2d 519, 520 (7th Cir. 1945), aff'd, 328 U.S. 654 (1946)
- Tuccori v. At World Props., 2025 WL 2976481, at \*1 (N.D. Ill. Oct. 22, 2025)
- Brunner v. Jimmy John's, LLC, 2016 WL 7232560, at \*2 (N.D. Ill. Jan. 14, 2016)
- Horizon Asset Mgmt. Inc. v. H & R Block, Inc., 580 F.3d 755, 768–69 (8th Cir. 2009)
- Thorogood v. Sears, Roebuck & Co., 547 F.3d 742, 747–48 (7th Cir. 2008)
- Pella Corp. v. Saltzman, 606 F.3d 391, 393 (7th Cir. 2010)
- Groussman v. Motorola, Inc., 2011 WL 5554030, at \*5 (N.D. Ill. Nov. 15, 2011)
- Reardon v. Danley, 74 F.4th 825, 827 (7th Cir. 2023)
- Choice v. Kohn L. Firm, S.C., 77 F.4th 636, 638 (7th Cir. 2023)
- Sweeney v. Raoul, 990 F.3d 555, 559 (7th Cir. 2021)
- Lujan v. Defs. of Wildlife, 504 U.S. 555, 560–61 (1992)
- Simic v. City of Chicago, 851 F.3d 734, 738 (7th Cir. 2017)
- City of Los Angeles v. Lyons, 461 U.S. 95, 102 (1983)
- Raya v. Mead Johnson Nutrition Co., 758 F. Supp. 3d 819, 828–29 (N.D. Ill. 2024)
- Camasta v. Jos. A. Bank Clothiers, Inc., 761 F.3d 732, 740–41 (7th Cir. 2014)
- Myers v. Starbucks Corp., 2020 WL 13302437, at \*5 (C.D. Cal. July 29, 2020)
- Hodsdon v. Mars, Inc., 891 F.3d 857, 861 (9th Cir. 2018)
- Brown v. Madison Reed, Inc., 622 F. Supp. 3d 786, 801 (N.D. Cal. 2022)
- Walker v. Nestlé USA, Inc., 2022 WL 901553, at \*3 (S.D. Cal. Mar. 28, 2022)
- Sanchez v. Walmart Inc., 733 F. Supp. 3d 653, 672 (N.D. Ill. 2024)
- Moore v. GlaxoSmithKline Consumer Healthcare Holdings (US) LLC, 713 F. Supp. 3d 660, 670 (N.D. Cal. 2024)
- Williams v. Gerber Prods. Co., 552 F.3d 934, 939 (9th Cir. 2008)
- Koh v. S.C. Johnson & Son, Inc., 2010 WL 94265, at \*2 (N.D. Cal. Jan. 6, 2010)
- Ehlers v. Ben & Jerry's Homemade Inc., 2020 WL 2218858, at \*6–7