

No. 24-999

IN THE
Supreme Court of the United States

PREMIER NUTRITION CORPORATION,
Petitioner,

— v. —

MARY BETH MONTERA,
Respondent.

**EMERGENCY JOINT MOTION TO HOLD PETITION IN ABEYANCE
BEFORE RELEASE OF ORDERS LIST**

Pursuant to Rule 21 of the Rules of this Court, petitioner and respondent hereby jointly move the Court to hold the Petition in this case in abeyance before the release of the unscheduled orders list arising from the Court’s June 26, 2025, conference while the parties obtain approval of their class action settlement.

Petitioners filed their petition for a writ of certiorari in the above-captioned case on March 17, 2025. The case arises from a consumer class action brought in the Northern District of California. At the end of the day yesterday, petitioner and respondent reached a class-wide settlement in principle in this and other related cases through a court-ordered settlement conference in related cases. The parties will now seek judicial approval of the settlement.

Holding the petition in abeyance pending approval of the class action settlement avoids unnecessary rulings by this Court and preserves the Court’s

judicial resources to review petitions requiring its immediate attention. Upon final approval of the settlement, petitioner will withdraw its pending petition for a writ of certiorari.

This Court has previously deferred consideration of certiorari petitions to allow class action settlements to be reviewed and approved. *See, e.g., Dow Chemical Co. v. Industrial Polymers, Inc.*, 577 U.S. 1191 (2016) (holding certiorari petition in abeyance pending approval of class settlement); *Cities Serv. Gas Co. v. Mobil Oil Corp.*, 487 U.S. 1245 (1988) (deferring consideration of petition for certiorari while settlement approval was pending); *Trans World Airlines, Inc. v. Zipes*, 442 U.S. 916 (1979) (same). To avoid unnecessary rulings and conserve judicial resources, the Court should do the same here.

I have conferred with Timothy Blood, counsel for the respondent, and can represent that respondent joins in this motion.

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Respectfully submitted,

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Dated: June 25, 2025