

Ohio Business Litigation Blog

A blog about Ohio business litigation and beyond.

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Monday, October 11, 2010

Class Action Against Whole Foods for "Case Discount" Problems Certified by the Northern District of Ohio

In May 2010, Cathy Pfaff went to purchase a case of "365 brand water" at her local Whole Foods grocery store but did not receive the advertised 10% "case discount" on her purchase. Most products Whole Foods sells can be purchased in bulk. If items are purchased as such, they are eligible for a 10% "case discount." This is true even if the product is typically sold as a single unit: "Customers wanting a case of something off the shelf (Cereal for example) should ask a [Whole Foods employee] and the [employee] should box up the product for them." Although Whole Foods advertised the 10% discount for products bought in bulk, the store never actually coded its registers to give the discount for many of its products.



On behalf of herself and all other consumers similarly situated, Cathy Pfaff has brought a class action case against the grocery chain on allegation of (1) fraud, (2) breach of contract, (3) breach of the duty of good faith and fair dealing, (4) negligent misrepresentation, (5) violation of the Ohio Consumer Sales Practices Act; (6) unilateral mistake; and (7) unjust enrichment. In [Pfaff v. Whole Foods Market Group, Inc., case no. 1:09-cv-02954 \(N.D. Ohio September 29, 2010\)](#) the court agreed to certify the class to include:

"All Ohio residents who purchased a case of products from Whole Foods store in Ohio on or after September 8, 2009 for purposes that are primarily personal, family, or household, but did not receive the 10% case discount."

The Ohio Northern District Court found that the plaintiff class definition met the

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requirements of numerosity, commonality, typicality, and adequacy as proscribed in FRCP 23(a). The court also found that the plaintiff class met the requirements of predominance and superiority under FRCP 23(b).

I shop at whole foods every now and again, but I don't think I have ever tried to get a "case discount." If you have, you may want to double check your receipt.

Posted by Aaron Minc at 2:16 PM    

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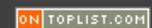
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- 10(d) (1)
- 6th Circuit (2)
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- death of a partner (1)
- Debt (1)
- Debt Collection (1)
- Declaratory Judgment (1)
- Disassociation (1)
- Disclaimer (1)
- Discovery Dispute (1)
- Dissolution (1)
- Diversity Jurisdiction (1)
- Energy Star Litigation (1)
- Essential Purpose Doctrine (1)
- Evidence (2)
- Foreclosure (1)
- Forum Non Conveniens (1)
- forum selection clause (1)
- Franchise Law (1)
- Fraud (1)
- general partnership (1)
- Hearsay (1)
- inequitable conduct (1)
- Liability (1)
- Limited Warranty (1)
- Litigation (1)
- Loan Modification (1)
- Magnetized Floors (1)
- Mist (1)
- Mistake (1)
- Motion to Compel (1)
- motion to dismiss (1)
- Necessary Party (1)
- Ohio (4)
- Ohio Business Litigation (1)
- partnership (1)

- Patent Infringement (1)
- Patent Prosecution (1)
- Personal Jurisdiction (2)
- Picture (1)
- Pleading Standard (2)
- Preliminary Injunction (1)
- Protective Order (1)
- Random (1)
- Real Estate Deal (1)
- Removal (1)
- res judicata (1)
- RUPA (1)
- Sales Agreement (1)
- screen shots (1)
- Settlement Agreement (1)
- Sovereign Immunity (1)
- stream of commerce (1)
- substantial similarity (1)
- summary judgment (2)
- Unconscionability (1)
- Unjust Enrichment (2)
- UPA (1)
- useful article (1)
- Venezuela (1)
- Web sites (1)
- Whirlpool (1)
- Whole Foods (1)

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- Action on Account (1)
- Admissibility (1)
- Alter-Ego Theory (1)
- authentication (1)
- Breach of Contract (4)
- Business law (1)
- business litigation (7)
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- Class Action (2)
- Class Certification (1)
- Cleveland (1)
- Contract Interpretation (1)
- Copyright infringement (1)
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- death of a partner (1)

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- Disclaimer (1)
- Discovery Dispute (1)
- Dissolution (1)
- Diversity Jurisdiction (1)
- Energy Star Litigation (1)
- Essential Purpose Doctrine (1)
- Evidence (2)
- Foreclosure (1)
- Forum Non Conveniens (1)
- forum selection clause (1)
- Franchise Law (1)
- Fraud (1)
- general partnership (1)
- Hearsay (1)
- inequitable conduct (1)
- Liability (1)
- Limited Warranty (1)
- Litigation (1)
- Loan Modification (1)
- Magnetized Floors (1)
- Mist (1)
- Mistake (1)
- Motion to Compel (1)
- motion to dismiss (1)
- Necessary Party (1)
- Ohio (4)
- Ohio Business Litigation (1)
- partnership (1)
- Patent Infringement (1)
- Patent Prosecution (1)
- Personal Jurisdiction (2)
- Picture (1)
- Pleading Standard (2)
- Preliminary Injunction (1)
- Protective Order (1)
- Random (1)
- Real Estate Deal (1)
- Removal (1)
- res judicata (1)
- RUPA (1)
- Sales Agreement (1)
- screen shots (1)
- Settlement Agreement (1)
- Sovereign Immunity (1)
- stream of commerce (1)
- substantial similarity (1)
- summary judgment (2)
- Unconscionability (1)
- Unjust Enrichment (2)
- UPA (1)

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- Venezuela (1)
- Web sites (1)
- Whirlpool (1)
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