

Sheppard Mullin Wins Dismissal of All Claims Against Export Packers Company Limited in Honey Conspiracy Case

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A federal judge dismissed with prejudice all antitrust conspiracy and RICO claims against Sheppard Mullin client Export Packers Company Limited dba Odem International (Odem), an international honey importer. Odem and several other honey importers, certifiers, and packers were sued by three U.S. honey producers that claimed Odem and others conspired to import and sell fake honey at anticompetitive prices and falsely certified the honey as genuine.

In dismissing the claims against Odem and the other honey importers, U.S. District Judge Daniel J. Calabretta found the plaintiffs' complaint failed to meet the heightened pleading standards required of fraud claims under Federal Rule of Civil Procedure 9(b).

Judge Calabretta also held that the specific allegations asserting that Odem's honey was tested and determined to be adulterated were meritless, writing "This is a single allegation without any supporting factual information such as how the tested honey was obtained, why it was tested, how it was tested, who performed the testing, and how many samples were tested. The exceedingly limited information on this testing, in addition to the limited nature of the allegation itself (relating only to a single instance of testing), means these allegations cannot satisfy the particularity requirement. . . . Even if alleged with substantially more detail, the fact, taken as true, that [another defendant] once requested testing of honey from Defendant Odem and found the tested honey question to be adulterated, is insufficient to provide particularity as to the full scope of the misconduct Plaintiffs have alleged."

The Sheppard Mullin team was led by partner Leo Caseria, senior counsel Tom Dillickrath and special counsel Helen Eckert.

The case is *Henry's Bullfrog Bees v. Sunland Trading, Inc.*, Case No. 2:21-CV-00582 (E.D. Cal. Order dated Sept. 13, 2024).

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