

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ECB USA, INC. and ATLANTIC VENTURES
CORP.,

Plaintiffs;

v.

SAVENCIA S.A. a/k/a SAVENCIA
FROMAGE & DAIRY and ZAUSNER
FOODS CORP and ZNHC, INC.,
Defendants.

Civil Action No. 19-00731-RGA

MEMORANDUM ORDER

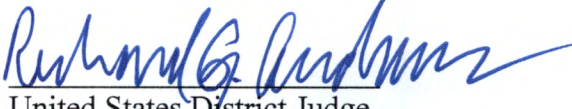
Before me is the Magistrate Judge's Report and Recommendation (D.I. 185) regarding Defendants' motions to dismiss for failure to state a claim (D.I. 155, 157). I have considered Plaintiffs' objections and Defendants' responses. (D.I. 192, 194).

The Report ultimately recommends that Plaintiffs be allowed to move forward with each of the nine Counts of the Second Amended Complaint, carving out particular allegations that have not met the pleading standard. (D.I. 185 at 53). I understand the Magistrate Judge, faced with litigious parties who might reasonably be expected to object to his rulings, made a record on every argument, which would facilitate my review if certain objections were made. The only objections, however, are by Plaintiffs. Defendants did not object. Thus, I consider whether there is any reason to consider the merits of Plaintiffs' objections. I do not think there is. "The complaint should not be 'parsed piece by piece to determine whether each allegation, in

isolation, is plausible.”” *Sweda v. Univ. of Pennsylvania*, 923 F.3d 320, 331 (3d Cir. 2019), *cert. denied*, 140 S. Ct. 2565 (2020). “[My] obligation is not to read each allegation in isolation nor to nitpick a complaint line by line, paragraph by paragraph.” *In re Auto. Parts Antitrust Litig.*, 2014 WL 4272784, at *6 (E.D. Mich. Aug. 29, 2014). Rather, I consider the “well-pleaded factual allegations” using a “holistic approach.” *Sweda*, 923 F.3d at 331. Using that approach, Plaintiffs have plausibly stated a claim for each count, as the Magistrate Judge held. I will thus allow the Plaintiffs to move forward with each Count in their Second Amended Complaint.

I will ADOPT in part the Report and Recommendation. (D.I. 185). All Counts state a plausible claim for relief. Plaintiffs’ objections are DISMISSED as moot and Defendants’ motions to dismiss for failure to state a claim (D.I. 155, 157) are DENIED.

IT IS SO ORDERED this 29th day of September 2021.


United States District Judge