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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 RUTH MARTIN,

12 Plaintiff,

13 v.

14 SEPHORA USA, INC.,

15 Defendant.

Case No. 1:22-cv-01355-JLT-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. 12, 14, 16, 17, 19, 21, 24)

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17 Ruth Martin initiated this putative class action on October 23, 2022. (Doc. 1.) Defendant
18 Sephora USA, Inc. filed a motion to dismiss on January 24, 2023. (Doc. 12.) The matter was
19 referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Eastern
20 District of California Local Rule 302.

21 The assigned magistrate judge issued findings and recommendations, recommending that
22 Defendant's motion to dismiss be granted, without prejudice, and that Plaintiff be granted leave
23 to file a first amended complaint consistent with the Court's findings. (Doc. 21.) The parties
24 were granted fourteen days in which to file objections to the findings and recommendations. No
25 party filed objections.

26 According to 28 U.S.C. § 636 (b)(1)(C) and Eastern District of California Local Rule
27 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the
28 entire file, including the filed objections, the Court concludes that the findings and

1 recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 2 1. The findings and recommendations issued by the magistrate judge on March 30,
3 2023 (Doc. 21), are **ADOPTED IN FULL**.
- 4 2. Defendant Sephora USA, Inc.'s motion to dismiss (Doc. 12) is **GRANTED** with
5 leave to amend as to the first cause of action only, consistent with the findings and
6 recommendations as adopted by this order, and without leave to amend as to the
7 second cause of action.
- 8 3. Plaintiff's prematurely filed first amended complaint (Doc. 22), to the extent it
9 complies with the findings and recommendation adopted herein, is deemed
10 **FILED** as of the date of this order.
- 11 4. Consistent with the parties' stipulation (*see* Docs. 23 & 24), Defendant's
12 responsive pleading shall be filed within twenty-one (21) days of this order.

13 IT IS SO ORDERED.

14 Dated: April 24, 2023

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16 UNITED STATES DISTRICT JUDGE