

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THOMAS A. SIMONIAN,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:10-cv-01615
)	
MAYBELLINE LLC,)	Honorable Virginia M. Kendall
)	
Defendant.)	

NOTICE OF SUPPLEMENTAL AUTHORITY

Defendant Maybelline LLC (“Maybelline”), by and through its undersigned counsel, respectfully submits this Notice of Supplemental Authority.

Attached as Exhibit A is a recent decision from Judge Grady in this Court in *Simonian v. Edgecraft Corp.*, No. 10-cv-12163 (N.D. Ill. Sep. 20, 2010). Judge Grady’s opinion addresses issues that are directly on point to Maybelline’s Motion to Dismiss (Dkt. No. 19-20), as set forth in Section III(B) of Maybelline’s memorandum in support of its motion to dismiss (dkt. no. 20). In particular, Judge Grady held that very similar pleadings to those in the present case, made by the same plaintiff, did not meet even the standard pleading requirement of Fed. R. Civ. P. 8(a), let alone the heightened pleading requirement of Rule 9(b).

Attached as Exhibit B is a recent decision from the Southern District of Florida in *Herengracht Group LLC v. Wm. Wrigley Jr. Co.*, No. 10-21784-civ (S.D. Fl. Sep. 16, 2010). Judge Gold’s opinion in that case addresses issues directly relevant to Maybelline’s Motion to Dismiss (Dkt. No. 19-20), as set forth in Section III(B) of Maybelline’s memorandum in support of its motion to dismiss (dkt. no. 20). In particular, Judge Gold held that similar pleadings to those used by Simonian in the present case failed to meet even the standard pleading requirement of Fed. R. Civ. P. 8(a), let alone the heightened pleading requirement of Rule 9(b).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Jeffrey M. Drake, hereby certify that on the September 21, 2010 the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the registered attorney(s) of record that the document is available for viewing and downloading from CM/ECF:

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