

**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
)	
Defendants.)	

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 the Northern District of Ohio in *Unique Product Solutions, Ltd. v. Otis Prods., Inc.*, No. 5:10-cv-01471-JRA (N.D. Oh. Sep. 22, 2010). Judge Adams granted defendants’ motion to transfer and held that plaintiff’s choice of forum carried little weight. Judge Adams’ opinion contains statements directly relevant to arguments made by Maybelline in support of its motion to transfer (dkt. no. 26).

Attached as Exhibit B is a recent decision from the Eastern District of Michigan in *Josephs v. Federal-Mogul Corp.*, No. 10-10617 (E.D. Mich. Sep. 23, 2010). Judge Cox’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 Cox held that similar pleadings to those used by Simonian in the present case failed to meet even the heightened pleading requirement of Fed. R. Civ. P. 9(b).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Jeffrey M. Drake, hereby certify that on the October 1, 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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