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

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

NOTICE OF SUPPLEMENTAL AUTHORITY

Thomas A. Simonian, as *qui tam* relator ("Relator"), respectfully submits the attached supplemental authority in support of his Response to the Motion to Dismiss filed by Defendant Maybelline LLC (Dkt. Nos. 19-20).

With regard to the issue of whether the Relator has adequately plead his false marking claim, the Relator cites the Court to the following decisions, all of which denied motions to dismiss filed by the defendants:

- 1. Judge Kocoras' November 22, 2010 opinion in *Englehardt v. Costco Wholesale Corp.* (2010 U.S. Dist. LEXIS 123499 (N.D. Ill. 2010)), attached as **Exhibit A.**
- 2. Judge St. Eve's November 30, 2010 opinion in *Simonian v. Allergan, Inc.* (2010 U.S. Dist. LEXIS 126026 (N.D. Ill. 2010)), attached as **Exhibit B.**
- 3. Judge Zagel's February 15, 2011 opinion in Simonian v. Weber-Stephen Products Co. (1:10-cv-01220, Dkt. No. 32, N.D. Ill 2011)), attached as Exhibit C.

Dated: February 15, 2011

Respectfully submitted,

THOMAS A. SIMONIAN, as Relator

/s/ John Bjork

John Bjork

Attorneys for Relator

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on February 15, 2011, a true and correct copy of **RELATOR'S NOTICE OF SUPPLEMENTAL AUTHORITY** was filed electronically with the Clerk of the Court and was served via the Court's CM/ECF System which will automatically provide electronic notice upon all counsel of record.

| s/ John Bjork | |
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| John Biork | |