

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                                |   |                     |
|--------------------------------|---|---------------------|
| -----                          | X |                     |
|                                | : |                     |
| REBECCA MCCUTCHEON, et al.,    | : |                     |
| Plaintiffs,                    | : |                     |
|                                | : | 16 Civ. 4170 (LGS)  |
| -against-                      | : |                     |
|                                | : | <b><u>ORDER</u></b> |
| COLGATE-PALMOLIVE CO., et al., | : |                     |
|                                | : |                     |
| Defendants.                    | : |                     |
| -----                          | X |                     |

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on July 10, 2020, the Court issued an Opinion and Order, granting in part and denying in part Defendants' motion for summary judgment (Dkt. No. 265).

WHEREAS, on July 16, 2020, the Court issued an order stating that this action was trial ready and requesting a letter from the parties regarding their preference for settlement referral (Dkt. No. 266).

WHEREAS, on July 21, 2020, Plaintiffs filed a letter motion, requesting a pre-motion conference and seeking leave to file a motion that would (1) allow Plaintiffs to voluntarily dismiss with prejudice Counts III-V of the Complaint, (2) grant Plaintiffs summary judgment as to Count II, Errors 1 and 3 and (3) permit the Court to enter final judgment on less than all claims under Federal Rule of Civil Procedure 54(b) (Dkt. No. 267).

WHEREAS, on July 27, 2020, Defendants filed a response (Dkt. No. 273). It is hereby

**ORDERED** that Counts III-V are dismissed with prejudice on consent of the parties. It is further


**ORDERED** that Plaintiffs' request for leave to file a motion for summary judgment as to Count II, Errors 1 and 3, and request entry of final judgment under Rule 54(b) is **GRANTED**.

Plaintiffs shall file the notice of motion, memorandum of law and proposed order by **August 4, 2020**. Defendants shall file a response by **August 11, 2020**. Plaintiffs shall file a reply by **August 14, 2020**. The parties' initial memoranda of law shall not exceed ten pages. The reply shall not exceed five pages. The parties shall rely, to the extent necessary, on exhibits filed in connection with Defendant's motion for summary judgment. No additional exhibits shall be filed. It is further

**ORDERED** that Plaintiffs' request for a pre-motion conference is **DENIED**.

The Clerk of Court is respectfully directed to close the open motion at Docket No. 267.

Dated: July 29, 2020  
New York, NY



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**