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7 *Attorneys for Plaintiff and the Proposed Class*

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**UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA  
 SOUTHERN DIVISION**

JESSICA HUGHES, individually and )  
 on behalf all others similarly situated, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 BIG HEART PET BRANDS, a )  
 Delaware corporation; THE J.M. )  
 SMUCKER COMPANY, an Ohio )  
 corporation, )  
 Defendants, )  
 )

No. 2:15-cv-08007-CJC (AGR<sub>x</sub>)  
CLASS ACTION  
**PLAINTIFF'S NOTICE OF APPEAL**  
 Judge: Hon. Cormac J. Carney  
 Complaint filed: October 12, 2015

1 Notice is hereby given that Plaintiff Jessica Hughes hereby appeals to the  
2 United States Court of Appeals for the Ninth Circuit from the Final Judgment (ECF  
3 No. 20) entered in this action on January 15, 2016 (attached hereto as Exhibit A),  
4 pursuant to the January 15, 2016 Order (ECF No. 19) dismissing case (attached hereto  
5 as Exhibit B).

6 Pursuant to Circuit Rules 3-1 and 3-2(b), Plaintiff submits her filing fee and  
7 appellate docket fee and concurrently files her Representation Statement required by  
8 Fed. R. App. P. 12(b).

9 Respectfully submitted,

10 DATED: February 9, 2016

HAGENS BERMAN SOBOL SHAPIRO LLP

11 By: /s/ Elaine T. Byszewski

12 Elaine T. Byszewski

13 Christopher R. Pitoun

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**EXHIBIT A**

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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

**JESSICA HUGHES,**

**Plaintiff,**

**v.**

**BIG HEART PET BRANDS, ET AL.,**

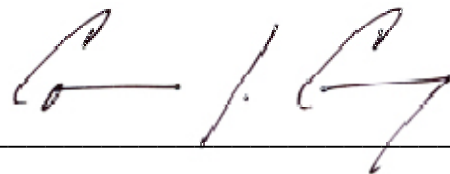
**Defendants.**

**Case No.: CV 15-08007-CJC(AGR~~x~~)**

**JUDGMENT**

Pursuant to the Court's January 15 Order, it is **HEREBY ADJUDGED** that Plaintiff's complaint is dismissed with prejudice.

**DATED: January 15, 2016**



**CORMAC J. CARNEY  
UNITED STATES DISTRICT JUDGE**

**EXHIBIT B**

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 15-08007-CJC(AGR<sub>x</sub>)

Date: January 15, 2016

Title: HUGHES V. BIG HEART PET BRANDS, ET AL.

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PRESENT:

**HONORABLE CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE**

Melissa Kunig  
Deputy Clerk

N/A  
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

None Present

None Present

**PROCEEDINGS: (IN CHAMBERS) ORDER DISMISSING CASE**

Plaintiff Jessica Hughes brings this action against Defendants Big Heart Pet Brands, Meow Mix, LLC, and the J.M. Smucker Company, for violations of the California Unfair Competition Law, Cal. Bus. & Prof. Code § 17200 *et seq.*, the California Consumers Legal Remedies Act, Cal. Civ. Code § 1750 *et seq.*, and the California False Advertising Law, Cal. Bus. & Prof. Code § 17500, *et seq.* On December 9, 2015, the Court dismissed the complaint in a related case, *Barber v. Nestle USA Inc.*, based on the safe harbor doctrine. *See* Case No. 15-cv-01364-CJC-AGR, 2015 WL 9309553 (C.D. Cal. Dec. 9, 2015). Suspecting that Plaintiff's claims in this case would require dismissal for the same reason, the Court ordered Plaintiff to show cause why her complaint should not be dismissed. (Dkt. 13.) Plaintiff responded on January 7, 2016. (Dkt. 18.) While disagreeing with the Court's ruling in *Barber*, she concedes that the Court's analysis there will also require dismissal of this case. Like the plaintiff in *Barber*, Plaintiff apparently plans to seek an appeal. Accordingly, this action is **DISMISSED WITH PREJUDICE** on the basis of the safe harbor doctrine, for the reasons set forth in *Barber*. An appealable judgment will issue.

sr

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CIVIL-GEN

Initials of Deputy Clerk MKU