

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 15-08007-CJC(AGR_x)

Date: January 15, 2016

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

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

MINUTES FORM 11
CIVIL-GEN

Initials of Deputy Clerk MKU