

**UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF CALIFORNIA
(Western Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:16-cv-06886-ODW-KS**

Sharon Manier et al v. L Oreal USA Inc et al
Assigned to: Judge Otis D. Wright, II
Referred to: Magistrate Judge Karen L. Stevenson
Cause: 28:1332 Diversity-Product Liability

Date Filed: 09/14/2016
Date Terminated: 01/04/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Inj. Prod. Liability
Jurisdiction: Diversity

Plaintiff

Sharon Manier

*Individually and on Behalf of All Others
Similarly Situated*

represented by **Benjamin Jared Meiselas**
Geragos and Geragos APC
Historic Engine Co No 28
644 South Figueroa Street
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ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Plaintiff

Dorothy Riles
Individually and on Behalf of All Others
Similarly Situated

represented by **Benjamin Jared Meiselas**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Andrea Clisura
(See above for address)
PRO HAC VICE
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Courtney E Maccarone
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Lori G Feldman
(See above for address)
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ATTORNEY TO BE NOTICED

Mark John Geragos
(See above for address)
ATTORNEY TO BE NOTICED

V.

Intervenor Plaintiff

Tiffany Raines

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ATTORNEY TO BE NOTICED

Intervenor Plaintiff

Sandi Turnipseed

represented by **Kristen Law Sagafi**
(See above for address)
ATTORNEY TO BE NOTICED

Intervenor Plaintiff**Terri Oravillo**represented by **Kristen Law Sagafi**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant**L Oreal USA Inc**represented by **Justin D Lewis**
Gordon and Rees
101 West Broadway, Suite 2000
San Diego, CA 92101
619-696-6700
Email: jlewis@gordonrees.com
*ATTORNEY TO BE NOTICED***Defendant****Soft Sheen-Carson, LLC,**represented by **Justin D Lewis**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/14/2016	<u>1</u>	COMPLAINT Receipt No: 0973-18545080 - Fee: \$400, filed by Plaintiff Dorothy Riles, Sharon Manier. (Attorney Mark John Geragos added to party Sharon Manier(pty:pla), Attorney Mark John Geragos added to party Dorothy Riles(pty:pla))(Geragos, Mark) (Entered: 09/14/2016)
09/14/2016	<u>2</u>	NOTICE OF ERRATA filed by Plaintiffs Sharon Manier, Dorothy Riles. correcting Complaint (Attorney Civil Case Opening) <u>1</u> (Geragos, Mark) (Entered: 09/14/2016)
09/14/2016	<u>3</u>	NOTICE OF ERRATA filed by Plaintiffs Sharon Manier, Dorothy Riles. correcting Complaint (Attorney Civil Case Opening) <u>1</u> , Errata <u>2</u> (Geragos, Mark) (Entered: 09/14/2016)
09/14/2016	<u>4</u>	CIVIL COVER SHEET filed by Plaintiffs Sharon Manier, Dorothy Riles. (Geragos, Mark) (Entered: 09/14/2016)
09/14/2016	<u>5</u>	NOTICE of Interested Parties filed by Plaintiff Sharon Manier, Dorothy Riles, (Geragos, Mark) (Entered: 09/14/2016)
09/14/2016	<u>6</u>	Request for Clerk to Issue Summons on Errata <u>3</u> , Civil Cover Sheet (CV-71) <u>4</u> , Certificate/Notice of Interested Parties <u>5</u> filed by Plaintiff Sharon Manier, Dorothy Riles. (Geragos, Mark) (Entered: 09/14/2016)
09/14/2016	<u>7</u>	Request for Clerk to Issue Summons on Errata <u>3</u> , Civil Cover Sheet (CV-71) <u>4</u> , Summons Request <u>6</u> , Certificate/Notice of Interested Parties <u>5</u> filed by Plaintiff Sharon Manier, Dorothy Riles. (Geragos, Mark) (Entered: 09/14/2016)
09/15/2016	<u>8</u>	NOTICE OF ASSIGNMENT to District Judge Michael W. Fitzgerald and Magistrate Judge Karen L. Stevenson. (car) (Entered: 09/15/2016)
09/15/2016	<u>9</u>	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (car) (Entered: 09/15/2016)

09/15/2016	<u>10</u>	21 DAY Summons Issued re Complaint (Attorney Civil Case Opening) <u>1</u> as to Defendant L Oreal USA Inc. (car) (Entered: 09/15/2016)
09/15/2016	<u>11</u>	21 DAY Summons Issued re Complaint (Attorney Civil Case Opening) <u>1</u> as to Defendant Soft Sheen-Carson, LLC (car) (Entered: 09/15/2016)
09/15/2016	<u>12</u>	NOTICE OF PRO HAC VICE APPLICATION DUE for Non-Resident Attorney Andrea Clisura. A document recently filed in this case lists you as an out-of-state attorney of record. However, the Court has not been able to locate any record that you are admitted to the Bar of this Court, and you have not filed an application to appear Pro Hac Vice in this case. Accordingly, within 5 business days of the date of this notice, you must either (1) have your local counsel file an application to appear Pro Hac Vice (Form G-64) and pay the applicable fee, or (2) complete the next section of this form and return it to the court at cacd_attyadm@cacd.uscourts.gov . You have been removed as counsel of record from the docket in this case, and you will not be added back to the docket until your Pro Hac Vice status has been resolved. (car) (Entered: 09/15/2016)
09/15/2016	<u>13</u>	NOTICE OF PRO HAC VICE APPLICATION DUE for Non-Resident Attorney Courtney E Maccarone. A document recently filed in this case lists you as an out-of-state attorney of record. However, the Court has not been able to locate any record that you are admitted to the Bar of this Court, and you have not filed an application to appear Pro Hac Vice in this case. Accordingly, within 5 business days of the date of this notice, you must either (1) have your local counsel file an application to appear Pro Hac Vice (Form G-64) and pay the applicable fee, or (2) complete the next section of this form and return it to the court at cacd_attyadm@cacd.uscourts.gov . You have been removed as counsel of record from the docket in this case, and you will not be added back to the docket until your Pro Hac Vice status has been resolved. (car) (Entered: 09/15/2016)
09/15/2016	<u>14</u>	NOTICE OF PRO HAC VICE APPLICATION DUE for Non-Resident Attorney Lori G Feldman. A document recently filed in this case lists you as an out-of-state attorney of record. However, the Court has not been able to locate any record that you are admitted to the Bar of this Court, and you have not filed an application to appear Pro Hac Vice in this case. Accordingly, within 5 business days of the date of this notice, you must either (1) have your local counsel file an application to appear Pro Hac Vice (Form G-64) and pay the applicable fee, or (2) complete the next section of this form and return it to the court at cacd_attyadm@cacd.uscourts.gov . You have been removed as counsel of record from the docket in this case, and you will not be added back to the docket until your Pro Hac Vice status has been resolved. (car) (Entered: 09/15/2016)
09/16/2016	<u>15</u>	ORDER TO REASSIGN CASE due to self-recusal pursuant to General Order 14-03 by Judge Michael W. Fitzgerald. Case transferred from Judge Michael W. Fitzgerald to the calendar of Judge Otis D. Wright, II for all further proceedings. Case number now reads as 2:16-cv-06886 ODW (KSx). (rrp) (Entered: 09/16/2016)
09/19/2016	<u>16</u>	MINUTE ORDER IN CHAMBERS by Judge Otis D. Wright, II: MINUTE ORDER IN CHAMBERS by Judge Otis D Wright, II: This action has been assigned to the calendar of Judge Otis D. Wright II. Counsel are STRONGLY encouraged to review the Central Districts website for additional information. (SEE DOCUMENT FOR SPECIFIC FILING REQUIREMENTS AND INFORMATION; PLEASE refer to Local Rule 79-5 for the submission of CIVIL ONLY SEALED DOCUMENTS. CRIMINAL SEALED DOCUMENTS will remain the same. all proposed sealed documents must be submitted via e-mail to the Judges Chambers email address, EXCLUDING those submitted by pro se parties and IN CAMERA filings, which shall continue to comply with Local Rule 79-5.1. Please refer to the Judges procedures and schedules for detailed instructions for submission of sealed documents. (lc) (Entered: 09/19/2016)
09/22/2016	<u>17</u>	APPLICATION of Non-Resident Attorney Courtney Maccarone to Appear Pro Hac Vice on behalf of Plaintiffs Sharon Manier, Dorothy Riles (Pro Hac Vice Fee - \$325 Previously Paid on 9/22/2016, Receipt No. 0973-18603203) filed by Plaintiffs Sharon Manier, Dorothy Riles. (Attachments: # <u>1</u> Proposed Order) (Meiselas, Benjamin) (Entered: 09/22/2016)

09/22/2016	<u>18</u>	APPLICATION of Non-Resident Attorney Andrea Clisura to Appear Pro Hac Vice on behalf of Plaintiffs Sharon Manier, Dorothy Riles (Pro Hac Vice Fee – Fee Paid, Receipt No. 0973-18603387) filed by Plaintiffs Sharon Manier, Dorothy Riles. (Attachments: # <u>1</u> Proposed Order) (Meiselas, Benjamin) (Entered: 09/22/2016)
09/22/2016	<u>19</u>	APPLICATION of Non-Resident Attorney Lori G. Feldman to Appear Pro Hac Vice on behalf of Plaintiffs Sharon Manier, Dorothy Riles (Pro Hac Vice Fee – Fee Paid, Receipt No. 0973-18603428) filed by Plaintiffs Sharon Manier, Dorothy Riles. (Attachments: # <u>1</u> Proposed Order) (Meiselas, Benjamin) (Entered: 09/22/2016)
09/23/2016	<u>20</u>	SUPPLEMENT to APPLICATION of Non-Resident Attorney Lori G. Feldman to Appear Pro Hac Vice on behalf of Plaintiffs Sharon Manier, Dorothy Riles (Pro Hac Vice Fee – Fee Paid, Receipt No. 0973-18603428) <u>19</u> filed by Plaintiffs Sharon Manier, Dorothy Riles. (Meiselas, Benjamin) (Entered: 09/23/2016)
09/23/2016	<u>21</u>	SUPPLEMENT to APPLICATION of Non-Resident Attorney Andrea Clisura to Appear Pro Hac Vice on behalf of Plaintiffs Sharon Manier, Dorothy Riles (Pro Hac Vice Fee – Fee Paid, Receipt No. 0973-18603387) <u>18</u> filed by Plaintiffs Sharon Manier, Dorothy Riles. (Meiselas, Benjamin) (Entered: 09/23/2016)
09/23/2016	<u>22</u>	NOTICE of Deficiency in Electronically Filed Pro Hac Vice Application RE: APPLICATION of Non-Resident Attorney Andrea Clisura to Appear Pro Hac Vice on behalf of Plaintiffs Sharon Manier, Dorothy Riles (Pro Hac Vice Fee – Fee Paid, Receipt No. 0973-18603387) <u>18</u> , APPLICATION of Non-Resident Attorney Courtney Maccarone to Appear Pro Hac Vice on behalf of Plaintiffs Sharon Manier, Dorothy Riles (Pro Hac Vice Fee – \$325 Previously Paid on 9/22/2016, Receipt No. 0973-18603203) <u>17</u> . The following error(s) was/were found: Local Rule 83-2.1.3.3(d) Attached Certificate of Good Standing not issued within 30 days prior to filing of the application. (lt) (Entered: 09/23/2016)
09/26/2016	<u>23</u>	SUPPLEMENT to APPLICATION of Non-Resident Attorney Courtney Maccarone to Appear Pro Hac Vice on behalf of Plaintiffs Sharon Manier, Dorothy Riles (Pro Hac Vice Fee – \$325 Previously Paid on 9/22/2016, Receipt No. 0973-18603203) <u>17</u> filed by Plaintiffs Sharon Manier, Dorothy Riles. (Meiselas, Benjamin) (Entered: 09/26/2016)
09/26/2016	<u>24</u>	ORDER ON APPLICATION OF NON-RESIDENT ATTORNEY TO APPEAR IN A SPECIFIC CASE PRO HAC VICE by Judge Otis D. Wright, II: granting <u>18</u> Non-Resident Attorney Andrea Clisura APPLICATION to Appear Pro Hac Vice on behalf of Plaintiff, designating Ben J. Meiselas as local counsel. (lt) (Entered: 09/28/2016)
09/26/2016	<u>25</u>	ORDER ON APPLICATION OF NON-RESIDENT ATTORNEY TO APPEAR IN A SPECIFIC CASE PRO HAC VICE by Judge Otis D. Wright, II: granting <u>19</u> Non-Resident Attorney Lori G. Feldman APPLICATION to Appear Pro Hac Vice on behalf of Plaintiff, designating Ben J. Meiselas as local counsel. (lt) (Entered: 09/28/2016)
09/26/2016	<u>26</u>	ORDER ON APPLICATION OF NON-RESIDENT ATTORNEY TO APPEAR IN A SPECIFIC CASE PRO HAC VICE by Judge Otis D. Wright, II: granting <u>17</u> Non-Resident Attorney Courtney Maccarone APPLICATION to Appear Pro Hac Vice on behalf of Plaintiff, designating Ben J. Meiselas as local counsel. (lt) (Entered: 09/28/2016)
09/30/2016	<u>27</u>	AFFIDAVIT <i>Of Service As to Defendant L'Oreal</i> filed by Plaintiffs Sharon Manier, Dorothy Riles (Meiselas, Benjamin) (Entered: 09/30/2016)
09/30/2016	<u>28</u>	AFFIDAVIT <i>Of Service As to Defendant Soft Sheen-Carson, LLC</i> filed by Plaintiffs Sharon Manier, Dorothy Riles (Meiselas, Benjamin) (Entered: 09/30/2016)
10/03/2016	<u>29</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Affidavit <u>27</u> , Affidavit <u>28</u> . The following error(s) was found: Incorrect event selected. Pdf documents are proofs

of service of process. The correct event is: Service of summons and complaint returned executed 21 days (follow prompts for missing information). In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (lc) (Entered: 10/03/2016)

10/12/2016	<u>30</u>	NOTICE OF MOTION AND MOTION to Intervene filed by Counsel for Proposed Intervenor Tiffany Raines, Sandi Turnipseed, Terri Oravillo. Motion set for hearing on 12/5/2016 at 01:30 PM before Judge Otis D. Wright II. (Attachments: # <u>1</u> Memorandum of Points and Authorities, # <u>2</u> Exhibit A–Complaint, # <u>3</u> Exhibit B–First Amended Complaint, # <u>4</u> Proposed Order) (Attorney Kristen Law Sagafi added to party Tiffany Raines(pty:intvp), Attorney Kristen Law Sagafi added to party Sandi Turnipseed(pty:intvp), Attorney Kristen Law Sagafi added to party Terri Oravillo(pty:intvp)) (Sagafi, Kristen) (Entered: 10/12/2016)
10/12/2016	<u>31</u>	STIPULATION Extending Time to Answer the complaint as to L Oreal USA Inc answer now due 11/11/2016; Soft Sheen–Carson, LLC, answer now due 11/11/2016, re Complaint (Attorney Civil Case Opening) <u>1</u> filed by Defendant L Oreal USA Inc; Soft Sheen–Carson, LLC.,(Attorney Justin D Lewis added to party L Oreal USA Inc(pty:dft), Attorney Justin D Lewis added to party Soft Sheen–Carson, LLC.(pty:dft))(Lewis, Justin) (Entered: 10/12/2016)
10/12/2016	<u>32</u>	NOTICE of Interested Parties filed by Defendants L Oreal USA Inc, Soft Sheen–Carson, LLC., (Lewis, Justin) (Entered: 10/12/2016)
10/26/2016	<u>33</u>	NOTICE Of Pendency of Other Actions or Proceedings filed by Plaintiff Sharon Manier, Dorothy Riles. (Geragos, Mark) (Entered: 10/26/2016)
10/31/2016	<u>34</u>	NOTICE TO PARTIES by District Judge Otis D. Wright. Effective November 7, 2016, Judge Wright will be located at the 1st Street Courthouse, COURTROOM 5D on the 5th floor, located at 350 W. 1st Street, Los Angeles, California 90012. All Court appearances shall be made in Courtroom 5D of the 1st Street Courthouse, and all mandatory chambers copies shall be hand delivered to the judge's mail box outside the Clerk's Office on the 4th floor of the 1st Street Courthouse. The location for filing civil documents in paper format exempted from electronic filing and for viewing case files and other records services remains at the United States Courthouse, 312 North Spring Street, Room G–8, Los Angeles, California 90012. The location for filing criminal documents in paper format exempted from electronic filing remains at Edward R. Roybal Federal Building and U.S. Courthouse, 255 East Temple Street, Room 178, Los Angeles, California 90012. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (rrp) TEXT ONLY ENTRY (Entered: 10/31/2016)
11/14/2016	<u>35</u>	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION to Intervene <u>30</u> filed by Plaintiffs Sharon Manier, Dorothy Riles. (Geragos, Mark) (Entered: 11/14/2016)
11/14/2016	<u>36</u>	NOTICE OF NON–OPPOSITION to NOTICE OF MOTION AND MOTION to Intervene <u>30</u> filed by Defendants L Oreal USA Inc, Soft Sheen–Carson, LLC., (Lewis, Justin) (Entered: 11/14/2016)
11/14/2016	<u>37</u>	ANSWER to Complaint (Attorney Civil Case Opening) <u>1</u> with JURY DEMAND filed by Defendants L Oreal USA Inc, Soft Sheen–Carson, LLC.,(Lewis, Justin) (Entered: 11/14/2016)
11/15/2016	<u>38</u>	ORDER that the Scheduling Conference is set for 1/23/2017 1:30 PM ; compliance with FRCP 16, and 26(f) and filing of joint report; Counsel for plaintiff shall immediately serve this Order on all parties, including any new parties to the action by Judge Otis D Wright, II (lc) Modified on 11/15/2016 (lc). Modified on 11/16/2016 (lc). (Entered: 11/15/2016)
11/18/2016	<u>39</u>	Joint STIPULATION for Order For Relief From Local Rule 23–3 filed by Plaintiff Sharon Manier, Dorothy Riles. (Attachments: # <u>1</u> Proposed Order)(Geragos, Mark) (Entered: 11/18/2016)
11/21/2016	<u>40</u>	

ORDER GRANTING RELIEF FROM LOCAL RULE 23-3 39 by Judge Otis D. Wright, II (lc) (Entered: 11/21/2016)

11/21/2016	<u>41</u>	RESPONSE IN SUPPORT of NOTICE OF MOTION AND MOTION to Intervene <u>30</u> filed by Intervenor Plaintiffs Terri Oravillo, Tiffany Raines, Sandi Turnipseed. (Sagafi, Kristen) (Entered: 11/21/2016)
11/22/2016	<u>42</u>	TEXT ONLY ENTRY by Judge Otis D. Wright, II : The Court finds that PLAINTIFFS' MOTION to INTERVENE <u>30</u> currently scheduled for hearing on December 5, 2016, is appropriate for decision without oral argument. Fed. R. Civ. P. 78(b); C.D. L.R. 7-15. Accordingly, this motion is taken UNDER SUBMISSION and the hearing is vacated. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (vv) (Entered: 11/22/2016)
12/15/2016	<u>43</u>	NOTICE OF MOTION AND MOTION for Judgment on the Pleadings as to (1) entire complaint; (2) cause of action for unjust enrichment filed by Defendants L Oreal USA Inc, Soft Sheen-Carson, LLC., Motion set for hearing on 1/23/2017 at 01:30 PM before Judge Otis D. Wright II. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Proposed Order) (Lewis, Justin) (Entered: 12/15/2016)
12/16/2016	<u>44</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: NOTICE OF MOTION AND MOTION for Judgment on the Pleadings as to (1) entire complaint; (2) cause of action for unjust enrichment <u>43</u> . The following error(s) was found: Hearing information is incorrect. Please refer to Court's 10/31/16 Notice, docket no. 34, correct location is at the 1st Street Courthouse, COURTROOM 5D on the 5th floor, located at 350 W. 1st Street, Los Angeles, California 90012. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (lc) (Entered: 12/16/2016)
12/30/2016	<u>45</u>	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION for Judgment on the Pleadings as to (1) entire complaint; (2) cause of action for unjust enrichment <u>43</u> filed by Plaintiffs Sharon Manier, Dorothy Riles. (Geragos, Mark) (Entered: 12/30/2016)
01/04/2017	<u>46</u>	ORDER GRANTING MOTION TO INTERVENE AND TO TRANSFER THE ACTION PURSUANT TO THE FIRST-TO-FILE RULE <u>30</u> by Judge Otis D. Wright, II: The Court hereby GRANTS proposed Intervenor Raines, Turnipseed, and Oravillos motion to intervene and to transfer the action to the Southern District of New York pursuant to the first-to-file rule. Defendants pending motion for judgment on the pleadings <u>43</u> is DENIED AS MOOT without prejudice. The Clerk of Court shall transfer this action to the Southern District of New York and close the case. (Made JS-6. Case Terminated.) (lc) (Entered: 01/05/2017)