

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES – GENERAL

Case No. SACV 12-00312-CJC(ANx)

Date: March 4, 2014

Title: ASHLEY STANWOOD V. MARY KAY INC.

PRESENT:

HONORABLE CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE

Michelle Urie
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

None Present

None Present

**PROCEEDINGS: (IN CHAMBERS) ORDER GRANTING PLAINTIFF'S
MOTION FOR DISMISSAL WITH PREJUDICE AND MODIFYING
CONFIDENTIALITY ORDER [filed 2/6/2014]**

Having read and considered the papers presented by the parties, the Court finds this matter appropriate for disposition without a hearing. *See* Fed. R. Civ. P. 78; Local Rule 7-15. Accordingly, the hearing set for March 10, 2014 at 1:30 p.m. is hereby vacated and off calendar.

On February 28, 2012, Plaintiff Ashley Stanwood filed this putative class action against Defendant Mary Kay Inc. (“Mary Kay”) stating class claims related to Mary Kay’s alleged fraudulent concealment, false advertising, and unfair business practices. (*See* Dkt. No. 1.) After engaging in discovery, and prior to certification of the class, Ms. Stanwood now moves to dismiss her claims with prejudice under Federal Rule of Civil Procedure 41(a). (Dkt. No. 123.) Mary Kay does not oppose the motion, but requests that dismissal be conditioned on modification of the Confidentiality Order to allow discovered materials obtained in this action to be used in potential future class actions asserting similar claims, and that Mary Kay be allowed to complete outstanding discovery prior to dismissal.

Upon consideration of the parties’ arguments, the Court hereby **MODIFIES** the

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Confidentiality Order to permit that materials discovered by either party in this action may be used in any subsequently filed class action making similar claims, provided that the judge presiding over such a future action permits their use.¹ As to discovery, the Court declines to allow completion of outstanding discovery. If Mary Kay believes that a fees motion is warranted on the record it has thus far compiled, then it may file such a motion with the Court. However, the Court does not agree that Mary Kay will be prejudiced if discovery is not prolonged to allow Mary Kay to engage in a speculative inquiry to determine whether a fees motion is or is not appropriate. Moreover, if Mary Kay believes that Plaintiff's counsel acted in bad faith in pursuing this action, and on such grounds should be found unfit to serve as class counsel in a future action on similar facts, it should raise the issue — including the potential need for more discovery on the question — with the judge presiding over that subsequent action.

This action is **DISMISSED WITH PREJUDICE**. Further, Ms. Stanwood's pending motion for class certification, (Dkt. No. 85), which is calendared for hearing on March 24, 2014, is **DENIED AS MOOT**.

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¹ Nothing in this Order should be construed as limiting any subsequent court's discretion to determine itself the scope of confidentiality protections afforded to discovered materials before it. Should parties in a subsequent action seek to use materials discovered in this action, the materials should be protected only insofar as the subsequent presiding judge agrees to protect them.