

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

JOSEPH MATTOCKS, individually, on
behalf of himself and all others similarly
situated,

Plaintiff	Case Number
vs.	1:17-cv-08417-VM
KIMBERLY-CLARK CORPORATION; KIMBERLY-CLARK WORLDWIDE, INC.; and KIMBERLY-CLARK GLOBAL SALES, LLC	
Defendant	

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

HEIDI ARREOLA and TIM DOSTAL,
individually on behalf of themselves and all
others similarly situated,

Plaintiff	Case Number
vs.	7:17-cv-05127-CS-JCM
KIMBERLY-CLARK CORPORATION	
Defendant	

Status of Earlier Filed Case:

Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

Open

(If so, set forth procedural status and summarize any court rulings.)

Defendant Kimberly-Clark Corporation has moved to dismiss Plaintiffs' complaint. Plaintiffs' opposition to the motion to dismiss is due November 6, 2017.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

The cases are essentially identical. The later-filed Mattocks action was transferred from the Southern District of California so that it could join the Arreola action. Both cases are brought against Kimberly-Clark Corporation by putative nationwide classes of purchasers of Scott Naturals flushable cleansing cloths. The plaintiffs in both actions allege that the "Scott Naturals" brand name is deceptive. Despite the numerous statements on the packaging explaining that "Scott Naturals" refers to the product's environmental friendliness, plaintiffs in both cases claim that they nevertheless interpreted the brand name to be a promise that the flushable cleansing cloths were completely free of any preservatives or other synthetic ingredients. The plaintiffs in both actions allege violations of California's Unfair Competition Law, False Advertising Law, and Consumers Legal Remedies Act, as well as breach of express warranty.

Assigning both cases to Judge Seibel, who is presiding over the first-filed Arreola action, is likely to save judicial effort and effort of the parties and witnesses because the cases are virtually identical, and litigating the same issues twice in separate courts would further no legitimate interests. For these and the foregoing reasons, Kimberly-Clark respectfully requests that this Court designate these cases as related and transfer the Mattocks case to Judge Seibel.

Signature: /s/ Blair A. SilverDate: November 2, 2017Firm: Gibson, Dunn & Crutcher LLP
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