

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MARINA SCOTT, individually and on behalf of all  
others similarly situated,

Plaintiff,

v.

JOHNSON & JOHNSON CONSUMER INC.,  
VOGUE INTERNATIONAL LLC,

Defendants.

Case No. 22-cv-07069 (JRB)

Judge John Robert Blakey

Magistrate Judge Jeffrey Cole

**DEFENDANTS' MOTION TO DISMISS THE COMPLAINT**

Defendants Johnson & Johnson Consumer, Inc. and Vogue International LLC respectfully move to dismiss the Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). Defendants hereby incorporate by reference the Memorandum of Law filed concurrently herewith and all supporting documents, exhibits and authorities. This Court should dismiss the Complaint because:

1. Plaintiff lacks Article III standing to bring any of her claims for damages or injunctive relief because she fails to plead plausibly any concrete, particularized economic injury in the past or imminent future injury.
2. Plaintiff fails to plead sufficient facts to state a claim under ICFA (Count I) or for fraud (Count II) under Federal Rule of Civil Procedure 12(b)(6), and fails to plead those claims with sufficient particularity under Federal Rule of Civil Procedure 9(b).
3. Plaintiff's unjust enrichment claim (Count III) falls with the fraud-based claims.
4. Plaintiff fails to state claims under the consumer protection statutes of states in which she

does not reside and to which she has no connection (Count IV).

Dated: February 8, 2023

By: /s/ Steven A. Zalesin

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*Attorneys for Defendants Johnson & Johnson Con-  
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**CERTIFICATE OF SERVICE**

I, Steven A. Zalesin, hereby certify that this document filed through the ECF system on February 8, 2023 will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Steven A. Zalesin