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FILED
Superior Court of California
County of Los Angeles
06/21/2022

Sherri R. Carter, Executive Officer / Clerk of Court
By: J. Williams Deputy

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF LOS ANGELES**

18 JANELLE BASICH-MUSTAFA, as an
individual and on behalf of all others
19 similarly situated,

20 Plaintiff,

21 v.

22 DESIGNER FRAGRANCES &
COSMETICS COMPANY, a California
23 corporation d/b/a NYX Professional
24 Makeup; and DOES 1 through 100,

25 Defendants.

CASE NO. 20STCV16314

[Case assigned for all purposes to the Hon.
William F. Highberger, Dept. 10]

~~PROPOSED~~ **ORDER GRANTING
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: June 2, 2022
Time: 11:00 a.m.
Dept.: 10

Action Filed: April 28, 2020
Trial Date: None Set

~~PROPOSED~~ ORDER GRANTING MOTION FOR PRELIMINARY APPROVAL

1 The Motion of Plaintiff Janelle Basich-Mustafa (“Plaintiff”) for Preliminary Approval of
2 Class Action Settlement came regularly for hearing before this Court on June 2, 2022, at 11:00
3 a.m. The Court, having considered the proposed Amended Class Action Settlement Agreement
4 and Release of Claims (the “Settlement”), attached as Exhibit 1 to the Supplemental Declaration
5 of Fletcher W. Schmidt filed concurrently herewith; having considered Plaintiff’s Motion for
6 Preliminary Approval of Class Action Settlement, Memorandum of Points and Authorities in
7 support thereof, and supporting declarations filed therewith; and good cause appearing, HEREBY
8 ORDERS THE FOLLOWING:

9 1. The Court GRANTS preliminary approval of the class action settlement as set
10 forth in the Settlement and finds its terms to be within the range of reasonableness of a settlement
11 that ultimately could be granted approval by the Court at a Final Approval Hearing. For purposes
12 of the Settlement, the Court finds that the proposed Settlement Class is ascertainable and that
13 there is a sufficiently well-defined community of interest among the members of the Settlement
14 Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants
15 conditional certification of the following Settlement Class:

16 All current and former non-exempt employees of Defendant
17 Designer Fragrances & Cosmetics Company (“Defendant” or
18 “Designer Fragrances & Cosmetics Company”) in California who
19 worked at any time between April 28, 2016 and the date of
preliminary approval (the “Class Period”).

20 2. For purposes of the Settlement, the Court designates named Plaintiff Janelle
21 Basich-Mustafa as Class Representative and designates Paul K. Haines, Fletcher W. Schmidt, and
22 Alexandra R. McIntosh of Haines Law Group, APC and Joseph Tojarieh of Tojarieh Law Firm,
23 PC as Class Counsel.

24 4. The Court designates Phoenix Settlement Administrators as the third-party
25 Settlement Administrator for mailing notices.
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1 5. The Court approves, as to form and content, the Class Notice, Notice of
2 Settlement, and Opt-Out Form attached as a combined Exhibit A to the Class Action Settlement
3 Agreement and submitted concurrently with Plaintiff’s Motion.

4 6. The Court finds that the form of notice to the Settlement Class regarding the
5 pendency of the action and of the Settlement, and the methods of giving notice to members of the
6 Settlement Class constitute the best notice practicable under the circumstances, and constitute
7 valid, due, and sufficient notice to all members of the Settlement Class. The form and method of
8 giving notice complies fully with the requirements of California Code of Civil Procedure § 382,
9 California Civil Code § 1781, California Rules of Court 3.766 and 3.769, the California and
10 United States Constitutions, and other applicable law.

11 7. The Court further approves the procedures for Settlement Class members to opt
12 out of or object to the Settlement, as set forth in the Opt-Out Form.

13 8. The procedures and requirements for filing objections in connection with the Final
14 Fairness Hearing are intended to ensure the efficient administration of justice and the orderly
15 presentation of any Class Member’s objection to the Settlement, in accordance with the due
16 process rights of all Settlement Class members.

17 9. The Court directs the Settlement Administrator to mail the Class Notice, Notice of
18 Settlement Award, and Opt-Out Form (collectively the “Notice Packet”) to the members of the
19 Settlement Class in accordance with the terms of the Settlement. The Court directs the Settlement
20 Administrator to carry out all duties as required by the Settlement.

21 10. The Class Notice shall provide at least 60 calendar days’ notice for members of
22 the Settlement Class to opt out of, or object to the Settlement. Any Opt-Out Form or Objection
23 shall be submitted directly to the Settlement Administrator and not filed with the Court. Upon
24 receipt of any Opt-Out Form or Objections, the Settlement Administrator shall forward copies of
25 all Opt-Out Forms and Objections to counsel for all parties. The Settlement Administrator shall
26 file a declaration concurrently with the filing of the Motion for Final Approval of Class Action
27 Settlement which authenticates a copy of every Request for Exclusion and Objection received by
28

1 the Settlement Administrator. The Settlement Administrator shall give notice to any objecting
2 Settlement Class member of any continuance of the hearing on Plaintiff’s Motion for Final
3 Approval of Class Action Settlement.

4 11. The Final Fairness Hearing on the question of whether the Settlement should be
5 finally approved as fair, reasonable, and adequate is scheduled in Department 10 of this Court,
6 located at 312 North Spring Street, Los Angeles, California 90012, on November 17, 2022, at
7 11:00 a.m.

8 12. At the Final Approval Hearing, the Court will consider: (a) whether the Settlement
9 should be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether
10 a judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiff’s
11 application for reasonable attorneys’ fees, reimbursement of litigation expenses, enhancement
12 payments to Plaintiff, settlement administration costs, and payment to the Labor and Workforce
13 Development Agency (“LWDA”) for penalties under the Labor Code Private Attorneys General
14 Act (“PAGA”) should be granted.

15 13. Counsel for the parties shall file memoranda, declarations, or other statements and
16 materials in support of their request for final approval of the Settlement, attorneys’ fees, litigation
17 expenses, Plaintiff’s enhancement payment, settlement administration costs, and payment to the
18 LWDA for PAGA penalties prior to the Final Approval Hearing according to the time limits set
19 by the Code of Civil Procedure and the California Rules of Court.

20 14. The implementation schedule is provided below (assuming the Court signs this
21 Order on June 2, 2022):

| Event | Date |
|---|--------------------|
| Defendant to provide Class Member information to the Settlement Administrator no later than [20 business days after preliminary approval]: | July 1, 2022 |
| Settlement Administrator to mail Notice Packet to Class Members no later than [14 days from receipt of Class Member information]: | July 15, 2022 |
| Deadline for Class Members to request exclusion from, submit dispute, or object to the Settlement [60 calendar days from mailing of Notice Packet]: | September 13, 2022 |

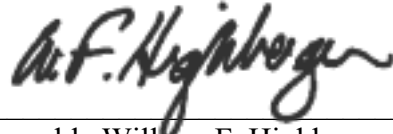
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| Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement: | At least 16 court days prior to Final Approval Hearing |
| Final Approval Hearing: | November 17, 2022, at 11:00 a.m. |

15. Pending the Final Approval Hearing, all proceedings in this action, other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this Order, are stayed.

16. Counsel for the parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the Settlement which are not materially inconsistent with either this Order or the terms of the Settlement.

IT IS SO ORDERED.

Dated: 06/21/2022, 2022



Honorable William F. Highberger
Judge of the Superior Court