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

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

Plaintiff,

v.

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

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

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 May 5, 2022, at 11:00
3 a.m. The Court, having considered the proposed Stipulation of Settlement (the “Settlement”),
4 attached as Exhibit 1 to the Declaration of Fletcher W. Schmidt filed concurrently herewith;
5 having considered Plaintiff’s Motion for Preliminary Approval of Class Action Settlement,
6 Memorandum of Points and Authorities in support thereof, and supporting declarations filed
7 therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

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

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

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

22 4. The Court designates Phoenix Settlement Administrators as the third-party
23 Settlement Administrator for mailing notices.

24 5. The Court approves, as to form and content, the Class Notice, Notice of
25 Settlement, and Opt-Out Form attached as a combined Exhibit A to the Class Action Settlement
26 Agreement and submitted concurrently with Plaintiff’s Motion.
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28

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

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

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

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

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

11. The Final Fairness Hearing on the question of whether the Settlement should be finally approved as fair, reasonable, and adequate is scheduled in Department 10 of this Court, located at 312 North Spring Street, Los Angeles, California 90012, on _____, 2022, at _____ a.m./p.m.

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

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

14. The implementation schedule is provided below (assuming the Court signs this 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
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:	_____, 2022, at _____ a.m. / p.m.

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

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

9 **IT IS SO ORDERED.**

10 Dated: _____, 2022

Honorable William F. Highberger
Judge of the Superior Court