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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,
vs.

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

Defendants.

Case No. 20STCV16314

*[Assigned for all purposes to the Hon.
William F. Highberger, Dept. 10]*

**~~[PROPOSED]~~ JUDGMENT AND
ORDER GRANTING FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: ~~November 17, 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 Final Approval of Class Action
2 Settlement, Attorneys’ Fees and Costs, and Class Representative Enhancement Payment (“Final
3 Approval Motion”) came on regularly for hearing before this Court on ~~November 17, 2022~~ Feb. 28, 2023, at
4 ~~11:00 a.m.~~, pursuant to California Rule of Court 3.769 and the prior Order Granting Preliminary
5 Approval of Class Action Settlement. Having considered the parties’ Stipulation of Settlement
6 (“Settlement”) and the documents and evidence presented in support thereof, and recognizing the
7 sharply disputed factual and legal issues involved in this case, the risks of further prosecution, and
8 the substantial benefits to be received by the Settlement Class, as defined herein, pursuant to the
9 Settlement, the Court hereby makes a final ruling that the proposed Settlement is fair, reasonable,
10 and adequate, and is the product of good faith, arm’s-length negotiations between the parties. Good
11 cause appearing therefor, the Court hereby GRANTS Plaintiff’s Final Approval Motion and
HEREBY ORDERS THE FOLLOWING:

12 1. Final judgment is hereby entered in conformity with the Settlement and this Final
13 Approval Order.

14 2. The conditional class certification is hereby made final, and the Court thus certifies,
15 for purposes of the Settlement, the following Settlement Class:

16 All current and former non-exempt employees of Defendant Designer
17 Fragrances & Cosmetics (“Defendant” or “Designer Fragrances &
Cosmetics Company”) in California who worked at any time between April
28, 2016 and June 21, 2022, (the “Class Period”).

18 3. As of the date that this Judgment becomes final, all Settlement Class members, by
19 virtue of this Judgment, will fully release and discharge Defendant Designer Fragrances &
20 Cosmetics Company, any predecessors and successors in interest, companies acquiring any or all
21 of Defendant’s assets or capital stock, current or former officers, directors, shareholders, agents,
22 representatives, and employees of Defendant, any client companies of Defendant for which the
23 Class Members serviced while employed by Defendant, any current or former parent corporations,
24 subsidiary corporations, affiliates, and assigns, including but not limited to NYX Professional
25 Makeup, Urban Decay Cosmetics, Luxury Beauty Store, Atelier Cologne, and Kiehl’s since 1851;
26 current or former officers, directors, shareholders, agents, representatives, and employees of
27 Defendant; and insurers of any of the foregoing persons or entities (collectively the “Released
28 Parties”) from any and all claims that were pled in the Action, titled *Janelle Basich-Mustafa v.*

1 *Designer Fragrances & Cosmetics Company*, Los Angeles County Superior Court Case No.
2 20STCV16314, or claims which could have been pled based on the factual allegations in the
3 Action, that arose during the Class Period (the “Released Claims”). The time period for the
4 Released Claims will be from April 28, 2016 through June 21, 2022.

5 4. Plaintiff Janelle Basich-Mustafa is hereby confirmed as Class Representative. Paul
6 K. Haines, Fletcher Schmidt, and Alexandra R. McIntosh of Haines Law Group, APC and Joseph
7 Tojarieh of Tojarieh Law Firm, PC are hereby confirmed as Class Counsel.

8 5. Notice was mailed to the Settlement Class members for whom addresses were
9 obtained in English and Spanish as set forth in the Settlement, which was approved by the Court
10 on June 21, 2022. The notice process has been completed in conformity with the Settlement and
11 with this Court’s orders. The notice provided due and adequate notice of the proceedings and
12 matters set forth therein, informed Settlement Class members of their rights, and fully satisfied the
13 requirements of California Code of Civil Procedure § 1781(e), California Rule of Court 3.769, and
14 due process.

15 6. The Court finds that zero members of the Settlement Class objected to the
16 Settlement. The Court finds that only two members of the Settlement Class opt-ed out of the
17 Settlement, and that the 99.87% participation rate in the Settlement supports final approval.

18 7. The Court hereby approves the Settlement as set forth in the Settlement Agreement
19 as fair, reasonable, and adequate, and directs the parties to effectuate the Settlement Agreement
20 according to its terms.

21 8. For purposes of settlement only, the Court finds that: (a) the members of the
22 Settlement Class are ascertainable and so numerous that joinder of all members is impracticable;
23 (b) there are questions of law or fact common to the Settlement Class and there is a well-defined
24 community of interest among members of the Settlement Class with respect to the subject matter
25 of the litigation; (c) the claims of the Class Representative are typical of the claims of the members
26 of the Settlement Class; (d) the Class Representative has fairly and adequately protected the
27 interests of the Settlement Class members; (e) a class action is superior to other available methods
28 for an efficient adjudication of this controversy; and (f) Class Counsel are qualified to serve as
counsel for the Class Representative and the Settlement Class.

1 9. The Court finds that given the absence of objections, and objections being a
2 prerequisite to appeal, this Order will be considered final as of the date it is signed by this Court.

3 10. The Court orders that within thirty (14) calendar days after the Effective Date, as
4 that term is defined in the Settlement Agreement, Defendant shall deposit the Gross Settlement
5 Amount of One Million Seven Hundred Fifty Thousand Dollars and No Cents (\$1,750,000.00)
6 into a Qualified Settlement Fund held by the Settlement Administrator, as provided for in the
7 Settlement.

8 11. The Court finds that the Settlement Awards, as defined and provided for in the
9 Settlement, are fair, reasonable, and adequate, and orders the Settlement Administrator to
10 distribute the individual payments in conformity with the terms of the Settlement.

11 12. The Court finds that the payment to the State of California Labor and Workforce
12 Development Agency (“LWDA”) in the amount of \$37,500.00 for its 75% share of civil penalties
13 under the California Labor Code Private Attorneys General Act (“PAGA”) is fair, reasonable and
14 adequate, and orders the Settlement Administrator to distribute this payment to the LWDA in
15 conformity with the terms of the Settlement.

16 13. The Court finds that the Class Representative Enhancement Payment in the amount
17 of \$7,500.00 to Plaintiff is appropriate in recognition of the risks undertaken by Plaintiff and for
18 Plaintiff’s service to the Settlement Class; for the amount of time and effort spent by Plaintiff as
19 the Class Representative; for Plaintiff’s general release of claims provided as part of the Settlement
20 Agreement; and for serving the interests of the Class Members. The Court finds that this amount
21 is fair, reasonable, and adequate, and orders that the Settlement Administrator make this payment
22 in conformity with the terms of the Settlement.

23 14. The Court finds that attorneys’ fees in the total amount of \$583,333.33, and actual
24 litigation costs of \$28,078.61 (\$27,152.21 to Haines Law Group, APC, and \$926.40 to the Tojarieh
25 Law Firm, PC), are fair, reasonable, and adequate in light of the common fund provided for the
26 benefit of the Settlement Class, and orders that the Settlement Administrator distribute these
27 payments to Class Counsel in conformity with the terms of the Settlement. The Court finds that
28 the time devoted to the matter by Class Counsel was reasonably necessary in the investigation and

prosecution of this action and that the fees are appropriately awarded in light of the benefit provided to the Settlement Class by Class Counsel's efforts.

15. The Court orders that the Settlement Administrator shall be paid \$18,500 from the Gross Settlement Amount for all of its work done and to be done until the completion of this matter and finds that sum appropriate.

16. Any funds from Individual Settlement Payment checks remaining uncashed after the 180-day check-cashing deadline shall be transferred to the Controller of the State of California to be held pursuant to the Unclaimed Property Law, California Civil Code § 1500 *et seq.*, in the name of the Settlement Class Member to whom the check was issued, until such time that they claim their property..

17. Pursuant to California Code of Civil Procedure section 664.6 and Rule 3.769(h) of the California Rules of Court, the Court will retain jurisdiction over this action and the Parties until final performance of the Settlement Agreement.

18. This document will constitute a final judgment pursuant to California Rule of Court 3.769(h), which provides, "If the court approves the settlement agreement after the final approval hearing, the court must make and enter judgment. The judgment must include a provision for the retention of the court's jurisdiction over the parties to enforce the terms of the judgment. The court may not enter an order dismissing the action at the same time as, or after, entry of judgment." The Court will retain jurisdiction to enforce the Settlement and this Final Approval Order and Judgment.

19. The Settlement Administrator will make a final report of the Settlement disbursement and Plaintiff will file the report by 12/21/23. The Court sets a final distribution ~~hearing~~ ^{NACR} for Dec. 28, 2023, at 9 a.m./~~p.m.~~

IT IS SO ORDERED.

Dated: 02/28/2023, ~~2022~~


Honorable William F. Highberger
Judge of the Superior Court