

JAIME MILSTEAD, on behalf of herself and
all others similarly situated,

Plaintiff,

v.

ROBERT FIANCE BEAUTY SCHOOLS,
INC.; GBR, INC.; REIGNBOW ACADEMY,
INC.; and PAUL FERRARA, each conducting
business as "Robert Fiance Beauty Schools,"

Defendants.

SUPERIOR COURT OF NEW JERSEY
CAMDEN COUNTY
LAW DIVISION

DOCKET NO. CAM-L-328-16

**ORDER GRANTING FINAL APPROVAL TO CLASS ACTION SETTLEMENT
AND RELATED RELIEF**

AND NOW, this 1 day of July, 2019, upon consideration of Plaintiff's motion to grant final approval to the proposed class action settlement and for related relief, following briefing and a public fairness hearing on June 27, 2019, it is hereby ORDERED that:

1. This action is appropriately treated for settlement purposes as a class action under R. 4:32-1 and R. 4:32-2. The settlement class as defined in the Court's prior Order of March 28, 2019 is hereby permanently certified because:

- a. the settlement class is so numerous that joinder of all members is impracticable;
- b. there are questions of law or fact common to the settlement class;
- c. the claims or defenses of the representative parties are typical of the claims or defenses of the settlement class;
- d. the representative party will fairly and adequately assert and protect the interests of the settlement class;
- e. the questions of law or fact common to the members of the class predominate over any questions affecting only individual members; and

- f. a class action is superior to other available methods for the fair and efficient adjudication of the controversy.
2. The settlement class has been given notice of the proposed class action settlement consistent with the New Jersey Court Rules and Due Process, in accordance with the Court's Preliminary Approval Order dated March 28, 2019.
3. The Settlement Agreement was arrived at as a result of arm's-length negotiations conducted in good faith by counsel for the parties, and is supported by the class representative.
4. The settlement as set forth in the Settlement Agreement is fair, reasonable, and adequate to the members of the Class in light of the complexity, expense, and likely duration of litigation and the risks involved in establishing liability, damages, and in maintaining the class action through trial and appeal.
5. The relief provided under the Settlement Agreement constitutes fair value given in exchange for the releases of the Settled Claims against the Released Parties.
6. Plaintiff's motion for final approval of the class settlement and related relief is GRANTED.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

A. This action is finally certified for settlement purposes as a class action on behalf of a Settlement Class defined as follows:

All New Jersey citizens who received student-provided cosmetology services at a Robert Fiance Beauty School clinic or entity (five locations total) in New Jersey between January 25, 2010 and the present, and who paid a fee for such services.

B. The Court grants final approval to the proposed class action Settlement as set forth in the Settlement Agreement, subject to the following modifications, as agreed to by counsel for all parties and approved by the Court:

1. The deadline for submission of a claim form to the Settlement Administrator, which was previously set for June 13, 2019, has now been expanded to August 1, 2019.

2. The Settlement Administrator has until September 1, 2019 to distribute any vouchers claimed before August 1, 2019.

3. In order to increase participation in the class settlement, and to maximize the relief for the class, Defendants have agreed, and the Court has directed, that in addition to the formal written claims process set forth in the Preliminary Approval Order and the approved Settlement Agreement, Defendants shall also distribute \$10 in vouchers (two \$5 vouchers per customer) to customers at each of Defendants' five student salons clinics until September 1, 2019, or until 600 such vouchers are distributed at each such clinic (3,000 vouchers total), whichever comes first. (This is in addition to 1,000 vouchers [200 per facility] already distributed as of the date of Final Approval.) Distribution of the 3,000 additional vouchers shall begin within 14 days, or as soon as practicable.

4. Any additional vouchers—whether distributed by the claims administrator or directly by Defendants—shall be good for one year and will expire September 1, 2020.

5. Within 14 days—or as soon as practicable—Defendants shall publish a new supplemental notice in the form attached hereto as Ex. A, notifying class members of the new deadline for claims and the terms described in B(1) and (2) above, in the *Newark Star Ledger* and the *South Jersey Times*. This publication shall be as a 1/8 page advertisement, at Defendants' expense, except that if the cost of such notice exceeds \$8000, Plaintiff's counsel shall contribute \$1000 to the cost of such additional notice. This same information as contained in this supplemental notice shall also be placed on the settlement website.

5. The Settlement Administrator will amend the operative settlement notice website to reflect the change in the date by which claims can be made. Robert Fiance will also replace the physical "in-store" notices with revisions that reflect this change in date. However, neither the revised in-store notices and settlement website, nor the supplementary publication notice, will invite further objections or exclusions to this settlement, which is final and approved, subject to compliance with the contents of this order.

C. The parties are directed to consummate the Settlement Agreement in accordance with its terms, as modified herein.

D. Pursuant to the settlement, the Complaint is DISMISSED WITH PREJUDICE and all claims of Plaintiff and Settlement Class Members which arise from the claims and facts pleaded

in the Complaint are DISMISSED WITH PREJUDICE and deemed released to the extent specified in the Settlement Agreement, with the single modification that the release now extends to the amended close of the claims period, August 1, 2019.

E. Class counsel's Petition for Fees and Costs is GRANTED. An award of \$225,000 in attorney's fees and costs to Class counsel is approved and is to be paid in accordance with the terms of the Settlement Agreement.

F. The request for an incentive award of \$2,500.00 to the named Plaintiff is approved and is to be paid in accordance with the terms of the Settlement Agreement.

G. Without affecting the finality of this Final Approval Order in any way, the Court retains jurisdiction over (1) implementation and enforcement of the Settlement Agreement until the parties have performed the required actions thereunder; (2) any other action necessary to conclude this Settlement or to implement the Settlement Agreement; and (3) the enforcement, construction and interpretation of the Agreement.

SO ORDERED.



HON. THOMAS T. BOOTH, JR. J.S.C.

EXHIBIT A

**NOTICE OF COURT APPROVAL OF CLASS ACTION SETTLEMENT
AND CERTAIN REVISED TERMS AND DEADLINES**

On June 27, 2019, the New Jersey Superior Court granted final approval to the class action settlement in Jaime Milstead v. Robert Fiance Beauty Schools Inc., et al. Superior Court of New Jersey, Camden County, Docket No. CAM-L-328-16. This settlement resolved a proposed class action lawsuit against Robert Fiance Beauty Schools, Inc., GBR, Inc., Reignbow Academy, Inc., and Paul Ferrara (collectively referred to as "Defendants"), in which Plaintiff asserted various claims against Defendants involving the prices charged to customers for student-provided cosmetology services at the five student salon clinics operated by one or more Defendants in New Jersey. Specifically, Plaintiff alleges that Defendants violated the law by charging customers more than the reasonable cost of materials used in the performance of the services. Plaintiff brought a lawsuit on her own behalf and on behalf of all people who paid a fee for student-provided services at one of these student salon clinics in New Jersey between January 25, 2010 and the present. Defendants denied the allegations in the lawsuit in their entirety but agreed to settle the case to avoid the costs of litigation.

The settlement approved by the Court provides eligible class members with the opportunity to receive two five (5) dollar Service Vouchers (with a total value of \$10.00), which may be used to pay for future services at any of the five Robert Fiance Beauty school clinics in New Jersey. This additional supplemental notice is intended to advise class members of certain changes in the deadlines and terms of the approved class action settlement as follows:

- The deadline for submission of a written claim form to the Settlement Administrator, which was previously set for June 13, 2019, has now been expanded to August 1, 2019. You may obtain a Claim Form on the settlement website at www.robertfiancesettlement.com, by telephoning 1-833-207-1162, by faxing 877-935-1175, or by writing the Settlement Administrator at Robert Fiance Beauty Schools Settlement c/o JND Legal Administration, PO Box 91190, Seattle, WA 98111;

FOR MORE INFORMATION, PLEASE VISIT THE SETTLEMENT WEBSITE AT:
www.robertfiancesettlement.com