

RUSSELL JONES, KEISHA CAPPEL, ANNE OLIVER and WARREN YOUNG, on behalf of himself and all others similarly situated,

Plaintiff,

v.

EEG, INC., FRANK SCHOENEMAN, and MICHAEL D. BOUMAN, all conducting business as the "Empire Education Group,"

Defendants.

PHILADELPHIA COUNTY

COURT OF COMMON PLEAS

Civil Division

Jones Etal Vs Eeg, Inc.-ORDER

NO. 160800812



16080081200032

CLASS ACTION

Control Nos. 16121541
16101441

ORDER GRANTING PRELIMINARY, NON-BINDING APPROVAL TO PROPOSED CLASS ACTION SETTLEMENT, APPROVING FORM OF CLASS SETTLEMENT NOTICE AND NOTICE DISTRIBUTION PLAN, AND SCHEDULING A DATE FOR THE FORMAL PUBLIC FAIRNESS HEARING

This matter having come before the Court upon an unopposed motion by Plaintiffs under Pa. R. Civ. P. 1714 for preliminary, non-binding approval of a proposed class action settlement, Court approval of a proposed form of the Class Settlement Post Card Notice and Class Settlement Long Form Notice, and Court approval of the proposed plan of notice publication and setting a hearing date for the formal public fairness hearing on whether to grant final approval to the proposed class settlement, and the Court having considered the motion papers, and for good cause shown;

IT IS HEREBY ORDERED this 12th day of January 2017 ~~2016~~ as follows:

1. The Court grants preliminary, non-binding approval of the proposed class action settlement;
2. This matter shall preliminarily proceed as a class action with a Settlement Class defined as follows:

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All customers who paid for a student-provided cosmetology service at one of EEG's student salon clinics in Pennsylvania between August 12, 2009 and the date of Preliminary Approval, or at one of EEG's student salon clinics in New Jersey between July 2, 2009 and the date of Preliminary Approval.

3. The Court preliminarily appoints Plaintiffs Russell Jones, Keisha Cappel, Anne Oliver, and Warren Young as the named Class Representatives and preliminarily appoints Stephen DeNittis, Esq. of DeNittis Osefchen, P.C. as Class Counsel.
4. It is apparent from the file and presentation of counsel that the proposed Settlement Class meets the requirements of Pa. R. Civ. P. 1714, et al. such that class notice should be provided.
5. The Court appoints Angeion Group as the Settlement Administrator.
6. The Court approves the content of the proposed Class Settlement Post Card Notice and Class Settlement Long Form Notice submitted by Counsel and the proposed manner of notice distribution set forth in the Settlement Agreement. The Court directs the Defendants to provide to the Settlement Administrator a list of any and all persons whom Defendants' records indicate may be class members and their last known addresses within 10 days of this Order. The Court further directs that within 30 days of this Order, the Class Settlement Post Card Notice shall be sent by first class mail by the Settlement Administrator to all persons whom Defendants' records indicate may be class members, at their last known address. In addition, within 30 days of this Order, the Settlement Administrator shall be responsible for publishing the Class Settlement Post Card Notice on one date in the Philadelphia Inquirer (1/6 of a page Monday through Friday); on one date in the Courier Post (1/6 of a page Monday through Friday); on one date in the Pittsburgh Post Gazette (1/6 of a page Monday through Friday); and on one date in the Harrisburg Patriot News (1/6 of a page Monday through Friday).
7. Within 30 days of this order the Settlement Administrator shall create a Settlement

Website www.empirebeautyschoolsettlement.com which will contain information describing the settlement and will contain the Class Postcard Notice (see Exhibit A to Settlement Agreement), the Class Long Form Notice (see Exhibit B to Settlement Agreement), a Claim Form (see Exhibit D to Settlement Agreement), information regarding Defendants' locations, Class Counsel's contact information, a copy of the Settlement Agreement and a copy of Plaintiffs' complaint. The cost for the Settlement Website will be paid for from the Administrative Fee paid to Angeion from the Settlement Cash Fund. The Class Postcard Notice and the Class Long Form Notice and Claim Form will also be posted by Class Counsel in a prominent location on Class Counsel's website www.denittislaw.com.

8. Any objections to the proposed Class Settlement, or requests for exclusion from the class, must be submitted to the Clerk, post-marked no later than fourteen (14) days prior to the Fairness Hearing scheduled in this matter. Pursuant to Pa. R. Civ. P. 1714, *et al.*, a formal, public fairness hearing on whether to grant final, binding approval to the proposed class action settlement shall be held on April 6, 2017, 2016 (suggested date any date after _____, 2016) at the Philadelphia Court of Common Pleas, City Hall, Court Room ⁴⁴⁶~~630~~, Market and Broad, Philadelphia, PA 19107 at 10:00 a.m.

9. Any memoranda of law or other documents in support of final approval of the proposed class settlement, copies of any objections or requests from exclusion that have been submitted to class counsel or defense counsel, and an affidavit attesting that class notice has been distributed in a manner consistent with this Order, must be submitted to the Court no later than 10 days prior to the hearing on final approval.

10. In the event that the proposed settlement as provided in the Settlement Agreement is not granted final approval by the Court, then the Settlement Agreement, and all drafts, negotiations,

discussions and documentation related thereto and orders entered by the Court in connection therewith shall become null and void. In such event the Agreement and all negotiations and proceedings related thereto shall be withdrawn without prejudice to the rights of any and all parties thereto, who shall be restored to their respective positions as of the date of the execution of the Agreement.

SO ORDERED:


_____, J.