

REGIS FITZGERALD, on behalf of herself and
all others similarly situated,

Plaintiff,

v.

RIZZIERI INSTITUTE, INC. and FRANK
RIZZIERI,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: CAMDEN COUNTY

Docket No: CAM-L-3646-16

Civil Action

ATTENTION: ALL PERSONS WHO PAID A FEE FOR STUDENT-PROVIDED COSMETOLOGY, HAIRSTYLING AND OTHER SERVICES AT THE RIZZIERI AVEDA SCHOOL IN VOORHEES, NEW JERSEY, BETWEEN OCTOBER 6, 2010 AND AUGUST 29, 2018.

This notice informs you of a proposed settlement (“Settlement”) of a class action claim against Rizzieri Institute, Inc. and Frank Rizzieri (collectively “Defendants”) involving the Rizzieri Aveda School (“the School”). Under the terms of the Settlement, and as further discussed below, you may be eligible to receive certain benefits if you submit a valid and timely Proof of Claim.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:

Submit a Proof of Claim	If you are an eligible Settlement Class Member and complete and submit a Proof of Claim in a timely manner, you will receive, at your option, a one-time payment (by check) of up to \$15.00 or six \$5 Service Vouchers (with a total value of \$30.00) that can be redeemed in exchange for student-provided services at the School Clinic. The Proof of Claim is necessary to ensure that only eligible Settlement Class Members receive a benefit. A Proof of Claim form is available at the Settlement Website at www.RizzieriSettlement.com , by calling the Claims Administrator toll-free at 1-877-564-2245 or by writing the Claims Administrator at Rizzieri School Litigation Settlement, 1650 Arch Street, Suite 2210, Philadelphia PA 19103.
Do Nothing	By doing nothing, you forfeit the opportunity to receive any benefits under the Settlement and you also give up any rights you may have to sue Defendants, and certain parties related to them, separately about the claims that have been or could have been asserted in this lawsuit.
Ask to be Excluded	By asking to be excluded, you will forfeit the opportunity to receive benefits under the Settlement, but you will preserve any rights you may have to sue Defendants separately about the claims that have been or could have been asserted in this lawsuit.
Object	If you choose to participate in the Settlement but object to its terms, you may write to the Court and explain why you do not like the Settlement.
Go To A Hearing	If you choose to participate in the Settlement but object to its terms, you may ask to speak in Court about the fairness of the Settlement.

Your rights and options – and the deadlines to exercise them – are explained in detail below.

The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be made if the Court approves the Settlement and after appeals are resolved. Please be patient.

Questions? Visit www.RizzieriSettlement.com or call toll-free 1-877-564-2245

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BASIC INFORMATION

1. Why did I receive notice of this lawsuit?

This lawsuit involves allegations that Defendants charged excessive prices for cosmetology, hairstyling and other services provided by students to members of the public at the Rizzieri Aveda School in Voorhees, New Jersey (“the School”).

Defendants’ records indicate that you received and paid for student-provided services at the School between October 6, 2010 and August 29, 2018.

You received a postcard notice or email notice because you have a right to know about the proposed Settlement of this class action lawsuit, and about your options, before the Court decides whether to approve the Settlement. If the Court approves the Settlement and after any appeals are resolved, an administrator appointed by the Court will distribute the settlement benefits/payments that the Settlement allows.

This package explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

The Court in charge of the case is the Superior Court of New Jersey, Camden County, and the case is pending before the Honorable Daniel A. Bernardin. The lawsuit is known as *Regis Fitzgerald v. Rizzieri Institute, Inc. et al.*, and is pending under Docket No. CAM-L-3646-16. The person who sued is called the Plaintiff, and the parties sued are called the Defendants.

2. What is this lawsuit about?

This is a proposed class action on behalf of customers who received and paid for student-provided services at the School between October 6, 2010 and August 29, 2018. An affiliate of one of the Defendants operates the School and the clinic within the School (“the Clinic”), where students provide cosmetology, hairstyling and other services to the general public in exchange for certain fees. The Plaintiff contends that these fees exceeded the cost of the materials used in providing the services, in violation of New Jersey law.

The Defendants deny the Plaintiff’s allegations and claims in their entirety, but have agreed to settle the law to avoid the burdens and costs of litigation.

3. Why is this lawsuit a class action and who is involved?

In a class action lawsuit, one or more people called “Class Representatives” or “Lead Plaintiffs” sue on behalf of other people who have similar claims. The people together are called a “Class” or “Class Members” (in this case the Settlement Class). The persons who sued – and all of the Settlement Class Members like them – are called the Plaintiffs. The company and individuals they sued (in this case Rizzieri Institute, Inc. and Frank Rizzieri, are called the Defendants). If the Court approves the Settlement, the Settlement will resolve the claims of everyone in the Settlement Class, except for those

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people who choose to exclude themselves from the Settlement Class. Judge Bernardin is in charge of this case and has certified the lawsuit as a class action for settlement purposes only.

4. Why is there a settlement?

The Court did not issue a final ruling in favor of Plaintiff or Defendants. Instead, Lead Plaintiff and Defendants agreed to enter into the Settlement after an exchange of information and vigorous arms-length negotiations. That way, they avoid litigation costs, and the people affected will receive certain settlement benefits. The Lead Plaintiff, and counsel for the Lead Plaintiff and the Settlement Class Members (“Class Counsel”), think the Settlement is best for the Settlement Class Members.

WHO IS COVERED BY THE SETTLEMENT?

5. Am I a Settlement Class Member?

Your receipt of the postcard notice or an email notice indicates that you have been identified as a potential Settlement Class Member because, according to Defendants’ records, you received and paid for student-provided services at the School’s Clinic at Voorhees Town Center, 8200 Town Center Blvd., 2nd Floor, Voorhees, New Jersey 08043 between October 6, 2010 and August 29, 2018.

THE SETTLEMENT BENEFITS - WHAT YOU GET

6. What does the Settlement provide?

If approved by the Court, the Settlement will result in dismissal of this case and final resolution of all claims that the Settlement Class raised or could have raised against Defendants in the lawsuit. Such dismissal will release Defendants from liability for those claims. The terms of the Settlement are described in full in a document known as the Settlement Agreement (“Settlement Agreement”). The Settlement Agreement is available for your inspection at the website www.RizzieriSettlement.com. The capitalized terms as used in this notice have the same meaning as the terms set forth in the Settlement Agreement.

7. What can I get from the Settlement?

Under the Settlement, Defendants are making available a Settlement Fund of \$280,000.00, comprised of \$130,000 in cash and \$150,000 in Service Vouchers, to be distributed to eligible Settlement Class Members after the payment of certain fees and expenses incurred in connection with the lawsuit. The Settlement Fund will be applied first to pay any compensation to the Lead Plaintiff, to cover the costs incurred by the Settlement Administrator, to cover costs and fees of Class Counsel and then to compensate claims of eligible Settlement Class Members, as described in the Settlement Agreement. It is anticipated that the Settlement Fund will enable valid Class Members who submit timely claims to receive a payment of up to \$15 by check or up to six \$5 Service Vouchers (for a total of \$30 in Service Vouchers) that can be redeemed in exchange for student-provided services at the School Clinic. Service Vouchers are not redeemable for cash, and they may not be used for products, goods, or tips. In the event that the Settlement Fund, net of the payments described herein, is not sufficient to enable a payment of \$15 by check for each

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claim or six \$5 Service Vouchers (for a total of \$30 in Service Vouchers) for each claim, the per-claim payment will be decreased in proportion to the total number of claims made. If you are an eligible Settlement Class Member and wish to receive this benefit, you must timely submit a Proof of Claim to the Claims Administrator as described below.

HOW YOU GET SETTLEMENT BENEFITS - SUBMITTING A CLAIM

8. How can I make a claim?

If you are an eligible Settlement Class Member and you wish to receive either a one-time payment of up to \$15 by check or six \$5 Service Vouchers, you need to complete and submit a Proof of Claim in a timely manner. This form is necessary to ensure that only eligible Settlement Class Members receive a benefit. You may file your Claim online at the Settlement Website at www.RizzieriSettlement.com. The Proof of Claim is also available at the Settlement Web site at www.RizzieriSettlement.com or by calling the Claims Administrator toll-free at 1-877-564-2245.

The fully completed Proof of Claim must be submitted online, or via either email to info@RizzieriSettlement.com, fax to 1-215-525-0209, or U.S. mail to the Claims Administrator at Rizzieri School Litigation Settlement, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103. The deadline for submission of the Proof of Claim is **December 27, 2018**. Accordingly, to be valid, Proofs of Claim must be postmarked, emailed or faxed no later than **December 27, 2018**, and accurately addressed to the Claims Administrator. You may attend the court hearing described below if you wish, but your attendance or non-attendance will not affect your eligibility to submit the Proof of Claim. You do not need to appear in court, and you do not need to hire an attorney in this case.

9. When would I get my payment?

The Court will hold a hearing on **November 13, 2018 at 1:30 p.m.**, to decide whether to approve the Settlement. If Judge Bernardin approves the Settlement, and after that, no appeal is taken, then you can expect to receive your payment promptly. If an appeal is taken, then resolving it may take some time, perhaps up to, or more than, a year. Please be patient.

10. What am I giving up to get a payment or stay in the Settlement Class?

Unless you exclude yourself, you are staying in the Settlement Class, and that means that you cannot sue, continue to sue, or be part of any other lawsuit against Defendants regarding the same subject matter as this case. It also means that all of the Court's orders will apply to you and legally bind you. In addition, as a result, as further detailed in the Settlement Agreement, Settlement Class Members who have not timely requested exclusion from this Settlement Class shall be deemed to Release all claims consistent with the Release herein. In the Settlement Agreement and Release, Defendants, Beauty Management, Inc., and their respective owners, shareholders, officers, employees, agents, representatives and insurers are fully released from any and all claims or causes of action, whether known or unknown, that were, or could have been, asserted by the named Plaintiff or any member of the Settlement Class, their respective spouses, former spouses, successors, heirs, executors and administrators ("Releasers") against the Defendants, Rizzieri Institute, Inc. and Frank Rizzieri ("Defendants"), their parents, shareholders,

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partners, general partners, subsidiaries and affiliated companies and entities, as well as their officers, managers, representatives, officials, agents, employees, affiliates, predecessors, insurers and their successors and assigns and all other related persons, firms, corporations and any and all other named or unnamed persons or entities (“Releasees”) arising out of or in any way related to the charging of fees for student-provided services at the School.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want a payment from the Settlement, but you want to preserve your right to sue or continue to sue Defendants, on your own, concerning the same subject matter and legal issues involved this case, then you must take steps to get out. This is called excluding yourself or is sometimes referred to as opting out of the Settlement Class.

11. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must send a letter by mail saying that you want to be excluded from the Rizzieri School Litigation Settlement. Be sure to include your name, address, telephone number, and your signature. You must mail your exclusion request letter postmarked by **October 24, 2018** to Rizzieri School Litigation Settlement Administrator, Attn: Exclusion Requests, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103. You must also send your exclusion request to the Court located at Superior Court of New Jersey, Camden County, Hall of Justice, 101 S. Fifth Street, Camden, NJ 08001. You cannot exclude yourself on the phone or by e-mail. If you ask to be excluded, you will not get any settlement payment, and you cannot object to the Settlement. If you exclude yourself, you will not be legally bound by anything that happens in this lawsuit.

12. If I do not exclude myself, can I sue Defendants for the same thing later?

No. Unless you exclude yourself, you give up the right to sue Defendants for the claims that the Settlement resolves. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately. You must exclude yourself from this Settlement Class to continue your own lawsuit. Remember, the exclusion deadline is **October 24, 2018**. Any exclusion request postmarked after that date will not be valid, and the sender will be a Settlement Class Member and bound by the Settlement and Release.

Questions? Visit www.RizzieriSettlement.com or call toll-free 1-877-564-2245

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in this case?

The Court decided that the law firm of DeNittis Osefchen Prince, P.C. of Philadelphia, Pennsylvania and Marlton, New Jersey is qualified to represent you and all Settlement Class Members. The law firm is called “Class Counsel.” It is experienced in handling similar cases. More information can be obtained about this law firm, its practices, and its lawyers’ experience by contacting the following Class Counsel:

Stephen P. DeNittis, Esq.
DENITTIS OSEFCHEN PRINCE, P.C.
5 Greentree Centre, Suite 410
Marlton, NJ 08053
(856) 797-9951
Email: sdenittis@denittislaw.com
Website: www.denittislaw.com

14. How will the lawyers be paid?

Class Counsel has pursued this lawsuit on a contingent basis and has paid all costs of the lawsuit. These attorneys have not yet been paid or recovered any of their costs associated with the lawsuit. As part of the Settlement, Class Counsel will request a payment of 28.6% of the \$280,000 fund to cover its costs and fees. Class Counsel’s petition for fees and costs will be filed with the Court no later than, November 2, 2018 and may be reviewed by any interested party. The Court will make a determination of reasonable fees and costs at the Final Approval Hearing based on Class Counsel’s Application and responses thereto, if any.

OBJECTING TO THE SETTLEMENT

If you choose not to exclude yourself from the Settlement Class, you can tell the Court that you do not agree with the Settlement or some part of it.

15. How do I tell the Court that I do not like the Settlement?

If you are a class member and do not exclude yourself from/opt out of the Proposed Settlement, you can express your objection to the terms of the Proposed Settlement. The Court will consider your views. To object, you must send a letter to the Court located at Superior Court of New Jersey, Camden County, Hall of Justice, 101 S. Fifth Street, Camden, NJ 08001, saying that you object to the terms of the settlement in *Regis Fitzgerald v. Rizzieri Institute, Inc. et al.*, Docket No. CAM-L-3646-16 and give the reasons why you think the Court should not approve it. You must include your name, address, and telephone number, your signature, the reasons you object to the settlement, and the case name and number as indicated in the previous sentence; and if you are represented by your own separate counsel, you must also provide that attorney’s name, address and telephone number. The objection also must clearly state in detail the legal and factual ground(s) for your objection. You must also mail your Objection postmarked by **October 24, 2018** to Rizzieri School Litigation Settlement, Attn: Objections, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103.

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The objection must be postmarked no later than **October 24, 2018**.

If you file an objection, you are still a member of the Settlement Class and will receive the benefits of the Settlement and will be subject to the release, unless an objection results in a modification of the settlement (in which case you will receive the benefits of the modified settlement and will still be subject to the release).

16. What is the difference between objecting and excluding?

Objecting is simply telling the Court that you do not like something about the Settlement. You can object only if you stay in the Settlement Class. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class or the Settlement. If you exclude yourself, you have no basis to object because the case no longer affects you.

THE COURT'S FINAL APPROVAL HEARING

17. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Final Approval Hearing on **November 13, 2018**, at **1:30 p.m.** at the Superior Court of New Jersey, Camden County, Hall of Justice, 101 S. Fifth Street, Camden, NJ 08001. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. Judge Bernardin will make the decision whether to listen to people who have asked to speak at the hearing. At or after the hearing, the Court will also decide whether to approve the Settlement and how much to pay Class Counsel. We do not know how long these decisions will take.

18. Do I have to come to the hearing?

No. Class Counsel will answer any questions Judge Bernardin may have. But, you are welcome to come at your own expense. If you send an objection, you may come in person to the Court for the Final Approval Hearing, retain your own attorney to appear for you at the Final Approval Hearing, or not come at all, and the Court will consider your objection.

19. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear in *Regis Fitzgerald v. Rizzieri Institute, Inc. et al.*, Docket No. CAM-L-3646-16." Be sure to include your name, address, telephone number, and your signature. Your Notice of Intention to Appear must be postmarked no later than **October 24, 2018**, and be sent to Rizzieri School Litigation Settlement, Attn: Notice of Intention to Appear, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103 and to the Court at the Superior Court of New Jersey, Camden County, 101 S. Fifth Street, Camden, NJ 08001. You cannot speak at the hearing if you have excluded yourself from the Settlement Class.

Questions? Visit www.RizzieriSettlement.com or call toll-free 1-877-564-2245

IF YOU DO NOTHING

20. What happens if I do nothing at all?

If you do nothing, you forfeit the opportunity to receive any monetary compensation and you give up any rights to sue Defendants separately about the claims that have been or could have been asserted in this lawsuit.

GETTING MORE INFORMATION

21. Are there more details available?

The Pleadings, the Settlement Agreement, and other papers filed in this lawsuit are available for your inspection in the Superior Court of New Jersey, Camden County, 101 S. Fifth St., Camden, NJ 08001.

Additional information may be obtained at the Settlement Website: www.RizzieriSettlement.com. You may also contact the Claims Administrator toll-free at 1-877-564-2245 or in writing to Rizzieri School Litigation Settlement, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103.

Additionally, you may contact Class Counsel, whose contact information is listed above.

PLEASE DO NOT TELEPHONE THE COURT OR THE CLERK OF THE COURT.

DATE: AUGUST 29, 2018.

Questions? Visit www.RizzieriSettlement.com or call toll-free 1-877-564-2245