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Attorneys for Plaintiff

ROSEMARY STANLEY, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

CAPRI TRAINING CENTER, INC. d/b/a
CAPRI INSTITUTE and ANNE E.
MUENSTER,

Defendants.

SUPERIOR COURT OF NEW JERSEY
ESSEX COUNTY
LAW DIVISION
DOCKET NO. ESX-L-1182-16

Civil Action

**NOTICE OF MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT; APPROVAL OF
AWARD OF ATTORNEY FEES AND
COSTS; AND APPROVAL OF
INCENTIVE AWARD FOR LEAD
PLAINTIFF**

To: Clerk, Essex County

Return date of motion: Monday, August 26, 2019 at
10:00 a.m. (per Court's attached April 26, 2019
Order)

Place: Essex County Historical Courthouse
470 Dr. Martin Luther King Jr. Blvd.
Courtroom 307
Newark, NJ 07102

Please take notice that the undersigned, attorneys for all parties herein, will apply to the above named court at the Essex County Historical Courthouse, 470 Dr. Martin Luther King Jr. Boulevard, Courtroom 307, Newark, NJ on August 26, 2019 at 10:00 a.m., for an Order granting final approval of class action settlement, approval of award of attorney fees and costs and approval of incentive award for lead plaintiff.

Counsel will reply upon the attached certifications and Plaintiff's Memorandum of Law as part of this motion.

Pursuant to the Rules, the undersigned request oral argument, as this is a public hearing set by the Court's April 26, 2019 order.

This matter is not currently scheduled for a trial.

DeNITTIS OSEFCHEN PRINCE, P.C.

BY:



Shane T. Prince, Esquire (022412002)
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Attorneys for Plaintiffs

Dated: August 12, 2019

ROSEMARY STANLEY, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

CAPRI TRAINING CENTER, INC. d/b/a
CAPRI INSTITUTE and ANNE E.
MUENSTER,

Defendants.

SUPERIOR COURT OF NEW JERSEY
ESSEX COUNTY
LAW DIVISION
DOCKET NO. ESX-L-1182-16

Civil Action

**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 FINAL APPROVAL/FAIRNESS HEARING**

This matter having come before the Court upon an unopposed motion by Plaintiff under R. 4:32-2 for (a) preliminary, non-binding approval of a proposed class action settlement, (b) approval of the proposed forms of settlement notice, (c) approval of the proposed plan of notice publication and distribution and (d) setting a hearing date for the Final Approval/Fairness hearing to determine 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 26 day of April, 2019 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:

All New Jersey citizens who received student-provided cosmetology services at a Capri Institute Beauty School clinic or entity (four locations total) in New Jersey between February 18, 2010 and the present, and who paid a fee for such services.

3. The Court preliminarily appoints Plaintiff Rosemary Stanley as the named Class Representative and preliminarily appoints Stephen DeNittis, Esq. of DeNittis Osefchen Prince, P.C. as Class Counsel.
4. For purposes of the proposed settlement, the Court finds that this action meets the requirements for certification of a settlement Class under R. 4:32-1 such that class notice should be provided.
5. The Court appoints JND Legal Administration as the Settlement Administrator.
6. ~~The Court approves the content of the proposed forms of class settlement notice~~ submitted by Counsel and the proposed manner of notice distribution set forth in the Settlement Agreement.
7. Within 30 days of this Order, the Settlement Administrator shall be responsible for:
 - a. publishing the approved form of class settlement notice on at least one occasion in the *Newark Star Ledger*;
 - b. creating a Settlement Website www.njcosmetologyschoolsettlement.com, which will contain information describing the settlement and will contain the approved form of class settlement notice, the approved form of claim form, information regarding Defendants' location, Class Counsel's contact information, a copy of the Settlement Agreement and a copy of Plaintiff's complaint;
 - c. posting a copy of the approved form of class settlement notice at a prominent location visible to the public at each of the four student salon clinics operating under the name Capri Institute Beauty Schools in New Jersey; and
 - d. sending two (2) Email Notices to those Class Members for whom Defendants have provided email addresses. The Email Notice shall be substantially similar to the form attached as Exhibit B to the Settlement Agreement, and will provide the web address of the Settlement Website and an email and mailing address to contact the Claims Administrator. The Claims Administrator will provide the 1st Email Notice on or before thirty (30) calendar days after entry of the Preliminary Approval Order and the 2nd Email Notice, two (2) weeks thereafter.

8. Any objections to the proposed Class Settlement, or requests for exclusion from the class, must be submitted to the Claims Administrator, post-marked no later than twenty (20) days prior to the Fairness Hearing scheduled in this matter.
9. Pursuant to R. 4:32-2(e)(C), a Final Approval/Fairness hearing on whether to grant final, binding approval to the proposed class action settlement shall be held on August 26, 2019 (suggested date any date 90 days or more from the date of this Order) at the Essex County Courthouse, ~~Wilentz Justice Complex, 212 Washington Street, Newark New Jersey, 07101,~~ ^{Historic Court House} Courtroom 307 at 10 am.
10. Any memoranda of law or other documents in support of final approval of the proposed class settlement, copies of any objections or requests ^{for} ~~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 14 days prior to the hearing on final approval.
11. 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:

Karen E. Givetti
 , J.S.C.

Reasons stated on the record.