

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

**If you purchased Younique’s original Moodstruck 3D Fiber Lashes Between October 2012 and July 2015 while residing in California, Ohio, Florida, Michigan, Minnesota, Missouri, New Jersey, Pennsylvania, Tennessee, Texas, or Washington You May be Eligible to Receive a Cash Payment from a Class Action Settlement.**

*A Federal Court authorized this notice. This is not a solicitation from a lawyer.*

A proposed Settlement has been reached in a class action lawsuit involving Younique’s original Moodstruck 3D Fiber Lashes

- The Settlement resolves litigation alleging Younique’s original Moodstruck 3D Fiber Lashes (sold between October 2012 and July 2015) was not accurately labeled as being made of “100% Natural Green Tea Fibers.” The Defendant disagrees with the allegations and says the label was accurate and denies any wrongdoing, but has agreed to the Settlement to avoid the expense and uncertainties associated with continuing the case.
- You may be eligible to participate in the proposed Settlement, if it is finally approved, if you purchased Younique’s original Moodstruck 3D Fiber Lashes between October 2012 and July 2015 while residing in California, Ohio, Florida, Michigan, Minnesota, Missouri, New Jersey, Pennsylvania, Tennessee, Texas, or Washington
- The Settlement will provide cash payments to those who qualify. You must file a Claim Form to get a payment from the Settlement.
- Your legal rights are affected whether you act, or don’t act. **Read this notice carefully.**

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT**

<b>SUBMIT A CLAIM FORM BY JANUARY 21, 2020</b>	This is the only way to get a payment.
<b>EXCLUDE YOURSELF BY JANUARY 21, 2020</b>	Get no payment from the Settlement. This is the only option that allows you to ever be a part of any other lawsuit against the Defendant about the legal claims in this case.
<b>OBJECT BY JANUARY 21, 2020</b>	Write to the Court about why you think the settlement is unfair, inadequate, or unreasonable.
<b>DO NOTHING</b>	Get no payment. Give up rights to ever sue the Defendant about the legal claims in this case.

- These rights and options—**and the deadlines to exercise them**—are explained in this notice. The deadlines may be moved, canceled, or otherwise modified, so please check the Settlement Website [www.FiberLashesSettlement.com](http://www.FiberLashesSettlement.com) regularly for updates and further details.
- 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 any appeals are resolved. Please be patient.

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## BASIC INFORMATION

### 1. Why is there a notice?

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You have a right to know about a proposed Settlement of a class action lawsuit, and about your options, before the Court decides whether to approve the Settlement.

The Court in charge of this case is the United States District Court for the Central District of California (the “Court”), and the case is called *Schmitt v. Younique LLC, No. 8:17-cv-01397*. The individuals who sued are called the Plaintiffs, and the company they sued, Younique, LLC (“Younique”), is called the Defendant.

### 2. What is this lawsuit about?

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The lawsuit alleges Younique’s original Moodstruck 3D Fiber Lashes (sold between October 2012 and July 2015) was not accurately labeled as being made of “100% Natural Green Tea Fibers.” The Defendant disagrees with the allegations and says the label was accurate and denies any wrongdoing, but has agreed to the Settlement to avoid the expense and uncertainties associated with continuing the case. The Defendant denies any and all wrongdoing of any kind whatsoever, and denies any liability to Plaintiffs and to the Settlement Class.

### 3. Why is this a class action?

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In a class action, one or more people, called “Class Representatives,” sue on behalf of people who have similar claims. All these people are in a “class” or “class members,” except for those who exclude themselves from the class. United States District Court Judge James V. Selna in the United States District Court for the Central District of California is in charge of this class action.

### 4. Why is there a Settlement?

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The Defendant is not admitting that it did anything wrong and both sides want to avoid the cost of further litigation. The Court has not decided in favor of the Plaintiffs or the Defendant. The Class Representatives and their attorneys think the Settlement is best for Class Members. The Settlement provides the opportunity for Settlement Class Members to receive Settlement benefits.

## WHO IS IN THE SETTLEMENT?

### 5. How do I know if I am in the Settlement?

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The Settlement Class includes all persons and entities who, from October 2012 to July 2015 both resided in California, Ohio, Florida, Michigan, Minnesota, Missouri, New Jersey, Pennsylvania, Tennessee, Texas, or Washington and purchased Younique’s original Moodstruck 3D Fiber Lashes for personal, family or household use and not for resale. Excluded from the Settlement Class are: (a) Defendant’s board members or executive-level officers, including its attorneys; (b) governmental entities; (c) the Court, the Court’s immediate family, and the Court staff; and (d) any person that timely and properly excludes himself or herself from the Settlement Class in accordance with the procedures approved by the Court.

### 6. Which Products are included in the Settlement?

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The eligible product in the Settlement is Younique’s original Moodstruck 3D Fiber Lashes which was sold between October 2012 and July 2015.

### 7. What if I am still not sure if I am included in the Settlement?

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If you are not sure whether you are a Settlement Class Member, or have any other questions about the Settlement Agreement, you should visit the Settlement Website, [www.FiberLashesSettlement.com](http://www.FiberLashesSettlement.com), or call the toll-free number, 1-844-491-5745

## SETTLEMENT BENEFITS

### 8. What does the Settlement provide?

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The Settlement provides for the establishment of a Settlement Fund with a value of \$3,250,000.00 to pay (1) timely and valid claims of eligible Settlement Class Members; (2) the costs of Class Notice and administration; (3) Attorneys' Fees and Expenses awarded by the Court; (4) any Service Award made by the Court to Plaintiffs; and (5) any taxes and tax expense (if any). Settlement Class Members who timely submit valid Claim Forms are entitled to receive a cash payment from the Settlement Fund. The actual amount recovered by each Settlement Class Member will not be determined until after the Claim Period has ended and all Claims have been calculated.

Under the Settlement, the parties agreed to a definition of "natural", consistent with federal regulatory standards, to be applied to fiber lash products, and a protocol for testing fiber lash products according to that definition on 6-month intervals when the ingredients of a fiber lash product are described as "natural."

### 9. What can I get from the Settlement?

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If you submit a valid Claim Form by the deadline, you can get a payment from the Settlement Fund. After subtracting from the Settlement Fund the Service Awards for the Class Representatives, Attorneys' Fees and Expenses, and the costs of Class Notice and administration, taxes and tax expense (if any), the Settlement Administrator will determine each authorized Settlement Class Member's *pro rata* share based upon the number of Products purchased by each class member and the total amount of valid claims is submitted.

### 10. What am I giving up to stay in the Class?

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Unless you exclude yourself from the Settlement, you cannot sue the Defendant, continue to sue, or be part of any other lawsuit against the Defendant about the legal issues in this case. It also means that all of the decisions by the Court will bind you. The Release is described more fully in the Settlement Agreement and describes exactly the legal claims that you give up if you stay in the Settlement Class. The Settlement Agreement is available at the Settlement Website, [www.FiberLashesSettlement.com](http://www.FiberLashesSettlement.com).

## HOW TO GET A PAYMENT

### 11. How can I get a payment?

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To be eligible to receive a payment from the Settlement, you must complete and submit a timely Claim Form. You can complete and submit your Claim Form online at the Settlement Website, [www.FiberLashesSettlement.com](http://www.FiberLashesSettlement.com). The Claim Form can be downloaded from the Settlement Website, as well. You can request a Claim Form be sent to you by sending a written request to the Settlement Administrator by mail or email, or by calling toll-free.

#### **MAIL:**

Schmitt v. Yunique LLC Settlement  
c/o Settlement Administrator  
PO Box 59419  
Philadelphia, PA 19102-9419

#### **PHONE:** 1-844-491-5745

Please read the instructions carefully, fill out the Claim Form, and mail it postmarked no later than **JANUARY 21, 2020** to: **Schmitt v Yunique LLC, c/o Settlement Administrator, PO Box 5941, Philadelphia, PA 19102-59419** or submit your Claim Form online at the Settlement Website, [www.FiberLashesSettlement.com](http://www.FiberLashesSettlement.com), by **JANUARY 21, 2020**

If you do not submit a valid Claim Form by the deadline, you will not receive a payment.

**12. When will I get my payment?**

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Payments will be mailed to Settlement Class Members who send in valid and timely Claim Forms after the Court grants “final approval” to the Settlement and after any and all appeals are resolved. If the Court approves the Settlement after a hearing on **April 6, 2020**, there may be appeals. It’s always uncertain whether these appeals can be resolved, and resolving them can take time.

**EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you don’t want a payment from the Settlement Fund, and you want to keep the right to sue or continue to sue the Defendant on your own about the legal issues in this case, then you must take steps to get out. This is called excluding yourself—or it is sometimes referred to as “opting out” of the Settlement Class.

**13. How do I get out of the Settlement?**

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To exclude yourself (or “Opt-Out”) from the Settlement, you must complete and mail by U.S. Mail to the Settlement Administrator a written request that includes the following:

- Your name and address;
- The name of the case: *Schmitt v. Younique LLC*, No. 8:17-cv-01397;
- A statement that you want to be excluded from this Settlement; and
- Your signature.

You must mail your exclusion request, postmarked no later than **JANUARY 21, 2020** to:

Schmitt v Younique LLC Settlement  
c/o Settlement Administrator  
PO Box 59419  
Philadelphia, PA 19102-9419

If you don’t include the required information or submit your request for exclusion on time, you will remain a Settlement Class Member and will not be able to sue the Defendant about the claims in this lawsuit.

**14. If I don’t exclude myself, can I sue the Defendant for the same thing later?**

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No. Unless you exclude yourself, you give up any right to sue the Defendant for the claims that this 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.

**15. If I exclude myself, can I still get a payment?**

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No. You will not get any money from the Settlement if you exclude yourself. If you exclude yourself from the Settlement, do not send in a Claim Form asking for benefits.

**OBJECTING TO THE SETTLEMENT**

**16. How can I tell the Court if I do not like the Settlement?**

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If you are a Class Member, you can object to the Settlement or to Class Counsel’s request for Attorneys’ Fees and Expenses. To object, you must send a letter that includes the following:

- Your name, address, telephone number, and, if available, email address;
- The name, address, email address, and telephone number of your lawyer, if you have one, including any former or current counsel who may be entitled to compensation for any reason related to the objection;
- The name of the case: Objection to Class Settlement in *Schmitt v. Younique LLC*, No. 8:17-cv-01397;

- The reasons you object to the Settlement, accompanied by any legal support for your objection;
- A statement of whether you intend to appear at the Fairness Hearing, either with or without counsel;
- A statement of your membership in the Settlement Class, including all information required by the Claim Form;
- A detailed list of any other objections submitted by you or your counsel, to any class actions submitted in any court, whether state or otherwise, in the United States in the previous five (5) years, or a statement that you have not objected to any class action settlement in any court in the United States in the previous five (5) years; and
- Your signature and, if you have one, your lawyer’s signature.

Your objection, along with any supporting material you wish to submit, must be filed with the Court, with a copy delivered to Class Counsel and Defendant’s Counsel no later than **JANUARY 21, 2020** at the following addresses:

<b>Court</b>	<b>Class Counsel</b>
The United States District Court for the Central District of California Ronald Reagan Federal Building and United States Courthouse 411 West 4th Street Santa Ana, CA 92701-4516	Adam Gonnelli Sultzer Law Group 85 Civic Center Plaza Suite 200, Poughkeepsie, NY, 12601
<b>Defense Counsel</b>	<b>Class Counsel</b>
Sascha Henry Sheppard, Mullin, Richter & Hampton LLP 333 South Hope Street Forty-Third Floor Los Angeles, CA 90071	Jonathan Miller Nye Stirling Hale & Miller, LLP 33 West Mission St., Suite 201 Santa Barbara, CA 93101
	<b>Class Counsel</b>
	Bonner Walsh Walsh PLLC 1561 Long Haul Road Grangeville, ID 83530
	<b>Class Counsel</b>
	Todd D. Carpenter (CA 234464) Carlson Lynch Sweet Kilpela & Carpenter, LLP 1350 Columbia Street, Ste. 603 San Diego, CA 92101

**17. What is the difference between objecting and excluding?**

Objecting is simply telling the Court that you don’t like something about the Settlement. You can object to the Settlement only if you do not exclude yourself from the Settlement. Excluding yourself from the Settlement is telling the Court that you don’t want to be part of the Settlement. If you exclude yourself from the Settlement, you have no basis to object to the Settlement because it no longer affects you.

## THE LAWYERS REPRESENTING YOU

### 18. Do I have a lawyer in this case?

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Yes. The Court has appointed lawyers and firms as “Class Counsel,” meaning that they were appointed to represent all Class Members: Adam Gonnelli of The Sultz Law Group, Jonathan Miller of Nye Stirling Hale & Miller, LLP, Bonner Walsh of Walsh PLLC, and Todd Carpenter of Carlson Lynch Sweet Kilpela & Carpenter, LLP.

You will not be charged for these lawyers, they will be paid out of the Settlement Fund. If you want to be represented by your own lawyer, you may hire one at your own expense.

### 19. How will the lawyers be paid?

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Class Counsel intends to file a motion on or before **November 18, 2019**, seeking Attorneys’ Fees in the amount up to \$1,083,225.00 and Expenses in an amount up to \$175,000.00. The fees and expenses awarded by the Court will be paid from the Settlement Fund. The Court will determine the amount of fees and expenses to award. Class Counsel will also request that up to \$67,500 in total be paid from the Settlement Fund as Service Awards to the named Plaintiffs who helped the lawyers on behalf of the whole Class.

## THE COURT’S FAIRNESS HEARING

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

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The Court will hold a Fairness Hearing on **April 6, 2020 at 1:30p.m.** at the United States District Court for the Central District of California, before the Honorable James V. Selna, United States District Judge, in Courtroom 10C, in the Ronald Reagan Federal Building and United States Courthouse, 411 West 4th Street, Santa Ana, CA 92701-4516.

The hearing may be moved to a different date or time without additional notice, so it is a good idea to check [www.FiberLashesSettlement.com](http://www.FiberLashesSettlement.com) for updates. At the Fairness Hearing, the Court will consider whether the Settlement Agreement is fair, reasonable, and adequate. The Court will also consider how much to pay Class Counsel and the Class Representatives. If there are objections, the Court will consider them at this time. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

### 21. Do I have to come to the hearing?

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No. Class Counsel will answer any questions that the Court may have. But, you may come at your own expense. If you send an objection, you don’t have to come to Court to talk about it. As long as you mailed your written objection on time to the proper addresses, the Court will consider it. You may also pay your own lawyer to attend, but it’s not necessary.

### 22. May I speak at the hearing?

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Yes. You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your “Notice of Intent to Appear.” In your letter, you must include the following:

- Your name, address, telephone number, and, if available, email address;
- The name, address, email address, and telephone number of any lawyer(s) who will be appearing on your behalf at the Fairness Hearing;
- The name of the case: *Schmitt v. Yonique LLC*, No. 8:17-cv-01397; and
- Your signature and, if you have one, your lawyer’s signature.

Your Notice of Intent to Appear must be filed with the Court no later than **March 20, 2020**.

## IF YOU DO NOTHING

### 23. What happens if I do nothing at all?

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If you do nothing, you will not get a payment from the Settlement. Unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Defendant about the legal issues in this case, ever again.

## GETTING MORE INFORMATION

### 24. How do I get more information?

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This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement. You can review a complete copy of Settlement Agreement and other information at the Settlement Website, [www.FiberLashesSettlement.com](http://www.FiberLashesSettlement.com). If you have additional questions or want to request a Claim Form, you can visit the Settlement Website, [www.FiberLashesSettlement.com](http://www.FiberLashesSettlement.com). You can also write to the Settlement Administrator by mail, or call toll-free at:

Schmitt v Yunique LLC Settlement  
c/o Settlement Administrator  
PO Box 59419  
Philadelphia, PA 19102-9419

1-844-491-5745

Updates will be posted at [www.FiberLashesSettlement.com](http://www.FiberLashesSettlement.com) as information about the Settlement process becomes available.

**PLEASE DO NOT CONTACT THE COURT OR THE CLERK'S OFFICE CONCERNING THIS CASE**