

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/3/2022

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE: DEVA CONCEPTS PRODUCTS
LIABILITY LITIGATION**

Master File No. 1:20-cv-01234-GHW

This Document Relates To:

All Cases

**ORDER
GRANTING FINAL APPROVAL OF CLASS SETTLEMENT**

Before the Court is Plaintiffs’ motion requesting that the Court enter an Order granting final approval of the class action Settlement involving Plaintiffs and Deva Concepts, LLC, (“Defendant” or “DevaCurl”) as fair, reasonable, and adequate.

Having reviewed and considered the Settlement Agreement and the Motion for Final Approval of the Settlement, and having conducted a Final Approval Hearing, the Court makes the findings and grants the relief set forth below approving the Settlement upon the terms and conditions set forth in this Final Order and Judgment.

THE COURT not being required to conduct a trial on the merits of the case or determine with certainty the factual and legal issues in dispute when determining whether to approve a proposed class action settlement; and

THE COURT makes the findings and conclusions hereinafter set forth for the limited purpose of determining whether the Settlement should be approved as being fair, reasonable, adequate and in the best interests of the Settlement Class;

IT IS ON THIS 1st day of January, 2022,

ORDERED that:

1. The Settlement involves allegations in Plaintiffs' Consolidated Class Action Complaint that Defendant designed, formulated, manufactured, distributed and sold haircare products that are falsely and misleadingly labeled and sold as well as caused adverse reactions resulting in personal injuries to Plaintiffs and the Class.

2. The Settlement does not constitute an admission of liability by DevaCurl, and the Court expressly does not make any finding of liability or wrongdoing by DevaCurl.

3. Unless otherwise noted, words spelled in this Order with initial capital letters have the same meaning as set forth in the Settlement Agreement.

4. On July 30, 2021, the Court entered an Order which among other things: (a) approved the Notice to the Settlement Class, including approval of the form and manner of notice under the Notice program set forth in the Settlement Agreement; (b) provisionally certified a class in this matter, including defining the class, appointing Plaintiffs as the Settlement Class Representatives, and appointing Settlement Class Counsel; (c) preliminarily approved the Settlement; (d); set deadlines for opt-outs and objections; (e) approved and appointed the Claims Administrator; and (f) set the date for the Final Approval Hearing.

5. In the Order Granting the Motion for Preliminary Approval of Class Settlement Agreement, pursuant to Rule 23(b)(3) and 23(e), for settlement purposes only, the Court certified the Settlement Class, defined as follows:

All persons who purchased and/or used any of the Products in the United States between February 8, 2008 and such date that is thirty (30) days after the Preliminary Approval Date, excluding (a) any officers, directors or employees, or immediate family members of the officers, directors or employees, of Defendant or any entity in which Defendant has a controlling interest, (b) any legal counsel or employee of legal counsel for Defendant, (c) the presiding Judge in the Lawsuit, as well as the Judge's staff and their immediate family members, and (d) all persons who timely and properly exclude themselves from the Class as provided in the Settlement.

6. The Court, having reviewed the terms of the Settlement Agreement submitted by the Parties pursuant to Rule 23(e), grants final approval of the Settlement Agreement and defines the Settlement Class as defined therein and in the Preliminary Approval Order, and finds that the Settlement is fair, reasonable, and adequate and meets the requirements of Rule 23.

7. The Settlement Agreement provides, in part, and subject to a more detailed description of the Settlement terms in the Settlement Agreement, for:

- a. A process for Settlement Class Members to submit claims for compensation that will be evaluated by a Claims Administrator mutually agreed upon by Settlement Class Counsel and Defendant's Counsel.
- b. Labeling changes to Defendant's Products.
- c. Defendant to pay all Notice and Claims Administration costs from the Common Fund.
- d. Defendant to pay a Court-approved amount for Attorneys' Fees and Costs of Settlement Class Counsel and other Plaintiffs' counsel from the Common Fund not to exceed \$1,733,160, constituting 33 and 1/3% of the Common Fund.
- e. Defendant to pay a Service Award not to exceed \$600 to each of the Class Representatives from the Common Fund.

8. The terms of the Settlement Agreement are fair, reasonable, and adequate and are hereby approved, adopted, and incorporated by the Court. The Parties, their respective attorneys, and the Claims Administrator are hereby directed to consummate the Settlement in accordance with this Order and the terms of the Settlement Agreement.

9. Notice of the Final Approval Hearing, the proposed motion for Attorneys' Fees and Costs, and the proposed Service Award payment to Class Representatives have been provided to Settlement Class Members as directed by this Court's Orders, and an affidavit or declaration of the Settlement Administrator's compliance with the Notice program has been filed with the Court. *See Declaration of H. Jake Hack Re: Notice Procedures.*

10. The Court finds that such Notice, as therein ordered, constitutes the best possible notice practicable under the circumstances and constitutes valid, due, and sufficient notice to all Settlement Class Members in compliance with the requirements of Rule 23(c)(2).

11. As of the final date of the Opt-Out Period, 179 potential Settlement Class Members have submitted a valid Opt-Out Request to be excluded from the Settlement. The names of those persons are set forth in Exhibit A to this Order. Those persons are not bound by this Final Order and Judgment, as set forth in the Settlement Agreement.

12. The Court has considered all the documents filed in support of the Settlement, and has fully considered all matters raised, all exhibits and affidavits filed, all evidence received at the Final Approval Hearing, all other papers and documents comprising the record herein, and all oral arguments presented to the Court.

13. Pursuant to the Settlement Agreement, Defendant and the Settlement Administrator shall implement the Settlement in the manner and time frame as set forth therein.

14. Pursuant to the Settlement Agreement, Plaintiff and the Settlement Class Members release claims against Defendants and all Released Parties, as defined in the Settlement Agreement, as follows: As of the entry of the Final Judgment and Order, Plaintiffs and the Class Members release Defendant and the Released Parties from any and all claims, demands, actions, causes of actions, individual actions, class actions, damages, obligations, liabilities, appeals, reimbursements, penalties, costs, expenses, attorneys' fees, liens, interest, injunctive or equitable claims and/or administrative claims, whether known or unknown, filed or unfiled, asserted or unasserted, regardless of the legal theories involved, that were brought or could have been brought in the Litigation that relate in any manner to the subject matter of the Litigation, including, but not

limited to, design, manufacture, distribution, sale, and use of the Subject Products by any Class Member.

15. Released Claims shall not include the right of any Settlement Class Member or any of the Released Parties to enforce the terms of the Settlement contained in the Settlement Agreement and shall not include the claims of those persons to this Order who have timely and validly requested exclusion from the Settlement Class as identified in Exhibit G to the Declaration of H. Jake Hack Re: Notice Procedures and attached to this Order as Exhibit A.

16. On the Effective Date and in consideration of the promises and covenants set forth in the Settlement Agreement, (i) Plaintiffs and each Settlement Class Member, and each of their respective spouses and children with claims on behalf of the Settlement Class Member, executors, representatives, guardians, wards, heirs, estates, successors, predecessors, next friends, co-borrowers, co-obligors, co-debtors, legal representatives, attorneys, agents, and assigns, and all those who claim through them or who assert claims (or could assert claims) on their behalf (including the government in the capacity as *parens patriae* or on behalf of creditors or estates of the releasors), and each of them (collectively and individually, the “Releasing Persons”), and (ii) Settlement Class Counsel, other plaintiff’s counsel who have asserted claims in the Litigation, and each of their past and present law firms, partners, or other employers, employees, agents, representatives, successors, or assigns will be deemed to have, and by operation of the Final Order and Judgment shall have, fully, finally, completely, and forever released and discharged the Released Parties from the Released Claims.

17. The matter is hereby dismissed with prejudice and without costs except that the Court reserves jurisdiction over the consummation and enforcement of the Settlement.

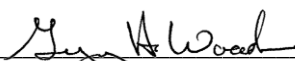
18. In accordance with Rule 23, this Final Order and Judgment resolves all claims

against all Parties in this Action and is a final order. There is no just reason to delay the entry of final judgment in this matter, and the Clerk is directed to file this Order as the final judgment in this matter.

The Clerk of Court is instructed to terminate the motion at Dkt. No. 124.

SO ORDERED.

Dated: January 3, 2022
New York, New York



GREGORY H. WOODS
United States District Judge

EXHIBIT A

to

Order Granting Final Approval
of Class Settlement

ClaimID	FirstName	LastName
DVC-100128505	RACHEL	BIRD
DVC-100152481	CARLA	TORRELLI
DVC-100302807	TARA	SPARKS
DVC-100523455	RHONDA	KOEHLER
DVC-100527981	TERRILYN	HUNTER
DVC-100561144	KENIA	VAZQUEZ
DVC-100587453	ALEXA	BATES
DVC-100634320	ALYSSA	HECTOR
DVC-100647804	LACEY	CROKER
DVC-100853269	ELIZABETH	ODACH
DVC-100860060	NIKOLA	ZURAK
DVC-101166001	DAYANA	ARIZA-GONZALEZ
DVC-101221738	CINDI	HEIN
DVC-101306989	ESTHER	EPSTEIN
DVC-101364628	LYNN	DEJONGE
DVC-101449828	JANET	CLEARY
DVC-101487401	MICHELLE	PHARES
DVC-101527144	LINDSAY	EINHORN
DVC-101544561	KEONTE	FISHER
DVC-101546963	ASIA	PERKINS
DVC-101616260	KIMBERLY	COUTURE
DVC-101632339	MONICA	CASTELLO
DVC-101658796	GIANNA	IMBRONONE
DVC-101698488	KELSIE	CORAY
DVC-101923554	ALISON	FITZWILLIAM
DVC-101991339	VICKIE	LEWIS
DVC-102269645	SARAH	KELLY
DVC-102329737	APRIL	CREEL
DVC-102354936	KATHLEEN	CHILDERS
DVC-102402914	AMANDA	CLAY
DVC-102403848	TRACI	STEO
DVC-102487588	NABILA	MOHAMMED
DVC-102489017	TRACI	WHEELER
DVC-102523550	AMANDA	WILSON
DVC-102542341	TARYN	TOMASIK
DVC-102613028	SEWIT	SIUM
DVC-102723907	ELIANA	URENA
DVC-102740216	RANDY ELLEN	BLAUSTEIN
DVC-102817790	TIFFANY	KEATING
DVC-102875448	DIANA	HASROUNI
DVC-102898456	ANGELA	SHUFORD
DVC-102972664	EMINA	ABDAGIC
DVC-103009744	NADA	POTTINGER
DVC-103033394	KRISTINA	THOMAS
DVC-103096094	LAURIE	MILLER
DVC-103107355	VILMA	RAMOS

DVC-103129383	MEGAN	DICKEY
DVC-103137998	SHENISHIA	BOOTH
DVC-103209859	BRITNEY	WINTERS
DVC-103225749	LILLY	PERCIVAL
DVC-103265880	ELIZABETH	BRUSS
DVC-103266178	JILL	KARP
DVC-103287523	GINI	WARNER
DVC-103293329	KIM	GRAHAM
DVC-103332502	STEPHANIE L	ADAMS
DVC-103341315	TRACI	BATES
DVC-103371494	KRISTEN	PEDLEY
DVC-800000013	JILLIE R	WILLIAMS
DVC-800000021	JENNIFER	WHITCOMB
DVC-800000030	SHIRLEY	WEISS
DVC-800000048	ASHTAR STELLA	WARDA
DVC-800000056	JEANETTE	TRAVIS
DVC-800000064	MEGAN	TRAMA
DVC-800000072	SUZANNE	TILLOTSON
DVC-800000080	MARYAM	TEHRANIE
DVC-800000099	CANDACE	STIRNSON
DVC-800000102	JULIANA	STANSFIELD
DVC-800000110	KAILAN	SCHAEFFER
DVC-800000129	ANNYOCELI	SANTIAGO-DAVIS
DVC-800000137	GINA	RYAN
DVC-800000145	CARMEN	ROSA
DVC-800000153	MARIA G	MORA S
DVC-800000161	MARITZA M	RIVERA
DVC-800000170	EMMANUEL	REGISTER
DVC-800000188	SARAH	RASHID
DVC-800000196	LAUREN	RACUSIN
DVC-800000200	CHRISTINA B	PIERRE
DVC-800000218	GIGI	OLIVER
DVC-800000226	NICOLE	MUSCARELLA
DVC-800000234	FELICIA	MONTANO
DVC-800000242	JENNIFER	Longbine
DVC-800000250	JULIA	LENNEN
DVC-800000269	JEANNE	LASHMETT
DVC-800000277	KRISTY	LANE
DVC-800000285	CHARLENE	AVILES
DVC-800000293	HUGUETTE	AMPUDIA
DVC-800000307	CRYSTAL	ADAMS
DVC-800000315	COREY	CAIN
DVC-800000323	MIKA	BEAUCHAMP
DVC-800000331	STEFFANE	BARRETT
DVC-800000340	ASHLEY	CARTER
DVC-800000358	STACEY	CARPENTER
DVC-800000366	DANNAH	COLLINS

DVC-80000374	ELIZABETH	CRAMPSEY
DVC-80000382	LADAWN	CRAFT-PARRISH
DVC-80000390	JESSICA	COLLINS
DVC-80000404	DANIELLE	DEGRANDIS-KNEER
DVC-80000412	SHANNON	DAVERSA
DVC-80000420	BAILEY	DAVALL
DVC-80000439	ESRAA	DARWISH
DVC-80000447	ALICIA	DA CRUZ
DVC-80000455	VANESSA	ESPARZA
DVC-80000463	MARISA	EDWARDS
DVC-80000471	HOLLY	DIETZ
DVC-80000480	FELICIA	DICKERSON
DVC-80000498	BRITAINY	HALL
DVC-80000501	JUANITA	GARCIA
DVC-80000510	MELISSA	EVANS
DVC-80000528	NATALIE	KIKKENBORG
DVC-80000536	DONNA L	HUGHES
DVC-80000544	WENDY	GREGORY
DVC-80000552	ROSEANNA	GREGA
DVC-80000560	MARIANA	LISBOA DE GUES
DVC-80000579	DEAN	DAMON
DVC-80000587	CHLOE	CORNELL
DVC-80000595	MOLLY	CLARK
DVC-80000609	SUSAN	CHEYNE
DVC-80000617	LAURA	CHAVEZ MORENO
DVC-80000625	YENNIFER	CAMPOS MORA
DVC-80000633	LUCY	BURKE
DVC-80000641	GEORGEANN	BENEDICT
DVC-80000650	HELENE	BEGUN
DVC-80000668	LISA	BIANCHI ATLAS
DVC-80000676	LACANDA	ASUNCION KANDI
DVC-80000684	ROBYN	ARLAN
DVC-80000692	ASHLEY	ARACENA
DVC-80000706	YAZMIN	ALI
DVC-80000714	GABRIELLA	AGUILERA
DVC-80000722	TARYN	RAY
DVC-80000730	DANIELLE	RAND-BYRD
DVC-80000749	LESLIE	RAMOS
DVC-80000757	ALLYSON	RAINEY
DVC-80000765	ANDREA	PATIN
DVC-80000773	ERICKA	MITCHELL
DVC-80000781	DANIELA	MENDOZA
DVC-80000790	ANA	MENDOZA
DVC-80000803	TARA	MANDEL
DVC-80000811	AYESHA	MALIK
DVC-80000820	NICOLE	LOVITT
DVC-80000838	MYRIAH	LOPERA

DVC-80000846	MEREDITH	LEWIS
DVC-80000854	SAMITIA	LEE
DVC-80000862	KATRINA	LEE
DVC-80000870	KATHERINE	KOZY
DVC-80000889	KHANSA	KHATOON
DVC-80000897	JILLIAN	WAKNIN
DVC-80000900	JENNIFER	ZUNIGA
DVC-80000919	KRISTIN	WYNN
DVC-80000927	JANICE	WILLIAMS
DVC-80000935	NANCI	WEITZMAN
DVC-80000943	SALLY	WARM
DVC-80000951	ANGHARAD	WARING
DVC-80000960	MICHELLE	WALTON
DVC-80000978	GEENA	VILLOTTI
DVC-80000986	SARINA	VERGARA
DVC-80000994	BOBBIE	VANSLYKE
DVC-80001001	ASHLEY	VALENTIN
DVC-80001010	YESSENIA	TORRES
DVC-80001028	CHERYL	THERIAULT
DVC-80001036	REBECCA	TAYLOR
DVC-80001044	SUSAN	TARAZONA
DVC-80001052	DANA	RYSZENTNYK
DVC-80001060	KELLY	REPHANN
DVC-80001079	CASSIDY	REPHANN
DVC-80001087	ALEXIS	JOHNSON
DVC-80001095	LESLIE	JETER
DVC-80001109	CHARLYNE	JACOBS-BURROW
DVC-80001117	MARIUM	HUSSAIN
DVC-80001125	TRACIE	HUNT
DVC-80001133	MICHELLE	HOWARD
DVC-80001141	TAYLOR	HOBBS
DVC-80001150	SHERRY	HIDLEBAUGH
DVC-80001168	LUBNA	HECTOR
DVC-80001176	REBECCA	HAWK
DVC-80001184	JOSEPHINE	HARRIS
DVC-80001192	TARA	HASTOO
DVC-80001206	MICHELLE	WAKNIN
DVC-80001214	ERICKA	APPLEBEE