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9 *Attorneys for Plaintiffs and the Proposed Class*
(Additional Attorneys Listed Below)

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO
12

13 **LASH BOOST CASES**

14 *Scherr v. Rodan & Fields, LLC*; Superior Court of
California, County of San Bernardino, Case No.
15 CIVDS 1723435

16 *Gorzo, et al. v. Rodan & Fields, LLC*; Superior
17 Court of California, County of San Francisco,
Case No. CGC-18-565628
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**ELECTRONICALLY
FILED**
*Superior Court of California,
County of San Francisco*
09/21/2021
Clerk of the Court
BY: ERNALYN BURA
Deputy Clerk

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4981

Case No. CJC-18-004981

**PLAINTIFFS' MOTION AND NOTICE
OF UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL**

DATE: September 29, 2021

TIME: 10:00 a.m.

JUDGE: Honorable Anne-Christine Massullo

DEPT: 304

1 **TO THE COURT AND ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE that on September 29, 2021, at 10:00am, or as soon thereafter as
3 counsel may be heard by the above-captioned Court, located at 400 McAllister St, San Francisco, CA
4 94102, Department 304, Plaintiffs Lien Scherr, Caryn Gorzo, Kasey Poe, and Anna Dohnke, Jolene
5 Lewis Volpe (formerly Barbara Lewis), Bobbie Joe Huling, Cynthia Whetsell, Martha Merle, Teresa
6 Gattuso, Elissa Wagner, and Dixie Williams will and hereby do move for an order:

7 1. Preliminarily approving the class action settlement as set forth in the Settlement
8 Agreement attached as Exhibit 1 to the Declaration of Annick M. Persinger in Support of Plaintiffs'
9 Unopposed Motion for Preliminary Approval of Class Action Settlement.

10 2. Of certification, for settlement purposes only, of a Settlement Class defined as:

11 Current and former consumers in the United States or its territories who purchased
12 Lash Boost for personal, family, or household purposes between October 1, 2016 and
13 the date of the entry of an order granting preliminary approval to the Settlement
14 Agreement, (the "Settlement Class Period"). Excluded from the Class are (a) any
15 individuals who have pending litigation against R+F; (b) any Settlement Class
16 Members who file a timely request for exclusion; (c) any officers, directors, or
17 employees, or immediate family members of the officers, directors, or employees, of
18 R+F or any entity in which R+F has a controlling interest; (d) any person who has
19 acted as an Independent Consultant of R+F; (e) any legal counsel or employee of legal
20 counsel for R+F; (f) any federal, state, or local government entities; (g) any person
21 who has previously released the claims encompassed herein; (h) any person who
22 returned the Product and received a refund; (i) any judicial officers presiding over the
23 Actions and the members of their immediate family and judicial staff; and (j) Class
24 Members who opt out from the Settlement pursuant to the procedures set forth in the
25 Settlement Agreement.

20 3. Directing dissemination of notice in the form and manner set forth in the Settlement
21 Agreement;

22 4. Setting a date for a final approval hearing.

23
24 This Motion is based on this Notice of Motion and Motion, the Memorandum of Points and
25 Authorities filed herewith; the concurrently filed Declaration of Annick M. Persinger, Declaration of
26 Julie E. Farris, and the exhibits thereto; the concurrently filed Declaration Cameron R. Azari; the
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1 pleadings on file with the Court; and upon such other evidence, information, or material as may be
2 presented to the Court.

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4 Date: September 21, 2021

By: /s/ Annick M. Persinger

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