

United States District Court for the Central District of California

Ramirez, et al. v. HB USA Holdings, Inc., Case No. 5:20-cv-01016 JGB(SHKx)

If You Purchased a Huda Beauty Neon Obsessions Pressed Pigment Palette, You May Be Eligible for a Cash Refund up to \$87 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. Purchasers of Huda Beauty Neon Obsessions makeup palettes sued the distributors, HB USA Holdings, Inc. dba Huda Beauty, alleging violations of laws relating to the marketing and sale of certain products. The Plaintiffs alleged that Huda Beauty Neon Obsessions Pressed Pigment Palettes (the “Products”) are unlawfully marketed in the United States for use in the eye area, and that Huda Beauty’s labelling and marketing failed to disclose material information about the Products. Huda Beauty denies Plaintiffs’ claims, denies any wrongdoing, and asserts that the products are safe and effective. The Court has not decided whether Huda Beauty did anything wrong. The parties agreed to the Proposed Settlement to resolve the lawsuit in order to avoid the expenses and uncertainties of continuing the lawsuit.
- You are eligible to participate in the Proposed Settlement if you purchased any color of Huda Beauty Neon Obsessions Pressed Pigment Palettes in the United States on or before August 15, 2021:

Please read this Notice carefully and in its entirety.

Your rights may be affected by the Proposed Settlement of this Lawsuit, and you have a choice to make now about how to act:

YOUR LEGAL RIGHTS AND OPTIONS

WHAT IS THIS?	A Settlement has been reached in a class action lawsuit. The lawsuit involves Huda Beauty Neon Obsessions Pressed Pigment makeup palettes. The Plaintiffs alleged that that the Products are unlawfully marketed in the United States for use in the eye area and failed disclose material information, Huda Beauty denies any wrongdoing and assert that the products are not defective. The Court has not decided whether Huda Beauty did anything wrong. The parties agreed to the Proposed Settlement to resolve the lawsuit in order to avoid the expenses and uncertainties of continuing the lawsuit.
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Questions? Visit www.neonobsessionssettlement.com or Contact the Settlement Administrator Toll Free at (877) 342-0827 or email info@neonobsessionssettlement.com

YOUR LEGAL RIGHTS AND OPTIONS

<p>SUBMIT A CLAIM FORM POSTMARKED BY JANUARY 12, 2022</p>	<p>This is the only way to receive a monetary payment from the Proposed Settlement. By remaining in the Proposed Settlement, whether or not you submit a claim, you will give up any rights to sue Huda Beauty separately about the legal claims in this lawsuit. Claim Forms are available at www.neonobsessionssettlement.com. For more detail about the claim process, please see questions 5, 6 and 7 below.</p>
<p>EXCLUDE YOURSELF FROM THE CLASS BY JANUARY 12, 2022</p>	<p>If you opt out of the Proposed Settlement, you will not be eligible to receive the monetary payment, but you will keep your right to sue Huda Beauty about the same legal claims in this lawsuit. Requests for exclusion must be postmarked by January 12, 2022, and mailed to Digital Settlement Group, LLC, PO Box 164, Valparaiso, IN 46384. For more detail about excluding yourself from the Class, please see questions 9 and 11 below.</p>
<p>OBJECT OR COMMENT BY JANUARY 12, 2022</p>	<p>You may write to the Court about why you do, or do not, like the Proposed Settlement. You must remain in the class to comment in support of or in opposition to the Settlement. Objections and comments must be filed with the Court and served on the Parties by January 12, 2022. For more detail about objecting or commenting, please see questions 10 and 11 below.</p>
<p>APPEAR IN THE LAWSUIT OR ATTEND A HEARING ON FEBRUARY 21, 2022</p>	<p>You may ask to speak in Court about the fairness of the Proposed Settlement. Written notice of your intent to appear in the Lawsuit must be filed with the Court and served on the Parties by January 12, 2022. You may enter your appearance in Court through an attorney at your own expense if you so desire. For more detail about appearing in this lawsuit or attending the final hearing, please see questions 10, 14, 15 and 16 below.</p>
<p>DO NOTHING</p>	<p>By doing nothing, you will not receive a monetary payment. You will also give up any rights to sue Huda Beauty separately about the legal claims in this lawsuit.</p>

- Your rights and options – **and the deadlines to exercise them** – are further explained in this notice.
- The Court in charge of this case still has to decide whether to approve the Proposed Settlement. The Settlement Benefit (*i.e.*, the monetary payments described herein) will be made available if the Court approves the Settlement, and after any appeals are resolved, if they are resolved in favor of settlement approval.
- If you have any questions, please read on and/or visit

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BASIC INFORMATION

1. Why did I get this notice?

If you purchased any variety of Huda Beauty Neon Obsessions Pressed Pigment Palettes, as described on page 1 of this Notice, you have a right to know about the proposed Settlement of a class action lawsuit and your options. If you have received word of this Notice in the mail or by e-mail, you have been identified from available records as a possible purchaser of the Products at issue in the lawsuit. You also may have received this Notice because you requested more information after reading the Settlement Website. If the Court approves it, and if objections and all appeals are resolved in favor of settlement approval, an administrator approved by the Court will oversee the distribution of the Settlement Benefits that the Proposed Settlement allows. You will be informed of the progress of the Proposed Settlement on the settlement website.

This Notice explains the lawsuit, the Proposed Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them. Judge Jesus G. Bernal of the United States District Court for the Central District of California is overseeing the lawsuit, which is known as *Ramirez, et al. v. HB USA Holdings, Inc.*, Case No. 5:20-cv-01016 JGB(SHKx). The persons who sued are called the Plaintiffs, and the company they sued, HB USA Holdings Inc. dba Huda Beauty, is called the Defendant.

2. What is this lawsuit about?

In this lawsuit, the Plaintiffs claim that the Huda Beauty Neon Obsessions Pressed Pigment Palettes marketed and distributed by Huda Beauty are unlawfully marketed in the United States for use in the eye area, and that Huda Beauty's labelling and marketing failed to disclose material information about the products. Huda Beauty denies Plaintiffs' claims, deny any wrongdoing, and assert that the products are safe, effective, and conform with all state and federal regulations. The Court has not determined which side is right. Rather, the Parties have agreed to settle the lawsuit to avoid the expenses and uncertainties associated with ongoing litigation.

3. What is a class action and who is involved?

In a class action lawsuit, one or more people called "Class Representatives" sue on behalf of other people who have similar claims. The people together are a "Class" or "Class Members." The named plaintiffs who sued – and all the Class Members like them – are called the Plaintiffs. The company they sued (in this case, Huda Beauty) is called the Defendant. One court resolves the issues for everyone in the Class – except for those people who choose to exclude themselves from the Class.

4. Am I part of this Class?

You are part of the class if you purchased any variety of Huda Beauty Neon Obsessions

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Pressed Pigment Palettes in the United States on or before August 15, 2021.

THE SETTLEMENT BENEFITS

5. What does the Settlement provide?

If the Settlement is approved and becomes final, it will provide the following benefits to Class Members.

Monetary Relief. Settlement Class Members who submit a valid Claim Form and either (a) receive a direct notice or (b) provide proof of purchase shall be eligible for a payment of Twenty-Nine U.S. Dollars (\$29.00) for each Product, up to a maximum of three (3) products, for a maximum total payment to each Settlement Class Member of Eighty-Seven U.S. Dollars (\$87.00). Class members who do not provide valid Proof of Purchase shall be eligible to submit a claim for payment of a total of Ten U.S. Dollars (\$10.00) per household for all Products claimed, up to a maximum of three (3) products, for a maximum total payment to each Settlement Class Member without Proof of Purchase of Thirty U.S. Dollars (\$30.00).

Injunctive Relief. In the event that Huda Beauty reintroduces the Products (as previously formulated), Huda Beauty agrees it will include a disclosure visible on the rear panel of the U.S. Product packaging, its U.S. website, and U.S.-facing marketing and advertising (including any third-party retailers) where the Products are shown being used around the eye, which states: “*WARNING for U.S. Customers: may contain color additives that are not approved by the F.D.A. for use in the eye area” or similar language, to the extent consistent with current regulatory guidance in the United States. In addition, Huda Beauty will append a “*” symbol to each specific shade at issue that links to the above disclaimer on the label of the Products. Huda Beauty also agrees that it will implement the above disclosures for any future “pressed pigment” or eye shadow products marketed in the United States that are substantially similar to the Products (i.e., that contain color additives not approved by FDA for use in the eye area).

The Parties have further agreed that Huda Beauty will pay the costs to administer this Proposed Settlement, reasonable attorneys’ fees, costs and expenses, and a payment to the named Plaintiffs (see question 13 below). A detailed description of the settlement benefits can also be found in the Settlement Agreement here [insert hyperlink].

6. When will I get my monetary payment?

The hearing to consider the fairness of the Settlement is scheduled for February 21, 2022. If the Court approves the Settlement, then eligible Class Members whose claims were approved by the Claims Administrator will receive their payment within 21 days after the Settlement has been finally approved and/or after any appeals process is complete. Class members may choose to receive payments electronically (e.g., PayPal, Venmo, etc.) or paper check.

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HOW TO GET THE SETTLEMENT BENEFITS

7. How do I get my monetary payment?

If you are a Class Member and want to receive a payment under the Settlement, you must complete and submit a Claim Form no later than January 12, 2022. Claims Forms can be found and submitted on-line, or they can be mailed and postmarked by January 12, 2022. You may have received a link to the Claim Form via e-mail, or in the mail as a postcard notice of the Settlement. To submit a Claim Form on-line or to request a paper copy, go to www.neonobsessionssettlement.com or call toll free, (877) 342-0827.

YOUR RIGHTS AND OPTIONS

8. What happens if I do nothing at all?

If you do nothing, then you will remain in the Class and not receive any payment from this Settlement. If the Court approves the Settlement, you will be bound by its terms, you will no longer have the ability to sue Huda Beauty with respect to the claims being resolved by the Settlement, and your claims will be released and dismissed.

The Settlement Agreement describes the released claims in more detail, so please read it carefully. If you have any questions, you can contact the lawyers listed in question 10 for free to discuss, or you can talk to another lawyer of your own choosing if you have questions about what this means.

9. How do I exclude myself from the Settlement?

If you exclude yourself from the Settlement – which is sometimes called “opting out” – you won’t get any money or benefits from the Settlement. However, you may then be able to separately sue or continue to sue Huda Beauty for the legal claims that are the subject of the lawsuit. If you bring your own lawsuit against Huda Beauty after you exclude yourself, you will have to hire your own lawyer for that lawsuit, and you will have to prove your claims.

To exclude yourself from the Settlement, you must mail a written request for exclusion to the Claims Administrator, stating that you “want to be excluded from the Settlement in *Ramirez, et al. v. HB USA Holdings, Inc.*, Case No. 5:20-cv-01016 JGB(SHKx).” Your written request for exclusion must also include your name, current address, and telephone number. And the request must be signed and dated by you. Your request for exclusion must be mailed and postmarked on or before January 12, 2022 to:

Digital Settlement Group, LLC
PO Box 164
Valparaiso, IN 46384

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10. How do I object to the Settlement?

If you are a Class Member, you can object to the Settlement if you don't like any part of it. You can give reasons why you think the Court should not approve the Settlement. The Court will consider your views. To object, you must file with the Court a written objection entitled "Objection to Class Settlement in *Ramirez, et al. v. HB USA Holdings, Inc.*, Case No. 5:20-cv-01016 JGB(SHKx)" that identifies all the reasons for your objections and any legal and factual support for those reasons. Your written objection must also include your name, address, telephone number, and email address if available, and it must state information showing that you are a Class Member (i.e. Proof of Purchase or a verification under penalty of perjury as to the date and location of your purchase(s)). It must also state if you are represented by legal counsel, and if so, provide contact information for your lawyer, including his or her email address if available.

If you intend to appear and speak at the Final Approval Hearing to object to the Settlement, with or without a lawyer (explained below in questions 14, 15 and 16), you must also state your intention to appear in your written objection.

You must file your written objection with the Court and mail a copy to the following persons and places, postmarked no later than January 12, 2022.

Court	Class Counsel	Huda Beauty's Counsel
<p>The Honorable Jesus G. Bernal United States District Court for the Central District of California 3470 Twelfth Street, Courtroom 1 Riverside, CA 92501-3801</p>	<p>Peter J. Farnese Beshada Farnese LLP 700 S. Flower St. Suite 1000 Los Angeles, CA 90017 pjf@bfillplaw.com</p> <p>William A. Ladnier Jonathan B. Cohen Milberg Coleman Bryson Phillips Grossman PLLC First Tennessee Plaza 800 S. Gay Street, Suite 1100 Knoxville, TN 37929 wladnier@milberg.com jcohen@milberg.com www.milberg.com</p> <p>Alex R. Straus Milberg Coleman Bryson Phillips Grossman PLLC 280 S. Beverly Drive Beverly Hills, CA 90212</p>	<p>Christopher Chorba, Esq. Gibson, Dunn & Crutcher LLP 333 South Grand Avenue Los Angeles, CA 90071 CChorba@gibsondunn.com</p>

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	<p>astraus@milberg.com</p> <p>Caroline Ramsey Taylor 518 Monroe Street Nashville, TN 37208 ctaylor@milberg.com</p>	
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11. What is the difference between objecting and excluding myself from the Settlement?

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

THE LAWYERS REPRESENTING YOU

12. Do I have a lawyer in this case?

The Court appointed the law firms of Beshada Farnese LLP Milberg Coleman Bryson Phillips Grossman PLLC to represent the Plaintiffs and all Class Members as "Class Counsel." Class Counsel believe, after conducting an extensive investigation, that the Settlement is fair, reasonable, and in the best interests of the Class Members. You will not be charged for these lawyers. If you want to be represented by a different lawyer in this case, you may hire one at your own expense.

13. How will the lawyers be paid?

In addition to the monetary benefit to be paid to the Class Members, Huda Beauty has agreed to pay Class Counsel's fees, costs, and expenses in an amount to be determined by the Court. The Parties have no agreement on the amount of Class Counsel's fees, costs, and expenses, and Huda Beauty reserves the right to oppose the amount requested by Class Counsel. Any fees, costs, and expenses that are awarded to Class Counsel will be paid separately by Huda Beauty and in addition to the monetary benefits to Class Members.

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THE COURT'S FINAL APPROVAL HEARING FOR THE SETTLEMENT

14. Where and when will the Court decide whether to approve the Settlement?

Please check the settlement website for updates. Although the Court set the Final Approval Hearing for 9:00 a.m. on Monday, February 21, 2022, this is a Court holiday and the hearing will likely be continued. The hearing will take place in Courtroom 1 at the United States Courthouse, 3470 Twelfth Street Riverside, CA 92501-3801. [INSERT Any Conference Call/Video Conference requirements] The purpose of the hearing will be for the Court to determine whether to approve the Settlement as fair, reasonable, adequate, and in the best interests of the Class; to consider Class Counsel's request for attorneys' fees, costs and expenses. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the Settlement.

The hearing may be postponed to a different date or time without notice, so please check www.neonobsessionssettlement.com or call (877) 342-0827 from time to time. If, however, you timely objected to the Settlement and advised the Court that you intend to appear and speak at the Final Approval Hearing, you will receive notice of any change in the time and date of such hearing.

15. Do I have to come to the Final Approval Hearing?

No. You do not need to attend the Final Approval Hearing. Class Counsel will answer any questions the Court may have on behalf of the Class Members. But, you are welcome to attend the Final Approval Hearing at your own expense. If you submit an objection or comment, you do not have to come to Court to talk about it. As long as you filed and mailed your written objection on time, the Court will consider it. You may also pay to have another lawyer attend on your behalf, but that is not required.

16. May I speak at the Final Approval Hearing?

Yes. You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must include in your written objection to the Settlement a statement saying that it is your intent to appear at the Final Approval Hearing in *Ramirez, et al. v. HB USA Holdings, Inc.*, Case No. 5:20-cv-01016 JGB(SHKx). Your written objection and notice of intent to appear must be filed with the Court and postmarked no later than January 12, 2022 and sent to the addresses listed in question 10.

GETTING MORE INFORMATION

17. Are more details available?

This Notice summarizes the Settlement. More details are in the Settlement Agreement, which can be found at www.neonobsessionssettlement.com. You may also email the Settlement

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Administrator with questions at info@neonobsessionssettlement.com or write to Digital Settlement Group, LLC, PO Box 164, Valparaiso, IN 46384. You can also call the Claims Administrator at (877) 342-0827 or Class Counsel at (855) 935-5322 (Toll Free), if you have questions.

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