

COURT FILE NUMBER 1603 09819  
COURT COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE EDMONTON  
PLAINTIFF DALE-ANN MCMINN as Representative Plaintiff  
DEFENDANTS CHAZ DEAN, GUTHY-RENKER LLC and WEN BY CHAZ DEAN, INC.

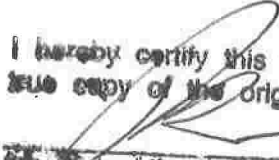


DOCUMENT

**ORDER**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

Clint G. Docken Q.C.  
Guardian Law  
342 4 Avenue SW  
Calgary, AB T2G 1C9  
Tel: 403-457-7778  
Fax: 1-877-517-6373

I hereby certify this to be a true copy of the original.  
  
Richard J. Mallett  
Clerk of the Court

Richard J. Mallett  
Andrew J. Canniff  
James H. Brown and Associates  
2400 Sunlife Place  
10123 - 99 Street  
Edmonton, AB T5J 3H1  
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Paul Miller  
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3500, 20 Queen Street West  
Toronto, ON M5H 3R3  
Tel: 416-361-5990  
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DATE ON WHICH ORDER WAS PRONOUNCED: May 31, 2019

LOCATION OF HEARING OR TRIAL: Edmonton, Alberta

NAME OF JUDGE WHO MADE THIS ORDER: **Mr. Justice P. Michalyshyn**

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UPON THE APPLICATION of the parties on a consent basis, and on hearing the submissions from counsel for the Plaintiff and the counsel for the Defendants; and on reading the pleadings and materials filed, and on being advised that the parties have entered into a settlement agreement (the "Settlement Agreement"); and on being advised that the Plaintiff and the Defendants consent to this Order;

THIS COURT ORDERS that:

1. Except to the extent that they are set out in or modified by this Order, the definitions set out in the Settlement Agreement, as attached at **Schedule "A"**, apply to and are incorporated into this Order;
2. The "Settlement Class" is defined as:

All purchasers or users of WEN<sup>®</sup> Hair Care Products in Canada between November 1, 2007 and the date of Final Settlement Approval excluding (a) any such person who purchased for resale and not for personal or household use, (b) any such person who signed a release of any Defendant in exchange for consideration, (c) any officers, directors or employees, or immediate family members of the officers, directors or employees, of any Defendant or any entity in which a Defendant has a controlling interest, (d) any legal counsel or employee of legal counsel for any Defendant; and (e) the presiding Judge in the Lawsuit
3. The claims made on behalf of Settlement Class Members in respect of Released Claims in the within proceeding are certified as a national multi-jurisdictional class proceeding against the Defendants, for settlement purposes only;
4. Dale-Ann McMinn is appointed as the representative plaintiff for the Settlement Class;

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5. Guardian Law, James H. Brown & Associates, Howie Sacks & Henry LLP and Consumer Law Group are appointed as Class Counsel;
6. The claims made on behalf of the Settlement Class Members in respect of Released Claims in the within proceeding are certified on the basis that the following issue is common to the Settlement Class:
  - (a) Are the Defendants liable to the Settlement Class?
7. Subject to further Order of this Court upon the Final Settlement Approval Hearing, the Settlement Agreement, including its Exhibits, are granted preliminary approval as fair and reasonable and in the best interests of the Settlement Class Members.
8. MNP Ltd. is appointed as the Settlement Administrator to fulfill its functions in accordance with and as required by the Settlement Agreement and this Order;
9. The form of Mail and Electronic Mail Notice is hereby approved substantially in the form attached hereto as **Schedule "B"**;
10. The form of Publication Notice is hereby approved substantially in the form attached hereto as **Schedule "C"**;
11. The form of Long Form Notice is hereby approved substantially in the form attached hereto as **Schedule "D"**;
12. The Notice Plan is hereby approved as set out in in the form attached hereto as **Schedule "E"**;
13. The Notices are to be distributed by the Settlement Administrator substantially in the manner set out in the Notice Plan;

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14. The form to Opt-Out (the "Opt-Out Form") is hereby approved substantially in the form attached hereto as **Schedule "F"**;
15. The period to opt-out of the within proceeding will expire 105 days after the date of this Order and that any Settlement Class Member who has validly opted-out of this proceeding is not bound by the Settlement Agreement, and will not be entitled to receive any portion of the benefits available in connection with the Settlement Agreement;
16. To validly opt-out, Settlement Class Members must complete, sign and deliver the Opt-Out Form postmarked no later than 105 days after the date of granting of this Order and must be mailed to the Settlement Administrator at the address specified in the Notice. Opt-Out requests must be exercised individually by a potential Settlement Class Member, not as or on behalf of a group, class or subclass, and must be signed by the potential Class Member.
17. Settlement Class Members who do not submit a timely opt-out request from the Settlement Class and who wish to object to the fairness, reasonableness, or adequacy of this Settlement Agreement, may do so if they comply with the procedures set forth in the Settlement Agreement as follows:
  - a. Required Content for Objections. In order to be effective, any objection must be in writing, and must contain the following information (the "Written Notice of Objection"): (1) a heading referring to the Lawsuit and identification of any litigation in which the Class Member is a named party; (2) a statement expressly indicating when the Class Member purchased WEN<sup>®</sup> Hair Care Products, the outlet from which it was purchased, an accounting of any claimed damages (including any damages claimed for false or misleading advertising and/or from an adverse reaction to WEN<sup>®</sup> Hair Care Products); (3) the court, case name and case number of any lawsuit in the last ten (10) years in which the Class Member has objected or served as a class representative; (4) whether the objector intends to appear at the

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Final Settlement Approval Hearing, either in person or through counsel, and if through counsel, information identifying that counsel by name, address, Law Society number, and telephone number; (5) a statement of the legal and factual bases for the objection; (6) a description of any and all evidence the objecting Settlement Class Members may offer at the Final Settlement Approval Hearing, including but not limited to the names and expected testimony of any witnesses, and copies of any exhibits; and (7) the signature of the Class Member.


- b. Objection by Settlement Class Members through Legal Counsel. Settlement Class Members who are represented by counsel must file an appearance and the Written Notice of Objection with the Court of Queen's Bench of Alberta within 105 days after the Court grants the Preliminary Approval and Settlement Certification Order. These materials must also be served upon the Settlement Administrator by mail, postmarked no later than 105 days after the Preliminary Approval and Settlement Certification Order.
- c. Objection by Unrepresented Settlement Class Members. Settlement Class Members who are not represented by counsel and wish to object shall serve their Written Notice of Objection upon the Settlement Administrator by mail, postmarked no later than 105 days after the date of this Settlement Certification Order. The Settlement Administrator shall promptly provide copies to the Court and to counsel for the Parties.
- d. Individual Objections Only. The right to object to the proposed settlement must be exercised individually by a Settlement Class Member, or his or her lawyer, and not as a member of a group, class or subclass. The objection must be signed by the Class Member and his or her counsel; an objection signed by counsel alone shall not be sufficient.
- e. Invalid Objections. Failure to comply timely and fully with these objection procedures shall result in the invalidity and dismissal of any objection. Class Members who fail to file and serve timely written objections in accordance with


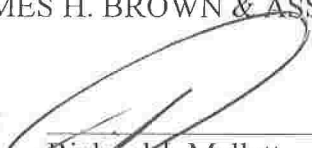
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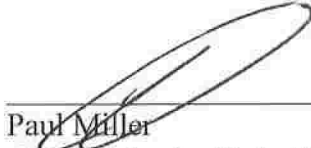


Settlement Agreement shall be deemed to have waived any objections, shall not be heard at the Final Settlement Approval Hearing, and shall be foreclosed from making any objection (whether by appeal or otherwise) to the Settlement. Defendants and Class Counsel shall file any response to the objections with the Court no later than seven (7) days before the Final Settlement Approval Hearing.

- 18. The Parties to the Settlement Agreement may make non-substantive amendments to the Settlement Agreement including its Exhibits, provided that each Party to the Settlement Agreement agrees in writing to any such amendment;
- 19. In the event final approval of the Settlement Agreement is not granted in accordance with its terms at the Final Settlement Approval Hearing, or final approval is reversed on appeal, the certification for settlement purposes granted in this Order shall be of no force and effect and this proceeding shall be decertified by consent;
- 20. In the event final approval of the Settlement Agreement is not granted in accordance with its terms at the Final Settlement Approval Hearing, or final approval is reversed on appeal, the Plaintiff will be at liberty to continue this proceeding and the Defendants retain the right to oppose certification and defend the claims made in this proceeding;
- 21. This Order may be executed in counterpart, electronically or by facsimile.

  
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 J.C.O.B.A.

<p>CONSENTED TO this <u>31</u> day of <u>May</u>, 2019 by</p> <p>GUARDIAN LAW</p> <p>Per: </p> <p>Clint G. Docken, Q.C. Counsel for the Plaintiff</p>	<p>CONSENTED TO this <u>31</u> day of <u>May</u>, 2019 by</p> <p>JAMES H. BROWN &amp; ASSOCIATES</p> <p>Per: </p> <p>Richard J. Mallett Counsel for the Plaintiff</p>
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<p>CONSENTED TO this <u>31</u> day of <u>may</u>, 2019 by</p> <p>HOWIE, SACKS &amp; HENRY LLP</p> <p><i>for</i></p> <p>Per:  Paul Miller Counsel for the Plaintiff</p>	<p>CONSENTED TO this <u>31</u> day of <u>MAY</u>, 2019 by</p> <p>LENCZNER SLAGHT</p> <p>Per:  Glenn Smith Solicitor for the Defendant Guthy-Renker LLC</p>
<p>CONSENTED TO this <u>31</u> day of <u>MAY</u>, 2019 by</p> <p>FASKEN LLP</p> <p>Per: <i>"Peter J. Pliszka"</i>  Peter J. Pliszka Solicitor for the Defendants, WEN by Chaz Dean Inc. and Chaz Dean</p>	