

## Publication Notice (Section 12.4 of the Settlement Agreement)



**If you are a resident of Canada and purchased or used WEN® Hair Care Products, you could receive a payment from a class action settlement.**

*LEGAL NOTICE: Your legal rights are affected. Read this Summary Notice carefully. The Alberta Court of Queens Bench ordered this Notice with respect to a proposed Class Action Settlement in the case of McMinn v. Chaz Dean et al, court file no 1603 09819.*

A proposed settlement has been reached in a lawsuit filed against Chaz Dean, Guthy-Renker LLC and WEN by Chaz Dean, Inc. (the “Defendants”). The lawsuit alleges that Defendants designed, manufactured and sold WEN® Hair Care Products (“WEN®”) which allegedly caused certain users to suffer personal injury including hair loss, hair damage or scalp irritation. Plaintiffs also asserted that statements made in connection with the marketing of WEN® were untrue and misleading. Defendants vigorously deny these allegations and contend that there is no link between hair loss and WEN®. Liability is disputed in this matter, and WEN® has not been proven to cause hair loss to consumers, nor has it been legally determined that any advertising of the Products was false or misleading. The makers of WEN® stand behind the quality, safety, and formulation of the Products, all of which meet or exceed all safety and quality standards set by the cosmetics industry. However, to avoid the cost of a trial, and potential risks for both sides, the Parties have reached a proposed Class Action Settlement.

### **What Does the Settlement Provide?**

A Settlement Fund of \$2,059,750 USD (the “Fund”), will be set up to pay valid claims, costs of notice and administration of the Settlement, an honorarium payment for the Named Plaintiff, and lawyers’ fees and costs. \$300,000 USD of the Fund will be set aside to pay Tier 1 Class-Wide Flat Rate claims. Any person who purchased or used WEN® can file a Tier 1 Claim for a one-time \$25 CDN cash payment as compensation for undocumented claims of personal injury after using WEN® or for alleged misrepresentation regarding WEN®.

The remainder of the Fund will be used to pay Tier 2 Documented Adverse Reaction Claims of up to \$10,000 CND per Class Member, to compensate consumers for claimed adverse reactions causing personal injury such as hair loss, hair damage, scalp irritation and emotional distress that accompanied such alleged injuries. Tier 2 claimants can also claim for up to \$1,500 CND for expenses related to redressing alleged injuries.

If the claims made against the Fund collectively exceed the amount available, the payments to each Class Member will be reduced on a *pro rata* basis.

### **What Are Your Options?**

While final settlement approval has not been granted by the court, you can submit a claim immediately [www.mnp.ca/wenclassaction](http://www.mnp.ca/wenclassaction). The claim period ends on January 30, 2020. Paper Claim Forms and instructions can also be obtained by calling the Claims Administrator at 1-866-750-0810.

If you do not want to be legally bound by the Settlement, you must “opt out” or exclude yourself by mailing a letter to the Settlement Administrator signed by you that lists: your full name,

signature, address and the statement: "I wish to be excluded from the WEN Class Action Settlement." Opt-Out statements must be postmarked no later than September 13, 2019.

If you properly exclude yourself, you will not get any Settlement payment and you cannot object to the Settlement. However, you will retain any legal claims you may have against the Defendants and may be able to sue on your own in the future.

If you are a Class Member, you can object to any part of the Settlement you do not like and the Court will consider your views. Your objection must be timely, in writing, and contain certain specific information as described in more detail at [www.mnp.ca/wenclassaction](http://www.mnp.ca/wenclassaction). Objections must be received by the Settlement Administrator by September 13, 2019.

The Court will hold a Final Approval Hearing at 2:00 on November 13, 2019 at the Court of Queen's Bench in Edmonton, Alberta. At this hearing, the Court will consider whether the settlement is fair, reasonable and adequate and whether to approve the Lawyers' Fees requested by Class Counsel. You may attend the hearing, and you may hire your own lawyer, but you are not required to do either.

### **Lawyers for the Class**

The following law firms represent the Class:

James H. Brown & Associates  
2400, 10123 – 99 Street NW  
Edmonton, AB T5J 3H1  
Attention: Richard J. Mallett

Guardian Law Group  
342 – 4<sup>th</sup> Avenue SE  
Calgary, AB T2G 1C9  
Attention: Clint Docken, Q.C

Howie Sacks & Henry LLP  
3500, 20 Queen Street West  
Toronto, ON M5H 3R3  
Attention: Paul Miller

Consumer Law Group Inc.  
900, 251 Laurier Ave West  
Ottawa, Ontario K1P 5J6  
Attention: Jeff Orenstein

### **What To Do If You Have Questions**

This Notice is just a summary. A more detailed notice, as well as the Settlement Agreement and other documents related to this lawsuit, can be found online at [www.mnp.ca/wenclassaction](http://www.mnp.ca/wenclassaction). For more information, you may call or write to the Settlement Administrator at 1-866-750-0810 or c/o MNP Ltd, 1500, 640 – 5<sup>th</sup> Avenue SW, Calgary, AB T2P 3G4.