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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

FARID KHAN, an individual, on behalf of himself and all others similarly situated,

Plaintiff,

v.

BOOHOO.COM USA, INC., a Delaware corporation, BOOHOO.COM UK LIMITED, a United Kingdom private limited company, BOOHOO GROUP PLC, a Jersey public limited company, and DOES 1-10, inclusive,

Defendants.

CASE NO.: CV 20-3332-GW-JEMx

Consolidated for Pretrial Purposes with:
No. CV 20-4658-GW-JEMx
No. CV 20-4659-GW-JEMx

CLASS ACTION

ORDER GRANTING PRELIMINARY APPROVAL OF CLASS SETTLEMENT, CONDITIONALLY CERTIFYING THE SETTLEMENT CLASS, PROVIDING FOR NOTICE, AND SCHEDULING ORDER

1 WHEREAS, this litigation involves the following three separate class action
2 lawsuits, which have been consolidated before this Court for pretrial purposes: (1)
3 *Khan v. Boohoo.com USA, Inc., et al.*, No. 2:20-cv-03332-GW (JEMx), (2) *Hilton v.*
4 *PrettyLittleThing.com USA, Inc., et al.*, 2:20-cv-04658-GW (JEMx), and (3) *Lee v.*
5 *NastyGal.com USA, Inc., et al.*, 2:20-cv-04659-GW (JEMx) (collectively referred to
6 hereafter as the “Actions”).

7 AND, WHEREAS, Plaintiffs Farid Khan, Haya Hilton, and Olivia Lee
8 (collectively, “Plaintiffs”), on behalf of themselves and all others similarly situated,
9 on the one hand, and Defendants Boohoo Group PLC, Boohoo.com USA, Inc.,
10 Boohoo.com UK Limited, PrettyLittleThing.com USA, Inc., PrettyLittleThing.com
11 Limited, NastyGal.com USA, Inc., and Nasty Gal Limited (collectively,
12 “Defendants”), on the other hand, have entered into a Class Action Settlement
13 Agreement and Release, filed May 24, 2022, after arms-length settlement discussions
14 (the “Settlement”);

15 AND, WHEREAS, the Court has received and considered the Settlement,
16 including the accompanying exhibits;

17 AND, WHEREAS, the Parties have made an application for an order
18 preliminarily approving the settlement of the Actions, for the full and final resolution
19 of the claims in the Actions asserted by the California class members on the terms and
20 conditions set forth in the Settlement, and for the dismissal of the claims in the Actions
21 asserted by the non-California class members without prejudice.

22 AND, WHEREAS, the Court has reviewed the Parties’ application for such
23 order, and has found good cause for same.

24 NOW, THEREFORE, IT IS HEREBY ORDERED:

25 **A. The Settlement Class is Conditionally Certified.**

26 1. Pursuant to Federal Rule of Civil Procedure 23, and for settlement
27 purposes only, the Court hereby certifies the following Classes:

28 (a) All individuals in California who made a

1 purchase on <https://us.boohoo.com> or
2 <https://www.boohooman.com/us> or associated mobile
3 phone applications between April 9, 2016 and June 16,
4 2022, excluding any and all past or present officers,
5 directors, or employees of Defendants, any judge who
6 presides over this action, and any partner or employee of
7 Class Counsel.

8 (b) All individuals in California who made a
9 purchase on <https://prettylittlething.us> or associated mobile
10 phone applications between May 19, 2016 and June 16,
11 2022, excluding any and all past or present officers,
12 directors, or employees of Defendants, any judge who
13 presides over this action, and any partner or employee of
14 Class Counsel.

15 (c) All individuals in California who made a
16 purchase on <https://nastygal.com> or associated mobile
17 phone applications between March 1, 2017 and June 16,
18 2022, excluding any and all past or present officers,
19 directors, or employees of Defendants, any judge who
20 presides over this action, and any partner or employee of
21 Class Counsel.

22 2. This conclusion is supported by the Court's finding, pursuant to Federal
23 Rule of Civil Procedure 23(e)(1)(B)(ii), that it will likely be able to certify the class
24 for purposes of judgment on the Settlement. More specifically, the Court finds that
25 the parties have shown, at this stage, that they will likely be able to demonstrate that
26 the prerequisites for a class action under Federal Rules of Civil Procedure 23(a),
27 (b)(2), and (b)(3) have been met, including: (a) numerosity, (b) commonality, (c)
28 typicality, (d) adequacy of the class representatives and Class Counsel, (e)
predominance of common questions of fact and law among the Classes for purposes
of settlement, and (f) superiority.

3. Pursuant to Federal Rule of Civil Procedure 23, the Court hereby
appoints the Plaintiffs in the Action, Farid Khan, Haya Hilton, and Olivia Lee, as the
class representatives.

4. Having considered the factors set forth in Federal Rule of Civil
Procedure 23(g)(1), the Court hereby appoints Yasin Almadani and his firm Almadani
Law, and Ahmed Ibrahim and his firm AI Law, PLC, as Class Counsel.

1 **B. The Class Settlement Agreement is Preliminarily Approved and**
2 **Final Approval Schedule Set.**

3 5. The Court hereby preliminarily approves the Settlement and the terms
4 and conditions set forth therein, including the Injunctive Relief provisions of section
5 2.10 of the Settlement, subject to further consideration at the Final Approval Hearing
6 (referred to in the Settlement as the “Fairness Hearing”) described below.

7 6. The Court has conducted a preliminary assessment of the Settlement and
8 hereby finds, pursuant to Federal Rule of Civil Procedure 23(e)(1)(B)(i), that it will
9 likely be able to approve the Settlement under the factors set forth in Federal Rule of
10 Civil Procedure 23(e)(2) for fairness, reasonableness, and adequacy of the Settlement.

11 7. Pursuant to Federal Rule of Civil Procedure 23(e), the Court will hold a
12 Final Approval Hearing on a day that is at least 139 days after entry of this Order.
13 Accordingly, the Final Approval Hearing will take place on October 27, 2022 at 8:30
14 a.m., in the Courtroom of the Honorable George H. Wu, United States District Court
15 for the Central District of California, 350 West 1st Street, Los Angeles, California
16 90012, Courtroom 9D, for the following purposes:

17 (a) finally determining whether the Classes meet all applicable
18 requirements of Federal Rule of Civil Procedure 23 and, thus, the Classes should be
19 certified for purposes of effectuating the Settlement;

20 (b) determining whether the proposed settlement of the Actions on the
21 terms and conditions provided for in the Settlement is fair, reasonable and adequate
22 and should be approved by the Court;

23 (c) considering the application of Class Counsel for an award of
24 attorneys’ fees and reimbursement of costs, as provided for under the Agreement;

25 (d) considering the applications of Plaintiffs for class representative
26 incentive awards, as provided for under the Settlement;

27 (e) considering whether the Court should enter the [Proposed] Final
28 Order and Judgment;

1 (f) considering whether the release of the Class Released Claims as
2 set forth in the Settlement should be provided; and

3 (g) ruling upon such other matters as the Court may deem just and
4 appropriate.

5 8. The Court may continue or adjourn the Final Approval Hearing and later
6 reconvene such hearing without further notice to Class Members (defined in the
7 Settlement in section 1.3 and referred to therein as the “Settlement Class Members”).

8 9. The Parties may further modify the Settlement prior to the Final
9 Approval Hearing so long as such modifications do not materially change the terms
10 of the settlement provided thereunder. The Court may approve the Settlement with
11 such modifications as may be agreed to by the Parties, if appropriate, without further
12 notice to Class Members.

13 10. Plaintiffs’ applications for attorneys’ fees, costs, and incentive awards
14 must be filed no later than September 26, 2022, which is 14 days before the deadline
15 for Class Members to submit objections to the Settlement or to opt out of the
16 Settlement. All additional papers in support of the Settlement, or in support of the
17 application for an award of attorneys’ fees and expenses and/or class representative
18 incentive awards, must be filed with the Court and served at least seven (7) days prior
19 to the Final Approval Hearing.

20 **C. The Court Approves the Form and Method of Class Notice**

21 11. The Court approves, as to form and content, the proposed Email Notice,
22 Full Notice, Publication Notice, and Postcard Notice, which are Exhibits B, C, D, and
23 E, respectively, to the Settlement. The Court further approves, as to form and content,
24 the Notice of Distribution of Gift Cards, which Exhibit I to the Settlement.

25 12. The Court finds that the distribution of Notice substantially in the manner
26 and form set forth in the Settlement meets the requirements of Federal Rule of Civil
27 Procedure 23 and due process, is the best notice practicable under the circumstances,
28 and shall constitute due and sufficient notice to all persons entitled thereto.

1 13. The Court approves the designation of Kurtzman Carson Consultants
2 LLC (“KCC”) to serve as the Court-appointed Settlement Administrator for the
3 settlement. The Settlement Administrator shall cause the Publication Notice and Full
4 Notice to be published, to disseminate Email Notice and Postcard Notice pursuant to
5 the terms set forth in the Settlement, and supervise and carry out the notice procedure,
6 the distribution of benefits under the Settlement, and other administrative functions,
7 and shall respond to Class Member inquiries, as set forth in the Settlement and this
8 Order under the direction and supervision of the Court. Where dissemination of
9 Postcard Notice is necessary under Section 3.4(c) of the Settlement, the Settlement
10 Administrator shall mail all such Postcard Notices no later than ten (10) days after
11 dissemination of Email Notice.

12 14. The Court directs the Settlement Administrator to establish a Settlement
13 Website, making available copies of this Order, Class Notice (i.e., the Full Notice,
14 Email Notice, Postcard Notice, and Publication Notice), the Settlement and all
15 Exhibits thereto, a toll-free hotline, and such other information as may be of assistance
16 to Class Members or required under the Settlement. The Class Notice shall be made
17 available to Class Members through the Settlement Website on the date notice is first
18 published and continuously thereafter through the Final Settlement Date (and on the
19 websites of Class Counsel at their option during the same period).

20 15. The Settlement Administrator is ordered to publish the Publication
21 Notice in the manner set forth in section 1.20 of the Settlement once every week for
22 four (4) consecutive weeks beginning no later than thirty (30) days after entry of this
23 Order.

24 16. The costs of Notice, distribution of benefits to Class Members under the
25 Settlement, creating and maintaining the Settlement Website, and all other Settlement
26 Administrator and Notice expenses shall be paid by Defendants up to the sum
27 specified in the Settlement in accordance with the applicable provisions of the
28 Settlement.

1 **D. Procedure for Class Members to Participate in the Settlement**

2 17. Class Members are not required to submit a claim form in order to
3 receive the benefits of the Settlement. Instead, the benefits in the form of the Gift
4 Cards described in the Settlement (see section 2.1) shall be distributed to all Class
5 Members who have not timely opted out of the Settlement.

6 18. The Settlement Administrator shall otherwise have the authority to
7 accept or reject claims, if any, submitted by persons claiming to be Class Members in
8 accordance with the Settlement.

9 19. Any Class Member may enter an appearance in the Actions, at his or her
10 own expense, individually or through counsel who is qualified to appear in the
11 jurisdiction. All Class Members who do not enter an appearance will be represented
12 by Class Counsel.

13 **E. Procedure for Requesting Exclusion from the Class**

14 20. All Class Members who do not timely exclude themselves from one or
15 more of the Classes shall be bound by all determinations and judgments in the Actions
16 concerning the Settlement, whether favorable or unfavorable to the Classes.

17 21. Any person falling within the definition of one or more of the Classes
18 may, upon his or her request, be excluded from the Classes. To make this election,
19 for each of the three Actions for which a person is a Class Member such person must
20 send a signed letter or postcard to the Settlement Administrator no later than October
21 10, 2022, which is at least 120 calendar days from the date of this Order, stating: (a)
22 the name and case number of the Actions from which the Class Member seeks to be
23 excluded; (b) the full name, email address, physical address, telephone number, and
24 Class Member ID (available on the notice) of the person requesting exclusion; and (c)
25 a signed statement that the Class Member is a legitimate Class Member in the
26 referenced Action and does not wish to participate in the Settlement of that Action,
27 postmarked no later than the deadline stated above.

28 22. Any Class Member who does not send a signed request for exclusion

1 postmarked or delivered on or before the time period described above will be deemed
2 to be a Class Member for all purposes and will be bound by all judgments and further
3 orders of this Court related to the settlement of the Actions and by the terms of the
4 Settlement, if finally approved by the Court. All persons who submit valid and timely
5 requests for exclusion in the manner set forth in the Settlement shall have no rights
6 under the Settlement and shall not be bound by the Settlement or the Final Order and
7 Judgment.

8 23. Within ten (10) calendar days after October 10, 2022, the Settlement
9 Administrator shall serve on Class Counsel and Defendants' Counsel a list of Class
10 Members who have timely and validly excluded themselves from the Settlement
11 Class. Class Counsel shall file this list with the Court at or before the Final Approval
12 Hearing.

13 **F. Procedure for Objecting to the Settlement**

14 24. Any Class Member wishing to object to or oppose the approval of this
15 Settlement, the motion for the incentive award to Plaintiffs, and/or Class Counsels'
16 motion for attorneys' fees and costs, shall file with the Court a written objection no
17 later than October 10, 2022, which is at least 120 calendar days from the date of this
18 Order. The objecting Class Member must send a copy of the written objection and
19 supporting documents to Class Counsel and Defendants' counsel listed in section 5.23
20 of the Settlement. To be timely, a written objection to the Settlement must be
21 submitted no later than the above-stated deadline. The submission date is deemed to
22 be the date the objection is deposited in the U.S. Mail, FedEx, or UPS as evidenced
23 by the postmark. It shall be the objecting Class Member's responsibility to ensure
24 receipt of any objection by the Court, Class Counsel, and Defendants' Counsel.

25 25. The objection must contain:

26 (a) the name and case number of the Actions to which the Class
27 Member is objecting;

28 (b) the Class Member's full name, address, telephone number, and

1 Class Member ID (available on the notice);

2 (c) the words “Notice of Objection” or “Formal Objection”;

3 (d) in clear and concise terms, all legal and factual arguments
4 supporting the objection, including supporting documentation;

5 (e) facts supporting the person’s status as a Class Member (e.g., either
6 any unique identifier included by the Settlement Administrator in his or her
7 notice such as the Class Member ID, or the date and location of his or her
8 relevant purchases);

9 (f) the Class Member’s signature and the date;

10 (g) the following language immediately above the Class Member’s
11 signature and date: “I declare under penalty of perjury under the laws of the
12 United States of America that the foregoing statements regarding Class
13 Membership are true and correct to the best of my knowledge”; and

14 (h) for Class Members intending to make an appearance at the Final
15 Approval Hearing (with or without counsel), the objection must also be
16 accompanied by a “Notice of Intention to Appear”

17 26. Any Class Member who fails to timely file and serve a written Objection
18 containing all the information listed in (a) through (h) of the previous paragraph shall
19 be deemed to have waived any objections and will be foreclosed from making any
20 objections (whether by a subsequent objection, intervention, appeal, or any other
21 process) to the Settlement. Arguments not raised in the written objections shall be
22 deemed intentionally waived.

23 27. If any objection is received by the Settlement Administrator, but not filed
24 with the Court, the Settlement Administrator shall forward the Objection and all
25 supporting documentation to Class Counsel and Counsel for Defendants. The failure
26 of the Class Member to file the written objection with the Court shall be grounds for
27 striking and/or overruling the objection, even if the objection is submitted to the
28 Settlement Administrator.

1 28. Class Counsel will file with the Court their motions and briefs in support
2 of Final Approval, the requested incentive awards for Plaintiffs, and attorneys' fees
3 and costs, no later than September 26, 2022, which is fourteen (14) days before the
4 deadline for Class Members to object to the Settlement.

5 29. Class Counsel and/or Defendants have the right, but not the obligation,
6 to respond to any objection no later than seven (7) days prior to the Final Approval
7 Hearing. The party so responding shall file a copy of the response with the Court,
8 and shall serve a copy, by regular mail, hand or overnight delivery, to the objecting
9 member of the Class or to the individually hired attorney for the objecting member of
10 the Settlement Class; to Class Counsel; and to Defendants' Counsel.

11 30. Based on the parties' Settlement Agreement and the foregoing
12 provisions, the schedule in this matter shall be as follows:

Event	Date/Deadline
Preliminary Order Issued	Friday, June 3, 2022
Deadline to Commence Publication Notice	Tuesday, July 5, 2022
Deadline to Send Email Notice	Tuesday, August 2, 2022
Deadline to Mail Postcard Notice	Friday, August 12, 2022
Deadline to File Motion for Final Approval and Motion for Attorneys' Fees, Costs, and Incentive Awards	Monday, September 26, 2022
Deadline to Object or Opt Out	Monday, October 10, 2022
Deadline for Settlement Administrator to Provide Opt-Out List to Counsel	Thursday, October 20, 2022
Deadline to Respond to Objections	Thursday, October 20, 2022
Final Approval/Fairness Hearing	Thursday, October 27, 2022 at 8:30 a.m.

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31. All discovery in these consolidated actions, including without limitation all discovery related to the putative claims of non-California class members, is STAYED pending further order of the Court.

SO ORDERED.

Dated: June 3, 2022



Hon. George H. Wu
United States District Judge