

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Bonnie Brown, Leslie Baginski,)	
Lisa Cummings-Gallina, Laurie Introp,)	
Lisa Levine, Bridget Oliveto, & Lindsay Pihaly)	
on behalf of themselves and all others similarly)	
situated,)	NO. 1:13-cv-01345
)	CLASS ACTION
Plaintiffs,)	
v.)	
)	
Medicis Pharmaceutical Corporation,)	
)	
Defendant.)	

FILED
MAR 21 2016
 Clerk, U.S. District & Bankruptcy
 Courts for the District of Columbia

ORDER

The Court has considered the Plaintiffs’ Analysis of the Claims Form Data Concerning Possible Expansion of the Scope of the Class Claims to Include Hostile Work Environment Claims (“Plaintiffs’ Analysis”) and the accompanying exhibits and the entire record in this case.

Upon consideration of the foregoing record, it is hereby ORDERED that the scope of the claims of the Class that was preliminarily certified by Order filed August 5, 2015 (ECF No. 37) is hereby expanded to include hostile environment claims..

The Court makes the following findings and rulings:

1. The Court finds that the class that was preliminarily certified on August 5, 2015 (ECF No. 37) may pursue hostile work environment claims on a class-wide basis because doing so is consistent with the requirements of Fed. R. Civ. P. 23(a) and 23(b)(3).
2. There is no conspicuous defect in the contention that it would be impractical to join the 60 Class Members who assert hostile work environment claims in their Claim Forms.
3. There is no conspicuous defect in the contention that the hostile work environment claims of the Class Members raise common questions of law and fact, including:

Was the conduct severe or pervasive enough to create a work environment that a reasonable woman would find to be hostile? Did Medicis' executives, including former CEO Jonah Shacknai and other former senior managers, engage in this conduct because of the sex of the Hostile Work Environment Claimants? May liability be imputed to Medicis on the bases that its former top executives created the hostile work environment, knew and condoned of the behavior of managers and co-employees, and/or did not take action to prevent and promptly correct harassing behavior?

4. There is no conspicuous defect in the contention that the hostile work environment claims of the class representatives – Leslie Baginski, Lisa Cummings-Gallina, Laurie Introp, Lisa Levine, Bridget Oliveto, and Lindsay Pihaly – are typical of the hostile work environment claims of other class members.

5. There is no conspicuous defect in the contention that the class representatives identified in paragraph 2 above and their counsel – Cyrus Mehri and Michael Lieder of Mehri & Skalet, PLLC, and Sara Wyn Kane and Robert J. Valli, Jr. of Valli, Kane & Vagnini, LLC – are adequate representatives of the Class.

6. There is no conspicuous defect in the contentions that the common issues, including those identified in paragraph 3 above, outweigh the purely individualized issues raised by the hostile work environment claims and that a class action would be superior to any other means for resolving the disputes between the parties over the hostile work environment claims.

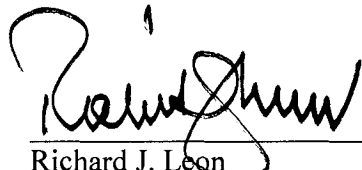
7. The Second Notice of Proposed Settlement and Settlement Hearing (“Second Notice”), attached as Exhibit C to Plaintiffs’ Analysis, is approved as appropriate notice to the class. The Claims Administrator shall send the Second Notice to Class Members within 15 days of this Order.

8. The deadline for the parties to file a motion for final approval of their proposed class action settlement is May 27, 2016 [any time after 60 days after this Order]. The deadline for Class Counsel to file its motion for an award of attorneys' fees and costs shall also be May 27, '16. In connection with those submissions, the Plaintiffs shall submit a declaration from the Claims Administrator which shall describe the process the Claims Administrator used to score each claim form, the points awarded to each claim, and the proposed award to be given to each claimant assuming that attorneys' fees and costs are awarded as requested by Class Counsel's motion. The declaration shall be submitted for in camera review.

9. A hearing shall be held on June 1 at 3 P.M. in Courtroom 18, U.S. Courthouse, 333 Constitution Ave., N.W., Washington, DC, to consider the motion for final approval of the proposed Settlement and Class Counsel's motion for an award of attorneys' fees and costs ("Settlement Hearing").

10. Pending the outcome of the Settlement Hearing, all members of the Class are temporarily enjoined from commencing, prosecuting or maintaining any claim already asserted in, and encompassed by, this Action, and all Class Members are temporarily enjoined from commencing, prosecuting or maintaining in any court or forum other than this Court any claim, action or other proceeding that challenges or seeks review of or relief from any order, judgment, act, decision or ruling of the Court in connection with this Settlement Agreement or otherwise in connection with this Action.

IT IS SO ORDERED.


Richard J. Leon
United States District Judge