

C A N A D A

PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

(Class Action)  
**SUPERIOR COURT**

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NO: 500-06-001178-223

**EDEN OHAYON**, having her elected domicile  
at 276 St-Jacques Street, suite 801, District  
of Montreal, Province of Quebec, H2Y 1N3

Applicant

v.

**OLAPLEX, INC.**, legal person having its head  
office at 1187 Coast Village Road, Suite 1-  
520, Santa Barbara, California 93108, USA

and

**OLAPLEX HOLDINGS, INC.**, legal person  
having its head office at 1187 Coast Village  
Road, Suite 1-520, Santa Barbara, California  
93108, USA

and

**SEPHORA BEAUTY CANADA, INC.**, legal  
person having its head office at 5560  
Explorer Drive, 2<sup>nd</sup> floor, Mississauga,  
Ontario, L4W 5M3

Defendants

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**AMENDED APPLICATION TO AUTHORIZE THE BRINGING OF A CLASS ACTION  
AND TO APPOINT THE STATUS OF REPRESENTATIVE PLAINTIFF**  
(ARTICLES 571 AND FOLLOWING C.C.P.)

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**TO ONE OF THE HONOURABLE JUDGES OF THE SUPERIOR COURT, SITTING IN  
AND FOR THE DISTRICT OF MONTREAL, YOUR APPLICANT STATES AS  
FOLLOWS:**

**I. INTRODUCTION**

1. The Applicant wishes to institute a class action on behalf of the following class of

which she is a member, namely:

**Class:**

All consumers who purchased, in Quebec, Olaplex No. 3 Hair Repair Perfector containing Butylphenyl Methylpropional (lilial).

(hereinafter referred to as the “**Class**”)

or any other Class to be determined by the Court;

2. Defendant Olaplex Holdings, Inc. is a publicly traded corporation (NASDAQ: OLPX) that manufactures and sells hair care products, and offers hair care shampoos and conditioners for the hair treatment, maintenance, and protection. The company was founded in 2014 and is based in Santa Barbara, California;
3. Defendant Olapex, Inc. distributes Olapex products, including Olaplex No. 3 Hair Repair Perfector. Olapex, Inc. operates the [www.olaplex.com](http://www.olaplex.com) website where consumers can purchase their hair products online, including in Canada, as it appears from their Terms & Conditions communicated as **Exhibit P-1**;
4. Given the close ties between the Olapex Defendants and considering the preceding, they are solidarily liable for the acts and omissions of the other;
5. Defendant Sephora Beauty Canada, Inc. (“**Sephora**”) operates the [www.sephora.ca](http://www.sephora.ca) website where consumers can purchase beauty products online, its Terms of Use communicated as **Exhibit P-2**. The extract of the CIDREQ for Sephora is communicated as **Exhibit P-3**;
6. Sephora sells Olaplex No. 3 Hair Repair Perfector containing butylphenyl methylpropional (also known as “lilial”) on its website <https://www.sephora.com/ca/en/product/olaplex-hair-perfector-no-3-P435618>, as it appears from Applicant’s **Exhibit P-4**;
7. In 2019, the European Commissions’ *Scientific Committee on Consumer Safety*, in its report on the safety of Butylphenyl methylpropional (p-BMHCA) in cosmetic products, ruled that it “cannot be considered as safe”, Applicant disclosing the report as **Exhibit P-5** (see page 3 and 53);
8. The European Union’s European Commission classified butylphenyl methylpropional (lilial) as a “**reprotoxic**,” a chemical that adversely affects fertility and fetal development;
9. On March 1, 2022 the European Union’s ban of the fragrance ingredient butylphenyl methylpropional went into effect, as it appears from the Commission Delegated Regulation (EU) 2020/1182 of May 19, 2020, **Exhibit P-6**;

10. The Applicant communicates and refers to an article published on March 2, 2022 on [www.ewg.org](http://www.ewg.org) titled "*Lilial and fertility: EU bans toxic fragrance ingredient from personal care products*" as **Exhibit P-7**;
11. Exhibit P-7 cites EWG's senior director, cosmetic science, as follows referring to butylphenyl methylpropional: "*Ingredients that may harm fertility have no business being used in cosmetics*". Olaplex cannot contradict this statement, as Olaplex itself admits that [www.ewg.org](http://www.ewg.org) is a credible source for information on toxicity in beauty products, as it appears from Olaplex's webpage titled "*OLAPLEX is CLEAN and Non-Toxic... but What Does That Mean?*" (<https://olaplex.com/blogs/news/olaplex-is-clean-and-non-toxic-but-what-does-that-mean>), communicated as **Exhibit P-14**:

We love being a part of your healthy hair journey and are proud to say we do so while keeping your body healthy! In addition to being clean, OLAPLEX is also free of many common allergens such as soy, nuts, and gluten. OLAPLEX is also cruelty-free and 100% vegan. **A great resource for checking the toxicity stats of beauty products is EWG's Skin Deep <https://www.ewg.org/skindeep>.**

12. On February 28, 2022, Olaplex posted the following statement on its official social media pages, including Facebook and Instagram (which have millions of followers), Applicant communicating **Exhibit P-8**:

Hello cherished OLAPLEX Family, we know you may have questions around the standard regulatory processes the cosmetic industry is going through right now. Your health is the utmost importance to us, along with providing you with the correct information.

In response to the recent social posts, Lavinia Popescu, Chief Scientist, VP R&D + Regulatory here at OLAPLEX is here to help clarify questions **surrounding lilial, which OLAPLEX no longer uses in any of its products.**

In September 2020, the EU regulatory authority announced their intent to phase out Butylphenyl methylpropional commonly referred to as "lilial" by March of 2022. **Since January 2022, Olaplex no longer sold products using lilial in the UK or EU. At Olaplex, lilial was previously used in small amounts as a fragrance in N°3 Hair Perfector.** It is not an active or functional ingredient. While this phase-out is limited to the EU and the US permits use of this ingredient, out of an abundance of caution **we proactively removed lilial from our N°3 Hair Perfector globally.** It is a widely used fragrance compound found naturally in the essential oil

of chamomile and is used synthetically in a variety of thousands of beauty products, including perfumes, shampoos, deodorants, skincare, tanning lotions, and hair styling products, primarily for its Lily of the Valley aroma. The way Olaplex diligently used the ingredient as a fragrance, nonfunctional and not active, **it should not cause infertility, miscarriages, or disruptions in fetus development.** Please let us know if you have additional questions. We are here to answer.

13. These health risks were clearly an “important fact” within the meaning of section 228 of the *Consumer Protection Act* (“CPA”), which Olaplex failed to inform its customers about until it claims to have removed the dangerous chemical from Olaplex No. 3 Hair Repair Perfector (apparently very discretely at some point in June 2021);
14. Prior to February 28, 2022, the Defendants never informed the public of the risks associated to butylphenyl methylpropional, including “*infertility, miscarriages, or disruptions in fetus development*”, in violation of the CPA;
  - 14.1 Despite the above, in particular Olaplex’s declaration (Exhibit P-8) reproduced at paragraph 12 that “Since January 2022, Olaplex no longer sold products using lilial in the UK or EU” and that Olaplex “proactively removed lilial from our N°.3 Hair Perfector globally”, the Applicant discovered that Olaplex did, in fact, continue to sell its Olaplex No. 3 Hair Repair Perfector containing Butylphenyl Methylpropional in Quebec;
  - 14.2 The Applicant wanted to verify whether Olaplex really did remove Butylphenyl Methylpropional from its Olaplex No. 3 Hair Repair Perfector as it declared publicly, so she placed an order for this product on Defendant Sephora’s website on March 2, 2022, as it appears from the confirmation email sent to her from Sephora for order #42726894290, communicated as **Exhibit P-15**;
  - 14.3 The Applicant’s items for her order #42726894290 were delivered on March 4, 2022, as it appears from Sephora’s email communicated as **Exhibit P-16**;
  - 14.4 When the Applicant opened the package she received from Sephora on March 4, 2022, she noticed that the Olaplex No. 3 Hair Repair Perfector still listed Butylphenyl Methylpropional as an ingredient, as it appears from a picture of the bottle in the box she received from Sephora on March 4, 2022, communicated as **Exhibit P-17** (the Applicant kept the original Sephora box and Olaplex sealed bottle, which are available for verification upon request);
  - 14.5 It is clear from Exhibits P-15, P-16 and P-17 that Olaplex did **not** “proactively removed lilial from our N°.3 Hair Perfector globally”, and that its public declarations to this effect were false;
15. This class action seeks the reimbursement of the amounts paid by Class

members for their purchases of Olaplex No. 3 Hair Repair Perfector containing Butylphenyl Methylpropional, as well as punitive damages in the amount of \$10 million, because Butylphenyl Methylpropional is a dangerous chemical with serious side effects (such as infertility and allergies) which the Defendants failed to warn consumers about and which they continue to sell in Quebec, despite Olaplex falsely stating to the public that it was removed from Olaplex's products in several countries, including Canada;

## **II. CONDITIONS REQUIRED TO AUTHORIZE THIS CLASS ACTION AND TO APPOINT THE STATUS OF REPRESENTATIVE PLAINTIFF (575 C.C.P.):**

### **A) THE FACTS ALLEGED APPEAR TO JUSTIFY THE CONCLUSIONS SOUGHT**

16. Applicant resides in the judicial district of Montreal and is a consumer within the meaning of article 1384 C.C.Q., as well as within the meaning of s. 1(e) CPA;
17. Applicant is in her early twenties, who, over the past two years (since 2020) has purchased 4 bottles of Olaplex No. 3 Hair Repair Perfector containing butylphenyl methylpropional, each for \$38.00 plus taxes (in addition to the bottle she purchased on March 2, 2022, to verify whether Olaplex removed the chemical as alleged above at paragraphs 14.1 to 14.5);
18. Prior to her first purchase, Applicant recalls Olaplex No. 3 Hair Repair Perfector advertised by the Defendants as being good for damaged hair and good for colour care and volume (many hairdressers were recommending it). She purchased this product to repair and strengthen her hair – and was never informed of the health risks or side effects;
19. Applicant's most recent purchase (which she made personal use of and excluding the March 2, 2022 purchase which was to verify whether the chemical was removed) was on January 19, 2021, when she purchased one bottle of Olaplex No. 3 Hair Repair Perfector containing Butylphenyl Methylpropional from the Sephora website for \$38.00 plus tax, as it appears from **Exhibit P-9**;
20. There can be no doubt that in 2021 the Defendants knew about the risks and concealed it from the Applicant, as Olaplex admits in its public declaration (Exhibit P-8) that in **September 2020**, the EU regulatory authority announced their intent to phase out butylphenyl methylpropional (because of its dangers) and that since **January 2022** Olaplex claims to have removed this dangerous chemical from Olaplex No. 3 Hair Repair Perfector, which it did not actually do in Quebec (see Exhibits P-15, P-16 and P-17);
21. As professionals in the beauty products and cosmetics field, the Defendants certainly knew of the risks associated to butylphenyl methylpropional even before 2020 (they were known in the industry since as early as 2015, as it appears from the European Commission's Scientific Committee on Consumer Safety report titled "Opinion on Butylphenyl methylpropional (BMHCA)", dated August 12, 2015

and revised on March 16, 2016, communicated as **Exhibit P-18**);

22. Defendants did not inform the public of these known risks purely for their financial gain, cognizant that nobody would purchase this product had the risks been adequately disclosed;
23. Applicant would have never purchased any Olaplex No. 3 Hair Repair Perfector bottles containing butylphenyl methylpropional had she been informed of these risks and hereby requests a refund of **\$38.00 x 4** bottles purchased (plus taxes);
24. Applicant's damages are a direct and proximate result of Defendants' misconduct;

**Punitive Damages:**

25. Olaplex intentionally omitted to provide consumers with important facts – which it admitted to being aware of – concerning the safety risks associated with butylphenyl methylpropional;
26. On February 28, 2022, Olaplex recently admitted that it was always “very aware” of the safety risks, as it appears from the video statement made by Lavinia Popescu, “*Chief Scientist, VP + Regulatory*” at Olaplex, published by Olaplex on its official social media pages, including Facebook and Instagram, and which contain the following admissions, as more fully appears from the video filed as **Exhibit P-10**:
  - a) “*but before to go deep in Olaplex approach **versus** this ingredient [butylphenyl methylpropional / lialial];* (minute 1:30)
  - b) “*until last year, this ingredient [butylphenyl methylpropional / lialial] was classified as allergen*”; (minute 2:30)
  - c) “*an allergen is a substance that **could cause an allergic reaction** and we **were very aware** about this problematic, to say, function of the lialial*”; (minute 2:45)
  - d) “*Olaplex it's one of the companies that was **very aware***”; (minute 3:25)
  - e) “*In the past..., to show that **Olaplex was aware about these things**, we use **only** in 2 products*”; (minute 3:45)
  - f) “*and in the past, when we **find out** that eventually **this ingredient [butylphenyl methylpropional / lialial] can have other side effects**, we decided to take it out*; (minute 4:10)
  - g) “*this ingredient [butylphenyl methylpropional / lialial] at our existing level – which actually we are not using anymore – **should not** create any human problem, hormonal or fertility or anything regarding to humans reactions*”;

(minute 4:25)

- h) “We can say – and I am **very proud** about our department and our company saying – that in this moment Olaplex it’s Lilial-free” (minute 5:00)
27. The problem is that Olaplex never informed consumers about the allergen risks, or about the side effects such as “*hormonal or fertility*” and only spoke out about this for this first time on February 28, 2022, because, as Ms. Popescu states “*I like to address this lilial subject that recently the entire industry is talking about*” (minute 1:25);
28. Olaplex always advertised Olaplex No. 3 Hair Repair Perfector as “safe”. For example, on the previous version of the “Safety Data Sheet” for this product on its website (<https://olaplex.com/pages/safety-data-sheets>) dated **March 31, 2020**, Olaplex does not refer to any allergens or side effects and under Section 11 titled “Toxicological Information” states “*This is a personal care or cosmetic product that is **safe for consumers***”, even though it lists “butylphenyl methylpropional” as an ingredient and that this chemical is classified as a “reprotoxic” by the European Commission, Applicant communicating the Safety Data Sheet as **Exhibit P-11**;
29. Yet we know that Olaplex was aware of all of the risks linked to butylphenyl methylpropional because Ms. Popescu admits to this (and some) in Exhibit P-10;
30. The current version of the Safety Data Sheet on Olaplex’s website, dated **June 27, 2021**, shows that butylphenyl methylpropional has been removed from the ingredients, Applicant communicating **Exhibit P-12**. However, the Applicant was able to prove this is false, at least in Quebec, because the bottle she purchased from Sephora on March 2, 2022 contained butylphenyl methylpropional (see paragraphs 14.1 to 14.5 above and Exhibits P-15, P-16 and P-17);
31. Clearly, Olaplex tried to very subtly remove this dangerous chemical from Olaplex No. 3 Hair Repair Perfector in June of 2021 and hoped that its customers would never realize. It only acknowledged and spoke publicly about the safety issues after its use of lilial in Olaplex No. 3 Hair Repair Perfector went viral on social media in February 2022 (Olaplex No. 3 is one of the most popular products in the world today);
32. Olaplex’s conduct is egregious because it did not perform a recall of the product or even inform Class members, such as the Applicant, that the bottle they just purchased (in January 2021 and March 2, 2022 in the case of the Applicant) contains a dangerous chemical that they claim to have since removed from their product (supposedly around June 2021), meaning that they did not even afford their customers the opportunity to make an informed decision after the fact (this goes to the analysis of the Defendants’ conduct post-violation);
33. Olaplex caused customers to continue using the product containing butylphenyl methylpropional in 2021 (and March 2022 in Quebec), and did not issue any

social media posts or publications on the topic at the time. It was only in late February 2022, when certain influencers began exposing Olaplex on social media – and that it began impacting Olaplex’s reputation and revenues – that Olaplex finally admitted to what it knew (see Exhibit P-10 for example);

34. As for Sephora, as of the date of the filing of the present application, it still sells Olaplex No. 3 Hair Repair Perfector as a safe product to consumers in stores and on its website, which still lists butylphenyl methylpropional as an active ingredient (see Exhibit P-4). It continues to sell Olaplex No. 3 Hair Repair Perfector containing butylphenyl methylpropional, despite Olaplex declaring the opposite;
35. Sephora is well aware of the risks associated with butylphenyl methylpropional, as it describes itself on its website as “*Sephora is a leader in global prestige retail, teaching and inspiring clients to play in a world of beauty. Owned by LVMH Moët Hennessy Louis Vuitton, the world's leading luxury goods group, Sephora has earned its reputation as a beauty trailblazer with its expertise, innovation, and entrepreneurial spirit*”. LVMH’s head office is in Europe, specifically in Paris, France;
36. The conduct of both Sephora and Olaplex is intentional, in bad faith, is lax and careless towards consumers’ rights and warrants a meaningful condemnation in punitive damages;
37. As such, Applicant is entitled to and hereby does claim punitive damages pursuant to s. 272 CPA on her behalf and on behalf of all Class members;
38. Olaplex has a market cap of more than \$11 billion and the Applicant estimates that Olaplex No. 3 Hair Repair Perfector was purchased by hundreds of the thousands of people. In the circumstances, punitive damages in the aggregate amount of \$10 million (or approximately \$100 per Class member) is appropriate;

**B) THE CLAIMS OF THE MEMBERS OF THE CLASS RAISE IDENTICAL, SIMILAR OR RELATED ISSUES OF LAW OR FACT:**

39. The recourses of the Class Members raise identical, similar or related questions of fact or law, namely:
  - a) Did the Defendants violate s. 228 CPA when selling Olaplex No. 3 Hair Repair Perfector containing butylphenyl methylpropional and, if so, are Class members entitled to compensatory and punitive damages?
  - b) Did Olaplex and Sephora continue selling Olaplex No. 3 Hair Repair Perfector containing butylphenyl methylpropional in Quebec after Olaplex publicly declared that it “proactively removed lialal from our N°3 Hair Perfector globally”, and, if so, are Class members entitled to compensatory and punitive damages?
  - c) Do Defendants act in bad faith?



- d) When does prescription start for Class members and what are the factors common to the Class members regarding the impossibility in fact to act?

**C) THE COMPOSITION OF THE CLASS**

40. The composition of the Class makes it difficult or impracticable to apply the rules for mandates to take part in judicial proceedings on behalf of others or for consolidation of proceedings;
41. Olaplex No. 3 Hair Repair Perfector is a very popular product and is used by, at the very least, tens of thousands of people in Quebec and in Canada;
42. The size of the Class is conservatively estimated to include tens of thousands of members in the province of Quebec alone;
43. The names and addresses of all persons included in the Class are not known to the Applicant;
44. Class members are very numerous and are dispersed across the province, across Canada and elsewhere;
45. These facts demonstrate that it would be impractical, if not impossible, to contact each and every Class member to obtain mandates and to join them in one action;
46. In these circumstances, a class action is the only appropriate procedure for all Class members to effectively pursue their respective rights and have access to justice without overburdening the court system;

**D) THE CLASS MEMBER REQUESTING TO BE APPOINTED AS REPRESENTATIVE PLAINTIFF IS IN A POSITION TO PROPERLY REPRESENT THE CLASS MEMBERS**

47. Applicant requests that she be appointed the status of representative plaintiff for the following main reasons:
- a) she is a member of the Class and has a personal interest in seeking the conclusions that he proposes herein;
  - b) she is competent, in that they he has the potential to be the mandatary of the action if it had proceeded under article 91 of the *Code of Civil Procedure*;
  - c) her interests are not antagonistic to those of other Class members;
48. Additionally, Applicant respectfully adds that:
- a) in late February 2022, she was shocked to learn via social media about the infertility risks associated with the Olaplex No. 3 Hair Repair Perfector that

she had been using for years;

- b) she is frustrated and prejudiced by the fact that Olaplex claims to have removed the ingredient in June 2021, but never informed their customers at the time as she would have certainly stopped using the bottle she purchased in January 2021, which still has some product in it, Applicant disclosing her bottle as **Exhibit P-13**;
  - c) she mandated her attorney to file the present application for the sole purpose of having her rights, as well as the rights of other Class members, recognized and protected so that they may be compensated for the damages that they have suffered as a consequence of Defendants' illegal behavior and so that the Defendants can be held accountable for their misconduct;
  - d) she cooperates and will continue to fully cooperate with her attorney, who has experience in consumer protection-related class actions;
  - e) she understands the nature of the action;
49. As for identifying other Class members, Applicant draws certain inferences from the situation and realizes that by all accounts, there is a very important number of Class members that find themselves in an identical situation, and that it would not be any more useful for her to attempt to identify them given their sheer number;

### **III. DAMAGES**

50. During the Class Period, the Defendants have likely generated millions of dollars (if not more) from purchases made by Class members of Olaplex No. 3 Hair Repair Perfector while failing to inform these members of the infertility risks associated to butylphenyl methylpropional;
51. Defendants' misconduct – which consists of intentional omissions within the meaning of the CPA and false declarations to the effect that it “proactively removed lialial from our N°.3 Hair Perfector globally” – is reprehensible and to the detriment of vulnerable consumers;
52. Consequently, Defendants have breached several obligations imposed on them under consumer protection and trade practice legislation in Quebec [...], including:
- a) Quebec's *Consumer Protection Act*, notably ss. 215, 219, 228 and 272;
  - b) The *Civil Code of Quebec*, notably articles 6, 7, 1400, 1401 and 1407;
  - c) to k) [...]
53. In light of the foregoing, the following damages may be claimed against the

Defendants:

- a) reimbursement of the price paid for bottles of Olaplex No. 3 Hair Repair Perfector containing butylphenyl methylpropional;
- b) compensatory damages, in an amount to be determined, on account of the damages suffered;
- c) punitive damages in the amount of \$10 million for the breach of obligations imposed on Defendants pursuant to section 272 CPA [...];

#### **IV. NATURE OF THE ACTION AND CONCLUSIONS SOUGHT**

54. The action that the Applicant wishes to institute on behalf of the Class members is an action in damages;
55. The conclusions that the Applicant wishes to introduce by way of an originating application are:

**GRANT** the Representative Plaintiff's action against Defendants on behalf of all the Class members;

**DECLARE** the Defendants solidarily liable for the damages suffered by the Applicant and each Class member;

**CONDEMN** the Defendants solidarily to pay the Representative Plaintiff and Class members compensatory damages in an amount to be determined and **ORDER** collective recovery of these sums;

**CONDEMN** the Defendants solidarily to pay Class members the sum of \$10 million on account of punitive damages, subject to adjustment, and **ORDER** collective recovery of these sums;

**CONDEMN** the Defendants solidarily to pay interest and the additional indemnity on the above sums according to law from the date of service of the *Application to Authorize the Bringing of a Class Action and to Appoint the Status of Representative Plaintiff*;

**ORDER** the Defendants to deposit in the office of this Court the totality of the sums which forms part of the collective recovery, with interest and costs;

**ORDER** that the claims of individual Class members be the object of collective liquidation if the proof permits and alternately, by individual liquidation;

**CONDEMN** the Defendants solidarily to bear the costs of the present action at all levels, including the cost of all exhibits, notices, the cost of management of claims and the costs of experts, if any, including the costs of experts required to

establish the amount of the collective recovery orders;

**RENDER** any other order that this Honourable Court shall determine;

56. The interests of justice favour that this Application be granted in accordance with its conclusions;

#### **V. JURISDICTION**

57. Applicant respectfully requests that this class action be exercised before the Superior Court in the district of Montreal because she is a consumer domiciled and residing in the district of Montreal;

#### **VI. PRESCRIPTION AND IMPOSSIBILITY TO ACT**

58. Prescription should not run against Class members because it was impossible in fact for them to act;
59. Indeed, Class members could not have acted previously as they had no reason to suspect that Defendants were concealing important safety/health risks from them prior to the Defendants publicly stating on February 28, 2022, that since January 2022 they claim to have removed the chemical butylphenyl methylpropional from Olaplex No. 3 Hair Repair Perfector;

#### **FOR THESE REASONS, MAY IT PLEASE THE COURT:**

1. **GRANT** the present application;
2. **AUTHORIZE** the bringing of a class action in the form of an originating application in damages;
3. **APPOINT** the Applicant the status of Representative Plaintiff of the persons included in the Class herein described as:

**Class:**

All consumers who purchased, in Quebec, Olaplex No. 3 Hair Repair Perfector containing Butylphenyl Methylpropional (lilial).

(hereinafter referred to as the “**Class**”)

or any other Class to be determined by the Court;

4. **IDENTIFY** the principle questions of fact and law to be treated collectively as the following:
  - a) Did the Defendants violate s. 228 CPA when selling Olaplex No. 3 Hair Repair Perfector containing butylphenyl methylpropional and, if so, are

Class members entitled to compensatory and punitive damages?

- b) Did Olaplex and Sephora continue selling Olaplex No. 3 Hair Repair Perfector containing butylphenyl methylpropional in Quebec after Olaplex publicly declared that it “proactively removed liliol from our N°.3 Hair Perfector globally”, and, if so, are Class members entitled to compensatory and punitive damages?
  - c) Do Defendants act in bad faith?
  - d) When does prescription start for Class members and what are the factors common to the Class members regarding the impossibility in fact to act?
5. **IDENTIFY** the conclusions sought by the class action to be instituted as being the following:
- a) **GRANT** the Representative Plaintiff’s action against Defendants on behalf of all the Class members;
  - b) **DECLARE** the Defendants solidarily liable for the damages suffered by the Applicant and each Class member;
  - c) **CONDEMN** the Defendants solidarily to pay the Representative Plaintiff and Class members compensatory damages in an amount to be determined and **ORDER** collective recovery of these sums;
  - d) **CONDEMN** the Defendants solidarily to pay Class members the sum of \$10 million on account of punitive damages, subject to adjustment, and **ORDER** collective recovery of these sums;
  - e) **CONDEMN** the Defendants solidarily to pay interest and the additional indemnity on the above sums according to law from the date of service of the *Application to Authorize the Bringing of a Class Action and to Appoint the Status of Representative Plaintiff*;
  - f) **ORDER** the Defendants to deposit in the office of this Court the totality of the sums which forms part of the collective recovery, with interest and costs;
  - g) **ORDER** that the claims of individual Class members be the object of collective liquidation if the proof permits and alternately, by individual liquidation;
  - h) **CONDEMN** the Defendants solidarily to bear the costs of the present action at all levels, including the cost of all exhibits, notices, the cost of management of claims and the costs of experts, if any, including the costs of experts required to establish the amount of the collective

recovery orders;

- i) **RENDER** any other order that this Honourable Court shall determine;
6. **ORDER** the publication of notice to the class members in accordance with article 579 C.C.P., pursuant to a further order of the Court, and **ORDER** the Defendants to pay for said publication costs;
7. **FIX** the delay of exclusion at thirty (30) days from the date of the publication of the notice to the members, date upon which the members of the Class that have not exercised their means of exclusion will be bound by any judgement to be rendered herein;
8. **DECLARE** that all members of the Class that have not requested their exclusion, be bound by any judgement to be rendered on the class action to be instituted in the manner provided for by the law;
9. **RENDER** any other order that this Honourable Court shall determine;
10. **THE WHOLE** with legal costs, including publication fees.

Montreal, June 9, 2022

*(s) LPC Avocat Inc.*

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**LPC AVOCAT INC.**

Mtre Joey Zukran

Attorney for the Applicant

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C A N A D A

PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

(Class Action)  
SUPERIOR COURT

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NO: 500-06-001178-223

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Applicant

v.

OLAPLEX, INC.  
and  
OLAPLEX HOLDINGS, INC.  
and  
SEPHORA BEAUTY CANADA, INC.

Defendants

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- Exhibit P-1:** Copy of Olaplex's Terms & Conditions;
- Exhibit P-2:** Copy of Sephora's Terms of Use;
- Exhibit P-3:** Copy of Quebec Business Registry for Sephora Beauty Canada Inc.;
- Exhibit P-4:** Screen capture of Sephora's website taken on March 3, 2022: <https://www.sephora.com/ca/en/product/olaplex-hair-perfector-no-3-P435618>;
- Exhibit P-5:** Copy of the 2019 European Commissions' *Scientific Committee on Consumer Safety*, report on Butylphenyl methylpropional (p-BMHCA);
- Exhibit P-6:** Copy of the Commission Delegated Regulation (EU) 2020/1182 of May 19, 2020;
- Exhibit P-7:** Copy of March 2, 2022 article on [www.ewg.org](http://www.ewg.org) titled "*Lilial and fertility: EU bans toxic fragrance ingredient from personal care products*";
- Exhibit P-8:** Screen capture of Olaplex's Facebook post on February 28, 2022;
- Exhibit P-9:** Copy of Applicant's January 19, 2021 Sephora order: #33888149529;
- Exhibit P-10:** Video published on Olaplex's social media on February 28, 2022;

- Exhibit P-11:** Copy of the Safety Data Sheet from Olaplex's website, dated March 31, 2020, for No. 3 Hair Repair Perfector;
- Exhibit P-12:** Copy of the Safety Data Sheet from Olaplex's website, dated June 27, 2021 for No. 3 Hair Repair Perfector;
- Exhibit P-13:** Olaplex's No. 3 Hair Repair Perfector bottle purchased by Applicant from Sephora on January 19, 2021;
- Exhibit P-14:** Extract of Olaplex's webpage titled "OLAPLEX is CLEAN and Non-Toxic... but What Does That Mean?" (<https://olaplex.com/blogs/news/olaplex-is-clean-and-non-toxic-but-what-does-that-mean>);
- Exhibit P-15:** Copy of order confirmation #42726894290 for Olaplex No. 3 Hair Repair Perfector sent to Applicant by Sephora following her order from Sephora's website made on March 2, 2022;
- Exhibit P-16:** Copy of email from Sephora sent to Applicant on March 4, 2022, titled "Your order #42726894290 has arrived!";
- Exhibit P-17:** En liasse, pictures of the bottle and the box Applicant received from Sephora on March 4, 2022;
- Exhibit P-18:** Copy of the European Commission's Scientific Committee on Consumer Safety report titled "Opinion on Butylphenyl methylpropional (BMHCA)", dated August 12, 2015 and revised on March 16, 2016.

These exhibits are available on request.

Montreal, June 9, 2022

(s) LPC Avocat Inc.

**LPC AVOCAT INC.**

Mtre Joey Zukran

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(Class Action)  
SUPERIOR COURT  
DISTRICT OF MONTREAL

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EDEN OHAYON

Applicant

v.

OLAPLEX, INC.  
OLAPLEX HOLDINGS, INC.  
SEPHORA BEAUTY CANADA, INC.

Defendants

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**AMENDED APPLICATION TO AUTHORIZE THE  
BRINGING OF A CLASS ACTION AND TO APPOINT  
THE STATUS OF REPRESENTATIVE PLAINTIFF  
(ARTICLES 571 AND FOLLOWING C.C.P.)**

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**ORIGINAL**

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**BL 6059**

N/D : JZ-237

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