

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

J. RAFAEL COSIO, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

VITALIZE LABS, LLC,

Defendant.

Case No. 1:13-cv-02470-RJD-RLM

**CONSENTED-TO MOTION FOR
DISMISSAL OF PLAINTIFF J.
RAFAEL COSIO'S CLAIMS**

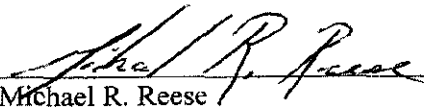
Pursuant to the confidential settlement agreement into which the parties to the above-captioned action have entered (the "Settlement Agreement"), the principal terms of which the Court has approved (*see* Minute Entry, Oct. 28, 2015, ECF No. 63), plaintiff J. Rafael Cosio ("Plaintiff"), with the consent of defendant Vitalize Labs, LLC, hereby moves pursuant to Federal Rule of Civil Procedure 41(a)(2) for dismissal of all of his claims in the above-captioned action without prejudice.

Pursuant to the Settlement Agreement, Plaintiff requests for the dismissal to remain without prejudice until July 13, 2016, or until Plaintiff receives the last payment due under the Settlement Agreement, whichever is later, at which point the dismissal shall be with prejudice.

DATE: November 19, 2015

Respectfully submitted,


REESE LLP



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So Ordered

/s/ Judge Raymond J. Dearie


11/25/15

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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on November 24, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of the filing to all registered participants identified on the Notice of Electronic Filing.

/s/ Michael R. Reese
Michael R. Reese