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10 *Attorneys for Plaintiff,*

11 Kevin Gioia, Aurelio Batista and

12 Lydia Polanco

13 **UNITED STATES DISTRICT COURT**
14 **SOUTHERN DISTRICT OF CALIFORNIA**

15 **KEVIN GIOIA; and AURELIO**
16 **BATISTA, Individually And On**
17 **Behalf Of All Others Similarly**
18 **Situated,**

19 Plaintiffs,

20 v.

21 **GNC HOLDINGS, INC.,**

22 Defendant.

23 **LYDIA POLANCO, Individually**
24 **And On Behalf Of All Others**
25 **Similarly Situated,**

26 Plaintiffs,

27 v.

28 **GNC HOLDINGS, INC.,**

Defendant.

LISA M. RICE, (SBN 177898)

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Attorneys for Defendant,

GNC Holdings, Inc.

Case No.: 15-cv-2273-WQH-NLS

NOTICE OF SETTLEMENT

Judge: Hon. William Q. Hayes

Magistrate: Hon. Nita L. Stormes

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1 **NOTICE IS HEREBY GIVEN** that plaintiffs KEVIN GIOIA, AURELIO
2 BATISTA AND LYDIA POLANCO (“Plaintiffs”) and defendant GNC
3 HOLDINGS, INC., (“Defendant”) (collectively referred to as the “Parties”) have
4 reached an individual, confidential settlement in this matter. The Parties anticipate
5 filing a Joint Motion for Dismissal pursuant to the Federal Rules of Civil
6 Procedure, Rule 41(a)(1)(A)(ii) with prejudice as to Plaintiff’s individual claims
7 and without prejudice as to any claims of absent putative class members within
8 sixty (60) days.

9 Accordingly, the Parties request that all pending dates and filing
10 requirements be vacated and that the Court set a deadline for the Parties to file a
11 joint dismissal within sixty (60) days of the Court’s Order.

12 Dated: January 20, 2017

Respectfully submitted,

KAZEROUNI LAW GROUP, APC

By: /s/ Andrei Armas
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ANDREI ARMAS, ESQ.
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26 //

27 //

28 //

GOTTLIEB & ASSOCIATES

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Dated: January 20, 2017

Respectfully submitted,

WFBM, LLP

By: /s/ Katie A. Stricklin

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ATTORNEYS FOR DEFENDANT

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SIGNATURE CERTIFICATION

Pursuant to Section 2(f)(4) of the Electronic Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to defense counsel, and that I have obtained defense counsel's authorization to affix defense counsel's electronic signature to this document.

Dated: January 20, 2017

Respectfully submitted,

KAZEROUNI LAW GROUP, APC

By: /s/ Andrei Armas
ANDREI ARMAS, ESQ.
ATTORNEY FOR PLAINTIFF

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PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Kazerouni Law Group, APC, 1939 Harrison Street, Suite 912, Oakland, California 94612. On January 20, 2017, I served the within document(s):

NOTICE OF SETTLEMENT

- CM/ECF - by transmitting electronically the document(s) listed above to the electronic case filing system on this date before 11:59 p.m. The Court’s CM/ECF system sends an e-mail notification of the filing to the parties and counsel of record who are registered with the Court’s CM/ECF system.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on January 20, 2017, at Oakland, California.

 /s/ Andrei Armas
ANDREI ARMAS, ESQ.