

No. 16-3615 (consolidated with 16-3507, 16-3519, 16-3541)

IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

NICK PEARSON, *et al.*,
Plaintiffs-Appellees,

v.

NBTY, INC., a Delaware corporation, *et al.*,
Defendants-Appellees.

APPEAL OF: THEODORE H. FRANK
Objectors-Appellee/Cross-Appellant.

On Appeal from the United States District Court
for the Northern District of Illinois, No. 1:11-cv-07972,
Judge James B. Zagel

Unopposed Motion for Voluntary Dismissal

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Pursuant to Federal Rule of Appellate Procedure 42(b), Objector-Appellant Theodore H. Frank moves to dismiss the above-captioned appeal with prejudice. The parties agree that each side shall bear its own costs and fees on appeal pursuant to Federal Rule of Appellate Procedure 42(b). Objector Frank, his attorneys, and any entities affiliated with Frank have neither requested nor received any pecuniary compensation nor any other consideration for this withdrawal.

Dated: November 8, 2016

/s/ Melissa A. Holyoak

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Proof of Service

I hereby certify that on November 8, 2016, I electronically filed the foregoing with the Clerk of the United States Court of Appeals for the Seventh Circuit using the CM/ECF system, thereby effecting service on counsel of record who are registered for electronic filing under Cir. R. 25(a).

/s/ Melissa A. Holyoak

Melissa A. Holyoak