

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NICK PEARSON, FRANCISCO
PADILLA, CECILIA LINARES,
AUGUSTINA BLANCO, ABEL
GONZALEZ, and RICHARD JENNINGS,
On Behalf of Themselves and All Others
Similarly Situated,

Plaintiffs,

vs.

NBTY, INC., a Delaware corporation;
REXALL SUNDOWN, INC., a Florida
corporation; and TARGET
CORPORATION, a Minnesota Corporation,

Defendants.

Case No. 11 CV 07972

CLASS ACTION

**NOTICE OF APPEAL TO THE
UNITED STATES COURT OF
APPEALS FOR THE SEVENTH
CIRCUIT**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Plaintiff-Intervenor RANDY NUNEZ, on behalf of himself and all others similarly situated (collectively, “Plaintiffs”), hereby appeal to the United States Court of Appeals for the Seventh Circuit from the District Court’s Final Judgment and Order (Dkt. No. 288), entered on August 26, 2016, and all opinions and orders that merge therein, and including:

1. Court’s notification of docket entry entered on July 14, 2016 (Dkt. No. 285),
Plaintiffs' Motion for Final Approval of Class Action Settlement is granted.

Objector Theodore H. Frank's Motion for Attorneys' Fees and Memorandum of Law in Support and Plaintiffs' Motion for an Award of Attorneys' fees and Expenses and Incentive Awards;

2. Court's notification of docket entry entered on July 28, 2016 (Dkt. No. 286), Plaintiffs' Motion for Attorney Fees is granted. Objector Theodore H. Frank's Motion for Attorneys' Fees is granted in part;
3. Court's Memorandum Opinion and Order entered on October 1, 2015 (Dkt. No. 227), denying Plaintiff-Intervenor's Motion to Intervene and have his counsel appointed as interim lead counsel for the Flex-a-Min purchasers.

Dated: September 23, 2016

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Randy Nunez*

CERTIFICATE OF SERVICE

The undersigned, an attorney of record for the plaintiff, hereby certifies that on September 23, 2016, he served a copy of the above notice of appeal and this certificate of service on:

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by electronic means pursuant to Electronic Case Filing (ECF). Pursuant to FRCP 5, the undersigned certifies that, to his best information and belief, there are no non-CM/ECF participants in this matter.

/s/ Todd D. Carpenter
Todd D. Carpenter