

Appeal No. 16-3541

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

NICK PEARSON, *et al.*,

Plaintiffs-Appellees

v.

NBTY, INC., *et al.*

Defendants-Appellees.

APPEAL OF PATRICK S. SWEENEY

Objector-Appellant.

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

JOINT MOTION FOR VOLUNTARY DISMISSAL

Pursuant to Federal Rule of Appellate Procedure 42(b), Objector-Appellant Patrick S. Sweeney, all Defendants-Appellees, and all Plaintiffs-Appellees hereby jointly move to dismiss the above-captioned appeal with prejudice. The parties have agreed that each side shall bear its own costs and fees on appeal pursuant to Federal Rule of Appellate Procedure 42(b).

Dated: November 7, 2016

Respectfully submitted,

Respectfully submitted

By: /s/ Patrick S. Sweeney

By: /s/ Kara L. McCall

Patrick S. Sweeney, Pro Se
666 Odana Road
Suite 116
Madison, WI 53711
(310) 339-0548

Kara L. McCall
Sidley Austin LLP
One South Dearborn Street
Chicago, IL 60303
(312) 853-7000

Objector-Appellant

*Counsel for Defendants-Appellees NBTY, Inc.,
Rexall Sundown, Inc., and Target Corporation*

By: /s/ Stewart M. Weltman

By: /s/ Peter N. Freiberg

Stewart M. Weltman
BOODELL & DOMANSKIS, LLC
1 North Franklin Street, #1200
Chicago, Illinois 60606
Telephone: 312-938-4070

Peter N. Freiberg
Jeffrey I. Carton
DENLEA & CARTON LLP
2 Westchester Park Drive, Suite 410
White Plains, New York 10604
Telephone: (914) 331-0100

Elaine A. Ryan
Patricia N. Syverson
BONNETT, FAIRBOURN, FRIEDMAN
& BALINT, P.C.
2325 E. Camelback Rd., Suite 300
Phoenix, Arizona 85016
Telephone: (602) 274-1100

*Attorneys for Plaintiff-Appellee Richard
Jennings*

*Attorneys for Plaintiffs-Appellees
Francisco Padilla, Cecilia Linares,
Augustina Blanco, and Abel Gonzalez*

Proof of Service

I hereby certify that on November 7, 2016, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the CM/ECF system. I certify that all participants and counsel of record in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system. I also certify that I served Objector-Appellant Patrick Sweeney with the foregoing via email.

/s/ Kara L. McCall
Kara L. McCall
SIDLEY AUSTIN LLP
One South Dearborn Street
Chicago, IL 60603
(312) 853-7000

*Counsel for Defendants-Appellees NBTY,
Inc., Rexall Sundown, Inc., and Target
Corporation*