

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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

Plaintiffs,

v.

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

Defendants.

No. 1:11-cv-7972

CLASS ACTION

Judge James B. Zagel

ORDER

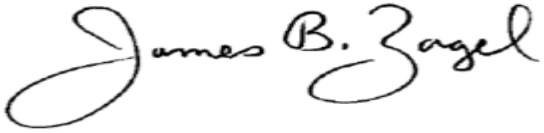
This case is part of a group of class action suits regarding the veracity of claims made about various glucosamine and chondroitin joint health dietary supplement products, which are manufactured by Defendant Rexall Sundown, Inc. (“Rexall”) and sold by retailers including Costco, CVS, and Defendant Target Corporation (“Target”). In addition to this case, the related pending cases include *Cardenas, et al. v. NBTY, Inc. et al.*, 2:11-cv-01615-TLN-CKD (E.D. Cal.); *Jennings v. Rexall Sundown, Inc.*, 1:11-cv-11488-WGY (D. Mass.); *Linares, et al. v. Costco Wholesale, Inc.*, 3:11-cv-0547-MMA-BGS (S.D. Cal.); and *Blanco v. CVS Pharmacy, Inc.*, 5:13-cv-00406-JGB-SP (C.D. Cal.). In April 2013, the Parties in each of the five cases reached and executed a written settlement, to which this Court granted final approval with some modifications in January 2014. In November 2014, responding to an appeal brought by class members and objectors from the Center for Class Action Fairness, the Seventh Circuit reversed the settlement and remanded the case to this Court. Plaintiffs and Rexall then embarked on

negotiations before Hon. Wayne R. Andersen and reached a revised settlement that addresses the concerns of the Seventh Circuit. The parties appeared before me on January 13, 2016 seeking preliminary approval of this revised settlement.

“In deciding whether to preliminarily approve a settlement, courts must consider: (1) the strength of plaintiffs’ case compared to the terms of the proposed settlement; (2) the likely complexity, length and expense of continued litigation; (3) the amount of opposition to settlement among effected parties; (4) the opinion of competent counsel; and (5) the stage of the proceedings and the amount of discovery completed.” *In re AT & T Mobility Wireless Data Services Sales Litigation*, 270 F.R.D. 330, 346 (N.D. Ill. 2010). *See also Kessler v. Am. Resorts Int'l's Holiday Network, Ltd.*, Nos. 05 C 5944 & 07 C 2439, 2007 WL 4105204, at *5 (N.D.Ill. Nov.14, 2007) (“Although [the ‘fair, reasonable, and adequate’] standard and the factors used to measure it are ultimately questions for the fairness hearing that comes after a court finds that a proposed settlement is within approval range, a more summary version of the same inquiry takes place at the preliminary phase.”); *Isby v. Bayh*, 75 F.3d 1191, 1199 (7th Cir. 1996) (Courts “do not focus on individual components of the settlement [], but rather view them in their entirety in evaluating their fairness.”)

Based on the parties’ careful consideration of the Seventh Circuit opinion, the efforts of Judge Andersen in overseeing the negotiations, the substantive changes the parties have made to the original agreement in response to the Seventh Circuit’s concerns, and the Center for Class Action Fairness’ stated approval of the revisions, I am granting Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement [Dkt 212]. The parties shall notify class members of the proposed settlement and submit an order with dates for a fairness hearing by 2/5/16.

ENTER:

A handwritten signature in black ink that reads "James B. Zagel". The signature is written in a cursive style with a large, looping initial "J".

James B. Zagel
United States District Judge

DATE: January 19, 2016