

1 BONNETT, FAIRBOURN, FRIEDMAN & BALINT, P.C.  
Patricia N. Syverson (203111)  
2 Manfred P. Muecke (222893)  
psyverson@bffb.com  
3 mmuecke@bffb.com  
600 W. Broadway, Suite 900  
4 San Diego, California 92101  
Telephone: (619) 798-4593  
5

BONNETT, FAIRBOURN, FRIEDMAN & BALINT, P.C.  
6 Elaine A. Ryan (*Admitted Pro Hac Vice*)  
eryan@bffb.com  
7 2325 E. Camelback Road, #300  
Phoenix, AZ 85016  
8 Telephone: (602) 274-1100  
Facsimile: (602) 274-1199  
9

BOODELL & DOMANSKIS, LLC  
10 Stewart M. Weltman (*Admitted Pro Hac Vice*)  
Max A. Stein (*Admitted Pro Hac Vice*)  
11 Nada Djordjevic (*Admitted Pro Hac Vice*)  
sweltman@boodlaw.com  
12 mstein@boodlaw.com  
ndjordjevic@boodlaw.com  
13 1 N. Franklin Street, Suite 1200  
Chicago, IL 60606  
14 Telephone: (312) 938-1670

15 *Attorneys for Plaintiffs and the Proposed Class*  
16 [Additional counsel appear on signature page]

17 **UNITED STATES DISTRICT COURT**  
18 **CENTRAL DISTRICT OF CALIFORNIA**

19 NOAH BRADACH and LAURA  
CORBETT, On Behalf of Themselves  
20 and All Others Similarly Situated,  
21 Plaintiffs,  
22 v.  
23 PHARMAVITE, LLC, a California  
24 limited liability company,  
25 Defendant.  
26

Case No.: 2:14-cv-03218-GHK(AGRx)  
CLASS ACTION

**PLAINTIFFS' MOTION TO  
VOLUNTARILY DISMISS LAURA  
CORBETT'S CLAIMS WITH  
PREJUDICE AND FOR ENTRY OF  
FINAL JUDGMENT**

DATE: October 31, 2016  
TIME: 9:30 a.m.  
DEPT: 650  
JUDGE: Hon. George H. King

27  
28

1 Plaintiffs respectfully submit this motion pursuant to Federal Rule of Civil  
2 Procedure 41(a)(2), to voluntarily dismiss, with prejudice, the claims of Plaintiff  
3 Laura Corbett, and for entry of a final judgment in this case. The dismissal with  
4 prejudice notwithstanding, in the event a class in this matter is certified and prevails  
5 (or obtains a settlement), Ms. Corbett will be entitled to participate in a damage award  
6 or settlement to the extent (but only to the extent) she falls within the definition of  
7 the class (or settlement class).

8 **I. ARGUMENT**

9 **A. LEGAL STANDARD.**

10 Under Federal Rule of Civil Procedure 41(a)(2), at the plaintiff's request, an  
11 action may be dismissed by order of the court on terms that the court considers  
12 proper. Fed. R. Civ. P. 41(a)(2). Defendant does not oppose this motion.

13 **B. MS. CORBETT'S REQUEST FOR VOLUNTARY DISMISSAL  
14 WITH PREJUDICE.**

15 In their Third Consolidated Class Action Complaint, Plaintiffs Laura Corbett  
16 and Noah Bradach brought this action on behalf of themselves and all others similarly  
17 situated against Defendant Pharmavite, LLC alleging that Defendant's representation  
18 on its Vitamin E products that the products "help[] maintain a healthy heart," are  
19 false, misleading, and deceptive. (D.E. 151.) On July 6, 2016, the Court denied  
20 Plaintiff Noah Bradach's motion for class certification. (D.E. 202, July 6, 2016  
21 Order.)

22 On August 25, 2016, the Court held that Plaintiff Noah Bradach's individual  
23 claims were preempted disease claims and dismissed Plaintiff Noah Bradach's  
24 individual claims, with prejudice. (D.E. 210, at p. 1.)

25 **C. ENTRY OF FINAL JUDGMENT.**

26 The Court previously dismissed Plaintiff Noah Bradach's claims. (D.E. 210.)  
27 If the Court allows Plaintiff Laura Corbett to dismiss her claims, no claims will  
28

1 remain in this case. Plaintiffs accordingly ask the Court to enter a final judgment in  
2 this action.

3 **II. CONCLUSION**

4 For the reasons stated herein, Plaintiffs respectfully request that the Court issue  
5 an order granting this motion; dismissing Plaintiff Laura Corbett’s claims with  
6 prejudice pursuant to Fed. R. Civ. P. 41(a)(2); and entering a final judgment in this  
7 case.

8  
9 Dated: October 11, 2016 BONNETT, FAIRBOURN, FRIEDMAN  
& BALINT, P.C.

10 /s/ Patricia N. Syverson  
11 \_\_\_\_\_  
12 BONNETT, FAIRBOURN, FRIEDMAN  
& BALINT, P.C.  
13 Patricia N. Syverson (203111)  
Manfred P. Muecke (222893)  
14 psyverson@bffb.com  
mmuecke@bffb.com  
15 600 W. Broadway, Suite 900  
San Diego, California 92101  
Telephone: (619) 798-4593

16 BONNETT, FAIRBOURN, FRIEDMAN  
& BALINT, P.C.  
17 Elaine A. Ryan (*Admitted Pro Hac Vice*)  
2325 E. Camelback Road, Suite 300  
18 Phoenix, AZ 85016  
eryan@bffb.com  
19 Telephone: (602) 274-1100

20 BOODELL & DOMANSKIS, LLC  
Stewart M. Weltman (*Admitted Pro Hac Vice*)  
21 sweltman@boodlaw.com  
Max A. Stein (*Admitted Pro Hac Vice*)  
22 mstein@boodlaw.com  
Nada Djordjevic (*Admitted Pro Hac Vice*)  
23 ndjordjevic@boodlaw.com  
1 N. Franklin Street, Suite 1200  
24 Chicago, IL 60606  
Telephone: (312) 938-1670

25  
26 GOLDMAN SCARLATO & PENNY P.C.  
Brian D. Penny (*Admitted Pro Hac Vice*)  
27 penny@lawgsp.com  
Douglas J. Bench, Jr.  
28 bench@lawgsp.com  
Eight Tower Bridge, Suite 1025

Conshohocken, Pennsylvania 19428  
Telephone: (484) 342-0700

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that on October 11, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic mail notice list.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 11, 2016.

/s/ Patricia N. Syverson  
Patricia N. Syverson (203111)  
BONNETT FAIRBOURN FRIEDMAN &  
BALINT, P.C.  
Patricia N. Syverson (203111)  
psyverson@bffb.com  
600 W. Broadway, Suite 900  
San Diego, California 92101  
Telephone: (619) 798-4593

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

NOAH BRADACH and LAURA  
CORBETT, On Behalf of Themselves  
and All Others Similarly Situated,

Plaintiffs,

v.

PHARMAVITE, LLC, a California  
limited liability company,

Defendant.

Case No.: 2:14-cv-03218-GHK(AGR<sub>x</sub>)

CLASS ACTION

**[PROPOSED] FINAL JUDGMENT  
AND ORDER GRANTING  
PLAINTIFFS' MOTION TO  
VOLUNTARILY DISMISS LAURA  
CORBETT'S CLAIMS WITHOUT  
PREJUDICE AND FOR ENTRY OF  
FINAL JUDGMENT**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

This cause has come before the Court upon Noah Bradach and Laura Corbett’s (“Plaintiffs”) Motion to Voluntarily Dismiss Laura Corbett’s Claims With Prejudice and for Entry of Final Judgment. The Court, having carefully considered the motion and good cause appearing, hereby ORDERS, ADJUDGES and DECREES that:

Plaintiff’s Motion is **GRANTED**.

Laura Corbett’s claims are dismissed with prejudice pursuant to Fed. R. Civ. P. 41(a)(2) and the Court directs the Clerk to enter final judgment.

**IT IS SO ORDERED**

DATED: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE GEORGE H. KING  
UNITED STATES DISTRICT JUDGE