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18 *Attorneys for Defendants NBTY, Inc.; Arthritis
19 Research Corp.; and Nature's Bounty, Inc.*

20 **UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

21 RANDY NUNEZ, On Behalf of Himself)
22 and All Others Similarly Situated,)

23 Plaintiff,)

24 vs.)

25 NBTY, INC. a Delaware Corporation;)
26 ARTHRITIS RESEARCH CORP., a)
Delaware Corporation; and NATURE'S)
27 BOUNTY, INC., a Delaware)
Corporation,)

28 Defendants.)

Case No. 3:13-CV-0495-MMA-BGS

CLASS ACTION

**STIPULATION OF VOLUNTARY
DISMISSAL WITH PREJUDICE
PURSUANT TO FED. R. CIV. P.
41(a)(1)(A)(ii)**

Judge: Hon. Michael M. Anello

Complaint Filed: March 1, 2013

1 In accordance with Rule 41(a)(1)(A)(ii) Federal Rule of Civil Procedure,
2 Plaintiff Randy Nunez (“Plaintiff”) and Defendants NBTY, Inc., Arthritis Research
3 Corp., and Nature’s Bounty, Inc. (“Defendants”), by and through their undersigned
4 counsel, hereby respectfully stipulate to the voluntary dismissal of the above-
5 captioned action with prejudice. As of November 8, 2016, all appeals in *Pearson v.*
6 *NBTY, et al.*, No. 11-cv-07972 (N.D. Ill.) have been resolved and a Judgment has been
7 entered. Plaintiff’s claims have been resolved through the *Pearson* Settlement.

8
9 **IT IS SO STIPULATED.**

10 Dated: December 2, 2016

Respectfully submitted,
SIDLEY AUSTIN LLP

11
12 By: /s/ Kara L. McCall
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14 *Attorneys for Defendants NBTY, Inc.;*
Arthritis Research Corp.; and Nature’s
Bounty, Inc.

15
16 Dated: December 2, 2016

Respectfully submitted,
Patterson Law Group

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1 I, Kara L. McCall, am the ECF user whose identification and password are
2 being used to file the instant document. Pursuant to Section 2(f)(4) of the Electronic
3 Case Filing Administrative Policies and Procedures of the United States District
4 Court for the Southern District of California, I certify that the content of this
5 document is acceptable to counsel for the Plaintiff and that I have obtained
6 authorization from James R. Patterson and Todd D. Carpenter to affix their electronic
7 signatures to this document.

8
9 /s/ Kara L. McCall
Kara L. McCall
10 Attorney for Defendants
11

12 **CERTIFICATE OF SERVICE**

13 I hereby certify that on December 2, 2016, a true and correct copy of the
14 following document was electronically filed and served on all counsel of record in this
15 action who are deemed to have consented to electronic service via the Court's
16 CM/ECF system: **Stipulation of Voluntary Dismissal with Prejudice Pursuant to**
17 **Fed. R. Civ. P. 41(a)(1)(A)(ii).**

18 Pursuant to the CM/ECF system, registration as a CM/ECF user constitutes
19 consent to electronic service through the Court's transmission facilities. Any other
20 counsel of record were served by electronic mail.
21

22 Dated: December 2, 2016

SIDLEY AUSTIN LLP

23
24 By: /s/ Kara L. McCall
Kara L. McCall

25 *Attorneys for Defendants NBTY, Inc.;*
26 *Arthritis Research Corp.; and Nature's*
27 *Bounty, Inc.*
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