

---

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

---

BRIAN SMITH, individually,  
MICHAEL ILARDO, individually, and on  
behalf of all others similarly situated,

Plaintiffs,

v.

LIFEVANTAGE CORP., a Delaware  
corporation, and DARREN JENSEN, an  
individual,

Defendants.

Case No. 2:18-cv-00621-DBB-JCB

Judge David B. Barlow

Magistrate Judge Jared C. Bennett

---

**JOINT MOTION TO DISMISS**

WHEREAS, Plaintiffs, Brian Smith and Michael Ilardo, and Defendants, LifeVantage Corporation, and Darren Jensen (together, the “Parties”), have resolved all claims and counterclaims asserted in this case.

NOW, THEREFORE, the Parties, through their attorneys of record, pursuant to Federal Rule of Civil Procedure 41(a), jointly move and hereby stipulate to the dismissal of all claims and counterclaims with prejudice, and with all attorneys’ fees, costs of court and expenses borne by the party incurring same.

DATED: December 15, 2022

By: /s/ Andrew Kochanowski  
**SOMMERS SCHWARTZ, P.C.**  
Andrew Kochanowski (*Pro Hac Vice*)  
One Towne Square, Suite 1700  
Southfield, MI 48076  
Tel.: (248) 355-0300  
akochanowski@sommerspc.com

**CHRISTENSEN YOUNG &  
ASSOCIATES**

Steven A. Christensen  
Cameron Christensen  
9980 South 300 West, Suite 200  
Sandy, UT 84080  
Tel.: (866) 676-6447  
steven@christensenyounqlaw.com  
cameron@christensenyounqlaw.com

**BAYKO, PREBEG, FAUCETT &  
ABBOTT PLLC**

Matthew John Prebeg (*Pro Hac Vice*)  
Stephen W. Abbott (*Pro Hac Vice*)  
Christopher M. Faucett (*Pro Hac Vice*)  
Brent T. Caldwell (*Pro Hac Vice*)  
Emil Thomas Bayko (*Pro Hac* pending)  
8441 Gulf Freeway #307  
Houston, TX 77017  
Tel: (832) 742-9260  
mprebeg@bpfalawfirm.com  
sabbott@pfalawfirm.com  
cfaucett@bpfalawfirm.com  
bcaldwell@bpfalawfirm.com  
tbayko@bpfalawfirm.com

**MARINO LAW PLLC**

Amy Marino (*Pro Hac Vice*) 18977  
W. Ten Mile Rd. Ste. 100E  
Southfield, MI 48075  
Tel.: 248-797-9944  
amy@marinoplhc.com

*Attorneys for Plaintiffs and the Putative Class*

Respectfully submitted,

By: /s/ John C.C. Sanders, Jr.  
Thomas M. Melsheimer (*Pro Hac Vice*)  
TX Bar No. 13922550  
tmelsheimer@winston.com  
John C.C. Sanders, Jr. (*Pro Hac Vice*)  
TX Bar No. 24057036  
jsanders@winston.com  
Rex A. Mann (*Pro Hac Vice*)  
TX Bar No. 24075509  
rmann@winston.com  
Katrina G. Eash (*Pro Hac Vice*)  
TX Bar No. 24074636  
keash@winston.com  
Chase J. Cooper (*Pro Hac Vice*)  
TX Bar No. 24087342  
ccooper@winston.com  
Rebecca Loegering (*Pro Hac Vice*)  
TX Bar No. 24098008  
rloegering@winston.com  
**Winston & Strawn LLP**  
2121 N. Pearl St., Suite 900  
Dallas, TX 75201  
Phone: 214-453-6500  
Fax: 214-453-6400

Robert S. Clark  
Jeffrey J. Hunt  
David C. Reymann  
Bryan S. Johansen  
**PARR BROWN GEE & LOVELESS**  
101 S 200 E Ste 700  
Salt Lake City, UT 84111  
Phone: 801- 532-7840  
Fax: 801-532-7750  
relark@parrbrown.com  
jhunt@parrbrown.com  
dreymann@parrbrown.com  
bjohansen@parrbrown.com

*Counsel for Defendants*

---

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

---

BRIAN SMITH, individually,  
MICHAEL ILARDO, individually, and on  
behalf of all others similarly situated,

Plaintiffs,

v.

LIFEVANTAGE CORP., a Delaware  
corporation, and DARREN JENSEN, an  
individual,

Defendants.

Case No. 2:18-cv-00621-DBB-JCB

**[PROPOSED] ORDER GRANTING  
THE PARTIES' MOTION TO  
DISMISS**

Judge David B. Barlow

Magistrate Judge Jared C. Bennett

---

The Court, having reviewed the Parties' Joint Motion to Dismiss, determines that the Joint Motion is and should be GRANTED.

Accordingly, IT IS HEREBY ORDERED THAT THIS ACTION BE, AND HEREBY IS, DISMISSED WITH PREJUDICE as to all claims, counterclaims, causes of action, and parties, with each party bearing that party's own attorney's fees and costs. The Clerk is directed to close the file.

IT IS SO ORDERED.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

BY THE COURT:

\_\_\_\_\_  
United States District Judge