

## ELECTION FORM INSTRUCTIONS

### *Harris v. ViSalus, Inc.*

In the United States District Court for the Eastern District of Michigan  
Civil Case No. 4:17-cv-12626

You must submit this Election Form by **August 28, 2019** if you wish to accept the Settlement Cash Option described below. If you wish to receive the Settlement Benefits Option, you should not submit this Election Form. If you do not timely submit this Election Form, you will be automatically enrolled in the Settlement Benefits Option described below. Please read the Notice of Settlement (which was emailed to you and is also available at [www.ViSalusFEIPSettlement.com](http://www.ViSalusFEIPSettlement.com)) carefully, before you submit this Election Form. You may either submit this Form online through the Settlement Website established for this purpose, or you may mail your completed Election Form back to the Settlement Administrator.

### **I. REQUIREMENTS TO BE A SETTLEMENT CLASS MEMBER**

For you to receive any benefits in connection with the Settlement, you must be a member of the Settlement Class. The Settlement Class is defined as:

All U.S. Independent Promoter (“IPs”) of ViSalus, Inc. (“ViSalus”) who qualified for units in the Founders’ Equity Incentive Plan (“FEIP”) between January 1, 2015 and March 1, 2017.

Excluded from the class, even if they meet the criteria above, are (i) Defendants, and any IPs owned, controlled or otherwise affiliated with any Defendant other than merely by the IP’s status as an IP; (ii) IPs who are named defendants, or who are owned, controlled, or otherwise affiliated with named defendants in *Kerrigan et al. v. ViSalus, Inc., et al.*, Case No. 2:14-cv-12693 (“Kerrigan Action”) other than merely the IP’s status as an IP; (iii) the presiding judge(s) and his or her (or their) immediate family; (iv) any individual that elects to be excluded from the Settlement Class; and (v) any person who has previously released claims against Defendants or whose claims have been fully and finally adjudicated by a court with jurisdiction over the claims. You have received this form because you meet the definition of a Settlement Class member based on the data maintained by ViSalus.

### **II. GENERAL INSTRUCTIONS**

Read all instructions below before filling out the Election Form.

1. Type or print legibly all information in blue or black ink.
2. Sign and date the Election Form under Part 3 of the form. **Your election will not be processed if your Election Form has not been signed and dated.**
3. Make a copy of your completed Election Form for your records. Then submit the form online or sign the form and mail to:

*Harris v. ViSalus, Inc.*  
**Settlement Administrator**  
P.O. Box 3230  
Portland, OR 97208-3230

4. To be timely, your Election Form must be submitted online, or mailed and postmarked by no later than **August 28, 2019**.
5. No acknowledgement will be made as to the receipt of your Election Form, except as follows. You will receive a rejection email if your Election Form is invalid, and you will receive a deficiency email if your Election Form is deficient in ways that you may be able to correct.
6. If you have questions about the Settlement, you may call toll-free at **855-543-5392** or visit [www.ViSalusFEIPSettlement.com](http://www.ViSalusFEIPSettlement.com).

### III. SETTLEMENT BENEFITS

Under the Settlement Agreement, members of the Settlement Class may do nothing and be automatically enrolled in the Benefits Option or submit this form to select the Cash Option if they are eligible.

**Cash Option.** Members of the Settlement Class who achieved the rank of National Director (ND), Executive Director (ED), or Presidential Director (PD) for the first time during the time the FEIP was offered are eligible for a cash payment by check of \$1,500. Members of the Settlement Class who achieved the rank of Ambassador or higher for the first time during the time the FEIP was offered are eligible for a cash payment by check of \$4,000. The maximum amount to be paid out under the Cash Option to all electing Class Members is \$285,000, and each claim is subject to possible reduction depending on the number of Class Members choosing the Cash Option. **If you elect the Cash Option, you will be terminated as an IP and will no longer be eligible to receive compensation or benefits as an IP.**

**Benefits Option.** Class Members enrolled in this option will retain all rights to receive or own Units under the FEIP and will also receive the following benefits:

- a. 25% Commission Rate on all sales (both first time sales and subsequent sales) personally made by the Class Member to customers who purchase product from ViSalus for the first time after final approval of the Settlement (*i.e.*, new customers) for one (1) year from the final approval of the Settlement (“Final Approval”);
- b. Free re-enrollment as an IP on the Basic enrollment track (no purchase necessary) for one (1) year from Final Approval;
- c. Free event registration for one (1) event, if any are held within one (1) year from Final Approval, and if none are held within one (1) year, then free event registration for the next held event, if held within eighteen (18) months from Final Approval;
- d. Free Vi-Net Pro Subscription for:
  - i. one (1) year from Final Approval for all Settlement Class Members who choose the free re-enrollment listed in Section III.(b) above and who previously paid for Vi-Net Pro; or
  - ii. six (6) months from Final Approval for all Settlement Class Members who choose the free re-enrollment listed in Section III.(b) above and did not previously pay for Vi-Net Pro.

In addition, Benefits-Electing Class Members shall continue to receive any other compensation or benefits to which they may be entitled under their existing IP program. Class Members who do not submit an Election Form and Class Members who are not eligible for a cash payment will automatically receive the Benefits Option. **If you wish to receive the Benefits Option, do not fill out this form.**

**CASH OPTION BENEFIT ELECTION FORM**

If you do not wish to use the Settlement Administrator’s website ([www.ViSalusFEIPSettlement.com](http://www.ViSalusFEIPSettlement.com)) to complete this form, please complete this form and submit it by mail to *Harris v. ViSalus, Inc.*, Settlement Administrator, P.O. Box 3230, Portland, OR, 97208-3230. Your completed form must be submitted electronically or postmarked no later than **August 28, 2019** to be valid.

**PART 1: CLASS MEMBER INFORMATION**

Class Member Name:

First Name:

MI:

Last Name:

Street Address:

City:

State:

ZIP Code:

Daytime Phone Number:

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Evening Phone Number:

 -  - 

Email:

Independent Promoter (IP) Number (Printed on the Notice you received by email; if unavailable, leave blank):

**PART 2: CASH OPTION BENEFITS ELECTION**

I have been identified as achieving the rank of National Director (ND), Executive Director (ED), or Presidential Director (PD) for the first time during the time the FEIP was offered and I wish to elect the Cash Option described in the Class Notice and Settlement Agreement. I understand that I will receive a cash Settlement payment of \$1,500 subject to possible reduction depending on the number of Class Members choosing the Cash Option. The maximum amount to be paid out under the Cash Option is \$285,000, and Class Members who elect the Cash Option shall be terminated as IPs and no longer eligible to receive benefits as IPs. I understand that my check will be mailed first-class to the address provided above, and I will have 120 days from the date of mailing to cash it.

**PART 3: DECLARATION AND SIGNATURE**

I declare that the information provided in this Election Form is true to the best of my knowledge and belief. I further acknowledge that submission of this Election Form waives any and all rights I might otherwise have to bring a lawsuit based on the claims asserted in this Action.

Signature:

Date:

  
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DD -  -  -   
YYYY