

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIC J. HARRIS, SR., individually, and on behalf of all others similarly situated, and CAPRECE BYRD, BRYANT WATTS, RENAE WHITE, LAURA HERL, DR. FRANK McWHORTER, ERIC J. HARRIS, SR. and CONNIE BATES, individually on their own behalf,

Plaintiffs,

v.

VISALUS, INC., a corporation, et al.,

Defendants

Case No. 4:17-cv-12626
Hon. Matthew F. Leitman

PLAINTIFFS' SUPPLEMENT TO UNOPPOSED MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

Class Representative Harris Sr., acting individually and on behalf of the Settlement Class, files this Supplement to the Unopposed Motion for Final Approval of Proposed Settlement, Dkt. 73, filed on September 9, 2019. This Supplement provides the Court with an updated list of class members who have timely submitted a request for exclusion from the Settlement, and the most recent administration report, and information from that report, received from the Settlement Administrator, since Dkt. 73 was filed.

This Court appointed Epiq Class Action & Claims Solutions as the Settlement Administrator to accomplish the Notice Plan, including sending notice to the Class Members and processing Class Member elections, opt-outs, and any objections. The Settlement Administrator also maintained, and still maintains, both a toll-free number and a settlement website by which the Settlement notice and important documents filed in this case are and have been available for public inspection.

As of the date of filing this Motion, the Settlement Administrator has identified 391 Class Members, and has accomplished notice on all of the Class Members. The last report by the Settlement Administrator indicates that as of September 13, 2019, the Administrator reported no undelivered notices. *See* Exhibit 1, Report attached to Declaration of Andrew Kochanowski.

A. NO OBJECTIONS WERE MADE TO THIS SETTLEMENT.

As of September 13, 2019, according to the report of the Settlement Administrator, no person or entity has timely objected to this Settlement, or any aspect of this Settlement. *See* Exhibit 1.

B. NO CLASS MEMBERS OPTED OUT OF THE SETTLEMENT.

As of September 13, 2019, according to the report of the Settlement Administrator (Exhibit 1), of the 391 identified Class Members, only two (2) timely submitted an election to opt-out of the settlement, and both of those Class Members (Catherine Strobbe, ViSalus IP #3563940, Lisa Nicholson, ViSalus IP #3545593)

subsequently withdrew their requests for exclusion. Therefore, the Settlement Administrator reports that no Class Members are opting out of this Class Settlement.

Respectfully submitted: September 27, 2019,

SOMMERS SCHWARTZ, P.C.

s/ Andrew Kochanowski
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CERTIFICATE OF SERVICE

I certify that on September 27, 2019, I caused the forgoing paper to be filed with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel of record on the ECF Service List.

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