

ELECTION FORM INSTRUCTIONS

Kerrigan v. ViSalus, Inc.

In the United States District Court for the Eastern District of Michigan
Civil Case No. 2:14-cv-12693

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 Class Action Settlement (which was emailed to you and is also available at www.ViSalusSettlement.com) carefully, before you submit this Election Form. You may either submit this form online through the Settlement Website established for this purpose at www.ViSalusSettlement.com, or you may mail your completed Election Form back to the Settlement Administrator at the address printed below.

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 current or former independent promoters (“IPs”) of ViSalus who reside in the United States or Canada that lost money as an IP between **July 9, 2008**, and **June 14, 2019**. In determining whether a Settlement Class member lost money as an IP between **July 9, 2008**, and **June 14, 2019**, the following calculation was used:

- a. \$49.00 of the cost of any ViSalus promoter system purchased (regardless of additional amounts spent above \$49.00): plus
- b. the costs spent on Vi-Net; plus
- c. all renewal fees paid by the IP, minus
- d. all commissions received by the IP; minus
- e. the value of all free product received by the IP (including, but not limited to, free products received as part of the *3 for Free* promotion); and minus
- f. the value of all Vi Points earned by the IP.

You have received this form because you meet the definition of a Settlement Class member based on the data tracked by ViSalus. However, even if you meet the above definition, you are not a Settlement Class Member if:

- You profited as a ViSalus IP (i.e., you earned more as an IP than you paid ViSalus);
- You are a Defendant or an IP that is owned, controlled, or otherwise affiliated with any Defendant;
- You are the presiding judge or an immediate family member;
- You elected to be excluded from the Settlement Class; or
- You previously released claims against Defendants related to the issues in this Action, or your claims were fully and finally adjudicated by a court or arbitrator with jurisdiction over those claims.

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, sign the form and mail it to the following address:

Kerrigan v. ViSalus, Inc. Settlement Administrator
P.O. Box 3719
Portland, OR 97208-3719

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 855-543-5391. You may also contact Class Counsel at www.sommerspc.com.

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.

Cash Option. Class Members who elect this option will receive a cash payment by check of \$25.00 (\$50.00 in the case of IPs who purchased at least one month of ViSalus Vi-Net Pro web services), subject to possible reduction depending on the number of Class Members choosing this option. The maximum amount to be paid out under the Cash Option is \$4,535,000.00. **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 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. 35% Product Discount on up to \$1,000.00 in product purchases made by the Class Member at normal IP (i.e., wholesale) prices for one (1) year from Final Approval (up to \$1,000.00 in product purchases for only \$650.00);
- c. Free re-enrollment as an IP on the Basic enrollment track (no purchase necessary) for one (1) year from Final Approval;
- d. Free event registration for one (1) event, if any are held, for one (1) year from Final Approval of the Settlement Agreement, 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; and
- e. 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.(c) 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.(c) above and who did not previously pay for Vi-Net Pro.

Class Members who do not submit an Election Form will automatically receive the Benefits Option. **If you wish to receive the Benefits Option, do not fill out this form.**

CASH OPTION BENEFIT FORM

If you do not wish to use the Settlement Administrator’s online website to complete this form (www.ViSalusSettlement.com), please complete this form and submit by mail to *Kerrigan v. ViSalus, Inc.*, Settlement Administrator, P.O. Box 3719, Portland, OR 97208-3719. 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 First Name

MI

Class Member Last Name

Street Address

City

State

ZIP Code

Daytime Phone Number

 - -

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 wish to elect the Settlement Cash Option described in the Class Notice and Settlement Agreement and understand that I will receive a cash Settlement payment of \$25.00 or \$50.00, subject to possible reduction depending on the number of Class Members choosing this option. The maximum amount to be paid out under the Cash Option is \$4,535,000.00, 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 first-class mailed 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: - -
mm dd yyyy