

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY KERRIGAN, LORI MIKOVICH
and RYAN M. VALLI, individually, and on
behalf of all others similarly situated,

Plaintiffs,

v.

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

Defendants.

Case No. 2:14-cv-12693
Hon. Matthew F. Leitman

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

Class Representatives Timothy Kerrigan, Lori Mikovich and Ryan Valli acting individually and on behalf of the Settlement Class, file this Supplement to the Unopposed Motion for Final Approval of the Class Action Settlement, Dkt. 235, 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. 235 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 300,282 Class Members, and has accomplished notice to the vast majority of the Class Members. The last report by the Settlement Administrator indicates that as of September 13, 2019, the Administrator reported only 8,784 undelivered notices, which is less than 3% of the Class. *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. FEW CLASS MEMBERS OPTED OUT OF THE SETTLEMENT.

As of September 13, 2019, according to the report of the Settlement Administrator (Exhibit 1), of the 300,282 identified Class Members, only twenty-two (22) have timely submitted an election to opt-out of the Settlement. The Class Members seeking exclusion from this Class Settlement are:

Individual or Entity	Indep. Promoter No.
Johnny Volpe, Laval, QC, CN	3396754
Victoria Hughes, Hinton, Alberta, CN	1822936
Cynthia Cialdella, Laval, QC, CN	2757479
Alison Belgrave, Ottawa, CN	1330764
Carlos Ubinas, Miami, FL	2502998
Jean-Michel Moulin, Victoriaville, QC, CN	1621357
Kimberley Earl, Melfort, SK, CN	3462962
Maxime Lacoursiere, Richmond, BC, CN	2329006
Benoit Giguere, Sherbrock, QC, CN	1269371
Caroline Dombroskie, Street, MD	3953459
Christopher Scarfo, Roxboro, QC, CN	514227
Youri Durocher, St-Andre-d'Argenteuil, QC, CN	1631810
Claudette Grondin, Sherbrooke, QC, CN	1269648
Shakeel Khan, Surrey, BC, CN	1422532
Victoria Loughlin, Penhold, AB, CN	667640
Willington Tique, QC, CN	1247502
Blake Moore, N. Canton, OH	407918
Jodi Woodside, NB, CN	650736
Julie Grenier, QC, CN	2284611
Callie Chicoine, BC, CN	748296
Cindy Long, AB, CN	817462
Susan Escritor, Manitoba, CN	1921072

The Settlement Administrator has determined that two individuals, previously identified in Dkt. 235 as Class Members requesting exclusion from this Settlement, are not members of the Settlement Class. Those individuals are Claire Durocher and Claudie Giguere.

Respectfully submitted: September 27, 2019,

SOMMERS SCHWARTZ, P.C.

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CERTIFICATE OF SERVICE

I certify that on September 27, 2019, I caused the forgoing paper to be electronically 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.

s/ Andrew Kochanowski
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