

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

CHARLES COPLEY, JASON EVANS,
HUMBERTO GARCIA, LUZ ANGELINA
GARCIA, JOAN MCDONALD, JOHN
PETERSON, BETTY PRESSLEY, NATALIE
ROBERTS, NORMAN SKARE, individually and as
personal representative for BETTY SKARE,
DAVID STONE, and KAYE WINK, individually
and as next of kin of DONALD WINK, individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

BACTOLAC PHARMACEUTICAL, INC.;
NATURMED, INC. d/b/a INSTITUTE FOR
VIBRANT LIVING; and INDEPENDENT VITAL
LIFE, LLC,

Defendants.

No.: 2:18-cv-00575-FB-PK

Consolidated with

No. 2:20-cv-01338-FB-PK

JEFFREY FARIS, ANTONIA HAMPTON, RAUL
ROBLES, and KATHLEEN CANNON, Individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

BACTOLAC PHARMACEUTICAL, INC.;
NATURMED, INC. d/b/a INSTITUTE FOR
VIBRANT LIVING; and INDEPENDENT VITAL
LIFE, LLC,

Defendants.

**PLAINTIFFS' NOTICE OF MOTION
FOR FINAL APPROVAL OF THE
CLASS SETTLEMENT,
CERTIFICATION OF THE
SETTLEMENT CLASS, AND
APPROVAL OF ATTORNEYS'
FEES, EXPENSES, AND SERVICE
AWARDS**

PLEASE TAKE NOTICE, that upon the annexed Declaration of Class Counsel in Support of Final Approval of the Class Settlement, Certification of the Settlement Class, and Approval of Attorneys' Fees, Expenses, and Service Awards, together with the exhibits thereto, the Declaration of Bradley Madden Regarding Notice Plan Implementation and Settlement

Administration, together with the exhibits thereto, and the accompanying Memorandum of Law in Support of Plaintiffs' Motion for Final Approval of the Class Settlement, Certification of the Settlement Class, and Approval of Attorneys' Fees, Expenses, and Service Awards, and upon all the pleadings and proceedings herein, Plaintiffs, by and through their undersigned attorneys, move this Court for entry of an Order (1) granting final approval to the Settlement, (2) certifying for settlement purposes the Settlement Class, (3) denying the objection to the Settlement raised by James Henson, (4) approving an award of attorneys' fees of \$992,421, (5) granting Plaintiffs reimbursement of reasonable litigation expenses of \$202,236.34, (6) approving Service Awards for each class representative Plaintiff of \$5,000, (7) dismissing Plaintiffs' claims against the Settling Defendants in this Action with prejudice, and (8) such other relief as will be requested at the Final Approval Hearing scheduled to be conducted on May 19, 2022 at 3:00 p.m. before this Honorable Court.¹

Dated: May 16, 2022
New York, New York

Respectfully submitted,

/s/ James J. Bilsborrow
James J. Bilsborrow
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Class Counsel and Counsel for Plaintiffs

¹ All capitalized terms in this Notice of Motion shall have the same meanings as those defined in the Settlement Agreement.

CERTIFICATE OF SERVICE

I certify that on May 16, 2022, a true and accurate copy of the foregoing Notice of Motion was filed electronically with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ James J. Bilborrow