

LEGAL NOTICE

A settlement (the "Settlement") has been given preliminary approval in a class-action lawsuit pending in San Diego County Superior Court entitled *Fred Duran v. Obesity Research Institute, LLC et al.*, Case No. 37-2013-00048664-CU-BT-CTL (the "Action"), involving defendant Obesity Research Institute, LLC ("Defendant"). The San Diego Superior Court authorized this notice.

WHO'S INCLUDED

All persons nationwide who purchased Obesity Research Institute diet products such as Lipozene and MetaboUp after August 10, 2012 thru August 18, 2014 (the "Class Members").

WHAT'S THIS ABOUT?

The Settlement will resolve a lawsuit involving claims that Defendant violated California law by engaging in deceptive marketing and advertising practices to sell their diet products. Defendant denies any wrongdoing, but has concluded it is in its best interests to settle the Action to avoid expense and interference with ongoing business operations. The Court did not decide which side was right, but both sides agreed to the settlement.

WHAT DOES THE SETTLEMENT PROVIDE?

Defendant has agreed to make certain changes to its website, television, and pay-per-click advertisements within 30 days of the issuance of the Final Approval Order and Judgment. Defendant also agrees to comply with all Federal Trade Commission 16 CFR Part 255 "Guides Concerning the Use of Endorsements and Testimonials in Advertising" as well as extend the return policy period for customers. Subject to Court approval, the Class Representative will be paid an incentive award of up to a maximum of \$2,500, and the attorneys for the Class ("Class Counsel") will be paid up to a maximum of \$100,000 for their attorneys' fees and costs. Individuals who submit valid claims without proof of purchase shall receive a \$15.00 refund. Individuals who submit valid claims with proof of purchase shall receive a refund of double the unit purchase determined by the price appearing on the proof of purchase (between \$28.00 and \$68.00 depending on the retailer).

DISMISSAL AND RELEASE OF ALL CLAIMS

If the Court approves the proposed settlement, it will enter a judgment in the action with prejudice as to all Class Members. Class Members who do not validly and timely request to be excluded from the proposed settlement, and each of their respective successors, assigns, legatees, heirs, and personal representatives shall be deemed to have fully released and forever discharge Defendant, and each of its direct or indirect parents, wholly or majority owned subsidiaries, affiliated and related entities, predecessors, successors and assigns, partners, privities, and any of their present and former directors, officers, employees, shareholders, agents, representatives, attorneys, accountants, insurers, and all persons acting by

through, under or in concert with them, or any of them, from all manner of action, causes of action, claims, demands, rights, suits, obligations, debts, contracts, agreements, promises, liabilities, damages, charges, penalties, losses, costs, expenses, and attorneys' fees, of any nature whatsoever, known or unknown, in law or equity, fixed or contingent, which they have or may have arising out of or relating to any of the acts, omissions or other conduct that have or could have been alleged or otherwise relate to or arise from any of the causes of action in the Action.

WHAT ARE YOUR OTHER OPTIONS?

If you do not want to be bound by the settlement, you must exclude yourself by October 10, 2014. To be excluded, you must submit a letter, postmarked no later than October 10, 2014, containing: (a) the name of the Action, "*Duran v. Obesity Research Institute*" (b) your full name, address, and telephone number, and (c) a statement that you are a Class Member and wish to be excluded from the Class. To be considered valid, a request for exclusion must set forth all of this information, be timely, and be sent to class counsel at the following address:

Class Counsel Alex Tomasevic, Esq. NICHOLAS & TOMASEVIC, LLP 225 Broadway, 19th Floor San Diego, California 92101

Any Class Member who wants to object to the Settlement must file a written objection and/or a notice of intention to appear with the Court, and serve copies on class counsel (see above) postmarked no later than October 10, 2014. The written objection must include: (a) the name of the Action, "*Duran v. Obesity Research Institute*" (b) your full name, address, and telephone number, (c) a statement that you are a Class Member, (d) the words "Notice of Objection" or "Formal Objection," (e) the arguments supporting your objection, and (f) whether you intend to speak at the Fairness Hearing. If you do not make objections in this manner, you will be deemed to have waived any objections.

The Court will have a hearing to decide whether to finally approve the settlement (the "Fairness Hearing") on October 31, 2014 at 10:30 a.m., before the Hon. John Meyer in Department C-61 of the San Diego County Superior Court, located at 330 W. Broadway, San Diego, CA, 92101.

ADDITIONAL INFORMATION

This description of the case is general. To see the complete file you may visit the Clerk of the Court of the San Diego County Superior Court, 330 W. Broadway, San Diego, CA, 92101. The Clerk will make the lawsuit's file relating available to you for inspection and copying at your own expense. For additional information on submitting a claim please visit WWW.ORICLASSACTIONLAWSUIT.COM.