



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JULIO VASQUEZ, Individually and on Behalf
of All Other Persons Similarly Situated,

Plaintiff,

-against-

VITAMIN SHOPPE INDUSTRIES, INC.,
and JOHN DOES #1 – 10,

Defendants.

Case No. 1:10-cv-08820-PAE

**STIPULATION OF DISMISSAL WITH
PREJUDICE**

ECF Case

Plaintiffs Julio Vasquez and Haim Dor (“Plaintiffs”) and defendant Vitamin Shoppe Industries, Inc. (“Defendant”) (collectively, “Parties”), through their undersigned counsel, stipulate and agree in accordance with Federal Rule of Civil Procedure 41(a)(1) that this action is dismissed with prejudice without costs or attorneys’ fees to Plaintiffs or Defendant. In support, the Parties state that they: (a) have a *bona fide* dispute regarding the merits of Plaintiffs’ claims; (b) desire to resolve that dispute fully and finally without further litigation; (c) have entered into a Settlement Agreement (“Agreement”), including a release of claims; and (d) represent that the Agreement: (i) is fair to all Parties; (ii) reasonably resolves a *bona fide* disagreement regarding the merits of Plaintiffs’ claims; and (iii) reflects the good faith intention of the Parties that Plaintiffs’ claims be fully and finally resolved, not be subject to appellate review, and not be

re-litigated in whole or in part at any time in the future. Counsel for Plaintiffs consent to the filing of this Stipulation of Dismissal with Prejudice by counsel for Defendant.

Dated: December 23, 2011

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Attorneys for Defendant

SO ORDERED:

Paul A. Engelmayer
Honorable Paul A. Engelmayer
United States District Judge

Dated: Jan. 3, 2012