

If you received a prerecorded call promoting ViSalus weight-loss products and dietary supplements, a class action lawsuit may affect your rights.

A Federal Court authorized this notice. You are not being sued. This is not a solicitation from a lawyer.

- A lawsuit has been filed against ViSalus, Inc. (“ViSalus” or “Defendant”) claiming it authorized and/or took part in prerecorded calling campaigns to promote its products and services.
- The Court decided this lawsuit should be a class action on behalf of any person who received a prerecorded telephone call (i.e., a call containing a prerecorded message or using a robotic voice) made—without prior written consent—by or on behalf of ViSalus to promote its products or services.
- The Court has not yet decided whether Defendant did anything wrong. **There is no money available now and no guarantee that there will be.** Your legal rights are affected, however, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT:

DO NOTHING	Stay in this lawsuit. Await the outcome. Give up certain rights. By doing nothing, you automatically keep the possibility of getting money or benefits that may come from a trial or settlement. But, you give up any rights to separately sue Defendant about the same legal claims in this lawsuit.
ASK TO BE EXCLUDED	Get out of this lawsuit. Get no benefits from it. Keep rights. If you ask to be excluded and money benefits are later awarded, you won’t share in those. But, you keep any rights to separately sue Defendant about the same legal claims in this lawsuit.

- Your options are explained in this Notice. To ask to be excluded, you must act before **June 23, 2018**. To remain a part of the class action, you do not need to do anything.
- If this case is not dismissed or settled before trial, lawyers must prove the claims against Defendant. If money or benefits are obtained from Defendant, you will be notified about how to ask for a share.

BASIC INFORMATION

1. Why was this Notice issued?

The Court authorized this Notice to explain that the Court has allowed, or “certified,” a class action lawsuit that may affect you. You have legal rights and options that you may exercise in this case, as described below. Judge Anna J. Brown of the United States District Court for the District of Oregon is overseeing this class action. The lawsuit is known as *Wakefield v. ViSalus, Inc.*, No. 3:15-cv-01857 (D. Ore.).

2. What is this lawsuit about?

This lawsuit claims that ViSalus promoted its products and services by causing prerecorded telephone calls to be made. The lawsuit also claims that, through this conduct, ViSalus violated the federal Telephone Consumer Protection Act (“TCPA”) because consumers did not provide prior consent to receive these calls.

3. What is a class action and who is involved?

In a class action, one or more people called “Class Representatives” (in this case, Lori Wakefield) sue on behalf of a group of people who have similar claims. The people together are a “Class” or “Class Members.” The individual who sues—and all the Class Members like them—is called the Plaintiff. The company they sue (in this case ViSalus, Inc.) is called the Defendant. In a class action, the Court resolves the issues for all Class Members, except for those who exclude themselves from the Class.

4. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. Specifically, the Court found that:

- There are legal questions and facts that are common to the Class Members;
- Lori Wakefield’s claims are typical of the claims of the rest of the Class;
- Ms. Wakefield, and the lawyers from Forum Law Group LLC and Edelson PC representing the Class, will fairly and adequately represent the Class’s interests;
- The common legal questions and facts outweigh questions that affect only individuals; and
- This class action will be more efficient than having many individual lawsuits.

More information about why the Court is allowing this lawsuit to be a class action is in the Court’s Order and Opinion, which is available in the “Court Documents” section of this website.

THE CLAIMS IN THE LAWSUIT

5. What does the lawsuit complain about?

This lawsuit claims that ViSalus promoted its products and services through prerecorded telephone calls made to consumers nationwide.

Plaintiff claims that, by causing these prerecorded calls to be made, Defendant violated the federal Telephone Consumer Protection Act because consumers did not consent to receive these prerecorded calls. You can read a copy of the Plaintiff’s First Amended Class Action Complaint in the “Court Documents” section of this website.

6. How does ViSalus answer?

ViSalus denies that it did anything wrong or violated any law. You can read Defendant’s Answers to Plaintiff’s First Amended Class Action Complaint in the “Court Documents” section of this website.

7. Has the Court decided who is right?

The Court has not decided whether the Plaintiff or Defendant is correct. By establishing the Class and issuing this Notice, the Court is not suggesting that the Plaintiff will win or lose this case. Unless the case settles, Plaintiff must prove her claims at a trial or through legal motions to recover money.

8. What is the Plaintiff asking for?

The Plaintiff is asking the Court to award each Class Member monetary damages of \$500 per prerecorded call they received. If Plaintiff is able to show that Defendant “willfully” made these prerecorded calls, she will ask for up to \$1,500 per Class Member, per call. Plaintiff is also asking the Court to enter an order prohibiting the Defendant from making these prerecorded calls in the future.

9. Is there any money available now?

No money or benefits are available now because the Court has not decided whether Defendant did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits will ever be obtained. If they are, you will be notified about how to ask for a share.

WHO IS IN THE CLASS

You need to determine whether you are affected by this lawsuit.

10. Am I part of the Class?

The Court certified a Class on behalf of individuals in the United States who received a prerecorded telephone call (i.e., a call containing a prerecorded message or using a robotic voice) made—without prior written consent—by or on behalf of ViSalus to promote its products or services.

You may be part of the Class if you received one of these calls and any of the following is also true:

- Your information appeared in Defendant’s records, in which case you would have likely received an email from the *Wakefield v. ViSalus* Class Action Administrator;

- Even if you did not receive an email notifying you of this action, you may still be part of the Class if your number appears in Defendant’s records; or
- You recall getting one of the prerecorded telephone calls and you have or are able to obtain some documentation of the call, including but not limited to any of the following things: a telephone bill showing that you received the call; a recording of the call; a caller ID record of the call; or a screenshot of the call.

You may be able to obtain your telephone bill and/or records from your telephone carrier, but you do not need to submit that information at this time. Moreover, such documentation may not ultimately be sufficient to assert your claim or establish your damages. In any case, if you are interested in obtaining such documentation and you have any questions about how to obtain this information, call the lawyers in this case at the phone number listed in question 21 for assistance.

11. What if I’m still not sure if I am included?

If you are still not sure whether you are included, you can call the *Wakefield v. ViSalus* Class Action Administrator at 1-844-200-9302. Or you can get free help by calling the lawyers in this case at the phone number listed in question 21.

YOUR RIGHTS AND OPTIONS

You have a choice about whether to stay in the Class or ask to be excluded before the trial, and you have to decide this now.

12. What happens if I do nothing at all?

By doing nothing you are staying in the Class. If you stay in the Class and the Plaintiff obtains money or benefits, either as a result of any trial or settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement). Keep in mind that if you are a member of the Class and you do nothing now, regardless of whether the Plaintiff wins or loses the legal motions or trial, you will not be able to separately sue, or continue to separately sue, Defendant—as part of any other lawsuit—about the same legal claims that are the subject of this lawsuit. This means that if you do nothing, you may not be able to sue ViSalus for prerecorded telephone calls promoting its products or services. You will also be legally bound by all of the orders the Court issues and judgments the Court makes in this class action.

13. Why would I ask to be excluded?

If you already have your own lawsuit against Defendant for the same prerecorded telephone calls, and want to continue with it, you need to ask to be excluded from the Class. If you exclude yourself from the Class—which also means to remove yourself from the Class, and is sometimes called “opting out” of the Class—you won’t get any money or benefits from this lawsuit if any are awarded or obtained as a result of the trial, legal motions, or from any settlement (that may or may not be reached) between Defendant and the Plaintiff. However, you will be able to separately start your own lawsuit against, or continue to separately sue, Defendant for making or authorizing the alleged prerecorded telephone calls at issue in this case. If you exclude yourself, you will not be legally bound by the Court’s judgments in this class action.

If you start your own lawsuit against Defendant after you exclude yourself, you’ll have to hire and pay your own lawyer for that lawsuit, and you’ll have to prove your claims. If you exclude yourself so you can start or continue your own lawsuit against Defendant, you should talk to your own lawyer soon because your claims may be subject to a statute of limitations or other deadline.

14. How do I ask the Court to exclude me from the Class?

To exclude yourself from the Class, you must mail or otherwise deliver a letter (or request for exclusion) stating that you want to be excluded from *Wakefield v. ViSalus, Inc.*, No. 3:15-cv-01857 (D. Ore.). Your letter or request for exclusion must include your name and address, the phone number that received the prerecorded call at issue, and your signature. You must mail your exclusion request no later than **June 23, 2018**, to:

Wakefield v. ViSalus Class Action Administrator
PO Box 404041
Louisville, KY 40233-4041

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in the case?

The Court has appointed a team of lawyers from the firms Forum Law Group LLC and Edelson PC to represent the Class. They are called “Class Counsel.” They are experienced in handling similar class action cases. More information about these lawyers, their law firms, and their experience is available at www.forumlawgroup.com and www.edelson.com, respectively.

16. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want to hire your own lawyer, you certainly can, but you will have to pay that lawyer yourself. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

17. How will the lawyers be paid?

If Class Counsel obtains money or benefits for the Class, they may ask the Court for attorneys’ fees and expenses. You won’t have to pay these fees and expenses. If the Court grants Class Counsel’s request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by Defendant.

THE TRIAL

18. How and when will the Court decide who is right?

As long as the case is not decided through legal motions or settled, Class Counsel will have to prove the Plaintiff’s claims at a trial. The trial is scheduled to be heard on Tuesday, November 6, 2018 at 9:00 a.m. at Mark O. Hatfield U.S. Courthouse, 1000 S.W. Third Ave., Portland, Oregon 97204. During the trial, a jury or the Judge will hear all of the evidence to help them reach a decision about whether the Plaintiff or Defendant is right about the claims in the lawsuit. There is no guarantee that the Plaintiff will win or that she will get any money for the Class.

19. Do I have to come to the trial?

You do not need to attend the trial. Class Counsel will present the case for the Plaintiff and Defendant will present their defenses. You or your own lawyer are welcome to come at your own expense.

20. Will I get money after the trial?

If the Plaintiff obtains money or benefits as a result of the trial or a settlement, you will be notified about how to apply for a share or what your other options are at that time. Currently, we do not know if any benefits will be available or how long this process will take.

GETTING MORE INFORMATION

21. Where do I get more information?

This website www.ViSalusPrerecordedMsgClassAction.com contains several Court Documents that contain additional information about the case. It will be updated with the most current information about the lawsuit as it becomes available. You may also write with questions to *Wakefield v. ViSalus* Class Action Administrator, P.O. Box 404041, Louisville, KY 40233-4041. You can call the *Wakefield v. ViSalus* Class Action Administrator at 1-844-200-9302 or Class Counsel at 1-866-354-3015, if you have any questions. Before doing so, however, please read this full Notice carefully.