

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

AMERICA’S HEALTH & RESOURCE)
CENTER, LTD., an Illinois Corporation,)
individually and as the representative of a)
class of similarly-situated persons,)

Plaintiff,)

v.)

ALCON LABORATORIES, INC.,)
NOVARTIS PHARMACEUTICALS)
CORPORATION, and JOHN DOES 1-12)

Defendants.)

Case No. 16-cv-4539

Judge Thomas M. Durkin

**STIPULATION AND ORDER
WITHDRAWING MOTION FOR CLASS CERTIFICATION**

Defendants, Alcon Laboratories, Inc. (“Alcon”) and Novartis Pharmaceuticals Corporation (“Novartis”) (together, “Defendants”), hereby stipulate that they will not make any offer or tender to Plaintiff, including but not limited to an offer pursuant to Fed. R. Civ. P. 68, or a deposit of the full amount of the Plaintiff’s individual claim in an account payable to the Plaintiff.

However, this stipulation does not preclude Defendants from serving an offer or tender to Plaintiff in the following circumstances: (1) If Defendants send all counsel of record for Plaintiff an e-mail notifying Plaintiff that Defendants intend to serve an offer or tender on an individual basis, then Defendants may serve such tender or offer beginning on the tenth (10th) day after the e-mail notification was sent (but not before such time); (2) Defendants may serve an offer or tender on a

class-wide basis at any time.

In consideration of the foregoing, Plaintiff stipulates to withdraw the pending motion for class certification (ECF 32) without prejudice.

SO ORDERED

Dated: 9/14/2016

Chicago, Illinois



HON. THOMAS M. DURKIN
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on September 14, 2016.

Case Manager

So Stipulated,

/s/ Gregory E. Ostfeld
Attorney for Defendants

Francis A. Citera
Gregory E. Ostfeld
Kyle L. Flynn
Greenberg Traurig, LLP
777 W. Wacker Drive, Suite 3100
Chicago, IL 60601
Tel: 312-456-8400
Fax: 312-456-8435

/s/ Julia L. Titolo
Attorney for Plaintiff

Phillip A. Bock
Tod A. Lewis
David M. Oppenheim
Julia L. Titolo
Bock, Hatch, Lewis & Oppenheim, LLC
134 N. La Salle St., Suite 1000
Chicago, IL 60602
Tel: 312-658-5500
Fax: 312-658-5555