CAUSE NO. DC-18-01985

L IV PERFORMANCE LAB	·§	IN THE DISTRICT COURT
CORPORATION D/B/A GENOSTIM	§	
PERFORMANCE LAB, AND	§	
SAINT ROCH DE VITA, LLC,	§	
	§	
Plaintiffs,	§	
	§	
V.	§	DALLAS COUNTY, TEXAS
	§	
DIEM "NIKKI" NGO,	§	
	§	
	§	
Defendant.	§	68TH JUDICIAL DISTRICT

RULE 11 AGREEMENT

COME NOW, Plaintiffs L IV PERFORMANCE LAB CORPORATION D/B/A GENOSTIM PERFORMANCE LAB, SAINT ROCH DE VITA, LLC ("Plaintiffs"), and Defendant Diem "Nikki" Ngo ("Defendant") (collectively, the "Parties"), who file this Agreement pursuant to Rule 11 of the Texas Rules of Civil Procedure ("Agreement"), and hereby agree to the following:

Whereas, Plaintiffs have asserted causes of action against Defendant under the Texas Uniform Trade Secret Act and for common law conversion;

Whereas, the Parties have conducted discovery and held discussions as to the nature and extent of Plaintiffs' customer transaction information in Defendant's possession;

Whereas, Defendant has produced all documents to Plaintiffs in Defendant's possession containing Plaintiffs' customer transaction information;

Whereas, after a diligent search. Defendant has no other documents or electronic devices in Defendant's possession containing Plaintiffs' customer transaction information;

Whereas, the Parties desire to avoid further litigation of Plaintiffs' claims in this matter;

Whereas, the Parties agree that good cause exists for the execution of this Agreement in light of the mutual assurances provided herein;

Whereas, the Parties agree that all documents in Defendant's possession containing Plaintiffs' customer transaction information have been returned to Plaintiffs;

Whereas, the Parties agree that Defendant is not in possession of any other documents or electronic devices containing Plaintiffs' customer transaction information;

Whereas, the Parties agree that the execution of this Agreement in no way constitutes any admission of any party to any liability in the above-styled and numbered cause;

The Parties accordingly agree as follows:

- 1. Defendant has produced all documents to Plaintiffs in Defendant's possession containing Plaintiffs' customer transaction information.
- 2. After a diligent search, Defendant has no other documents or electronic devices in Defendant's possession containing Plaintiffs' customer transaction information.
- 3. All documents in Defendant's possession containing Plaintiff's customer transaction information or that could have contained Plaintiffs' customer transaction information have been returned to Plaintiffs or otherwise destroyed or deleted,
- 4. Defendant has never disseminated Plaintiffs' customer transaction information or customer data.
- 5. Defendant has no access to Plaintiffs' customer transaction information or customer data.
- 6. Any electronic devices containing or that could have contained Plaintiffs' customer transaction information are no longer in Defendant's possession, custody or control.

- 7. In consideration for the mutual assurances provided herein, Plaintiffs agree to nonsuit the above-styled and numbered cause with prejudice.
- The Parties shall bear their own respective costs and attorneys' fees incurred in this 8. matter.

Dated: Narmber 29, 2018.

AGREED AS TO FORM:

RAMON DE JESUS RODRIGUEZ

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ATTORNEYS FOR DEFENDANTS

By.
Thomas Lima
Vice President of Media and Designated Corporate
Representative
PLAINTIFFS L IV PERFORMANCE LAB
CORPORATION D/B/A GENOSTIM
PERFORMANCE LAB, and
SAINT ROCH DE VITA, LLC
D.
By:
Diem "Nikki" Ngo

AGREED AS TO SUBSTANCE:

Ву:		
Thomas Lima		
Vice President of Media	and Designated Co	orporate
Representative		
PLAINTIFFS L IV	PERFORMANCI	E LAE
CORPORATION	D/B/A GEN	OSTIM
PERFORMANCE	LAB,	and
SAINT ROCH DE VIT	A, LLC	
ву:	Jela Mus	
Diem "Nikki" Ngo	1 0 0 0 VV	
DEFENDANT DIEM "	NIKKI" NGO	