

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

SCOTT BALFOUR, DON LEE,  
KULDEEP SINGH, MATTHEW  
TEMPLON, and SHELIA  
VOORHEIS individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

iFIT HEALTH AND FITNESS, INC.,  
a Delaware Corporation,

Defendant.

No. 1:23-cv-00067-CFC

**JOINT STIPULATION AND [PROPOSED] ORDER  
STAYING CASE FOR 90 DAYS**

It is hereby stipulated and agreed by and between the undersigned attorneys for Plaintiffs Scott Balfour, Don Lee, Kuldeep Singh, Matthew Templon, and Sheila Voorheis (“Plaintiffs”) and the undersigned attorneys for Defendant iFIT Health and Fitness Inc. (“Defendant” and together with Plaintiffs, the “Parties”), subject to the approval of the Court, that all deadlines in this case be stayed for 90 days from the date of entry of this Joint Stipulation and [Proposed] Order. The Parties, by and through their counsel of record, hereby stipulate as follows:

1. The parties jointly seek a stay pursuant to this Court’s inherent power, to preserve the Court’s and the Parties’ resources, including attorneys’ fees and costs.

2. The parties agree that this Court's "power to stay proceedings is incidental to its inherent power to control the disposition of cases on its docket." *Hartford Fire Ins. Co. v. Encore Mktg. Int'l, Inc.*, No. CIV. 10-620-SLR, 2011 WL 766587, at \*3 (D. Del. Feb. 24, 2011).

3. Plaintiffs filed a class action complaint on January 20, 2023. D.I. 1.

4. The Court entered the parties' Joint Stipulation and Proposed Order Staying the Case for 120 Days on February 27, 2023. D.I. 6.

5. The parties held a mediation on June 20, 2023 and continue to hold settlement discussions.

6. Defendant's response to Plaintiffs' complaint is not due under the present schedule until July 28, 2023. D.I. 6.

7. The parties agree that, by entering this stipulation, Defendant does not make a general appearance, but makes only a limited or special appearance for the sole purpose of this stipulation. The parties further agree that, by entering this stipulation, Defendant does not waive any rights, claims, demands, arguments or defenses, including but not limited to the right to seek to compel arbitration, dismissal, or other enforcement of its *Terms of Use*.

8. The parties therefore hereby stipulate that all deadlines in this case be stayed for 90 days and that, as a first example, Defendant's response to Plaintiffs' complaint will not be due until October 26, 2023. This time will allow the parties to

continue to explore alternative avenues in hopes of resolving this case.

Dated: July 24, 2023

Respectfully submitted,

By: /s/ Christopher Viceconte  
Christopher Viceconte  
Jennifer M. Rutter  
**GIBBONS P.C.**  
300 Delaware Avenue, Suite  
1015  
Wilmington, DE 19801  
Phone: 302-518-6322  
Fax: 302-397-2050  
cviceconte@gibbonslaw.com

Terry E. Welch  
Robert S. Clark  
Bryan S. Johansen  
**PARR BROWN GEE &  
LOVELESS LLP**  
101 South 200 East, Suite 700  
Salt Lake City, Utah 84111  
(801) 532-7840  
twelch@parrbrown.com  
rclark@parrbrown.com  
bjohansen@parrbrown.com  
*Attorneys for Defendant*

By: /s/ Ian Connor Bifferato  
Ian Connor Bifferato (DE Bar No. 3273)  
**THE BIFFERATO FIRM**  
1007 N Orange Street, 4th Floor  
Wilmington, DE 19801  
Telephone: (302) 429-0907  
cbifferato@tbf.legal

Daniel O. Herrera  
Edward Khatskin  
**CAFFERTY CLOBES MERIWETHER  
& SPRENGEL LLP**  
150 S. Wacker Dr., Suite 3000  
Chicago, Illinois 60606  
Phone: (312) 782-4880  
Facsimile: (312) 782-4485  
dherrera@caffertyclobes.com  
ekhatskin@caffertyclobes.com

Joseph G. Sauder  
Joseph B. Kenney  
**SAUDER SCHELKOPF LLC**  
1109 Lancaster Avenue  
Berwyn, PA 19312  
Telephone: (888) 711-9975  
Facsimile: (610) 421-1326  
jgs@sstriallawyers.com  
jbk@sstriallawyers.com  
*Attorneys for Plaintiffs*

It is SO ORDERED this \_\_\_\_ day of July, 2023.

---

The Honorable Colm F. Connolly