

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

IN RE: SKECHERS TONING SHOES
PRODUCTS LIABILITY LITIGATION

Master File No. 3:11-MD-2308-TBR
MDL No. 2308

THIS DOCUMENT RELATES TO ALL
CASES

THOMAS B. RUSSELL
U.S. DISTRICT JUDGE

ORDER AMENDING

On August 13, 2012, the Court issued an order preliminarily approving a class-action settlement of the economic injury and consumer fraud allegations in this matter. *See* Order of Aug. 13, 2012, Docket Number (“DN”) 148. To bring the schedule ordered in the Court’s conclusions into compliance with the schedule proposed in the Court’s analysis,

IT IS HEREBY ORDERED that Paragraph 12 of the Court’s conclusions and orders is AMENDED to read as follows:

12. **Objections and Appearances.** Any Class Member or counsel hired at any Class Member’s own expense who complies with the requirements of this paragraph may object to any aspect of the proposed settlement.

a. Any Class Member who has not filed a timely written request for exclusion and who wishes to object to the fairness, reasonableness, or adequacy of the Settlement Agreement, the proposed Settlement, the award of Attorneys’ Fees and Expenses, or the individual awards to Plaintiffs, must deliver to the Class Counsel identified in the Class Notice and to Skechers’ Counsel, and file with the Court, no later than **sixty-four (64)** days before the date scheduled in paragraph 7 above for the Fairness Hearing, or as the Court otherwise may direct: (a) a written statement of objections, as well as the specific reason(s), if any, for each objection, including any legal and factual

support the Class Member wishes to bring to the Court's attention; (b) any evidence or other information the Class Member wishes to introduce in support of the objections; (c) a statement of whether the Class Member intends to appear and argue at the Fairness Hearing; and (d) a list all the Class Member's purchase(s) of Eligible Shoes. Class Members may do so either on their own or through an attorney retained at their own expense. The objection must include proof of purchase of the Eligible Shoes. Acceptable proof of purchase includes an itemized cash register receipt, a credit card receipt or a credit card statement that sufficiently indicates the purchase of the Eligible Shoes. Any Class Member filing an objection may be required to sit for deposition regarding matters concerning the objection.

b. Any Class Member who files and serves a written objection, as described above, may appear at the Fairness Hearing, either in person or through personal counsel hired at the Class Member's expense, to object to the fairness, reasonableness, or adequacy of the Settlement Agreement or the proposed Settlement, or to the award of Attorneys' Fees and Expenses or awards to the individual Plaintiffs. Class Members or their attorneys who intend to make an appearance at the Fairness Hearing must deliver a notice of intention to appear to one of the Class Counsel identified in the Class Notice and to Skechers' Counsel, and file said notice with the Court, no later than sixty-four (64) days before the date scheduled in paragraph 7 above for the Fairness Hearing, or as the Court may otherwise direct. Any Class Member who fails to comply with the provisions in this section shall waive and forfeit any and all rights he or she may have to appear separately and/or to object, and shall be bound by all the terms of the Settlement Agreement, this Order, and by all proceedings, orders, and judgments, including, but not

limited to, the Release in the Settlement Agreement in the Action.

IT IS HEREBY FURTHER ORDERED that all remaining orders and conclusions contained in the preliminary approval order remain enforceable as written.