

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

Honorable Thomas B. Russell

This document relates to:

Grabowski v. Skechers U.S.A., Inc., S.D.
California, C.A. No. 3:10-01300

Case No.: 3:12-CV-00204-TBR

**DECLARATION OF CAROLINE P. BARAZESH REGARDING DUE DILIGENCE AND
PROOF OF MAILING**

I, Caroline P. Barazesh, pursuant to 28 U.S.C. § 1746, state as follows:

1. I am over the age of twenty-one. I am competent to give this declaration, which is being submitted in support of Plaintiffs' Motion for Final Approval of Class Action Settlement. The facts stated in this declaration are based upon my personal knowledge. This declaration is true and correct to the best of my knowledge, information and belief.

2. I am currently a Project Manager for BMC Group ("BMC"), located at 18675 Lake Drive East, Chanhassen, Minnesota, 55317. In my capacity as Project Manager, I count amongst my duties responsibility for matters relating to the Class Action Settlement administration for the above-captioned litigation.

3. Pursuant to the Settlement Agreement and the Court's order preliminarily approving the Settlement Agreement, the Class Action Settlement Administrator is charged with the implementation of the class notice mailing, the website, the processing and fulfillment of

claims in connection with this Settlement, and ensuring that claims fulfillment is properly implemented.

4. On or about August 17, 2012, BMC received a data file from the defendants. This data consisted of an Excel spreadsheet containing 262,355 names and mailing addresses of persons who had purchased Skechers products and were potential class members.

5. The following changes were made to the settlement class member list:

a. Address Standardization: Class members' addresses were standardized to the United States Postal Services' ("USPS") addressing formats. This was done using software certified for this purpose by the USPS ("CASS-Certified"). This software standardizes mailing addresses, verifies Zip codes, and appends Zip+4 codes, as required. This standardization is required to perform an effective National Change of Address database update. The data was then verified through Delivery Point verification.

b. National Change of Address Database Update: After standardization, the addresses were updated using the USPS National Change of Address database. This update is required by the USPS for mass mailings, and ensures that the correct mailing address has been found for each claimant.

c. Duplicate Records: The data file was checked for exact duplicate records and 407 exact duplicates were found and excluded from the mailing list.

d, Class members who had already submitted claim forms: 9,216 class members had already submitted claim forms so these records were removed from the mailing list.

The resulting class list contained 252,732 records.

6. Prior to September 8, 2012, BMC's staff formatted the Class Notice and Claim Form for printing. Copies of the Class Notice and Claim Form are attached as Exhibits A and B, respectively.

7. BMC Group set up a website, www.skecherssettlement.com to provide class members with information about the settlement and allow them to submit a claim form on-line in English and Spanish. As of December 19, 2012 there have been 2,205,269 visitors to the site.

8. A toll-free phone number (866) 325-4186 was also set up for class members to call if they wished to obtain additional information in English and Spanish. As of December 19, 2012, the line has received 180,580 calls and 33,729 class members spoke to a call center agent.

9. On September 8, 2012, BMC mailed by first class mail, the Class Notice and Claim Forms ("Notice Packet") to the last known address of 252,732 settlement class members. The Notice Packet consisted of the approved Class Notice and Claim Form inserted into a window envelope.

10. On August 28, 2012, defendants provided BMC with a list of forty-six counsel who have litigation against Skechers involving Eligible Shoes. BMC mailed copies of the Class Notice to such legal counsel on August 31, 2012.

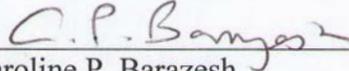
11. On October 10, 2012, BMC ran skip trace address searches for all settlement class members whose Notice Packet was returned as undeliverable by the Post Office without a forwarding address, in a further attempt to locate these individuals and provide them the

opportunity to participate in the settlement. A total of 10,203 undeliverable addresses were researched and on October 25, 2012, 6,664 Notice Packets were mailed to updated addresses. A total of 12,265 Notice Packets have been returned by the Post Office as undeliverable.

12. The Settlement Agreement provides that class members wishing to exclude themselves from the settlement provide a written notice of exclusion postmarked no later than January 14, 2013. The exclusion requests are to be mailed to BMC. As of December 19, 2012, BMC has received seventy-one (71) requests for exclusion. A final list of those who excluded themselves from the class will be filed with the Court by BMC no later than 10 days before the fairness hearing.

13. The Settlement Agreement provides that class members wishing to object to the settlement file a written letter of objection with the court, postmarked no later than January 14, 2013. Though not required, some class members have provided letters of objection to BMC Group. As of December 19, 2012, BMC Group has received four objection letters from Steve Garrison, Mary Mikolajeswki, Jo Wallace and Charles Lammers. BMC Group also received potential objection letters from Wanda Corcoran, Carol Pearson and Rose Duffy. At the direction of Class Counsel, BMC Group personally contacted these class members to clarify their intent. Wanda Corcoran informed that she wished to exclude herself, not object. Ms. Corcoran has been included in the opt out list. Carol Person informed that she intended her letter as general correspondence, but as neither an objection nor an exclusion request. We are still attempting to contact Ms. Duffy to ascertain the intent of her letter.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 19th day of December, 2012 in Odenton, MD.



Caroline P. Barazesh