

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

NOTICE OF MOTION AND MOTION FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AND FOR AN AWARD OF ATTORNEYS' FEES AND
REIMBURSEMENT OF EXPENSES

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that on March 19, 2013, at 1:00 p.m., before the Honorable Thomas B. Russell, Plaintiffs will and hereby move pursuant to Federal Rule of Civil Procedure 23 for an order:

1. Confirming Tamara Grabowski as plaintiff representative of the Class;
2. Confirming the appointment of Class Counsel;
3. Confirming certification of the following Class:

All persons or entities that during the Class Period – from August 1, 2008, until and including August 13, 2012 – purchased in the United States any Eligible Shoes. “Eligible Shoes” means the Skechers footwear sold in the following toning categories: (a) Shape-up rocker bottom shoes (“Shape-ups”); (b) Resistance Runner rocker bottom shoes (“Resistance Runner”); (c) Shape-up Toners/Trainers, and Tone-ups with podded outsoles (“Podded Sole Shoes”); and (d) Tone-ups non-podded sandals, boots, clogs, and trainers (“Tone-ups (Non-Podded Sole)”). Excluded from the Class are: (a) Skechers’ Board members or executive-level officers, including its attorneys; (b) persons or entities who purchased the Eligible Shoes primarily for resale; (c) retailers or re-sellers of Eligible Shoes; (d) governmental entities; (e) persons or entities who purchased Eligible Shoes via the Internet or other remote means while not residing in the United States; and (f) any persons or entities who or which timely and properly excluded themselves from the Class.

4. Granting final approval of the settlement; and
5. Awarding attorneys’ fees and expenses and incentive awards.

This motion is supported by Plaintiffs’ memorandum in support of this motion and the declarations of Plaintiffs’ Counsel, filed concurrently herewith.

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CERTIFICATE OF SERVICE

I hereby certify that on December 28, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed December 28, 2012.

s/ Timothy G. Blood

TIMOTHY G. BLOOD

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