

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 LESLIE E. HURST IN SUPPORT OF PLAINTIFF
GRABOWSKI'S REPLY IN SUPPORT OF MOTION FOR FINAL APPROVAL
OF CLASS ACTION SETTLEMENT

I, LESLIE E. HURST, declare:

1. I am a partner of Blood Hurst & O'Reardon, LLP ("BHO"), one of Class Counsel in this action. I submit this declaration in support of Plaintiff Grabowski's Reply In Support of Motion for Final Approval of Class Action Settlement. I make this declaration based on my personal knowledge and on information and belief from my knowledge of the lawsuit and its proceedings.

2. My office received a total of 11 possible objections. All objections were docketed (*see* MDL Dkts. 367 and 405; *Grabowski* Dkts. 88, 90, 97-99, 109, 120) with the exception of objections received from Mary Mikolajewski and Rita Passer. True and correct copies of those objections are attached hereto as Exhibits A and B, respectively.

3. On November 19, 2012, Mary Hollis, a Class member, submitted correspondence to the Court concerning the Settlement. In her correspondence Ms. Hollis stated that she was objecting to the relief provided through the Settlement because she claims to have suffered "ankle problems" after wearing the Toning Shoes. *See* MDL Dkt. 367. I tried to contact Ms. Hollis at the telephone number provided in her correspondence on several occasions to inform her about the language in the Settlement, but was unable to reach her. Ms. Hollis had no voicemail or message recording system on which to leave her a message.

4. I am informed by the Class Action Settlement Administrator that it has received 1072 timely requests for exclusions. Of these opt outs, 975 were submitted by the law firms of Davis & Crump P.C. and Wright & Schulte, LLC, on behalf of their clients who may have and may wish to pursue personal injury claims against Skechers.

I declare under penalty of perjury under the laws of California and the United States that the foregoing is true and correct. Executed on this 1st day of February, 2013, at San Diego, California.

LESLIE E. HURST

CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2013, 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 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 hereby certify that on February 1, 2013, I mailed the foregoing document or paper via the United States Postal Service to the Objectors listed on the attached Service List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 1, 2013, at San Diego, California.

s/ Timothy G. Blood

TIMOTHY G. BLOOD

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