

THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY

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

MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

Plaintiffs Tamara Grabowski and Venus Morga, (together, “Plaintiffs”) individually and on behalf of all others similarly situated, hereby move pursuant to Rule 23 of the Federal Rules of Civil Procedure for entry of an Order:

- 1) Preliminarily certifying a nationwide class for settlement purposes only under the Federal Rules of Civil Procedure;
- 2) Preliminarily approving the settlement documented in the attached Settlement Agreement, including all exhibits thereto;
- 3) Approving the notice plan and the authorization to disseminate the notice to the Class;
- 4) Appointing the Class Action Settlement Administrator and Media Notice Administrator;
- 5) Setting a date and procedure for a Fairness Hearing on the proposed settlement;
- 6) Setting forth procedures and deadlines for Class Members to file objections to the proposed settlement;
- 7) Setting forth procedures and deadlines for Class Members to appear at the Fairness Hearing;
- 8) Setting forth procedures and deadlines for Class Members to request exclusion from the Class;
- 9) Issuing a preliminary injunction;
- 10) Naming Class Representatives Tamara Grabowski and Venus Morga; and
- 11) Naming as Class Counsel, Timothy G. Blood, of Blood Hurst & O’Reardon, LLP, and Janine L. Pollack, of Milberg LLP.

Plaintiffs submit the Settlement Agreement, filed concurrently with this motion. The proposed Preliminary Approval Order is attached as Exhibit 5 to the Settlement Agreement. Plaintiffs separately submit a memorandum of law in support of this motion.

Dated: May 16, 2012

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CERTIFICATE OF SERVICE

I hereby certify that on May 16, 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 on May 16, 2012.

s/ Timothy G. Blood

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