

IF YOU PURCHASED NEW BALANCE TONING SHOES YOUR RIGHTS MAY BE AFFECTED BY A PROPOSED CLASS ACTION SETTLEMENT

A proposed class action settlement has been reached involving New Balance Toning Shoes.

WHO IS INCLUDED?

You may be a Class Member if you purchased in Canada the New Balance Toning Shoes listed below from January 1, 2010 until June 21, 2013.

TONING SHOES:

Rock&Tone, TrueBalance, Aravon Ria, Aravon Riley and Aravon Quinn

WHAT IS THIS CASE ABOUT?

The lawsuit claims that New Balance made certain misrepresentations regarding the benefits of wearing its Toning Shoes in its marketing and sales. New Balance denies it did anything wrong. The Court did not decide which side was right. Instead, the parties have decided to settle.

WHAT DOES THIS SETTLEMENT PROVIDE?

A maximum Settlement Cap of not more than \$155,000 is intended to pay claims to eligible Class Members and the costs of the settlement notice. New Balance is also agreeing to refrain from certain practices and to separately pay attorneys' fees, an award to the Representative Plaintiff and the costs of settlement administration. Full details about the Settlement are on the website www.clg.org.

WHAT TYPE OF COMPENSATION CAN YOU RECEIVE?

New Balance will provide to each individual Class Member that qualifies for Compensation the following:

- For a single pair of Toning Shoes: an amount of \$100, without the necessity of proof of purchase.
- For two or more pairs of Toning Shoes: a maximum amount of \$200, with proof of purchase required for at least one of the pairs of Toning Shoes.

For each Claimant who submits a valid Claim, New Balance shall provide payment as described above, so long as providing such Compensation does not exceed the Settlement Cap. If providing each Claimant with such Compensation will exceed the Settlement Cap, then in such circumstances each Claimant's Compensation shall be reduced on a *pro rata* basis.

HOW DO YOU ASK FOR A PAYMENT?

To get money, eligible Class Members must submit a claim form by mail postmarked no later than **November 14, 2013**. Payments could be up to \$100 for each pair of Toning Shoes purchased, up to a maximum of \$200 for multiple pairs of Toning Shoes, but will vary depending upon the number of Claims submitted by all Class Members and the costs of settlement notice, as specified more fully in the Settlement Agreement.

WHAT ARE YOUR OPTIONS?

If you are a Class Member, you may (1) do nothing; (2) exclude yourself; (3) send in a Claim Form; and/or (4) object to the settlement. If you don't want to be bound by the settlement, you must exclude yourself. However, if you exclude yourself, you can't get a payment, but you can sue New Balance for these claims. If you stay in the Class, you may submit a Claim Form and/or object to the settlement.

WHAT ARE THE IMPORTANT DATES AND DEADLINES?

A motion to approve the Settlement will be heard by the Superior Court of Quebec, 1 Notre Dame Street East, Montréal, Quebec on **June 21, 2013 at 8:40 a.m. in room 2.08.**

If the proposed Settlement is approved, it will be binding on all Class Members except those who timely and properly opt out.

If you wish to opt out, you must no later than **August 19, 2013**: i) complete and submit by mail the Opt Out Form; ii) the Opt Out Form is available on Class Counsel's website at www.clg.org. Class Members who want to opt out and who are residents of Quebec must IN ADDITION give notice to the Clerk of the Superior Court of Quebec.

If you wish to object to the proposed settlement, you must send a written notice of objection to Class Counsel and Defence Counsel by no later than **June 11, 2013**. Your written objection should include: (a) your name, address, e-mail address and telephone number; (b) a brief statement of the reasons for your objection; and (c) whether you plan to attend at the hearing in person or through a lawyer, and if by lawyer, the name, address, e-mail address and telephone number of the lawyer. Class Members who do not oppose the proposed settlement need not appear at the settlement approval hearing or take any other action at this time.

WHEN SHOULD I MAKE A CLAIM?

The Claim Form is available on Class Counsel's website at www.clg.org. A Claim Form must be postmarked no later than **November 14, 2013**. The Claim form must be sent by mail to: New Balance Settlement Canada c/o Borden Ladner Gervais LLP, attention Marie Gamelin at 1000, de la Gauchetière Street West, Suite 900, Montreal, Quebec, H3B 5H4. There will be no further notice in the newspapers of this Settlement Agreement.

WHEN DO I GET PAID?

Cheques will only begin to be mailed to eligible Class Members for Compensation at the earliest starting on **November 26, 2013**, assuming that the Settlement is approved and that such judgment has become final.

HOW CAN YOU GET MORE INFORMATION?

A complete copy of the Settlement Agreement and detailed information on how to obtain or file a Claim are available on Class Counsel's website at www.clg.org. To obtain a paper copy or for other information, please call Class Counsel at the numbers below.

WHO REPRESENTS ME?

The Class Counsel, or law firm representing the petitioner, is the following:

Jeff Orenstein

Consumer Law Group Inc.
4150, Sainte-Catherine St. West, Suite 330
Montreal, Quebec, H3Z 2Y5
Phone:
1-888-909-7863 Toll Free
514-266-7863 Montreal
416-479-4493 Toronto
613- 627-4894 Ottawa
Email: jorenstein@clg.org
Website: www.clg.org

If there is a conflict between the provisions of this Notice and the Settlement Agreement and any of its Schedules, the terms of the Settlement Agreement shall prevail.

This notice has been approved by the Superior Court of Quebec.