

Opt Out Form

**NEW BALANCE TONING SHOES CLASS ACTION SETTLEMENT
OPT OUT FORM**

Class Members are bound by the terms of the Settlement Agreement, unless they opt out of the class action.

If you opt out, you will not be entitled to make a claim or to receive any Compensation. If you opt out, you should be aware that there are strictly enforced time limits within which you must take formal legal action to pursue your claim. By opting out, you will take full responsibility for taking all necessary legal steps to protect your claim.

If you wish to opt out, you must no later than **August 19, 2013**, complete and submit by mail the present Opt Out Form to the following address: **Borden Ladner Gervais LLP, attention Marie Gamelin, 1000 de la Gauchetière Street West, Suite 900, Montreal, Quebec, H3B 5H4;**

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 at:

Clerk of the Superior Court of Quebec
Palais de Justice
1, Notre-Dame Street East
Montreal (Quebec) H2Y 1B6
Court file no. 500-06-000626-123

**THIS IS NOT A REGISTRATION FORM OR A CLAIM FORM.
IT EXCLUDES YOU FROM MAKING A CLAIM IN THE SETTLEMENT.
DO NOT USE THIS FORM IF YOU WANT TO RECEIVE BENEFITS UNDER THE
SETTLEMENT.**

Name: _____

Address: _____

Telephone: _____

Email: _____

Identification of person signing this Opt Out Form (please check):

I represent that I purchased New Balance Toning Shoes and am the above identified

Class Member. I am signing this Opt Out Form to EXCLUDE myself from entitlement to benefits under the New Balance Toning Shoes Settlement Agreement.

Purpose of Opting Out (check only one):

- My current intention is to begin individual litigation against New Balance Athletic Shoe, Inc., New Balance, Inc. and/or New Balance Canada, Inc. to seek to recover damages related to the purchase of New Balance Toning Shoes.
- I am opting out of the class action for a reason other than to begin individual litigation against New Balance Athletic Shoe, Inc., New Balance, Inc. and/or New Balance Canada, Inc. to seek to recover damages related to the purchase of New Balance Toning Shoes. I do not intend to begin individual litigation against New Balance Athletic Shoe, Inc., New Balance, Inc. and/or New Balance Canada, Inc. with respect to New Balance Toning Shoes.

I UNDERSTAND THAT BY OPTING OUT I WILL NEVER BE ELIGIBLE TO RECEIVE ANY COMPENSATION PURSUANT TO THE NEW BALANCE TONING SHOES CLASS ACTION SETTLEMENT AGREEMENT

I wish to opt out of the New Balance Toning Shoes Settlement Program in Canada.

DATE: _____

Name of Class Member

Signature of Class Member