

SUPERIOR COURT

(Class Action)

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

No: 500-06-000626-123

DATE: MAY 3, 2013

IN THE PRESENCE OF: MR. JUSTICE MARK PEACOCK, J.S.C.

LÉNINE PETIT
Petitioner

v.

NEW BALANCE ATHLETIC SHOE, INC.

and

NEW BALANCE, INC.

and

NEW BALANCE CANADA, INC.

Respondents

**JUDGMENT ON PETITIONER'S MOTION FOR APPROVAL
OF A NOTICE TO CLASS MEMBERS**

[1] **ON READING** Petitioner's Motion for Approval of a Notice to Class Members, which seeks approval of a form of notice to be published in accordance with a proposed dissemination plan to the attention of class members announcing the date, time, place, and nature of the approval hearing, as well as, the manner, type of compensation given, and the deadline to file a claim under the terms of the Settlement Agreement (**Exhibit R-1**) [called the "Pre-Approval Notice];

[2] **THE COURT:**

[3] **GRANTS** the Motion for Approval of a Notice to Class Members;

[4] **ORDERS** that the Notice to Class Members, substantially in the form of **Exhibits R-2** and **R-3** be disseminated on or before May 13, 2013 in the following manner:

- a) once in the form of an approximately 1/3 of a page advertisement in the first section of the nationally distributed edition of the newspaper the Globe & Mail;
- b) once in the form of an approximately 1/3 of a page advertisement in the first section of the newspaper *La Presse*, in the version(s) that are distributed in Montreal and any other edition available in the province of Quebec and elsewhere in Canada;
- c) once in the form of an approximately 1/3 of a page advertisement in the first section of the newspaper Metro News Canada, which is distributed in major urban centres across Canada;
- d) a Canadian Newswire (CNW) news release in both English and French;
- e) posting on New Balance's Canadian corporate twitter page <https://twitter.com/newbalancecan> until at least October 25, 2013;
- f) posting on Class Counsel's website www.clg.org until at least October 25, 2013; and
- g) a Google Ad Words cost-per-click campaign of no less than \$2,000 applicable to Canadian residents using the following keywords: "New Balance", "New Balance Canada", "New Balance Settlement", « Règlement New Balance » "New Balance Class Action", « Recours collectif New Balance » "New Balance Toning Shoe", « New Balance chaussure tonifiante », "Toning Shoe", « chaussure tonifiante » "Rock Tone", "True Balance", "Aravon Ria", "Aravon Riley", "Aravon Quinn" – which means that Class Members will be directed to Class Counsel's webpage dedicated to the New Balance Settlement;

[5] **ORDERS** that the costs of disseminating the Notice will be paid by Respondents in accordance with the Settlement Agreement;

[6] **FIXES** the hearing date of the Motion to Authorize the Bringing of a Class Action for settlement purposes only and for approval of the Settlement Agreement for June 21, 2013 at the Montreal Courthouse, 1, Notre-Dame Street East, in the city of Montreal, Quebec, in courtroom 2.08 at 8:40 A.M. (or any other courtroom, which will be indicated by the posting of a sign outside of courtroom 2.08);

[7] **WITHOUT COSTS.**



MARK G. PEACOCK, J.S.C.

Me Jeff Orenstein
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Attorneys for the Petitioner

Me Robert Charbonneau
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Attorneys for the Respondents

Date of hearing: March 28, 2013