

THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

IN RE:  
SKECHERS TONING SHOE  
PRODUCT LIABILITY LITIGATION

CAROLYN SCOTT & MAX SCOTT

Plaintiff,

v.

SKECHERS U.S.A., INC.  
SKECHERS U.S.A., INC., II, AND  
SKECHERS FITNESS GROUP

Defendants.

CASE: 3:11-MD-02308-TBR

MDL NO. 2308

HON. THOMAS B. RUSSELL

**CASE NO. 3:13-CV-1267-TBR**

**AGREED ORDER OF DISMISSAL**

By agreement of the Plaintiffs, Carolyn Scott and Max Scott, by counsel, and the Defendants, Skechers U.S.A., Inc., Skechers U.S.A., Inc. II, and Skechers Fitness Group, by counsel, all claims asserted by and between the parties, or which could have been asserted in this case by and between the parties, should be dismissed based on the parties' settlement of this matter, and the Court being otherwise sufficiently advised;

**IT IS ORDERED AND ADJUDGED** that Plaintiffs' Complaint is hereby **DISMISSED WITH PREJUDICE** as to all claims that were asserted or could have been asserted herein as between the parties.

Each party shall bear their own costs and attorney's fees.

Tendered by:

/s/ Edward B. Mulligan, V (w/permission)

Edward B. Mulligan, V  
COHEN & MALAD, LLP  
One Indiana Square, Suite 1400  
Indianapolis, IN 46204  
Phone: 317.636.6481  
Fax: 317.636.2593  
E-mail: [nmulligan@cohenandmalad.com](mailto:nmulligan@cohenandmalad.com)  
***Counsel for Plaintiffs***

/s/ Jill F. Endicott

Jill F. Endicott  
DINSMORE & SHOHL LLP  
101 South Fifth Street, Suite 2500  
Louisville, KY 40202  
Telephone: (502) 581-8000  
Fax: (502) 581-8111  
E-mail: [jill.endicott@dinsmore.com](mailto:jill.endicott@dinsmore.com)

Michael D. Eagen  
Katrina R. Atkins  
DINSMORE & SHOHL LLP  
255 E. 5th St., Suite 1900  
Cincinnati, OH 45202  
Telephone: (513) 977-8578  
E-mail: [michael.eagen@dinsmore.com](mailto:michael.eagen@dinsmore.com)  
[katrina.atkins@dinsmore.com](mailto:katrina.atkins@dinsmore.com)

Of Counsel:

Daniel M. Petrocelli  
Jeffrey A. Barker  
Justine M. Daniels  
O'MELVENY & MYERS LLP  
1999 Avenue of the Stars, 7th Floor  
Los Angeles, California 90067  
Telephone: (310) 553-6700  
Facsimile: (310) 246-6779  
E-mail: [dpetrocelli@omm.com](mailto:dpetrocelli@omm.com)  
[jbarker@omm.com](mailto:jbarker@omm.com)  
[jdaniels@omm.com](mailto:jdaniels@omm.com)

***Counsel for Defendants, Skechers U.S.A., Inc.,  
Skechers U.S.A., Inc. II, and Skechers Fitness Group***