

CANADA

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

NO: 500-06-000582-110

(Class Action)
SUPERIOR COURT

Y. MARKUS

Petitioner

-vs.-

REEBOK CANADA INC., legal person
duly constituted, having its head office at
3400 Raymond-Lasnier, City of Montreal,
Province of Quebec, H4R 3L3

and

REEBOK INTERNATIONAL LTD., legal
person duly constituted, having its head
office at 1895 J.W. Foster Boulevard,
City of Canton, State of Massachusetts,
02021, USA

and

ADIDAS CANADA LIMITED, legal
person duly constituted, having its head
office at 8100 Highway 27, City of
Woodbridge, Province of Ontario, L4H
3N2

Respondents

**MOTION TO AUTHORIZE THE BRINGING OF A CLASS ACTION
&
TO ASCRIBE THE STATUS OF REPRESENTATIVE
(Art. 1002 C.C.P. and following)**

TO ONE OF THE HONOURABLE JUSTICES OF THE SUPERIOR COURT,
SITTING IN AND FOR THE DISTRICT OF MONTREAL, YOUR PETITIONER
STATES AS FOLLOWS:

I. GENERAL PRESENTATION

A) The Action

1. Petitioner wishes to institute a class action on behalf of the following group, of which she is a member, namely:

- all residents in Canada who have purchased the products REEBOK EasyTone™ footwear and RunTone™ running shoes (the “Toning Shoes”), or any other group to be determined by the Court;

Alternately (or as a subclass)

- all residents in Quebec who have purchased the products REEBOK EasyTone™ footwear and RunTone™ running shoes (the “Toning Shoes”), or any other group to be determined by the Court;

2. Petitioner contends that the Respondents marketed and sold the Toning Shoes through the use of false or misleading advertisements and representations regarding the Toning Shoes’ ability to:

- a) tone and strengthen key leg muscles while walking, and
- b) tone and strengthen the glutes (28%), thighs (11%), and calves (11%) muscles by a specific percentage more than walking in a regular shoe;

3. In fact, the only independent and reliable scientific study on the subject demonstrated that there is no evidence to support the claims that Toning Shoes will help wearers exercise more intensely, burn more calories or improve muscle strength and tone;

4. By reason of these actions and omissions, the Respondents induced consumers into purchasing Toning Shoes that do not live up to their promised results, thereby causing Petitioners and the members of the class to suffer economic damages, which they are entitled to claim;

B) The Respondents

5. Respondent Reebok Canada inc. (“Reebok Canada”) is a federally incorporated Canadian company whose head office is in the judicial district of Montreal, the whole as appears more fully from a copy of the Respondent Reebok Canada’s report from the *Registre des entreprises*, produced herein as **Exhibit R-1**;

6. Respondent Reebok Canada is a wholly owned subsidiary of its American parent company, Respondent Reebok International Ltd. (“Reebok USA”);

7. On January 1st 2011, Respondent Reebok Canada and Respondent Adidas Canada Inc. (“Adidas Canada”) merged, the whole as appears more fully from a copy of the Respondent Adidas Canada’s report from the *Registre des entreprises*, produced herein as **Exhibit R-2**;
8. Despite this merger, the trade-name “Reebok Canada” only began being used [according to Exhibit R-1] by Respondent Adidas Canada on August 18th 2011. Furthermore, on the website www.reebok.com, the Canadian corporate headquarters is listed as 3400 Raymond-Lasnier in Saint-Laurent, Quebec, H4R 3L3, the whole as appears more fully from a copy of said extract from the website, produced herein as **Exhibit R-3**;
9. Respondent Reebok USA is the registrant of the trade-marks EASYTONE (TMA767974) which was filed on August 18th 2008 and RUNTONE (TMA785508) which was filed on November 19th 2009, the whole as appears more fully from a copy of the reports from the CIPO Canadian trade-marks database, produced herein *en liasse* as **Exhibit R-4**;
10. During the relevant time period, Respondents Reebok Canada and Reebok USA have been responsible for developing, marketing, advertising, distributing, and selling EasyToneTM footwear and RunToneTM running shoes throughout Canada, including the Province of Quebec;
11. Respondents Reebok Canada presumably controls the Reebok brands EasyToneTM footwear and RunToneTM running shoes’ distribution channels, advertising campaigns, and labelling decisions from their head office in Montreal, Quebec;
12. Unless the context indicates otherwise, the Respondents Reebok Canada and Reebok USA will be referred to as “Reebok” for the purposes hereof and the Respondent Adidas Canada will simply be referred to as “Adidas”;

C) The Situation

13. Toning Shoes are shoes that purportedly provide health and fitness benefits such as toning and strengthening muscles in the lower body. Unlike traditional athletic shoes, which are designed to provide the wearer with support, toning shoes are designed to create slight instability. The theory of Toning Shoes is that the instability the shoe causes will force muscles to work harder to stabilize, resulting in benefits such as muscle toning, shaping, and strengthening;
14. It has been reported that toning shoe sales (by all the companies that produce such shoes) in the United States increased from \$17 million in 2008 to approximately \$145 million in 2009 and peaked in 2010 with sales close to

\$1 billion. The Canadian market can be estimated at around 10% of the USA market;

15. Reebok has represented that walking in EasyTone footwear is proven to tone and strengthen the lower body - toning and strengthening the gluteus maximus muscle 28% more than walking in a typical walking shoe, and toning and strengthening both the hamstring and calf muscles 11% more than walking in a typical walking shoe;
16. Reebok has described RunTone footwear as a “close cousin” to its EasyTone footwear. Reebok has represented that running in RunTone shoes increases muscle activation, toning, strength, and endurance as compared to running in typical running shoes;
17. Some of the specific representations made by Reebok on their Canadian packaging and labelling are:
 - a) “Tone and strengthen key leg muscles while you walk. It’s as easy as that.”
 - b) “Balance ball inspired technology with moving air creates micro-instability. Tones and strengthens key leg muscles.”
 - c) “28% glutes, 11% thighs, 11% calves”
 - d) “What is EasyTone? An innovative footwear solution designed to tone and strengthen key leg muscles with every step you take”

the whole as appears more fully from a copy of the Toning Shoes’ packaging and labelling, produced herein as **Exhibit R-5**;

18. Some of the specific representations made by Reebok on their Canadian website www.reebok.ca, which is redirected to www.reebok.com/CA, are:
 - a) “EasyTone Fusion

The EasyTone Fusion combines the same EasyTone toning results with a classic, street-ready look. You can tighten and tone with every step – and they won’t even know it.

 - EasyTone technology has pockets of moving air that promote micro-instability; that can improve muscle tone in the glutes, calves, and hamstrings “
 - b) “EasyTone Inspire

Get a better butt and better legs with every step. Built specifically for walking and everyday activities, the EasyTone Inspire can help tighten and tone key leg muscles thanks to our unique sole technology.”

c) “EasyTone Trend

Take the gym with you, workout at work or while you run errands. Built on Reebok’s patented muscle-toning sole technology, the EasyTone Trend creates a slight instability, much like walking on sand, which encourages increased muscle activation in three key areas of the leg: the gluteus maximus, hamstrings and calves.”

d) “EasyTone Calibrator

You asked for it, you got it: the conditioning shoe for men. Compared to a traditional shoe, the EasyTone Calibrator encourages more activation in the glutes, hamstrings and calves. And who couldn’t use a little more help there? Ideal for walking and everyday activities.

- EasyTone patented micro-instability sole technology builds up strength in the glutes, hamstrings and calves

e) “EasyTone Rush

Get a better butt and better legs with every step. With EasyTone Rush, you can get firmer thanks to our patented sole technology, which emulates walking on sand.

- EasyTone technology improves muscle tone in the hamstrings, calves and glutes

f) “EasyTone Inspire

Get a better butt and better legs with every step. Built specifically for walking and everyday activities, the EasyTone Inspire can help tighten and tone key leg muscles thanks to our unique sole technology.”

g) “EasyTone Reeinspire

Limited edition pink EasyTone Reeinspire, available exclusively at Reebok.com. Better legs and a better butt with every step. Built specifically for walking and everyday activities, the EasyTone Reeinspire is designed to work your key leg and butt muscles with every step.”

h) “EasyTone Reeinspire

The hottest shoe of the year just got hotter - introducing the EasyTone Tinsel collection! Get a better butt and better legs with every step thanks to the EasyTone Reeinspire, an Oprah magazine "O List" gift pick."

i) "EasyTone Go Outside

Get a better butt and better legs with every step. With EasyTone Go Outside, you can get firmer thanks to our patented sole technology, which emulates walking on sand.

- EasyTone technology improves muscle tone in the hamstrings, calves and glutes"

j) "EasyTone Smoothfit Sunsa

Exclusive to Reebok - burn extra calories with every step. Balance pods in the sole and heel of EasyTone shoes increase leg-muscle activity, toning your calves, thighs and butt/bottom. EasyTone works all the time you are wearing them. So now you can take the gym with you - wherever you go!"

k) "EasyTone Street - Men's

You asked for it, you got it: the muscle-toning shoe for men. Compared to a traditional shoe, the EasyTone Street encourages more strength activation in the glutes, hamstrings and calves. And who couldn't use a little more help there? Ideal for walking and everyday activities."

l) "EasyTone ReeWonder

English description: A better butt and legs with every step. Built specifically for walking and everyday activities, the EasyTone Renew is designed to work your key leg and butt muscles with every step."

the whole as appears more fully from a copy of various extracts of Reebok's website, produced herein as **Exhibit R-6**

19. In addition, Reebok has advertised its Toner Shoes through a variety of media which have been viewable in Canada, such as: print advertisements and inserts in newspapers, print advertisements in magazines like People, In Style, and Us Weekly, the Internet on such websites as www.reebok.com, Facebook, Twitter, and YouTube, and television commercials on networks such as CBS and ABC, the whole as appears more fully from a copy of some such advertisements, produced herein *en l'asse* as **Exhibit R-7**;

20. Through the means as described above, Reebok represented, directly or indirectly, expressly or by implication, that:

- a) walking in Toner Shoes will tone and strengthen the legs and the butt more than walking in a typical walking shoe,
- b) laboratory tests show that when compared to walking in a typical walking shoe, walking in Toner Shoes will improve muscle tone and strength by 28% in the gluteus maximus, 11% in the hamstrings, and 11% in the calves, and
- c) running in Toner Shoes will tone and strengthen the legs and butt more than running in a typical running shoe;

21. In truth and in fact, these representations were not substantiated at the times that they were made;

22. In fact, the only independent and reliable scientific study shows exactly the opposite of Reebok's claims. In the study entitled "THE PHYSIOLOGIC AND ELECTROMYOGRAPHIC RESPONSES TO WALKING IN REGULAR ATHLETIC SHOES VERSUS "FITNESS SHOES" by John P. Porcari, Ph.D., John Greany, Ph.D., Stephanie Tepper, B.S., Brian Edmonson, B.S., Carl Foster, Ph.D. from the Departments of Physical Therapy and Exercise and Sport Science, University of Wisconsin-La Crosse it states:

"The "clinical" studies supporting the benefits of these shoes have all been non-peer reviewed and internally funded. A review of these studies finds that they generally had small sample sizes, lacked adequate research control, and had questionable or no statistical analyses.

..

Because there seems to be unsubstantiated claims about the benefits of walking in fitness shoes, the purpose of this study was two fold: First was to evaluate the exercise responses (heart rate, oxygen consumption, caloric expenditure, and ratings of perceived exertion) to walking in regular athletic shoes compared to fitness shoes. The second was to evaluate muscle activation (via electromyography) when walking in regular athletic shoes compared to fitness shoes. This investigation was conducted as two separate studies using two separate groups of subjects.

...

There was no significant difference in EMG levels in the gastrocnemius, rectus femoris, biceps femoris, gluteus maximus, erector spinae, or rectus abdominus between the four types of shoes. It can be seen that EMG activity was generally higher at the higher workloads (i.e., 3.0/0% grade vs. 3.5 mph/0% grade vs. 3.5 mph/5% grade), as expected.

...

The results of this study found no evidence that walking in fitness shoes had any positive effect on exercise heart rate, oxygen consumption, or caloric expenditure compared to walking in a regular running shoe.

...

Based upon the results of this study, wearing so-called fitness shoes will have no beneficial effect on exercise intensity or caloric expenditure compared to wearing a regular running shoe. Additionally, there is no evidence that wearing shoes with an unstable sole design will improve muscle strength and tone more than wearing a regular running shoe.”

the whole as appears more fully from a copy of said scientific study, produced herein as **Exhibit R-8**;

23. In a summary of this study by the American Council on exercise (“ACE”), the following further remarks were made:

“For the exercise response study, researchers recruited 12 physically active female volunteers, ages 19 to 24 years. All study subjects completed a dozen five-minute exercise trials in which they walked on a treadmill for five minutes wearing each type of shoe. The shoe order was randomized as the subjects were asked to walk at 3.0 mph with a 0% grade hill; 3.5 mph/0% grade; and at 3.5 mph/5.0% grade. Meanwhile researchers monitored each subject’s oxygen consumption, heart rate, ratings of perceived exertion (RPE) and caloric expenditure.

To measure muscle activation, researchers recruited a second group of 12 physically active female volunteers, ages 21 to 27 years, who performed a similar battery of five-minute treadmill trials (as explained above) rotating shoes at random. Researchers used electromyography (a.k.a. EMG) to record muscle activity in six muscle areas: gastrocnemius (calf), rectus femoris (quads), biceps femoris (hamstrings), gluteus maximus (buttocks), erector spinae (back), and rectus abdominis (abs), as subjects walked in each of the four pairs of shoes. As a baseline for EMG analysis, maximum voluntary isometric contractions (MVIC) on all muscles were also performed using manual muscle techniques prior to testing.”

...

“Do you feel different when you’re wearing these shoes? Of course you do because you’re walking on probably an inch worth of cushioning,” explains Porcari. “They feel different, and that’s why when people first wear them they’re probably going to be sore because you’re using different muscles. But if you wear any sort of abnormal shoes that you’re not used to wearing, your muscles are going to get sore. Is that going to translate into toning your butt, hamstrings and calves? Nope. Your body is just going to get used to it.”

the whole as appears more fully from a copy of said summary, produced herein as **Exhibit R-9**;

24. Therefore, the advertisements and representations made by the Respondents as set forth herein were, and are, false or misleading. The acts and practices

of the Respondents as alleged herein constitute unfair or deceptive acts or practices and the making of false advertisements;

25. As a result, consumers were induced into purchasing Toner Shoes through the use of false and misleading representations, thereby vitiating their consent and entitling them to claim a refund for the purchase price of the product;
26. On September 28th 2011, the United States Federal Trade Commission (“FTC”) released a press statement announcing that they had reached a settlement agreement with Reebok USA to refund American consumer \$25 million for their purchase of Toning Shoes and that Reebok USA would be barred from:
- making claims that toning shoes and other toning apparel are effective in strengthening muscles, or that using the footwear will result in a specific percentage or amount of muscle toning or strengthening, unless the claims are true and backed by scientific evidence;
 - making any health or fitness-related efficacy claims for toning shoes and other toning apparel unless the claims are true and backed by scientific evidence; and
 - misrepresenting any tests, studies, or research results regarding toning shoes and other toning apparel.

the whole as appears more fully from a copy of said news release, produced herein as **Exhibit R-10**;

27. The relating documentation emanating from the FTC are being produced as if recited at full length herein, namely:
- a) A copy of the Complaint dated September 28th 2011 as **Exhibit R-11**;
 - b) A copy of the Stipulated Final Judgment and Order dated September 29th 2011 as **Exhibit R-12**;

II. FACTS GIVING RISE TO AN INDIVIDUAL ACTION BY THE PETITIONER

28. Petitioner purchased Reebok EasyTone Reinspiration shoes around two (2) months ago from Sports Experts at 930 Sainte-Catherine Street West, in Montreal, Quebec for approximately \$100 plus taxes;
29. Petitioner believed, by having seen Reebok’s marketing and having read their labelling, that the Toning Shoes would cause her to tone and strengthen her

leg muscles, and specifically her glutes, thighs, and calves while walk in her Toning Shoes;

30. Petitioner just recently became aware, through her own internet research, that these products' claims have not been scientifically proven and that the US Federal Trade Commission and Reebok entered into an agreement to refund their American customers. Petitioner has seen all of the various documents on the FTC's website;
31. In consequence, Petitioner feels that she has been misled by Reebok and that had she known the true facts about Toner Shoes, the Petitioner would not have purchased them;
32. Petitioner's damages are a direct and proximate result of the Respondents' conduct and the company's false and misleading advertising;
33. In consequence of the foregoing, Petitioner is justified in claiming damages;

III. FACTS GIVING RISE TO AN INDIVIDUAL ACTION BY EACH OF THE MEMBERS OF THE GROUP

34. Every member of the class has purchased Toning Shoes believing that it would cause them to tone and strengthen their leg muscles, and specifically their glutes, thighs, and calves while walk in their Toning Shoes due to the Respondents' marketing, advertising, and labelling;
35. The class members were, therefore, induced into error by the Respondents' false and misleading advertising;
36. Had the Respondents disclosed the truth about their Toning Shoes, that they do not offer any extra toning or strengthening over regular shoes, reasonable consumers would not have purchased them;
37. Each member of the class is justified in claiming at least one or more of the following as damages:
 - a) The purchase price of their Toning Shoes;
 - b) Punitive damages;
38. Respondents engaged in wrongful conduct, while at the same time obtaining, under false pretences, significant sums of money from class members;
39. All of these damages to the class members are a direct and proximate result of the Respondents' conduct and their false and misleading advertising;



IV. CONDITIONS REQUIRED TO INSTITUTE A CLASS ACTION

- A) The composition of the class renders the application of articles 59 or 67 C.C.P. difficult or impractical
40. Petitioner is unaware of the specific number of persons who purchased Toning Shoes, however, it is safe to estimate that it is in the tens of thousands (if not hundreds of thousands);
41. Class members are numerous and are scattered across the entire province and country;
42. In addition, given the costs and risks inherent in an action before the courts, many people will hesitate to institute an individual action against the Respondents. Even if the class members themselves could afford such individual litigation, the court system could not as it would be overloaded. Further, individual litigation of the factual and legal issues raised by the conduct of the Respondents would increase delay and expense to all parties and to the court system;
43. Also, a multitude of actions instituted in different jurisdictions, both territorial (different provinces) and judicial districts (same province), risks having contradictory judgements on questions of fact and law that are similar or related to all members of the class;
44. These facts demonstrate that it would be impractical, if not impossible, to contact each and every member of the class to obtain mandates and to join them in one action;
45. In these circumstances, a class action is the only appropriate procedure for all of the members of the class to effectively pursue their respective rights and have access to justice;
- B) The questions of fact and law which are identical, similar, or related with respect to each of the class members with regard to the Respondents and that which the Petitioner wishes to have adjudicated upon by this class action
46. Individual questions, if any, pale by comparison to the numerous common questions that predominate;
47. The damages sustained by the class members flow, in each instance, from a common nucleus of operative facts, namely, Respondents' misconduct;



48. The recourses of the members raise identical, similar or related questions of fact or law, namely:
- a) Did the Respondents engage in unfair, false, misleading, or deceptive acts or practices regarding the marketing and sale of its REEBOK EasyTone footwear and RunTone running shoes (the “Toner Shoes”)?
 - b) Are the Respondents liable to the class members for reimbursement of the purchase price of the Toner Shoes as a result of their misconduct?
 - c) Should an injunctive remedy be ordered to prohibit the Respondents from continuing to perpetrate their unfair, false, misleading, and/or deceptive conduct?
 - d) Are the Respondents responsible to pay compensatory and/or punitive damages to class members and in what amount?
49. The interests of justice favour that this motion be granted in accordance with its conclusions;

V. NATURE OF THE ACTION AND CONCLUSIONS SOUGHT

50. The action that the Petitioner wishes to institute on behalf of the members of the class is an action in damages and an injunctive remedy;
51. The conclusions that the Petitioner wishes to introduce by way of a motion to institute proceedings are:

GRANT the class action of the Petitioner and each of the members of the class;

ORDER the Defendants to cease from continuing its unfair, false, misleading, and/or deceptive conduct;

DECLARE the Defendants liable for the damages suffered by the Petitioner and each of the members of the class;

CONDEMN the Defendants to pay to each member of the class a sum to be determined in compensation of the damages suffered, and ORDER collective recovery of these sums;

CONDEMN the Defendants to pay to each of the members of the class, punitive damages, and ORDER collective recovery of these sums;



CONDEMN the Defendants to pay interest and additional indemnity on the above sums according to law from the date of service of the motion to authorize a class action;

ORDER the Defendants to deposit in the office of this court the totality of the sums which forms part of the collective recovery, with interest and costs;

ORDER that the claims of individual class members be the object of collective liquidation if the proof permits and alternately, by individual liquidation;

CONDEMN the Defendants to bear the costs of the present action including expert and notice fees;

RENDER any other order that this Honourable court shall determine and that is in the interest of the members of the class;

A) The Petitioner requests that she be attributed the status of representative of the Class

52. Petitioner is a member of the class;

53. Petitioner is ready and available to manage and direct the present action in the interest of the members of the class that they wish to represent and is determined to lead the present dossier until a final resolution of the matter, the whole for the benefit of the class, as well as, to dedicate the time necessary for the present action before the Courts of Quebec and the *Fonds d'aide aux recours collectifs*, as the case may be, and to collaborate with his attorneys;

54. Petitioner has the capacity and interest to fairly and adequately protect and represent the interest of the members of the class;

55. Petitioner has given the mandate to her attorneys to obtain all relevant information with respect to the present action and intends to keep informed of all developments;

56. Petitioner, with the assistance of her attorneys, is ready and available to dedicate the time necessary for this action and to collaborate with other members of the class and to keep them informed;

57. Petitioner is in good faith and has instituted this action for the sole goal of having her rights, as well as the rights of other class members, recognized and protected so that they may be compensated for the damages that they have suffered as a consequence of the Respondents' conduct;



58. Petitioner understands the nature of the action;
59. Petitioner's interests are not antagonistic to those of other members of the class;
- B) The Petitioner suggests that this class action be exercised before the Superior Court of justice in the district of Montreal
60. A great number of the members of the class reside in the judicial district of Montreal and in the appeal district of Montreal;
61. The Respondent Reebok Canada's head office is located in the judicial district of Montreal;
62. The Petitioner's attorneys practice their profession in the judicial district of Montreal;
63. The present motion is well founded in fact and in law.

FOR THESE REASONS, MAY IT PLEASE THE COURT:

GRANT the present motion;

AUTHORIZE the bringing of a class action in the form of a motion to institute proceedings in damages and for injunctive relief;

ASCRIBE the Petitioner the status of representative of the persons included in the class herein described as:

- all residents in Canada who have purchased the products REEBOK EasyTone™ footwear and RunTone™ running shoes (the "Toning Shoes"), or any other group to be determined by the Court;

Alternately (or as a subclass)

- all residents in Quebec who have purchased the products REEBOK EasyTone™ footwear and RunTone™ running shoes (the "Toning Shoes"), or any other group to be determined by the Court;

IDENTIFY the principle questions of fact and law to be treated collectively as the following:

- a) Did the Respondents engage in unfair, false, misleading, or deceptive acts or practices regarding the marketing and sale of its REEBOK EasyTone footwear and RunTone running shoes (the "Toner Shoes")?

- b) Are the Respondents liable to the class members for reimbursement of the purchase price of the Toner Shoes as a result of their misconduct?
- c) Should an injunctive remedy be ordered to prohibit the Respondents from continuing to perpetrate their unfair, false, misleading, and/or deceptive conduct?
- d) Are the Respondents responsible to pay compensatory and/or punitive damages to class members and in what amount?

IDENTIFY the conclusions sought by the class action to be instituted as being the following:

GRANT the class action of the Petitioner and each of the members of the class;

ORDER the Defendants to cease from continuing its unfair, false, misleading, and/or deceptive conduct;

DECLARE the Defendants liable for the damages suffered by the Petitioner and each of the members of the class;

CONDEMN the Defendants to pay to each member of the class a sum to be determined in compensation of the damages suffered, and ORDER collective recovery of these sums;

CONDEMN the Defendants to pay to each of the members of the class, punitive damages, and ORDER collective recovery of these sums;

CONDEMN the Defendants to pay interest and additional indemnity on the above sums according to law from the date of service of the motion to authorize a class action;

ORDER the Defendants to deposit in the office of this court the totality of the sums which forms part of the collective recovery, with interest and costs;

ORDER that the claims of individual class members be the object of collective liquidation if the proof permits and alternately, by individual liquidation;

CONDEMN the Defendants to bear the costs of the present action including expert and notice fees;

RENDER any other order that this Honourable court shall determine and that is in the interest of the members of the class;

DECLARE that all members of the class that have not requested their exclusion, be bound by any judgement to be rendered on the class action to be instituted in the manner provided for by the law;

FIX the delay of exclusion at thirty (30) days from the date of the publication of the notice to the members, date upon which the members of the class that have not exercised their means of exclusion will be bound by any judgement to be rendered herein;

ORDER the publication of a notice to the members of the group in accordance with article 1006 C.C.P. within sixty (60) days from the judgement to be rendered herein in LA PRESSE and the NATIONAL POST;

ORDER that said notice be available on the Respondents' website with a link stating "Notice to Reebok EasyTone footwear and RunTone running shoes owners";

RENDER any other order that this Honourable court shall determine and that is in the interest of the members of the class;

THE WHOLE with costs, including all publications fees.

Montreal, October 18, 2011

(S) Jeff Orenstein

CONSUMER LAW GROUP INC.
Per: Me Jeff Orenstein
Attorneys for the Petitioner