

COMMONWEALTH OF KENTUCKY  
HENDERSON COUNTY CIRCUIT COURT  
CIVIL ACTION NO. 24-CI-00062

BROOKE KINGSTON,  
on behalf of himself and all others similarly situated,

PLAINTIFF,

v.

**NOTICE-MOTION-ORDER**  
*(Electronically Filed)*

SPINX GAMES LTD.,

DEFENDANT.

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Please take notice that Agreed Motion will be heard at the convenience of the Court.

**JOINT STATUS REPORT AND**  
**AGREED MOTION TO CONTINUE TO STAY DEADLINES**

Plaintiff Brooke Kingston (“Plaintiff”) and Defendant SpinX Games LTD. (“SpinX” or “Defendant”), jointly move the Court for an order:

a. Staying all settlement deadlines in this matter for an additional 30 days, with a status report to be submitted on August 1, 2025, to allow time for the parties to finalize their negotiations and propose a new notice plan and plan of allocation for the Settlement.

b. This motion is made upon the grounds that, as noted in the Parties’ last motion to the Court, due to unforeseen issues with verification of class member spend amounts, notice could not be disseminated by the Settlement Administrator by the court-ordered notice date of May 23, 2025. Although Plaintiff worked diligently to negotiate with the subpoenaed parties and with Defendant to explore solutions to the issues with the thus-far produced datasets, the Parties eventually concluded that the Notice Plan and Plan of Allocation provided for in the Settlement, as presently constructed, were not feasible given the data available. Since the Court stayed all deadlines in its June, 2, 2025 order, the Parties have been diligently investigating alternative

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options for notice and negotiating the parameters of the same, and have reached an agreement in principle. Thus, the parties respectfully request that all deadlines set by the Court be stayed for an additional 30 days as detailed above, to allow time for the Parties finalize their proposed Notice Plan and Plan of Allocation, which they intend to submit to the Court for approval.

This motion is based upon this notice, the complete records and file in this action, and upon any other such oral or documentary evidence as may be permitted by the Court.

Date: July 1, 2025

Respectfully submitted,

By: /s/ Philip G. Fairbanks

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**[PROPOSED] ORDER STAYING DEADLINES**

WHEREAS, the above-captioned matter came before this Court upon the Parties' Joint Status Report and Agreed Motion to Stay Deadlines. Based upon the motion and all the files and proceedings herein, the Court finds as follows:

1. The Court stays all dates and deadlines from the Preliminary Order Approving Class Action Settlement, Certifying the Class for Settlement Purposes, Approving Notice Plan, Appointing Class Representative, and Appointing Class Counsel ("Preliminary Approval Order") previously entered by this Court on October 3, 2024, and most recently modified by this Court on February 21, 2025.

2. The Parties shall file a status report apprising the Court of their progress on negotiations for a new Notice Plan and Plan of Allocation and proposing next steps on or before August 1, 2025.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2025.

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**HON. KAREN L. WILSON**  
Henderson County Chief Circuit Judge