

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.

Please take notice that this agreed motion will be heard at the convenience of the Court.

AGREED MOTION TO EXTEND DEADLINES

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

a. Extending the deadline for the Settlement Administrator to disseminate class notice pursuant to Settlement Agreement § 4.2 from November 25, 2024, to February 24, 2025. Settlement Administrator to send Reminder Notice via email both thirty (30) days prior to the Claims Deadline and seven (7) days prior to the Claims Deadline. Settlement Administrator to provide Notice on the settlement website no later than seven (7) days after entry of Preliminary Approval.

b. Extending the deadline for any Settlement Class Member to submit claims from April 21, 2025, to July 7, 2025, which is no fewer than fifty-six (56) days following the rescheduled Final Approval Hearing.

c. Extending the deadline for any Settlement Class Member wishing to be excluded from the Settlement Class from January 13, 2025, to April 9, 2025, which is no fewer than 45 days

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after the dissemination of the class notice and claims forms but no sooner than 14 days after Class Counsel submits papers supporting a Fee Award.

d. Extending the deadline for any Settlement Class Member wishing to object to the terms of the Settlement Agreement from January 13, 2025, to April 9, 2025, which is no fewer than 45 days after the dissemination of the class notice and claims forms but no sooner than 14 days after Class Counsel submits papers supporting a Fee Award.

e. Extending the deadline for Class Counsel to file their memorandum of points and authorities in support of their motion for approval of attorneys' fees, costs, from December 27, 2024, to March 26, 2025 (*suggested date 14 days prior to the Objection/Exclusion Deadline*).

f. Extending the deadline for Class Counsel to file a memorandum of points and authorities in support of the final approval of the Settlement Agreement from February 7, 2025 to April 28, 2025, more than fourteen (14) days prior to the Final Approval Hearing.

g. Rescheduling the final settlement approval fairness hearing on the question of whether the proposed Settlement Agreement, attorneys' fees to Class Counsel, and the Settlement Class Representative's Incentive Award should be finally approved as fair, reasonable and adequate as to the members of the Settlement Class from February 24, 2025, at 9:00 a.m. local time to May 12, 2025 at 9:00 a.m. local time.

h. This motion is made upon the grounds that, due to unforeseen delays in pulling class member data, and corresponding delays in the service of subpoenas to third parties for class member contact information, notice could not be disseminated by the Settlement Administrator on the court-ordered notice date of November 25, 2024. The Parties have been working diligently to negotiate with the subpoenaed parties and are currently awaiting the production of responsive documents and data regarding class member contact information from the subpoenaed parties.

Thus, the Parties respectfully request that all deadlines set by the Court be extended as detailed above, to allow time for negotiations as to the production of class member data and for the Settlement Administrator to disseminate notice upon the receipt of the same.

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.

Respectfully submitted,

By: /s/ Philip G. Fairbanks

Philip G. Fairbanks (pgf@austinmehr.com)
 Bartley K. Hagerman (bkh@austinmehr.com)
 Mehr Fairbanks Trial Lawyers, PLLC
 201 West Short Street, Suite 800
 Lexington, KY 40507
 Phone: (859) 225-3731
 Fax: (859) 225-3830

Philip L. Fraietta*
 Alec M. Leslie*
 Bursor & Fisher, P.A.
 1330 Avenue of the Americas
 32nd Floor
 New York, NY 10019
 Telephone: (646) 837-7150
 Facsimile: (212) 989-9163
 pfraietta@bursor.com
 aleslie@bursor.com

Counsel for Plaintiff and the Putative Class

* *Admitted pro hac vice*

/s/ Timothy J. Weatherholt, with permission

Timothy J. Weatherholt, Bar ID # 90349
 Fisher & Phillips LLP
 220 West Main Street, Suite 1700
 Louisville, KY 40202
 tweatherholt@fisherphillips.com
 O: (502) 561-3982
 C: (859) 322-9191

Counsel for Defendant

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[PROPOSED] ORDER EXTENDING DEADLINES

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

1. The Court adopts the following revised dates and deadlines to replace the corresponding dates in 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. Other than these revised dates, the Preliminary Approval Order remains in effect, unchanged, in all respects:

- a. The deadline for the Settlement Administrator to disseminate class notice pursuant to Settlement Agreement § 4.2 shall be February 24, 2025. Settlement Administrator shall send Reminder Notice via email both thirty (30) days prior to the Claims Deadline and seven (7) days prior to the Claims Deadline. Settlement Administrator shall provide Notice on the settlement website no later than seven (7) days after entry of Preliminary Approval.

- b. The deadline for any Settlement Class Member to submit claims shall be July 7, 2025, which is no fewer than fifty-six (56) days following the rescheduled Final Approval Hearing.
- c. Any Settlement Class Member wishing to be excluded from the Settlement Class shall have until April 9, 2025 to do so, which is no more than 45 days after the dissemination of the class notice and claims forms but no sooner than 14 days after Class Counsel submits papers supporting a Fee Award.
- d. Any Settlement Class Member wishing to object to the terms of the Settlement Agreement shall have until April 9, 2025 to do so, which is no more than 45 days after the dissemination of the class notice and claims forms but no sooner than 14 days after Class Counsel submits papers supporting a Fee Award.
- e. Class Counsel shall file their memorandum of points and authorities in support of their motion for approval of attorneys' fees, costs, and expenses no later than March 26, 2025 (*suggested date more than 14 days prior to the Objection/Exclusion Deadline*).
- f. Class Counsel shall file a memorandum of points and authorities in support of the final approval of the Settlement Agreement no later than April 28, 2025, more than fourteen (14) days prior to the Final Approval Hearing.
- g. The final settlement approval fairness hearing on the question of whether the proposed Settlement Agreement, attorneys' fees to Class Counsel, and the Settlement Class Representative's Incentive Award should be finally approved as fair, reasonable and adequate as to the members of the Settlement Class shall be

rescheduled from February 24, 2025, at 9:00 a.m. local time to May 12, 2025 at 9:00 a.m. local time.

SO ORDERED this _____ day of _____, 2024.

HON. KAREN L. WILSON
Henderson County Chief Circuit Judge

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