

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

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

PLAINTIFF,

v.

SPINX GAMES LTD.,

DEFENDANT.

**PRELIMINARY ORDER APPROVING AMENDED CLASS ACTION SETTLEMENT,
AND APPROVING NOTICE PLAN**

WHEREAS, the above-captioned matter came before this Court upon the Parties' Joint Renewed Motion for Preliminary Approval of Class Action Settlement. Based upon the memoranda, exhibits, and all the files and proceedings herein, the Court finds as follows:

1. The Court grants preliminary approval of the Settlement based upon the terms set forth in the Amended Settlement Agreement.
2. The settlement terms set forth in the Amended Settlement Agreement appear to be fair, adequate and reasonable to the Settlement Class, and the Court preliminarily approves the terms of the Amended Settlement Agreement, including:
 - a. The creation of a Settlement Fund of \$285,500.00 should the Court ultimately grant final approval;
 - b. An Incentive Award, which shall not exceed \$5,000 for Plaintiff Brooke Kingston;
 - c. Attorneys' fees, costs, and expenses to Class Counsel, which shall not exceed one-third of the Settlement Fund; and
 - d. Reasonable settlement administration expenses to be drawn from the Settlement Fund.

- e. Defendant shall pay no fee or cost other than paying or causing to be paid \$285,500.00 to the Settlement Fund.

3. This Court approves, as to form and content, the notice of proposed class action settlement (the “Notice”), in substantially the form attached to the Settlement Agreement as Exhibits B, C and D. The Court approves the procedure for Settlement Class Members to opt out of, or object to, the Settlement as set forth in the Settlement Agreement Notice.

4. The Court directs the mailing of the Settlement Class Notice by email to the Settlement Class Members in accordance with the schedule set forth below. The Court finds the dates selected for the distribution of the Notice, as set forth below, meet the requirements of due process and provide the best notice practicable under the circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

Event	Proposed Deadline
Settlement Administrator to disseminate class notice pursuant to Settlement Agreement § 4.2	No later than October 17, 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 updated Notice on the settlement website	No later than seven (7) days after entry of Preliminary Approval

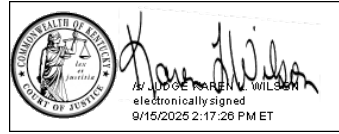
5. The Court adopts the following additional dates and deadlines:

- a. The deadline for Settlement Class Members to submit claims shall be February 16, 2026, which is no fewer than fifty-six (56) days following the Final Approval Hearing.
- b. Any Settlement Class Member wishing to be excluded from the Settlement Class shall have until December 1, 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.
- c. Any Settlement Class Member wishing to object to the terms of the Settlement Agreement shall have until December 1, 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. Class Counsel shall file a memorandum of points and authorities in support of their motion for approval of attorneys' fees, costs, and expenses no later than November 17, 2025 (*suggested date 14 days prior to the Objection/Exclusion Deadline*).
- e. Settlement Class Counsel shall file a memorandum of points and authorities in support of the final approval of the Settlement Agreement no later than December 8, 2025, fourteen (14) prior to the Final Approval Hearing.
- f. A 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 is scheduled for December 22, 2025 at 1:00 p.m. local time.

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SO ORDERED this _____ day of _____, 2025.



HON.

Henderson County Circuit Judge

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OO : 000004 of 000004