

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 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. Allowing the Parties 21 days to file a renewed motion for preliminary approval of their class action 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. After the Court stayed all deadlines in its June 2, 2025 order, the Parties diligently investigated alternative options for notice, negotiated the parameters of the same, and executed a new class action settlement with updated

proposals on class notice and claim procedure. Thus, the parties respectfully request that the Court provide 21 days for the Parties to file motion submitting their new proposed Notice Plan and Plan of Allocation 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.

Dated: August 22, 2025

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 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 Parties shall file a renewed motion for preliminary approval of their newly agreed Notice Plan and Plan of Allocation on or before September 12, 2025.

SO ORDERED this ____ day of _____, 2025.

HON. KAREN L. WILSON

Henderson County Chief Circuit Judge