

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 on Monday, June 2, 2025 at 9:00 am local time, the undersigned will make the motion and tender the order set forth below.

AGREED MOTION 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 30 days, with a status report to be submitted on July 2, 2025, to allow time for the parties to negotiate and propose a new notice plan and plan of allocation for the Settlement.

b. This motion is made upon the grounds that, due to unforeseen issues with verification of class member spend amounts, notice cannot be disseminated by the Settlement Administrator by the court-ordered notice date of May 23, 2025. Plaintiff has been working diligently to negotiate with the subpoenaed parties and with Defendant to explore solutions to the issues with the thus-far produced datasets. However, as a result of this work, the Parties have concluded that the Notice Plan and Plan of Allocation provided for in the Settlement, as presently constructed, are not feasible given the data available. Thus, the Parties respectfully request that all deadlines set by the Court be stayed for 30 days as detailed above, to allow time for the Parties

to negotiate an alternative 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.

Respectfully submitted,

By: /s/ Philip G. Fairbanks

/s/ Timothy J. Weatherholt, with permission

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Counsel for Plaintiff and the Putative Class

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[PROPOSED] ORDER STAYING DEADLINES

WHEREAS, the above-captioned matter came before this Court upon the Parties' 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 July 2, 2025.

SO ORDERED this ____ day of _____, 2025.

HON. KAREN L. WILSON
Henderson County Chief Circuit Judge

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