

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 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 February 24, 2025 to May 23, 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 July 7, 2025 to October 13, 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 April 9, 2025 to July 7, 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.

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b. Extending the deadline for any Settlement Class Member wishing to object to the terms of the Settlement Agreement from April 9, 2025 to July 7, 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.

c. 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 March 26, 2025 to June 23, 2025 (*suggested date 14 days prior to the Objection/Exclusion Deadline*).

d. 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 April 28, 2025 to July 28, 2025, more than fourteen (14) days prior to the Final Approval Hearing.

e. 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 May 12, 2025 at 9:00 a.m. local time to August 18, 2025, at 9:00 a.m. local time.

f. 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 February 24, 2025. The Parties have been working diligently to negotiate with the subpoenaed parties and to explore solutions to the issues with the thus-far produced datasets. 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 full production of class member data, including spend amounts, 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.

Date: 2/19/2025

Respectfully submitted,

By: /s/ Philip G. Fairbanks

/s/ Timothy J. Weatherholt, with permission

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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 May 23, 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 October 13, 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 July 7, 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 July 7, 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 June 23, 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 July 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 May 12, 2025 at 9:00 a.m. local time to August 18, 2025, at 9:00 a.m. local time.

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

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

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