

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 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. Staying all settlement deadlines in this matter for an additional 21 days, with a status report to be submitted on August 22, 2025, to allow time for the parties to finalize their negotiations and propose a new notice plan and plan of allocation for the 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. Since the Court stayed all deadlines in its June 2, 2025 order, the Parties have been diligently investigating alternative options

for notice and negotiating the parameters of the same, have reached an agreement in principle, and have exchanged updated proposals on the claim procedure. Thus, the parties respectfully request that all deadlines set by the Court be stayed for an additional 21 days as detailed above, to allow time for the Parties finalize their proposed 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.

Dated: August 1, 2025

Respectfully submitted,

By: /s/ Philip G. Fairbanks

/s/ Timothy J. Weatherholt, with permission

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

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

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

*Counsel for Defendant*

*Counsel for Plaintiff and the Putative Class*

\* *Admitted pro hac vice*

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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 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 August 22, 2025.

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

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