

**UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON**

*Heathcote v. SpinX Games Limited, et al.*, Case No. 2:20-cv-01310-RSM

**If you played Cash Frenzy, Lotsa Slots, Jackpot World, Vegas Friends, Jackpot Mania, Jackpot Fever, DAFU, Cash Bash, or Jackpot Crush you may be part of a class action settlement.**

*A court authorized this notice. You are not being sued. This is not a solicitation from a lawyer.*

- A Settlement has been reached in a class action lawsuit against SpinX Games Limited, Grande Games Limited, and Beijing Bole Technology Co., Ltd. (“Defendants”), alleging claims based on the sale of virtual coins in the following social casino-style games: Cash Frenzy, Lotsa Slots, Jackpot World, Vegas Friends, Jackpot Mania, Jackpot Fever, DAFU, Cash Bash, and Jackpot Crush. Defendants deny all claims and that they violated the law, but have agreed to the settlement to avoid the uncertainties and expenses associated with continuing the case.
- You are a Settlement Class Member if you played Cash Frenzy, Lotsa Slots, Jackpot World, Vegas Friends, Jackpot Mania, Jackpot Fever, DAFU, Cash Bash, and Jackpot Crush, on or before January 31, 2022, while located in the state of Washington.
- Those who file timely and properly completed claims will be eligible to receive a share of the Settlement Fund. Your share will be depend on, among other things, (1) the total dollar amount of in-game purchases you made while playing Cash Frenzy, Lotsa Slots, Jackpot World, Vegas Friends, Jackpot Mania, Jackpot Fever, DAFU, Cash Bash, and Jackpot Crush, with those who spent more money receiving a higher percentage back, (2) whether or not your claims are potentially subject to the Dispute Resolution and Arbitration Provision in Defendants’ Terms of Service, and (3) how many Settlement Class Members submit claims.
- Read this notice carefully. Your legal rights are affected whether you act, or don’t act.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>SUBMIT A CLAIM FORM</b>	This is the only way to receive a payment.
<b>EXCLUDE YOURSELF</b>	You will receive no benefits, but you will retain any rights you currently have to sue the Defendant about the claims in this case.
<b>OBJECT</b>	Write to the Court explaining why you don’t like the Settlement.
<b>GO TO THE HEARING</b>	Ask to speak in Court about your opinion of the Settlement.
<b>DO NOTHING</b>	You won’t get a share of the Settlement benefits and will give up your rights to sue the Defendant about the claims in this case.

These rights and options—**and the deadlines to exercise them**—are explained in this Notice.

QUESTIONS? CALL 1-877-540-0582 TOLL FREE, OR VISIT [WWW.GRANDEGAMESSETTLEMENT.COM](http://WWW.GRANDEGAMESSETTLEMENT.COM)

## **BASIC INFORMATION**

### **1. Why was this Notice issued?**

A Court authorized this notice because you have a right to know about a proposed Settlement of this class action lawsuit and about all of your options, before the Court decides whether to give final approval to the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

The Honorable Ricardo S. Martinez, of the U.S. District Court for the Western District of Washington, is overseeing this case. The case is called *Heathcote v. SpinX Games Limited, et al.*, Case No. 2:20-cv-01310-RSM. The person who sued is called the Plaintiff. The Defendants are SpinX Games Limited, Grande Games Limited, and Beijing Bole Technology Co., Ltd.

### **2. What is a class action?**

In a class action, one or more people called class representatives (in this case, Alma Sue Croft) sue on behalf of a group or a “class” of people who have similar claims. In a class action, the court resolves the issues for all class members, except for those who exclude themselves from the Class.

### **3. What is this lawsuit about?**

The lawsuit claims that Defendants violated Washington’s gambling laws and Washington’s Consumer Protection Act, and that Defendant was unjustly enriched, through the sale of virtual coins in the following social casino-style games: Cash Frenzy, Lotsa Slots, Jackpot World, Vegas Friends, Jackpot Mania, Jackpot Fever, DAFU, Cash Bash, and Jackpot Crush. Defendants deny all claims and that they violated any law.

### **4. Why is there a Settlement?**

The Court has not decided whether the Plaintiff or the Defendants should win this case. Instead, both sides agreed to a Settlement. That way, they avoid the uncertainties and expenses associated with ongoing litigation, and Class Members will get compensation sooner rather than, if at all, after the completion of a trial.

More information about the Settlement and the lawsuit are available in the “Court Documents” section of the settlement website, or by accessing the Court docket in this case, for a fee, through the Court’s Public Access to Court Electronic Records (PACER) system at <https://ecf.wawd.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Western District of Washington, Tacoma Courthouse, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

## **WHO’S INCLUDED IN THE SETTLEMENT?**

### **5. How do I know if I am in the Settlement Class?**

The Court decided that everyone who fits the following description is a member of the **Settlement Class**:

Persons who played Cash Frenzy, Lotsa Slots, DAFU, Jackpot World, Jackpot Fever, Jackpot Crush, Jackpot Mania, Cash Bash, and/or Vegas Friends, on or before January 31, 2022, while located in the state of Washington.

## **THE SETTLEMENT BENEFITS**

### **6. What does the Settlement provide?**

**Monetary Relief:** If approved by the Court, Defendants will establish a Settlement Fund totaling \$3,500,000. Settlement Class Member payments, as well as the cost to administer the Settlement, the cost

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to inform people about the Settlement, any attorneys' fees and costs awarded by the Court, and any incentive award to the Class Representative approved by the Court will also come out of this fund (*see* Question 13).

**Prospective Relief:** Defendants have also agreed to take or maintain measures designed to address video game behavior disorders, including providing self-service resources to players, providing for voluntary self-exclusion, and implementing in-game mechanics to ensure that players who run out of sufficient virtual coins will be able to continue to play the games without waiting an unreasonable amount of time.

A detailed description of the settlement benefits can be found in the Settlement Agreement available at [www.GrandeGamesSettlement.com/documents](http://www.GrandeGamesSettlement.com/documents).

#### **7. How much will my payment be?**

If you are member of the Settlement Class you may submit a Claim Form to receive a portion of the Settlement Fund. The exact amount of your payment can't be determined at this time, but you can get an estimate by visiting the settlement website. The amount of your payment will depend on, among other things, (1) the total dollar amount of in-game purchases you made while playing the Cash Frenzy, Lotsa Slots, Jackpot World, Vegas Friends, and/or other SpinX Games Social Casino Games, with those who spent more money receiving a higher percentage back, (2) whether or not your claims are potentially subject to the Binding Arbitration Provision in Defendants' Terms of Use, and (3) how many Settlement Class Members submit claims. If you would like more information about how Settlement Payments are determined, visit [www.GrandeGamesSettlement.com](http://www.GrandeGamesSettlement.com).

#### **8. When will I get my payment?**

You should receive a check or electronic payment from the Settlement Administrator within 60 days after the Settlement has been finally approved and/or any appeals process is complete. The hearing to consider the final approval of the Settlement is scheduled for December 1, 2022. If you elect to receive your payment via check, please keep in mind that checks will expire and become void 180 days after they are issued. If appropriate, funds remaining from the initial round of uncashed checks, or electronic payments that cannot be processed, may be used for a second distribution to Settlement Class Members and/or may be donated to the Legal Foundation of Washington.

### **HOW TO GET BENEFITS**

#### **9. How do I get a payment?**

If you are a Class Member and you want to get a payment, you must complete and submit a Claim Form by **January 26, 2023**. Claim Forms can be found and submitted online or you may have received a Claim Form in the mail (and which you can then submit by mail). To submit a Claim Form on-line or to request a paper copy, go to [www.GrandeGamesSettlement.com](http://www.GrandeGamesSettlement.com) or call toll free, 1-877-540-0582.

We encourage you to submit your claim electronically. Not only is it easy and secure, but it is completely free and takes only minutes.

### **REMAINING IN THE SETTLEMENT**

#### **10. What am I giving up if I stay in the Class?**

If the Settlement becomes final, you will give up your right to sue the Defendants and other Released Parties for the claims being resolved by this Settlement. The specific claims you are giving up against the Defendants are described in the Settlement Agreement. You will be "releasing" the Defendants and

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certain of its affiliates, employees and representatives as described in Section 1.30 of the Settlement Agreement. Unless you exclude yourself (*see* Question 14), you are “releasing” the claims, regardless of whether you submit a claim or not. The Settlement Agreement is available through the “court documents” link on the website.

The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions you can talk to the lawyers listed in Question 12 for free or you can, of course, talk to your own lawyer if you have questions about what this means.

#### **11. What happens if I do nothing at all?**

If you do nothing, you won’t get any benefits from this Settlement. But, unless you exclude yourself, you won’t be able to start a lawsuit or be part of any other lawsuit against the Defendants for the claims being resolved by this Settlement.

### **THE LAWYERS REPRESENTING YOU**

#### **12. Do I have a lawyer in the case?**

The Court has appointed two lawyers at the firm Bursor & Fisher, P.A. to be the attorneys representing the Settlement Class. Those lawyers – Philip L. Fraietta and Alec M. Leslie – are called “Class Counsel.” They are experienced in handling similar class action cases. More information about these lawyers, their law firm, and their experience is available at [www.bursor.com](http://www.bursor.com). They believe, after conducting an extensive investigation, that the Settlement Agreement is fair, reasonable, and in the best interests of the Settlement Class. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

#### **13. How will the lawyers be paid?**

Class Counsel attorneys’ fees, costs, and expenses will be paid from the Settlement Fund in an amount to be determined and awarded by the Court. The fee petition will seek no more than 25% of the Settlement Fund in attorneys’ fees, plus reimbursement of reasonable costs and expenses. The Court may award less than this amount.

Subject to approval by the Court, the Class Representative may be paid an Incentive Award from the Settlement Fund for helping to bring and settle the case. The Class Representative will ask for \$5,000 as an incentive award.

### **EXCLUDING YOURSELF FROM THE SETTLEMENT**

#### **14. How do I get out of the Settlement?**

To exclude yourself from the Settlement, you must mail or otherwise deliver a letter (or request for exclusion) stating that you want to be excluded from the “*Heathcote v. SpinX Games Limited, et al.*, Case No. 2:20-cv-01310-RSM settlement.” Your letter or request for exclusion must also include your name, your address, the Player IDs, and any email address(es) associated with the Applications you played, your signature, the name and number of this case, and a statement that you wish to be excluded. You must mail or deliver your exclusion request no later than **November 7, 2022** to:

Grande Games Settlement  
c/o JND Legal Administration  
P.O. Box 91221  
Seattle, WA 98111

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**15. If I don't exclude myself, can I sue the Defendant for the same thing later?**

No. Unless you exclude yourself, you give up any right to sue the Defendants for the claims being resolved by this Settlement.

**16. If I exclude myself, can I get anything from this Settlement?**

No. If you exclude yourself, you should not submit a Claim Form to ask for benefits because you won't receive any.

**OBJECTING TO THE SETTLEMENT**

**17. How do I object to the Settlement?**

If you are a Class Member, you can object to the Settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must file with the Court a letter or brief stating that you object to the Settlement in *Heathcote v. SpinX Games Limited, et al.*, Case No. 2:20-cv-01310-RSM and identify all your reasons for your objections (including citations and supporting evidence) and attach any materials you rely on for your objections. Your letter or brief must also include your name, your address the basis upon which the objector claims to be a Settlement Class Member, including the Player IDs and any email address(es) associated with the Applications, the name and contact information of any and all attorneys representing, advising, or in any way assisting you in connection with your objection, and your signature. If you, or an attorney assisting you with your objection, have ever objected to any class action settlement where you or the objecting attorney has asked for or received payment in exchange for dismissal of the objection (or any related appeal) without modification to the settlement, you must include a statement in your objection identifying each such case by full case caption. You must also mail or deliver a copy of your letter or brief to Class Counsel and Defendants' Counsel listed below.

Class Counsel will file with the Court and post on this website its request for attorneys' fees by October 24, 2022.

If you want to appear and speak at the Final Approval Hearing to object to the Settlement, with or without a lawyer (explained below in answer to Question Number 21), you must say so in your letter or brief. File the objection with the Court and mail a copy to these two different places postmarked no later than **November 7, 2022**.

Court	Class Counsel	Defendants' Counsel
The Honorable Ricardo S. Martinez United States District Court for the Western District of Washington 700 Stewart Street, Suite 13134 Seattle, WA 98101	Philip L. Fraietta Alec M. Leslie Bursor & Fisher PA 888 Seventh Avenue New York, NY 10019	Ajay S. Krishnan Michelle Ybarra Patrick E. Murray Connie P. Sung Keker, Van Nest & Peters LLP 633 Battery Street San Francisco, CA 94111

**18. What's the difference between objecting and excluding myself from the Settlement?**

Objecting simply means telling the Court that you don't like something about the Settlement. You can object only if you stay in the Class. Excluding yourself from the Class is telling the Court that you don't

want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

### **THE COURT’S FINAL APPROVAL HEARING**

#### **19. When and where will the Court decide whether to approve the Settlement?**

The Court will hold the Final Approval Hearing at **9:00 a.m. PST on December 1, 2022**. The purpose of the hearing will be for the Court to determine whether to approve the Settlement as fair, reasonable, adequate, and in the best interests of the Class; to consider the Class Counsel’s request for attorneys’ fees and expenses; and to consider the request for an incentive award to the Class Representative. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the Settlement.

The hearing may be postponed to a different date or time without notice, so it is a good idea to check [www.GrandeGamesSettlement.com](http://www.GrandeGamesSettlement.com) or call 1-877-540-0582. If, however, you timely objected to the Settlement and advised the Court that you intend to appear and speak at the Final Approval Hearing, you will receive notice of any change in the date of such Final Approval Hearing.

#### **20. Do I have to come to the hearing?**

No. Class Counsel will answer any questions the Court may have. But, you are welcome to come at your own expense. If you send an objection or comment, you don’t have to come to Court to talk about it. As long as you filed and mailed your written objection on time, the Court will consider it. You may also pay another lawyer to attend, but it’s not required.

#### **21. May I speak at the hearing?**

Yes. You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must include in your letter or brief objecting to the settlement a statement saying that it is your “Notice of Intent to Appear in *Heathcote v. SpinX Games Limited, et al.*, Case No. 20-cv-01310-RSM.” It must include your name, address, telephone number and signature as well as the name and address of your lawyer, if one is appearing for you. Your objection and notice of intent to appear must be filed with the Court and postmarked no later than **November 7, 2022** and be sent to the addresses listed in Question 17.

### **GETTING MORE INFORMATION**

#### **22. Where do I get more information?**

This Notice summarizes the Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement at [www.GrandeGamesSettlement.com](http://www.GrandeGamesSettlement.com). You may also write with questions to Grande Games Settlement, c/o JND Legal Administration, P.O. Box 91221, Seattle, WA 98111. You can call the Settlement Administrator at 1-877-540-0582 or Class Counsel at 1-646-837-7150, if you have any questions. Before doing so, however, please read this full Notice carefully. You may also find additional information elsewhere on the case website.