

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON

**If you played Hit It Rich!, Black Diamond Casino, Game of Thrones Slots, Wizard of Oz Slots, or Willy Wonka Slots while in the State of Washington, you may be part of a class action settlement.**

*A Federal 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 Zynga Inc. (“Zynga”), alleging claims under Washington state law based on the sale of virtual chips in the following social casino-style games: Hit It Rich!, Black Diamond Casino, Game of Thrones Slots, Wizard of Oz Slots, and Willy Wonka Slots. Zynga denies all claims and that it violated any law, but has agreed to the settlement to avoid the uncertainties and expenses associated with continuing the case.
- You are a Settlement Class Member if you played Hit It Rich!, Black Diamond Casino, Game of Thrones Slots, Wizard of Oz Slots, and/or Willy Wonka Slots while in the state of Washington on or before June 28, 2022.
- Those who file timely and properly completed claims will be eligible to receive a share of the Settlement Fund. Your share will depend on, among other things, (1) the total dollar amount of in-game purchases you made while playing Hit It Rich!, Black Diamond Casino, Game of Thrones Slots, Wizard of Oz Slots, and/or Willy Wonka Slots, with those who spent more money receiving a higher percentage back, and (2) how many Settlement Class Members submit claims.
- Please read this notice carefully. Your legal rights are affected regardless of whether you act or do not act.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>SUBMIT A CLAIM FORM</b>	You must submit a valid claim form either online or by mail. This is the only way to receive a payment.
<b>EXCLUDE YOURSELF</b>	To exclude yourself, you must affirmatively submit a request to be excluded. You will receive no benefits, but you will retain any rights you currently have to sue Zynga about the claims in this case.
<b>OBJECT OR COMMENT</b>	Write to the Court explaining your opinion of 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 Zynga about the claims in this case.

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

## 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.

Judge Robert S. Lasnik of the United States District Court for the Western District of Washington is overseeing this class action. The lawsuit is known as *Ferrando et al. v. Zynga Inc.*, No. 22-cv-214 (W.D. Wash.). The people who sued, Tonda Ferrando and Dex Marzano, are the “Class Representatives.” The company that got sued is Zynga Inc.

### 2. What is a class action?

In a class action, one or more people called class representatives 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 choose to exclude themselves from the class.

### 3. What is this lawsuit about?

The lawsuit claims that Zynga violated Washington’s gambling laws and Washington’s Consumer Protection Act through the sale of virtual chips in the following social casino-style games: Hit It Rich!, Black Diamond Casino, Game of Thrones Slots, Wizard of Oz Slots, and Willy Wonka Slots. Zynga denies all claims and that it violated any law.

### 4. Why is there a settlement?

The Court has not decided whether the Plaintiffs or Zynga should win this case. Instead, both sides agreed to a Settlement. That way, they avoid the uncertainties and expenses associated with ongoing litigation, and Settlement Class Members will get compensation now rather than years from now, if at all.

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, *Seattle 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 this description and chooses not to request to be excluded is a member of the **Settlement Class**:

All persons who, on or before Preliminary Approval of the Settlement, played Hit It Rich!, Black Diamond Casino, Game of Thrones Slots, Wizard of Oz Slots, or Willy Wonka Slots while located in the state of Washington. Excluded from the Settlement Class are (1) any Judge or Magistrate presiding over this action and members of their families, (2) Zynga, Zynga’s subsidiaries, parent companies, successors, predecessors, and any entity in which Zynga or their parents have a controlling interest and their current or former officers, directors, and employees, (3) persons who properly execute and file a timely request for exclusion from the settlement class, and (4) the legal representatives, successors or assigns of any such excluded persons.

If you are not sure whether you are included, you can call the Settlement Administrator at 1-855-579-1289. Or you can get free help by calling the lawyers appointed to represent class members in this case at 844-996-4215.

## THE SETTLEMENT BENEFITS

### 6. What does the settlement provide?

If approved by the Court, Zynga will establish a Settlement Fund totaling \$12,000,000. Settlement Class Member payments, as well as the cost to administer the Settlement, the cost to inform people about the Settlement, any attorneys' fees and costs awarded by the Court, and any incentive award to the Class Representatives approved by the Court will also come out of this fund.

### 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 Hit It Rich!, Black Diamond Casino, Game of Thrones Slots, Wizard of Oz Slots, and/or Willy Wonka Slots, with those who spent more money receiving a higher percentage back, and (2) how many Settlement Class Members file valid claims. If you would like more information about how Settlement Payments are determined, visit <http://www.ZyngaSettlement.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 after any appeals process is complete. The hearing to consider the final approval of the Settlement is scheduled for **December 1, 2022, at 11:00 a.m. Pacific Time**. If you select to receive your payment via check, please keep in mind that checks will expire and become void 90 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 Settlement Class Member and you want to receive a payment, you must complete and submit a valid Claim Form by **November 1, 2022**. Claim Forms can be found and submitted online, or you may request that a Claim Form be sent to you in the mail (and which you can then submit by mail). To submit a Claim Form online or to request a paper copy, go to <http://www.ZyngaSettlement.com> or call toll free, 1-855-579-1289.

We encourage you to submit your claim electronically. Not only is it easier and more 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 Settlement Class?

If the Settlement becomes final, you will give up your right to sue Zynga for the claims being resolved by this Settlement. The specific claims you are giving up against Zynga are described in the Settlement Agreement in Section 1.28. You will be "releasing" Zynga and certain related parties (collectively, the "Released Parties"), described in Section 1.29 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 by calling 844-996-4215, 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 monetary benefits from this Settlement. But, unless you exclude yourself, you won't be able to bring or participate in any other lawsuit against Zynga 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 a group of lawyers at the firm Edelson PC to represent the Settlement Class. Those lawyers— Jay Edelson, Rafey Balabanian, Todd Logan, Alexander Tievsky, Brandt Silver-Korn, and Amy Hausmann—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.edelson.com](http://www.edelson.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.

The Court also appointed Plaintiffs Tonda Ferrando and Dex Marzano, who have each played at least one of the social casino-style games in Question 3, as the Class Representatives.

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

Class Counsel attorneys' fees and costs 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 30% of the Settlement Fund. The Court may award less than this amount.

Subject to approval by the Court, each Class Representative may be paid an “Incentive Award” from the Settlement Fund for helping to bring and settle this case. No Class Representative will ask for more than \$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 email, mail, or otherwise deliver a letter (or request for exclusion) stating that you want to be excluded from the “*Ferrando et al. v. Zynga Inc.*, No. 22-cv-214 (W.D. Wash.)” case. Your letter or request for exclusion must include your (a) name (b) telephone number (c) U.S. Mail address, (d) email address, (e) Player IDs and/or email addresses associated with Hit It Rich!, Black Diamond Casino, Game of Thrones Slots, Wizard of Oz Slots, and/or Willy Wonka Slots, and (f) your signature. You must email or mail your exclusion request no later than **November 1, 2022**, to:

info@ZyngaSettlement.com

Zynga Settlement  
c/o JND Legal Administration  
PO Box 91355  
Seattle, WA 98111

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

No. Unless you exclude yourself, you give up any right to sue Zynga 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?**

You can ask the Court to deny approval by filing an objection. You can't ask the Court to order a different settlement; the Court can only approve or reject the settlement being proposed. If the Court denies approval, no settlement payments will be sent out and the lawsuit will continue. If that is what you want to happen, you must object.

Any objection to the proposed settlement must be in writing. If you file a timely written objection, you may, but are not required to, appear at the Final Approval Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney. 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. All written objections and supporting papers must include: (i) all Player ID(s) associated with Hit It Rich!, Black Diamond Casino, Game of Thrones Slots, Wizard of Oz Slots, and/or Willy Wonka Slots, (ii) all email address(es) associated with Hit It Rich!, Black Diamond Casino, Game of Thrones Slots, Wizard of Oz Slots, and/or Willy Wonka Slots, (iii) current telephone number, U.S. Mail address, and email address, (iv) the specific grounds for the objection, (v) all documents or writings that the Settlement Class Member desires the Court to consider, (vi) the name and contact information of any and all attorneys representing, advising, or in any way assisting the objector in connection with the preparation or submission of the objection or who may profit from the pursuit of the objection, and (vii) a statement indicating whether the objector intends to appear at the Final Approval Hearing (either personally or through counsel, who must file an appearance or seek pro hac vice admission). All written objections must be emailed or otherwise delivered to Class Counsel and Zynga's Counsel, and filed with the Court before **November 1, 2022**.

Class Counsel will file with the Court and post on this website its request for attorneys' fees by October 11, 2022.

**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 Settlement Class. Excluding yourself from the Settlement Class is telling the Court that you don't want to be part of the Settlement 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 on December 1, 2022, at 11:00 a.m. Pacific Time, at 700 Stewart Street, Seattle, WA 98101 and/or via Zoom at a link to be provided by the Court. 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 Settlement Class; to consider Class Counsel's request for attorneys' fees and expenses; and to

consider the request for incentive awards to the Class Representatives. 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 <http://www.ZyngaSettlement.com> or call 1-855-579-1289 to confirm the hearing date. 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 *Ferrando et al. v. Zynga Inc.*, No. 22-cv-214 (W.D. Wash.)." 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 sent no later than **November 1, 2022**.

### **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 <http://www.ZyngaSettlement.com>. You can also get information about this case by accessing the Court docket, for a fee, through the Court's Public Access to Court Electronic (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, *Seattle Courthouse*, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays. You may also write with questions to the Settlement Administrator, Zynga Settlement, c/o JND Legal Administration, PO Box 91355, Seattle, WA 98111. And you can call the Settlement Administrator at 1-855-579-1289 or Class Counsel at 844-996-4215, if you have any questions. Before doing so, however, please read this full Notice carefully.

**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.** All questions regarding the Settlement or claims process should be directed to the Settlement Administrator or to Class Counsel.