

The Honorable Robert S. Lasnik

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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

TONDA FERRANDO and DEX MARZANO,  
individually and on behalf of all others  
similarly situated,

*Plaintiffs,*

v.

ZYNGA INC., a Delaware corporation,

*Defendant.*

Case No. 22-cv-214-RSL

**DECLARATION OF TODD LOGAN  
IN SUPPORT OF MOTION FOR  
FINAL APPROVAL OF CLASS  
ACTION SETTLEMENT  
AGREEMENT**

1 Pursuant to 28 U.S.C. § 1746, I declare and state as follows:

2 1. I am a Partner at Edelson PC, which has been retained to represent Plaintiffs in  
3 the above-captioned matter. I am entering this declaration in support of Plaintiffs' Motion for  
4 Final Approval of Class Action Settlement Agreement.

5 2. I have personal knowledge of the matters stated herein and, if called upon, I could  
6 and would competently testify thereto.

7 \* \* \*

8 3. In 2014, Edelson PC began investigating the social casino industry's business  
9 practices as potentially illegal under various state consumer and gambling laws.

10 4. The results of that investigation revealed, in Edelson PC's view, that social casino  
11 companies were violating a host of state consumer and gambling laws, including laws requiring  
12 the return of monies lost at illegal gambling.

13 5. Based on their investigation, in 2015 Edelson PC began filing lawsuits against  
14 social casino companies, in courts nationwide, alleging claims under state gambling laws.

15 6. To date, Edelson PC has filed at least thirteen class action lawsuits against social  
16 casino companies. Additionally, in multi-district litigation in the Northern District of California  
17 alleging that Facebook, Apple, and Google are liable for social casino losses, Edelson PC's  
18 Managing Partner Rafey S. Balabanian was recently appointed to serve as sole Lead Counsel,  
19 and I was recently appointed to serve as Law and Briefing Counsel. In other words, Edelson PC  
20 has for the last seven years indisputably carried the torch on behalf of consumer victims of the  
21 social casino industry.

22 7. During that time, Edelson PC has devoted a substantial amount of its relatively  
23 limited time, energy, and resources toward the successful prosecution of lawsuits over social  
24 casino games.

25 8. Of the time, energy, and resources (the "Efforts") referenced above, only a tiny  
26 fraction is reflected within the docket entries and settlement documents in the above-captioned  
27 case.

1           9.       Paragraphs 10-22 below describe some of the Efforts Edelson PC has expended,  
2 since 2015, that aided the prosecution and settlement in this case (and the related social casino  
3 cases filed before this Court) but may not be completely (if at all) reflected on the Court’s  
4 docket.

5           10.       Two weeks after the Ninth Circuit’s mandate issued in Kater, Defendant’s  
6 industry peers dispatched lawyers to the Washington State Gambling Commission’s (“WSGC”  
7 or “Commission”) session in Tacoma to present a “Petition for a Declaratory Order” asking the  
8 Commission to declare that other social casino games “do not constitute gambling within the  
9 meaning of the Washington Gambling Act, RCW 9.46.0237.” At each of the three public  
10 hearings that followed—in July 2018 (in Tacoma), August 2018 (in Pasco), and October 2018 (in  
11 Olympia)—Edelson PC attorneys appeared before the Commission and presented live argument  
12 at both the Tacoma and Pasco hearings. Edelson PC supplemented these appearances with a  
13 formal letter to the Commission (ahead of the Tacoma hearing) and, on the Commission’s  
14 request, with an eighteen-page comment for the Commission’s consideration (between the  
15 Tacoma and Pasco hearings). The WSGC ultimately declined to enter a Declaratory Order.

16           11.       Even after the initial declaratory order proceedings, Edelson PC continued to  
17 represent the interests of the Class in additional flare-ups before the WSGC, including in similar  
18 declaratory order proceedings initiated by The Stars Group.

19           12.       Starting in early 2019, the International Social Gaming Association (“ISGA”)  
20 provided legislators draft legislation that would amend Washington’s gambling statutes with the  
21 effect (and specific intent) of gutting these lawsuits.

1           13.     In response, Edelson PC engaged the lobbying firm Peggen & Mara Political  
2 Consulting LLP—experts in Washington tribal and gambling laws—to help Edelson PC (i) stay  
3 on top of all administrative and legislative developments in the Washington gaming industry; (ii)  
4 understand the intricacies of Washington’s specific legislative process, including the nuances  
5 of—and procedures for—bill drafting; (iii) understand who the relevant lawmakers and  
6 stakeholders in Washington’s gaming industry were, what those lawmakers and stakeholders  
7 cared about, and how Edelson PC could educate those lawmakers and stakeholders about social  
8 casinos; and (iv) work with legislative groups, task forces, and other interested parties in  
9 Washington’s gaming industry, including the Washington Indian Gaming Association  
10 (“WIGA”).

11           14.     Edelson PC then used this information and expertise to amplify the Class’s  
12 interests and concerns. Edelson PC drafted memos and prepared handouts for a variety of  
13 stakeholders, including State Senators and Representatives, the WIGA, the Washington Trial  
14 Attorneys’ Association, the Public Interest Research Group, and other organizations dedicated to  
15 remedying problem gambling.

16           15.     Edelson PC attorneys also flew to Washington multiple times and personally met  
17 with lawmakers in the Washington Senate and House, met with officials in the Executive branch,  
18 and provided in-person testimony to the Washington Legislature.

19           16.     For example, in January 2019—after Edelson PC got wind that the ISGA was  
20 planning to gut Washington’s gambling statutes (in what would become the failed H.B. 2041 and  
21 S.B. 5886)—Edelson PC attorneys met in-person with Representative Shelley Kloba, then-  
22 Representative (and now Senator) Derek Stanford, then-Lieutenant Governor Cyrus Habib, and  
23 several other government officials.

24           17.     On January 28, 2020, Edelson PC attorneys met with Senator Stanford at the State  
25 Capital—following Edelson PC’s written and in-person testimony before the House Civil Rights  
26 & Judiciary Committee in (successful) opposition to H.B. 2720.

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1 18. On March 21, 2019, Class Counsel sent formal correspondence to Senator Mark  
2 Mullet ahead of a planned work session before the Senate and Financial Institutions, Economic  
3 and Trade Committee about social casinos—in which Defendant’s industry peers had been  
4 invited, but Class Counsel had not.

5 19. In August 2019, Edelson PC attorneys traveled to Anacortes—on Swinomish  
6 Tribe land—to speak at a monthly WIGA meeting, in opposition to the ISGA-backed bills.

7 20. And in early 2020, Edelson PC coordinated the submission of more than 200  
8 letters to Washington State Representatives from Big Fish Casino players across the country and  
9 spoke with local press about the ISGA’s renewed efforts to gut these lawsuits.

10 21. Class Counsel’s ongoing advocacy includes meetings with regulatory officials as  
11 well as officials from the legislative and executive branches.

12 \* \* \*

13 22. Based on my experience with settlements in the related cases, I anticipate that  
14 participating Settlement Class Members in the highest category of Lifetime Spending Amounts  
15 will likely recover gross payments in excess of 60% of their Lifetime Spending Amounts, and  
16 that participating class members in the lowest category of Lifetime Spending Amounts will  
17 likely recover gross payments in excess of 20% of their Lifetime Spending Amounts.

18 23. On June 30, 2022, Edelson PC effected service of subpoenas on Apple, Amazon,  
19 Meta, and Google, seeking data necessary to effectuate the Notice Plan. Edelson PC then  
20 negotiated with each of the Platform Providers to obtain the necessary data.

21 24. In my professional judgment, the most significant risk facing the Settlement  
22 Class’s recovery is a retroactive change in Washington gambling law.

23 25. The Parties’ settlement was reached after Edelson PC’s years of contentious  
24 social casino litigation before this Court, including years of litigation with Zynga’s counsel.  
25 Consequently, the mediation in this case was conducted with an in-depth understanding of the  
26 strengths and weaknesses of the Parties’ claims and defenses as well as the social casino  
27 litigation landscape.

1           26.     In the weeks before the mediation, Defendant provided Plaintiffs with data  
 2 regarding virtual coin purchases; the Parties exchanged substantial briefing on the core facts,  
 3 legal issues, and litigation risks; and the Parties supplemented that briefing with extensive  
 4 written and telephonic correspondence, mediated and shuttled by the Phillips ADR team,  
 5 clarifying each other’s positions. It was only after these weeks-long efforts, and with the skilled  
 6 assistance of the Phillips ADR team, that the Parties were able to hash out a settlement. By then,  
 7 the Parties were fully informed on all pertinent issues and capable of assessing the benefits of the  
 8 settlement now before the Court.

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I declare under penalty of perjury that the foregoing is true and correct.

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Executed on November 18, 2022 at San Francisco, California.

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/s/ Todd Logan

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