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

CHERYL KATER and SUZIE KELLY,  
individually and on behalf of all others similarly  
situated,

*Plaintiffs,*

v.

CHURCHILL DOWNS INCORPORATED, a  
Kentucky corporation, and BIG FISH GAMES,  
INC., a Washington corporation.

*Defendants.*

No. 15-cv-00612-RSL

**STIPULATION AND ORDER RE:  
FINAL CLAIMS DETERMINATIONS**

MANASA THIMMEGOWDA, individually and  
on behalf of all others similarly situated,

*Plaintiffs,*

v.

BIG FISH GAMES, INC., a Washington  
corporation; ARISTOCRAT TECHNOLOGIES  
INC., a Nevada corporation; ARISTOCRAT  
LEISURE LIMITED, an Australian corporation;  
and CHURCHILL DOWNS INCORPORATED,  
a Kentucky corporation,

*Defendants.*

No. 19-cv-00199-RSL

**STIPULATION AND ORDER RE:  
FINAL CLAIMS DETERMINATIONS**

1 SEAN WILSON, individually and on behalf of  
all others similarly situated,

2 *Plaintiff,*

3  
4 v.

5 PLAYTIKA LTD, an Israeli limited company,  
and CAESARS INTERACTIVE  
6 ENTERTAINMENT, LLC, a Delaware limited  
7 liability company,

8 *Defendants.*

9 SEAN WILSON, individually and on behalf of  
10 all others similarly situated,

11 *Plaintiff,*

12 v.

13 HUUUGE, INC., a Delaware corporation,

14 *Defendant.*

No. 18-cv-5277-RSL

**STIPULATION AND ORDER RE:  
FINAL CLAIMS DETERMINATIONS**

No. 18-cv-05276-RSL

**STIPULATION AND ORDER RE:  
FINAL CLAIMS DETERMINATIONS**



1 DATED this 25th day of January, 2021.

2 Respectfully submitted,

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**ORDER**

The Parties' stipulated motion is **GRANTED**. For each of the above-captioned cases, the Court orders the following:

1. The Honorable Layn R. Phillips (Fmr.) of Phillips ADR will make all Final Claims Determinations.
2. Specifically, Judge Phillips shall:
  - a. Determine and work with the Settlement Administrators to implement a process by which each claimant shall be informed of the Settlement Administrators' initial determination as to claimant's claim validity, Lifetime Spending Amount and, where applicable, Claim Type (*i.e.*, DRP or GLBA versus Non-DRP or GLBA), and that the claimant has the right within 21 calendar days of receipt of that notice to challenge that initial determination;
  - b. Determine and work with the Settlement Administrators, Class Counsel, and Defendants' counsel to implement a process by which any claimant shall be able to challenge the Settlement Administrators' initial determination as to claim validity (including any late claims), Lifetime Spending Amount and, where applicable, Claim Type;
  - c. Allow, as to any challenges to the Settlement Administrators' initial determination as to claim validity, amount, or type, the Settlement Administrators to first confer with the claimant to explain the determination in an effort to resolve the challenge;
  - d. With respect to any unresolved challenges, finally resolve any challenges to the Settlement Administrators' initial determinations as to claim validity, Lifetime Spending Amount, and Claim Type;
  - e. To the extent deemed appropriate and necessary by Judge Phillips, retain one or more claims administration consultants to review the Settlement Administrators' models and programming for accuracy and to suggest any necessary corrections which will, in the first instance be reviewed by Class Counsel, and then if any issues as to the models and programming remains, be recommended to Judge Phillips, who has the non-appealable final binding decision-making authority;
  - f. Finally determine the amount of each valid claim, consistent with the Plan of Allocation; and
  - g. Determine whether any portion of the Settlement Funds should be held back as Reserve Funds to address any unforeseen circumstances within the claims processes, and if so, work with the Settlement Administrators to implement the distribution of the Reserve Funds to approved claimants.

- 1           3. For the avoidance of doubt, Judge Phillips shall have no authority to increase  
2           the size of any Settlement Fund, to seek or order additional discovery from  
3           Defendants, nor to otherwise impact any Defendants' liability or other  
4           obligations under the Settlement Agreements.
- 5           4. Judge Phillips' regular hourly rates, as well as the regular hourly rates of any  
6           Phillips ADR staff Judge Phillips may choose to assist with the Final Claims  
7           Determinations, along with any authorized consultants retained as deemed  
8           appropriate in Judge Phillips' discretion, shall be paid from the Settlement  
9           Funds. Fees shall be billed to a particular Settlement and paid from that  
10          particular Settlement Fund.
- 11          5. Judge Phillips shall be provided, and shall treat as Confidential under the  
12          protective orders entered in these cases, any documents or information  
13          previously provided to or under the control of the Settlement Administrators.

14          **IT IS SO ORDERED.**

15                          DATED this 26th day of January, 2021.

16      
17    ROBERT S. LASNIK  
18    UNITED STATES DISTRICT JUDGE