

The Honorable Robert S. Lasnik

**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

**DECLARATION OF SUZIE KELLY IN
SUPPORT OF REQUEST FOR CLASS
REPRESENTATIVE INCENTIVE
AWARD**

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

**DECLARATION OF SUZIE KELLY IN
SUPPORT OF REQUEST FOR CLASS
REPRESENTATIVE INCENTIVE
AWARD**

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

2 1. I am a citizen of the state of Texas and I am one of the three Class
3 Representatives in the above-referenced lawsuits.

4 2. I am submitting this declaration in support of my request for a \$50,000 incentive
5 award. I understand that under the Settlement, the Class Representatives are permitted to seek
6 incentive awards. I understand that the Court will have to approve any incentive awards, that
7 there is no assurance that I will receive an incentive payment, and that the Court may approve of
8 the Settlement but deny any incentive awards.

9 3. I estimate my overall losses to Big Fish Casino to be approximately \$350,000.

10 4. Since I first reached out to Class Counsel in the summer of 2018, I have dedicated
11 an enormous portion of my life to acting as a fiduciary for the Class in these cases, and I have
12 made enormous personal sacrifices for the greater good of the Class.

13 5. To be sure, these efforts have included those that—as I understand—are of the
14 routine variety in class action litigation. For example:

- 15 • I have remained in regular communication with my attorneys, including
16 exchanging emails, participating in phone calls, timely responding to
17 requests for information, and reviewing and signing papers.
- 18 • I worked with my attorneys to answer Defendants' written discovery, and
19 provided documents in my possession to aid my attorneys in the prosecution of
20 the case. In doing so, I searched for relevant case documents, including emails
21 and other documents, and provided this information to my attorneys.
- 22 • I closely reviewed the terms of the Settlement, discussed it with my attorneys, and
23 signed it. I approved the Settlement because I believe it is fair and in the best
24 interests of the Class.

25 6. But those routine litigation-related efforts do not begin to scratch the surface of
26 the contributions and sacrifices I have made on behalf of the Class in this case.

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[REDACTED]

23. At the same time, I am incredibly proud of the service I have delivered to the Class, and believe that my sacrifice has made a positive impact on thousands of other people.

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

Executed on this 9th day of December, 2020 in Texas.

Suzie Kelly
12/9/2020