

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 CHERYL KATER
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 CHERYL KATER
IN SUPPORT OF REQUEST FOR
CLASS REPRESENTATIVE
INCENTIVE AWARD**

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

2 1. I am a citizen of the state of Michigan 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 \$10,000 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. For more than five years, I have actively represented the Class.

10 4. I have made substantial personal sacrifices for the benefit of the Class. For
11 example, as a result of my participation in this litigation, now anyone who Googles my name
12 will see pages and pages of websites talking about my involvement in this lawsuit.

13 5. Over the years, I have spent dozens of hours fulfilling my role as a class
14 representative. 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. All of the time I have contributed toward the successful prosecution of this case
26 came at the expense of time I could have spent working or being with friends or family.

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

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3 Executed on this 10th day of December, 2020 in Michigan.

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/s/ Cheryl Kater _____

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12/10/2020

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