

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON

If you played Big Fish Casino, Jackpot Magic Slots, or Epic Diamond Slots, 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.

- J A settlement has been reached in class action lawsuits against Big Fish Games, Inc., Churchill Downs Incorporated, Aristocrat Technologies, Inc., and Aristocrat Leisure Ltd. (“Defendants”), alleging claims based on the sale of virtual chips in the following social casino-style games: Big Fish Casino, Jackpot Magic Slots, and Epic Diamond Slots. Defendants deny all claims and that they violated any law, but have agreed to the settlement to avoid the uncertainties and expenses associated with continuing the case.
- J You are a Settlement Class Member if you played Big Fish Casino, Jackpot Magic Slots, and/or Epic Diamond Slots in the United States on or before Preliminary Approval of the Settlement.
- J 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 Big Fish Casino, Jackpot Magic Slots, and Epic Diamond Slots, with those who spent more money receiving a higher percentage back, (2) whether or not your claims are potentially subject to the Dispute Resolution Provision in Big Fish Games’ Terms of Use, and (3) how many Settlement Class Members submit claims.
- J Please read this notice carefully. Your legal rights are affected regardless of whether you act or do not act.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM	You must submit a valid claim form either online or by mail. This is the only way to receive a payment.
EXCLUDE YOURSELF	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 the Defendants about the claims in this case.
OBJECT OR COMMENT	Write to the Court explaining your opinion of the Settlement.
GO TO THE HEARING	Ask to speak in Court about your opinion of the Settlement.
DO NOTHING	You won’t get a share of the Settlement benefits and will give up your rights to sue the Defendants 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 these class action lawsuits and about all of your options, before the Court decides whether to give final approval to the Settlement. This Notice explains the lawsuits, the Settlement, and your legal rights.

Judge Robert S. Lasnik of the United States District Court for the Western District of Washington is overseeing these class actions. The lawsuits are known as *Kater v. Churchill Downs, Inc.*, No. 15-cv-00612 (W.D. Wash.) and *Thimmegowda v. Big Fish Games, Inc.*, No. 19-cv-00199 (W.D. Wash.). The people who sued, Cheryl Kater, Suzie Kelly, and Manasa Thimmegowda, are called the “Class Representatives.” The companies that got sued, Big Fish Games, Inc., Churchill Downs Incorporated, Aristocrat Technologies, Inc., and Aristocrat Leisure Ltd. are called the “Defendants.”

2. What is a class action?

In a class action, one or more people called class representatives (in this case, Cheryl Kater, Suzie Kelly, and Manasa Thimmegowda) 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 are these lawsuits about?

The lawsuits claim that Defendants violated Washington’s gambling laws and Washington’s Consumer Protection Act through the sale of virtual chips in the following social casino-style games: Big Fish Casino, Jackpot Magic Slots, and Epic Diamond Slots. Defendants deny all claims and that they violated any law.

4. Why is there a settlement?

The Court has not decided whether the Plaintiffs or the Defendants should win these cases. 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 lawsuits 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, *Tacoma 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 in the United States who played Big Fish Casino, Jackpot Magic Slots, or Epic Diamond Slots on or before Preliminary Approval of the Settlement. Excluded from the Settlement Class are (1) any Judge or Magistrate presiding over this action and members of their families, (2) the Defendants, Defendants’ subsidiaries, parent companies, successors, predecessors, and any entity in which the defendants 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 1-833-942-2822. Or you can get free help by calling the lawyers appointed to represent class members in this case at 1-800-204-1088.

THE SETTLEMENT BENEFITS

6. What does the settlement provide?

If approved by the Court, Defendants will establish a Settlement Fund totaling \$155,000,000. 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 awards 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 Big Fish Casino, Jackpot Magic Slots, and Epic Diamond Slots, with those who spent more money receiving a higher percentage back, (2) whether or not your claims are potentially subject to the Dispute Resolution Provision in Big Fish Games' Terms of Use, and (3) how many Settlement Class Members file valid claims. If you would like more information about how Settlement Payments are determined, visit www.bigfishgamessettlement.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 February 11, 2021. 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 Rose Foundation of Oakland, California.

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 **January 4, 2021**. 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 www.bigfishgamessettlement.com or call toll free, 1-833-942-2822.

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 the Defendants for the claims being resolved by this Settlement. The specific claims you are giving up against the Defendants are described in the Settlement Agreement in Section 1.28. You will be "releasing" the Defendants 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 1-800-204-1088, 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 the Defendants 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 S. Balabanian, Todd Logan, Alexander G. Tievsky, and Brandt Silver-Korn—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. 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 Cheryl Kater, Suzie Kelly, and Manasa Thimmegowda, who each have 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. The Class Representatives, collectively, will ask for no more than \$120,000 in incentive awards.

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 “*Cheryl Kater and Suzie Kelly v. Churchill Downs Incorporated et al.*, Case No. 15-cv-00612 (W.D. Wash.)” and “*Manasa Thimmegowda v. Big Fish Games, Inc. et al.*, No. 19-cv-00199 (W.D. Wash.)” cases. Whether you identify one or both of the case names, you will be excluded from **BOTH** cases. Your letter or request for exclusion must include your (a) name (b) telephone number (c) U.S. Mail address, (d) email address, (e) Friend Codes and/or email addresses associated with Big Fish Casino, Jackpot Magic Slots, and Epic Diamond Slots, and (f) signature. You must email or mail your exclusion request no later than **January 4, 2021**, to:

Big Fish Games Settlement Administrator

Attn: Exclusion

P.O. Box 58220

Philadelphia, PA 19102

Info@BigFishGamesSettlement.com

15. If I don’t exclude myself, can I sue the Defendants for the same thing later?

No. Unless you exclude yourself, you give up any right to sue the Defendants 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 lawsuits 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 Friend Code(s) associated with Big Fish Casino, Jackpot Magic Slots, and/or Epic Diamond Slots, (ii) all email address(es) associated with Big Fish Casino, Jackpot Magic Slots, and/or Epic Diamond 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 Defendants' Counsel, and filed with the Court before January 4, 2021.

Class Counsel will file with the Court and post on the Settlement Website its request for attorneys' fees by December 14, 2020.

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 1:30 p.m. on February 11, 2021 in Courtroom 15106, United States Courthouse 700 Stewart St, Seattle, WA 98101. 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 an incentive award 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 www.bigfishgamesettlement.com or call 1-833-942-2822 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 *Kater et al. v. Churchill Downs, Inc. et al.*, No. 15-cv-00612 (W.D. Wash.)/*Thimmegowda v. Big Fish Games, Inc. et al.*, No. 19-cv-0199 (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 **January 4, 2021**.

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 www.bigfishgamessettlement.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, *Tacoma 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, Big Fish Games Settlement Administrator, 1650 Arch Street, Ste. 2210, Philadelphia, PA 19103. And you can call the Settlement Administrator at 1-833-942-2822 or Class Counsel at 1-800-204-1088, 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.