

SHORT FORM FAMILY MEMBER CLASS ACTION SETTLEMENT NOTICE

**IN RE: DAILY FANTASY SPORTS LITIGATION, CASE NO. 16-MDL-02677-GAO
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS**

FAMILY MEMBER CLASS ACTION SETTLEMENT NOTICE

Notice of Pendency and Settlement of Class Action

To all individuals who: (i) had a family member or next-of-kin who (a) participated in a DraftKings Daily Fantasy Sports (“DFS”) contest, (b) deposited money into their DraftKings DFS account, and (c) lost money in a DraftKings DFS contest prior to January 7, 2022 ((a), (b), and (c) together shall be known as a “DFS Participant”); (ii) are members of one of the family member settlement classes adopted by the Court in its Order Granting Provisional Certification of Family Member Settlement Class and Preliminary Approval of Family Member Class Action Settlement Agreement in any of the following jurisdictions: District of Columbia, Georgia, Illinois, Indiana, Kentucky, Massachusetts, New Jersey, New Mexico, Ohio, South Carolina, South Dakota, and Tennessee (the “Settlement Jurisdictions”); and (iii) are authorized by the laws of the Settlement Jurisdictions to bring claims on behalf of such family members or next-of-kin who is or was a DFS Participant (individually, a “Family Member Settlement Class Member(s)” and collectively, the “Family Member Settlement Class”).

PLEASE READ THIS NOTICE CAREFULLY. THIS NOTICE MAY AFFECT YOUR RIGHTS.

- The parties reached a settlement in this case on January 7, 2022 that will, subject to the terms and conditions set forth therein, provide benefits to certain individuals that are family members or next-of-kin of DFS Participants.
- Under the settlement, DraftKings will adopt and maintain, pursuant to the Court’s order for a period of not less than two (2) years, a process for allowing individuals who are authorized by statute in the Settlement Jurisdiction of their residence to request that any family member or next-of-kin who participated in a DraftKings DFS contest, deposited money into a DraftKings DFS account, and lost money in a DraftKings DFS contest be excluded from DraftKings’ site or request the setting of deposit or loss limits for that DFS contestant. The procedures for honoring such individual requests shall be published on DraftKings’ Responsible Gaming page on its website.
- Under the settlement, DraftKings agrees to make a payment in the total amount of \$325,000 to the Cambridge Health Alliance Division on Addiction for the support, research, training, or education with regards to responsible gaming.
- The Court has appointed the law firm of Heninger Garrison Davis, LLC (“Class Counsel”) to represent all Family Member Settlement Class Members. Class Counsel will ask the Court to award them attorneys’ fees, costs, and expenses up to \$140,000.00 and service awards up to \$1,250.00 to each of the Class Representative Plaintiffs. The Court may award less than these amounts. DraftKings has agreed not to oppose these attorneys’ fees, costs, and expenses and service awards and will separately pay the amounts that the Court awards, provided that such requests do not exceed \$140,000.00 and \$1,250.00, respectively.

- We are publishing this notice because settlement class members have a right to know about a proposed settlement of a class action lawsuit, and about their options, before a court decides whether to issue a final approval of the settlement.
- Your legal rights are affected whether you act or don't act. Read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:

If you are a Family Member Settlement Class Member, you can tell the Court that you object to the settlement and think the Court should not approve it. The Court will consider your views. However, if the Court rejects your objection, you will be bound by the terms of the settlement.

To object, you must mail a written objection to each of the following addresses postmarked no later than May 4, 2022:

COURT	CLASS COUNSEL	DEFENSE COUNSEL
Clerk of the Court John Joseph Moakley U.S. Courthouse 1 Courthouse Way Boston, MA 02210	HENINGER GARRISON DAVIS LLC Taylor Bartlett 2224 1st Avenue N. Birmingham, AL 35203	KING & SPALDING LLP Damien J. Marshall Leigh Nathanson 1185 Avenue of the Americas, 34th Floor New York, NY 10036

To be valid, your written objection must state: (1) your full name, address, telephone number, and e-mail address; (2) the case name and case number; (3) information identifying you as a Family Member Settlement Class Member; (4) a written statement of the specific legal and factual basis for your objection, including whether your objection applies only to you, a specific subset of the Family Member Settlement Class, or the entire Family Member Settlement Class; (5) a description of any and all evidence you may offer at the Fairness Hearing (as defined below), including but not limited to the names, addresses, and expected testimony of any witnesses and all exhibits intended to be introduced at the hearing; (6) the identity of all counsel representing you; (7) a statement whether you and/or your counsel will appear at the Fairness Hearing; (8) your signature and the signature of your duly authorized attorney or other duly authorized representative (along with documentation setting forth such representation); and (9) a list, by case name, court, and docket number, of all other cases in which you and/or your counsel has filed an objection to any proposed class action settlement within the last five (5) years. If you file an objection, Class Counsel or counsel for DraftKings may take your deposition and seek evidence from you that is relevant to your objection.

The Court will hold a hearing (the "Fairness Hearing") at the United States District Court, District of Massachusetts, Boston Division, in the Honorable George A. O'Toole, Jr.'s courtroom, John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Courtroom 22, Boston, Massachusetts, 02210 on June 8, 2022, at 2:00 p.m. At the hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. If you send an objection, you don't have to come to Court to talk about it. As long as you send your written objection on time, the Court will consider it. However, if you file an objection but choose not to appear at the Fairness Hearing, you may waive your right to appeal from any Court order concerning your objection. After the hearing, the Court will decide whether to approve the settlement. If the settlement is approved,

you won't be able to start, continue, or be a part of any other lawsuit against DraftKings based on the legal issues in the case, ever again. We do not know how long it will take the Court to make a decision.

If the settlement is approved by the Court and becomes final, the settlement will be consummated and the case will end. If the settlement is not approved by the Court or does not become final for some other reason, the litigation will continue.

You can get more information about this litigation and the settlement (including a longer form of notice to you) at www.dfs-settlement.com. If you have questions about your legal rights or entitlements, you may contact Class Counsel:

HENINGER GARRISON DAVIS LLC

Taylor Bartlett
2224 1st Avenue N.
Birmingham, AL 35203
Email: DFS@hgdllawfirm.com

Please do not contact DraftKings through any other e-mail address, website, or telephone number about the settlement, as regular DraftKings Customer Service representatives will be unable to assist you with this matter. You may also visit the website after the date of the Fairness Hearing to find out if the settlement was given final approval.