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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **AT SEATTLE**

11 TONDA FERRANDO and DEX MARZANO,
12 individually and on behalf of all others
13 similarly situated,

14 *Plaintiffs,*

15 v.

16 ZYNGA INC., a Delaware corporation,

17 *Defendant.*
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Case No. 22-cv-214-RSL

**ORDER GRANTING FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

1 THIS MATTER came before the Court on Plaintiffs' Motion for Final Approval of Class
2 Action Settlement. The Court has considered all papers and materials submitted by the Parties in
3 support of the proposed Settlement Agreement, including Plaintiffs' motions for preliminary and
4 final approval of the Settlement Agreement and the declarations of Class Representatives, Class
5 Counsel, and the Settlement Administrator. The Court held a Final Approval Hearing on
6 December 1, 2022, at which the Court heard argument from counsel and allowed others to
7 appear to voice their support for, or objection to, the Settlement. Based on all these materials and
8 the statements at the Final Approval Hearing, the Court issues the following Order and Final
9 Judgment:

10 **1. Settlement Terms.** All terms and definitions used herein have the same meanings
11 as set forth in the Settlement Agreement.

12 **2. Jurisdiction.** The Court has jurisdiction over the Parties, the subject matter of the
13 dispute, and all Settlement Class Members.

14 **3. Class Certification.** The Court confirms its certification for settlement purposes
15 of the following Settlement Class under Rule 23(b)(3) of the Federal Rules of Civil Procedure:

16 All individuals who, in Washington (as reasonably determined by billing address
17 information, IP address information, or other information furnished by Platform
18 Providers), played the Applications on or before Preliminary Approval of the
Settlement.¹

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20 **4. Class Notice.** The Class Notice given by the Settlement Administrator to the
21 Class was the best practicable notice under the circumstances and was reasonably calculated,
22 under the circumstances, to apprise Settlement Class Members of the pendency of the Action,
23 their right to object to the Settlement or exclude themselves from the Settlement Class, and to

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25 ¹ Excluded from the Settlement Class are (1) any Judge or Magistrate presiding over this
26 Action and members of their families, (2) the Defendant, Defendant's subsidiaries, parent
27 companies, successors, predecessors, and any entity in which the Defendant or its parent 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.

1 appear at the Final Approval Hearing. The Class Notice and the means of disseminating the
2 same, as prescribed by the Agreement, was appropriate and reasonable and constituted due,
3 adequate and sufficient notice to all persons entitled to notice. The Class Notice and the means of
4 disseminating the same satisfied all applicable requirements of the Federal Rules of Civil
5 Procedure, constitutional due process, and any other applicable law.

6 **5. Settlement Approval.** The Court hereby grants final approval to the Settlement
7 and finds that the Settlement is, in all respects, fair, reasonable, and adequate, and in the best
8 interests of the Settlement Class. The Court finds that the Settlement is within the authority of
9 the Parties and the result of extensive, arm's-length negotiations. The Parties are directed to
10 proceed with the Settlement procedures specified under the terms of the Settlement Agreement,
11 including payment and prospective relief.

12 **6. Objections or Exclusions from Settlement Class.** Class Members were given a
13 fair and reasonable opportunity to object to the Settlement. One class member requested to be
14 excluded pursuant to the terms of the Settlement. No objections have been brought to the Court's
15 attention. Aside from the one Class Member who has been excluded from the Class, this Order is
16 binding on all Class Members and has res judicata and preclusive effect in all pending and future
17 lawsuits or other proceedings maintained by or on behalf of Class Members with respect to the
18 Released Claims.

19 **7. No Admission.** Neither this Final Judgment nor the fact or substance of the
20 Settlement Agreement shall be considered a concession or admission by or against Defendant or
21 any other related party, nor shall they be used against Defendant or any other released party as an
22 admission, waiver, or indication with respect to any claim, defense, or assertion or denial of
23 wrongdoing or legal liability.

24 **8. Dismissal with Prejudice.** Pursuant to the terms of the Settlement, the action
25 (including all individual claims and class claims) is hereby dismissed with prejudice on the
26 merits, without costs or attorney's fees to any Party except as provided under the terms of the
27 Settlement Agreement, this Final Judgment, and the Court's Order Granting Class Counsel's

1 Motion for Award of Attorney's Fees and Expenses and Issuance of Incentive Awards.

2 **9. Releases.** This Order incorporates the Releases set forth in the Settlement
3 Agreement and makes them effective as of the Effective Date. All Settlement Class Members
4 who have not properly sought exclusion from the Settlement Class are hereby permanently
5 barred and enjoined from filing, commencing, prosecuting, intervening in, or participating (as
6 class members or otherwise) in any lawsuit or other action in any jurisdiction based on the
7 Released Claims, as set forth in the Settlement Agreement.

8 **10. Attorneys' Fees and Expenses.** Pursuant to the Court's Order Granting Class
9 Counsel's Motion for Award of Attorneys' Fees and Expenses and Issuance of Incentive
10 Awards, the Court awards \$3,000,000 in attorneys' fees and \$22,500.00 in costs and expenses to
11 Class Counsel.

12 **11. Incentive Awards.** Pursuant to the Court's Order Granting Class Counsel's
13 Motion for Award of Attorneys' Fees and Expenses and Issuance of Incentive Awards, the Court
14 awards \$5,000 to Tonda Ferrando and \$5,000 to Dex Marzano for their services as Class
15 Representatives.

16 **12. Continuing Jurisdiction.** Without affecting the finality of the Final Judgment for
17 purposes of appeal, the Court retains continuing and exclusive jurisdiction over the Parties and
18 all matters relating to the Settlement Agreement, including the administration, interpretation,
19 construction, effectuation, enforcement, and consummation of the Settlement and this Order.

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21 **IT IS SO ORDERED.**

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23 Dated this 1st day of December, 2022

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26 Robert S. Lasnik
27 United States District Judge