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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

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

Plaintiffs,

v.

ZYNGA INC., a Delaware corporation.

Defendant.

No. 22-cv-214-RSL

**ORDER GRANTING PLAINTIFFS’
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

1 The above-captioned matter came before this Court upon Plaintiffs' Unopposed Motion
2 for Preliminary Approval of Class Action Settlement. Dkt. # 23. Based upon the memoranda,
3 declaration, and exhibit submitted as well as the files and proceedings in the other on-line
4 gambling cases pending in this district, the Court finds as follows:

5 1. The Court grants preliminary approval of the Settlement based upon the terms set
6 forth in the Settlement Agreement.

7 2. The settlement terms set forth in the Settlement Agreement appear to be fair,
8 adequate and reasonable to the Settlement Class, and the Court preliminarily approves the terms
9 of the Settlement Agreement, including:

- 10 a. A Settlement Fund of \$12,000,000;
- 11 b. Incentive Awards, which shall not exceed \$5,000 each for Plaintiffs Tonda
12 Ferrando and Dex Marzano;
- 13 c. Attorneys' fees to Settlement Class Counsel, which shall be no more than
14 thirty percent (30%) of the Settlement Fund, plus reimbursement of
15 expenses, and;
- 16 d. Settlement Administration Expenses, which together with any anticipated
17 Fee Award and Incentive Awards, shall be no more than thirty percent
18 (30%) of the Settlement Fund.

19 3. The Court grants the Parties' request for certification of the following Rule 23
20 Settlement Class for the sole and limited purpose of implementing the terms of the Settlement
21 Agreement, subject to this Court's final approval:

22 all individuals who, in Washington (as reasonably determined by
23 billing address information, IP address information, or other
24 information furnished by Platform Providers), played the Applications
on or before Preliminary Approval of the Settlement.¹

25 ¹ Excluded from the Settlement Class are (1) any Judge or Magistrate presiding over this Action and
26 members of their families, (2) the Defendant, Defendant's subsidiaries, parent companies, successors, predecessors,
27 and any entity in which the Defendant or its parent has 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 4. The Court preliminarily appoints Jay Edelson, Rafey S. Balabanian, Todd Logan,
2 Alexander G. Tievsky, Brandt Silver-Korn, and Amy B. Hausmann of Edelson PC as Class
3 Counsel, and Plaintiffs Tonda Ferrando and Dex Marzano as Class Representatives.

4 5. This Court approves, as to form and content, the notice of proposed class action
5 settlement (the “Notice”) in substantially the form attached to the Settlement Agreement as
6 Exhibits B, C and D. The Court approves the procedure for Settlement Class Members to opt out
7 of, or object to, the Settlement as set forth in the Settlement Agreement Notice.

8 6. The Court directs the mailing of the Settlement Class Notice by email and/or
9 First-Class U.S. mail to the Settlement Class Members in accordance with the schedule set forth
10 below. The Court finds the dates selected for the mailing and distribution of the Notice, as set
11 forth below, meet the requirements of due process and provide the best notice practicable under
12 the circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

Deadline	Event
No later than thirty (30) calendar days after the Execution of the Settlement Agreement	Deadline for Defendant to provide Settlement Class Member contact information to Class Counsel and the Settlement Administrator
July 6, 2022	Deadline for Settlement Administrator to provide Notice on the settlement website, www.zyngasettlement.com
August 2, 2022	Deadline for Settlement Administrator to mail Notice via Email and/or First-Class U.S. Mail (the “Notice Date”)
No later than thirty (30) days prior to the Claims Deadline, and again seven (7) days prior to the Claims Deadline	Deadlines for the Settlement Administrator to send Reminder Notice via email
September 27, 2022	Deadline to have postmarked and/or filed a written objection to this Settlement Agreement or a request for exclusion

26 7. The Court appoints JND Legal Administration as the Settlement Administrator.

1 8. The Court adopts the following dates and deadlines:

2 9. The Claims Deadline is scheduled for **September 27, 2022**.

3 10. Class Counsel shall file a memorandum of points and authorities in support of
4 their motion for approval of attorneys' fees and litigation expenses no later than **September 6,**
5 **2022**.

6 11. Settlement Class Counsel shall file a memorandum of points and authorities in
7 support of the final approval of the Settlement Agreement no earlier than **October 14, 2022**.

8 12. A final settlement approval fairness hearing on the question of whether the
9 proposed Settlement, attorneys' fees to Settlement Class Counsel, and the Settlement Class
10 Representatives' Incentive Awards should be finally approved as fair, reasonable and adequate
11 as to the members of the Settlement Class is scheduled **for October 21, 2022, at 10:00 a.m.**

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13 **IT IS SO ORDERED.**

14 Dated this 28th day of June, 2022.

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17 Robert S. Lasnik
18 United States District Judge
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