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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.*

Case No.

**COMPLAINT—CLASS ACTION**

**JURY DEMAND**

Plaintiffs Tonda Ferrando and Dex Marzano bring this case, individually and on behalf of all others similarly situated, against Defendant Zynga, Inc. to enjoin and obtain redress for its operation of illegal online casino games. Plaintiffs allege as follows:

**NATURE OF THE ACTION**

1. The Ninth Circuit recently held that a social casino game called Big Fish Casino “constitutes illegal gambling under Washington law.” *Kater v. Churchill Downs Inc.*, 886 F.3d 784, 785 (9th Cir. 2018).

2. Zynga owns and operates various social casino games, including Hit It Rich!, Black Diamond Casino, Wizard of Oz Slots, Game of Thrones Slots, and Willy Wonka Slots (altogether the “Zynga Slots”).

1 3. Under *Kater*, Zynga violates Washington law by operating the Zynga slots.  
2 Consequently, Plaintiffs, on behalf of themselves and a Class of similarly situated individuals,  
3 bring this lawsuit to recover their losses and to obtain other appropriate relief.

4 **PARTIES**

5 4. Plaintiffs are natural persons domiciled in the state of Washington.

6 5. Defendant Zynga, Inc. is a corporation organized and existing under the laws of  
7 the state of Delaware with its principal place of business located at 699 Eighth Street, San  
8 Francisco, California 94103. Zynga conducts business throughout this District and Washington  
9 State.

10 **JURISDICTION AND VENUE**

11 6. Federal subject-matter jurisdiction exists under 28 U.S.C. § 1332(d)(2) because  
12 (a) at least one member of the Class is a citizen of a state different from Defendant, (b) the  
13 amount in controversy exceeds \$5,000,000, exclusive of interests and costs, and (c) none of the  
14 exceptions under that subsection apply to this action.

15 7. The Court has personal jurisdiction over Defendant because Defendant conducts  
16 significant business transactions in this District, and because the wrongful conduct alleged  
17 occurred in and emanated from this District.

18 8. Venue is proper in this District under 28 U.S.C. § 1391(b) because a substantial  
19 part of the events giving rise to Plaintiffs' claims occurred in this District.

20 **FACTUAL ALLEGATIONS**

21 **II. Zynga's Social Casinos Are Illegal Under Washington Law**

22 9. Consumers visiting the Zynga Slots for the first time are awarded free chips.  
23 These free sample chips offer a taste of gambling and are designed to encourage players to get  
24 hooked and buy more chips for real money.

25 10. After they begin playing, consumers quickly lose their initial allotment of chips.  
26 Immediately thereafter, Zynga informs them via a "pop up" screen that they have run "Out Of  
27 Coins." See [Figure 1](#).



(Figure 1, showing Zynga’s Hit it Rich!)

11. Concurrently with that warning, Zynga provides an offer to purchase virtual chips at its electronic store where the price for chips ranges from \$2.99 to \$99.99 or more. Zynga’s offer to purchase chips with real money is substantially the same across its various social casino games, on its mobile app, and on Facebook. Once players run out of their allotment of free chips, they cannot continue to play the game without buying more chips for real money.

12. To begin wagering, players select the “bet” that will be used for a spin, as illustrated in Figure 2, which shows one of Zynga’s slot machine games in the Hit It Rich! casino. Zynga allows players to increase or decrease the amount he or she can wager and ultimately win (or lose).



(Figure 2.)

13. Once a consumer spins the slot machine by pressing the “SPIN” button, no action on his or her part is required. Indeed, none of the Zynga Slots require (or call for) any additional user action.

14. Consumers can continue playing with the chips that they won, or they can exit the game and return at a later time to play because Zynga maintains win and loss records and balances for each consumer. Each time Zynga determines the outcome of a spin, Zynga displays the outcome to the consumer and adjusts the consumer’s chip balance. Zynga keeps records of each wager, outcome, win, and loss for every player.

**FACTS SPECIFIC TO PLAINTIFFS**

15. Plaintiff Marzano has purchased and lost more than \$100 playing Hit it Rich!

16. Plaintiff Ferrando has purchased and lost more than \$100 playing Hit it Rich!

**CLASS ALLEGATIONS**

17. **Class Definition:** Plaintiffs bring this action pursuant to Fed. R. Civ. P. 23(b)(2) and (b)(3) on behalf of a Class of similarly situated individuals, defined as follows:

**Class:** All persons in the State of Washington who have purchased and lost chips playing Hit It Rich!, Black Diamond Casino, Game of Thrones Slots, Wizard of Oz Slots, Willy Wonka Slots, or other of Zynga’s “social casino” games.

The following people are excluded from the Class: (1) any Judge or Magistrate presiding over this action and members of their families; (2) Defendant, Defendant’s subsidiaries, parents,

1 successors, predecessors, and any entity in which the Defendant or its parents have a controlling  
2 interest and its current or former employees, officers and directors; (3) persons who properly  
3 execute and file a timely request for exclusion from the Class; (4) persons whose claims in this  
4 matter have been finally adjudicated on the merits or otherwise released; (5) Plaintiffs' counsel  
5 and Defendant's counsel; and (6) the legal representatives, successors, and assigns of any such  
6 excluded persons.

7       18.     **Numerosity:** On information and belief, tens of thousands of consumers fall into  
8 the definition of the Class. Members of the Class can be identified through Defendant's records,  
9 discovery, and other third-party sources.

10       19.     **Commonality and Predominance:** There are many questions of law and fact  
11 common to Plaintiffs' and the Class member's claims, and those questions predominate over any  
12 questions that may affect individual members of the Class. Common questions for the Class  
13 include, but are not necessarily limited to the following:

- 14           a.     Whether the Zynga Slots are "gambling" as defined by RCW § 9.46.0237;
- 15           b.     Whether Defendant is the proprietor for whose benefit the online casino  
16                 games are played;
- 17           c.     Whether Plaintiffs and each member of the Class lost money or anything  
18                 of value by gambling;
- 19           d.     Whether Defendant violated the Washington Consumer Protection Act,  
20                 RCW § 19.86.010, *et seq.*; and
- 21           e.     Whether Defendant has been unjustly enriched as a result of its conduct.

22       20.     **Typicality:** Plaintiffs' claims are typical of the claims of other members of the  
23 Class in that Plaintiffs and the members of the Class sustained damages arising out of  
24 Defendant's wrongful conduct.

25       21.     **Adequate Representation:** Plaintiffs will fairly and adequately represent and  
26 protect the interests of the Class and have retained counsel competent and experienced in  
27 complex litigation and Class actions. Plaintiffs' claims are representative of the claims of the

1 other members of the Class, as Plaintiffs and each member of the Class lost money playing  
2 Defendant's games of chance. Plaintiffs also have no interests antagonistic to those of the Class,  
3 and Defendant has no defenses unique to Plaintiffs. Plaintiffs and their counsel are committed to  
4 vigorously prosecuting this action on behalf of the Class and have the financial resources to do  
5 so. Neither Plaintiffs nor their counsel have any interest adverse to the Class.

6       **22. Policies Generally Applicable to the Class:** This Class action is appropriate for  
7 certification because Defendant has acted or refused to act on grounds generally applicable to the  
8 Class as a whole, thereby requiring the Court's imposition of uniform relief to ensure compatible  
9 standards of conduct toward the members of the Class and making final injunctive relief  
10 appropriate with respect to the Class as a whole. Defendant's policies that Plaintiffs challenge  
11 apply and affect members of the Class uniformly, and Plaintiffs' challenge of these policies  
12 hinges on Defendant's conduct with respect to the Class as a whole, not on facts or law  
13 applicable only to Plaintiffs. The factual and legal bases of Defendant's liability to Plaintiffs and  
14 to the other members of the Class are the same.

15       **23. Superiority:** This case is also appropriate for certification because Class  
16 proceedings are superior to all other available methods for the fair and efficient adjudication of  
17 this controversy. The harm suffered by the individual members of the Class is likely to have been  
18 relatively small compared to the burden and expense of prosecuting individual actions to redress  
19 Defendant's wrongful conduct. Absent a Class action, it would be difficult for the individual  
20 members of the Class to obtain effective relief from Defendant. Even if members of the Class  
21 themselves could sustain such individual litigation, it would not be preferable to a Class action  
22 because individual litigation would increase the delay and expense to all parties and the Court  
23 and require duplicative consideration of the legal and factual issues presented. By contrast, a  
24 Class action presents far fewer management difficulties and provides the benefits of single  
25 adjudication, economy of scale, and comprehensive supervision by a single Court. Economies of  
26 time, effort, and expense will be fostered and uniformity of decisions will be ensured.

1 24. Plaintiffs reserve the right to revise the foregoing “Class Allegations” and “Class  
2 Definition” based on facts learned through additional investigation and in discovery.

3 **FIRST CAUSE OF ACTION**  
4 **Violations of Revised Code of Washington § 4.24.070**  
5 **(On behalf of Plaintiffs and the Class)**

6 25. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

7 26. Plaintiffs, members of the Class, and Defendant are all “persons” as defined by  
8 RCW § 9.46.0289.

9 27. Washington’s “Recovery of money lost at gambling” statute, RCW 4.24.070,  
10 provides that “all persons losing money or anything of value at or on any illegal gambling games  
11 shall have a cause of action to recover from the dealer or player winning, or from the proprietor  
12 for whose benefit such game was played or dealt, or such money or things of value won, the  
13 amount of the money or the value of the thing so lost.”

14 28. “Gambling,” defined by RCW § 9.46.0237, “means staking or risking something  
15 of value upon the outcome of a contest of chance or a future contingent event not under the  
16 person's control or influence.”

17 29. Defendant’s “chips” and/or “coins” sold for use in its online gambling games are  
18 “thing[s] of value” under RCW § 9.46.0285.

19 30. Defendant’s online gambling games are illegal gambling games because they are  
20 online games at which players wager things of value (the chips) and by an element of chance  
21 (e.g., by spinning an online slot machine) are able to obtain additional entertainment and extend  
22 gameplay (by winning additional chips).

23 31. Defendant is the proprietor for whose benefit the online gambling games are  
24 played because it owns the online gambling games and operates those games for its own profit.

25 32. Plaintiffs and the Class gambled when they purchased chips to wager at  
26 Defendant’s online gambling games. Plaintiffs and each member of the Class staked money, in  
27 the form of chips purchased with money, at Defendant’s games of chance (e.g., Defendant’s slot

1 machines) for the chance of winning additional things of value (*e.g.*, chips that extend gameplay  
2 without additional charge).

3 33. In addition, Defendant’s online gambling games are not “pinball machine[s] or  
4 similar mechanical amusement device[s]” as contemplated by the statute because:

- 5 a. the games are electronic rather than mechanical;
- 6 b. the games confer replays but they are recorded and can be redeemed on  
7 separate occasions (*i.e.*, they are not “immediate and unrecorded”); and
- 8 c. the games contain electronic mechanisms that vary the chance of winning  
9 free games or the number of free games which may be won (*e.g.*, the games allow  
10 for different wager amounts).

11 34. RCW § 9.46.0285 states that a “‘Thing of value,’ as used in this chapter, means  
12 any money or property, any token, object or article exchangeable for money or property, or any  
13 form of credit or promise, directly or indirectly, contemplating transfer of money or property or  
14 of any interest therein, or involving extension of a service, entertainment or a privilege of  
15 playing at a game or scheme without charge.”

16 35. The “chips” and/or “coins” Plaintiffs and members of the Class had the chance of  
17 winning in Defendant’s online gambling games are “thing[s] of value” under Washington law  
18 because they are credits that involve the extension of entertainment and a privilege of playing a  
19 game without charge.

20 36. Defendant’s online gambling games are “Contest[s] of chance,” as defined by  
21 RCW § 9.46.0225, because they are “contest[s], game[s], gaming scheme[s], or gaming device[s]  
22 in which the outcome[s] depend[] in a material degree upon an element of chance,  
23 notwithstanding that skill of the contestants may also be a factor therein.” Defendant’s online  
24 gambling games are programmed to have outcomes that are determined entirely upon chance and  
25 a contestant’s skill does not affect the outcomes.

26 37. RCW § 9.46.0201 defines “Amusement game[s]” as games where “The outcome  
27 depends in a material degree upon the skill of the contestant,” amongst other requirements.



1 Defendant’s online gambling games are not “Amusement game[s]” because their outcomes are  
2 dependent entirely upon chance and not upon the skill of the player and because the games are  
3 “contest[s] of chance,” as defined by RCW § 9.46.0225.

4 38. As a direct and proximate result of Defendant’s gambling game, Plaintiffs and  
5 each member of the Class have lost money wagering at Defendant’s games of chance. Plaintiffs,  
6 on behalf of themselves and the Class, seek an order (1) requiring Defendant to cease the  
7 operation of its gambling games; and (2) awarding the recovery of all lost monies, interest,  
8 reasonable attorneys’ fees, expenses, and costs.

9 **SECOND CAUSE OF ACTION**  
10 **Violations of the Washington Consumer Protection Act, RCW § 19.86.010, *et seq.***  
11 **(On behalf of Plaintiffs and the Class)**

12 39. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

13 40. Washington’s Consumer Protection Act, RCW § 19.86.010 *et seq.* (“CPA”),  
14 protects both consumers and competitors by promoting fair competition in commercial markets  
15 for goods and services.

16 41. To achieve that goal, the CPA prohibits any person from using “unfair methods of  
17 competition or unfair or deceptive acts or practices in the conduct of any trade or commerce. . . .”  
18 RCW § 19.86.020.

19 42. The CPA states that “a claimant may establish that the act or practice is injurious  
20 to the public interest because it . . . Violates a statute that contains a specific legislative  
21 declaration of public interest impact.”

22 43. Defendant has violated RCW § 9.46.010, *et seq.*, because Defendant’s online  
23 games are illegal online gambling games.

24 44. Defendant’s wrongful conduct occurred in the conduct of trade or commerce—  
25 *i.e.*, while Defendant was engaged in the operation of making computer games available to the  
26 public.

27 45. Defendant’s acts and practices were and are injurious to the public interest  
because Defendant, in the course of its business, continuously advertised to and solicited the

1 general public in Washington State and throughout the United States to play its unlawful online  
2 gambling games of chance. This was part of a pattern or generalized course of conduct on the  
3 part of Defendant, and many consumers have been adversely affected by Defendant's conduct  
4 and the public is at risk.

5 46. Defendant has profited from its operation of unlawful games of chance, amassing  
6 millions of dollars from the losers of its games of chance.

7 47. As a result of Defendant's conduct, Plaintiffs and the Class members were injured  
8 in their business or property—*i.e.*, economic injury—in that they lost money wagering on  
9 Defendant's unlawful games of chance.

10 48. Defendant's unfair or deceptive conduct proximately caused Plaintiffs' and the  
11 Class members' injuries because, but for the challenged conduct, Plaintiffs and the Class  
12 members would not have lost money wagering at or on Defendant's games of chance, and they  
13 did so as a direct, foreseeable, and planned consequence of that conduct.

14 49. Plaintiffs, on their own behalf and on behalf of the Class, seek to enjoin further  
15 violation and recover actual damages and treble damages, together with the costs of suit,  
16 including reasonable attorneys' fees.

17 **THIRD CAUSE OF ACTION**  
18 **Unjust Enrichment**  
19 **(On behalf of Plaintiffs and the Class)**

20 50. Plaintiffs incorporate by reference the foregoing allegations as if fully set forth  
21 herein.

22 51. Plaintiffs and the Class have conferred a benefit upon Defendant in the form of  
23 the money Defendant received from them for the purchase of chips to wager at Defendant's  
24 online gambling games.

25 52. Defendant appreciates and/or has knowledge of the benefits conferred upon it by  
26 Plaintiffs and the Class.

27 53. Under principles of equity and good conscience, Defendant should not be  
permitted to retain the money obtained from Plaintiffs and the members of the Class, which

1 Defendant has unjustly obtained as a result of its unlawful operation of unlawful online gambling  
2 games. As it stands, Defendant has retained millions of dollars in profits generated from its  
3 unlawful games of chance and should not be permitted to retain those ill-gotten profits.

4 54. Accordingly, Plaintiffs and the Class seek full disgorgement and restitution of any  
5 money Defendant has retained as a result of the unlawful and/or wrongful conduct alleged  
6 herein.

7 **PRAYER FOR RELIEF**

8 Plaintiffs, individually and on behalf of all others similarly situated, respectfully request  
9 that this Court enter an Order:

- 10 a) Certifying this case as a Class action on behalf of the Class defined above,  
11 appointing Plaintiffs as representatives of the Class, and appointing their counsel from Edelson  
12 PC as Class counsel;
- 13 b) Declaring that Defendant's conduct, as set out above, violates the CPA;
- 14 c) Entering judgment against Defendant, in the amount of the losses suffered by  
15 Plaintiffs and each member of the Class;
- 16 d) Enjoining Defendant from continuing the challenged conduct;
- 17 e) Awarding damages to Plaintiffs and the Class members in an amount to be  
18 determined at trial, including trebling and/or punitive damages as appropriate;
- 19 f) Awarding restitution to Plaintiffs and Class members in an amount to be  
20 determined at trial, and requiring disgorgement of all benefits that Defendant unjustly received;
- 21 g) Awarding reasonable attorney's fees and expenses;
- 22 h) Awarding pre- and post-judgment interest, to the extent allowable;
- 23 i) Entering judgment for injunctive and/or declaratory relief as necessary to protect  
24 the interests of Plaintiffs and the Class; and
- 25 j) Awarding such other and further relief as equity and justice require.

26 **JURY DEMAND**

27 Plaintiffs request a trial by jury of all claims that can be so tried.

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Respectfully Submitted,

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

Dated: January 24, 2022

By: s/ Rafey S. Balabanian  
Rafey S. Balabanian\*  
rbalabanian@edelson.com

By: s/ Todd Logan  
Todd Logan\*  
tlogan@edelson.com

By: s/ Brandt Silver-Korn  
Brandt Silver-Korn\*  
bsilverkorn@edelson.com

EDELSON PC  
150 California Street, 18th Floor  
San Francisco, California 94111  
Tel: 415.212.9300  
Fax: 415.373.9495

By: s/ Jay Edelson  
Jay Edelson\*  
jedelson@edelson.com

By: s/ Alexander G. Tievsky  
Alexander G. Tievsky, WSBA #57125  
atievsky@edelson.com

By: s/ Amy B. Hausmann  
Amy B. Hausmann\*  
abhausmann@edelson.com  
EDELSON PC  
350 N LaSalle Street, 14th Floor  
Chicago, IL 60654  
Tel: 312.589.6370 / Fax: 312.589.6378

By: s/ Cecily C. Jordan  
Cecily C. Jordan, WSBA #50061  
cjordan@tousley.com  
TOUSLEY BRAIN STEPHENS PLLC  
1200 Fifth Avenue, Suite 1700  
Seattle, Washington 98101  
Tel: 206.682.560

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By: s/ Simon Franzini  
Simon Franzini\*  
simon@dovel.com  
DOVEL & LUNER LLP  
201 Santa Monica Blvd, Suite 600  
Santa Monica, CA 90401  
Tel: 310.656.7077 Fax: 310.656.7069  
*\*Pro hac vice forthcoming*

*Attorneys for Plaintiffs and the proposed class*

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

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

(b) County of Residence of First Listed Plaintiff Benton (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Cecily C. Jordan, Tousley Brain Stephens PLLC 1200 5th Ave., Ste 1700, Seattle, WA 98101

DEFENDANTS

ZYNGA, Inc., a Delaware Corporation

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, 1 1, 2 2, 3 3, 4 4, 5 5, 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes codes like 110 Insurance, 310 Airplane, 365 Personal Injury, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. 1332(d)(2)

Brief description of cause: Violations of RCW 4.24.070, RCW 19.86.010 et seq.; unjust enrichment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ TO BE DETERMINED CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

CECILY C. JORDAN s/ Cecily C. Jordan

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

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

Plaintiff(s)

v.

ZYNGA, Inc., a Delaware Corporation

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Zynga, Inc.
699 Eighth Street
San Francisco, California 94103

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are:

Cecily C. Jordan
Tousley Brain Stephens PLLC
1200 Fifth Street, Suite 1700
Seattle, Washington 98101

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Zynga Online Slot Games Constitute Illegal Gambling in Washington, Class Action Alleges](#)

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