

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: DAILY FANTASY SPORTS  
LITIGATION

This Document Relates to:  
All Cases

MDL No. 1:16-md-02677-GAO

**PLAINTIFFS' AND DEFENDANT DRAFTKINGS INC.'S JOINT  
MOTION FOR PRELIMINARY APPROVAL OF PROPOSED SETTLEMENT  
AND APPROVAL OF THE PROPOSED NOTICE OF SETTLEMENT**

Pursuant to Fed. R. Civ. P. 23(e), Plaintiffs and Defendant DraftKings Inc.

("DraftKings") make this joint motion for preliminary approval of the proposed settlement between Plaintiffs and DraftKings Inc. DraftKings and respectfully request that the Court:

(1) Preliminarily approve the settlement between Plaintiffs and DraftKings, as set forth in the Settlement Agreement (attached as Exhibit 1 to the Declaration of Jasper Ward, filed concurrently herewith);

(2) Certify the Settlement Class, as "all Persons in the United States who made a first-time deposit into their DraftKings Daily Fantasy Sports account prior to January 1, 2018, and who are not net lifetime winners on DraftKings as determined by DraftKings' business records not later than 48 hours prior to the Agreement Execution Date." (Settlement Agreement, § 17);

(3) Approve the proposed Class Notices (Exhibits C-1 and C-2 to the Settlement Agreement), which will be posted and emailed immediately after the Court grants the

preliminary approval motion, and set a deadline of 35 days after dissemination of the Class Notices for class members to submit comments about or objections to the proposed settlement;

(4) Preliminarily appoint the Class Representative Plaintiffs, listed in Exhibit A to the Settlement Agreement, as Class Representatives, and preliminarily appoint Plaintiffs' counsel, listed in Exhibit B to the Settlement Agreement, as Class Counsel; and

(5) Schedule a fairness hearing to be held not before 21 days after the last day for the parties to file replies to any class member objections, in order to allow sufficient time for providing the Class Notice, CAFA Notice, and to allow sufficient time for class members to submit exclusion requests and objections.

DATED: March 3, 2021

Respectfully submitted,

By: /s/ Christopher Weld, Jr.

Christopher Weld, Jr.

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*Co-Lead Counsel*

DATED: March 3, 2021

Respectfully submitted,

By: /s/ Damien Marshall

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**CERTIFICATE OF SERVICE**

I, Christopher Weld, Jr., hereby certify that on this 3rd day of March, 2021, this document was electronically filed with the Clerk of the Court using the CM/ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), pursuant to Local Rule 5.4(C).

/s/ Christopher Weld, Jr.

Christopher Weld, Jr.