UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE
2026 OCT -7 P 1:27
U.S. DISTRICT COURT
DISTRICT OF MASS.

JUSTIN DUFOE, on Behalf of Himself and All Others Similarly Situated,
Plaintiff,

v. **Case No. 1:23-cv-10524-DJC**

DRAFTKINGS INC., JASON D. ROBINS,
JASON K. PARK, and MATTHEW KALISH,
Defendants.

CLASS ACTION
Honorable Judge Denise J. Casper

MOTION OF SETTLEMENT CLASS MEMBER RYAN A. SPENCE FOR RECONSIDERATION OF DKT. 142

Settlement Class Member Ryan A. Spence, appearing pro se, respectfully moves the Court to reconsider its October 2, 2026 Order denying his Motion for Equitable Relief and Acceptance of Late-Filed Claim (Dkt. 142).

Mr. Spence recognizes that motions for reconsideration are extraordinary relief and does not seek merely to repeat the arguments presented in Dkt. 140. Rather, he submits this motion promptly to place before the Court a material fact that was not quantified in his original motion: **the substantial economic magnitude of his potential settlement claim.**

Mr. Spence acknowledges that he should have provided this information with his original motion. He respectfully submits, however, that the omission may have caused the Court to evaluate the prejudice and equitable considerations without an important component of the circumstances surrounding his request.

1. Mr. Spence's transaction records establish approximately $87,159.60 in Reignmakers purchases.

Following the Court's October 2 Order, Mr. Spence undertook a detailed review of the DraftKings/Reignmakers transaction records in his possession.

Those records reflect:

- **2023 Reignmakers purchases:** $61,509.12
- **2024 Reignmakers purchases:** $25,650.48
- **Total documented purchases: $87,159.60**

The records encompass 3,790 transaction entries from March 7, 2023 through July 30, 2024. A summary of these records is attached as **Exhibit A**.

Mr. Spence's DraftKings records separately establish that he received **$18,096.61** in compensation associated with the conclusion of the Reignmakers program.

Mr. Spence understands that neither the $87,159.60 purchase total nor the difference between purchases and closure compensation constitutes his final Individual Recognized Loss under the Plan of Allocation. Additional components, including Secondary Market Receipts and Prize Receipts, must be considered by the Settlement Administrator.

Mr. Spence therefore does **not** ask the Court to treat $87,159.60, or any other presently estimated figure, as his final Individual Recognized Loss.

2. Even a conservative calculation demonstrates that the potential claim is substantial.

Based upon the records presently available to him, Mr. Spence's documented purchases less his documented $18,096.61 closure compensation equal **$69,062.99 before deduction of Secondary Market Receipts and Prize Receipts.**

Mr. Spence's transaction exports reflect no populated Secondary Sale Proceeds, and he recalls making few, if any, secondary-market sales.

The remaining material component that Mr. Spence has been unable to determine precisely is historical Reignmakers cash contest Prize Receipts. DraftKings' currently accessible account history does not permit Mr. Spence to reconstruct the entire relevant period, and his DraftKings account activity did not clearly segregate Reignmakers contest winnings from traditional DraftKings fantasy-sports activity.

Mr. Spence does not recall significant Reignmakers contest winnings. His recollection is that his largest individual Reignmakers contest win was approximately $2,000, with most winnings substantially below $100.

For illustration only, even if the Court were to assume **$20,000 in Prize Receipts**—an amount Mr. Spence believes substantially exceeds his actual Reignmakers cash contest winnings—the resulting figure before any other applicable adjustment would still be approximately **$49,063**.

Mr. Spence submits this deliberately conservative illustration not as a final claim calculation, but to demonstrate that his potential Individual Recognized Loss is not nominal and may be substantial.

3. Mr. Spence has attempted to obtain the official calculation from the Settlement Administrator.

Immediately after recognizing the significance of quantifying his potential claim, Mr. Spence contacted the Settlement Administrator, A.B. Data, by both email and telephone and requested:

1. his Individual Recognized Loss under the Plan of Allocation;
2. the estimated distribution associated with that Individual Recognized Loss; and
3. alternatively, the PP, SP, SR, CR and PR components necessary to calculate it.

As of the filing of this motion, the Settlement Administrator has not responded.

Mr. Spence respectfully requests that, if the Court does not grant his late-claim request based upon the present record, the Court alternatively direct the Settlement Administrator to calculate his Individual Recognized Loss from the DraftKings data in its possession so that the Court may consider the actual economic magnitude of his claim before distribution renders relief impracticable.

4. The magnitude of the claim is relevant to the equitable balance.

The Court's October 2 Order considered the factors governing equitable relief and concluded that they did not weigh in favor of allowing Mr. Spence's claim more than fourteen months after the original deadline. Dkt. 142.

Mr. Spence does not minimize the importance of finality or the potential administrative consequences of permitting an additional claim. He respectfully submits, however, that those considerations should be weighed against the actual economic interest that would be forfeited.

This is particularly relevant because Mr. Spence did not simply remain uninvolved in the litigation until after the deadline. As documented in Dkt. 140, he contacted Class Counsel beginning in August 2024 expressly seeking to participate; asked whether anything further was required of him and was told that nothing further was needed at that time; reiterated his interest in December 2024; and expressly requested in January 2025 that counsel notify him when a class was certified or a settlement reached.

Mr. Spence does not dispute the Settlement Administrator's records indicating that notice emails were transmitted without a bounce-back. He has consistently stated only that he did not actually receive or see those notices and remained unaware of the settlement and claim deadline until September 14, 2026. Upon learning of the settlement, he acted immediately.

The transaction evidence now presented to the court does not change those facts. It does, however, demonstrate that the consequence of denying relief may be substantially greater than was apparent from Dkt. 140.

5. Requested Relief

For these reasons, Mr. Spence respectfully requests that the Court reconsider Dkt. 142 and authorize the Settlement Administrator to accept and process his claim under the same Plan of Allocation and eligibility requirements applicable to other Settlement Class Members.

Alternatively, Mr. Spence respectfully requests that the Court direct the Settlement Administrator to calculate and report Mr. Spence's Individual Recognized Loss and estimated distribution before finally resolving his request for equitable relief.

Mr. Spence further respectfully requests that distribution of the portion of the Net Settlement Fund reasonably attributable to his potential claim be preserved pending resolution of this motion, without delaying distribution of amounts that are not reasonably implicated by his claim.

Respectfully submitted,

Ryan A. Spence, Pro Se

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(412) 445-0323
ryanspence83@gmail.com

Dated: October 5, 2026

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DISTRICT OF MASSACHUSETTS

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Defendants.

CLASS ACTION
Honorable Judge Denise J. Casper

SUPPLEMENTAL DECLARATION OF RYAN A. SPENCE IN SUPPORT OF MOTION FOR RECONSIDERATION

I, Ryan A. Spence, declare as follows:

1. I am a Settlement Class Member in this action and submit this Supplemental Declaration in support of my Motion for Reconsideration of the Court's October 2, 2026 Order (Dkt. 142).

2. I previously submitted a declaration in support of my Motion for Equitable Relief and Acceptance of Late-Filed Claim (Dkt. 140). I incorporate that declaration by reference and submit this Supplemental Declaration to provide additional information concerning the potential economic magnitude of my settlement claim and my efforts to obtain an official Individual Recognized Loss calculation from the Settlement Administrator.

3. Following the Court's October 2, 2026 Order, I reviewed the DraftKings/Reignmakers transaction records in my possession in greater detail.

4. I possess DraftKings/Reignmakers transaction exports for my account, username **"RoyalBigHead,"** covering transactions during 2023 and 2024.

5. The 2023 transaction export contains 1,847 transaction entries. The purchase-price entries in that file total **$61,509.12**.

6. The 2024 transaction export contains 1,943 transaction entries. The purchase-price entries in that file total **$25,650.48**.

7. Accordingly, the two transaction exports contain a combined 3,790 transaction entries and reflect aggregate purchase-price entries totaling **$87,159.60**.

8. I also possess a DraftKings Reignmakers payment breakdown relating to the conclusion of the Reignmakers program. That record reflects a total payment to me of **$18,096.61**.

9. A summary of these transaction records is attached as **Exhibit A** to my Motion for Reconsideration. I have retained the underlying transaction records and can provide them to the Court or Settlement Administrator if requested.

10. I understand that the $87,159.60 purchase total is not itself my Individual Recognized Loss under the Settlement Plan of Allocation.

11. I further understand that determining Individual Recognized Loss requires consideration of additional components, including Secondary Market Receipts and Prize Receipts.

12. The transaction exports in my possession contain fields for Secondary Sale Proceeds. I have found no populated Secondary Sale Proceeds in those exports. I also recall making few, if any, secondary-market sales of my Reignmakers holdings.

13. I have been unable to determine the precise amount of my historical Reignmakers cash contest winnings from the records presently available to me.

14. My currently accessible DraftKings account history does not extend through the entire period relevant to my Reignmakers activity, and the account information available to me does not clearly segregate historical Reignmakers cash contest winnings from my traditional DraftKings fantasy-sports activity.

15. I do not recall significant Reignmakers cash contest winnings. To the best of my recollection, the largest amount I ever won in an individual Reignmakers contest was approximately **$2,000**, and most of my Reignmakers contest winnings were substantially less than $100.

16. I do not believe that my aggregate Reignmakers Prize Receipts approached $20,000. I have nevertheless used **$20,000** as a conservative illustrative assumption in my Motion for Reconsideration because I presently lack the complete records necessary to establish the actual amount.

17. My documented purchases of $87,159.60, less the documented $18,096.61 Reignmakers closure payment, equal **$69,062.99** before consideration of Secondary Market Receipts and Prize Receipts.

18. If $20,000 in Prize Receipts were assumed for illustration, the resulting figure would be approximately **$49,062.99** before any other applicable adjustment. I do not represent that figure as my official or final Individual Recognized Loss.

19. Because I wanted to obtain the official calculation rather than rely upon my own reconstruction, on October 4, 2026, I emailed the Settlement Administrator, A.B. Data, requesting my Individual Recognized Loss and the estimated distribution associated with it.

20. In that communication, I also requested, if available, the component amounts used in the calculation, including Primary Market Payments ("PP"), Secondary Market Payments ("SP"), Secondary Market Receipts ("SR"), Closure Receipts ("CR"), and Prize Receipts ("PR").

21. I also telephoned the Settlement Administrator and left a voicemail requesting the same information.

22. On October 5, 2026, after receiving no response to my email or voicemail, I made additional telephone calls to the Settlement Administrator in an effort to obtain the requested information. I was unable to reach anyone who could provide the calculation.

23. As of the execution of this Declaration, I have not received my Individual Recognized Loss calculation, estimated distribution, or the underlying component amounts from the Settlement Administrator.

24. I remain prepared to provide the Settlement Administrator with any information reasonably necessary to identify my DraftKings account and calculate my Individual Recognized Loss.

25. I am also prepared to submit promptly any Proof of Claim or other documentation the Court or Settlement Administrator requires if the Court permits my claim to be considered.

26. I respectfully submit this information so that the Court has a more complete factual record concerning the potential economic magnitude of my claim. I am not seeking a recovery different from that available to other eligible Settlement Class Members, and I am not asking the Court to accept my own estimated calculation as the final determination of my Individual Recognized Loss.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 5, 2026.

Ryan A. Spence

EXHIBIT A

REIGNMAKERS TRANSACTION SUMMARY

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DISTRICT OF MASS.

Settlement Class Member: Ryan A. Spence
DraftKings/Reignmakers Username: RoyalBigHead
Case: *Dufoe v. DraftKings Inc., et al.*
Case No.: 1:23-cv-10524-DJC

1. 2023 Reignmakers Transaction Export

The 2023 DraftKings/Reignmakers transaction export contains **1,847 transaction records.**

Of those records, **620 contain a Purchase Price,** with aggregate Purchase Price entries totaling:

$61,509.12

The transactions reflected in the file include:

Primary Market Purchases: $14,736.48
Secondary Market Purchases: $46,772.64
Total 2023 Purchases: $61,509.12

The transaction export contains fields for Secondary Sale Proceeds. No Secondary Sale Proceeds are populated in the export.

2. 2024 Reignmakers Transaction Export

The 2024 DraftKings/Reignmakers transaction export contains **1,943 transaction records.**

Of those records, **763 contain a Purchase Price,** with aggregate Purchase Price entries totaling:

$25,650.48

The transactions reflected in the file include:

Primary Market Purchases: $11,203.23
Secondary Market Purchases: $14,447.25
Total 2024 Purchases: $25,650.48

The transaction export contains fields for Secondary Sale Proceeds. No Secondary Sale Proceeds are populated in the export.

3. Combined Purchase Summary

2023 Purchases: $61,509.12
2024 Purchases: $25,650.48
Total Documented Purchases: $87,159.60

The two transaction exports collectively contain **3,790 transaction records** and **1,383 records containing a Purchase Price.**

The combined purchase amounts consist of:

Primary Market Purchases: $25,939.71
Secondary Market Purchases: $61,219.89
Total Documented Purchases: $87,159.60

4. Reignmakers Closure Payment

The DraftKings Reignmakers Payment Breakdown reflects the following payments associated with the conclusion of the Reignmakers program:

Football: $5,860.56
PGA: $12,236.05
Total Closure Payment: $18,096.61

5. Individual Recognized Loss

This summary **does not calculate or represent Ryan A. Spence's final Individual Recognized Loss under the Settlement Plan of Allocation.**

The aggregate Purchase Price of **$87,159.60 is not presented as damages, out-of-pocket loss, or the amount payable under the Settlement.**

The Settlement Plan's Individual Recognized Loss calculation requires consideration of additional components, including applicable Secondary Market Receipts, Closure Receipts, and Prize Receipts. The final calculation should be performed by the Settlement Administrator using the DraftKings records available to it.