FILED
IN CLERKS OFFICE
2026 SEP 24 P 12:15
U.S. DISTRICT COURT
DISTRICT OF MASS.

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

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

Plaintiff,

v. Case No. 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 EQUITABLE RELIEF AND ACCEPTANCE OF LATE-FILED CLAIM

Settlement Class Member Ryan A. Spence, appearing pro se, respectfully moves this Court for an order permitting the Settlement Administrator to accept and process his late-filed claim in the above-captioned action. Mr. Spence did not knowingly disregard the settlement notice or claim deadline. Rather, despite his repeated pre-settlement communications with Lead Counsel expressing his desire to participate in the litigation, he did not actually see or receive the settlement notices reportedly transmitted to his email address and remained unaware that a settlement had been reached or that submission of a claim was required until September 14, 2026. Upon learning of the settlement and missed deadline, Mr. Spence acted promptly to seek relief.

I. BACKGROUND

1. On August 12, 2024, Mr. Spence contacted Lead Counsel regarding this litigation and expressly stated that he was interested in joining a class action against DraftKings. On August 13, 2024, Lead Counsel advised him that, if he had purchased DraftKings NFTs during the relevant period, he was within the proposed class definition and would receive notice if a class were certified. When Mr. Spence asked whether anything further was needed from him, Lead Counsel responded: "There is nothing else we need from you at this time."

2. Mr. Spence remained engaged. On December 17, 2024, he contacted Lead Counsel again and expressly restated his interest in participation. Lead Counsel responded that, "[i]f and when a class is certified or a settlement is reached, all class members will be notified." On January 29, 2025, Mr. Spence again wrote to Lead Counsel and stated: "Please let me know when a class is certified or a settlement is reached."

3. The Court preliminarily approved the settlement on February 28, 2025 and authorized a notice program administered by A.B. Data. Lead Counsel has since informed Mr. Spence that A.B. Data's records reflect that settlement notices were transmitted to his email address on March 21 and March 29, 2025 without a bounce-back or error message. Mr. Spence does not dispute that those transmissions were attempted or recorded as successful. He states, however, that he did not actually see or receive either notice and remained unaware that a settlement had been reached or that submission of a claim was required.

4. On September 14, 2026, Mr. Spence contacted Lead Counsel seeking an update and first learned that the settlement had been reached, that the claim process had concluded, and that the Court had established January 26, 2026 as the final cutoff for claims eligible for payment. He immediately sought relief from Lead Counsel and thereafter contacted the Settlement Administrator directly. Lead Counsel has advised Mr. Spence that it has previously taken no position on other late-claim requests and presently anticipates taking no position on any request he may file, subject to the contents of the filing.

5. On September 17, 2026, Mr. Spence contacted the Settlement Administrator and requested, among other things, any claimant or notice identification number associated with him, confirmation of whether the Initial Distribution had been issued, and whether any administrative mechanism remained through which he could submit or preserve a claim. The Settlement

Administrator acknowledged receipt of that request and stated that a response should be provided within five business days. As of September 22, 2026, Mr. Spence has received no substantive response or claimant identification number. The Court-approved Claim Form requires a claimant to provide the identification number assigned by the Settlement Administrator. Mr. Spence therefore cannot complete that form accurately without information presently in the Settlement Administrator's possession, and he requests authorization to submit the Claim Form promptly if relief is granted and the necessary identification information is provided.

II. LEGAL STANDARD

6. The Settlement Agreement provides that, after the Settlement Hearing, neither Class Counsel nor the Settlement Administrator may independently accept late claims, and requests for acceptance of such claims fall within the authority and discretion of this Court. Lead Plaintiff and Class Counsel have previously acknowledged this procedure in responding to other pro se late-claim requests in this action.

7. In considering prior requests to accept late claims in this action, the Court has applied the equitable factors identified in *Pioneer Investment Services Co. v. Brunswick Associates Ltd. Partnership*, 507 U.S. 380, 395 (1993), including: (1) the danger of prejudice; (2) the length of the delay and its potential impact on the proceedings; (3) the reason for the delay, including whether it was within the movant's reasonable control; and (4) whether the movant acted in good faith.

III. ARGUMENT

8. Mr. Spence recognizes that, on July 27, 2026, the Court ordered that "[n]o new Claim Forms received or postmarked after January 26, 2026, may be eligible for payment," and separately denied the post-January 26 late-claim requests of Patrick Wendt and Jason Minow. Mr. Spence does not seek to minimize or avoid that ruling. He respectfully requests a narrow exercise of the Court's retained authority over administration of the Settlement based upon his particular circumstances, his lack of actual notice, his documented efforts to participate before the Settlement was reached, and his immediate action after acquiring actual knowledge of the Settlement and claim requirement on September 14, 2026.

A. The reason for the delay and Mr. Spence's good faith favor equitable relief.

9. Mr. Spence's failure to file a timely claim was not the result of a conscious decision to ignore the Settlement or decline to participate. Before the Settlement was reached, he repeatedly contacted Lead Counsel concerning his participation. His initial August 2024 email was expressly titled "Inquiry to Join Class Action." After Lead Counsel confirmed that he fell within the proposed class definition, Mr. Spence asked whether anything further was required of him and was told that nothing further was needed at that time. He subsequently restated his interest in participation in December 2024 and, on January 29, 2025, specifically asked Lead Counsel to notify him when a class was certified or a settlement was reached.

10. Although the Settlement Administrator's records reflect that email notices were transmitted to Mr. Spence's email address without a bounce-back or error message, Mr. Spence did not actually see or receive those notices and remained unaware that a Settlement had been reached or that a Claim Form was required. This Court has previously recognized in this very Settlement that the absence of a bounce-back does not necessarily establish actual notice, noting class members' attestations concerning auto-sorting, spam filtering, and other email features. Once Mr. Spence actually learned of the Settlement and missed claim requirement on September 14, 2026, he acted that same day and has continuously pursued relief since.

B. The length of the delay and potential prejudice present substantial concerns, but should be considered in light of Mr. Spence's lack of actual knowledge and prompt action once he learned of the Settlement.

11. Mr. Spence recognizes that the chronological delay is substantial. The original claim deadline was July 21, 2025, the Court later established January 26, 2026 as the final cutoff for claims eligible for payment, and Mr. Spence did not seek relief until September 2026. He does not ask the Court to disregard that delay. He respectfully submits, however, that the delay did not result from a knowing decision to forego a claim. Until September 14, 2026, he was unaware that the Settlement had been reached or that a Claim Form was required, and he began seeking relief immediately upon learning those facts.

12. Mr. Spence also recognizes that accepting any additional claim at this stage could affect administration of the Settlement and the recoveries of existing Authorized Claimants. The Settlement Administrator's official website presently states that the Distribution Order became

final on August 27, 2026, that preparations for distribution are underway, and that checks are anticipated to be sent by the end of September 2026. Thus, Mr. Spence is seeking relief before the publicly announced distribution process has been completed, rather than after settlement payments have already been distributed.

13. Mr. Spence seeks consideration of only his individual claim. He does not ask the Court to assume that accepting his claim would cause no prejudice. Rather, he respectfully requests that any potential effect on the Settlement Fund be evaluated against the particular equitable circumstances described above and, if relief is granted, that the Settlement Administrator be permitted to calculate his recognized loss and implement whatever adjustment the Court deems appropriate before distribution is completed.

C. Mr. Spence's circumstances are distinguishable from the Wendt and Minow requests denied by the Court.

14. Mr. Spence acknowledges that Patrick Wendt's circumstances bear similarities to his own. Mr. Wendt contacted Class Counsel in September 2024, was advised that class members would be notified if a class were certified or a settlement were reached, and later asserted that he did not receive actual notice despite the Settlement Administrator's records reflecting successful email transmissions without a bounce. Mr. Wendt nevertheless did not seek Court relief until February 4, 2026, after the January 26, 2026 Distribution Motion had been filed. *See Lead Plaintiff's Response to Late Claimant Patrick Wendt's Pro Se Motion for Acceptance of Late Claim*, ECF No. 132, at 2–4.

15. Mr. Spence's record nevertheless contains additional evidence bearing on the reason for his delay and his good faith. His first communication was expressly an "Inquiry to Join Class Action"; Lead Counsel confirmed that he fell within the proposed class definition; he asked whether anything further was required and was told that nothing further was needed at that time; he again restated his interest in participation in December 2024; and, on January 29, 2025, he specifically requested that Lead Counsel notify him when a class was certified or a settlement was reached. These communications do not excuse the passage of time by themselves, but they demonstrate contemporaneously that Mr. Spence intended to participate rather than consciously abandoning or disregarding the litigation.

16. Jason Minow likewise asserted that he did not receive actual notice despite a successful email transmission. The record reflects that Mr. Minow first learned of the Settlement on June 9, 2026, submitted a Claim Form two days later, and filed his motion on June 23, 2026. *See Lead Plaintiff's Response to Late Claimant Jason Minow's Pro Se Motion for Acceptance of Late Claim*, ECF No. 135, at 4. Mr. Spence's request arises even later in the administration of the Settlement, a fact he does not minimize. His relevant point is narrower: like Mr. Minow, once Mr. Spence acquired actual knowledge, he acted immediately. He contacted Lead Counsel the same day he learned of the Settlement, followed up within days, contacted the Settlement Administrator directly, and began pursuing Court relief without further voluntary delay.

D. The totality of the circumstances warrants narrowly tailored relief.

17. The Court has already recognized that actual nonreceipt may occur even where electronic notice was successfully transmitted without a bounce. Mr. Spence respectfully submits that the equitable inquiry should therefore consider not merely whether notice was technically transmitted, but also his demonstrated intent before the Settlement, his lack of actual knowledge that a claim was required, his immediate action once he learned otherwise, and the fact that he seeks relief while the Settlement Administrator publicly reports that preparations for the Initial Distribution remain underway.

18. Mr. Spence does not ask the Court to reopen the claims process generally or disturb the January 26, 2026 cutoff for other potential claimants. He requests relief only as to his individual claim based on the documented circumstances presented here. The July 27 Distribution Order expressly provides that the Court "retains jurisdiction to hear further applications concerning the administration of the Settlement, and such other and further relief as this Court deems appropriate." ECF No. 139 ¶ 15.

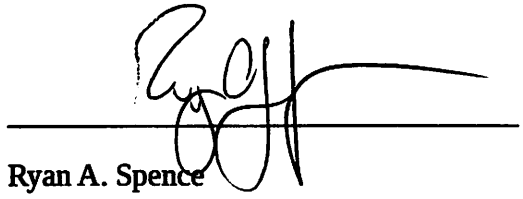
19. Accordingly, Mr. Spence respectfully requests that the Court exercise that retained authority to direct the Settlement Administrator to provide or confirm any claimant identification number necessary for Mr. Spence to complete the Court-approved Claim Form; to accept and process a completed Claim Form submitted promptly thereafter notwithstanding the previously established claim deadlines; to determine his recognized loss under the Court-approved Plan of Allocation; and, if the claim is otherwise valid and eligible, to include it in the Settlement distribution in such manner as the Court deems equitable and administratively appropriate.

IV. CONCLUSION

20. For the foregoing reasons, Mr. Spence respectfully requests that the Court grant his Motion and enter an order directing the Settlement Administrator to provide or confirm any claimant identification number necessary for Mr. Spence to complete the Court-approved Claim Form, accept and process a completed Claim Form submitted promptly thereafter notwithstanding the prior deadlines, determine his recognized loss under the Court-approved Plan of Allocation, and include the claim in the Settlement distribution in such manner as the Court deems equitable and administratively appropriate.

Respectfully submitted,

Ryan A. Spence, Pro Se



Ryan A. Spence

627 4th Street

Monongahela, PA 15063

Telephone: (412) 445-0323

Email: ryanspence83@gmail.com

Dated: September 22nd, 2026

September 22, 2026

FILED
IN CLERKS OFFICE
2026 SEP 24 P 12:14
U.S. DISTRICT COURT
DISTRICT OF MASS.

Clerk of Court
United States District Court
District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 2300
Boston, MA 02210

Re: Dufoe v. DraftKings Inc., et al., Case No. 1:23-cv-10524-DJC

Dear Clerk:

Please file the enclosed papers in the above-captioned action. I am a Settlement Class Member proceeding pro se and am separately seeking permission to use CM/ECF. Because the Settlement Administrator publicly reports that preparations for distribution are underway and checks are anticipated by the end of September 2026, I am submitting this paper filing now to avoid additional delay.

Enclosed are: (1) Motion of Settlement Class Member Ryan A. Spence for Equitable Relief and Acceptance of Late-Filed Claim; (2) Declaration of Ryan A. Spence; (3) Proposed Order; (4) Exhibit Index and Exhibits A–C; and (5) Declaration of Service.

Copies of the filing are being served on counsel of record as reflected in the Declaration of Service. Please contact me at the telephone number or email address below if the Clerk's Office requires any additional procedural information to docket these papers.

Respectfully,

Ryan A. Spence, Pro Se
627 4th Street
Monongahela, PA 15063
(412) 445-0323
ryanspence83@gmail.com

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

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

Plaintiff,

v.

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

Defendants.

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U.S. DISTRICT COURT
DISTRICT OF MASS.

Case No. 23-cv-10524-DJC

CLASS ACTION

Honorable Judge Denise J. Casper

DECLARATION OF RYAN A. SPENCE

I, Ryan A. Spence, declare as follows:

1. I am an individual who purchased DraftKings non-fungible tokens ("NFTs") during the period relevant to the Settlement Class in this action.

2. I submit this Declaration in support of my request that the Court permit the Settlement Administrator to accept and process my late-filed claim.

3. On August 12, 2024, I contacted attorneys Anthony F. Fata and Sarah E. Flohr by email regarding this litigation. My email was titled "Inquiry to Join Class Action," and I expressly stated that I was interested in joining a class action against DraftKings and wished to discuss what options might be available to me.

4. On August 13, 2024, Lead Counsel advised me by email that, if I had purchased DraftKings NFTs during the period beginning August 11, 2021, I was within the proposed class definition and that, if a class were certified, I would receive notice.

5. That same day, I confirmed that I had purchased DraftKings NFTs during the relevant period and asked Lead Counsel, "Is there anything else that you need from me right now?" Lead Counsel responded, "There is nothing else we need from you at this time."

6. On December 17, 2024, I again contacted Lead Counsel. In that email, I stated that I was following up on our prior communications and that I wished to "restate my interest in participation."

7. Lead Counsel responded that same day and advised me: "If and when a class is certified or a settlement is reached, all class members will be notified."

8. On January 28, 2025, I again contacted Lead Counsel after receiving tax information from DraftKings concerning payments related to the conclusion of its Reignmakers operation. I advised Lead Counsel that I believed the information might be relevant and offered to provide supporting documentation.

9. On January 29, 2025, I again wrote to Lead Counsel and expressly stated: "Please let me know when a class is certified or a settlement is reached."

10. I did not see or receive either of the settlement notice emails that Lead Counsel has since advised were transmitted to my email address on March 21, 2025 and March 29, 2025.

11. I did not intentionally ignore, disregard, or decline to respond to any settlement notice. I was unaware that a claim form was required of me or that a deadline for submitting a claim had passed.

12. Had I actually received and seen notice of the settlement and the requirement to submit a claim, I would have submitted a claim. My prior communications with Lead Counsel reflected

my continuing intention to participate in the litigation and any resulting class recovery for which I was eligible.

13. On September 14, 2026, I again contacted Lead Counsel and asked whether a class had been certified and whether I was confirmed as a participant in the class.

14. Later that day, Lead Counsel informed me that the Court had approved distribution of the settlement fund, that the Settlement Administrator's records reflected that notice had been sent to my email address, that no claim had been filed using my email address, and that the Court had determined that claims received or postmarked after January 26, 2026 could not be eligible for payment.

15. After receiving Lead Counsel's September 14, 2026 response, I searched my email account for the settlement notices that I had been told were sent to me. I was unable to locate either notice.

16. Later on September 14, 2026, I wrote to Lead Counsel requesting assistance in determining whether any mechanism remained to address my missed claim before distribution of the settlement fund. I explained that I had not received the settlement notice and described my prior communications with Lead Counsel and my repeated expressions of interest in participating in the litigation.

17. On September 17, 2026, after receiving no substantive response to that request, I followed up with Lead Counsel because I understood that settlement distributions were expected to occur shortly.

18. Also on September 17, 2026, I contacted the Settlement Administrator directly. I requested information concerning the notices reportedly transmitted to my email address, including available delivery records, and asked whether any administrative mechanism remained through which my claim could be submitted or preserved for consideration.

19. The Settlement Administrator immediately acknowledged receipt of my September 17, 2026 request and stated that I should receive a response within five business days. As of September 22, 2026, I have not received a substantive response or the identification number assigned to me. I understand that the Court-approved Claim Form requires the claimant to provide the

identification number assigned by the Settlement Administrator. I therefore cannot complete that form accurately without information in the Settlement Administrator's possession, and I am prepared to complete and submit it promptly if the Court grants relief and the necessary identification information is provided.

20. On September 18, 2026, Lead Counsel informed me that counsel had specifically provided my email address to the Settlement Administrator for purposes of notice. Lead Counsel further advised me that the Settlement Administrator's records reflected that notices were delivered to my email address on March 21, 2025 at 3:39 p.m. CDT and again on March 29, 2025 at 11:23 p.m. CDT, without a bounce-back or error message.

21. I do not contend that Lead Counsel or the Settlement Administrator intentionally failed to transmit notice to me. I can only state that I did not actually see or receive either notice, I was

22. After I asked Lead Counsel what position it would take if I sought relief directly from the Court, Lead Counsel advised me that it had previously taken no position on other late claimants' requests for relief and presently anticipated taking no position on any request I might make, subject to whatever was ultimately filed with the Court.

23. Since learning of the settlement and missed claim deadline on September 14, 2026, I have acted promptly and continuously to determine whether my claim can still be considered, including corresponding with Lead Counsel and contacting the Settlement Administrator directly.

24. I am not seeking preferential treatment or any recovery different from that available to other eligible Settlement Class Members. I am requesting only that I be permitted to submit a claim and have that claim evaluated under the same settlement criteria applicable to other claims.

25. My failure to submit a timely claim was not the result of a decision to abandon, decline, or ignore the settlement. Until September 14, 2026, I was unaware that the settlement had been reached and that submission of a claim was required.

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

Executed on: September 22nd, 2026

Ryan A. Spence

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

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

Plaintiff,

v. Case No. 23-cv-10524-DJC

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

Defendants.

CLASS ACTION

Honorable Judge Denise J. Casper

[PROPOSED] ORDER GRANTING MOTION OF SETTLEMENT CLASS MEMBER RYAN A. SPENCE FOR EQUITABLE RELIEF AND ACCEPTANCE OF LATE-FILED CLAIM

Upon consideration of Settlement Class Member Ryan A. Spence's Motion for Equitable Relief and Acceptance of Late-Filed Claim, the supporting Declaration of Ryan A. Spence, and the record in this action, the Motion is hereby **GRANTED**.

It is hereby ORDERED that the Settlement Administrator shall provide or confirm any claimant identification number necessary for Mr. Spence to complete the Court-approved Proof of Claim and is authorized and directed to accept and process a completed Proof of Claim submitted promptly thereafter, notwithstanding the previously established claim deadlines.

The Settlement Administrator shall evaluate Mr. Spence's claim under the same eligibility requirements, Plan of Allocation, and other criteria applicable to other Settlement Class Members. If the claim is otherwise valid and eligible for payment, the Settlement Administrator is authorized to include the claim in the distribution of the Net Settlement Fund in such manner as is administratively appropriate.

SO ORDERED.

Dated: _____, 2026

_____

Hon. Denise J. Casper
United States District Judge

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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

v. Case No. 23-cv-10524-DJC

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

CLASS ACTION
Honorable Judge Denise J. Casper

EXHIBIT INDEX IN SUPPORT OF MOTION OF SETTLEMENT CLASS MEMBER RYAN A. SPENCE FOR EQUITABLE RELIEF AND ACCEPTANCE OF LATE-FILED CLAIM

Exhibit	Description	Date(s)
A	Initial email from Ryan A. Spence to Lead Counsel titled "Inquiry to Join Class Action."	August 12, 2024
B	Complete correspondence between Ryan A. Spence and Lead Counsel concerning participation, notice, the missed claim deadline, notice-transmission records, and Lead Counsel's anticipated position on Court relief.	August 13, 2024 – September 18, 2026
C	Correspondence with the Settlement Administrator requesting notice records, claimant identification information, distribution status, and administrative relief, together with the Administrator's acknowledgment of receipt.	September 17, 2026

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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

v. Case No. 23-cv-10524-DJC

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

CLASS ACTION
Honorable Judge Denise J. Casper

EXHIBIT A

Initial August 12, 2024 email to Lead Counsel - "Inquiry to Join Class Action"

ryanspence83@gmail.com

From: Ryan Spence <ryanspence83@gmail.com>
Sent: Monday, August 12, 2024 11:37 PM
To: afata@kmllp.com; sflohr@kmllp.com
Cc: 'Ryan Spence'
Subject: Inquiry to Join Class Action

Importance: High

Hello, Anthony and Sarah.

I am interested in joining a Class Action against Draft Kings. Like many others, I was given an insultingly low "Conclusion Offer" when they shuttered their Reignmakers operation.

I would very much like to speak with you regarding what option may be available to me. Please get back to me at your convenience.

I thank you in advance for your time and consideration.

Best Regards,

Ryan A. Spence

(412) 445-0323 (phone)
ryanspence83@gmail.com

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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

v. Case No. 23-cv-10524-DJC

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

CLASS ACTION
Honorable Judge Denise J. Casper

EXHIBIT B

Complete correspondence with Lead Counsel through September 18, 2026

ryanspence83@gmail.com

From: Sarah E. Flohr <sflohr@kmllp.com>
Sent: Friday, September 18, 2026 11:44 AM
To: ryanspence83@gmail.com
Cc: Anthony F. Fata; Cormac Broeg; Elaine Mui
Subject: RE: Draft Kings Communication in Response to Inquiries

Mr. Spence:

As lead counsel we cannot provide individual class members with legal advice regarding mechanisms for late claims because class counsel represents the Class as a whole, not individual class members, and the interests of those seeking late claims diverge from the interests of those who are not.

Previously, lead counsel has taken no position on the other late claimants' request for relief from the Court. We anticipate taking no position but cannot say for certain unless and until something is filed with the Court.

Thank you,
Sarah

KM
Sarah E. Flohr, *Partner*
Kirby McInerney LLP
250 Park Avenue, Suite 820, New York, NY 10177
p. 212.371.6600 f. 212-371-6600
e. sflohr@kmllp.com www.kmllp.com

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From: ryanspence83@gmail.com <ryanspence83@gmail.com>
Sent: Friday, September 18, 2026 12:15 PM
To: Sarah E. Flohr <sflohr@kmllp.com>
Cc: Anthony F. Fata <afata@kmllp.com>; Cormac Broeg <cbroeg@kmllp.com>; Elaine Mui <emui@kmllp.com>; 'Ryan Spence' <ryanspence83@gmail.com>
Subject: RE: Draft Kings Communication in Response to Inquiries
Importance: High

[**ATTENTION:** This message is from an external source.]

Hi Sarah,

Thank you for the additional information. I appreciate the clarification regarding the two notice transmissions and your firm's specific efforts to provide my email address to A.B. Data.

I understand that your records indicate that both messages were delivered without a bounce or error. I can only reiterate that I did not actually receive or see either notice and that neither notice is present in my email account despite my efforts to locate them.

I also appreciate your confirmation that, if necessary, Lead Counsel would accurately advise the Court regarding my prior communications with your firm and the steps your firm took to provide notice.

For purposes of determining my next step, however, could you please clarify the two remaining questions from my September 14 email:

1. Is there any remaining administrative mechanism through which my claim may be submitted or considered before distribution is completed?
2. If I seek relief directly from the Court, does Lead Counsel intend to support, oppose, consent to, or take no position on that request?

Given the impending distribution, I would appreciate clarification when possible.

Thank you, Sarah.

Best Regards,

Ryan A. Spence

(412) 445-0323 (phone)
ryanspence83@gmail.com

From: Sarah E. Flohr <sflohr@kmllp.com>
Sent: Friday, September 18, 2026 8:45 AM
To: ryanspence83@gmail.com
Cc: Anthony F. Fata <afata@kmllp.com>; Cormac Broeg <cbroeg@kmllp.com>; Elaine Mui <emui@kmllp.com>
Subject: RE: Draft Kings Communication in Response to Inquiries

Dear Mr. Spence:

On August 13, 2024 and again on December 17, 2024, I informed you via email to your only known email address (ryanspence83@gmail.com) that, "If and when a class is certified or a settlement is reached, all class members will be notified." As explained below, class counsel took deliberate and specific steps to ensure that notice was sent to you in particular (along with other individuals who had contacted class counsel).

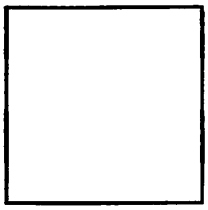
On February 28, 2025, the Court preliminarily approved the settlement and ordered a specific notice plan that included publication notice and email notice. The Court appointed a specific entity—A.B. Data—to provide class notice. With respect to individual email notice, the Court specifically stated: "beginning not later than fifteen (15) business days after the date of entry of this Order (the "Notice Date"), the Settlement Administrator shall cause a copy of the Email Notice . . . to be emailed to all potential Settlement Class Members who may be identified through reasonable effort, including those identified by DraftKings . . . ." Preliminary Approval Order, Paragraph 10(a).

After receiving this Order from the Court, we informed A.B. Data of your specific email address so that you would receive prompt notice (and did the same for other individuals that had contacted our firm about the case). We did so in an abundance of caution in the event that DraftKings' records did not include your email address. A.B. Data has reviewed its records and confirmed that, on March 21, 2025 at 3:39 PM CDT, the class notice was delivered to your email address (ryanspence83@gmail.com) and further that it did not receive a bounce back or error message.

A.B. Data then received DraftKings' records regarding all potential class members pursuant to Paragraph 11 of the Preliminary Approval Order. A.B. Data reviewed its records and confirmed that, on March 29, 2025 at 11:23 PM CDT, this additional email notice was delivered to your email address (ryanspence83@gmail.com) and further that it did not receive a bounce back or error message.

Turning to your questions, if required, we would certainly inform the Court of your interactions with class counsel and our extra effort to ensure that you received notice pursuant to the Court approved notice plan.

Thank you,
Sarah



Sarah E. Flohr, *Partner*
Kirby McInerney LLP
250 Park Avenue, Suite 820, New York, NY 10177
p. 212.371.6600 · f. 212-371-6600
e. sflohr@kmllp.com · www.kmllp.com

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From: ryanspence83@gmail.com <ryanspence83@gmail.com>
Sent: Thursday, September 17, 2026 8:35 AM
To: Sarah E. Flohr <sflohr@kmllp.com>
Cc: Anthony F. Fata <afata@kmllp.com>; Cormac Broeg <cbroeg@kmllp.com>; Elaine Mui <emui@kmllp.com>; 'Ryan Spence' <ryanspence83@gmail.com>
Subject: RE: Draft Kings Communication in Response to Inquiries
Importance: High

[**ATTENTION:** This message is from an external source.]

Hi Sarah,

I am following up on my September 14 email below, given the Settlement Administrator's indication that distributions are expected by the end of September.

Because time is material, I would appreciate confirmation by Friday as to whether Lead Counsel intends to assist with, support, or otherwise take a position regarding the relief I requested.

I would prefer to address this through Lead Counsel before determining whether I need to pursue other available procedural remedies, so I would appreciate any update you can provide.

Thank you.

Ryan A. Spence
(412) 445-0323 (phone)
ryanspence83@gmail.com

From: ryanspence83@gmail.com <ryanspence83@gmail.com>
Sent: Monday, September 14, 2026 1:44 PM
To: 'Sarah E. Flohr' <sflohr@kmllp.com>
Cc: 'Anthony F. Fata' <afata@kmllp.com>; 'Cormac Broeg' <cbroeg@kmllp.com>; emui@kmllp.com; 'Ryan Spence' <ryanspence83@gmail.com>

Subject: Draft Kings Communication in Response to Inquiries
Importance: High

Hi Sarah,

Thank you for your response. I am very concerned by what you have told me, and I would appreciate your assistance in determining whether there is still a mechanism to address this situation before distribution of the settlement fund is completed.

I understand that the Settlement Administrator's records indicate that notice was sent to my email address on March 21, 2025. However, I did not receive that notice, and I have searched my email account extensively and cannot locate it.

More importantly, I do not believe this situation can fairly be viewed simply as a class member who failed to respond to a settlement notice.

Your firm and I had been in direct communication regarding this litigation well before the settlement. In August 2024, after I confirmed that I had purchased DraftKings NFTs during the relevant period, you advised me that I was within the proposed class definition and that, if a class were certified, I would receive notice.

I then specifically asked:
"Is there anything else that you need from me right now?"

Your response was:
"There is nothing else we need from you at this time."

I followed up again in December 2024 specifically to restate my interest in participating. At that time, you advised me: "If and when a class is certified or a settlement is reached, all class members will be notified."

Then, on January 29, 2025, I again wrote to your firm and expressly stated:
"Please let me know when a class is certified or a settlement is reached."

That communication occurred only weeks before the settlement was reached.

Throughout this period, I remained actively engaged with your firm, repeatedly expressed my desire to participate, and even provided information that I believed could be useful to the litigation. I had every reason to believe that, when action on my part became necessary, I would be notified—particularly after I had specifically asked to be notified and had been told that nothing further was needed from me at that time.

I now understand that the Court has considered other late claims involving class members who stated that they did not actually receive settlement notice despite the Settlement Administrator's records reflecting that an email had been sent. I also understand that the Court has subsequently imposed a January 26, 2026 cutoff for late claims. I recognize that this creates a procedural issue.

However, my circumstances appear materially different from those of a class member who simply failed to monitor the litigation or overlooked a notice. Your firm had direct, documented communications with me establishing both my eligibility for the proposed class and my affirmative desire to participate, and I specifically relied on the representation that I would be notified when a class was certified or a settlement was reached.
Accordingly, I am asking that Kirby McInerney review this situation and advise me what procedure is available to seek relief.

Specifically, please let me know:

1. Whether there is any remaining administrative mechanism by which my claim can be submitted or considered before distribution is completed;
2. Whether Lead Counsel would be willing to request, consent to, or support relief from the Court permitting my claim to be considered under these circumstances; and
3. If court intervention is required, whether your firm will advise the Court that I had been in direct communication with Lead Counsel, had affirmatively expressed my desire to participate, had specifically requested notice of a settlement or class certification, and had been told that nothing further was required of me at that time.

I want to emphasize that I am not suggesting that anyone intentionally failed to notify me. **I am simply stating the fact that I did not receive the March 21, 2025 notice and that, based upon my extensive prior communications with your firm, I reasonably believed I would be contacted when action on my part became necessary.**

Given that distribution is apparently expected to begin shortly, I would appreciate your prompt review of this matter before the settlement proceeds are fully distributed.

For ease of reference, I have attached a PDF containing my prior correspondence with your firm regarding this matter .

Thank you, Sarah. I sincerely hope there is a way to address this.

Best Regards,

Ryan A. Spence

(412) 445-0323 (phone)
ryanspence83@gmail.com

From: Sarah E. Flohr <sflohr@kmllp.com>
Sent: Monday, September 14, 2026 11:52 AM
To: Ryan Spence <ryanspence83@gmail.com>
Cc: Anthony F. Fata <afata@kmllp.com>; Cormac Broeg <cbroeg@kmllp.com>
Subject: RE: Draft Kings Communication in Response to Inquiries

Hi Ryan –

On July 27, 2026, the Court approved distribution of the settlement fund to authorized claimants. This distribution order is now final and the distribution to authorized claimants will begin in the coming weeks.

We confirmed with the Settlement Administrator that notice was sent to ryanspence83@gmail.com on March 21, 2025. According to the Settlement Administrator's records, no claim was filed with that email address.

In its July 27 order, the Court determined that no claims received or postmarked after January 26, 2026 could be eligible for payment.

Best regards,
Sarah

Sarah E. Flohr, *Partner*
Kirby McInerney LLP
250 Park Avenue, Suite 820, New York, NY 10177
p. 212.371.6600 f. 212-371-6600
e. sflohr@kmllp.com www.kmllp.com

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From: ryanspence83@gmail.com <ryanspence83@gmail.com>
Sent: Monday, September 14, 2026 11:53 AM
To: Sarah E. Flohr <sflohr@kmllp.com>; Isabella Lok <ilok@kmllp.com>
Cc: Anthony F. Fata <afata@kmllp.com>; 'Ryan Spence' <ryanspence83@gmail.com>
Subject: Draft Kings Communication in Response to Inquiries
Importance: High

[**ATTENTION:** This message is from an external source.]

Hello, Sarah.

I just wanted to follow up on our conversation from January of 2025. You had previously mentioned that your class certification motion was due December of 2025.

Has a Class been certified? Am I confirmed as a participant of that Class? I appreciate any update you can provide.

Please get back to me at your convenience. Thank you, Sarah.

Best Regards,
Ryan A. Spence
(412) 445-0323 (phone)
ryanspence83@gmail.com

From: Ryan Spence <ryanspence83@gmail.com>
Sent: Wednesday, January 29, 2025 1:17 PM
To: 'Sarah E. Flohr' <sflohr@kmllp.com>; 'Isabella Lok' <ilok@kmllp.com>
Cc: 'Anthony F. Fata' <afata@kmllp.com>; 'Ryan Spence' <ryanspence83@gmail.com>
Subject: RE: Draft Kings Communication in Response to Inquiries
Importance: High

Hi, Sarah.

I was not seeking legal advice. I was merely trying to present you with additional information that may be helpful to your case.

Please let me know when a class is certified or a settlement is reached. Thank you.

Best Regards,
Ryan A. Spence
(412) 445-0323 (phone)

ryanspence83@gmail.com

From: Sarah E. Flohr <sflohr@kmllp.com>
Sent: Wednesday, January 29, 2025 8:02 AM
To: Ryan Spence <ryanspence83@gmail.com>; Isabella Lok <ilok@kmllp.com>
Cc: Anthony F. Fata <afata@kmllp.com>
Subject: RE: Draft Kings Communication in Response to Inquiries

Hi Ryan –

Thanks for reaching out. We are unable to provide legal advice outside of the class action lawsuit we are currently pursuing against DraftKings. We recommend contacting a tax attorney if you have questions regarding tax information provided by the Company.

Thank you,
Sarah

Sarah E. Flohr, *Associate*
Kirby McInerney LLP
250 Park Avenue, Suite 820, New York, NY 10177
p. 212.371.6600 · f. 212.751.2540
e. sflohr@kmllp.com · www.kmllp.com

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From: Ryan Spence <ryanspence83@gmail.com>
Sent: Tuesday, January 28, 2025 9:58 PM
To: Sarah E. Flohr <sflohr@kmllp.com>; Isabella Lok <ilok@kmllp.com>
Cc: Anthony F. Fata <afata@kmllp.com>; 'Ryan Spence' <ryanspence83@gmail.com>
Subject: RE: Draft Kings Communication in Response to Inquiries
Importance: High

[**ATTENTION:** This message is from an external source.]

Hello, Sarah.

I just received my 2024 Tax info from Draft Kings. They are reporting the Reignmakers conclusion payments made to us as "Prize/Winnings". That certainly seems less-than-credible and potentially misleading. I would be happy to provide supporting document upon your request.

Please let me know. Thank you.

Best Regards,
Ryan A. Spence
(412) 445-0323 (phone)
ryanspence83@gmail.com

From: Sarah E. Flohr <sflohr@kmllp.com>
Sent: Tuesday, December 17, 2024 7:35 AM
To: Ryan Spence <ryanspence83@gmail.com>; Isabella Lok <ilok@kmllp.com>
Cc: Anthony F. Fata <afata@kmllp.com>
Subject: RE: Draft Kings Communication in Response to Inquiries

Hi Ryan –

Thanks for following up. There is no update at this time. If and when a class is certified or a settlement is reached, all class members will be notified.

Thank you,
Sarah

Sarah E. Flohr, *Associate*
Kirby McInerney LLP
250 Park Avenue, Suite 820, New York, NY 10177
p. 212.371.6600 · f. 212.751.2540
e. sflohr@kmllp.com · www.kmllp.com

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From: Ryan Spence <ryanspence83@gmail.com>
Sent: Tuesday, December 17, 2024 1:52 AM
To: Sarah E. Flohr <sflohr@kmllp.com>; Isabella Lok <ilok@kmllp.com>
Cc: Anthony F. Fata <afata@kmllp.com>; 'Ryan Spence' <ryanspence83@gmail.com>
Subject: RE: Draft Kings Communication in Response to Inquiries
Importance: High

[**ATTENTION:** This message is from an external source.]

Hello, Sarah.

I just wanted to follow up on our conversation from August. You mentioned that your class certification motion was not due until the end of December, but I thought it prudent to reach out prior to the holidays to restate my interest in participation.

Please get back to me at your convenience. Thank you, Sarah.

Best Regards,
Ryan A. Spence
(412) 445-0323 (phone)
ryanspence83@gmail.com

From: Sarah E. Flohr <sflohr@kmllp.com>
Sent: Tuesday, August 13, 2024 11:57 AM
To: Ryan Spence <ryanspence83@gmail.com>; Isabella Lok <ilok@kmllp.com>

Cc: Anthony F. Fata <afata@kmllp.com>
Subject: RE: Draft Kings Communication in Response to Inquiries

There is nothing else we need from you at this time.

Under the current scheduling order, our class certification motion is due at the end of December.

Sarah E. Flohr, *Associate*
Kirby McInerney LLP
250 Park Avenue, Suite 820, New York, NY 10177
p. 212.371.6600 · f. 212.751.2540
e. sflohr@kmllp.com · www.kmllp.com

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From: Ryan Spence <ryanspence83@gmail.com>
Sent: Tuesday, August 13, 2024 2:51 PM
To: Sarah E. Flohr <sflohr@kmllp.com>; Isabella Lok <ilok@kmllp.com>
Cc: Anthony F. Fata <afata@kmllp.com>; 'Ryan Spence' <ryanspence83@gmail.com>
Subject: RE: Draft Kings Communication in Response to Inquiries
Importance: High

[**ATTENTION:** This message is from an external source.]

Hi, Sarah.

Thank you very much for the reply. Yes, I purchased DraftKings NFTs during the period from August 11, 2021 to Present.

Is there anything else that you need from me right now?
When will you know if a Class has been Certified?

Thanks again, Sarah. I truly appreciate it.

Best Regards,
Ryan A. Spence
(412) 445-0323 (phone)
ryanspence83@gmail.com

From: Sarah E. Flohr <sflohr@kmllp.com>
Sent: Tuesday, August 13, 2024 11:43 AM
To: Ryan Spence <ryanspence83@gmail.com>; Isabella Lok <ilok@kmllp.com>
Cc: Anthony F. Fata <afata@kmllp.com>
Subject: RE: Draft Kings Communication in Response to Inquiries

Hi Ryan –

Thanks for the response. If you purchased DraftKings NFTs during the period August 11, 2021 to present you are within the proposed class definition in the litigation we are pursuing. If a class is certified, you will receive notice that a class has been certified. Please feel free to contact us if you would like an update about the case.

Thank you,
Sarah

Sarah E. Flohr, *Associate*
Kirby McInerney LLP
250 Park Avenue, Suite 820, New York, NY 10177
p. 212.371.6600 · f. 212.751.2540
e. sflohr@kmllp.com · www.kmllp.com

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From: Ryan Spence <ryanspence83@gmail.com>
Sent: Tuesday, August 13, 2024 2:40 PM
To: Isabella Lok <ilok@kmllp.com>
Cc: Anthony F. Fata <afata@kmllp.com>; Sarah E. Flohr <sflohr@kmllp.com>; 'Ryan Spence' <ryanspence83@gmail.com>
Subject: RE: Draft Kings Communication in Response to Inquiries
Importance: High

[**ATTENTION:** This message is from an external source.]

Hello, Isabella.

Thank you for your response. I am interested in proceeding, and have cc'd Anthony and Sarah accordingly.

Thank you.

Best Regards,
Ryan A. Spence
(412) 445-0323 (phone)
ryanspence83@gmail.com

From: Isabella Lok <ilok@kmllp.com>
Sent: Tuesday, August 13, 2024 6:54 AM
To: ryanspence83@gmail.com
Subject: Draft Kings Communication in Response to Inquiries

Thank you for contacting Kirby McInerney LLP and its co-counsel in connection with DraftKings NFTs. We have received inquiries from other DraftKings NFT purchasers as well. We are providing this response based on the inquiries. The information below is based on public, non-privileged information. We are not

providing legal advice, privileged communications, or otherwise confidential information to the individuals who have contacted us.

We are representing the Lead Plaintiff and a proposed class in a lawsuit, *Dufoe v. DraftKings*. The case is pending in the United States District Court for the District of Massachusetts. The Case Number is 23-cv-10524-DJC. The lawsuit is brought on behalf of a proposed class of DraftKings NFT purchasers during the period August 11, 2021 to the present.

This response is not coming from the Court presiding over this lawsuit, and this is not a "class action notice." No part of this response has been reviewed or approved by DraftKings. This response has been prepared solely by Lead Counsel to respond to inquiries with the information that we are able to provide at this time.

The lawsuit alleges that DraftKings NFTs are "securities" that should have been registered under federal law and Massachusetts law. The lawsuit also alleges that DraftKings, through the Marketplace, is operating a securities exchange or broker-dealer that should have been registered under federal law and Massachusetts law. The case seeks damages on behalf of the proposed Class. The lawsuit seeks as damages the difference between the price paid for the NFTs minus the NFTs' value at the time of judgment. If an NFT was sold prior to judgment, the sale and sale price may impact the recovery for that NFT, depending on what arguments are made, and how the Court rules on those arguments.

The Court appointed Kirby McInerney LLP as Lead Counsel. We are working with other law firms, including Berman Tabacco, Hannafan & Hannafan Ltd., and G. Dowd Law LLC.

In July 2024, the Court denied DraftKings' motion to dismiss the complaint. Based on the Court's opinion, it is Lead Counsel's understanding that the Court held that the complaint adequately alleged that the NFTs are "securities," namely "investment contracts." It is also Lead Counsel's understanding that the Court held that the Marketplace is an unregistered securities exchange and broker-dealer for purposes of federal law and Massachusetts law. As a result, the NFTs and the Marketplace should have been registered, and those who purchased NFTs are entitled to damages based on the lack of registration. These are preliminary rulings and do not mean that DraftKings will be liable to Lead Plaintiff or the proposed class at the end of the case.

On July 29, 2024, the Court held a case management conference. At the case management conference, the Court ordered the parties to start discovery (document exchanges, depositions, etc.). The Court ordered Lead Plaintiff to file a motion for class certification in December 2024. The Court has not yet certified the class. The Court also set other deadlines in the case. The Court has not yet decided whether the case can proceed as a certified class action on behalf of other NFT purchasers. The Court has not yet determined whether Lead Plaintiff or proposed Class members will recover.

It is our understanding that, last week, after the above-referenced case management conference, DraftKings announced that it is shutting down its NFT Marketplace. It is also our understanding that DraftKings has begun making offers of compensation to some of its NFT purchasers. We were unaware of these circumstances at the case management conference or otherwise, and we first learned about them from NFT purchasers.

We were not involved in DraftKings' decision to shut down the Marketplace or offer compensation to some NFT purchasers. We were not involved in drafting the DraftKings announcements or notices regarding the

shut-down, the offers, or the terms and conditions associated with the offers. We do not know at this time the specific offers and terms and conditions that individuals received.

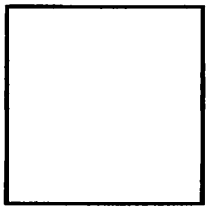
We do not know how DraftKings interprets its announcements, offers, or the associated terms and conditions. We do not know whether DraftKings will argue that the announcements, offers, or terms and conditions affect participation in the class action or damages available to individuals who accept the offers. If these arguments arise, we will respond with the goal of maximizing recovery to NFT purchasers who are within our proposed class, consistent with the objectives of the overall class. We do not know how the Court will rule on these issues.

It is our goal to maximize recovery to the full extent permitted by law, consistent with the interests of the overall class that we seek to represent, notwithstanding the recent decisions by DraftKings.

If you wish to contact Kirby McInerney LLP concerning the status of the litigation described above, please send an email to Anthony F. Fata (afata@kmllp.com) and Sarah Flohr (sflohr@kmllp.com). Please be advised that we will not be able to provide legal advice to you individually in connection with the recent DraftKings decisions/announcements.

Sincerely,

Kirby McInerney LLP



Isabella Lok, *Litigation Paralegal*
Kirby McInerney LLP
250 Park Avenue, Suite 820, New York, NY 10177
p. 212.371.6600 · f. 212.751.2540
e. ilok@kmllp.com www.kmllp.com

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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

v. Case No. 23-cv-10524-DJC

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

CLASS ACTION
Honorable Judge Denise J. Casper

EXHIBIT C

September 17, 2026 correspondence with Settlement Administrator and acknowledgment of receipt

ryanspence83@gmail.com

From: ryanspence83@gmail.com
Sent: Thursday, September 17, 2026 9:38 PM
To: info@draftkingsNFTsettlement.com
Cc: 'Ryan Spence'
Subject: DraftKings NFT Settlement - Request for Notice Records and Claim Information

Importance: High

Hello,

I am writing regarding the DraftKings NFT Settlement, Dufoe v. DraftKings Inc., Case No. 1:23-cv-10524-DJC.

My name is Ryan A. Spence, and the email address associated with me is ryanspence83@gmail.com.

Lead Counsel recently advised me that the Settlement Administrator's records indicate that settlement notice was sent to this email address on March 21, 2025. I did not receive that notice, and I have searched my email account extensively and cannot locate it.

I am presently attempting to determine what records exist regarding that purported notice and whether any administrative relief remains available before settlement distributions are completed.

Accordingly, please provide, if available:

1. The exact date and time the March 21, 2025 notice was transmitted to my email address;
2. The email address or domain from which the notice was sent;
3. Any records reflecting delivery status, bounce status, rejection, suppression, spam filtering, or other disposition associated with that transmission;
4. Any unique claimant, notice, reference, or identification number associated with me or my email address;
5. Confirmation as to whether an Initial Distribution has already been issued or whether distributions are still being prepared; and
6. Confirmation as to whether there is any remaining administrative mechanism by which I may submit a claim or preserve my request for consideration pending further direction from Lead Counsel or the Court.

Please also preserve all records relating to any notice sent or attempted to be sent to ryanspence83@gmail.com, including transmission logs, delivery-status information, mailing records, claimant records, and any associated communications.

I am not suggesting that the Settlement Administrator intentionally failed to provide notice. I am simply attempting to establish the factual record concerning the March 21, 2025 transmission because I did not actually receive the notice and did not learn that a claim was required until recently.

Because settlement distributions are expected shortly, I would appreciate a prompt response.

Thank you.
Best Regards,
Ryan A. Spence
(412) 445-0323
ryanspence83@gmail.com

ryanspence83@gmail.com

From: DraftKings NFT Settlement <info@draftkingsnftsettlement.com>
Sent: Thursday, September 17, 2026 9:38 PM
To: Ryanspence83
Subject: [Request received] - DraftKings NFT Settlement - Request for Notice Records and Claim Information

Your request has been received and is being reviewed by our support staff. You should receive a response within 5 business days.

To add additional comments, reply to this email.

This email is a service from A.B. Data, Ltd. Delivered by **Zendesk**

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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

v. Case No. 23-cv-10524-DJC

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

CLASS ACTION
Honorable Judge Denise J. Casper

DECLARATION OF SERVICE

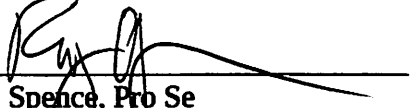
I, Ryan A. Spence, declare under penalty of perjury that on September 22, 2026, I caused true and correct copies of the Motion of Settlement Class Member Ryan A. Spence for Equitable Relief and Acceptance of Late-Filed Claim and all supporting papers to be served by United States mail upon the following counsel of record:

Sarah E. Flohr
Kirby McInerney LLP
250 Park Avenue, Suite 820
New York, NY 10177
Lead Counsel for Lead Plaintiff Justin Dufoe

Andrew S. Dulberg
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109
Counsel for Defendants DraftKings Inc., Jason D. Robins, Jason K. Park, and Matthew Kalish

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

Executed on: September 22nd, 2026



Ryan A. Spence, Pro Se
627 4th Street
Monongahela, PA 15063
Telephone: (412) 445-0323
Email: ryanspence83@gmail.com