

**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.

Case No. 23-cv-10524-DJC

CLASS ACTION

Honorable Judge Denise J. Casper

STATUS REPORT

Court-appointed Lead Plaintiff¹ Justin Dufoe, individually and on behalf of the Settlement Class, by and through his undersigned attorneys, respectfully submits this status report to supplement Lead Plaintiff’s Motion for Authorization to Distribute Net Settlement Fund to Authorized Claimants and Supporting Memorandum of Law (“Distribution Motion,” ECF No. 130), which was filed on January 26, 2026. In compliance with Local Rule 7.1(a)(2), Lead Counsel conferred with counsel for Defendants, who take no position on the relief requested.²

Under the terms of the Settlement Agreement, Settlement Class Members were required to submit their claims by July 21, 2025, after a 120-day claims period. § 15; ECF No. 89 at 8. The Court granted final approval of the Settlement on July 30, 2025. ECF No. 106. Ten claimants have

¹ Unless otherwise indicated, defined terms shall have the definitions set forth in the Stipulation of Settlement (“Settlement” or “Settlement Agreement”), which was filed on February 26, 2025 (ECF No. 87-2). Citations to the Settlement Agreement are abbreviated as “§ ____.”

² Pursuant to the Settlement Agreement, Defendants have no interest in the relief sought by this Motion. *See* § 27.

filed motions to accept late claims which are currently pending before the Court,³ one of which was filed after the Distribution Motion.⁴

When the Distribution Motion was filed, the Settlement Administrator had reviewed 93 claims that were postmarked or received after the Settlement Hearing on July 30, 2025, of which 42 had recognized losses. Second Declaration of Kathleen M. Brauns Regarding Post Distribution Motion Late Claims Received (“Brauns April Decl.”) ¶ 3. Since the Distribution Motion was filed, 13 additional potential claimants have contacted the Settlement Administrator (or contacted Class Counsel and been referred to the Settlement Administrator) to submit late claims, of which 8 had recognized losses. Brauns April Decl. ¶ 4.

As of the filing of this status report, it has been nearly nine months since the 120-day claims period closed on July 21, 2025. While additional late claimants may be inevitable, Class Counsel does not anticipate that any additional motions will present new issues for the Court’s consideration.

Class Counsel are available for a hearing, whether in person or telephonically, should the Court have any questions.

³ One claimant withdrew his motion. ECF No. 118.

⁴ Under the Settlement Agreement, neither Class Counsel nor the Settlement Administrator can accept late claims filed after the Settlement Hearing held on July 30, 2025, and such requests fall solely within the power and discretion of this Court. *See* § 32. Class Counsel take no position as to whether late claims should be accepted.

Dated: April 17, 2026

Respectfully submitted,

KIRBY McINERNEY LLP

/s/ Sarah E. Flohr

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CERTIFICATE OF SERVICE

I, Sarah E. Flohr, hereby certify that on April 17, 2026, a true and correct copy of the foregoing was electronically filed with the Clerk of Court using CM/ECF. Copies of the foregoing document will be served upon interested counsel via transmission of Notices of Electronic Filing generated by CM/ECF.

Dated: April 17, 2026

/s/ Sarah E. Flohr
Sarah E. Flohr

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**SECOND DECLARATION OF KATHLEEN M. BRAUNS REGARDING POST
DISTRIBUTION MOTION LATE CLAIMS RECEIVED**

I, Kathleen M. Brauns, declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a Project Manager with A.B. Data, Ltd. (“A.B. Data”), the Court appointed Settlement Administrator in the above-captioned matter. I am over 21 years of age and am not a party to this action. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.¹

2. This declaration is to provide the Court with claims administration information for the contemporaneously filed status report.

3. When the Distribution Motion was filed on January 26, 2026, A.B. Data had reviewed 93 claims that were postmarked or received after the Settlement Hearing on July 30, 2025, of which 42 had recognized losses.

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4. Since the Distribution Motion was filed, 13 additional potential claimants have contacted A.B. Data (or contacted Class Counsel and been referred to A.B. Data) to submit late claims, of which 8 had recognized losses.

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

Executed on April 17, 2026 in Milwaukee, Wisconsin.

/s/ Kathleen Brauns
Kathleen M. Brauns