

**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

**LEAD PLAINTIFF’S UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

PLEASE TAKE NOTICE that Lead Plaintiff¹ Justin Dufoe, through undersigned counsel and on behalf of the proposed Settlement Class, respectfully moves this Court pursuant to Federal Rule of Civil Procedure Rule 23(e) for entry of an Order: (i) granting preliminary approval of the proposed Settlement with Defendants; (ii) conditionally certifying the proposed Settlement Class for settlement purposes only; (iii) appointing Lead Plaintiff as Class Representative; (iv) appointing Lead Plaintiff’s Counsel as Class Counsel for the Settlement Class; (v) approving the proposed form and manner of giving notice of the Settlement to the Settlement Class; (vi) directing that notice be given to the Settlement Class; and (vii) scheduling a hearing at which time the Court will consider the request for final approval of the Settlement and request for attorneys’ fees and reimbursement of expenses to Class Counsel and request for a service award to Lead Plaintiff.

Defendants do not oppose the relief requested in this Motion.

¹ Unless otherwise indicated, defined terms shall have the definitions set forth in the Stipulation of Settlement (“Settlement” or “Settlement Agreement”). The Settlement Agreement and its exhibits are attached as Exhibit 1 to the Declaration of Sarah E. Flohr in Support of Plaintiff’s Unopposed Motion for Preliminary Approval of Settlement filed herewith.

Dated: February 26, 2025

Respectfully submitted,

KIRBY McINERNEY LLP

/s/ Sarah E. Flohr

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CERTIFICATE OF SERVICE

I, Sarah E. Flohr, hereby certify that on February 26, 2025, 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: February 26, 2025

/s/ Sarah E. Flohr
Sarah E. Flohr