

**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 COUNSEL'S NOTICE OF MOTION AND
MOTION FOR ATTORNEYS' FEES, LITIGATION EXPENSES, AND
SERVICE AWARD TO LEAD PLAINTIFF**

PLEASE TAKE NOTICE that on July 30, 2025 at 3:00 p.m. at the United States District Court for the District of Massachusetts, at the John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Boston, Massachusetts 02210, Lead Counsel, Kirby McInerney LLP ("Lead Counsel"), will respectfully move this Court, pursuant to Rules 23(h) and 54(d)(2) of the Federal Rules of Civil Procedure, for entry of an order: (a) awarding attorneys' fees; (b) awarding litigation expenses incurred by Class Counsel; and (c) awarding payment to Lead Plaintiff.

PLEASE TAKE FURTHER NOTICE that, in support of its motion, Lead Counsel submits and is filing herewith: the Memorandum of Law in Support of Lead Counsel's Motion for Attorneys' Fees, Litigation Expenses, and Service Award to Lead Plaintiff; the Declarations of Kirby McInerney LLP, Berman Tabacco, Hannafan & Hannafan, Ltd., and G. Dowd Law LLC; and the Declaration of Justin Dufoe in Support of: (1) Lead Plaintiff's Motion for Final Approval of Class Action Settlement and Plan of Allocation; and (2) Lead Counsel's Motion for Attorneys' Fees, Litigation Expenses, and a Service Award.

Defendants do not take a position on the relief requested in this Motion.

A proposed order will be submitted with Lead Plaintiff's reply submission on July 23, 2025.

Dated: June 25, 2025

Respectfully submitted,

KIRBY McINERNEY LLP

/s/ Anthony F. Fata

Anthony F. Fata (*pro hac vice*)

Cormac Broeg (*pro hac vice*)

211 West Wacker Drive, Suite 550

Chicago, Illinois 60606

312.767.5180

afata@kmlp.com

cbroeg@kmlp.com

Sarah E. Flohr (*pro hac vice*)

250 Park Avenue, Suite 820

New York, New York 10177

212.371.6600

sflohr@kmlp.com

Lead Counsel for Lead Plaintiff Dufoe

BERMAN TABACCO

Patrick T. Egan (BBO #637477)

Justin N. Saif (BBO #660679)

1 Liberty Square

Boston, Massachusetts 02109

617.542.8300

pegan@bermantabacco.com

jsaif@bermantabacco.com

Local Counsel for Lead Plaintiff Dufoe

HANNAFAN & HANNAFAN, LTD.

Blake T. Hannafan (*pro hac vice*)

181 West Madison Street, Suite 4700

Chicago, Illinois 60602

312.527.0055

bth@hannafanlaw.com

Additional Counsel for Lead Plaintiff Dufoe

G. DOWD LAW LLC

George Dowd (*pro hac vice*)
181 West Madison Street, 47th Floor
Chicago, IL 60602
312.854.8300
george.dowd@gdowd.law

Additional Counsel for Lead Plaintiff Dufoe

CERTIFICATE OF SERVICE

I, Anthony F. Fata, hereby certify that on June 25, 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: June 25, 2025

/s/ Anthony F. Fata
Anthony F. Fata