

The Honorable Robert S. Lasnik

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

ADRIENNE BENSON and MARY
SIMONSON, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

DOUBLEDOWN INTERACTIVE, LLC, a
Washington limited liability company,
INTERNATIONAL GAME TECHNOLOGY,
a Nevada corporation, and IGT, a Nevada
corporation,

Defendants.

Case No. 18-cv-525-RSL

**DECLARATION OF TODD LOGAN
IN SUPPORT OF UNOPPOSED
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT AGREEMENT**

1 Pursuant to 28 U.S.C. § 1746, I declare and state as follows:

2 1. I am a Partner at Edelson PC, which has been retained to represent Plaintiffs in
3 the above-captioned matter. I am entering this declaration in support of Plaintiffs' Unopposed
4 Motion for Preliminary Approval of Class Action Settlement Agreement.

5 2. I have personal knowledge of the matters stated herein and, if called upon, I could
6 and would competently testify thereto.

7 3. Attached hereto as Exhibit 1 is a true and accurate copy of the Class Action
8 Settlement Agreement, entitled "Class Action Settlement Agreement," along with its Exhibits A-
9 F.

10 4. Throughout 2021, the Parties in this action exchanged significant written
11 discovery, including approximately 325,000 pages of documents.

12 5. Between March and August 2021, Defendants took (and attorneys at Edelson PC
13 defended) depositions of Adrienne Benson, Mary Simonson, and six other putative class
14 members. During that same period, Plaintiffs' counsel took (and Defendants' counsel defended)
15 Rule 30(b)(6) depositions of DoubleDown, International Game Technology, and IGT, as well as
16 depositions of four other DoubleDown employees and two of Defendants' proposed expert
17 witnesses.

18 6. Since 2018, Edelson PC has undertaken all manner of litigation-adjacent work to
19 ward of various social casino company defendants' efforts to dispose of this and similar lawsuits.
20 These efforts include: (i) opposing a "Petition for Declaratory Order" before the Washington
21 State Gambling Commission, which asked the gambling commission to declare that social
22 casinos "do not constitute gambling within the meaning of the Washington Gambling Act, RCW
23 9.46.0237," (ii) opposing legislation meant to defang Washington's gambling laws, including by
24 providing in-person testimony and meeting with State Senators and Representatives and other
25 officials, and (iii) sounding the alarm on social casinos to the general public by helping clients
26 share their stories with media outlets across the country, such as PBS NewsHour and NBC
27 News.

1 7. Following intermittent settlement talks, including in September 2021 at Court-
2 ordered settlement conferences, settlement talks renewed in earnest in June 2022.

3 8. The Parties agreed to schedule a videoconference mediation session on July 28,
4 2022 with Niki Mendoza of Phillips ADR, and an in-person mediation session on August 26,
5 2022 with Ms. Mendoza and Judge Layn Phillips (ret.).

6 9. In the lead-up to the July 28, 2022 mediation date, the Parties were in frequent
7 communication with each other and with the Phillips ADR team in order to start narrowing the
8 potential frameworks for resolution. The Parties submitted mediation briefs regarding the core
9 facts, legal issues, litigation risks, and potential settlement structures. The Parties supplemented
10 that briefing with telephonic and written correspondence with each other and the Phillips ADR
11 team, clarifying each party's position in advance of the mediation.

12 10. On July 28, 2022, the Parties participated in a more-than-full day mediation
13 session via videoconference. No agreement was reached. Following the mediation, the Parties'
14 settlement discussions broke down, among other reasons because of a dispute with respect to
15 certain foreign assets. After filing a Motion for a Temporary Restraining Order addressing the
16 dispute on August 9, 2022, Plaintiffs withdrew all pending settlement demands.

17 11. Following the Court's August 17, 2022 order denying Plaintiffs' Motion for a
18 Temporary Restraining Order, the Parties—through the Phillips ADR team—re-engaged the
19 settlement efforts. Over the next weeks, the Parties continued to engage in frequent
20 communication with Phillips ADR regarding potential settlement frameworks and material terms
21 for a potential agreement.

22 12. On August 23, 2022, the Parties reached an agreement in principle on the material
23 terms of a class action settlement.

24 13. The Parties continued negotiating the details of the settlement until they executed
25 a Term Sheet on August 26, 2022.

1 14. In my professional judgment, when the Parties agreed to this settlement and Term
2 Sheet, the Parties were fully informed on all pertinent issues and capable of assessing the
3 benefits of the settlement.

4 15. Over the following few weeks, the Parties worked out the details of a final and
5 binding class action settlement, exchanged multiple rounds of a working settlement document
6 and supporting exhibits, met and conferred telephonically to hammer out disputed provisions,
7 and vetted and engaged a proposed settlement administrator.

8 16. On September 19, 2022, the Parties completed execution of the Settlement
9 Agreement now before the Court (attached hereto as Exhibit 1).

10 17. Based on my experience with settlements in the related cases, I anticipate that
11 participating Settlement Class Members in the highest category of Lifetime Spending Amounts
12 will likely recover gross payments in excess of 60% of their losses from April 2014 through the
13 present, and that participating Class Members in the lowest category of Lifetime Spending
14 Amounts will likely recover gross payments in excess of 20% of their losses from April 2014
15 through the present.

16 18. Based on documents I have reviewed in this case, I am able to conclude that more
17 than one million individuals in the United States have played DoubleDown Casino, DoubleDown
18 Fort Knox, DoubleDown Classic, or Ellen’s Road to Riches (the “Applications”).

19 19. Plaintiffs Benson and Simonson have long demonstrated their willingness to
20 prosecute this case, including by providing their counsel with relevant information and
21 documents, sitting for depositions, and remaining in communication with Edelson PC regarding
22 the litigation and settlement.

23 20. Edelson PC and its attorneys have no conflicts of interest. Edelson PC and its
24 attorneys have no financial stake in the Defendants nor any connections to particular Class
25 Members that might cause them to privilege certain members over others.

1 21. Clients represented by Edelson PC first raised the underlying legal theory in these
2 cases more than seven years ago. To my knowledge, no other law firm in the country had ever
3 pursued similar claims as those raised in these cases.

4 22. Over the years, Edelson PC attorneys have represented the interests of the
5 proposed Class not just in the specific bounds of this case docket, but also in proceedings before
6 the Washington State Gambling Commission and before the Washington Legislature.

7 23. Edelson PC has spent more time litigating this case than any of the other social
8 casino cases previously settled before this Court.

9 24. Proposed Class Counsel are well-qualified and experienced members of the
10 plaintiffs' bar, have the resources necessary to conduct litigation of this nature, and are
11 frequently appointed lead class counsel in major litigation across courts nationwide. For
12 example, in the Northern District of California, Judge Davila recently appointed Rafey
13 Balabanian as Interim Lead Counsel and me (Todd Logan) as Law and Briefing Counsel in three
14 MDLs¹ alleging that Apple, Google, and Facebook violate state and federal gambling laws by,
15 *inter alia*, promoting and profiting off social casino games.

16 25. In my professional judgment, the proposed settlement is fair, reasonable, and
17 adequate, and in the best interests of the Class.

18 26. I estimate that the Settlement Class's all-time losses within the Applications (*i.e.*,
19 from the 2010 launch of DoubleDown Interactive through the present) are approximately \$2.6
20 billion.

21 27. Based on the Plan of Allocation, and on my conversations with proposed Class
22 Members in this and other related cases, the recoveries class members stand to receive will in
23 many instances be life-changing.

24 28. In my professional judgment, the most significant risk facing the Settlement
25 Class's recovery is a retroactive change in Washington gambling law.

26 ¹ To be more precise, two of the matters (*In re Apple* and *In re Google*) were formally consolidated as MDLs
27 by the JPML; the third—which features substantially similar claims against Facebook—is a set of actions related
and consolidated within the Northern District of California.

1 29. In my professional judgment, if Plaintiffs tried this case to verdict, there would be
2 subsequent appeals that would likely take years to resolve. In my professional judgment, the
3 expense and burden associated with litigating this through both trial and appeals militate in favor
4 of granting preliminary approval.

5 30. The Parties' contemporaneously filed Stipulated Motion Re: Settlement Fund,
6 together with the written Settlement Agreement, constitute the entirety of the Parties' proposed
7 settlement.

8 31. Based on documents I have reviewed in this case, I estimate that more than one
9 million Player IDs associated with Settlement Class Members will receive direct notice.
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11 I declare under penalty of perjury that the foregoing is true and correct.
12

13 Executed on November 11, 2022 at San Francisco, California.
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15 /s/ Todd Logan
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