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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT SEATTLE**

10 TONDA FERRANDO and DEX MARZANO,
11 individually and on behalf of all others
12 similarly situated,

13 *Plaintiffs,*

14 v.

15 ZYNGA, Inc., a Delaware Corporation,
16

17 *Defendant.*

Case No.

COMPLAINT—CLASS ACTION

JURY DEMAND

18 Plaintiffs Tonda Ferrando and Dex Marzano bring this case, individually and on behalf of
19 all others similarly situated, against Defendant Zynga, Inc. to enjoin and obtain redress for its
20 operation of illegal online casino games. Plaintiffs allege as follows:

21 **NATURE OF THE ACTION**

22 1. The Ninth Circuit recently held that a social casino game called Big Fish Casino
23 “constitutes illegal gambling under Washington law.” *Kater v. Churchill Downs Inc.*, 886 F.3d
24 784, 785 (9th Cir. 2018).

25 2. Zynga owns and operates various social casino games, including Hit It Rich!,
26 Black Diamond Casino, Wizard of Oz Slots, Game of Thrones Slots, and Willy Wonka Slots
27 (altogether the “Zynga Slots”).

3. Under *Kater*, Zynga violates Washington law by operating the Zynga slots. Consequently, Plaintiffs, on behalf of themselves and a Class of similarly situated individuals, bring this lawsuit to recover their losses and to obtain other appropriate relief.

PARTIES

4. Plaintiffs are natural persons domiciled in the state of Washington.

5. Defendant Zynga, Inc. is a corporation organized and existing under the laws of the state of Delaware with its principal place of business located at 699 Eighth Street, San Francisco, California 94103. Zynga conducts business throughout this District and Washington State.

JURISDICTION AND VENUE

6. Federal subject-matter jurisdiction exists under 28 U.S.C. § 1332(d)(2) because (a) at least one member of the Class is a citizen of a state different from Defendant, (b) the amount in controversy exceeds \$5,000,000, exclusive of interests and costs, and (c) none of the exceptions under that subsection apply to this action.

7. The Court has personal jurisdiction over Defendant because Defendant conducts significant business transactions in this District, and because the wrongful conduct alleged occurred in and emanated from this District.

8. Venue is proper in this District under 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to Plaintiffs' claims occurred in this District.

FACTUAL ALLEGATIONS

II. Zynga's Social Casinos Are Illegal Under Washington Law

9. Consumers visiting the Zynga Slots for the first time are awarded free chips. These free sample chips offer a taste of gambling and are designed to encourage players to get hooked and buy more chips for real money.

10. After they begin playing, consumers quickly lose their initial allotment of chips. Immediately thereafter, Zynga informs them via a "pop up" screen that they have run "Out Of Coins." See Figure 1.



(Figure 1, showing Zynga's Hit it Rich!)

11. Concurrently with that warning, Zynga provides an offer to purchase virtual chips at its electronic store where the price for chips ranges from \$2.99 to \$99.99 or more. Zynga's offer to purchase chips with real money is substantially the same across its various social casino games, on its mobile app, and on Facebook. Once players run out of their allotment of free chips, they cannot continue to play the game without buying more chips for real money.

12. To begin wagering, players select the "bet" that will be used for a spin, as illustrated in Figure 2, which shows one of Zynga's slot machine games in the Hit It Rich! casino. Zynga allows players to increase or decrease the amount he or she can wager and ultimately win (or lose).



(Figure 2.)

13. Once a consumer spins the slot machine by pressing the “SPIN” button, no action on his or her part is required. Indeed, none of the Zynga Slots require (or call for) any additional user action.

14. Consumers can continue playing with the chips that they won, or they can exit the game and return at a later time to play because Zynga maintains win and loss records and balances for each consumer. Each time Zynga determines the outcome of a spin, Zynga displays the outcome to the consumer and adjusts the consumer’s chip balance. Zynga keeps records of each wager, outcome, win, and loss for every player.

FACTS SPECIFIC TO PLAINTIFFS

15. Plaintiff Marzano has purchased and lost more than \$100 playing Hit it Rich!

16. Plaintiff Ferrando has purchased and lost more than \$100 playing Hit it Rich!

CLASS ALLEGATIONS

17. **Class Definition:** Plaintiffs bring this action pursuant to Fed. R. Civ. P. 23(b)(2) and (b)(3) on behalf of a Class of similarly situated individuals, defined as follows:

Class: All persons in the State of Washington who have purchased and lost chips playing Hit It Rich!, Black Diamond Casino, Game of Thrones Slots, Wizard of Oz Slots, Willy Wonka Slots, or other of Zynga’s “social casino” games.

The following people are excluded from the Class: (1) any Judge or Magistrate presiding over this action and members of their families; (2) Defendant, Defendant’s subsidiaries, parents,

successors, predecessors, and any entity in which the Defendant or its parents have a controlling interest and its current or former employees, officers and directors; (3) persons who properly execute and file a timely request for exclusion from the Class; (4) persons whose claims in this matter have been finally adjudicated on the merits or otherwise released; (5) Plaintiffs' counsel and Defendant's counsel; and (6) the legal representatives, successors, and assigns of any such excluded persons.

18. **Numerosity:** On information and belief, tens of thousands of consumers fall into the definition of the Class. Members of the Class can be identified through Defendant's records, discovery, and other third-party sources.

19. **Commonality and Predominance:** There are many questions of law and fact common to Plaintiffs' and the Class member's claims, and those questions predominate over any questions that may affect individual members of the Class. Common questions for the Class include, but are not necessarily limited to the following:

- a. Whether the Zynga Slots are "gambling" as defined by RCW § 9.46.0237;
- b. Whether Defendant is the proprietor for whose benefit the online casino games are played;
- c. Whether Plaintiffs and each member of the Class lost money or anything of value by gambling;
- d. Whether Defendant violated the Washington Consumer Protection Act, RCW § 19.86.010, *et seq.*; and
- e. Whether Defendant has been unjustly enriched as a result of its conduct.

20. **Typicality:** Plaintiffs' claims are typical of the claims of other members of the Class in that Plaintiffs and the members of the Class sustained damages arising out of Defendant's wrongful conduct.

21. **Adequate Representation:** Plaintiffs will fairly and adequately represent and protect the interests of the Class and have retained counsel competent and experienced in complex litigation and Class actions. Plaintiffs' claims are representative of the claims of the

1 other members of the Class, as Plaintiffs and each member of the Class lost money playing
 2 Defendant's games of chance. Plaintiffs also have no interests antagonistic to those of the Class,
 3 and Defendant has no defenses unique to Plaintiffs. Plaintiffs and their counsel are committed to
 4 vigorously prosecuting this action on behalf of the Class and have the financial resources to do
 5 so. Neither Plaintiffs nor their counsel have any interest adverse to the Class.

6 **22. Policies Generally Applicable to the Class:** This Class action is appropriate for
 7 certification because Defendant has acted or refused to act on grounds generally applicable to the
 8 Class as a whole, thereby requiring the Court's imposition of uniform relief to ensure compatible
 9 standards of conduct toward the members of the Class and making final injunctive relief
 10 appropriate with respect to the Class as a whole. Defendant's policies that Plaintiffs challenge
 11 apply and affect members of the Class uniformly, and Plaintiffs' challenge of these policies
 12 hinges on Defendant's conduct with respect to the Class as a whole, not on facts or law
 13 applicable only to Plaintiffs. The factual and legal bases of Defendant's liability to Plaintiffs and
 14 to the other members of the Class are the same.

15 **23. Superiority:** This case is also appropriate for certification because Class
 16 proceedings are superior to all other available methods for the fair and efficient adjudication of
 17 this controversy. The harm suffered by the individual members of the Class is likely to have been
 18 relatively small compared to the burden and expense of prosecuting individual actions to redress
 19 Defendant's wrongful conduct. Absent a Class action, it would be difficult for the individual
 20 members of the Class to obtain effective relief from Defendant. Even if members of the Class
 21 themselves could sustain such individual litigation, it would not be preferable to a Class action
 22 because individual litigation would increase the delay and expense to all parties and the Court
 23 and require duplicative consideration of the legal and factual issues presented. By contrast, a
 24 Class action presents far fewer management difficulties and provides the benefits of single
 25 adjudication, economy of scale, and comprehensive supervision by a single Court. Economies of
 26 time, effort, and expense will be fostered and uniformity of decisions will be ensured.
 27

24. Plaintiffs reserve the right to revise the foregoing “Class Allegations” and “Class Definition” based on facts learned through additional investigation and in discovery.

FIRST CAUSE OF ACTION
Violations of Revised Code of Washington § 4.24.070
(On behalf of Plaintiffs and the Class)

25. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

26. Plaintiffs, members of the Class, and Defendant are all “persons” as defined by RCW § 9.46.0289.

27. Washington’s “Recovery of money lost at gambling” statute, RCW 4.24.070, provides that “all persons losing money or anything of value at or on any illegal gambling games shall have a cause of action to recover from the dealer or player winning, or from the proprietor for whose benefit such game was played or dealt, or such money or things of value won, the amount of the money or the value of the thing so lost.”

28. “Gambling,” defined by RCW § 9.46.0237, “means staking or risking something of value upon the outcome of a contest of chance or a future contingent event not under the person's control or influence.”

29. Defendant’s “chips” and/or “coins” sold for use in its online gambling games are “thing[s] of value” under RCW § 9.46.0285.

30. Defendant’s online gambling games are illegal gambling games because they are online games at which players wager things of value (the chips) and by an element of chance (e.g., by spinning an online slot machine) are able to obtain additional entertainment and extend gameplay (by winning additional chips).

31. Defendant is the proprietor for whose benefit the online gambling games are played because it owns the online gambling games and operates those games for its own profit.

32. Plaintiffs and the Class gambled when they purchased chips to wager at Defendant’s online gambling games. Plaintiffs and each member of the Class staked money, in the form of chips purchased with money, at Defendant’s games of chance (e.g., Defendant’s slot

1 machines) for the chance of winning additional things of value (*e.g.*, chips that extend gameplay
2 without additional charge).

3 33. In addition, Defendant’s online gambling games are not “pinball machine[s] or
4 similar mechanical amusement device[s]” as contemplated by the statute because:

- 5 a. the games are electronic rather than mechanical;
- 6 b. the games confer replays but they are recorded and can be redeemed on
7 separate occasions (*i.e.*, they are not “immediate and unrecorded”); and
- 8 c. the games contain electronic mechanisms that vary the chance of winning
9 free games or the number of free games which may be won (*e.g.*, the games allow
10 for different wager amounts).

11 34. RCW § 9.46.0285 states that a “‘Thing of value,’ as used in this chapter, means
12 any money or property, any token, object or article exchangeable for money or property, or any
13 form of credit or promise, directly or indirectly, contemplating transfer of money or property or
14 of any interest therein, or involving extension of a service, entertainment or a privilege of
15 playing at a game or scheme without charge.”

16 35. The “chips” and/or “coins” Plaintiffs and members of the Class had the chance of
17 winning in Defendant’s online gambling games are “thing[s] of value” under Washington law
18 because they are credits that involve the extension of entertainment and a privilege of playing a
19 game without charge.

20 36. Defendant’s online gambling games are “Contest[s] of chance,” as defined by
21 RCW § 9.46.0225, because they are “contest[s], game[s], gaming scheme[s], or gaming device[s]
22 in which the outcome[s] depend[] in a material degree upon an element of chance,
23 notwithstanding that skill of the contestants may also be a factor therein.” Defendant’s online
24 gambling games are programmed to have outcomes that are determined entirely upon chance and
25 a contestant’s skill does not affect the outcomes.

26 37. RCW § 9.46.0201 defines “Amusement game[s]” as games where “The outcome
27 depends in a material degree upon the skill of the contestant,” amongst other requirements.

1 Defendant's online gambling games are not "Amusement game[s]" because their outcomes are
 2 dependent entirely upon chance and not upon the skill of the player and because the games are
 3 "contest[s] of chance," as defined by RCW § 9.46.0225.

4 38. As a direct and proximate result of Defendant's gambling game, Plaintiffs and
 5 each member of the Class have lost money wagering at Defendant's games of chance. Plaintiffs,
 6 on behalf of themselves and the Class, seek an order (1) requiring Defendant to cease the
 7 operation of its gambling games; and (2) awarding the recovery of all lost monies, interest,
 8 reasonable attorneys' fees, expenses, and costs.

9 **SECOND CAUSE OF ACTION**
 10 **Violations of the Washington Consumer Protection Act, RCW § 19.86.010, *et seq.***
(On behalf of Plaintiffs and the Class)

11 39. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

12 40. Washington's Consumer Protection Act, RCW § 19.86.010 *et seq.* ("CPA"),
 13 protects both consumers and competitors by promoting fair competition in commercial markets
 14 for goods and services.

15 41. To achieve that goal, the CPA prohibits any person from using "unfair methods of
 16 competition or unfair or deceptive acts or practices in the conduct of any trade or commerce. . . ."
 17 RCW § 19.86.020.

18 42. The CPA states that "a claimant may establish that the act or practice is injurious
 19 to the public interest because it . . . Violates a statute that contains a specific legislative
 20 declaration of public interest impact."

21 43. Defendant has violated RCW § 9.46.010, *et seq.*, because Defendant's online
 22 games are illegal online gambling games.

23 44. Defendant's wrongful conduct occurred in the conduct of trade or commerce—
 24 *i.e.*, while Defendant was engaged in the operation of making computer games available to the
 25 public.

26 45. Defendant's acts and practices were and are injurious to the public interest
 27 because Defendant, in the course of its business, continuously advertised to and solicited the

1 general public in Washington State and throughout the United States to play its unlawful online
 2 gambling games of chance. This was part of a pattern or generalized course of conduct on the
 3 part of Defendant, and many consumers have been adversely affected by Defendant's conduct
 4 and the public is at risk.

5 46. Defendant has profited from its operation of unlawful games of chance, amassing
 6 millions of dollars from the losers of its games of chance.

7 47. As a result of Defendant's conduct, Plaintiffs and the Class members were injured
 8 in their business or property—*i.e.*, economic injury—in that they lost money wagering on
 9 Defendant's unlawful games of chance.

10 48. Defendant's unfair or deceptive conduct proximately caused Plaintiffs' and the
 11 Class members' injuries because, but for the challenged conduct, Plaintiffs and the Class
 12 members would not have lost money wagering at or on Defendant's games of chance, and they
 13 did so as a direct, foreseeable, and planned consequence of that conduct.

14 49. Plaintiffs, on their own behalf and on behalf of the Class, seek to enjoin further
 15 violation and recover actual damages and treble damages, together with the costs of suit,
 16 including reasonable attorneys' fees.

17 **THIRD CAUSE OF ACTION**
 18 **Unjust Enrichment**
 19 **(On behalf of Plaintiffs and the Class)**

20 50. Plaintiffs incorporate by reference the foregoing allegations as if fully set forth
 21 herein.

22 51. Plaintiffs and the Class have conferred a benefit upon Defendant in the form of
 23 the money Defendant received from them for the purchase of chips to wager at Defendant's
 24 online gambling games.

25 52. Defendant appreciates and/or has knowledge of the benefits conferred upon it by
 26 Plaintiffs and the Class.

27 53. Under principles of equity and good conscience, Defendant should not be
 permitted to retain the money obtained from Plaintiffs and the members of the Class, which

1 Defendant has unjustly obtained as a result of its unlawful operation of unlawful online gambling
 2 games. As it stands, Defendant has retained millions of dollars in profits generated from its
 3 unlawful games of chance and should not be permitted to retain those ill-gotten profits.

4 54. Accordingly, Plaintiffs and the Class seek full disgorgement and restitution of any
 5 money Defendant has retained as a result of the unlawful and/or wrongful conduct alleged
 6 herein.

7 **PRAYER FOR RELIEF**

8 Plaintiffs, individually and on behalf of all others similarly situated, respectfully request
 9 that this Court enter an Order:

- 10 a) Certifying this case as a Class action on behalf of the Class defined above,
 11 appointing Plaintiffs as representatives of the Class, and appointing their counsel from Edelson
 12 PC as Class counsel;
- 13 b) Declaring that Defendant's conduct, as set out above, violates the CPA;
- 14 c) Entering judgment against Defendant, in the amount of the losses suffered by
 15 Plaintiffs and each member of the Class;
- 16 d) Enjoining Defendant from continuing the challenged conduct;
- 17 e) Awarding damages to Plaintiffs and the Class members in an amount to be
 18 determined at trial, including trebling and/or punitive damages as appropriate;
- 19 f) Awarding restitution to Plaintiffs and Class members in an amount to be
 20 determined at trial, and requiring disgorgement of all benefits that Defendant unjustly received;
- 21 g) Awarding reasonable attorney's fees and expenses;
- 22 h) Awarding pre- and post-judgment interest, to the extent allowable;
- 23 i) Entering judgment for injunctive and/or declaratory relief as necessary to protect
 24 the interests of Plaintiffs and the Class; and
- 25 j) Awarding such other and further relief as equity and justice require.

26 **JURY DEMAND**

27 Plaintiffs request a trial by jury of all claims that can be so tried.

Respectfully Submitted,

TONDA FERRANDO and DEX MARZANO,
individually and on behalf of all others similarly
situated,

Dated: January 24, 2022

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**Pro hac vice forthcoming*

Attorneys for Plaintiffs and the proposed class

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

TONDA FERRANDO and DEX MARZANO, individually
and on behalf of all others similarly situated

(b) County of Residence of First Listed Plaintiff Benton
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Cecily C. Jordan, Tousley Brain Stephens PLLC
1200 5th Ave., Ste 1700, Seattle, WA 98101

DEFENDANTS

ZYNGA, Inc., a Delaware Corporation

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input checked="" type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1332(d)(2)

Brief description of cause:
Violations of RCW 4.24.070, RCW 19.86.010 et seq.; unjust enrichment

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ TO BE DETERMINED CHECK YES only if demanded in complaint: JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

CECILY C. JORDAN

s/ Cecily C. Jordan

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

TONDA FERRANDO and DEX MARZANO,
individually and on behalf of all others similarly
situated

Plaintiff(s)

v.

ZYNGA, Inc., a Delaware Corporation

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Zynga, Inc.
699 Eighth Street
San Francisco, California 94103

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Cecily C. Jordan
Tousley Brain Stephens PLLC
1200 Fifth Street, Suite 1700
Seattle, Washington 98101

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____ , a person of suitable age and discretion who resides there,
 on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: