

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

In re: Fight Pass Auto-Renewal Litigation

Case No. 2:23-cv-00802-CDS-DJA

Member Case Nos.: 2:23-cv-01211-CDS-EJY
2:23-cv-01259-CDS-EJY

This Document Relates To: All Actions

**Order Granting Plaintiffs' Motion for
Preliminary Approval of Proposed Class
Action Settlement, Certification of
Settlement Class, Approval of Class Notice,
and Appointment of Class Counsel**

[ECF No. 98]

Having considered all papers submitted by the parties and any arguments of counsel, it is hereby ordered that:

1. The settlement, memorialized in the Settlement Agreement attached as Exhibit A to Plaintiffs' Motion for Preliminary Approval of Proposed Class Action Settlement, Certification of Settlement Class, Approval of Class Notice, and Appointment of Class Counsel, on a preliminary review represents a fair, adequate, and reasonable compromise of disputed claims, falls within the range of reasonableness, and should be presented to the Settlement Class for comment and consideration.

2. The Settlement Class is defined as consisting of: All natural persons with a current or former paid Fight Pass subscription (i.e. Active or Inactive Subscribers) within the Class Period in the following states: California, the District of Columbia, Florida, Hawaii, Illinois, New York, North Carolina, North Dakota, Oregon, Virginia, and Vermont ("Settlement Class"). No other persons shall be within the Settlement Class definition. Excluded from the Settlement Class are: (1) all attorneys and employees of the Settlement Class Counsel; (2) any judicial officer to whom the Action is assigned; and (3) persons who validly opt out of the Class Action Settlement by following the procedures set forth in the Agreement.

1 3. The Settlement Class is hereby provisionally certified for purposes of preliminary
2 approval.

3 4. Hart L. Robinovitch of Zimmerman Reed LLP, Timothy Fisher of Bursor &
4 Fisher, P.A., and Chad Saunders of Cronser Legal, P.C. are appointed as Class Counsel. Plaintiffs
5 Moises Resa, Frank Garza, Tanner Pendergraft, Isaiah Sanchez, and Saul Garcia shall serve as
6 Class Representatives.

7 5. A Class Member Contact List will be compiled by Defendants and provided to
8 the Claims Administrator no later than twenty-one days after the entry of this Order.

9 6. Within forty-five days of this Order, the Claims Administrator must provide
10 notice to Class Members. An e-mail notice shall be provided for those on the Class Member
11 Contact List for whom an e-mail address was provided by Defendants. The e-mail notice will
12 provide a hyperlink allowing Class Members to access the Settlement Website. For Class
13 Members for whom an e-mail address is unavailable, the Claims Administrator will send a
14 Postcard Notice by regular mail. The Postcard Notice will include a tear-off claim form and a
15 URL that Members can enter to access the Claim Form on the Settlement Website. If the
16 Postcard Notice is returned as undeliverable, the Claims Administrator will perform a skip-trace
17 or other customary address search to locate a valid address for the Class Member. If a new
18 mailing address is identified, a new Postcard Notice shall be sent.

19 7. The Settlement Website will be published prior to the notices being sent. It shall
20 provide free of charge a viewable, printable, and downloadable copy of the following documents
21 in PDF format: Settlement Agreement; Complaint; Court's (anticipated) order preliminarily
22 approving the Class Action Settlement; Claim Form; and the long-form Settlement Class Notice.
23 The website will further contain a detailed notice explaining the settlement. The Settlement
24 Website will also contain a Frequently Asked Questions section to provide answers to common
25 questions claims members may present, as well as a portal to present questions to the Claims
26 Administrator or Class Counsel.

8. Any Settlement Class Member has until sixty days after the Claims Administrator has sent the Settlement Class Notice to opt out of the Settlement Agreement. To do so, Class Members must send a letter by first class mail to the Claims Administrator containing (1) the title of the Action; (2) the full name, address, and telephone number of the person requesting exclusion; (3) a statement that he or she requests exclusion from the Settlement Class; and, (4) email or other such information sufficient to determine the Fight Pass subscription. If a Class Member timely opts out, they shall: (a) have no right to receive any benefits from the Class Action Settlement; (b) not be bound by the terms of the Class Action Settlement, including the release; and (c) have no right to object to the terms of the Class Action Settlement or to be heard at the final fairness hearing.

9. Any Settlement Class Member has until sixty days after the Claims Administrator has sent the Settlement Class Notice to object to the Settlement. Objections must be personally signed by the Class Member and include the case caption, Settlement Class Member's name and contact information, a statement of objector's belief they are a Class Member, a detailed factual and legal objecting statement for each objection, and a statement of whether the objector intends to appear at the final approval hearing and, if applicable, a statement identifying their counsel and their counsel's contact information.

10. Pursuant to the Settlement Agreement ¶ 18, the Settlement timeline is summarized as follows:

Last day for Defendants to provide the Claims Administrator with Class Member List	21 calendar days after the entry of this Order	February 11, 2025
Last day for Claims Administrator to publish Settlement Website	45 calendar days after the entry of this Order	March 7, 2025

1 2 3 4	Last day for Claims Administrator to send Settlement Class Notice to Settlement Class Members via email or mail	45 calendar days after the entry of this Order	March 7, 2025
5 6 7 8 9	Last day for Settlement Class Counsel to file motion for award of attorneys' fees, litigation costs, administration costs, and Settlement Class Representative's service award	14 days before the deadline to postmark objections to the settlement	<i>Determined by the date the Claims Administrator sent Settlement Class Notices</i>
10 11 12	Last day for Settlement Class Members to postmark objections to the settlement	60 calendar days after the Claims Administrator has sent Settlement Class Notice to Settlement Class Members.	<i>Determined by the date the Claims Administrator sent Settlement Class Notices</i>
13 14 15	Last day for requests for exclusion from the settlement to be postmarked by Settlement Class Members	60 calendar days after the Claims Administrator has sent Settlement Class Notice to Settlement Class Members	<i>Determined by the date the Claims Administrator sent Settlement Class Notices</i>
16 17 18	Last day for Settlement Class Counsel to file motion for final approval and response to any objections	14 days after deadline to postmark objections to the settlement.	<i>Determined by the date the Claims Administrator sent Settlement Class Notices</i>
19 20 21 22	Last day for claims to be submitted electronically or postmarked by Settlement Class Members	90 calendar days after the Claims Administrator has sent Notice to Settlement Class Members	<i>Determined by the date the Claims Administrator sent Settlement Class Notices</i>

23 11. Final Approval Hearing: The Final Approval Hearing to address the motion for
24 final approval and any objections will be held on June 10, 2025, at 10:00 a.m. If requested by
25 class members, Class Counsel (with the assistance of the Claims Administrator) must notify
26 class members of the date and time by email at least ten days in advance with instructions to

1 Settlement Class Members on how to join the hearing. No other notice is required. Attendance
2 by Settlement Class Members at any Final Approval Hearing is voluntary, and Settlement Class
3 Members are welcome, but are not required, to attend to participate in the settlement and
4 receive settlement benefits.

5 Dated: January 21, 2025

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8 Cristina D. Silva
9 United States District Judge
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