

ELECTRONICALLY
FILED
*Superior Court of California,
County of San Francisco*
04/10/2017
Clerk of the Court
BY: SANDRA SCHIRO
Deputy Clerk

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14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 COUNTY OF SAN FRANCISCO

16 IN RE KING DIGITAL ENTERTAINMENT
17 plc SHAREHOLDER LITIGATION

Lead Case No. CGC-15-544770
CLASS ACTION

18 This Document Relates To:
19 ALL ACTIONS

20 **DECLARATION OF THEODORE EYKING**
21 **IN SUPPORT OF CLASS**
22 **REPRESENTATIVES' MOTION FOR**
23 **FINAL APPROVAL OF SETTLEMENT**

24 Date: May 18, 2017
25 Time: 9:00 a.m.
26 Dept: 304
27 Judge: The Honorable Curtis E.A. Karnow

28 Action Filed: March 17, 2015

1 I, THEODORE EYKING, declare as follows:

2 1. I respectfully submit this declaration in support of final approval of the settlement
3 of the above-captioned action for \$18,500,000 (the "Settlement"). I also submit this declaration
4 in support of my request for reimbursement of \$2,500 for time spent in carrying out my
5 responsibilities to the Class. I have personal knowledge of the statements herein, and if called as
6 a witness, could competently testify thereto.

7 2. After consultation with legal counsel, I made the decision to become involved in
8 this action as a named Plaintiff and understood my responsibility to serve the best interests of the
9 Class.

10 3. In order to fulfill my responsibilities as a named Plaintiff, I was in regular
11 communication with the attorneys at The Rosen Law Firm, a member firm of Plaintiffs'
12 Executive Committee, who in turn worked with Scott+Scott, Attorneys at Law, LLP and Robbins
13 Geller Rudman and Dowd LLP, who served as co-lead counsel for plaintiffs in this action.
14 Through my active and continuous involvement, I closely supervised, carefully monitored, and
15 was actively involved in the material aspects of the prosecution of this action. I received periodic
16 status reports on case developments, and participated in regular discussion with attorneys from
17 the Rosen Law Firm concerning the prosecution of the action, the strengths and risks of the
18 claims, and potential settlement. In particular, throughout the course of the Action, I: (a)
19 communicated regularly with Rosen Law Firm attorneys regarding the posture and progress of the
20 case; (b) reviewed significant pleadings and briefs filed in the action; (c) reviewed the Court's
21 orders and discussed them with counsel; (d) reviewed Defendants' discovery requests and
22 collected responsive documents that were produced to Defendants; (e) consulted with counsel
23 regarding the mediation and settlement negotiations; and (f) evaluated and approved the proposed
24 Settlement.

25 4. In addition to the above, on March 4, 2016, I was deposed in this case. In the
26 weeks prior to my deposition, I spend several hours preparing to give testimony by reviewing
27 documents and having conversations with counsel. Following my deposition, I carefully
28 reviewed the transcript and discussed it with counsel.

5. I authorized Plaintiffs' counsel to settle this action. In making the determination that the settlement represented a fair, reasonable, and adequate result for the Class, I weighed the substantial benefits to the Class against the significant risks and uncertainties of continued litigation. After doing so, I believe that the Settlement represents a highly favorable recovery, and believe that final approval of the Settlement is in the best interest of the Class.

6. I understand the Court may make an award of reasonable costs and expenses directly relating to the representation of the Class to any representative serving on behalf of the Class. I understand that the Court has discretion to grant in full or in part, or to deny my request for reimbursement. I was promised and expected no reimbursement for serving as a representative plaintiff in this action, but due to my participating in a multi-million dollar recovery for the Class, I believe the modest reimbursement is warranted.

7. I am requesting the amount of \$2,500 in connection with my representation of the Class. This request is based on the conservative estimate that I devoted approximately 30-40 hours to the litigation activities described above. The hours spent on this case was time that I would have otherwise devoted to professional or personal activities.

8. I understand that after the settlement funds are distributed to class members, that if there is any remaining balance in the Settlement Fund which cannot be feasibly distributed to class members, that such balance will be donated to Bay Area Legal Aid. I have no connection to the Bay Area Legal Aid, be it personal, professional, or otherwise.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 4 th day of April, 2017 at N.S. Canada.

Theodore E. ...

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DECLARATION OF SERVICE BY MAIL & EMAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and a resident of the County of San Diego, over the age of 18 years, and not a party to or interested party in the within action; that declarant’s business address is 655 West Broadway, Suite 1900, San Diego, California 92101.

2. That on April 10, 2017, declarant served the DECLARATION OF THEODORE EYKING IN SUPPORT OF CLASS REPRESENTATIVES’ MOTION FOR FINAL APPROVAL OF SETTLEMENT by depositing a true copy thereof in a United States mailbox at San Diego, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

4. Also, on April 10, 2017, declarant served the DECLARATION OF THEODORE EYKING IN SUPPORT OF CLASS REPRESENTATIVES’ MOTION FOR FINAL APPROVAL OF SETTLEMENT via electronic mail on all parties listed on the attached Service List.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 10, 2017, at San Diego, California.



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KING DIGITAL

Service List - 4/10/2017 (15-0032)

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