

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 In re: Fight Pass Auto-Renewal Litigation

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

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

5 This Document Relates To: All Actions

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

[ECF No. 98]

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

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

19 2. The Settlement Class is defined as consisting of: All natural persons with a  
20 current or former paid Fight Pass subscription (i.e. Active or Inactive Subscribers) within the  
21 Class Period in the following states: California, the District of Columbia, Florida, Hawaii,  
22 Illinois, New York, North Carolina, North Dakota, Oregon, Virginia, and Vermont ("Settlement  
23 Class"). No other persons shall be within the Settlement Class definition. Excluded from the  
24 Settlement Class are: (1) all attorneys and employees of the Settlement Class Counsel; (2) any  
25 judicial officer to whom the Action is assigned; and (3) persons who validly opt out of the Class  
26 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.

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

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

18 10. Pursuant to the Settlement Agreement ¶ 18, the Settlement timeline is  
 19 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	<b>February 11, 2025</b>
Last day for Claims Administrator to publish Settlement Website	45 calendar days after the entry of this Order	<b>March 7, 2025</b>

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

23       ii.       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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