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22 *Attorneys for Plaintiff and the Settlement Class*

23 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
24 **COUNTY OF LOS ANGELES**

25 D.D., individually and on behalf of all others
26 similarly situated,

27 Plaintiff,

v.

NIANTIC, INC.,

Defendant.

Case No. 23STCV03241

**DECLARATION OF D.D. IN SUPPORT
OF PLAINTIFF'S MOTION FOR
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AND
CONDITIONAL CERTIFICATION OF
SETTLEMENT CLASS FOR
SETTLEMENT PURPOSES ONLY**

Hon. Stuart M. Rice

Compl. Filed: February 14, 2023

1 I, D.D., declare as follows:

2 1. I am a citizen of the State of California. I have personal knowledge of the facts set
3 forth in this declaration and could testify competently to them if called upon to do so. I hereby
4 file this Declaration in Support of Plaintiff's Motion for Final Approval of the Class Action
5 Settlement and Conditional Certification of Settlement Class for Settlement Purposes Only.

6 2. With my mother, I sought out representation and spoke with attorneys at Bursor &
7 Fisher, P.A. ("Bursor & Fisher") to determine if I would retain them to handle my case.

8 3. During the course of my and my mother's initial conversation with Bursor & Fisher,
9 Bursor & Fisher Counsel explained to me and my mother what it meant to be a class
10 representative. My mother and I were also informed that, if I were to become a class
11 representative, I would be required to put the interests of the class ahead of my own personal
12 interests. I was also informed that I would have an obligation to ensure that Bursor & Fisher
13 Counsel were acting in the best interests of the class at all times.

14 4. Armed with this information, I agreed to be a class representative in this case and
15 to undertake these responsibilities. I have, to the best of my ability, performed these duties in this
16 case.

17 5. To the best of my knowledge, I have no interests which are antagonistic to the
18 interests of the Class in this case.

19 6. Leading up to and subsequent to the mediation with Gregory Lindstrom of Phillips
20 ADR, I regularly conferred with my attorneys regarding the prospects of settlement, and I
21 provided them with documents and other information to assist in securing the class settlement.
22 My attorneys kept me apprised throughout the course of negotiations.

23 7. On February 14, 2023, I filed, by and through my attorneys, on my behalf and on
24 behalf of similarly situated individuals, the instant Class Action Complaint. My mother and I
25 provided information to my attorneys to be included in the Class Action Complaint, provided
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1 documents (including receipts of the purchases I made in Defendant’s video game), and reviewed
2 the Complaint for accuracy.

3 8. During the pendency of this case, counsel has kept me and my mother informed
4 about the progress of the case. I estimate that I have spent many hours of my time on this litigation
5 to date. Among other things, I have spent time: researching my rights and those of the Class;
6 speaking with and otherwise communicating with Bursor & Fisher Counsel; producing receipts
7 of the purchases I made in Defendant’s video game; reviewing pleadings filed in the action; and,
8 communicating with my attorneys about the settlement and the Settlement Agreement and the
9 effort to have the Court approve the settlement.

10 9. My mother and I believe that the Settlement is an excellent result for Class
11 Members. According to the terms of the settlement: (1) for all refund requests processed by
12 Niantic, which currently include purchases from the Google Play Store, Niantic will implement
13 a dedicated process to address refund requests, subject to confirmation of minority, the personnel
14 staffing this dedicated process will receive further training regarding how to analyze and process
15 such refund requests in accordance with applicable law; (2) Niantic will, in processing any direct
16 requests for refunds of in-game items and in-game currency purchased on Apple or Samsung, in
17 its standard response redirecting users to Apple or Samsung, add language in substantially the
18 following form: “Please note that app store refund policies may vary based on the location of user
19 and the age of user, including legal minority, at the time of purchase, as may be required by
20 applicable law.”; (3) for Google Play Store purchases for which Niantic is permitted to process
21 direct refunds, in its standard response for U.S. users seeking additional information about the
22 purchase, Niantic will add language to prompt users to indicate whether the purchase of in-game
23 items and in-game currency was made when the user was a minor without parental consent, except
24 as prohibited by local law; and (4) Niantic will, in its public-facing Pokémon GO Help Center,
25 for help pages currently referencing assistance with refunds for PokéCoin purchases: i) Add
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1 specific links to Apple, Google, and Samsung In-App Purchase refund policies for reference; ii)
2 Add language in substantially the following form: “Please note that app store refund policies may
3 vary based on the location of user and the age of user, including legal minority, at the time of
4 purchase, as may be required by applicable law.”; and iii) Niantic will also add these Pokémon
5 GO Help Center changes into the in-app Help sections on the same topics.

6 10. I have fairly represented the absent Class Members and herein request that the Court
7 approve this settlement. I have maintained the best interests of the Class while performing
8 my class representative duties.

9 11. By serving as the Class Representative in this action, I bore a certain amount of risk
10 that other Class Members did not bear. In addition to the time I spent participating in this case, I
11 took a risk by coming forward and filing this class action. As a result of my efforts, Class
12 Members will receive significant benefits from the Settlement.

13 12. I have previously given written approval for Class Counsel’s requested fees. I re-
14 affirm that approval here.

15 I declare under penalty of perjury under the laws of the United States that the foregoing
16 is true and correct. Executed in Los Angeles, California on July 5, 2024.

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By: 
D.D. (Jul 5, 2024 12:27 PDT)
Plaintiff D.D.

By: 
Guardian Ad Litem
of Plaintiff D.D.