

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA*Fan v. NBA Properties, Inc.*, Case No. 3:23-cv-05069-SI**Our Records Indicate You Have An NBA Top Shot Account and May Be Entitled to a Payment from a Class Action Settlement.***A Court authorized this Notice. You are not being sued. This is not a solicitation from a lawyer.*

- A proposed settlement has been reached in a class action lawsuit against NBA Properties, Inc. and Dapper Labs, Inc. The class action lawsuit accuses NBA Properties, Inc. and Dapper Labs, Inc. of disclosing NBA Top Shot account holders' personally identifiable information ("PII") to Meta via the Meta Tracking Pixel on the <https://www.nbatopshot.com/> website without proper consent, in violation of the Video Privacy Protection Act (the "VPPA") and California law. Defendants deny that they violated any law but have agreed to the settlement to avoid the uncertainties and expenses associated with continuing the case.
- You are included if you are a person in the United States who, from June 15, 2020, to and through January 30, 2025, had an active Facebook account and an NBA Top Shot account.
- Persons included in the settlement will be eligible to receive a pro rata (meaning equal) portion of the Available Settlement Fund, which Class Counsel anticipates will be approximately \$36-122. The settlement also requires Defendants to suspend operation of the Meta Tracking Pixel on the NBA Top Shot website, unless and until the VPPA is amended, repealed, or otherwise invalidated, unless Defendants are otherwise in compliance with that law.
- Read this Notice carefully. Your legal rights are affected whether you act or don't act.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM BY DECEMBER 16, 2025	This is the only way to receive a payment.
EXCLUDE YOURSELF BY NOVEMBER 17, 2025	You will receive no benefits, but you will retain any rights you currently have to sue the Defendants about the claims in this case.
OBJECT BY NOVEMBER 17, 2025	Write to the Court explaining why you don't like the settlement.
ATTEND THE HEARING VIA ZOOM ON DECEMBER 19, 2025	Ask to speak in Court about your opinion of the settlement.
DO NOTHING	You won't get a share of the settlement benefits and will give up your rights to sue the Defendants about the claims in this case.

Your rights and options—**and the deadlines to exercise them**—are explained in this Notice.

BASIC INFORMATION

1. Why was this Notice issued?

A Court authorized this Notice because you have a right to know about a proposed settlement of this class action lawsuit and about all of your options, before the Court decides whether to give final approval to the settlement. This Notice explains the lawsuit, the settlement, and your legal rights.

The Honorable Susan Illston, of the U.S. District Court for the Northern District of California, is overseeing this case. The case is called *Fan v. NBA Properties, Inc.*, Case No. 3:23-cv-05069-SI. The persons who have sued are called the Plaintiffs. The Defendants are NBA Properties, Inc. and Dapper Labs, Inc.

2. What is a class action?

In a class action, one or more people called the Class Representative(s) (in this case, Thomas Fan, Matthew Kimoto, and Clinton Brown) sue on behalf of a group or a “class” of people who have similar claims. In a class action, the Court resolves the issues for all class members, except for those who exclude themselves from the class.

3. What is this lawsuit about?

This lawsuit claims that Defendants violated the Video Privacy Protection Act, 18 U.S.C. § 2710, *et seq.* (“VPPA”) and California law by disclosing their NBA Top Shot account holders’ personally identifiable information (“PII”) to Meta via the Meta Tracking Pixel on the <http://www.nbatopshot.com/> website without consent. The Defendants deny that they violated any law. The Court has not determined who is right. Rather, the Parties have agreed to settle the lawsuit to avoid the uncertainties and expenses associated with ongoing litigation.

4. Why is there a settlement?

The Court has not decided whether the Plaintiffs or the Defendants should win this case. Instead, both sides agreed to a settlement. That way, they avoid the uncertainties and expenses associated with ongoing litigation, and Settlement Class Members will get compensation sooner rather than, if at all, after the completion of a trial.

WHO’S INCLUDED IN THE SETTLEMENT?

5. How do I know if I am in the Settlement Class?

The **Settlement Class** is defined as:

All persons in the United States who, from June 15, 2020, to and through January 30, 2025, had an active Facebook account and an NBA Top Shot account.

THE SETTLEMENT BENEFITS

6. What does the settlement provide?

Monetary Relief: Defendants have created a Settlement Fund totaling \$7,050,000.00. Settlement Class Member payments, as well as the cost to administer the settlement, the cost to inform people about the settlement, attorneys’ fees, and an award to the Class Representatives will come out of this fund (see Question 13).

Prospective Changes: In addition to this monetary relief, the settlement also requires Defendants to suspend operation of the Meta Tracking Pixel on the NBA Top Shot website, unless and until the VPPA is amended, repealed, or otherwise invalidated, unless the Defendants are otherwise in compliance with that law.

A detailed description of the settlement benefits can be found in the Settlement Agreement.

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7. How much will my payment be?

If you are a member of the Settlement Class, you may submit a Claim Form to receive a portion of the Settlement Fund. The amount of this payment will depend on how many of the Settlement Class Members file valid claims. Each Settlement Class Member who files a valid claim will receive a proportionate share of the Available Settlement Fund, which Class Counsel anticipates will be approximately \$36-\$122. You can contact Class Counsel at 1-646-837-7150 to inquire as to the number of claims filed.

8. When will I get my payment?

The hearing to consider the fairness of the settlement is scheduled December 19, 2025, at 10:00 a.m. If the Court approves the settlement, eligible Settlement Class Members whose claims were approved by the Settlement Administrator will receive their payment 90 days after the settlement has been finally approved and/or any appeals process is complete. Your payment will be sent via your choice of an electronic payment, PayPal, Venmo, Zelle, or via a physical check that will be mailed to you.

HOW TO GET BENEFITS

9. How do I get a payment?

If you are a Settlement Class Member and you want to get a payment, you **must** complete and submit a Claim Form by **December 16, 2025**. Claim Forms can be found and submitted at NBATopShotVideoPrivacyClassActionSettlement.com, or by printing and mailing a paper Claim Form, copies of which are available for download at NBATopShotVideoPrivacyClassActionSettlement.com.

We also encourage you to submit your claim online. Not only is it easier and more secure, but it is completely free and takes only minutes!

REMAINING IN THE SETTLEMENT

10. What am I giving up if I stay in the class?

If the settlement becomes final, you will give up your right to sue Defendants for the claims this settlement resolves. The Settlement Agreement describes the specific claims you are giving up against the Defendants. You will be “releasing” the Defendants and certain of their affiliates described in Section 1.29 of the Settlement Agreement. Unless you exclude yourself (see Question 14), you are “releasing” the claims, regardless of whether you submit a claim or not. Additional information about the scope of the released claims and the operation and legal impact of the release can be found in Sections 1.28, 3.1, 3.2, and 10.6 of the Settlement Agreement. The Settlement Agreement is available through the “Court Documents” link on the website.

The Settlement Agreement describes the Released Claims with specific descriptions, so read it carefully. If you have any questions you can talk to the lawyers listed in Question 12 for free or you can, of course, talk to your own lawyer if you have questions about what this means.

11. What happens if I do nothing at all?

If you do nothing, you won’t get any benefits from this settlement. But, unless you exclude yourself, you won’t be able to start a lawsuit or be part of any other lawsuit against the Defendants for the claims being resolved by this settlement.

THE LAWYERS REPRESENTING YOU

12. Do I have a lawyer in the case?

The Court has appointed Stefan Bogdanovich and L. Timothy Fisher of Bursor & Fisher, P.A. to be the attorneys representing the Settlement Class. They are called “Class Counsel.” They believe, after conducting an extensive investigation, that the Settlement Agreement is fair, reasonable, and in the best interests of the Settlement Class. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

13. How will the lawyers be paid?

Class Counsel’s attorneys’ fees, costs, and expenses will be paid from the Settlement Fund in an amount determined and awarded by the Court. Class Counsel is entitled to seek no more than one-third of the \$7,050,000 Settlement Amount, but the Court may award less than this amount.

As approved by the Court, the Class Representatives will be paid a Service Award from the Settlement Fund for helping to bring and settle the case. The Class Representatives will seek no more than \$10,000 as a Service Award, but the Court may award less than this amount.

EXCLUDING YOURSELF FROM THE SETTLEMENT

14. How do I get out of the settlement?

To exclude yourself from the settlement, you must mail or otherwise deliver a letter (or request for exclusion) stating that you want to be excluded from the *Fan v. NBA Properties, Inc.*, Case No. 3:23-cv-05069-SI settlement. Your letter or request for exclusion must also include your name, your address, your signature, the name and number of this case, and a statement that you wish to be excluded. You must mail or deliver your exclusion request no later than **November 17, 2025**, to:

NBA Top Shot Video Privacy Settlement
P.O. Box 4130
Portland, OR 97208-4130

15. If I don’t exclude myself, can I sue the Defendants for the same thing later?

No. Unless you exclude yourself, you give up any right to sue the Defendants for the claims being resolved by this settlement.

16. If I exclude myself, can I get anything from this settlement?

No. If you exclude yourself, do not submit a Claim Form to ask for benefits.

OBJECTING TO THE SETTLEMENT

17. How do I object to the settlement?

If you’re a Settlement Class Member, you can ask the Court to deny approval by filing an objection. You can’t ask the Court to order a different settlement; the Court can only approve or reject the settlement. If the Court denies approval, no Cash Awards will be sent out, and the lawsuit will continue. If that is what you want to happen, you should object.

If you’re a Settlement Class Member, you can object to the settlement if you don’t like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must file with the Court a letter or brief stating that you object to the settlement in *Fan v. NBA Properties, Inc.*, Case No. 3:23-cv- 05069-SI and identify all your reasons for your objections (including citations and supporting evidence) and attach any materials you rely on for your objections. Your letter or brief must also include your name, an explanation of the basis upon which you claim to be a Settlement Class Member, including information sufficient to identify your current Facebook page or a screenshot showing that you were a Facebook member during the class period, the name

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and contact information of any and all attorneys representing, advising, or in any way assisting you in connection with your objection, and your signature. If you, or an attorney assisting you with your objection, have ever objected to any class action settlement where you or the objecting attorney has asked for or received payment in exchange for dismissal of the objection (or any related appeal) without modification to the settlement, you must include a statement in your objection identifying each such case by full case caption. All objections will be scanned into the electronic case docket, and the parties will receive electronic notices of filings.

Class Counsel will file with the Court and post on the website its request for attorneys' fees by October 7, 2025.

If you want to appear and speak at the Final Approval Hearing to object to the settlement, with or without a lawyer (explained below in answer to Question Number 21), you must inform the Court at least two weeks prior to the hearing on **December 5, 2025** by filing a "Notice of Intent to Appear in *Fan v. NBA Properties, Inc.*, Case No. 3:23-cv-05069-SI."

Court
The Honorable Susan Illston San Francisco U.S. Courthouse 450 Golden Gate Avenue, Courtroom 1, 17th Floor San Francisco, CA 94102

18. What's the difference between objecting and excluding myself from the settlement?

Objecting simply means telling the Court that you don't like something about the settlement. You can object only if you stay in the class. Excluding yourself from the class is telling the Court that you don't want to be part of the class. If you exclude yourself, you have no basis to object because the case no longer affects you.

THE COURT'S FINAL APPROVAL HEARING VIA ZOOM

19. When and where will the Court decide whether to approve the settlement?

The Court will hold the Final Approval Hearing at 10:00 a.m. Pacific Standard Time on **Friday, December 19, 2025**. All members of the public can attend the public hearing by visiting:

<https://cand-uscourts.zoomgov.com/j/1612108939?pwd=RFIsVmV0ZlFYbl0vQzRNTVlXNzcyd209>.

The purpose of the hearing will be for the Court to determine whether to approve the settlement as fair, reasonable, adequate, and in the best interests of the class; to consider the Class Counsel's request for attorneys' fees and expenses; and to consider the request for a Service Award to the Class Representatives. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the settlement.

The hearing may be postponed to a different date or time without notice, so it is a good idea to check NBATopShotVideoPrivacyClassActionSettlement.com or call 1-646-837-7150. If, however, you timely objected to the settlement and advised the Court that you intend to appear and speak at the Final Approval Hearing, you will receive notice of any change in the date of such Final Approval Hearing.

20. Do I have to attend the Zoom hearing?

No. Class Counsel will answer any questions the Court may have. But you are welcome to attend via Zoom. If you send an objection or comment, you don't have to attend. As long as you filed and mailed your written objection on time, the Court will consider it. You may also pay another lawyer to attend, but it's not required.

21. May I speak at the Zoom hearing?

Yes. You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must file a "Notice of Intent to Appear in *Fan v. NBA Properties, Inc.*, Case No. 3:23-cv-05069-SI." It must include your name, address, telephone number, and signature as well as the name and address of your lawyer, if one is appearing for you. Your notice of intent to appear must be filed with the Court no later than **December 5, 2025**, and be sent to the address listed in Question 17.

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GETTING MORE INFORMATION

22. Where do I get more information?

This Notice summarizes the settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement at NBATopShotVideoPrivacyClassActionSettlement.com. You may also write with questions to NBA Top Shot Video Privacy Settlement, P.O. Box 4130, Portland, OR 97208-4130. You can call the Settlement Administrator at 1-888-854-8281 or Class Counsel at 1-646-837-7150, if you have any questions. Before doing so, however, please read this full Notice carefully. You may also find additional information elsewhere on the case website.

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