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Class-action lawsuit alleging Candy Crush deleted players' lives can proceed, judge says

BY AMINA ELAHI
Blue Sky Innovation

A federal judge in Chicago says a proposed class-action lawsuit may proceed against King, maker of the addictive Candy Crush Saga game you and your friends couldn't stop playing in 2013.

Plaintiff Zachery Liston alleges that King offered players free lives if they connected their accounts to Facebook and marketed Candy Crush to their friends. Then — without warning, Liston's suit says — King deleted the lives.

The Tetris-like puzzle game is notorious for being irresistible to players; King reported revenue of \$1.9 billion in 2013 on the popularity of Candy Crush. At the peak of the game's popularity, invitations were so common — and widely considered irritating — that Facebook CEO Mark Zuckerberg addressed them during a town hall.

Liston's attorneys argued that Candy Crush lives have monetary value of about 20 cents, which is what they cost if not donated by friends. They estimated a class of some 25 million people received, and later lost, lives through this method of marketing the game to their Facebook friends. Players can also purchase five lives for 99 cents, or wait 30 minutes after losing all their lives to receive new ones for free.

U.S. District Judge John J. Tharp Jr., of the Northern District of Illinois Eastern Division, last week allowed some claims in the case to move forward: claims of breach of implied contract and unjust enrichment. Another claim — that King violated consumer protection statutes across the country — will depend on Liston finding people in states other than Illinois who say King unjustly deleted their lives, Tharp said.

"Liston has plausibly alleged that lives in Candy Crush — whether donated or otherwise acquired — have some monetary value," Tharp wrote in an order filed last week. "Liston's complaint is sufficient to put King on notice of the essential nature of his claim: King injured Liston by preventing



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A man is suing the maker of Candy Crush for deleting lives players were supposed to receive for marketing the game to Facebook friends.

him from using an asset in which he had a property interest."

Tharp dismissed two other claims, under the Computer Fraud and Abuse Act and the Illinois Consumer Fraud and Deceptive Business Practices Act.

Joseph Siprut, of Siprut PC, is representing Liston in the case, which was first filed in 2015. Siprut said he wants King to compensate Candy Crush players for the

lives taken away from them.

"We think we are in the right for all the reasons stated in our complaint: The lives have value, they were taken away from people, lots of people are upset and have been harmed by this, and Candy Crush (King) has refused to do right by their customers," Siprut wrote in an email to Blue Sky. "So, we intend to force them to do something about it. Now that the court has

ruled and we have defeated (King's) motion to dismiss, buckle up."

King's attorney declined to comment because the case "remains current."

Liston lived in Illinois when the lawsuit was filed in 2015; King is a subsidiary of Activision Blizzard, which is headquartered in Santa Monica, Calif.

aelahi@chicagotribune.com