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6 **UNITED STATES DISTRICT COURT**  
7 **NORTHERN DISTRICT OF CALIFORNIA**  
8 **SAN JOSE DIVISION**

8 **IN RE: GOOGLE PLAY STORE**  
9 **SIMULATED CASINO-STYLE GAMES**  
10 **LITIGATION**

Case No. 5:21-md-03001-EJD

**PLAINTIFFS’ MASTER COMPLAINT**

**CLASS ACTION**

**JURY DEMAND**

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14  
15  
16 Plaintiffs John Sarley, Renee Christian, Maria Valencia-Torres, Patricia McCullough,  
17 Rozette Jones, Glenna Wiegard, Ernestine Thompson, Janice Williams, Jennifer Andrews, Edgar  
18 Smith, Frankie Killings-Larkin, Frances Long, Barbara McFarland, Sandra Meyers, Heather  
19 Yesuvida, Vanessa Sowell Skeeter, Mindy Duplain, Crystal Van Fleet, Sandra Hegler, Deborah  
20 Steese, Terri Bruschi, John Dickey, Shawna Konchesky-Bair, Crystal Russell, and Judy  
21 Solomon, individually and on behalf of the proposed classes, bring this Class Action Complaint  
22 against Defendant Google LLC (“Google”) seeking restitution, damages, injunctive relief, and  
23 other appropriate relief from Google’s ongoing participation in an illegal internet gambling  
24 enterprise. Plaintiffs allege as follows upon personal knowledge as to themselves and their own  
25 acts and experiences, and on information and belief derived from investigation of counsel, and  
26 review of public documents as to all other matters.  
27  
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## INTRODUCTION

1  
2 1. Over the last decade, the world’s leading slot machine makers—companies like  
3 International Game Technology, Scientific Games Corporation, and Aristocrat Leisure—have  
4 teamed up with American technology companies to develop a new product line: social casinos.

5 2. Social casinos are apps—playable from smartphones, tablets, and internet  
6 browsers—that make the “authentic Vegas-style”<sup>1</sup> experience of slot machine gambling available  
7 to consumers anywhere and anytime. *See* Figure 1 (Screenshot of DoubleDown Casino  
8 Gameplay). By moving their casino games directly onto the phones, tablets, and computers of  
9 players, and by leveraging an innocuous-sounding “free-to-play” model,<sup>2</sup> social casino  
10 companies, along with Google, Facebook, and Apple (the “Platforms”), have found a way to  
11 smuggle slot machines into the homes of consumers nationwide, twenty-four hours a day and  
12 three-hundred-sixty-five days a year.

13 3. Just like Las Vegas slot machines, social casinos allow users to purchase virtual  
14 “chips” in exchange for real money and then gamble those chips at slot machine games in hopes  
15 of winning still more chips to keep gambling. In DoubleDown Casino, for example, players  
16 purchase “chip packages” costing up to \$499.99. *See* Figure 2 (Screenshot of “Popular” Chip  
17 Packages in DoubleDown Casino). But unlike Las Vegas slots, social casinos do not allow  
18 players to cash out their chips. Instead, purchased chips and won chips alike can be used only for  
19 more slot machine “spinning.”  
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26 <sup>1</sup> Form F-1/A DoubleDown Interactive Co., Ltd. at 87,  
27 <https://sec.report/Document/0001193125-20-183157/>.

28 <sup>2</sup> This term is a misnomer. It refers to a business model by which the initial download of  
the game is free, but companies reap huge profits by selling “in-game” items (known generally  
as “in-app purchases”).

**Figure 1****Figure 2**

4. Like Las Vegas slots, social casinos are extraordinarily profitable and highly addictive. Social casinos are so lucrative because they mix the addictive aspects of traditional slot machines with the power of the Platforms, including Defendant Google, to leverage big data and social network pressures to identify, target, and exploit consumers prone to addictive behaviors.<sup>3</sup>

5. Simply put, the social casino apps do not, and cannot, operate and profit at such a high level from these illegal games on their own. Their business of targeting, retaining, and collecting losses from addicted gamblers is inextricably entwined with the Platforms. Not only do the Platforms retain full control over allowing social casinos into their stores, and their distribution and promotion therein, but they also share directly in a substantial portion of the gamblers' losses, which are collected and controlled by the Platforms themselves.

6. Because the Platforms are the centers for promotion, distribution, and payment, social casinos gain a critical partner to retain high-spending users and collect player data, a trustworthy marketplace to conduct payment transactions, and the technological means to update their apps with targeted new content designed to keep addicted players spending money.

<sup>3</sup> See, e.g., *How social casinos leverage Facebook user data to target vulnerable gamblers*, PBS NEWS HOUR (Aug. 13, 2019), <https://bit.ly/3tSHqMI>.

1           7.       Last year alone, consumers purchased and gambled away an estimated *\$6 billion*  
2 in social casino virtual chips.<sup>4</sup>

3           8.       By utilizing Google for promotion, distribution, and payment processing, the  
4 social casinos entered into a mutually beneficial business partnership. In exchange for promoting  
5 and distributing the casino games, providing them valuable data and insight about their players,  
6 and collecting money from consumers, Google (and the other Platforms) take a *30 percent*  
7 commission off of every wager, earning them billions in revenue. By comparison, the “house” at  
8 a traditional casino only takes 1 to 15 percent, while also taking on significant risk of loss in its  
9 operation. Google’s 30 percent commission, on the other hand, is guaranteed for its ability to act  
10 as a casino “host” and bankroll.

11           9.       The result (and intent) of this dangerous partnership is that consumers become  
12 addicted to social casino apps, maxing out their credit cards with purchases amounting to tens or  
13 even hundreds of thousands of dollars. Consumers addicted to social casinos suffer a variety of  
14 non-financial damages ranging from depression to divorce to attempted suicide.

15           10.      These devastating consequences are not hypothetical or hyperbole: below is an  
16 excerpt of sworn testimony from individuals describing their experience with social casinos:

- 17           •       “Once I became hooked on the game, it took little or no time to burn  
18 through all the coins I bought, so I kept having to buy larger and larger  
19 bundles of coins for higher and higher prices. Before I knew it, I found  
20 myself playing and paying more than I ever thought I would in any game.  
21 . . . I’m retired now, and social casinos occupy so much of my time. My  
22 playing time varies depending on what I have going on, but on average I  
23 estimate that I play anywhere between 35 and 70 hours each week. I just  
24 can’t stop playing. Overall, I believe that I have spent an excessive amount  
25 totaling more than \$15,000 on social casinos. *I can’t get back all the time I*  
26 *have spent playing social casino games, and the money I have spent should*  
27 *definitely have gone towards other things. But I believe these games are*  
*designed to prey on people’s addictions.”* Exhibit 1, Declaration of Frances  
28 Long ¶¶ 2, 4, 5-6 (emphasis added).
- “When you buy packs of coins, it doesn’t seem like too much money—the  
bundles can range anywhere from \$20 to \$100. And the more coins you  
buy, the more of a ‘deal’ it seems like you are getting. But you aren’t  
getting a deal no matter how many coins you buy, because you’ll soon run  
out and will have to buy more if you want to keep playing. And before

<sup>4</sup> *SciPlay Net Income Skyrockets 127 Percent, as Social Gaming Embraced by Americans Sheltered at Home*, CASINO.ORG, <https://bit.ly/3fbn793>.

1 long, the purchases here and there add up significantly. . . . My addiction  
 2 got so bad that I couldn't stop playing and spending. I knew I couldn't stop  
 3 on my own, so I reached out to Google for help. Specifically, I asked  
 4 Google to block me so I couldn't make any more purchases in  
 5 DoubleDown. I got no response, so I asked again and again. I got no help. I  
 6 believe I have spent around \$50,000 in DoubleDown Casino overall. *My*  
 7 *addiction to DoubleDown has caused so much hardship in my life. It has*  
 8 *strained my relationships with family and friends, because I'm drawn to*  
 9 *play DoubleDown every free minute that I have. I feel terribly guilty when I*  
 10 *think about how much money I have spent in DoubleDown, and I have*  
 11 *anxiety from the financial strain that my spending has caused. It is often*  
 12 *difficult for me to pay my bills and make ends meet because of the amount*  
 13 *of money I spend in DoubleDown. It just looms over everything in my life. I*  
 14 *wish I would have never seen those advertisements on Facebook.” Exhibit*  
 15 *2, Declaration of John Sarley ¶¶ 2-6 (emphasis added).*

12. Unsurprisingly, social casinos are illegal under many states' gambling laws.

13. As the Ninth Circuit held in *Kater v. Churchill Downs Inc.*, 886 F.3d 784, 785  
 14 (9th Cir. 2018):

15 In this appeal, we consider whether the virtual game platform “Big Fish  
 16 Casino” constitutes illegal gambling under Washington law. Defendant–  
 17 Appellee Churchill Downs, the game's owner and operator, has made  
 18 millions of dollars off of Big Fish Casino. However, despite collecting  
 19 millions in revenue, Churchill Downs, like Captain Renault in *Casablanca*,  
 20 purports to be shocked—shocked!—to find that Big Fish Casino could  
 21 constitute illegal gambling. We are not. We therefore reverse the district  
 22 court and hold that because Big Fish Casino's virtual chips are a “thing of  
 23 value,” Big Fish Casino constitutes illegal gambling under Washington law.

14. As an instructive example, DoubleDown Casino is illegal both in Washington and  
 15 here in California (where the Platforms, including Defendant Google, host it and collect their  
 16 30% commission). This year, consumers will purchase approximately \$400 million worth of  
 17 virtual casino chips in DoubleDown Casino. That \$400 million will be divided up approximately  
 18 as follows: \$240 million to DoubleDown; \$40 million to International Game Technology  
 19 (“IGT”) (a multinational slot machine manufacturer that licenses slot machine game intellectual  
 20 property to DoubleDown); and—as particularly relevant here—the remaining \$120 million to  
 21 Google and the other Platforms (for hosting the app, driving vulnerable consumers to it, and  
 22 processing the payments for those consumers' virtual chip purchases).

15. In other words, despite knowing that DoubleDown Casino is illegal, Google and  
 16 the other Platforms continue to maintain a major (30%) financial interest by hosting the game,  
 17 driving customers to it, and acting as the bank.



1 25. Plaintiff Patricia McCullough is a natural person and a citizen of the State of  
2 Georgia.

3 26. Plaintiff Rozette Jones is a natural person and a citizen of the State of Florida.

4 27. Plaintiff Glenna Wiegard is a natural person and a citizen of the State of Illinois.

5 28. Plaintiff Ernestine Thompson is a natural person and a citizen of the State of  
6 Illinois.

7 29. Plaintiff Janice Williams is a natural person and a citizen of the State of  
8 Kentucky.

9 30. Plaintiff Jennifer Andrews is a natural person and a citizen of the State of  
10 Minnesota.

11 31. Plaintiff Edgar Smith is a natural person and a citizen of the State of Mississippi.

12 32. Plaintiff Frankie Killings-Larkin is a natural person and a citizen of the State of  
13 Mississippi.

14 33. Plaintiff Frances Long is a natural person and a citizen of the State of Missouri.

15 34. Plaintiff Barbara McFarland is a natural person and a citizen of the State of  
16 Missouri.

17 35. Plaintiff Sandra Meyers is a natural person and a citizen of the State of Montana.

18 36. Plaintiff Heather Yesuvida is a natural person and a citizen of the State of New  
19 Jersey.

20 37. Plaintiff Vanessa Sowell Skeeter is a natural person and a citizen of the State of  
21 New York.

22 38. Plaintiff Mindy Duplain is a natural person and a citizen of the State of Ohio.

23 39. Plaintiff Crystal Van Fleet is a natural person and a citizen of the State of Oregon.

24 40. Plaintiff Sandra Hegler is a natural person and a citizen of the State of South  
25 Carolina.

26 41. Plaintiff Deborah Steese is a natural person and a citizen of the State of South  
27 Carolina.

28



**GENERAL ALLEGATIONS**

**I. Google Promotes, Offers, Supports, and Profits From Illegal Slot Machines**

53. Players can access Illegal Slots through mobile apps downloaded from the Google Play Store and can play at any time of day or night. The doors to these mobile casinos never close.

54. The Illegal Slot apps each contain multiple games. For example, the DoubleDown Casino app contains over 200 total titles: 186 slot titles, 21 card game titles, and 1 bingo title.<sup>5</sup> The Illegal Slots derive substantially all of their revenue from their slot titles.

55. Many of the Illegal Slots feature the same games—sporting the same graphics and music—as can be found on an electronic slot machine in a brick-and-mortar casino. For instance, International Game Technology’s well-known slot game “Cleopatra” can be found both in physical casinos and through Google’s DoubleDown Casino app.<sup>6</sup>

56. The Illegal Slots are designed to mimic the electronic slot machines found in brick-and-mortar casinos, including many of the features designed to maximize time-on-device and money spent. For example, the Illegal Slots offer multiline betting—allowing players to wager and win on multiple pay lines—which tends to keep people playing and spending for longer.<sup>7</sup>

57. There is no skill involved in the slot machine games offered at the Illegal Slots. Players can only place wagers (using virtual chips), and then press a button to “spin” the slot machine. It is impossible for players to affect the outcome of any spins.

58. Within the Illegal Slots, players are typically given an initial allotment of virtual chips for free. Players use those chips to play the animated slot machines, choosing the amount they wager on each spin. Virtual chips are won and lost based on the outcome of those spins.

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<sup>5</sup> Form F-1/A DoubleDown Interactive Co., Ltd. at 82, <https://sec.report/Document/0001193125-20-183157/>.

<sup>6</sup> *Id.* at 4 (“We have exclusive access to hundreds of highly recognizable, branded land-based slot titles through our partnership with IGT which enables us to deliver an authentic casino floor experience to our players.”).

<sup>7</sup> See Natasha Dow Schüll, *Addiction By Design: Machine Gambling in Las Vegas* (Princeton Univ. Press 2012).

1           59.     Once a player loses their initial allotment of free chips, the Illegal Slots typically  
2 alert the player that he or she has insufficient funds to continue playing that slot game. Many of  
3 the Illegal Slot games have minimum bet requirements, such that a player cannot continue  
4 playing that game if their chip balance falls too low.

5           60.     At this point, players have three options: (i) stop playing, (ii) wait for some period  
6 of time before receiving more free chips from the Illegal Slot; or (iii) purchase more chips to  
7 keep playing—often with just a single click. To keep playing the same game immediately,  
8 players navigate to an electronic store and purchase chip packages.

9           61.     Google operates as the payment processor for all in-app purchases of virtual chips  
10 in the Illegal Slots on the Google Platform. Google collects the money players spend on virtual  
11 chips, takes a cut for itself, and remits the rest to the Illegal Slots.

12           62.     Purchased chips extend gameplay in the Illegal Slots because they allow players  
13 to place wagers on more spins of the slot machines.

14           63.     Virtual chips cannot be used outside of any individual Illegal Slots app. The chips  
15 can only be used to (1) place wagers on slot machine spins, (2) place wagers on the few card  
16 game or bingo titles in the Illegal Slots app, or (3) give a “gift” of virtual chips to another  
17 account in the app. Substantially all virtual chips are used on slot machine spins.

18           64.     Players typically run out of virtual chips quickly—within a day or two.<sup>8</sup>

19           65.     Notably, while any legitimately operated slot machine must randomize its results,  
20 social casinos do not fully randomize their results. Instead, social casinos tailor “wins” and  
21 “losses” in such a way as to maximize addiction (and, in turn, revenues). As the CEO of  
22 DoubleDown Casino once explained, “[o]ur games aren’t built to be bulletproof like you’d need  
23 to be if you’re a real gambling company. We can do things to make our games more [fun] that if  
24 you were an operator in Vegas you’d go to jail for, because *we change the odds just for fun.*”<sup>9</sup>

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26 <sup>8</sup> Form F-1/A DoubleDown Interactive Co., Ltd. at 72,  
27 <https://sec.report/Document/0001193125-20-183157/> (“Th[e] timing difference [between virtual  
currency purchase and consumption] is relatively short.”).

28 <sup>9</sup> *Gambling giant IGT buying Double Down for \$500M, moving into Facebook games*,  
GEEK WIRE (Jan. 12, 2012), <https://bit.ly/3sk0nYf> [emphasis added].

1           66. Developers of social casino games, such as Scientific Games, hold patents for  
2 “dynamic paytables” in interactive games. Paytables—coded into the Illegal Slot apps—set the  
3 payout for each possible game event. In other words, they determine how many chips players  
4 receive for various spin outcomes. Use of a dynamic payable means that the payout for any  
5 given game event can change over the course of a game or over the course of a player’s use of  
6 the app.

7           67. As Scientific Games explained in their patent application, “[t]he slot machine’s  
8 dynamic payable is designed to take advantage of the observation that players are more apt to  
9 play gaming machines for longer periods of time if the payout is increased as the player  
10 continues to play the game. Other slot machines change the payable based on the amount  
11 wagered by the player.”<sup>10</sup>

12           68. On information and belief, many Illegal Slots utilize dynamic paytables. In these  
13 games, players are cheated out of a legitimately randomized slot machine experience. Rather, the  
14 games adjust the potential payouts in order to maximize revenue—changing the gameplay and  
15 the odds in order to manipulate players into playing longer and spending more.

## 16 **II. Google Promotes, Hosts, and Facilitates At Least Fifty Illegal Social Casinos**

17           69. The Platforms, including Defendant Google, have directly assisted in creating and  
18 operating the unregulated market of virtual casino games from the outset of the industry.

19           70. Before gaining access to these social media platforms, the Illegal Slots used  
20 methods like loyalty cards to track data on how much gamblers spent, how frequently they  
21 played, or how often they bet. The Platform partnerships upgraded their business model to an in-  
22 app payment system and provided additional user data which skyrocketed revenue by providing  
23 them with access to a whole new market of consumers.

24           71. The Illegal Slots rely on Platforms, like Defendant Google, to make their games  
25 available to players and to collect revenue.<sup>11</sup> The Illegal Slots are *only* available to play via third-

26 \_\_\_\_\_  
27 <sup>10</sup> United States Patent, *Dynamic Paytable for Interactive Games*, No. US 7,628,691 B2  
(Dec. 8, 2009).

28 <sup>11</sup> Form F-1/A DoubleDown Interactive Co., Ltd. at 16,  
<https://sec.report/Document/0001193125-20-183157/>.

1 party Platforms, including on an app downloaded from the Google Play Store, on an app  
2 downloaded from the Apple App Store, or on Facebook (online or mobile app).

3 72. The core marketing for the Illegal Slots is accomplished in concert with the  
4 Platforms, and their systems are inextricably linked. Here, for example, is how one social casino  
5 maker described their partnership with the Platforms in a public securities filing:

6 Our games are distributed through several main platform providers, including  
7 Apple, Facebook, Google, and Amazon, which also provide us valuable  
8 information and data, such as the rankings of our games. Substantially all of our  
9 revenue is generated by players using those platforms. Consequently, our  
expansion and prospects depend on our continued relationships with these  
providers[.]

....

10 We focus our marketing efforts on acquiring new players and retaining existing  
11 players. We acquire players both organically and through paid channels. Our paid  
12 marketing includes performance marketing and dynamic media buying on  
13 Facebook, Google, and other channels such as mobile ad networks. Underlying  
14 our paid marketing efforts are our data analytics that allow us to estimate the  
expected value of a player and adjust our user acquisition spend to a targeted  
payback period. Our broad capabilities in promotions allow us to tailor  
promotional activity around new releases, execute differentiated multi-channel  
campaigns, and reach players with preferred creative content.

....

15 Our player retention marketing includes advertising on Facebook as well as  
16 outreach through email, push notifications, and social media posts on channels  
17 such as Facebook, Instagram, and Pinterest. Our data and analytics also inform  
18 our retention marketing efforts. Campaigns are specially designed for each  
19 channel based upon player preferences for dimensions such as time of day and  
creative content. We consistently monitor marketing results and return on  
investment, replacing ineffective marketing tactics to optimize and improve  
channel performance.

....

20 We employ a rigorous, data-driven approach to player lifecycle management  
21 from user acquisition to ongoing engagement and monetization. We use  
22 internally-developed analytic tools to segment and target players and to  
optimize user acquisition spend across multiple channels.

....

23 We continuously gather and analyze detailed customer play behavior and  
24 assess this data in relation to our judgments used for revenue recognition.<sup>12</sup>

25 73. By partnering with the Illegal Slots in marketing, distribution, and payment  
26 processing, Defendant Google entered into a mutually beneficial business partnership with the  
27 Illegal Slots. In exchange for pushing and distributing the social casino apps and collecting

28 <sup>12</sup> *Id.* at 16, 72, 85, 91.

1 money from consumers, Google and the other Platforms take a 30 percent commission off of  
2 every in-app purchase, earning them billions in revenue.

### 3 A. The Illegal Slots

4 74. Each of the following Illegal Slots offered by Google allows players to gamble on  
5 online slot machines, even in states where such gambling is unlawful.<sup>13</sup>

6 **Figure 4 – The Illegal Slots**

7 #	Game Title	Google Play URL
8 1	Slotomania Free Slots: Casino Slot Machine Games	<a href="https://play.google.com/store/apps/details?id=air.com.playtika.slotomania">https://play.google.com/store/apps/details?id=air.com.playtika.slotomania</a>
9 2	Jackpot Party Casino Games: Spin Free Casino Slots	<a href="https://play.google.com/store/apps/details?id=com.williamsinteractive.jackpotparty">https://play.google.com/store/apps/details?id=com.williamsinteractive.jackpotparty</a>
10 3	Cash Frenzy Casino - Free Slots Games	<a href="https://play.google.com/store/apps/details?id=slots.pcg.casino.games.free.android">https://play.google.com/store/apps/details?id=slots.pcg.casino.games.free.android</a>
11 4	Cashman Casino: Casino Slots Machines! 2M Free!	<a href="https://play.google.com/store/apps/details?id=com.productmadness.cashmancasino">https://play.google.com/store/apps/details?id=com.productmadness.cashmancasino</a>
12 5	Huuuge Casino Slots - Best Slot Machines	<a href="https://play.google.com/store/apps/details?id=com.huuuge.casino.slots">https://play.google.com/store/apps/details?id=com.huuuge.casino.slots</a>
13 6	Vegas Slots - DoubleDown Casino	<a href="https://play.google.com/store/apps/details?id=com.ddi">https://play.google.com/store/apps/details?id=com.ddi</a>
14 7	POP! Slots - Play Vegas Casino Slot Machines!	<a href="https://play.google.com/store/apps/details?id=com.playstudios.popslots">https://play.google.com/store/apps/details?id=com.playstudios.popslots</a>
15 8	House of Fun: Free Slots & Casino Slots Machines	<a href="https://play.google.com/store/apps/details?id=com.pacificinteractive.HouseOfFun">https://play.google.com/store/apps/details?id=com.pacificinteractive.HouseOfFun</a>
16 9	Lotsa Slots - Free Vegas Casino Slot Machines	<a href="https://play.google.com/store/apps/details?id=com.diamondlife.slots.vegas.free">https://play.google.com/store/apps/details?id=com.diamondlife.slots.vegas.free</a>
17 10	DoubleU Casino - Free Slots	<a href="https://play.google.com/store/apps/details?id=com.doubleugames.DoubleUCasino">https://play.google.com/store/apps/details?id=com.doubleugames.DoubleUCasino</a>
18 11	Slots: Heart of Vegas- Free Casino Slots Games	<a href="https://play.google.com/store/apps/details?id=com.productmadness.hovmobile">https://play.google.com/store/apps/details?id=com.productmadness.hovmobile</a>
19 12	Lightning Link Casino: Best Vegas Casino Slots!	<a href="https://play.google.com/store/apps/details?id=com.productmadness.lightninglink">https://play.google.com/store/apps/details?id=com.productmadness.lightninglink</a>
20 13	Caesars Casino: Casino & Slots For Free	<a href="https://play.google.com/store/apps/details?id=com.playtika.caesarscasino">https://play.google.com/store/apps/details?id=com.playtika.caesarscasino</a>

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23  
24  
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27  
28 <sup>13</sup> For the Court's convenience, a Samsung Galaxy Tablet containing Google-based versions of the Illegal Slots will be lodged with the Court as Exhibit 3. Upon request from Google's appearing counsel, a copy of the Tablet will be produced to Google.

1	14	Quick Hit Casino Games - Free Casino Slots Games	<a href="https://play.google.com/store/apps/details?id=com.ballytechnologies.quickhitslots">https://play.google.com/store/apps/details?id=com.ballytechnologies.quickhitslots</a>
2	15	Hit it Rich! Lucky Vegas Casino Slot Machine Game	<a href="https://play.google.com/store/apps/details?id=com.zynga.hititrich">https://play.google.com/store/apps/details?id=com.zynga.hititrich</a>
3	16	Billionaire Casino Slots - The Best Slot Machines	<a href="https://play.google.com/store/apps/details?id=com.huuuge.casinotexas">https://play.google.com/store/apps/details?id=com.huuuge.casinotexas</a>
4	17	Wizard of Oz Free Slots Casino	<a href="https://play.google.com/store/apps/details?id=com.zynga.wizardofoz">https://play.google.com/store/apps/details?id=com.zynga.wizardofoz</a>
5	18	Gold Fish Casino Slots - FREE Slot Machine Games	<a href="https://play.google.com/store/apps/details?id=com.williamsinteractive.goldfish">https://play.google.com/store/apps/details?id=com.williamsinteractive.goldfish</a>
6	19	Jackpot World - Free Vegas Casino Slots	<a href="https://play.google.com/store/apps/details?id=com.grandgames.slots.dafu.casino">https://play.google.com/store/apps/details?id=com.grandgames.slots.dafu.casino</a>
7	20	Scatter Slots- Las Vegas Casino Game 777 Online	<a href="https://play.google.com/store/apps/details?id=com.murka.scatterslots">https://play.google.com/store/apps/details?id=com.murka.scatterslots</a>
8	21	Game of Thrones Slots Casino - Slot Machine Games	<a href="https://play.google.com/store/apps/details?id=com.zynga.gotslots">https://play.google.com/store/apps/details?id=com.zynga.gotslots</a>
9	22	myVEGAS Slots: Las Vegas Casino Games & Slots	<a href="https://play.google.com/store/apps/details?id=com.playstudios.myvegas">https://play.google.com/store/apps/details?id=com.playstudios.myvegas</a>
10	23	my KONAMI Slots - Casino Games & Fun Slot Machines	<a href="https://play.google.com/store/apps/details?id=com.playstudios.mykonami">https://play.google.com/store/apps/details?id=com.playstudios.mykonami</a>
11	24	Cash Tornado Slots - Vegas Casino Slots	<a href="https://play.google.com/store/apps/details?id=com.topultragame.slotlasvega">https://play.google.com/store/apps/details?id=com.topultragame.slotlasvega</a>
12	25	Club Vegas 2021: New Slots Games & Casino bonuses	<a href="https://play.google.com/store/apps/details?id=com.bagelcode.slots1">https://play.google.com/store/apps/details?id=com.bagelcode.slots1</a>
13	26	Bingo Pop - Live Multiplayer Bingo Games for Free	<a href="https://play.google.com/store/apps/details?id=com.uken.BingoPop">https://play.google.com/store/apps/details?id=com.uken.BingoPop</a>
14	27	MONOPOLY Slots Free Slot Machines & Casino Games	<a href="https://play.google.com/store/apps/details?id=com.scientificgames.monopolyslots">https://play.google.com/store/apps/details?id=com.scientificgames.monopolyslots</a>
15	28	Slots (Golden HoYeah) - Casino Slots	<a href="https://play.google.com/store/apps/details?id=com.igs.fafafa">https://play.google.com/store/apps/details?id=com.igs.fafafa</a>
16	29	GSN Casino: New Slots and Casino Games	<a href="https://play.google.com/store/apps/details?id=com.gsn.android.casino">https://play.google.com/store/apps/details?id=com.gsn.android.casino</a>
17	30	Vegas Live Slots: Free Casino Slot Machine Games	<a href="https://play.google.com/store/apps/details?id=com.purplekiwi.vegaslive">https://play.google.com/store/apps/details?id=com.purplekiwi.vegaslive</a>
18	31	Willy Wonka Free Slots Casino	<a href="https://play.google.com/store/apps/details?id=com.zynga.wonka">https://play.google.com/store/apps/details?id=com.zynga.wonka</a>
19	32	88 Fortunes Casino Games & Free Slot Machine Games	<a href="https://play.google.com/store/apps/details?id=com.ballytechnologies.f88">https://play.google.com/store/apps/details?id=com.ballytechnologies.f88</a>

1	33	Classic Slots - Free Casino Games & Slot Machines	<a href="https://play.google.com/store/apps/details?id=com.aaagame.aaacasino">https://play.google.com/store/apps/details?id=com.aaagame.aaacasino</a>
2	34	Jackpot Slot Machines - Slots Era Vegas Casino	<a href="https://play.google.com/store/apps/details?id=com.murka.slotsera">https://play.google.com/store/apps/details?id=com.murka.slotsera</a>
3	35	Bingo Journey - Lucky & Fun Casino Bingo Games	<a href="https://play.google.com/store/apps/details?id=com.bingo.scape.android.free">https://play.google.com/store/apps/details?id=com.bingo.scape.android.free</a>
4	36	Vegas Friends - Casino Slots for Free	<a href="https://play.google.com/store/apps/details?id=com.funtriolimited.slots.casino.free">https://play.google.com/store/apps/details?id=com.funtriolimited.slots.casino.free</a>
5	37	Cashmania Slots 2021- Free Vegas Casino Slot Game	<a href="https://play.google.com/store/apps/details?id=com.zealgames.cashmania&amp;hl=en_US&amp;gl=US">https://play.google.com/store/apps/details?id=com.zealgames.cashmania&amp;hl=en_US&amp;gl=US</a>
6	38	Tycoon Casino Free Slots: Vegas Slot Machine Games	<a href="https://play.google.com/store/apps/details?id=com.tw.tycoon.casino">https://play.google.com/store/apps/details?id=com.tw.tycoon.casino</a>
7	39	Hot Shot Casino Free Slots Games: Real Vegas Slots	<a href="https://play.google.com/store/apps/details?id=com.williamsinteractive.hotshotcasino">https://play.google.com/store/apps/details?id=com.williamsinteractive.hotshotcasino</a>
8	40	Jackpot Crush - Free Vegas Slot Machines	<a href="https://play.google.com/store/apps/details?id=slots.dcg.casino.games.free.android">https://play.google.com/store/apps/details?id=slots.dcg.casino.games.free.android</a>
9	41	High 5 Casino: The Home of Fun & Free Vegas Slots	<a href="https://play.google.com/store/apps/details?id=com.h5g.high5casino">https://play.google.com/store/apps/details?id=com.h5g.high5casino</a>
10	42	Neverland Casino Slots - Free Slots Games	<a href="https://play.google.com/store/apps/details?id=com.wgames.en.neverlandcasino">https://play.google.com/store/apps/details?id=com.wgames.en.neverlandcasino</a>
11	43	Double Win Casino Slots - Free Video Slots Games	<a href="https://play.google.com/store/apps/details?id=com.huge.slots.casino.vegas.android.avidly">https://play.google.com/store/apps/details?id=com.huge.slots.casino.vegas.android.avidly</a>
12	44	Ignite Classic Slots	<a href="https://play.google.com/store/apps/details?id=com.ignite.ignite.slots">https://play.google.com/store/apps/details?id=com.ignite.ignite.slots</a>
13	45	Rock N' Cash Casino Slots - Free Vegas Slot Games	<a href="https://play.google.com/store/apps/details?id=net.flysher.rockncash">https://play.google.com/store/apps/details?id=net.flysher.rockncash</a>
14	46	Huge Win Slots – Free Slots Games	<a href="https://play.google.com/store/apps/details?id=com.citrusjoy.trojan">https://play.google.com/store/apps/details?id=com.citrusjoy.trojan</a>
15	47	Casino Slots DoubleDown Fort Knox Free Vegas Games	<a href="https://play.google.com/store/apps/details?id=com.doubledowninteractive.ftknox">https://play.google.com/store/apps/details?id=com.doubledowninteractive.ftknox</a>
16	48	Baba Wild Slots - Slot machines Vegas Casino Games	<a href="https://play.google.com/store/apps/details?id=com.bws">https://play.google.com/store/apps/details?id=com.bws</a>
17	49	Epic Jackpot Slots - Free Vegas Casino Games	<a href="https://play.google.com/store/apps/details?id=com.epic.slots.casino.vegas.android.avidly">https://play.google.com/store/apps/details?id=com.epic.slots.casino.vegas.android.avidly</a>
18	50	VegasStar Casino - FREE Slots	<a href="https://play.google.com/store/apps/details?id=com.zentertain.vegasstarcasino">https://play.google.com/store/apps/details?id=com.zentertain.vegasstarcasino</a>

1           75. Most or all of the Illegal Slots are also hosted and promoted by the other Platform  
2 members of the Social Casino Enterprise: Apple and Facebook.

3           **B. Google’s Facilitation, Promotion, and Control Over the Illegal Slots**

4           76. Google, for its part, routinely facilitates the success of social casinos by  
5 counseling the app developers through the app launch process and providing them with resources  
6 and business tools necessary to maximize their success on the Google Play Store.

7           77. The Android mobile operating system (“Android OS”)—which is installed on  
8 virtually every smart phone and tablet not manufactured by Apple—was originally touted as an  
9 “open system.” But Google has successfully established almost-total control of the distribution  
10 of apps made to run on that Android OS. Today, nearly all applications that run on the Android  
11 OS are downloaded via the Google Play Store.

12           78. Prior to being published in the Google Play Store, developers must submit their  
13 app for review. In this process, Google examines whether the app violates any company policies  
14 and demands that apps comply with all relevant laws within the jurisdiction where the app is  
15 available. Apps may be, and often are, removed at Google’s discretion for violating its policies  
16 and can be audited at any time.

17           79. Google closely monitors its gambling liability by responding to the changing  
18 market landscape when it deems necessary. For example, in response to the FTC’s increasing  
19 consumer protection concerns around gambling in 2018, Google changed its policies for loot  
20 boxes, requiring games with that feature to “disclose the odds of receiving those items in  
21 advance of purchase.”<sup>14</sup> Google likewise heavily regulates advertising in its system that involves  
22 gambling, stating “[w]e support responsible gambling advertising and *abide by local gambling*  
23 *laws* and industry standards.”<sup>15</sup>

24           80. The Google Play Store categorizes the Illegal Slots as “Casino” games (distinct  
25 from “Arcade” and “Card” games).

26 \_\_\_\_\_  
27 <sup>14</sup> Mariella Moon, *Google Will Force Android Apps to Show the Odds of Getting Loot Box*  
*Items*, ENGADGET (May 30, 2019), <https://engt.co/31hmCCK>.

28 <sup>15</sup> Gambling and Games, Google Advertising Policies, <https://bit.ly/3d3nsI7> [emphasis  
added].

1 81. Google determines content ratings for all apps on the Google Play Store. Google  
2 uses content ratings to “[i]nform [consumers] of potentially objectionable content within an app”  
3 and to “[b]lock or filter your content in certain territories or to specific users where required.”  
4 Ratings are based on factors including violence, drugs, and gambling.<sup>16</sup>

5 82. While Google requires “real-money gambling apps” to be rated “Adult Only” and  
6 to be inaccessible to underage users, Google does not restrict minors’ access to the Illegal  
7 Slots.<sup>17</sup>

8 83. Google does instruct that ads for social casino games “should not appeal to  
9 minors.”<sup>18</sup> And Google does not allow “ads which promote gambling, real-money games,  
10 contests, and tournaments” to be displayed on any app that “provide[s] simulated gambling  
11 content (e.g., social casino apps; apps with virtual slot machines).”<sup>19</sup>

12 84. Google is thus keenly aware of the illegal, unfair, and deceptive nature of the  
13 Illegal Slots.

14 85. Google also helps the Illegal Slots target consumers and maximize revenue,  
15 providing marketing guidance, tools, promotional offers, and more to help drive discovery of  
16 apps and in-app purchases. For example, Google offers App Campaigns to promote apps on  
17 Google Search, YouTube, Google Play, and more, and to ensure that developers’ apps are shown  
18 to the consumers most likely to install and engage with (*i.e.*, spend money on) the app.<sup>20</sup>

19 86. Google also runs promotional activities (such as offering coupons, credits, and/or  
20 other promotional incentives) for in-app transactions through Google Play. These promotional  
21 activities, which are aimed at increasing in-app purchases and Google’s profits, are provided by  
22

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23 <sup>16</sup> *Apps & Games content ratings on Google Play*, Google Play Help,  
24 <https://support.google.com/googleplay/answer/6209544?hl=en>.

25 <sup>17</sup> *Real-Money Gambling, Games, and Contests*, Play Console Help,  
<https://support.google.com/googleplay/android-developer/answer/9877032?hl=en#zippy=>.

26 <sup>18</sup> *Gambling and Games*, Advertising Policies Help,  
<https://support.google.com/adspolicy/answer/6018017?hl=en>.

27 <sup>19</sup> *Real-Money Gambling, Games, and Contests*, Play Console Help,  
28 <https://support.google.com/googleplay/android-developer/answer/9877032?hl=en#zippy=>.

<sup>20</sup> *App Campaigns*, Google Ads, <https://ads.google.com/home/campaigns/app-ads/>.

1 Google to app developers free of charge.<sup>21</sup>

2 87. Google reassures app developers that they will work together as a team: “Your  
3 innovation is what drives our shared success, but with it comes responsibility. These Developer  
4 Program Policies, along with the Developer Distribution Agreement, ensure that together we  
5 continue to deliver the world’s most innovative and trusted apps to over a billion people through  
6 Google Play.”<sup>22</sup>

7 88. The Illegal Slot companies and Google monitor the game activity and use the  
8 collected data to increase user spending. This access to data is critical for the developers: since  
9 all payment processing occurs through third-party platforms, the Illegal Slot companies have  
10 limited access to personal user data unless players login through Google or otherwise sign up for  
11 loyalty programs.<sup>23</sup>

12 89. Because the Illegal Slots depend on the spending of a small, targeted audience,  
13 the Illegal Slot companies and Platforms work together to target and exploit high-spending users,  
14 or “whales,” as Illegal Slot companies like DoubleDown refer to their top spenders.<sup>24</sup>

15 90. The data that the Illegal Slot companies and the Platforms collect on monetization  
16 necessarily contributes to the structure and success of the Social Casino Enterprise.

17 91. Google allows Illegal Slot companies to target high-spending users and activate  
18 non-spending users. Google aids in the design and direction of targeted advertising, both on  
19 Google.com, its larger Display Network, and within other apps and platforms, all aimed at  
20 driving new customers to the Illegal Slots and retaining current gamblers.

21 92. Additionally, because the Illegal Slots are required to use Google’s payment  
22 system to process all in-game purchases, Google collects a 30 percent service fee off of every  
23

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24 <sup>21</sup> *Google Play Developer Distribution Agreement*, Google Play, <https://play.google.com/about/developer-distribution-agreement.html>.

25 <sup>22</sup> *Policy Center*, Play Console Help, <https://support.google.com/googleplay/android-developer/topic/9858052?hl=en>.

26 <sup>23</sup> Form F-1/A DoubleDown Interactive Co., Ltd. at 16, <https://sec.report/Document/0001193125-20-183157/>.

27 <sup>24</sup> *The Journey From a Single-App to a Multi-App Company* | Joe Sigrist, YOUTUBE (Feb. 6,  
28 2018) at 21:08, <https://youtu.be/PY8gh8M6T20?t=1263> (Joe Sigrist, DoubleDown General Manager: “We track our whales”).

1 transaction. If Google ever discovers an illegal or fraudulent transaction in breach of its terms or  
2 policies, it can deny developers from redeeming the proceeds in its active balance.

3 93. Because Google acts as the “bank” for the Illegal Slots, the Platforms are entirely  
4 aware that certain consumers spend *hundreds of thousands of dollars* on the Illegal Slots.

5 94. At all relevant times, Google and the Platforms have known of the unlawful  
6 nature of the Illegal Slots and nonetheless have subjected the general public to the unlawful,  
7 predatory, and addictive games in order to maximize profits at the expense of the public’s health  
8 and welfare.

9 95. Furthermore, on information and belief, in the wake of the *Kater* decision, the  
10 Platforms did not remove social casinos from their offerings but instead conferred with each  
11 other and decided to each continue to offer illegal social casino games. This decision was  
12 consistent with the Platforms’ long history of entering into highly illegal agreements with each  
13 other as long as it is highly lucrative to do so.<sup>24</sup>

14 96. Despite having the ability to do so, Google has not taken steps to limit access to  
15 the Illegal Slots, such as by geo-restricting games such that they can only be played in certain  
16 states. Google regularly geo-restricts other gambling games where players can “cash out.”  
17 Unfortunately, with the Illegal Slots, Google used its developer tools to take advantage of users  
18 with severe gambling problems.

19 97. As a result, Google has unlawfully made billions of dollars on the backs of  
20 consumers.

### 21 **III. Players Are Harmed By the Illegal Slots Hosted by Defendant**

22 98. Millions of consumers access Illegal Slots through Google, and at least thousands  
23 have paid money to Google to purchase virtual chips for gambling on the Illegal Slots.

24 99. These players have been injured by Google’s conduct because they have lost  
25 money as a result of Google’s hosting, promoting, and facilitating of illegal gambling and  
26 Google’s participation in unfair and unscrupulous business practices.

27 100. Many players have lost substantial sums of money to Google and the Social  
28 Casino Enterprise. Players have maxed out credit cards, spent money they could not afford, and

1 fallen behind on bills because they cannot stop spending money on Illegal Slots. Some players'  
2 injuries amount to tens or even hundreds of thousands of dollars.

3 101. Many players feel addicted to the Illegal Slots—they try to stop, knowing that  
4 they are losing money and that they are playing too much, but they can't. As long as Google  
5 continues to offer Illegal Slots and continues to facilitate the sale of virtual chips, the  
6 victimization of these players (and the accompanying harms) will persist.

7 102. Players addicted to Illegal Slots also suffer serious non-economic damages,  
8 ranging from depression to divorce to attempted suicide.

9 103. Many of these harms are irreparable. After-the-fact money damages cannot fix  
10 injuries like strained marriages, unsought medical treatments, skipped meals, and anxiety and  
11 self-loathing caused by Google's and the Social Casino Enterprise's continued unlawful activity.

## 12 **FACTS SPECIFIC TO NAMED PLAINTIFFS**

### 13 **I. John Sarley**

14 104. Plaintiff John Sarley, 67, is a resident and citizen of Port Hueneme, California.  
15 Mr. Sarley began playing DoubleDown Casino approximately five years ago. He plays and has  
16 made purchases in DoubleDown Casino through Google Play. Mr. Sarley is addicted to  
17 DoubleDown Casino. He has asked Google to block him from making purchases for  
18 DoubleDown Casino but Google has never done so.

19 105. Mr. Sarley's addiction has put significant strain on his personal relationships and  
20 his mental well-being, as well as a significant strain on his financial well-being, including his  
21 ability to pay his bills. In total, he estimates that he has lost at least \$50,000 playing  
22 DoubleDown, and estimates that he plays the game many hours each week.

### 23 **II. Renee Christian**

24 106. Plaintiff Renee Christian, 66, is a resident and citizen of Vacaville, California.  
25 Ms. Christian believes that plays and makes purchases in DoubleDown Casino, Heart of Vegas,  
26 Lightning Link Casino, House of Fun, and Jackpot Party through Google Play. She started  
27 playing social casinos more than a decade ago. Ms. Christian estimates that she plays social  
28 casinos for approximately 40 hours per week on average, and estimates that she has spent

1 approximately \$15,000 to \$20,000 in the games to date.

2 **III. Maria Valencia-Torres**

3 107. Plaintiff Maria Valencia-Torres, 51, is a resident and citizen of Pelham, Alabama.  
4 Ms. Valencia-Torres plays and makes purchases in MyVegas Slots and Slotomania through  
5 Google Play. She started playing social casinos in approximately 2014. Ms. Valencia-Torres  
6 believes she plays social casinos for approximately 15 to 20 hours per week on average, and  
7 estimates that she has spent approximately \$1,500 to date playing social casinos.

8 **IV. Patricia McCullough**

9 108. Plaintiff Patricia McCullough, 73, is a resident and citizen of Harlem, Georgia.  
10 Ms. McCullough plays and makes purchases in DoubleDown Casino through Google Play. She  
11 started playing DoubleDown Casino in approximately 2016 after seeing advertisements on  
12 Facebook. Ms. McCullough believes she plays social casinos approximately 15 hours per week  
13 and estimates that she has spent more than \$4,000 to date playing social casinos.

14 **V. Rozette Jones**

15 109. Plaintiff Rozette Jones, 62, is a resident and citizen of Clearwater, Florida. She  
16 previously resided in Georgia from 2018 through February 2021, during which time she played  
17 and made purchases in DoubleDown Casino through Google Play. Ms. Jones started playing  
18 social casinos in approximately 2014. She believes she plays the games approximately 15 hours  
19 per week and estimates that she has spent more than \$4,000 playing social casinos to date.

20 **VI. Glenna Wiegard**

21 110. Plaintiff Glenna Wiegard, 58, is a resident and citizen of Ellis Grove, Illinois. Ms.  
22 Wiegard plays and has made purchases in Goldfish Casino Slots and Jackpot Party through  
23 Google Play. She started playing social casinos in approximately 2017. Ms. Wiegard estimates  
24 that she plays social casinos many hours each week, and estimates she has spent approximately \$400  
25 playing social casinos to date.

26 **VII. Ernestine Thompson**

27 111. Plaintiff Ernestine Thompson, 52, is a resident and citizen of Chicago, Illinois.  
28 Ms. Thompson believes that, over time, she has played and made purchases in Cashman Casino,

1 DoubleDown Casino, Jackpot Party, and Slotomania through Google Play. She started playing  
2 social casinos in approximately 2015. Ms. Thompson believes she plays social casinos  
3 approximately 3 to 4 hours per week, and estimates that she has spent thousands of dollars to  
4 date playing social casinos.

5 **VIII. Janice Williams**

6 112. Plaintiff Janice Williams, 63, is a resident and citizen of Lexington, Kentucky.  
7 Ms. Williams has played Slotomania and DoubleDown Casino and has made purchases in both  
8 games through Google Play. She started playing social casinos more than a decade ago. Ms.  
9 Williams believes she plays social casinos more than 20 hours per week, and estimates that she  
10 has spent approximately \$10,000 playing social casinos to date.

11 **IX. Jennifer Andrews**

12 113. Plaintiff Jennifer Andrews, 54, is a resident and citizen of Sauk Rapids,  
13 Minnesota. Ms. Andrews started playing social casinos around 2011 after seeing an  
14 advertisement on Facebook. She believes that, over time, she has played Caesars Slots, Cash  
15 Frenzy, Cashman Casino, Casino Jackpot Slots - Infinity Slots, Double U Casino; Heart of  
16 Vegas; Goldfish Casino Slots, Hit it Rich! Lucky Vegas Casino Slots, Jackpot Party, Jackpot  
17 Slot Machines - Slots Era Vegas Casino, Lotsa Slots, Monopoly Slots, myVEGAS Slots,  
18 Slotomania, Scatter Slots, Willy Wonka Slots, Wizard of Oz Slots, and Quick Hit Casino Games.  
19 She currently plays and makes purchases in DoubleDown Casino through Facebook. Ms.  
20 Andrews estimates that she plays social casinos for 20 hours per week on average, and estimates  
21 that she has spent approximately \$80,000 playing social casinos.

22 **X. Edgar Smith**

23 114. Plaintiff Edgar Smith, 41, is a resident and citizen of Hattiesburg, Mississippi. Mr.  
24 Smith currently plays and has made purchases in Pop Slots and Coin Master Casino through  
25 Google Play. He started playing social casinos in approximately May 2020. Mr. Smith believes  
26 that he plays social casinos for 2 hours per week on average, and estimates that he has spent  
27 approximately \$30 in the games to date.

28 **XI. Frankie Killings-Larkin**

1 115. Plaintiff Frankie Killings-Larkin, 52, is a resident and citizen of Toomsba,  
2 Mississippi. Ms. Killings-Larkin used to play and make purchases in DoubleDown Casino  
3 through Google Play. She started playing social casinos in approximately 2017. Ms. Killings-  
4 Larkin played social casinos for approximately 25 hours per week on average, and estimates that  
5 she has spent approximately \$30,000 in the games to date.

6 **XII. Frances Long**

7 116. Plaintiff Frances Long, 70, is a resident and citizen of Ferguson, Missouri. Ms.  
8 Long believes she has, over time, played more than a dozen social casino games, including  
9 Double U Casino, House of Fun, Caesars Slots, Slotomania, Real Casino, Real Vegas Casino,  
10 Old Vegas through Facebook. Ms. Long believes she plays social casinos between approximately  
11 35 and 70 hours each week, and estimates that she has spent more than \$15,000 on the games to  
12 date.

13 **XIII. Barbara McFarland**

14 117. Plaintiff Barbara McFarland, 66, is a resident and citizen of Odessa, Missouri.  
15 Ms. McFarland has Wizard of Oz Slots, Hit it Rich! Lucky Vegas and Casino Slot, and she has  
16 made purchases in those games through Google Play. She started playing social casinos in  
17 approximately 2014. Ms. McFarland believes she plays social casinos for approximately 8 hours  
18 per week on average, and she estimates that has spent approximately \$5,000 to date playing  
19 social casinos.

20 **XIV. Sandra Meyers**

21 118. Plaintiff Sandra Meyers, 71, is a resident and citizen of Helena, Montana. Ms.  
22 Meyers currently plays and has made purchases in DoubleDown Casino and My-KONAMI Real  
23 Vegas Slots through Google Play. She started playing social casinos in approximately 2017 after  
24 seeing an advertisement on Facebook. Ms. Meyers believes she plays social casinos dozens of  
25 hours per week, and she estimates that she has spent approximately \$9,000 playing social casinos  
26 to date.

27 **XV. Heather Yesuvida**

28 119. Plaintiff Heather Yesuvida, 32, is a resident and citizen of Toms River, New

1 Jersey. Ms. Yesuvida believes she has played Cashman Casino, Heart of Vegas, Big Fish Casino,  
2 DoubleDown Casino, and Jackpot Party, and she currently plays Lightning Link Casino. She  
3 believes she has made purchases in each of these games through Google Play. She started  
4 playing social casinos in approximately 2012. Ms. Yesuvida believes she plays social casinos for  
5 approximately 20 to 40 hours per week on average, and estimates that she has spent  
6 approximately \$5,000 to \$10,000 playing social casinos to date.

7 **XVI. Vanessa Sowell Skeeter**

8 120. Plaintiff Vanessa Sowell Skeeter, 65, is a resident and citizen of Bronx, New  
9 York. Ms. Skeeter has played and made purchases in Quick Hit Casino Games, DoubleDown  
10 Casino, and through Google Play. She started playing social casinos in approximately 2016 after  
11 seeing an ad on Facebook. Ms. Skeeter believes she plays social casinos 6 to 10 hours each  
12 week, and estimates that she has spent approximately \$5,000 playing social casinos to date.

13 **XVII. Mindy Duplain**

14 121. Plaintiff Mindy Duplain, 52, is a resident and citizen of North Royalton, Ohio.  
15 Ms. Duplain started playing DoubleDown Casino in approximately 2011 after seeing ads on  
16 Facebook. She plays and has made purchases in DoubleDown Casino through Google Play. She  
17 believes that she has spent more than \$4,000 in DoubleDown Casino to date, and estimates that  
18 she plays the game around 30 hours per week.

19 **XVIII. Crystal Van Fleet**

20 122. Plaintiff Crystal Van Fleet, 37, is a resident and citizen of Dallas, Oregon. Ms.  
21 Van Fleet began playing social casinos in approximately 2011 after seeing ads for them on  
22 Facebook. She believes that, over time, she has played and made purchases in Caesars Slots,  
23 Casino Slots DoubleDown Fort Knox, DoubleDown Casino, Goldfish Casino Slots, House of  
24 Fun, Jackpot Party, Jackpot World, Pop Slots, Scatter Slotts, Slotomania, and Zito Box through  
25 Google Play. She believes that many of these purchases were made after she saw videos  
26 promoting “Deal of the Day” virtual coin bundles outside the games in Google Play. Ms. Van  
27 Fleet estimates that she has spent approximately \$1,000 in social casinos to date, and believes  
28 she plays between approximately 1 and 4 hours each day.

**XIX. Sandra Hegler**

123. Plaintiff Sandra Hegler, 34, is a resident and citizen of Aiken, South Carolina. She started playing social casinos in approximately 2016 after being inundated with ads for the games on Facebook. She recalls that, when clicked, those ads took her directly into Google Play so she could download the social casinos. She believes that, over time, she has played and made purchases in Billionaire Casino Slots 777, Caesars Slots, Cash Frenzy, Cashman Casino, Double U Casino, Goldfish Casino Slots, House of Fun, Lotsa Slots, Pop Slots, and Slotomania through Google Play. To date, she estimates that she has spent approximately \$600 in social casinos and believes she spends many hours each week playing the games. She believes that most, if not all, of her purchases were made through promotional offers for virtual coins she received either inside the games or outside them when she logged into Google Play.

**XX. Deborah Steese**

124. Plaintiff Deborah Steese, 52, is a resident and citizen of Cross, South Carolina. She started playing social casinos in approximately 2011 after seeing ads for the games on Facebook. She believes she has played and made purchases in DoubleDown Casino, Heart of Vegas, Jackpot Party, Lightning Link Casino, My-KONAMI Real Vegas Slots, and Quick Hit Casino Games through Google Play. Ms. Steese believes she plays social casinos approximately 3 hours each day, and estimates that she has spent more than \$1,000 to date in the games.

**XXI. Terri Bruschi**

125. Plaintiff Terri Bruschi, 56, is a resident and citizen of Manassas, Virginia. Ms. Bruschi began playing social casinos in approximately 2011 after seeing advertisements for the games on social media. She plays and has made purchases in DoubleDown Casino and Cash Frenzy through Google Play. She estimates that she has spent approximately \$20,000 in social casinos, and believes that most of her purchases took place via in-game ads for virtual coins that were offering promotional prices. Ms. Bruschi believes she has spent hundreds of hours playing social casinos over time, and she plays between 1 and 6 hours each day.

**XXII. John Dickey**

126. Plaintiff John Dickey, 51, is a resident and citizen of Kennewick, Washington.

1 Mr. Dickey plays and has made purchases in Caesars Slots, DoubleDown Casino, Goldfish  
2 Casino, Jackpot Mania, and Slotomania through Google Play. He started playing social casinos  
3 in approximately 2011 after seeing ads for the games on Facebook. He believes he plays social  
4 casinos approximately 15 to 20 hours each week, and estimates that he has spent approximately  
5 \$6,000 to \$7,000 on the games.

6 **XXIII. Shawna Konchesky-Bair**

7 127. Plaintiff Shawna Konchesky-Bair, 47, is a resident and citizen of Madsville,  
8 West Virginia. She began playing DoubleDown Casino in approximately 2016 after seeing ads  
9 for the game on Facebook. She plays and has made purchases in DoubleDown Casino through  
10 Google Play. To date, she estimates that she has spent more than \$1,000 in DoubleDown Casino,  
11 and believes that she made most of her purchases after seeing in-game promotions for virtual  
12 coins. Ms. Konchesky-Bair believes she plays DoubleDown approximately 7 hours per week.

13 **XXIV. Crystal Russell**

14 128. Plaintiff Crystal Russell, 34, is a resident and citizen of East Lynn, West Virginia.  
15 She began playing social casinos in approximately 2015 after seeing video ads for them on  
16 Google Play. She believes that she has played and made purchases in Coin Master, Pop Slots,  
17 My-KONAMI Real Vegas Slots, and myVEGAS Slots through Google Play. Ms. Russell  
18 estimates that she has spent approximately \$10,000 in social casinos to date, and further believes  
19 that a substantial portion of this spending occurred when she was prompted to purchase coins by  
20 in-game promotions and ads that appeared when she logged into Google Play. She estimates that  
21 she plays social casinos approximately dozens of hours each week.

22 **XXV. Judy Solomon**

23 129. Plaintiff Judy Solomon, 71, is a resident and citizen of Waukegan, Illinois. Ms.  
24 Solomon began playing social casinos in approximately 2016. She believes that over time, she  
25 has played and made purchases in more than a dozen social casinos, including Big Fish Casino,  
26 Billionaire Casino Slots 777, Cash Frenzy, Cashman Casino, DoubleDown Casino, Goldfish  
27 Casino Slots, Heart of Vegas, and Jackpot Party, through Google Play. Ms. Solomon estimates  
28 that she has spent approximately \$5,000 in social casinos to date. She estimates that she plays

1 social casinos dozens of hours each week.

2 **CLASS ALLEGATIONS**

3 130. **Class Definitions:** Plaintiffs bring this action pursuant to Fed. R. Civ. P. 23(b)(2)  
4 and (b)(3) on behalf of themselves and Classes of similarly situated individuals, defined and  
5 represented by Class Representatives as follows:

- 6 a. California Class: All persons in California who have lost money to any Illegal  
7 Slots through the Google platform. The California Class is represented by  
8 Class Representatives Renee Christian and John Sarley.
- 9 b. Washington Class: All persons in Washington who have lost money to any  
10 Illegal Slots through the Google platform. The Washington Class is  
11 represented by Class Representative John Dickey.
- 12 c. Alabama Class: All persons in Alabama who have lost money to any Illegal  
13 Slots through the Google platform. The Alabama Class is represented by Class  
14 Representative Maria Valencia-Torres.
- 15 d. Georgia Class: All persons in Georgia who have lost money to any Illegal  
16 Slots through the Google platform. The Georgia Class is represented by Class  
17 Representatives Patricia McCullough and Rozette Jones.
- 18 e. Illinois Class: All persons in Illinois who have lost money to any Illegal Slots  
19 through the Google platform. The Illinois Class is represented by Class  
20 Representatives Glenna Wiegard, Ernestine Thompson, and Judy Solomon.
- 21 f. Kentucky Class: All persons in Kentucky who have lost money to any Illegal  
22 Slots through the Google platform. The Kentucky Class is represented by  
23 Class Representative Janice Williams.
- 24 g. Minnesota Class: All persons in Minnesota who have lost money to any  
25 Illegal Slots through the Google platform. The Minnesota Class is  
26 represented by Class Representative Jennifer Andrews.
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- 1 h. Mississippi: All persons in Mississippi who have lost money to any Illegal  
2 Slots through the Google platform. The Mississippi Class is represented by  
3 Class Representatives Edgar Smith and Frankie Killings-Larkin.
- 4 i. Missouri Class: All persons in Missouri who have lost money to any Illegal  
5 Slots through the Google platform. The Missouri Class is represented by  
6 Class Representatives Frances Long and Barbara McFarland.
- 7 j. Montana Class: All persons in Montana who have lost money to any Illegal  
8 Slots through the Google platform. The Montana Class is represented by  
9 Class Representative Sandra Meyers.
- 10 k. New Jersey Class: All persons in New Jersey who have lost money to any  
11 Illegal Slots through the Google platform. The New Jersey Class is  
12 represented by Class Representative Heather Yesuvida.
- 13 l. New York Class: All persons in New York who have lost money to any  
14 Illegal Slots through the Google platform. The New York Class is  
15 represented by Class Representative Vanessa Sowell Skeeter.
- 16 m. Ohio Class: All persons in Ohio who have lost money to any Illegal Slots  
17 through the Google platform. The Ohio Class is represented by Class  
18 Representative Mindy Duplain.
- 19 n. Oregon Class: All persons in Oregon who have lost money to any Illegal  
20 Slots through the Google platform. The Oregon Class is represented by Class  
21 Representative Crystal Van Fleet.
- 22 o. South Carolina Class: All persons in South Carolina who have lost money to  
23 any Illegal Slots through the Google platform. The South Carolina Class is  
24 represented by Class Representatives Saundra Hegler and Deborah Steese.
- 25 p. Virginia Class: All persons in Virginia who have lost money to any Illegal  
26 Slots through the Google platform. The Virginia Class is represented by  
27 Class Representative Terri Bruschi.
- 28

- 1 q. West Virginia Class: All persons in West Virginia who have lost money to  
2 any Illegal Slots through the Google platform. The West Virginia Class is  
3 represented by Class Representatives Shawna Konchesky-Bair and Crystal  
4 Russell.
- 5 r. Nationwide Class: All persons in the United States who have lost money to  
6 any Illegal Slots through the Google platform. The Nationwide Class is  
7 represented by Class Representatives John Sarley, Renee Christian, Maria  
8 Valencia-Torres, Patricia McCullough, Rozette Jones, Glenna Wiegard,  
9 Ernestine Thompson, Janice Williams, Jennifer Andrews, Edgar Smith,  
10 Frankie Killings-Larkin, Frances Long, Barbara McFarland, Sandra Meyers,  
11 Heather Yesuvida, Vanessa Sowell Skeeter, Mindy Duplain, Crystal Van  
12 Fleet, Sandra Hegler, Deborah Steese, Terri Bruschi, John Dickey, Shawna  
13 Konchesky-Bair, and Crystal Russell.

14 131. The following people are excluded from any of the Classes: (1) any Judge or  
15 Magistrate presiding over this action and members of their families; (2) Defendant, Defendant's  
16 subsidiaries, parents, successors, predecessors, and any entity in which the Defendant or its  
17 parents have a controlling interest and their current or former employees, officers and directors;  
18 (3) persons who properly execute and file a timely request for exclusion from the Classes; (4)  
19 persons whose claims in this matter have been finally adjudicated on the merits or otherwise  
20 released; (5) Plaintiffs' counsel and Defendant's counsel; and (6) the legal representatives,  
21 successors, and assigns of any such excluded persons.

22 132. **Numerosity**: On information and belief, tens of thousands of consumers fall into  
23 the definition of each Class. Members of the Classes can be identified through Defendant's  
24 records, discovery, and other third-party sources.

25 133. **Commonality and Predominance**: There are many questions of law and fact  
26 common to Plaintiffs' and the Classes' claims, and those questions predominate over any  
27 questions that may affect individual members of the Classes. Common questions for the Classes  
28 include, but are not necessarily limited to the following:

- 1           A.     Whether the Illegal Slots are illegal under the relevant state gambling laws;
- 2           B.     Whether Google, under relevant state gambling laws, is liable for managing,
- 3                 possessing, controlling, and/or profiting from the Illegal Slots;
- 4           C.     Whether Google’s participation in operating the Illegal Slots constitutes an
- 5                 unfair and/or unlawful business practice under relevant state consumer
- 6                 protection statutes;
- 7           D.     Whether Google should be enjoined from further participation in the Social
- 8                 Casino Enterprise;
- 9           E.     Whether Google is a participant in the Social Casino Enterprise; and
- 10          F.     Whether Google has committed illegal predicate acts under the Racketeer
- 11                 Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961, *et seq.*

12           134.   **Typicality:** Plaintiffs’ claims are typical of the claims of other members of the  
13 Classes in that Plaintiffs and the members of the Classes sustained damages arising out of  
14 Defendant’s wrongful conduct.

15           135.   **Adequate Representation:** Plaintiffs will fairly and adequately represent and  
16 protect the interests of the Classes and have retained counsel competent and experienced in  
17 complex litigation and class actions. Plaintiffs’ claims are representative of the claims of the  
18 other members of the Classes, as Plaintiffs and each member of the Classes lost money playing  
19 the Illegal Slots. Plaintiffs also have no interests antagonistic to those of the Classes, and  
20 Defendant has no defenses unique to Plaintiffs. Plaintiffs and their counsel are committed to  
21 vigorously prosecuting this action on behalf of the Classes and have the financial resources to do  
22 so. Neither Plaintiffs nor their counsel have any interest adverse to the Classes.

23           136.   **Policies Generally Applicable to the Classes:** This class action is appropriate for  
24 certification because Defendant has acted or refused to act on grounds generally applicable to the  
25 Classes as a whole, thereby requiring the Court’s imposition of uniform relief to ensure  
26 compatible standards of conduct toward the members of the Classes and making final injunctive  
27 relief appropriate with respect to the Classes as a whole. Defendant’s policies that Plaintiffs’  
28 challenge apply and affect members of the Classes uniformly, and Plaintiffs’ challenge of these

1 policies hinges on Defendant’s conduct with respect to the Classes as a whole, not on facts or  
 2 law applicable only to Plaintiffs. The factual and legal bases of Defendant’s liability to Plaintiffs  
 3 and to the other members of the Classes are the same.

4 137. **Superiority:** This case is also appropriate for certification because class  
 5 proceedings are superior to all other available methods for the fair and efficient adjudication of  
 6 this controversy. The harm suffered by the individual members of the Classes is likely to have  
 7 been relatively small compared to the burden and expense of prosecuting individual actions to  
 8 redress Defendant’s wrongful conduct. Absent a class action, it would be difficult for the  
 9 individual members of the Classes to obtain effective relief from Defendant. Even if members of  
 10 the Classes themselves could sustain such individual litigation, it would not be preferable to a  
 11 class action because individual litigation would increase the delay and expense to all parties and  
 12 the Court and require duplicative consideration of the legal and factual issues presented. By  
 13 contrast, a class action presents far fewer management difficulties and provides the benefits of  
 14 single adjudication, economy of scale, and comprehensive supervision by a single Court.  
 15 Economies of time, effort, and expense will be fostered, and uniformity of decisions will be  
 16 ensured.

17 138. Plaintiffs reserve the right to revise each of the foregoing allegations based on  
 18 facts learned through additional investigation and in discovery.

## 19 CAUSES OF ACTION

### 20 CLAIMS BROUGHT ON BEHALF OF THE STATE CLASSES

#### 21 COUNT I

22 **Cal. Bus. & Prof. Code § 17200, et seq. (“UCL”)**  
 23 **Unlawful and Unfair Business Practices**  
 24 **(Restitution and Injunctive Relief)**  
 25 **(Plaintiffs Renee Christian and John Sarley, On Behalf of the California Class)**

26 139. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

27 140. Plaintiffs are each a “person” within the meaning of Cal. Bus. & Prof. Code §  
 28 17201 because they each a natural person.

141. Plaintiffs have standing under the UCL because they suffered injury in fact and  
 have lost money or property as a result of Google’s unlawful and unfair conduct.

1           142. By hosting and facilitating the Illegal Slots, Google engaged in unfair competition  
2 within the meaning of Cal. Bus. & Prof. Code § 17200 by committing unlawful, unfair, and  
3 fraudulent business acts and practices.

4           143. Slot machines have long been outlawed in California.

5           144. California law recognizes that a device can be an illegal slot machine without  
6 offering users the opportunity to win money.

7           145. In fact, if a gaming machine has the look and feel of a slot machine, accepts real  
8 money for gameplay, and rewards a winning spin with an “additional chance or right to use the  
9 slot machine or device,” the device is an illegal slot machine.

10           146. Consequently, social casinos, as described herein, are illegal slot machines under  
11 California law.

12           147. California gambling law is, on this point, consistent with the laws of many other  
13 states—including Washington. In *Kater*, for example, the Ninth Circuit held that social casinos  
14 are illegal under Washington law because, while users cannot win money, social casino chips are  
15 “things of value” because they can be purchased for money, are awarded as prizes in social  
16 casino slot machines, and then can be used to allow players to keep spinning social casino slot  
17 machines.

18           148. California aggressively regulates all forms of gambling. One reason it does so is  
19 to prevent consumers from being cheated by professional gambling operations.

20           149. Because social casinos have previously operated as if they were not subject to  
21 gambling regulations, they do not comply with any of the regulations that govern the operation  
22 of slot machines.

23           150. Notably, while any legitimately operated slot machine must randomize its results,  
24 social casinos do not randomize their results. Instead, social casinos tailor “wins” and “losses”  
25 in such a way as to maximize addiction (and, in turn, revenues).

26           151. In other words, social casinos cheat players out of a legitimately randomized slot  
27 machine experience. Not only can players never actually win money, but their financial losses  
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1 are maximized by deceptive gameplay tweaks that would never be allowed in a legitimate (*i.e.*,  
2 licensed and regulated) slot machine.

3 152. The Illegal Slots are illegal slot machines as defined by Cal. Penal Code  
4 § 330b(d) because, among other reasons, when a player purchases and wagers virtual casino  
5 chips in the Illegal Slots, a winning spin affords the player an “additional chance or right to use”  
6 the Illegal Slots. Pursuant to Cal. Penal Code § 330b(a), Defendant Google, among other  
7 violative conduct, manufactures, repairs, owns, stores, possesses, sells, rents, leases, lets on  
8 shares, lends and gives away, transports, and exposes for sale or lease, the Illegal Slots. Google  
9 also offers to repair, sells, rents, leases, lets on shares, lends and gives away, permits the  
10 operations, placement, maintenance, and keeping of, in places, rooms, spaces, and buildings  
11 owned, leased, or occupied, managed, or controlled by Google, the Illegal Slots.

12 153. The Illegal Slots are illegal slot machines as defined by Cal. Penal Code § 330.1  
13 because, among other reasons, when a player purchases and wagers virtual casino chips in the  
14 Illegal Slots, a winning spin affords the player an “additional chance or right to use” the Illegal  
15 Slots. Pursuant to Cal. Penal Code § 330.1(a), Defendant Google, among other violative  
16 conduct, manufactures, owns, stores, keeps, possesses, sells, rents, leases, lets on shares, lends  
17 and gives away, transports, and exposes for sale and lease, the Illegal Slots. Google also offers  
18 to sell, rent, lease, let on shares, lends and gives away and permits the operation of and permits  
19 to be placed, maintained, used, or kept in rooms, spaces, and building owned, leased, or  
20 occupied by Google or under Google’s management and control, the Illegal Slots.

21 154. The Illegal Slots are also illegal lotteries as defined by Cal. Penal Code § 319.  
22 Section 319 defines a lottery as any “any scheme for the disposal or distribution of property by  
23 chance, among persons who have paid or promised to pay any valuable consideration for the  
24 chance of obtaining such property.” Thus, the elements of an illegal lottery under Section 319  
25 are a prize (or “property”), distribution by chance, and consideration.

26 155. The Illegal Slots satisfy all three elements because players pay valuable  
27 consideration in the form of real money to purchase virtual casino chips, use those chips to try  
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1 to win prizes in the form of additional free plays, and are awarded these prizes based on chance  
2 outcomes.

3 156. California law recognizes that the duty of the operator of a game of chance to  
4 permit the winner to play further games for free is an obligation arising from contract, and the  
5 right of the winning player to continue to play for free is personal property.

6 157. Google’s hosting and facilitating of the Illegal Slots constitutes an unfair and  
7 unscrupulous business practice because—among other reasons—Google and the Illegal Slots  
8 work together to target and exploit vulnerable and addicted players; to deceptively tweak  
9 gameplay in order to maximize time-on-device and revenue; and to operate their online slot  
10 machines outside the bounds of licensing, regulation, and tax policy.

11 158. California’s Unfair Competition Law (“UCL”), Cal. Bus. & Prof. Code § 17203,  
12 specifically authorizes this Court to issue injunctive relief to enjoin ongoing acts of unfair  
13 competition and unlawful conduct.

14 159. Under the UCL, unfair competition encompasses any unlawful act, including acts  
15 made unlawful under the penal code and acts made unlawful by federal law.

16 160. The UCL authorizes this Court to award restitution to the California Class and to  
17 enjoin Google’s ongoing violations of Sections 319, 330b, and 330.1 of the California Penal  
18 Code, as well as violations of the federal RICO law.

19 161. No plain, adequate, and complete remedy for Defendant’s conduct exists at law.  
20 Consequently, the California Class is entitled to an equitable remedy under the UCL.

21 162. Plaintiffs, on behalf of themselves and the California Class, seek an order from  
22 the Court awarding restitution to the California Class in an amount to be determined at trial and  
23 enjoining Google from further participation in the Social Casino Enterprise.

24 **COUNT II**  
25 **Unjust Enrichment**  
26 **(Plaintiffs Renee Christian and John Sarley, On Behalf of the California Class)**

27 163. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
28 herein.

1 164. Plaintiffs bring this claim on behalf of themselves and the California Class under  
2 the common law of unjust enrichment.

3 165. As a result of its unlawful conduct described above, Google has been and will  
4 continue to be unjustly enriched to the detriment of Plaintiffs and California Class Members by  
5 virtue of their purchase of virtual coins from Google to wager in social casinos through Google  
6 Play.

7 166. Google has profited immensely by providing marketing guidance, tools, and other  
8 assistance to the developers of social casinos and retaining a percentage of the money spent by  
9 consumers in social casinos.

10 167. These profits were obtained from illegal gambling in connection with Google's  
11 operation of social casinos.

12 168. These profits were a benefit conferred upon Google by California Class Members  
13 when purchasing coins to wager in social casinos.

14 169. Accordingly, because Google will be unjustly enriched if it is allowed to retain  
15 the illegal profits from social casinos, Plaintiffs and each California Class Member are entitled to  
16 recover the amount by which Google was unjustly enriched at their expense.

17 **COUNT III**

18 **Ala. Code § 8-1-150(a)**

19 **Civil Remedy Statute for Recovery of Gambling Losses**

20 **(Plaintiff Maria Valencia-Torres, On Behalf of the Alabama Class)**

21 170. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
22 herein.

23 171. Plaintiff brings this claim on behalf of herself and the Alabama Class under  
24 Alabama's Civil Remedy Statute for Recovery of Gambling Losses, Ala. Code § 8-1-150(a),  
25 which was enacted to effectuate the State's public policy against gambling.

26 172. Ala. Code § 8-1-150(a) provides: "Any person who has paid any money or  
27 delivered any thing of value lost upon any game or wager may recover such money, thing, or its  
28 value by an action commenced within six months from the time of such payment or delivery."

1 173. Accordingly, Ala. Code § 8-1-150(a) prohibits a person or entity from profiting  
2 from gambling activity and provides for the recovery of money paid and lost due to such  
3 gambling activity.

4 174. By purchasing coins from Google to wager on social casinos, Plaintiff and each  
5 member of the Alabama Class paid money or gambled and lost money within the meaning of  
6 Ala. Code § 8-1-150(a).

7 175. Google has profited and continues to profit from each payment made by Alabama  
8 Class Members to purchase virtual coins, and therefore is in violation of Ala. Code § 8-1-150(a).

9 176. Google's active participation in the operation of social casinos increases its  
10 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
11 promotional offers and more to help drive discovery and increased purchases within social  
12 casinos; (2) contributes to the creation and development of social casinos by providing  
13 technology, training, and other tools that allow developers of social casinos to operate these  
14 casinos on Google's gaming platform; and (3) offers and distributes social casinos through  
15 Google Play and facilitated all in-app purchases for social casinos in exchange for a significant  
16 percentage of the money paid and lost by Plaintiff and Alabama Class Members to gamble in  
17 social casinos.

18 177. Plaintiff and Alabama Class Members are therefore entitled to recover from  
19 Google the amounts they lost when gambling in social casinos through Google Play.

20 **COUNT IV**

21 **Ala. Code § 8-19-1, et seq.**

22 **Alabama Deceptive Trade Practices Act**

23 **(Plaintiff Maria Valencia-Torres, On Behalf of the Alabama Class)**

24 178. Plaintiffs reallege and incorporate by reference all preceding allegations as though  
25 fully set forth herein.

26 179. Plaintiff brings this action on behalf of herself and the Alabama Class against  
27 Google.

28 180. Google, Plaintiff, and Alabama Class members are "persons" within the meaning  
of Ala. Code § 8-19-3(5).

1 181. Plaintiff and Alabama Class members are “consumers” within the meaning of Ala.  
2 Code § 8-19-3(2).

3 182. Virtual coins and tokens used to play social casinos are “goods” within the  
4 meaning of Ala. Code. § 8-19-3(3).

5 183. Google is and was engaged in “trade or commerce” within the meaning of Ala.  
6 Code § 8-19-3(8).

7 184. The Alabama Deceptive Trade Practices Act (“Alabama DTPA”) prohibits  
8 “deceptive acts or practices in the conduct of any trade or commerce[.]” Ala. Code § 8-19-5.

9 185. The Alabama DTPA makes unlawful “engaging in any other unconscionable,  
10 false, misleading, or deceptive act or practice in the conduct of trade or commerce.” *Id.* § 8-19-  
11 5(27).

12 186. Social casinos are illegal gambling games because they are online games at which  
13 players wager things of value (virtual coins or tokens purchased with real-world money) and by  
14 an element of chance (*e.g.*, by spinning an online slot machine) are able to obtain additional  
15 entertainment and extend gameplay (by winning additional coins or tokens). In the course of its  
16 business, Google profits from illegal gambling in connection with its operation of social casinos,  
17 for which Plaintiff and Alabama Class members purchased virtual coins and tokens. This  
18 constitutes an unconscionable act or practice and thus is in violation of the Alabama DTPA.

19 187. Plaintiff and Alabama Class members purchased virtual coins or tokens for  
20 personal, family, or household purposes and suffered ascertainable loss and actual damages as a  
21 direct and proximate result of Google’s unconscionable acts.

22 188. Google’s violations present a continuing risk to Plaintiff and Alabama Class  
23 members, as well as to the general public. Google’s unlawful acts and practices complained of  
24 herein affect the public interest.

25 189. Pursuant to Ala. Code § 8-19-10, Plaintiff and Alabama Class members seek an  
26 order enjoining Google’s unfair or deceptive acts or practices and awarding damages and any  
27 other just and proper relief available under the Alabama DTPA.  
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**COUNT V**  
**Unjust Enrichment**  
**(Plaintiff Maria Valencia-Torres, On Behalf of the Alabama Class)**

190. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth herein.

191. Plaintiff brings this claim on behalf of herself and the Alabama Class under the common law of unjust enrichment.

192. As a result of its unlawful conduct described above, Google has been and will continue to be unjustly enriched to the detriment of Plaintiff and Alabama Class Members by virtue of their purchase of virtual coins from Google to wager in social casinos through Google Play.

193. Google has profited immensely by providing marketing guidance, tools, and other assistance to the developers of social casinos and retaining a percentage of the money spent by consumers in social casinos.

194. These profits were obtained from illegal gambling in connection with Google's operation of social casinos.

195. These profits were a benefit conferred upon Google by California Class Members when purchasing coins to wager in social casinos.

196. Accordingly, because Google will be unjustly enriched if it is allowed to retain the illegal profits from social casinos, Plaintiff and each Alabama Class Member are entitled to recover the amount by which Google was unjustly enriched at their expense.

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**COUNT VI**  
**Ga. Code Ann. § 13-8-3**  
**Civil Remedy Statute for Recovery of Gambling Losses**  
**(Plaintiffs Patricia McCullough and Rozette Jones, On Behalf of the Georgia Class)**

197. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth herein.

198. Plaintiffs bring this claim on behalf of themselves and the Georgia Class under Georgia's Civil Remedy Statute for Recovery of Gambling Losses, Ga. Code. Ann. § 13-8-3, which was enacted to effectuate the State's public policy against gambling.

1           199. Ga. Code. Ann. § 13-8-3 provides: “Money paid or property delivered upon a  
2 gambling consideration may be recovered from the winner by the loser by institution of an action  
3 for the same within six months after the loss and, after the expiration of that time, by institution  
4 of an action by any person, at any time within four years, for the joint use of himself and the  
5 educational fund of the county.”

6           200. Accordingly, Ga. Code. Ann. § 13-8-3 prohibits a person or entity from profiting  
7 from gambling activity and provides for the recovery of money paid and lost due to such  
8 gambling activity.

9           201. By purchasing coins from Google to wager on social casinos, Plaintiffs and each  
10 member of the Georgia Class gambled and lost money within the meaning of Ga. Code. Ann. §  
11 13-8-3.

12           202. Google has profited and continues to profit from each payment made by Georgia  
13 Class Members to purchase virtual coins, and therefore is the “winner” of each transaction, in  
14 violation of Ga. Code. Ann. § 13-8-3.

15           203. Google’s active participation in the operation of social casinos increases its  
16 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
17 promotional offers and more to help drive discovery and increased purchases within social  
18 casinos; (2) contributes to the creation and development of social casinos by providing  
19 technology, training, and other tools that allow developers of social casinos to operate these  
20 casinos on Google’s gaming platform; and (3) offers and distributes social casinos through  
21 Google Play and facilitated all in-app purchases for social casinos in exchange for a significant  
22 percentage of the money paid and lost by Plaintiffs and Georgia Class Members to gamble in  
23 social casinos.

24           204. Plaintiffs and Georgia Class Members are therefore entitled to recover from  
25 Google the amounts they lost when gambling in social casinos through Google Play.

**COUNT VII**

**Ga. Code Ann. § 10-1-390, *et seq.***

**Georgia Fair Business Practices Act**

**(Plaintiffs Patricia McCullough and Rozette Jones, On Behalf of the Georgia Class)**

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4 205. Plaintiffs reallege and incorporate by reference all preceding allegations as though  
5 fully set forth herein.

6 206. Plaintiffs bring this action on behalf of themselves and the Georgia Class against  
7 Google.

8 207. Google, Plaintiffs, and Georgia State Class members are “persons” within the  
9 meaning of Ga. Code. Ann. § 10-1-392(a)(24).

10 208. Plaintiffs and Georgia Class members are “consumers” within the meaning of Ga.  
11 Code. Ann. § 10-1-392(a)(6).

12 209. Google is and was engaged in “trade” and “commerce” within the meaning of Ga.  
13 Code. Ann. § 10-1-392(a)(28).

14 210. The Georgia Fair Business Practices Act (“Georgia FBPA”) prohibits “[u]nfair or  
15 deceptive acts or practices in the conduct of consumer transactions and consumer acts or practices  
16 in trade or commerce[.]” Ga. Code Ann. § 10-1-393(a).

17 211. Social casinos are illegal gambling games because they are online games at which  
18 players wager things of value (virtual coins or tokens purchased with real-world money) and by  
19 an element of chance (*e.g.*, by spinning an online slot machine) are able to obtain additional  
20 entertainment and extend gameplay (by winning additional coins or tokens). In the course of its  
21 business, Google profits from illegal gambling in connection with its operation of social casinos,  
22 for which Plaintiffs and Georgia Class members purchased virtual coins and tokens. This  
23 constitutes an unfair act or practice in violation of the Georgia FBPA.

24 212. Plaintiffs and Georgia Class members purchased virtual coins or tokens for  
25 personal, family, or household purposes and suffered ascertainable loss and actual damages as a  
26 direct and proximate result of Google’s conduct.

1 213. Google’s violations present a continuing risk to Plaintiffs and Georgia Class  
2 members, as well as to the general public. Google’s unlawful acts and practices complained of  
3 herein affect the public interest.

4 214. Pursuant to Ga. Code. Ann. § 10-1-399, Plaintiffs and the Georgia Class seek an  
5 order enjoining Google’s unfair and/or deceptive acts or practices, and awarding any other just  
6 and proper relief available under the Georgia FBPA.

7  
8 **COUNT VIII**  
9 **Unjust Enrichment**  
10 **(Plaintiffs Patricia McCullough and Rozette Jones, On Behalf of the Georgia Class)**

11 215. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
12 herein.

13 216. Plaintiffs bring this claim on behalf of themselves and the Georgia Class under  
14 the common law of unjust enrichment.

15 217. As a result of its unlawful conduct described above, Google has been and will  
16 continue to be unjustly enriched to the detriment of Plaintiffs and Georgia Class Members by  
17 virtue of their purchase of virtual coins from Google to wager in social casinos through Google  
18 Play.

19 218. Google has profited immensely by providing marketing guidance, tools, and other  
20 assistance to the developers of social casinos and retaining a percentage of the money spent by  
21 consumers in social casinos.

22 219. These profits were obtained from illegal gambling in connection with Google’s  
23 operation of social casinos.

24 220. These profits were a benefit conferred upon Google by Georgia Class Members  
25 when purchasing coins to wager in social casinos.

26 221. Accordingly, because Google will be unjustly enriched if it is allowed to retain  
27 the illegal profits from social casinos, Plaintiffs and each Georgia Class Member are entitled to  
28 recover the amount by which Google was unjustly enriched at their expense.

**COUNT IX**

**720 Ill. Comp. Stat. Ann. 5/28-8**

**Civil Remedy Statute for Recovery of Gambling Losses**

**(Plaintiffs Glenna Wiegard, Ernestine Thompson, and Judy Solomon, On Behalf of the Illinois Class)**

1  
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4 222. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
5 herein.

6 223. Plaintiffs bring this claim on behalf of themselves and the Illinois Class under  
7 Illinois' Civil Remedy Statute for Recovery of Gambling Losses, 720 Ill. Comp. Stat. Ann. 5/28-  
8 8, which was enacted to effectuate the State's public policy against gambling.

9 224. 720 Ill. Comp. Stat. Ann. 5/28-8 provides: "Any person who by gambling shall  
10 lose to any other person, any sum of money or thing of value, amounting to the sum of \$50 or  
11 more and shall pay or deliver the same or any part thereof, may sue for and recover the money or  
12 other thing of value, so lost and paid or delivered, in a civil action against the winner thereof,  
13 with costs, in the circuit court. No person who accepts from another person for transmission, and  
14 transmits, either in his own name or in the name of such other person, any order for any  
15 transaction to be made upon, or who executes any order given to him by another person, or who  
16 executes any transaction for his own account on, any regular board of trade or commercial,  
17 commodity or stock exchange, shall, under any circumstances, be deemed a "winner" of any  
18 moneys lost by such other person in or through any such transactions."

19 225. Accordingly, 720 Ill. Comp. Stat. Ann. 5/28-8 prohibits a person or entity from  
20 profiting from gambling activity and provides for the recovery of money paid and lost due to  
21 such gambling activity.

22 226. By purchasing coins from Google to wager on social casinos, Plaintiffs and each  
23 member of the Illinois Class gambled and lost money within the meaning of 720 Ill. Comp. Stat.  
24 Ann. 5/28-8.

25 227. Google has profited and continues to profit from each payment made by Illinois  
26 Class Members to purchase virtual coins, and is the "winner" of each transaction, in violation of  
27 720 Ill. Comp. Stat. Ann. 5/28-8.  
28



1           236. The Illinois Consumer Fraud and Deceptive Business Practices Act (“Illinois  
2 CFDBPA”) prohibits “[U]nfair methods of competition and unfair or deceptive acts or practices,  
3 including but not limited to the use or employment of any deception fraud, false pretense, false  
4 promise, misrepresentation or the concealment, suppression or omission of any material fact, with  
5 intent that others rely upon the concealment, suppression or omission of such material fact, or the  
6 use or employment of any practice described in Section 2 of the “Uniform Deceptive Trade  
7 Practices Act” [815 ILCS 510/2], approved August 5, 1965, in the conduct of any trade or  
8 commerce[.]” 815 ILCS 505/2.

9           237. Social casinos are illegal gambling games because they are online games at which  
10 players wager things of value (virtual coins or tokens purchased with real-world money) and by  
11 an element of chance (*e.g.*, by spinning an online slot machine) are able to obtain additional  
12 entertainment and extend gameplay (by winning additional coins or tokens). In the course of its  
13 business, Google profits from illegal gambling in connection with its operation of social casinos,  
14 for which Plaintiffs and Illinois Class members purchased virtual coins and tokens. This offends  
15 public policy because it violates 720 Ill. Comp. Stat. Ann. 5/28-8. Google intended that Plaintiffs  
16 rely on its unfair practices with regard to social casinos as outlined above. This constitutes an  
17 unfair or deceptive act or practice, and thus violates the Illinois Consumer Fraud and Deceptive  
18 Business Practices Act.

19           238. Plaintiffs and Illinois Class members purchased virtual coins or tokens for  
20 personal, family, or household purposes and suffered ascertainable loss and actual damages as a  
21 direct and proximate result of Google’s conduct.

22           239. Google’s violations present a continuing risk to Plaintiffs and Illinois Class  
23 members, as well as to the general public. Google’s unlawful acts and practices complained of  
24 herein affect the public interest.

25           240. Pursuant to 815 ILCS 505/10a, Plaintiffs and Illinois Class members seek an order  
26 enjoining Google’s unfair or deceptive acts or practices and awarding damages and any other just  
27 and proper relief available under the Illinois CFDBPA.  
28

**COUNT XI**

**Unjust Enrichment**

**(Plaintiffs Glenna Wiegard, Ernestine Thompson, and Judy Solomon, On Behalf of the Illinois Class)**

241. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth herein.

242. Plaintiffs bring this claim on behalf of themselves and the Illinois Class under the common law of unjust enrichment.

243. As a result of its unlawful conduct described above, Google has been and will continue to be unjustly enriched to the detriment of Plaintiffs and Illinois Class Members by virtue of their purchase of virtual coins from Google to wager in social casinos through Google Play.

244. Google has profited immensely by providing marketing guidance, tools, and other assistance to the developers of social casinos and retaining a percentage of the money spent by consumers in social casinos.

245. These profits were obtained from illegal gambling in connection with Google's operation of social casinos.

246. These profits were a benefit conferred upon Google by Illinois Class Members when purchasing coins to wager in social casinos.

247. Accordingly, because Google will be unjustly enriched if it is allowed to retain the illegal profits from social casinos, Plaintiffs and each Illinois Class Member are entitled to recover the amount by which Google was unjustly enriched at their expense.

**COUNT XII**

**Ky. Rev. Stat. Ann. § 372.020**

**Civil Remedy Statute for Recovery of Gambling Losses**

**(Plaintiff Janice Williams, On Behalf of the Kentucky Class)**

248. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth herein.

1           249. Plaintiff brings this claim on behalf of herself and the Kentucky Class under  
2 Kentucky’s Civil Remedy Statute for Recovery of Gambling Losses, Ky. Rev. Stat. Ann. §  
3 372.020, which was enacted to effectuate the State’s public policy against gambling.

4           250. Ky. Rev. Stat. Ann. § 372.020 provides: “If any person loses to another at one (1)  
5 time, or within twenty-four (24) hours, five dollars (\$5) or more, or anything of that value, and  
6 pays, transfers or delivers it, the loser or any of his creditors may recover it, or its value, from the  
7 winner, or any transferee of the winner, having notice of the consideration, by action brought  
8 within five (5) years after the payment, transfer or delivery. Recovery may be had against the  
9 winner, although the payment, transfer or delivery was made to the endorsee, assignee, or  
10 transferee of the winner.”

11           251. Accordingly, Ky. Rev. Stat. Ann. § 372.020 prohibits a person or entity from  
12 profiting from gambling activity and provides for the recovery of money paid and lost due to  
13 such gambling activity.

14           252. By purchasing coins from Google to wager on social casinos, Plaintiff and each  
15 member of the Kentucky Class gambled and lost money within the meaning of Ky. Rev. Stat.  
16 Ann. § 372.020.

17           253. Google has profited and continues to profit from each payment made by Kentucky  
18 Class Members to purchase virtual coins, and therefore is the “winner” of each transaction, in  
19 violation of Ky. Rev. Stat. Ann. § 372.020.

20           254. Google’s active participation in the operation of social casinos increases its  
21 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
22 promotional offers and more to help drive discovery and increased purchases within social  
23 casinos; (2) contributes to the creation and development of social casinos by providing  
24 technology, training, and other tools that allow developers of social casinos to operate these  
25 casinos on Google’s gaming platform; and (3) offers and distributes social casinos through  
26 Google Play and facilitates all in-app purchases for social casinos in exchange for a significant  
27 percentage of the money paid and lost by Plaintiff and Kentucky Class Members to gamble in  
28 social casinos.





**COUNT XV**

**Minn. Stat. Ann. § 541.20**

**Civil Remedy Statute for Recovery of Gambling Losses  
(Plaintiff Jennifer Andrews, On Behalf of the Minnesota Class)**

1  
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4 272. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
5 herein.

6 273. Plaintiff brings this claim on behalf of herself and the Minnesota Class under  
7 Minnesota’s Civil Remedy Statute for Recovery of Gambling Losses, Minn. Stat. Ann. § 541.20  
8 (referred to in this Count as the “Statute”), which was enacted to effectuate the State’s public  
9 policy against gambling.

10 274. The Statute provides: “Every person who, by playing at cards, dice, or other  
11 game, or by betting on the hands or sides of such as are gambling, shall lose to any person so  
12 playing or betting any sum of money or any goods, and pays or delivers the same, or any part  
13 thereof, to the winner, may sue for and recover such money by a civil action, before any court of  
14 competent jurisdiction.”

15 275. Accordingly, the Statute prohibits a person or entity from profiting from gambling  
16 activity and provides for the recovery of money paid and lost due to such gambling activity.

17 276. By purchasing coins from Google to wager on social casinos, Plaintiff and each  
18 member of the Minnesota Class gambled and lost money within the meaning of the Statute.

19 277. Google has profited and continues to profit from each payment made by  
20 Minnesota Class Members to purchase virtual coins, and therefore is the “winner” of each  
21 transaction, in violation of the statute.

22 278. Google’s active participation in the operation of social casinos increases its  
23 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
24 promotional offers and more to help drive discovery and increased purchases within social  
25 casinos; (2) contributes to the creation and development of social casinos by providing  
26 technology, training, and other tools that allow developers of social casinos to operate these  
27 casinos on Google’s gaming platform; and (3) offers and distributes social casinos through  
28 Google Play and facilitates all in-app purchases for social casinos in exchange for a significant

1 percentage of the money paid and lost by Plaintiff and Minnesota Class Members to gamble in  
2 social casinos.

3 279. Plaintiff and Minnesota Class Members are therefore entitled to recover from  
4 Google the amounts they lost when gambling in social casinos through Google Play, in addition  
5 to costs of suit.

6 **COUNT XVI**  
7 **Unjust Enrichment**  
8 **(Plaintiff Jennifer Andrews, On Behalf of the Minnesota Class)**

9 280. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
10 herein.

11 281. Plaintiff brings this claim on behalf of herself and the Minnesota Class under the  
12 common law of unjust enrichment.

13 282. As a result of its unlawful conduct described above, Google has been and will  
14 continue to be unjustly enriched to the detriment of Plaintiff and Minnesota Class Members by  
15 virtue of their purchase of virtual coins from Google to wager in social casinos through Google  
16 Play.

17 283. Google has profited immensely by providing marketing guidance, tools, and other  
18 assistance to the developers of social casinos and retaining a percentage of the money spent by  
19 consumers in social casinos.

20 284. These profits were obtained from illegal gambling in connection with Google's  
21 operation of social casinos.

22 285. These profits were a benefit conferred upon Google by Minnesota Class Members  
23 when purchasing coins to wager in social casinos.

24 286. Accordingly, because Google will be unjustly enriched if it is allowed to retain  
25 the illegal profits from social casinos, Plaintiff and each Minnesota Class Member are entitled to  
26 recover the amount by which Google was unjustly enriched at their expense.  
27  
28

**COUNT XVII**

**Miss. Code. Ann. § 87-1-5**

**Civil Remedy Statute for Recovery of Gambling Losses**

**(Plaintiffs Edgar Smith and Frankie Killings-Larkin, On Behalf of the Mississippi Class)**

1  
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4 287. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
5 herein.

6 288. Plaintiffs bring this claim on behalf of themselves and the Mississippi Class under  
7 Mississippi’s Civil Remedy Statute for Recovery of Gambling Losses, Miss. Code. Ann. § 87-1-  
8 5 (referred to in this Count as the “Statute”), which was enacted to effectuate the State’s public  
9 policy against gambling.

10 289. The Statute provides: “If any person, by playing at any game whatever, or by  
11 betting on the sides or hands of such as do play at any game, or by betting on any horse race or  
12 cockfight, or at any other sport or pastime, or by any wager whatever, shall lose any money,  
13 property, or other valuable thing, real or personal, and shall pay or deliver the same or any part  
14 thereof, the person so losing and paying or delivering the same, or his wife or children, may sue  
15 for and recover such money, property, or other valuable thing so lost and paid or delivered, or  
16 any part thereof, from the person knowingly receiving the same, with costs.”

17 290. Accordingly, the Statute prohibits a person or entity from profiting from gambling  
18 activity and provides for the recovery of money paid and lost due to such gambling activity.

19 291. By purchasing coins from Google to wager on social casinos, Plaintiffs and each  
20 member of the Mississippi Class gambled and lost money within the meaning of the Statute.

21 292. Google has profited and continues to profit from each payment made by  
22 Mississippi Class Members to purchase virtual coins, and therefore is the “person knowingly  
23 receiving” in each transaction, in violation of the statute.

24 293. Google’s active participation in the operation of social casinos increases its  
25 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
26 promotional offers and more to help drive discovery and increased purchases within social  
27 casinos; (2) contributes to the creation and development of social casinos by providing  
28 technology, training, and other tools that allow developers of social casinos to operate these

1 casinos on Google’s gaming platform; and (3) offers and distributes social casinos through  
2 Google Play and facilitates all in-app purchases for social casinos in exchange for a significant  
3 percentage of the money paid and lost by Plaintiffs and Mississippi Class Members to gamble in  
4 social casinos.

5 294. Plaintiffs and Mississippi Class Members are therefore entitled to recover from  
6 Google the amounts they lost when gambling in social casinos through Google Play, in addition  
7 to costs of suit.

8 **COUNT XVIII**  
9 **Unjust Enrichment**  
10 **(Plaintiffs Edgar Smith and Frankie Killings-Larkin, On Behalf of the Mississippi Class)**

11 295. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
12 herein.

13 296. Plaintiffs bring this claim on behalf of themselves and the Mississippi Class under  
14 the common law of unjust enrichment.

15 297. As a result of its unlawful conduct described above, Google has been and will  
16 continue to be unjustly enriched to the detriment of Plaintiffs and Mississippi Class Members by  
17 virtue of their purchase of virtual coins from Google to wager in social casinos through Google  
18 Play.

19 298. Google has profited immensely by providing marketing guidance, tools, and other  
20 assistance to the developers of social casinos and retaining a percentage of the money spent by  
21 consumers in social casinos.

22 299. These profits were obtained from illegal gambling in connection with Google’s  
23 operation of social casinos.

24 300. These profits were a benefit conferred upon Google by Mississippi Class  
25 Members when purchasing coins to wager in social casinos.

26 301. Accordingly, because Google will be unjustly enriched if it is allowed to retain  
27 the illegal profits from social casinos, Plaintiffs and each Mississippi Class Member are entitled  
28 to recover the amount by which Google was unjustly enriched at their expense.

**COUNT XIX**

**Mo. Ann. Stat. § 434.030**

**Civil Remedy Statute for Recovery of Gambling Losses**

**(Plaintiffs Frances Long and Barbara McFarland, On Behalf of the Missouri Class)**

1  
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4 302. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
5 herein.

6 303. Plaintiffs bring this claim on behalf of themselves and the Missouri Class under  
7 Missouri’s Civil Remedy Statute for Recovery of Gambling Losses, Mo. Ann. Stat. § 434.030  
8 (referred to in this Count as the “Statute”), which was enacted to effectuate the State’s public  
9 policy against gambling.

10 304. The Statute provides: “Any person who shall lose any money or property at any  
11 game, gambling device or by any bet or wager whatever, may recover the same by a civil  
12 action.”

13 305. Accordingly, the Statute prohibits a person or entity from profiting from gambling  
14 activity and provides for the recovery of money paid and lost due to such gambling activity.

15 306. By purchasing coins from Google to wager on social casinos, Plaintiffs and each  
16 member of the Missouri Class gambled and lost money within the meaning of the Statute.

17 307. Google has profited and continues to profit from each payment made by Missouri  
18 Class Members to purchase virtual coins, and therefore is subject to “recover[y]” for each  
19 transaction, in violation of the Statute.

20 308. Google’s active participation in the operation of social casinos increases its  
21 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
22 promotional offers and more to help drive discovery and increased purchases within social  
23 casinos; (2) contributes to the creation and development of social casinos by providing  
24 technology, training, and other tools that allow developers of social casinos to operate these  
25 casinos on Google’s gaming platform; and (3) offers and distributes social casinos through  
26 Google Play and facilitates all in-app purchases for social casinos in exchange for a significant  
27 percentage of the money paid and lost by Plaintiffs and Missouri Class Members to gamble in  
28 social casinos.







1 334. Google's active participation in the operation of social casinos increases its  
2 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
3 promotional offers and more to help drive discovery and increased purchases within social  
4 casinos; (2) contributes to the creation and development of social casinos by providing  
5 technology, training, and other tools that allow developers of social casinos to operate these  
6 casinos on Google's gaming platform; and (3) offers and distributes social casinos through  
7 Google Play and facilitates all in-app purchases for social casinos in exchange for a significant  
8 percentage of the money paid and lost by Plaintiff and Montana Class Members to gamble in  
9 social casinos.

10 335. Plaintiff and Montana Class Members are therefore entitled to recover from  
11 Google the amounts they lost when gambling in social casinos through Google Play, in addition  
12 to costs of suit.

13 **COUNT XXIII**  
14 **Unjust Enrichment**  
15 **(Plaintiff Sandra Meyers, On Behalf of the Montana Class)**

16 336. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
17 herein.

18 337. Plaintiff brings this claim on behalf of herself and the Montana Class under the  
19 common law of unjust enrichment.

20 338. As a result of its unlawful conduct described above, Google has been and will  
21 continue to be unjustly enriched to the detriment of Plaintiff and Montana Class Members by  
22 virtue of their purchase of virtual coins from Google to wager in social casinos through Google  
23 Play.

24 339. Google has profited immensely by providing marketing guidance, tools, and other  
25 assistance to the developers of social casinos and retaining a percentage of the money spent by  
26 consumers in social casinos.

27 340. These profits were obtained from illegal gambling in connection with Google's  
28 operation of social casinos.

1 341. These profits were a benefit conferred upon Google by Montana Class Members  
2 when purchasing coins to wager in social casinos.

3 342. Accordingly, because Google will be unjustly enriched if it is allowed to retain  
4 the illegal profits from social casinos, Plaintiff and each Montana Class Member are entitled to  
5 recover the amount by which Google was unjustly enriched at their expense.

6 **COUNT XXIV**  
7 **N.J. Stat. Ann. § 2A:40-5**  
8 **Civil Remedy Statute for Recovery of Gambling Losses**  
9 **(Plaintiff Heather Yesuvida, On Behalf of the New Jersey Class)**

10 343. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
11 herein.

12 344. Plaintiff brings this claim on behalf of herself and the New Jersey Class under  
13 New Jersey’s Civil Remedy Statute for Recovery of Gambling Losses, N.J. Stat. Ann. § 2A:40-5  
14 (referred to in this Count as the “Statute”), which was enacted to effectuate the State’s public  
15 policy against gambling.

16 345. The Statute provides: “If any person shall lose any money, goods, chattels or  
17 other valuable thing, in violation of section 2A:40-1 of this title, and shall pay or deliver the  
18 same or any part thereof to the winner, or to any person to his use, or to a stakeholder, such  
19 person may sue for and recover such money, or the value of such goods, chattels, or other  
20 valuable thing, from such winner, or from such depository, or from such stakeholder, whether the  
21 same has been delivered or paid over by such stakeholder or not, in a civil action provided such  
22 action is brought within 6 calendar months after payment or delivery.”

23 346. Accordingly, the Statute prohibits a person or entity from profiting from gambling  
24 activity and provides for the recovery of money paid and lost due to such gambling activity.

25 347. By purchasing coins from Google to wager on social casinos, Plaintiff and each  
26 member of the New Jersey Class gambled and lost money within the meaning of the statute.

27 348. Google has profited and continues to profit from each payment made by New  
28 Jersey Class Members to purchase virtual coins, and therefore is the “winner” of each  
transaction, in violation of the Statute.

1 349. Google’s active participation in the operation of social casinos increases its  
2 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
3 promotional offers and more to help drive discovery and increased purchases within social  
4 casinos; (2) contributes to the creation and development of social casinos by providing  
5 technology, training, and other tools that allow developers of social casinos to operate these  
6 casinos on Google’s gaming platform; and (3) offers and distributes social casinos through  
7 Google Play and facilitates all in-app purchases for social casinos in exchange for a significant  
8 percentage of the money paid and lost by Plaintiff and New Jersey Class Members to gamble in  
9 social casinos.

10 350. Plaintiff and New Jersey Class Members are therefore entitled to recover from  
11 Google the amounts they lost when gambling in social casinos through Google Play, in addition  
12 to costs of suit.

13 **COUNT XXV**

14 **N.J. Stat. Ann. § 56:8-2**

15 **Unfair Acts and Practices in the Conduct of Trade or Commerce  
16 (Plaintiff Heather Yesuvida, On Behalf of the New Jersey Class)**

17 351. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
18 herein.

19 352. New Jersey’s Consumer Protection Act prohibits “any unconscionable  
20 commercial practice, deception, fraud, false pretense, false promise, misrepresentation, or the  
21 knowing, concealment, suppression, or omission of any material fact with intent that others rely  
22 upon such concealment, suppression or omission, in connection with the sale or advertisement of  
23 any merchandise.” N.J. Stat. Ann. § 56:8-2 (referred to in this count as the “Statute”).

24 353. Under the Statute, an unconscionable practice includes one which is unlawful.

25 354. Google, Plaintiff, and New Jersey Class members are “persons” within the  
26 meaning of N.J. Stat. Ann. § 56:8-2.

27 355. As set forth herein, Google violated New Jersey’s Civil Remedy Statute for  
28 Recovery of Gambling Losses.

1 356. Google’s unlawful and otherwise unconscionable practices occurred in the  
2 conduct of trade or commerce. Indeed, Google is responsible for making social casinos available  
3 to the public in trade and commerce.

4 357. Google’s practices were and are injurious to the public interest because Google  
5 continuously advertises, solicits, and enables the general public in New Jersey and throughout  
6 the United States to play unlawful and otherwise unconscionable social casinos, all while  
7 profiting from such conduct.

8 358. Such practices are part of a pattern or generalized course of conduct on the part of  
9 Google that contradicts the express public policy of New Jersey.

10 359. As a result of Google’s conduct, Plaintiff and New Jersey Class Members were  
11 injured in their business or property—i.e., economic injury—in that they lost money wagering on  
12 unlawful and otherwise unconscionable games of chance.

13 360. Google’s unlawful and otherwise unconscionable conduct proximately caused  
14 Plaintiff’s and New Jersey Class Members’ injuries because, but for the challenged conduct,  
15 Plaintiff and New Jersey Class Members would not have lost money wagering on illegal games  
16 of chance, which was a direct, foreseeable, and planned consequence of Google’s conduct.

17 361. Plaintiff, on her own behalf and on behalf of the New Jersey Class, seeks to  
18 recover, as permitted by law, actual damages and multiple damages, together with the costs of  
19 suit, including reasonable attorneys’ fees.

20 **COUNT XXVI**  
21 **Unjust Enrichment**  
22 **(Plaintiff Heather Yesuvida, On Behalf of the New Jersey Class)**

23 362. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
24 herein.

25 363. Plaintiff brings this claim on behalf of herself and the New Jersey Class under the  
26 common law of unjust enrichment.

27 364. As a result of its unlawful conduct described above, Google has been and will  
28 continue to be unjustly enriched to the detriment of Plaintiff and New Jersey Class Members by

1 virtue of their purchase of virtual coins from Google to wager in social casinos through Google  
2 Play.

3 365. Google has profited immensely by providing marketing guidance, tools, and other  
4 assistance to the developers of social casinos and retaining a percentage of the money spent by  
5 consumers in social casinos.

6 366. These profits were obtained from illegal gambling in connection with Google's  
7 operation of social casinos.

8 367. These profits were a benefit conferred upon Google by New Jersey Class  
9 Members when purchasing coins to wager in social casinos.

10 368. Accordingly, because Google will be unjustly enriched if it is allowed to retain  
11 the illegal profits from social casinos, Plaintiff and each New Jersey Class Member are entitled  
12 to recover the amount by which Google was unjustly enriched at their expense.

13 **COUNT XXVII**

14 **N.Y. Gen. Oblig. Law §§ 5-419 & 5-421**

15 **Civil Remedy Statute for Recovery of Gambling Losses**

16 **(Plaintiff Vanessa Sowell Skeeter, On Behalf of the New York Class)**

17 369. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
18 herein.

19 370. Plaintiff brings this claim on behalf of herself and the New York Class under New  
20 York's Civil Remedy Statute for Recovery of Gambling Losses, N.Y. Gen. Oblig. Law § 5-419  
21 & 5-421 (referred to in this Count as the "Statute"), which was enacted to effectuate the State's  
22 public policy against gambling.

23 371. The Statute provides: "Any person who shall pay, deliver or deposit any money,  
24 property or thing in action, upon the event of any wager or bet prohibited, may sue for and  
25 recover the same of the winner or person to whom the same shall be paid or delivered, and of the  
26 stakeholder or other person in whose hands shall be deposited any such wager, bet or stake, or  
27 any part thereof, whether the same shall have been paid over by such stakeholder or not, and  
28 whether any such wager be lost or not." The statute further provides: "Every person who shall,  
by playing at any game, or by betting on the sides or hands of such as do play, lose at any time or

1 sitting, the sum or value of twenty-five dollars or upwards, and shall pay or deliver the same or  
2 any part thereof, may, within three calendar months after such payment or delivery, sue for and  
3 recover the money or value of the things so lost and paid or delivered, from the winner thereof.”

4 372. Accordingly, the Statute prohibits a person or entity from profiting from gambling  
5 activity and provides for the recovery of money paid and lost due to such gambling activity.

6 373. By purchasing coins from Google to wager on social casinos, Plaintiff and each  
7 member of the New York Class gambled and lost money within the meaning of the Statute.

8 374. Google has profited and continues to profit from each payment made by New  
9 York Class Members to purchase virtual coins, and therefore is the “winner” (and/or “person to  
10 whom the same shall be paid or delivered”) of each transaction, in violation of the Statute.

11 375. Google’s active participation in the operation of social casinos increases its  
12 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
13 promotional offers and more to help drive discovery and increased purchases within social  
14 casinos; (2) contributes to the creation and development of social casinos by providing  
15 technology, training, and other tools that allow developers of social casinos to operate these  
16 casinos on Google’s gaming platform; and (3) offers and distributes social casinos through  
17 Google Play and facilitates all in-app purchases for social casinos in exchange for a significant  
18 percentage of the money paid and lost by Plaintiff and New York Class Members to gamble in  
19 social casinos.

20 376. Plaintiff and New York Class Members are therefore entitled to recover from  
21 Google the amounts they lost when gambling in social casinos through Google Play, in addition  
22 to costs of suit.

23 **COUNT XXVIII**  
24 **Unjust Enrichment**  
25 **(Plaintiff Vanessa Sowell Skeeter, On Behalf of the New York Class)**

26 377. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
27 herein.

28 378. Plaintiff brings this claim on behalf of herself and the New York Class under the  
common law of unjust enrichment.

1 379. As a result of its unlawful conduct described above, Google has been and will  
2 continue to be unjustly enriched to the detriment of Plaintiff and New York Class Members by  
3 virtue of their purchase of virtual coins from Google to wager in social casinos through Google  
4 Play.

5 380. Google has profited immensely by providing marketing guidance, tools, and other  
6 assistance to the developers of social casinos and retaining a percentage of the money spent by  
7 consumers in social casinos.

8 381. These profits were obtained from illegal gambling in connection with Google's  
9 operation of social casinos.

10 382. These profits were a benefit conferred upon Google by New York Class Members  
11 when purchasing coins to wager in social casinos.

12 383. Accordingly, because Google will be unjustly enriched if it is allowed to retain  
13 the illegal profits from social casinos, Plaintiff and each New York Class Member are entitled to  
14 recover the amount by which Google was unjustly enriched at their expense.

15 **COUNT XXIX**

16 **Ohio Rev. Code § 3763.02**

17 **Civil Remedy Statute for Recovery of Gambling Losses**

18 **(Plaintiff Mindy Duplain, On Behalf of the Ohio Class)**

19 384. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
20 herein.

21 385. Plaintiff brings this claim on behalf of herself and the Ohio Class under Ohio's  
22 Civil Remedy Statute for Recovery of Gambling Losses, Ohio Rev. Code § 3763.02, which was  
23 enacted to effectuate the State's public policy against gambling.

24 386. Section 3763.02 provides: "If a person, by playing a game, or by a wager, loses to  
25 another, money or other thing of value, and pays or delivers it or a part thereof, to the winner  
26 thereof, such person losing and paying or delivering, within six months after such loss and  
27 payment or delivery, may sue for and recover such money or thing of value or part thereof, from  
28 the winner thereof, with costs of suit."





1           402.   Accordingly, Section 30.740 prohibits a person or entity from profiting from  
2 gambling activity and provides for the recovery of money paid and lost due to such gambling  
3 activity.

4           403.   ORS 167.117(7) defines “gambling” as any time a person “stakes or risks  
5 something of value upon the outcome of a contest of chance or a future contingent event not  
6 under the control or influence of the person, upon an agreement or understanding that the person  
7 or someone else will receive something of value in the event of a certain outcome.”

8           404.   Players of social casinos risk something of value (virtual coins purchased with  
9 real money) upon the outcome of a future contingent event (the results of the social casinos) not  
10 under the players’ control or influence, upon the understanding that players will receive  
11 something of value (additional coins allowing them to continue playing the game for free) in the  
12 event of a certain outcome.

13           405.   Thus, by purchasing coins from Google to wager on social casinos, Plaintiff and  
14 each member of the Oregon Class gambled and lost money in illegal gambling transactions  
15 within the meaning of Section 30.740.

16           406.   Google has profited and continues to profit from each payment made by Oregon  
17 Class Members to purchase virtual coins, and therefore is both the “dealer winning” the same  
18 and a proprietor for whose benefit social casinos were played, in violation of Section 30.740.

19           407.   Google’s active participation in the operation of social casinos increases its  
20 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
21 promotional offers and more to help drive discovery and increased purchases within social  
22 casinos; (2) contributes to the creation and development of social casinos by providing  
23 technology, training, and other tools that allow developers of social casinos to operate these  
24 casinos on Google’s gaming platform; and (3) offers and distributes social casinos through  
25 Google Play and facilitates all in-app purchases for social casinos in exchange for a significant  
26 percentage of the money paid and lost by Plaintiff and Oregon Class Members to gamble in  
27 social casinos.  
28

1 408. Plaintiff and Oregon Class Members are therefore entitled to recover from Google  
2 double the amounts they lost when gambling in social casinos through Google Play.

3 **COUNT XXXII**  
4 **Unjust Enrichment**  
5 **(Plaintiff Crystal Van Fleet, On Behalf of the Oregon Class)**

6 409. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
7 herein.

8 410. Plaintiff brings this claim on behalf of herself and the Oregon Class under the  
9 common law of unjust enrichment.

10 411. As a result of its unlawful conduct described above, Google has been and will  
11 continue to be unjustly enriched to the detriment of Plaintiff and Oregon Class Members by  
12 virtue of their purchase of virtual coins from Google to wager in social casinos through Google  
13 Play.

14 412. Google has profited immensely by providing marketing guidance, tools, and other  
15 assistance to the developers of social casinos and retaining a percentage of the money spent by  
16 consumers in social casinos.

17 413. These profits were obtained from illegal gambling in connection with Google's  
18 operation of social casinos.

19 414. These profits were a benefit conferred upon Google by Oregon Class Members  
20 when purchasing coins to wager in social casinos.

21 415. Accordingly, because Google will be unjustly enriched if it is allowed to retain  
22 the illegal profits from social casinos, Plaintiff and each Oregon Class Member are entitled to  
23 recover the amount by which Google was unjustly enriched at their expense.

24 **COUNT XXXIII**  
25 **S.C. Code § 32-1-10**  
26 **Civil Remedy Statute for Recovery of Gambling Losses**  
27 **(Plaintiffs Sandra Hegler and Deborah Steese, On Behalf of the South Carolina Class)**

28 416. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
herein.

1           417. Plaintiffs bring this claim on behalf of themselves and the South Carolina Class  
2 under South Carolina’s Civil Remedy Statute for Recovery of Gambling Losses, S.C. Code § 32-  
3 1-10, which was enacted to effectuate the State’s public policy against gambling.

4           418. Section 32-1-10 provides: “Any person who shall at any time or sitting, by  
5 playing at cards, dice table or any other game whatsoever or by betting on the sides or hands of  
6 such as do play at any of the games aforesaid, lose to any person or persons so playing or betting,  
7 in the whole, the sum or value of fifty dollars and shall pay or deliver such sum or value or any  
8 part thereof shall be at liberty, within three months then next ensuing, to sue for and recover the  
9 money or goods so lost and paid or delivered or any part thereof from the respective winner or  
10 winners thereof, with costs of suit ....”

11           419. Accordingly, Section 32-1-10 prohibits a person or entity from profiting from  
12 gambling activity and provides for the recovery of money paid and lost due to such gambling  
13 activity.

14           420. By purchasing coins from Google to wager on social casinos, Plaintiffs and each  
15 member of the South Carolina Class gambled and lost money within the meaning of Section 32-  
16 1-10.

17           421. Google has profited and continues to profit from each payment made by South  
18 Carolina Class Members to purchase virtual coins, and therefore is the “winner” of each  
19 transaction, in violation of Section 32-1-10.

20           422. Google’s active participation in the operation of social casinos increases its  
21 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
22 promotional offers and more to help drive discovery and increased purchases within social  
23 casinos; (2) contributes to the creation and development of social casinos by providing  
24 technology, training, and other tools that allow developers of social casinos to operate these  
25 casinos on Google’s gaming platform; and (3) offers and distributes social casinos through  
26 Google Play and facilitates all in-app purchases for social casinos in exchange for a significant  
27 percentage of the money paid and lost by Plaintiffs and South Carolina Class Members to  
28 gamble in social casinos.

1 423. Plaintiffs and South Carolina Class Members are therefore entitled to recover  
2 from Google the amounts they lost when gambling in social casinos through Google Play, in  
3 addition to costs of suit.

4 **COUNT XXXIV**  
5 **Unjust Enrichment**  
6 **(Plaintiffs Sandra Hegler and Deborah Steese, On Behalf of the South Carolina Class)**

7 424. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
8 herein.

9 425. Plaintiffs bring this claim on behalf of themselves and the South Carolina Class  
10 under the common law of unjust enrichment.

11 426. As a result of its unlawful conduct described above, Google has been and will  
12 continue to be unjustly enriched to the detriment of Plaintiffs and South Carolina Class Members  
13 by virtue of their purchase of virtual coins from Google to wager in social casinos through  
14 Google Play.

15 427. Google has profited immensely by providing marketing guidance, tools, and other  
16 assistance to the developers of social casinos and retaining a percentage of the money spent by  
17 consumers in social casinos.

18 428. These profits were obtained from illegal gambling in connection with Google's  
19 operation of social casinos.

20 429. These profits were a benefit conferred upon Google by South Carolina Class  
21 Members when purchasing coins to wager in social casinos.

22 430. Accordingly, because Google will be unjustly enriched if it is allowed to retain  
23 the illegal profits from social casinos, Plaintiffs and each South Carolina Class Member are  
24 entitled to recover the amount by which Google was unjustly enriched at their expense.

25 **COUNT XXXV**  
26 **Va. Code § 11-15**  
27 **Civil Remedy Statute for Recovery of Gambling Losses**  
28 **(Plaintiff Terri Bruschi, On Behalf of the Virginia Class)**

431. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
herein.

1           432. Plaintiff brings this claim on behalf of herself and the Virginia Class under  
2 Virginia’s Civil Remedy Statute for Recovery of Gambling Losses, Va. Code § 11-15, which  
3 was enacted to effectuate the State’s public policy against gambling.

4           433. Section 11-15 provides: “Any person who shall, by playing at any game or betting  
5 on the sides or hands of such as play at any game, lose within twenty-four hours, the sum or  
6 value of five dollars, or more, and pay or deliver the same, or any part thereof, may, within three  
7 months next following, recover from the winner, the money or the value of the goods so lost and  
8 paid or delivered, with costs of suit in civil action, either by suit or warrant, according to the  
9 amount or value thereof.”

10           434. Accordingly, Section 11-15 prohibits a person or entity from profiting from  
11 gambling activity and provides for the recovery of money paid and lost due to such gambling  
12 activity.

13           435. By purchasing coins from Google to wager on social casinos, Plaintiff and each  
14 member of the Virginia Class gambled and lost money within the meaning of Section 11-15.

15           436. Google has profited and continues to profit from each payment made by Virginia  
16 Class Members to purchase virtual coins, and therefore is the “winner” of each transaction, in  
17 violation of Section 11-15.

18           437. Google’s active participation in the operation of social casinos increases its  
19 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
20 promotional offers and more to help drive discovery and increased purchases within social  
21 casinos; (2) contributes to the creation and development of social casinos by providing  
22 technology, training, and other tools that allow developers of social casinos to operate these  
23 casinos on Google’s gaming platform; and (3) offers and distributes social casinos through  
24 Google Play and facilitates all in-app purchases for social casinos in exchange for a significant  
25 percentage of the money paid and lost by Plaintiff and Virginia Class Members to gamble in  
26 social casinos.

1 438. Plaintiff and Virginia Class Members are therefore entitled to recover from  
2 Google the amounts they lost when gambling in social casinos through Google Play, in addition  
3 to costs of suit.

4 **COUNT XXXVI**  
5 **Unjust Enrichment**  
6 **(Plaintiff Terri Bruschi, On Behalf of the Virginia Class)**

7 439. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
8 herein.

9 440. Plaintiff brings this claim on behalf of herself and the Virginia Class under the  
10 common law of unjust enrichment.

11 441. As a result of its unlawful conduct described above, Google has been and will  
12 continue to be unjustly enriched to the detriment of Plaintiff and Virginia Class Members by  
13 virtue of their purchase of virtual coins from Google to wager in social casinos through Google  
14 Play.

15 442. Google has profited immensely by providing marketing guidance, tools, and other  
16 assistance to the developers of social casinos and retaining a percentage of the money spent by  
17 consumers in social casinos.

18 443. These profits were obtained from illegal gambling in connection with Google's  
19 operation of social casinos.

20 444. These profits were a benefit conferred upon Google by Virginia Class Members  
21 when purchasing coins to wager in social casinos.

22 445. Accordingly, because Google will be unjustly enriched if it is allowed to retain  
23 the illegal profits from social casinos, Plaintiff and each Virginia Class Member are entitled to  
24 recover the amount by which Google was unjustly enriched at their expense.

25 **COUNT XXXVII**  
26 **Wash. Rev. Code § 4.24.070**  
27 **Civil Remedy Statute for Recovery of Gambling Losses**  
28 **(Plaintiff John Dickey, On Behalf of the Washington Class)**

446. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
herein.

1           447. Plaintiff brings this claim on behalf of himself and the Washington Class under  
2 Washington’s Civil Remedy Statute for Recovery of Gambling Losses, Wash. Rev. Code §  
3 4.24.070, which was enacted to effectuate the State’s public policy against gambling.

4           448. Section 4.24.070 provides: “All persons losing money or anything of value at or  
5 on any illegal gambling games shall have a cause of action to recover from the dealer or player  
6 winning, or from the proprietor for whose benefit such game was played or dealt, or such money  
7 or things of value won, the amount of the money or the value of the thing so lost.”

8           449. Accordingly, Section 4.24.070 prohibits a person or entity from profiting from  
9 gambling activity and provides for the recovery of money paid and lost due to such gambling  
10 activity.

11           450. By purchasing coins from Google to wager on social casinos, Plaintiff and each  
12 member of the Washington Class gambled and lost money within the meaning of Section  
13 4.24.070.

14           451. “Gambling,” defined by RCW § 9.46.0237, “means staking or risking something  
15 of value upon the outcome of a contest of chance or a future contingent event not under the  
16 person’s control or influence.”

17           452. Virtual coins and tokens used to play social casinos are “thing[s] of value” under  
18 RCW § 9.46.0285.

19           453. Social casinos are illegal gambling games because they are online games at which  
20 players wager things of value (the chips) and by an element of chance (e.g., by spinning an  
21 online slot machine) are able to obtain additional entertainment and extend gameplay (by  
22 winning additional chips).

23           454. Google has profited and continues to profit from each payment made by  
24 Washington Class Members to purchase virtual coins, and therefore is both the “dealer winning”  
25 the same and a proprietor for whose benefit social casinos were played, in violation of Section  
26 4.24.070.

27           455. Google’s active participation in the operation of social casinos increases its  
28 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted

1 promotional offers and more to help drive discovery and increased purchases within social  
2 casinos; (2) contributes to the creation and development of social casinos by providing  
3 technology, training, and other tools that allow developers of social casinos to operate these  
4 casinos on Google’s gaming platform; and (3) offers and distributes social casinos through  
5 Google Play and facilitates all in-app purchases for social casinos in exchange for a significant  
6 percentage of the money paid and lost by Plaintiff and Washington Class Members to gamble in  
7 social casinos.

8 456. Plaintiff and Washington Class Members are therefore entitled to recover from  
9 Google the amounts they lost when gambling in social casinos through Google Play.

10 **COUNT XXXVIII**

11 **Wash. Rev. Code § 19.86.020**

12 **Unfair Acts and Practices in the Conduct of Trade or Commerce  
13 (Plaintiff John Dickey, On Behalf of the Washington Class)**

14 457. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
15 herein.

16 458. Washington’s Consumer Protection Act (“CPA”) prohibits any person from using  
17 “unfair methods of competition or unfair or deceptive acts or practices in the conduct of any  
18 trade or commerce.” RCW § 19.86.020.

19 459. Under the CPA, an unfair or deceptive act is one which is unlawful and against  
20 public policy as declared by the legislature or judiciary.

21 460. Plaintiff and Washington Class Members are “persons” within the meaning of  
22 RCW §§ 19.86.020 and 19.86.090.

23 461. Google violated RCW § 9.46.010, *et seq.*, which declares that it is the policy of  
24 the State of Washington to, *inter alia*, “restrain all persons from seeking profit from professional  
25 gambling activities in this state,” to “restrain all persons from patronizing such professional  
26 gambling activities,” and to “safeguard the public against the evils induced by common gamblers  
27 and common gambling houses engaged in professional gambling.” RCW § 9.46.010.  
28

1           462. Under RCW § 9.46.010, *et seq.*, unlawful “gambling” is defined as “staking or  
2 risking something of value upon the outcome of a contest of chance or a future contingent event  
3 not under the person’s control or influence.” RCW § 9.46.0237.

4           463. Virtual coins and tokens used to play social casinos are “thing[s] of value” under  
5 RCW § 9.46.0285.

6           464. Social casinos are illegal gambling games because they are online games at which  
7 players wager things of value (virtual coins or tokens purchased with real-world money) and by  
8 an element of chance (e.g., by spinning an online slot machine) are able to obtain additional  
9 entertainment and extend gameplay (by winning virtual coins or tokens).

10           465. Google operates social casinos in conjunction with the developers of those  
11 casinos and has profited immensely from its operation of unlawful games of chance, amassing  
12 hundreds of millions of dollars from illegal gambling transactions.

13           466. Google’s unlawful acts and practices occurred in the conduct of trade or  
14 commerce. Indeed, Google is responsible for making social casinos available to the public in  
15 trade and commerce.

16           467. Google’s acts and practices were and are injurious to the public interest because  
17 Google continuously advertises, solicits, and enables the general public in Washington State and  
18 throughout the United States to play unlawful social casinos, all while profiting from such  
19 conduct.

20           468. This is part of a pattern or generalized course of conduct on the part of Google  
21 that contradicts the express public policy of the State of Washington.

22           469. As a result of Google’s conduct, Plaintiff and Washington Class Members were  
23 injured in their business or property—i.e., economic injury—in that they lost money wagering on  
24 unlawful games of chance.

25           470. Google’s unlawful conduct proximately caused Plaintiff’s and Washington Class  
26 Members’ injuries because, but for the challenged conduct, Plaintiff and Washington Class  
27 Members would not have lost money wagering on illegal games of chance, which was a direct,  
28 foreseeable, and planned consequence of Google’s conduct.



**COUNT XL**  
**W. Va. Code § 55-9-2**  
**Civil Remedy Statute for Recovery of Gambling Losses**  
**(Plaintiffs Shawna Konchesky-Bair and Crystal Russell, On Behalf of the West Virginia Class)**

1  
2  
3  
4 479. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
5 herein.

6 480. Plaintiffs bring this claim on behalf of themselves and a West Virginia State Class  
7 under West Virginia’s Civil Remedy Statute for Recovery of Gambling Losses, W. Va. Code §  
8 55-9-2, which was enacted to effectuate the State’s public policy against gambling.

9 481. Section 55-9-2 provides: “If any person shall lose to another within twenty-four  
10 hours \$10 or more, or property of that value, and shall pay or deliver the same, or any part  
11 thereof, such loser may recover back from the winner the money or property, or in lieu of the  
12 property the value thereof, so lost, by suit in court, or before a justice, according to the amount or  
13 value, brought within three months after such payment or delivery....”

14 482. Accordingly, Section 55-9-2 prohibits a person or entity from profiting from  
15 gambling activity and provides for the recovery of money paid and lost due to such gambling  
16 activity.

17 483. By purchasing coins from Google to wager on social casinos, Plaintiffs and each  
18 member of the West Virginia Class gambled and lost money within the meaning of Section 55-9-  
19 2.

20 484. Google has profited and continues to profit from each payment made by West  
21 Virginia Class Members to purchase virtual coins, and therefore is the “winner” of each  
22 transaction, in violation of Section 55-9-2.

23 485. Google’s active participation in the operation of social casinos increases its  
24 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
25 promotional offers and more to help drive discovery and increased purchases within social  
26 casinos; (2) contributes to the creation and development of social casinos by providing  
27 technology, training, and other tools that allow developers of social casinos to operate these  
28 casinos on Google’s gaming platform; and (3) offers and distributes social casinos through

1 Google Play and facilitates all in-app purchases for social casinos in exchange for a significant  
2 percentage of the money paid and lost by Plaintiffs and West Virginia Class Members to gamble  
3 in social casinos.

4 486. Plaintiffs and West Virginia Class Members are therefore entitled to recover from  
5 Google the amounts they lost when gambling in social casinos through Google Play.

6 **COUNT XLI**

7 **W. Va. Code § 46A-6-104**

8 **Unfair Acts and Practices in the Conduct of Trade or Commerce**  
9 **(Plaintiffs Shawna Konchesky-Bair and Crystal Russell, On Behalf of the West Virginia**  
10 **Class)**

11 487. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
12 herein.

13 488. The West Virginia Consumer Credit and Protection Act (“CCPA”) prohibits any  
14 person from using “[u]nfair methods of competition and unfair or deceptive acts or practices in  
15 the conduct of any trade or commerce.” W. Va. Code § 46A-6-104.

16 489. Conduct that is illegal under a statute other than the CCPA and that is against  
17 public policy is a per se violation of the CCPA’s prohibition on unfair or deceptive acts or  
18 practices.

19 490. Under West Virginia law, it is unlawful to bet or wager money or another thing of  
20 value on any game of chance. W. Va. Code §61-10-5. This prohibition is part of Article 10 of the  
21 West Virginia Code, which expressly defines violations thereunder as “Crimes Against Public  
22 Policy.”

23 491. Virtual casinos are illegal gambling games because they are online games at  
24 which players wager things of value (virtual coins or tokens purchased with real-world money)  
25 and by an element of chance (e.g., by spinning an online slot machine) are able to obtain  
26 additional entertainment and extend gameplay (by winning additional coins or tokens).

27 492. Google, Plaintiffs, and West Virginia Class Members are “persons” within the  
28 meaning of W. Va. Code §§ 46A-6-104 and 46A-6-106.

1 493. Google operates social casinos in conjunction with the developers of those  
2 casinos and has profited immensely from its operation of unlawful games of chance, amassing  
3 hundreds of millions of dollars from illegal gambling transactions.

4 494. Google's unlawful acts and practices occurred in the conduct of trade or  
5 commerce. Indeed, Google is responsible for making social casinos available to the public in  
6 trade and commerce.

7 495. As a result of Google's conduct, Plaintiffs and West Virginia Class Members lost  
8 money wagering on unlawful games of chance.

9 496. Google's unlawful conduct proximately caused Plaintiffs' and West Virginia  
10 Class Members' injuries because, but for the challenged conduct, Plaintiffs and West Virginia  
11 Class Members would not have lost money wagering on illegal games of chance, which was a  
12 direct, foreseeable, and planned consequence of Google's conduct.

13 497. Plaintiffs, on their own behalf and on behalf of the West Virginia Class, seek to  
14 recover actual damages and treble damages up to the maximum amount allowed by law.

15  
16 **COUNT XLII**  
17 **Unjust Enrichment**  
18 **(Plaintiffs Shawna Konchesky-Bair and Crystal Russell, On Behalf of the West Virginia**  
19 **Class)**

20 498. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
21 herein.

22 499. Plaintiffs bring this claim on behalf of themselves and the West Virginia Class  
23 under the common law of unjust enrichment.

24 500. As a result of its unlawful conduct described above, Google has been and will  
25 continue to be unjustly enriched to the detriment of Plaintiffs and West Virginia Class Members  
26 by virtue of their purchase of virtual coins from Google to wager in social casinos through  
27 Google Play.

28 501. Google has profited immensely by providing marketing guidance, tools, and other  
assistance to the developers of social casinos and retaining a percentage of the money spent by  
consumers in social casinos.



1           509. 18 U.S.C. § 1961(1) defines “racketeering activity” to include, among other  
2 things, (i) any act which is indictable under Title 18, Section 1084 of the United States Code  
3 (relating to the transmission of gambling information); and (ii) any act which is indictable under  
4 Title 18, Section 1955 of the United States Code (relating to the prohibition of illegal gambling  
5 businesses).

6           510. Interstate gambling, including interstate internet gambling, is illegal under federal  
7 law if the gambling transaction is illegal in any states in which the transaction occurs. As  
8 relevant here, at least some portion of all alleged gambling transactions occur within California,  
9 where the alleged gambling transactions are illegal. Consequently, all alleged gambling  
10 transactions are illegal under federal law.

11           511. Specifically, illegal gambling is indictable under both Section 1084 and Section  
12 1955 of Title 18 of the United States Code, as well as under California law, and is punishable by  
13 imprisonment for more than one year.

14           512. Therefore, the Social Enterprise is engaged in “racketeering activity.”

15           513. 18 U.S.C. § 1961(6) defines “unlawful debt” as a debt “(A) incurred or contracted  
16 in gambling activity which was in violation of the law of the United States, a State or political  
17 subdivision thereof,” and “(B) which was incurred in connection with the business of gambling  
18 in violation of the law of the United States, a State or political subdivision thereof.”

19           514. Because the Social Casino Enterprise collects debts incurred from a gambling  
20 activity in violation of California and other state law, described herein, its profits derived from  
21 its ownership and maintenance constitute “unlawful debt” as defined in Section 1961(6).

22           515. Google violated 18 U.S.C. § 1962(c) and § 1962(d) by participating in,  
23 facilitating, or conducting the affairs of the Social Casino Enterprise through a pattern of  
24 racketeering activity composed of indictable offenses under 18 U.S.C. § 1084, 18 U.S.C. §  
25 1955, California Penal Code §§ 319, 330b, and 330.1.

26           516. The affiliation between the Defendant Google, the other Platforms, and the Illegal  
27 Slot companies constitutes a conspiracy to use an enterprise for the collection of unlawful debt  
28 in violation of 18 U.S.C. § 1962(d).

### Social Casino Enterprise

1  
2 517. RICO defines an enterprise as “any individual, partnership, corporation,  
3 association, or other legal entity, and any union or group of individuals associated in fact  
4 although not a legal entity.” 18 U.S.C. § 1961(4).

5 518. Under 18 U.S.C. § 1961(4), a RICO “enterprise” may be an association-in-fact  
6 that, although it has no formal legal structure, has (i) a common purpose, (ii) relationships among  
7 those associated with the enterprise, and (iii) longevity sufficient to pursue the enterprise’s  
8 purpose. *See Boyle v. United States*, 556 U.S. 938, 946 (2009).

9 519. The Social Casino Enterprise is an association-in-fact composed of Google,  
10 Apple, Facebook, and the Illegal Slot companies who are engaged in and whose activities affect  
11 interstate commerce, and which have affected and damaged interstate commercial activity. This  
12 Enterprise exists separately from the otherwise legitimate businesses operations of each  
13 individual participant.

14 520. The pattern of racketeering activity conducted by the members of the Social  
15 Casino Enterprise is distinct from the Social Casino Enterprise itself, as each act of racketeering  
16 is a separate offense committed by an entity while the Social Casino Enterprise itself is an  
17 association-in-fact of legal entities. The Social Casino Enterprise has an informal structure of app  
18 developers and platforms with continuing functions or responsibilities.

19 521. For approximately a decade, the Social Casino Enterprise has collaborated  
20 together to target and retain high-spending users in its online gambling scheme throughout the  
21 country. At the very latest, following the Ninth Circuit’s March 28, 2018 holding in *Kater*,  
22 Defendant Google and the other Platforms, on information and belief, mutually agreed to  
23 continue their Enterprise through their ongoing collection of unlawful debts, functioning as a  
24 cohesive unit with the purpose of gaining illicit gambling profits.

### Structure of the Social Casino Enterprise

25  
26 522. The Social Casino Enterprise consists of dozens of Illegal Slot companies and the  
27 Platforms (Google, Apple and Facebook). Each participant agreed to conduct and carry out the  
28 affairs and goals of the Social Casino Enterprise:

1           A. The Illegal Slot companies agreed to conduct the affairs of the Social Casino  
2 Enterprise by developing, updating and operating the illegal slot machines: the “gambling  
3 devices.” The Illegal Slot companies operate as the principals, forming the necessary business  
4 partnerships with Google, Apple and Facebook for the successful execution of their unlawful  
5 gambling scheme. The Illegal Slot companies fundamentally rely on the Platforms to host their  
6 games, access consumers, and collect revenue. Upon constructive notice of the unlawful nature  
7 of the virtual social gambling applications, the Illegal Slot companies agreed with all Enterprise  
8 participants to uphold their roles in the Social Casino Enterprise and to continue functioning as a  
9 single unit with the common purpose of collecting unlawful debts from online gambling activity.

10           B. Google, Apple and Facebook agreed to conduct the affairs of the Social Casino  
11 Enterprise by serving as the gambling premises, hosting the virtual social gambling applications  
12 and processing all in-app transactions in exchange for a share in the gamblers’ losses.  
13 Additionally, upon notice of the unlawful nature of the virtual social gambling applications,  
14 Google, Apple, and Facebook agreed with all participants to uphold their roles in the Social  
15 Casino Enterprise and to continue functioning as a single unit with the common purpose of  
16 collecting unlawful debts from online gambling activity.

17           523. At all relevant times, each Social Casino Enterprise participant was aware of the  
18 conduct of the Social Casino Enterprise, was a knowing and willing participant in that conduct,  
19 and reaped profits from that conduct through in-app sales.

20           524. The persons engaged in the Social Casino Enterprise are systematically linked  
21 through contractual relationships, financial ties, and continuing coordination of activities.

22           525. All members of the Social Casino Enterprise coordinate and maintain their  
23 respective roles in order to enrich themselves and to further the common interests of the whole.

24           526. Each Social Casino Enterprise participant participated in the operation and  
25 management of the Social Casino Enterprise by directing its affairs as described herein.

26           527. The wrongful conduct of the Social Casino Enterprise has been and remains part  
27 of the Social Casino Enterprise’s ongoing way of doing business and constitutes a continuing  
28 threat to the Plaintiffs’ and the Nationwide Class’s property. Without the repeated illegal acts

1 and intentional coordination between all participants, the Social Casino Enterprise's scheme  
2 would not have succeeded and would not pose a threat to Plaintiffs and the Nationwide Class  
3 into the future.

4 Pattern of Racketeering Activity

5 528. The affairs of the Social Casino Enterprise were conducted in such a way to form  
6 a pattern of racketeering activity. The Social Casino Enterprise's general pattern of activity  
7 consists of designing and operating illegal internet-based slot machines and repeatedly violating  
8 public policy against gambling by:

- 9 A. Developing illegal slot machine games and disguising them as innocuous video  
10 game entertainment;
- 11 B. Distributing and operating illegal slot machine games that are, on information and  
12 belief, rigged and manipulated;
- 13 C. Concealing the scope and deceptive nature of their gambling applications despite  
14 knowledge of their predatory design and business model;
- 15 D. Providing a host platform to house unlicensed gambling activity;
- 16 E. Injuring the public interest by continuously advertising to and soliciting the general  
17 public to play illegal slot machines;
- 18 F. Conspiring to uphold the Social Casino Enterprise; and
- 19 G. Unjustly collecting unlawful debts and retaining the profits from their illegal social  
20 gambling applications.

21 529. The Social Casino Enterprise has operated as a continuous unit since at least  
22 2010.

23 530. Pursuant to and in furtherance of their fraudulent scheme, Google committed  
24 multiple predicate act violations of federal and state law as previously alleged herein.

25  
26  
27  
28

1 **COUNT XLIV**  
2 **RICO § 1962(d)**  
3 **Conspiracy to Engage in Racketeering Activities and Collection of Unlawful Debts**  
4 **(Damages and Injunctive Relief)**  
5 **(All Plaintiffs, On Behalf of the Nationwide Class)**

6 531. Plaintiffs incorporate by reference the foregoing allegations as if fully set forth  
7 herein.

8 532. 18 U.S.C. § 1962(d) states that “[i]t shall be unlawful for any person to conspire  
9 to violate any of the provisions of subsection (a), (b), or (c) of this section.”

10 533. As described throughout, and in detail in Count II, even if it did not direct or  
11 manage the affairs of the Social Casino Enterprise, Google conspired to commit predicate acts in  
12 violation of § 1962(c), including violations of California Penal Code §§ 330b and 330.1.

13 534. Defendant Google acted knowingly at all times when agreeing to conduct the  
14 activities of the Social Casino Enterprise. Google agreed to and indeed did participate in the  
15 requisite pattern of racketeering activity which constitutes this RICO claim, collected unlawful  
16 debts, engaged in racketeering activities, and intentionally acted in furtherance of the conspiracy  
17 by conducting the pattern of racketeering and unlawful debt collection as described above.

18 535. At the very latest, Google had notice of the illegality of the Social Casino  
19 Enterprise as of the Ninth Circuit’s 2018 holding in *Kater*. Google’s post-*Kater* participation in  
20 the Social Casino Enterprise demonstrates its commitment to upholding and operating the  
21 structure of the Social Casino Enterprise.

22 536. As a result of Google’s conduct, Plaintiffs and Members of the Nationwide Class  
23 were deprived of money and property that they would not otherwise have lost.

24 537. Under 18 U.S.C. § 1964(c), the Class is entitled to treble their damages, plus  
25 interest, costs, and reasonable attorneys’ fees.

26 **PRAYER FOR RELIEF**

27 Plaintiffs, individually and on behalf of all others similarly situated, respectfully request  
28 that this Court enter an Order:

1 a) Certifying this case as a class action on behalf of the Classes defined above,  
2 appointing John Sarley, Renee Christian, Maria Valencia-Torres, Patricia McCullough, Rozette  
3 Jones, Glenna Wiegard, Ernestine Thompson, Janice Williams, Jennifer Andrews, Edgar Smith,  
4 Frankie Killings-Larkin, Frances Long, Barbara McFarland, Sandra Meyers, Heather Yesuvida,  
5 Vanessa Sowell Skeeter, Mindy Duplain, Crystal Van Fleet, Saundra Hegler, Deborah Steese,  
6 Terri Bruschi, John Dickey, Shawna Konchesky-Bair, Crystal Russell, and Judy Solomon as  
7 representatives of the Classes, and appointing their counsel as Class Counsel;

8 b) Declaring that Defendant's conduct, as set out above, is unlawful under  
9 California's UCL, Ala. Code § 8-1-150(a), Ala. Code § 8-19-1, *et seq.*, Ga. Code Ann. § 13-8-3,  
10 Ga. Code Ann. § 10-1-390, *et seq.*, 720 Ill. Comp. Stat. Ann. 5/28-8, 815 ILCS 505/1, *et seq.*,  
11 Ky. Rev. Stat. Ann. § 372.020, Ky. Rev. Stat. § 367.110, *et seq.*, Minn. Stat. Ann. § 541.20,  
12 Miss. Code. Ann. § 87-1-5, Mo. Ann. Stat. § 434.030, Mo. Ann. Stat. § 407.020(1), Mont. Code  
13 Ann. § 23-5-131, N.J. Stat. Ann. § 2A:40-5, N.J. Stat. Ann. § 56:8-2, N.Y. Gen. Oblig. Law §§  
14 5-419 & 5-421, Ohio Rev. Code § 3763.02, Or. Rev. Stat. § 30.740, S.C. Code § 32-1-10, Va.  
15 Code § 11-15, Wash. Rev. Code § 4.24.070, Wash. Rev. Code § 19.86.020, W. Va. Code § 55-9-  
16 2, and W. Va. Code § 46A-6-104;

17 c) Declaring that Defendant's conduct, as set out above, constitutes racketeering  
18 activities, collection of unlawful debts, and conspiracy to engage in the same;

19 d) Entering judgment against Defendant Google, in the amount of the losses suffered  
20 by Plaintiffs and each member of the Classes;

21 e) Enjoining Defendant from continuing the challenged conduct;

22 f) Awarding damages to Plaintiffs and the Class members in an amount to be  
23 determined at trial, including trebling as appropriate;

24 g) Awarding restitution to Plaintiffs and Class members in an amount to be  
25 determined at trial,

26 h) Requiring disgorgement of all of Defendant Google's ill-gotten gains;

27 i) Awarding reasonable attorney's fees and expenses;

28 j) Awarding pre- and post-judgment interest, to the extent allowable;

1 k) Requiring injunctive and/or declaratory relief as necessary to protect the interests  
2 of Plaintiffs and the Classes; and

3 l) Awarding such other and further relief as equity and justice require, including all  
4 forms of relief provided for under Plaintiffs' claims.

5 **JURY DEMAND**

6 Plaintiffs request a trial by jury of all claims that can be so tried.

7  
8 Respectfully Submitted,

9 **JOHN SARLEY, RENEE CHRISTIAN, MARIA**  
10 **VALENCIA-TORRES, PATRICIA**  
11 **MCCULLOUGH, ROZETTE JONES,**  
12 **GLENN WIEGARD, ERNESTINE**  
13 **THOMPSON, JANICE WILLIAMS,**  
14 **JENNIFER ANDREWS, EDGAR SMITH,**  
15 **FRANKIE KILLINGS-LARKIN, FRANCES**  
16 **LONG, BARBARA MCFARLAND, SANDRA**  
17 **MEYERS, HEATHER YESUVIDA, VANESSA**  
18 **SOWELL SKEETER, MINDY DUPLAIN,**  
19 **CRYSTAL VAN FLEET, SAUNDRA HEGLER,**  
20 **DEBORAH STEESE, TERRI BRUSCHI, JOHN**  
21 **DICKEY, SHAWNA KONCHESKY-BAIR,**  
22 **CRYSTAL RUSSELL, AND JUDY SOLOMON,**  
23 individually and on behalf of all others similarly  
24 situated,

25 Dated: November 22, 2021

26 **EDELSON PC**

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5 *Interim Lead Counsel*

6 [Additional Counsel Listed on Signature Page]

7 **UNITED STATES DISTRICT COURT**  
8 **NORTHERN DISTRICT OF CALIFORNIA**  
9 **SAN JOSE DIVISION**

10 **IN RE: APPLE INC. APP STORE**  
**SIMULATED CASINO-STYLE GAMES**  
**LITIGATION**

Case No. 5:21-md-02985-EJD

**PLAINTIFFS’ MASTER COMPLAINT**

**CLASS ACTION**

**JURY DEMAND**

16 Plaintiffs Robert Alldis, Cheree Bibbs, Michael Helsel, Teresa Larsen, Karen Workman,  
17 Janice Hill, Vickie Payton, Ernestine Thompson, Rebecca Vincent, Jennifer Andrews, Amy  
18 Hoven, Lue Stephens, Frankie Killings-Larkin, Mary Lancaster, Juliana Wisher, Jennifer Hoose,  
19 Sean McCloskey, Joshua McDonald, Deborah Steese, John Viglietti, Kai Griffin, Sheri Miller,  
20 Connie Zilbert, Ben Kramer, Ashley Honeysuckle, Frank Custodero, Sandra Rogers, and  
21 Sheera Harris, individually and on behalf of the proposed classes, bring this Class Action  
22 Complaint against Defendant Apple Inc. (“Defendant” or “Apple”) seeking restitution, damages,  
23 injunctive relief, and other appropriate relief from Apple’s ongoing participation in an illegal  
24 internet gambling enterprise. Plaintiffs allege as follows upon personal knowledge as to  
25 themselves and their own acts and experiences, and on information and belief derived from  
26 investigation of counsel, and review of public documents as to all other matters.  
27  
28

## INTRODUCTION

1  
2 1. Over the last decade, the world’s leading slot machine makers—companies like  
3 International Game Technology, Scientific Games Corporation, and Aristocrat Leisure—have  
4 teamed up with American technology companies to develop a new product line: social casinos.

5 2. Social casinos are apps—playable from smartphones, tablets, and internet  
6 browsers—that make the “authentic Vegas-style<sup>1</sup>” experience of slot machine gambling available  
7 to consumers anywhere and anytime. *See* Figure 1 (Screenshot of DoubleDown Casino  
8 Gameplay). By moving their casino games directly onto the phones, tablets, and computers of  
9 players, and by leveraging an innocuous-sounding “free-to-play” model,<sup>2</sup> social casino  
10 companies, along with Apple, Facebook, and Google (the “Platforms”), have found a way to  
11 smuggle slot machines into the homes of consumers nationwide, twenty-four hours a day and  
12 three-hundred-sixty-five days a year.

13 3. Just like Las Vegas slot machines, social casinos allow users to purchase virtual  
14 “chips” in exchange for real money and then gamble those chips at slot machines games in hopes  
15 of winning still more chips to keep gambling. In DoubleDown Casino, for example, players  
16 purchase “chip packages” costing up to \$499.99. *See* Figure 2 (Screenshot of “Popular” Chip  
17 Packages in DoubleDown Casino). But unlike Las Vegas slots, social casinos do not allow  
18 players to cash out their chips. Instead, purchased chips and won chips alike can be used only for  
19 more slot machine “spinning.”  
20  
21  
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24  
25

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26 <sup>1</sup> Form F-1/A Doubledown Interactive Co., Ltd. at 87,  
27 <https://sec.report/Document/0001193125-20-183157/>.

28 <sup>2</sup> This term is a misnomer. It refers to a business model by which the initial download of the game is free, but companies reap huge profits by selling “in-game” items (known generally as “in-app purchases”).

**Figure 1****Figure 2**

4. Like Las Vegas slots, social casinos are extraordinarily profitable and highly addictive. Social casinos are so lucrative because they mix the addictive aspects of traditional slot machines with the power of the Platforms, including Defendant Apple, to leverage big data and social network pressures to identify, target, and exploit consumers prone to addictive behaviors.<sup>3</sup>

5. Simply put, the social casino apps do not, and cannot, operate and profit at such a high level from these illegal games on their own. Their business of targeting, retaining, and collecting losses from addicted gamblers is inextricably entwined with the Platforms. Not only do the Platforms retain full control over allowing social casinos into their stores, and their distribution and promotion therein, but they also share directly in a substantial portion of the gamblers' losses, which are collected and controlled by the Platforms themselves.

6. Because the Platforms are the centers for distribution and payment, social casinos gain a critical partner to retain high-spending users and collect player data, a trustworthy marketplace to conduct payment transactions, and the technological means to update their apps with targeted new content designed to keep addicted players spending money.

<sup>3</sup> See, e.g., *How social casinos leverage Facebook user data to target vulnerable gamblers*, PBS NEWS HOUR, [youtube.com/watch?v=FFtkFLNjZfM](https://www.youtube.com/watch?v=FFtkFLNjZfM).

1           7.       Last year alone, consumers purchased and gambled away an estimated *\$6 billion*  
2 in social casino virtual chips.<sup>4</sup>

3           8.       By utilizing Apple for promotion, distribution, and payment processing, the social  
4 casinos entered into a mutually beneficial business partnership. In exchange for promoting and  
5 distributing the casino games, providing them valuable data and insight about their players, and  
6 collecting money from consumers, Apple (and the other Platforms) take a *30 percent*  
7 commission off of every wager, earning them billions in revenue. By comparison, the “house” at  
8 a traditional casino only takes 1 to 15 percent, while also taking on significant risk of loss in its  
9 operation. Apple’s 30 percent commission, on the other hand, is guaranteed for its ability to act  
10 as a casino “host” and bankroll.

11           9.       The result (and intent) of this dangerous partnership is that consumers become  
12 addicted to social casino apps, maxing out their credit cards with purchases amounting to tens or  
13 even hundreds of thousands of dollars. Consumers addicted to social casinos suffer a variety of  
14 non-financial damages ranging from depression to divorce to attempted suicide.

15           10.      These devastating consequences are not hypothetical or hyperbole: below are  
16 excerpts of sworn testimony from individuals describing their experiences with social casinos:

- 17
- 18       •       “There is no way to escape. . . . I actually was able to stop playing  
19 DoubleDown once, but I relapsed. DoubleDown has affected my life in so  
20 many ways. . . . Overall, I believe that I have spent well over \$220,000  
21 playing DoubleDown. . . . My husband and I dreamed of paying off our  
22 house and retiring at age 60. My addiction to DoubleDown likely ruined  
23 that plan. *The financial consequences have caused a lot of strain in our  
24 relationship. When I got hooked on DoubleDown again, I lied to my  
25 husband about the total amount I had spent because I was afraid he would  
26 divorce me if he were to find out the real amount.* He found out anyway,  
and when he did, he contacted a divorce attorney to start the process of  
separation. Luckily for me, he decided to give me another chance. I am so  
thankful for his patience with me, but I feel terrible that I have put him  
through all this.” Exhibit 1, Declaration of Ben Kramer ¶¶ 3-4, 7 (emphasis  
added).

27 <sup>4</sup> Devin O’Connor, *SciPlay Net Income Skyrockets 127 Percent, as Social Gaming*  
28 *Embraced by Americans Sheltered at Home*, CASINO.ORG (May 13, 2020),  
<https://www.casino.org/news/sciplay-net-income-skyrockets-127-percent-as-social-gaming-embraced>.

- 1 • “It is no exaggeration to say that social casinos consume my life. . . . *I have*  
2 *missed out on outings with friends, family vacations, and even holidays*  
3 *because I was playing social casinos.* I have even missed out on special  
4 milestones in my son’s life. I feel terrible about it. The financial toll has  
5 been devastating to me and my family. Overall, I believe that I have spent  
6 more than \$30,000 in social casinos. . . . *I had great credit before I started*  
7 *playing social casinos, but not anymore. My budget is so tight, and my*  
8 *addiction so strong, that I have delayed several medical appointments and*  
9 *procedures so I can spend the money in social casinos instead. We’ve even*  
10 *turned to people we know to borrow money to make ends meet, and our*  
11 *dream of buying a home appears unrealistic now.* I have a lot of guilt over  
12 my addiction to social casinos and the amount of time and money I have  
13 lost in them. I have trouble talking about it because *the guilt is so bad that*  
14 *it makes me physically ill when I think about how much money I’ve spent. I*  
15 *also have frequent insomnia from constantly worrying about how to pay*  
16 *our bills and make ends meet* because of the strain social casinos have put  
17 on my finances. Exhibit 2, Declaration of Ashley Honeysuckle ¶¶ 2, 5-8  
18 (emphasis added).

12. Unsurprisingly, social casinos are illegal under many states’ gambling laws.

13. As the Ninth Circuit held in *Kater v. Churchill Downs Inc.*, 886 F.3d 784, 785

14 (9th Cir. 2018):

15 In this appeal, we consider whether the virtual game platform “Big Fish  
16 Casino” constitutes illegal gambling under Washington law. Defendant–  
17 Appellee Churchill Downs, the game’s owner and operator, has made  
18 millions of dollars off of Big Fish Casino. However, despite collecting  
19 millions in revenue, Churchill Downs, like Captain Renault in *Casablanca*,  
purports to be shocked—shocked!—to find that Big Fish Casino could  
constitute illegal gambling. We are not. We therefore reverse the district  
court and hold that because Big Fish Casino’s virtual chips are a “thing of  
value,” Big Fish Casino constitutes illegal gambling under Washington law.

20 14. As an instructive example, DoubleDown Casino is illegal both in Washington and  
21 here in California (where the Platforms, including Defendant Apple, host it and collect their 30%  
22 commission). This year, consumers will purchase approximately \$400 million worth of virtual  
23 casino chips in DoubleDown Casino. That \$400 million will be divided up approximately as  
24 follows: \$240 million to DoubleDown; \$40 million to International Game Technology (“IGT”)  
25 (a multinational slot machine manufacturer that licenses slot machine game IP to DoubleDown);  
26 and—as particularly relevant here—the remaining \$120 million to Apple and the other Platforms  
27 (for hosting the app, driving vulnerable consumers to it, and processing the payments for those  
28 consumers’ virtual chip purchases).



1 24. Plaintiff Michael Helsel is a natural person and a citizen of the State of Alabama.

2 25. Plaintiff Teresa Larsen is a natural person and a citizen of the State of Louisiana.

3 26. Plaintiff Karen Workman is a natural person and a citizen of the State of  
4 Connecticut.

5 27. Plaintiff Janice Hill is a natural person and a citizen of the State of Connecticut.

6 28. Plaintiff Vickie Payton is a natural person and a citizen of the State of Georgia.

7 29. Plaintiff Ernestine Thompson is a natural person and a citizen of the State of  
8 Illinois.

9 30. Plaintiff Rebecca Vincent is a natural person and a citizen of the State of Indiana.

10 31. Plaintiff Jennifer Andrews is a natural person and a citizen of the State of  
11 Minnesota.

12 32. Plaintiff Amy Hoven is a natural person and a citizen of the State of Minnesota.

13 33. Plaintiff Lue Stephens is a natural person and a citizen of the State of Mississippi.

14 34. Plaintiff Frankie Killings-Larkin is a natural person and a citizen of the State of  
15 Mississippi.

16 35. Plaintiff Mary Lancaster is a natural person and a citizen of the State of Missouri.

17 36. Plaintiff Juliana Wisher is a natural person and a citizen of the State of New  
18 Mexico.

19 37. Plaintiff Jennifer Hoose is a natural person and a citizen of the State of New York.

20 38. Plaintiff Sean McCloskey is a natural person and a citizen of the State of Ohio.

21 39. Plaintiff Joshua McDonald is a natural person and a citizen of the State of  
22 Oregon.

23 40. Plaintiff Deborah Steese is a natural person and a citizen of the State of South  
24 Carolina.

25 41. Plaintiff John Viglietti is a natural person and a citizen of the State of Tennessee.

26 42. Plaintiff Kai Griffin is a natural person and a citizen of the State of Tennessee.

27 43. Plaintiff Sheri Miller is a natural person and a citizen of the State of Tennessee.

28 44. Plaintiff Connie Zilbert is a natural person and a citizen of the State of

1 Washington.

2 45. Plaintiff Ben Kramer is a natural person and a citizen of the State of Washington.

3 46. Plaintiff Ashley Honeysuckle is a natural person and a citizen of the State of  
4 Washington.

5 47. Plaintiff Frank Custodero is a natural person and a citizen of the State of Florida.

6 48. Plaintiff Sandra Rogers is a natural person and a citizen of the State of  
7 California.

8 49. Plaintiff Sheera Harris is a natural person and a citizen of the State of Ohio.

9 50. Defendant Apple Inc. is a corporation existing under the laws of the State of  
10 California with its principal place of business located at 1 Infinite Loop, Cupertino, California  
11 95014. Apple regularly conducts and transacts business in this District, as well as throughout the  
12 United States. Apple manufactures, markets, and sells the iPhone and iPad, among other  
13 electronic devices, and owns and operates the Apple App Store, which comes preinstalled on  
14 every Apple device.

15 **JURISDICTION AND VENUE**

16 51. Federal subject-matter jurisdiction exists under 28 U.S.C. § 1332(d)(2) because  
17 (a) at least one member of the proposed classes is a citizen of a state different from Defendant,  
18 (b) the amount in controversy exceeds \$5,000,000, exclusive of interests and costs, and (c) none  
19 of the exceptions under that subsection apply to this action.

20 52. Federal subject-matter jurisdiction also exists under 28 U.S.C. § 1331 because  
21 Plaintiffs allege violations of 18 U.S.C. § 1962(c)-(d).

22 53. The Court has personal jurisdiction over Defendant because Defendant is  
23 headquartered in this District and Defendant's alleged wrongful conduct occurred in and  
24 emanated from this District.

25 54. Venue is proper in this District under 28 U.S.C. § 1391(b) because a substantial  
26 part of the events giving rise to Plaintiffs' claims occurred in and emanated from this District.

27 **GENERAL ALLEGATIONS**

28 **I. Apple Promotes, Offers, Supports, and Profits From Illegal Slot Machines**

1 55. Players can access the Illegal Slots through mobile apps downloaded from the  
2 Apple App Store and can play at any time of day or night. The doors to these mobile casinos  
3 never close.

4 56. The Illegal Slots apps each contain multiple games. For example, the  
5 DoubleDown Casino app contains over 200 total titles: 186 slot titles, 21 card game titles, and 1  
6 bingo title.<sup>5</sup> The Illegal Slots derive substantially all of their revenue from their slot titles.

7 57. Many of the Illegal Slots feature the same games—sporting the same graphics and  
8 music—as can be found on an electronic slot machine in a brick-and-mortar casino. For instance,  
9 International Game Technology’s well-known slot game “Cleopatra” can be found both in  
10 physical casinos and through Apple’s DoubleDown Casino app.<sup>6</sup>

11 58. The Illegal Slots are designed to mimic the electronic slot machines found in  
12 brick-and-mortar casinos, including many of the features designed to maximize time-on-device  
13 and money spent. For example, the Illegal Slots offer multiline betting—allowing players to  
14 wager and win on multiple pay lines—which tends to keep people playing and spending for  
15 longer.<sup>7</sup>

16 59. There is no skill involved in the slot machine games offered at the Illegal Slots.  
17 Players can only place wagers (using virtual chips), and then press a button to “spin” the slot  
18 machine. It is impossible for players to affect the outcome of any spins.

19 60. Within the Illegal Slots, players are typically given an initial allotment of virtual  
20 chips for free. Players use those chips to play the animated slot machines, choosing the amount  
21 they wager on each spin. Virtual chips are won and lost based on the outcome of those spins.

22 61. Once a player loses their initial allotment of free chips, the Illegal Slots typically  
23 alert the player that he or she has insufficient funds to continue playing that slot game. Many of  
24

---

25 <sup>5</sup> Form F-1/A DoubleDown Interactive Co., Ltd. at 82,  
<https://sec.report/Document/0001193125-20-183157/>.

26 <sup>6</sup> *Id.* at 4 (“We have exclusive access to hundreds of highly recognizable, branded land-  
27 based slot titles through our partnership with IGT which enables us to deliver an authentic casino  
floor experience to our players.”).

28 <sup>7</sup> See Natasha Dow Schüll, *Addiction By Design: Machine Gambling in Las Vegas*  
(Princeton Univ. Press 2012).

1 the Illegal Slot games have minimum bet requirements, such that a player cannot continue  
2 playing that game if their chip balance falls too low.

3 62. At this point, players have three options: (i) stop playing, (ii) wait for some period  
4 of time before receiving more free chips from the Illegal Slot; or (iii) purchase more chips to  
5 keep playing—often with just a single click. To keep playing the same game immediately,  
6 players navigate to an electronic store and purchase chip packages.

7 63. Apple operates as the payment processor for all in-app purchases of virtual chips  
8 in the Illegal Slots. Apple collects the money players spend on virtual chips, takes a cut for itself,  
9 and remits the rest to the Illegal Slots.<sup>8</sup>

10 64. Purchased chips extend gameplay in the Illegal Slots because they allow players  
11 to place wagers on more spins of the slot machines.

12 65. Virtual chips cannot be used outside of any individual Illegal Slots app. The chips  
13 can only be used to (1) place wagers on slot machine spins, (2) place wagers on the few card  
14 game or bingo titles in the Illegal Slots app, or (3) give a “gift” of virtual chips to another  
15 account in the app. Substantially all virtual chips are used on slot machine spins.

16 66. Players typically run out of virtual chips quickly—within a day or two.<sup>9</sup>

17 67. Notably, while any legitimately operated slot machine must randomize its results,  
18 social casinos do not fully randomize their results. Instead, social casinos tailor “wins” and  
19 “losses” in such a way as to maximize addiction (and, in turn, revenues). As the CEO of  
20 DoubleDown Casino once explained, “[o]ur games aren’t built to be bulletproof like you’d need  
21 to be if you’re a real gambling company. We can do things to make our games more [fun] that if  
22 you were an operator in Vegas you’d go to jail for, because *we change the odds just for fun.*”<sup>10</sup>

23  
24 <sup>8</sup> *Apple Developer Program License Agreement*, Schedule 2 § 3.4, available at  
25 [https://developer.apple.com/support/downloads/terms/schedules/Schedule-2-and-3-20211021-  
English.pdf](https://developer.apple.com/support/downloads/terms/schedules/Schedule-2-and-3-20211021-English.pdf).

26 <sup>9</sup> Form F-1/A DoubleDown Interactive Co., Ltd. at 72,  
27 <https://sec.report/Document/0001193125-20-183157/> (“Th[e] timing difference [between virtual  
28 currency purchase and consumption] is relatively short.”).

<sup>10</sup> *Gambling giant IGT buying Double Down for \$500M, moving into Facebook games*,  
GEEK WIRE (Jan. 12, 2012), [https://www.geekwire.com/2012/gambling-giant-igt-buying-  
doubledown-500m-moving-facebook-games/](https://www.geekwire.com/2012/gambling-giant-igt-buying-doubledown-500m-moving-facebook-games/) [emphasis added].

1           68. Developers of social casino games, such as Scientific Games, hold patents for  
2 “dynamic paytables” in interactive games. Paytables—coded into the Illegal Slot apps—set the  
3 payout for each possible game event. In other words, they determine how many chips players  
4 receive for various spin outcomes. Use of a dynamic payable means that the payout for any  
5 given game event can change over the course of a game or over the course of a player’s use of  
6 the app.

7           69. As Scientific Games explained in their patent application, “[t]he slot machine’s  
8 dynamic payable is designed to take advantage of the observation that players are more apt to  
9 play gaming machines for longer periods of time if the payout is increased as the player  
10 continues to play the game. Other slot machines change the payable based on the amount  
11 wagered by the player.”<sup>11</sup>

12           70. On information and belief, many Illegal Slots utilize dynamic paytables. In these  
13 games, players are cheated out of a legitimately randomized slot machine experience.

14           71. Rather, the games adjust the potential payouts in order to maximize revenue—  
15 changing the gameplay and the odds in order to manipulate players into playing longer and  
16 spending more.

## 17 **II. Apple Promotes, Hosts, and Facilitates At Least Fifty Illegal Social Casinos**

18           72. The Platforms, including Defendant Apple, have directly assisted in creating and  
19 operating the unregulated market of virtual casino games from the outset of the industry.

20           73. Before gaining access to these social media platforms, the Illegal Slots used  
21 methods like loyalty cards to track data on how much gamblers spent, how frequently they  
22 played, or how often they bet. The Platform partnerships upgraded their business model to an in-  
23 app payment system and provided additional user data which skyrocketed revenue by providing  
24 them with access to a whole new market of consumers.

25           74. The Illegal Slots rely on Platforms, like Defendant Apple, to make their games  
26  
27

---

28 <sup>11</sup> United States Patent, *Dynamic Paytable for Interactive Games*, No. US 7,628,691 B2  
(Dec. 8, 2009).

1 available to players and to collect revenue.<sup>12</sup> The Illegal Slots are *only* available to play via third-  
 2 party Platforms, including on an app downloaded from the Apple App Store, on an app  
 3 downloaded from Google Play, or on Facebook (online or mobile app).

4 75. The core marketing for the Illegal Slots is accomplished in concert with the  
 5 Platforms, and their systems are inextricably linked. Here, for example, is how one social casino  
 6 maker described their partnership with the Platforms in a public securities filing:

7  
 8 Our games are distributed through several main platform providers, including  
 9 Apple, Facebook, Google, and Amazon, which also provide us valuable  
 10 information and data, such as the rankings of our games. **Substantially all of  
 our revenue is generated by players using those platforms.** Consequently, our  
 expansion and prospects depend on our continued relationships with these  
 providers[.]

11 ....

12 We focus our marketing efforts on acquiring new players and retaining existing  
 13 players. We acquire players both organically and through paid channels. Our paid  
 14 marketing includes performance marketing and dynamic media buying on  
 15 Facebook, Google, and other channels such as mobile ad networks. Underlying  
 16 our paid marketing efforts are our data analytics that allow us to estimate the  
 expected value of a player and adjust our user acquisition spend to a targeted  
 payback period. Our broad capabilities in promotions allow us to tailor  
 promotional activity around new releases, execute differentiated multi-channel  
 campaigns, and reach players with preferred creative content.

....

17 Our player retention marketing includes advertising on Facebook as well as  
 18 outreach through email, push notifications, and social media posts on channels  
 19 such as Facebook, Instagram, and Pinterest. Our data and analytics also inform  
 20 our retention marketing efforts. Campaigns are specially designed for each  
 21 channel based upon player preferences for dimensions such as time of day and  
 creative content. We consistently monitor marketing results and return on  
 investment, replacing ineffective marketing tactics to optimize and improve  
 channel performance.

....

22 We employ a rigorous, data-driven approach to player lifecycle management  
 23 from user acquisition to ongoing engagement and monetization. We use  
 24 internally-developed analytic tools to segment and target players and to  
 optimize user acquisition spend across multiple channels.

....

25 We continuously gather and analyze detailed customer play behavior and  
 26 assess this data in relation to our judgments used for revenue recognition.<sup>13</sup>

27 <sup>12</sup> Form F-1/A DoubleDown Interactive Co., Ltd. at 16,  
 28 <https://sec.report/Document/0001193125-20-183157/>.

<sup>13</sup> *Id.* at 16, 72, 85, 91.

1 76. By partnering with the Illegal Slots in marketing, distribution, and payment  
 2 processing, Defendant Apple entered into a mutually beneficial business partnership with the  
 3 Illegal Slots. In exchange for pushing and distributing the social casino apps and collecting  
 4 money from consumers, Apple and the other Platforms take a 30 percent commission off of  
 5 every in-app purchase, earning them billions in revenue.<sup>14</sup>

6 77. Apple's profits increasingly rely on revenue from its "Services" business  
 7 segment, which includes revenue from the App Store.

#### 8 **A. The Illegal Slots**

9 78. Each of the following fifty Illegal Slots allows players to gamble on online slot  
 10 machines, even in states where such gambling is unlawful.<sup>15</sup>

11 **Figure 4 – The Illegal Slots**

#	Game Title	Apple App Store URL
1	Slotomania Vegas Casino Slots	<a href="https://apps.apple.com/US/app/id447553564?l=en">https://apps.apple.com/US/app/id447553564?l=en</a>
2	Jackpot Party - Casino Slots	<a href="https://apps.apple.com/US/app/id575980917?l=en">https://apps.apple.com/US/app/id575980917?l=en</a>
3	Cashman Casino Las Vegas Slots	<a href="https://apps.apple.com/US/app/id1123582513?l=en">https://apps.apple.com/US/app/id1123582513?l=en</a>
4	DoubleDown - Casino Slots Game	<a href="https://apps.apple.com/US/app/id485126024?l=en">https://apps.apple.com/US/app/id485126024?l=en</a>
5	CashFrenzy - Slots Casino	<a href="https://apps.apple.com/US/app/id1404165333?l=en">https://apps.apple.com/US/app/id1404165333?l=en</a>
6	House of Fun: Casino Slots 777	<a href="https://apps.apple.com/US/app/id586634331?l=en">https://apps.apple.com/US/app/id586634331?l=en</a>
7	Huuuge Casino Slots Vegas 777	<a href="https://apps.apple.com/US/app/id1028362533?l=en">https://apps.apple.com/US/app/id1028362533?l=en</a>
8	Heart of Vegas Casino Slots	<a href="https://apps.apple.com/US/app/id785537179?l=en">https://apps.apple.com/US/app/id785537179?l=en</a>
9	Lightning Link Casino Slots	<a href="https://apps.apple.com/US/app/id1243005112?l=en">https://apps.apple.com/US/app/id1243005112?l=en</a>
10	POP! Slots Live Vegas Casino	<a href="https://apps.apple.com/US/app/id1065980436?l=en">https://apps.apple.com/US/app/id1065980436?l=en</a>
11	DoubleU Casino: Vegas Slots	<a href="https://apps.apple.com/US/app/id642727743?l=en">https://apps.apple.com/US/app/id642727743?l=en</a>
12	Caesars Casino: Vegas Slots	<a href="https://apps.apple.com/US/app/id603097018?l=en">https://apps.apple.com/US/app/id603097018?l=en</a>
13	Lotsa Slots - Vegas Casino	<a href="https://apps.apple.com/US/app/id1356045010?l=en">https://apps.apple.com/US/app/id1356045010?l=en</a>
14	myVEGAS Slots - Casino Slots	<a href="https://apps.apple.com/US/app/id714508224?l=en">https://apps.apple.com/US/app/id714508224?l=en</a>
15	Gold Fish Casino Slots Games	<a href="https://apps.apple.com/US/app/id806393795?l=en">https://apps.apple.com/US/app/id806393795?l=en</a>
16	Wizard of Oz: Casino Slots	<a href="https://apps.apple.com/US/app/id916869395?l=en">https://apps.apple.com/US/app/id916869395?l=en</a>
17	Quick Hit Slots - Casino Games	<a href="https://apps.apple.com/US/app/id945621521?l=en">https://apps.apple.com/US/app/id945621521?l=en</a>

14 *Apple Developer Program License Agreement*, Schedule 2 § 3.4, available at  
 15 [https://developer.apple.com/support/downloads/terms/schedules/Schedule-2-and-3-20211021-  
 16 English.pdf](https://developer.apple.com/support/downloads/terms/schedules/Schedule-2-and-3-20211021-English.pdf).

17 <sup>15</sup> For the Court's convenience, an iPad containing Apple-based versions of the Illegal Slots  
 18 will be lodged with the Court as Exhibit 3. Upon request from Apple's appearing counsel, a copy  
 19 of the iPad will be produced to Apple.

18	Cash Tornado Slots - Casino	<a href="https://apps.apple.com/US/app/id1480805172?l=en">https://apps.apple.com/US/app/id1480805172?l=en</a>
19	Billionaire Casino Slots 777	<a href="https://apps.apple.com/US/app/id1098617974?l=en">https://apps.apple.com/US/app/id1098617974?l=en</a>
20	Game of Thrones Slots Casino	<a href="https://apps.apple.com/US/app/id1369317521?l=en">https://apps.apple.com/US/app/id1369317521?l=en</a>
21	Hit it Rich! Lucky Vegas Slot	<a href="https://apps.apple.com/US/app/id694876905?l=en">https://apps.apple.com/US/app/id694876905?l=en</a>
22	my KONAMI - Real Vegas Slots	<a href="https://apps.apple.com/US/app/id1040172229?l=en">https://apps.apple.com/US/app/id1040172229?l=en</a>
23	Jackpot World - Casino Slots	<a href="https://apps.apple.com/US/app/id1356980152?l=en">https://apps.apple.com/US/app/id1356980152?l=en</a>
24	Scatter Slots - Slot Machines	<a href="https://apps.apple.com/US/app/id944158857?l=en">https://apps.apple.com/US/app/id944158857?l=en</a>
25	Double Win Slots Casino Game	<a href="https://apps.apple.com/US/app/id1382108510?l=en">https://apps.apple.com/US/app/id1382108510?l=en</a>
26	88 Fortunes Slots Casino Games	<a href="https://apps.apple.com/US/app/id1091301948?l=en">https://apps.apple.com/US/app/id1091301948?l=en</a>
27	Wynn Slots - Las Vegas Casino	<a href="https://apps.apple.com/US/app/id1323336775?l=en">https://apps.apple.com/US/app/id1323336775?l=en</a>
28	Willy Wonka Slots Vegas Casino	<a href="https://apps.apple.com/US/app/id1074470421?l=en">https://apps.apple.com/US/app/id1074470421?l=en</a>
29	Vegas Live Slots Casino	<a href="https://apps.apple.com/US/app/id1304885184?l=en">https://apps.apple.com/US/app/id1304885184?l=en</a>
30	MONOPOLY Slots - Casino Games	<a href="https://apps.apple.com/US/app/id1215145992?l=en">https://apps.apple.com/US/app/id1215145992?l=en</a>
31	Classic Casino Slots Games	<a href="https://apps.apple.com/US/app/id1116870834?l=en">https://apps.apple.com/US/app/id1116870834?l=en</a>
32	GSN Casino: Slot Machine Games	<a href="https://apps.apple.com/US/app/id469231420?l=en">https://apps.apple.com/US/app/id469231420?l=en</a>
33	Rock N' Cash Casino Slots	<a href="https://apps.apple.com/US/app/id1143409775?l=en">https://apps.apple.com/US/app/id1143409775?l=en</a>
34	Slot Machines 777 - Slots Era	<a href="https://apps.apple.com/US/app/id1133138987?l=en">https://apps.apple.com/US/app/id1133138987?l=en</a>
35	Wild Classic Slots Casino	<a href="https://apps.apple.com/US/app/id1135852485?l=en">https://apps.apple.com/US/app/id1135852485?l=en</a>
36	Club Vegas Slots: Casino Games	<a href="https://apps.apple.com/US/app/id1201054588?l=en">https://apps.apple.com/US/app/id1201054588?l=en</a>
37	Ignite Classic Slots	<a href="https://apps.apple.com/US/app/id1256307081?l=en">https://apps.apple.com/US/app/id1256307081?l=en</a>
38	Slots - Classic Vegas Casino	<a href="https://apps.apple.com/US/app/id994102781?l=en">https://apps.apple.com/US/app/id994102781?l=en</a>
39	Cash Mania - Casino Slots	<a href="https://apps.apple.com/US/app/id1518723506?l=en">https://apps.apple.com/US/app/id1518723506?l=en</a>
40	Hot Shot Casino - Slots Games	<a href="https://apps.apple.com/US/app/id986110430?l=en">https://apps.apple.com/US/app/id986110430?l=en</a>
41	Double Hit Casino: Vegas Slots	<a href="https://apps.apple.com/US/app/id1016431735?l=en">https://apps.apple.com/US/app/id1016431735?l=en</a>
42	Huge Win Slots! Casino Games	<a href="https://apps.apple.com/US/app/id1247414258?l=en">https://apps.apple.com/US/app/id1247414258?l=en</a>
43	Winning Slots Las Vegas Casino	<a href="https://apps.apple.com/US/app/id1330550298?l=en">https://apps.apple.com/US/app/id1330550298?l=en</a>
44	High 5 Casino: Home of Slots	<a href="https://apps.apple.com/US/app/id673354210?l=en">https://apps.apple.com/US/app/id673354210?l=en</a>
45	Tycoon Casino - Vegas Slots	<a href="https://apps.apple.com/US/app/id1437618231?l=en">https://apps.apple.com/US/app/id1437618231?l=en</a>
46	Casino Games - Infinity Slots	<a href="https://apps.apple.com/US/app/id950710606?l=en">https://apps.apple.com/US/app/id950710606?l=en</a>
47	Slots DoubleDown Fort Knox	<a href="https://apps.apple.com/US/app/id1334300759?l=en">https://apps.apple.com/US/app/id1334300759?l=en</a>
48	Golden Casino – Vegas Slots	<a href="https://apps.apple.com/US/app/id1216780424?l=en">https://apps.apple.com/US/app/id1216780424?l=en</a>
49	Jackpotjoy Slots New 777 Games	<a href="https://apps.apple.com/US/app/id1355023074?l=en">https://apps.apple.com/US/app/id1355023074?l=en</a>
50	Show Me Vegas Slots Casino App	<a href="https://apps.apple.com/US/app/id1172073178?l=en">https://apps.apple.com/US/app/id1172073178?l=en</a>

79. Most or all of the Illegal Slots are also hosted and promoted by the other Platform members of the Social Casino Enterprise, Google and Facebook.

**B. Apple's Facilitation, Promotion, and Control Over the Illegal Slots**

80. Apple, for its part, routinely facilitates the success of social casinos by counseling

1 the app developers through the app launch process and providing them with resources and  
2 business tools necessary to maximize their success on the Apple App Store.

3 81. Apple’s operating system for Mac computers, the iPhone smartphone, and the  
4 iPad tablet—known as iOS—is a rigidly controlled closed system.

5 82. Prior to being published in the Apple App Store, developers must submit their app  
6 for review. In this process, Apple examines whether the app violates any company policies and  
7 demands that apps comply with all relevant laws within the jurisdiction where the app is  
8 available. Apps may be, and often are, removed at Apple’s discretion for violating its policies  
9 and can be audited at any time.<sup>16</sup>

10 83. Apple closely monitors its gambling liability by responding to the changing  
11 market landscape when it deems necessary. Apple likewise heavily regulates advertising in its  
12 system that involves gambling, stating “Gaming, gambling, and lotteries can be tricky to manage  
13 and tend to be one of the most regulated offerings on the App Store. Only include this  
14 functionality if you’ve fully vetted your legal obligations everywhere you make your app  
15 available and are prepared for extra time during the review process.”<sup>17</sup>

16 84. Apple’s App Store categorizes the Illegal Slots as “Casino” games (distinct from  
17 “Arcade” games and “Card” games).

18 85. Apple also rates the Illegal Slots as “17+” indicating that the games are not  
19 appropriate for minors. In August 2019, Apple announced that “to help make the App Store safe  
20 for kids, apps that feature Frequent/Intense Simulated Gambling will be rated 17+ in all countries  
21 and regions.”<sup>18</sup>

22 86. Apple is thus keenly aware of the illegal, unfair, and deceptive nature of the  
23 Illegal Slots.

24 87. Apple also helps the Illegal Slots target consumers and maximize revenue. For  
25

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26 <sup>16</sup> *App Review*, Apple Developer, <https://developer.apple.com/app-store/review/>.

27 <sup>17</sup> *App Store Review Guidelines*, Apple.com, <https://developer.apple.com/app-store/review/guidelines/#other-business-model-issues>.

28 <sup>18</sup> *Upcoming Changes for 17+ Age Ratings and App Availability*, Apple Developer, <https://developer.apple.com/news/?id=08192019a>.

1 instance, Apple provides marketing guidance, tools, promotional offers, and more to app  
2 developers (like the developers of the Illegal Slots) to help drive users' discovery of apps and in-  
3 app purchases.<sup>19</sup>

4 88. Apple also selects apps to feature on the App Store.<sup>20</sup> Featured placement  
5 increases app installs.

6 89. Apple encourages app developers to incorporate Apple's "latest innovative Apple  
7 technologies" into their apps "to create useful and engaging experiences." For example, Apple  
8 urges developers to "[a]llow your users to . . . quickly purchase items within your app with  
9 Apple Pay, sign in to your app and website with their Apple ID, get things done with just their  
10 voice using Siri, and much more."<sup>21</sup>

11 90. Apple has publicly acknowledged its active participation in the creation of app  
12 content, stating that the commissions its charges on all App Store sales reflect the value of the  
13 "tools and software for the development, testing and distribution of developers' apps and digital  
14 content" that it provides. Defendant Apple Inc.'s Opposition to Epic Games, Inc.'s Motion for a  
15 Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should  
16 Not Issue at 4, *Epic Games, Inc. v. Apple Inc.*, No. 4:20-cv-05640-YGR (N.D. Cal., filed Aug.  
17 21, 2020) (ECF No. 36). And it admits that it "invests significant resources" to make developers'  
18 content meets its standards by engaging in "rigorous, human-assisted review" of "every iOS  
19 app." Letter from Douglas G. Vetter, Vice President & Associate General Counsel, Apple Inc., to  
20 Canon Pence, General Counsel, Epic Games, Inc., at 4, *Epic Games*, No. 3:20-cv-05640-YGR  
21 (ECF No. 37-5).

22 91. The Illegal Slot companies and Apple monitor the game activity and use the  
23 collected data to increase user spending. This access to data is critical for the developers: Since  
24 all payment processing occurs through third-party platforms, the Illegal Slot companies have  
25 limited access to personal user data unless players login through Apple or otherwise sign up for

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26 <sup>19</sup> *Promoting your apps*, Apple Developer, <https://developer.apple.com/app-store/promote/>.

27 <sup>20</sup> *Getting Featured on the App Store*, Apple Developer, <https://developer.apple.com/app-store/getting-featured/>.

28 <sup>21</sup> *Apple Developer Program*, Apple Developer, <https://developer.apple.com/programs/>.

1 loyalty programs.<sup>22</sup>

2 92. Because the Illegal Slots depend on the spending of a small, targeted audience,  
3 the Illegal Slot companies and Platforms work together to target and exploit high-spending users,  
4 or “whales,” as Illegal Slot companies like DoubleDown refer to their top spenders.<sup>23</sup>

5 93. The data that the Illegal Slot companies and the Platforms collect on monetization  
6 necessarily contributes to the structure and success of the Social Casino Enterprise.

7 94. Apple allows Illegal Slot companies to target high spending users and activate  
8 non-spending users. Apple aids in the design and direction of targeted advertising, both on and  
9 within its App Store and other related Apple platforms, all aimed at driving new customers to the  
10 Illegal Slots and retaining current gamblers

11 95. Additionally, because the Illegal Slots are required to use Apple’s payment  
12 system to process all in-game purchases, Apple collects a 30 percent service fee off of every  
13 transaction.

14 96. Because Apple acts as the “bank” for the Illegal Slots, the Platforms are entirely  
15 aware that some consumers spend *hundreds of thousands of dollars* on the Illegal Slots.

16 97. At all relevant times, Apple and the Platforms have known of the unlawful nature  
17 of the Illegal Slots and nonetheless have subjected the general public to the unlawful, predatory,  
18 and addictive games in order to maximize profits at the expense of the public’s health and  
19 welfare.

20 98. Furthermore, on information and belief, in the wake of the *Kater* decision, the  
21 Platforms did not remove social casinos from their offerings but instead conferred with each  
22 other and decided to each continue to offer illegal social casino games. This decision was  
23 consistent with the Platforms’ long history of entering into highly illegal agreements with each  
24

25  
26 <sup>22</sup> Form F-1/A Doubledown Interactive Co., Ltd. at 21,  
<https://sec.report/Document/0001193125-20-183157/>.

27 <sup>23</sup> *The Journey From a Single-App to a Multi-App Company*,  
28 <https://youtu.be/PY8gh8M6T20?t=1260> (Joe Sigrist, DoubleDown General Manager: “We track our whales”).

1 other as long as it is highly lucrative to do so.<sup>24</sup>

2 99. Despite having the ability to do so, Apple has not taken steps to limit access to the  
3 Illegal Slots, such as by geo-restricting games such that they can only be played in certain states.  
4 Apple regularly geo-restricts other gambling games where players can “cash out.”

5 100. If Apple ever discovers an illegal or fraudulent transaction in breach of its  
6 Apple’s terms or policies, it has the ability to deny developers from redeeming the proceeds in its  
7 active balance.

8 101. Unfortunately, with the Illegal Slots, Apple used their developer tools to take  
9 advantage of users with severe gambling problems.

10 102. As a result, Apple has unlawfully made billions of dollars on the backs of  
11 consumers.

### 12 **III. Players Are Harmed By the Illegal Slots Hosted by Defendant**

13 103. Millions of consumers access Illegal Slots through Apple, and at least thousands  
14 have paid money to Apple to purchase virtual chips for gambling on the Illegal Slots.

15 104. These players have been injured by Apple’s conduct because they have lost  
16 money as a result of Apple’s hosting, promoting, and facilitating of illegal gambling and Apple’s  
17 participation in unfair and unscrupulous business practices.

18 105. Many players have lost substantial sums of money to Apple and the Social Casino  
19 Enterprise. Players have maxed out credit cards, spent money they could not afford, and fallen  
20 behind on bills because they cannot stop spending money on Illegal Slots. Some players’ injuries  
21 amount to tens or even hundreds of thousands of dollars.

22 106. Many players feel addicted to the Illegal Slots—they try to stop, knowing that  
23 they are losing money and that they are playing too much, but they can’t. As long as Apple  
24 continues to offer and promote Illegal Slots and continues to facilitate the sale of virtual chips,  
25 the victimization of these players (and the accompanying harms) will persist.

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26 <sup>24</sup> See, e.g., *Exclusive: Apple, Google to pay \$324 million to settle conspiracy lawsuit*,  
27 available at [https://www.reuters.com/article/us-apple-google-lawsuit-exclusive/exclusive-apple-](https://www.reuters.com/article/us-apple-google-lawsuit-exclusive/exclusive-apple-google-to-pay-324-million-to-settle-conspiracy-lawsuit-idUSBREA3N28Z20140425)  
28 *Secret Deal Between Google and Facebook*, available at  
<https://www.nytimes.com/2021/01/17/technology/google-facebook-ad-deal-antitrust.html>.

1 107. Players addicted to Illegal Slots also suffer serious non-economic damages,  
2 ranging from depression to divorce to attempted suicide.

3 108. Many of these harms are irreparable. After-the-fact money damages cannot fix  
4 injuries like strained marriages, unsought medical treatments, skipped meals, and anxiety and  
5 self-loathing caused by Apple's and the Social Casino Enterprise's continued unlawful activity.

## 6 **FACTS SPECIFIC TO NAMED PLAINTIFFS**

### 7 **I. Ben Kramer**

8 109. Plaintiff Ben Kramer, 53, is a resident and citizen of Redmond, Washington. Mr.  
9 Kramer started playing DoubleDown Casino in approximately 2013 after discovering the game  
10 in the Apple App Store. Since he began playing DoubleDown Casino, he has regularly made  
11 purchases in the game through the Apple App Store. Mr. Kramer believes that he has spent  
12 approximately \$220,000 in DoubleDown Casino, and estimates that he plays the game  
13 approximately 48 hours each week. Mr. Kramer's addiction to social casinos has taken a  
14 significant toll on his life. He has twice used the equity in his home to pay off massive, high-  
15 interest credit card debt amassed from his spending in the games, which increased his mortgage  
16 payment and set back his schedule for paying off his house by years. This spending and debt  
17 caused enormous strain in his marriage and he believes the financial stresses caused by  
18 DoubleDown Casino have likely made his and his husband's plan to retire by age 60 impossible.

### 19 **II. Ashley Honeysuckle**

20 110. Plaintiff Ashley Honeysuckle, 36, is a resident and citizen of Gig Harbor,  
21 Washington. Ms. Honeysuckle started playing social casinos in approximately 2017 after seeing  
22 an ad on Facebook. She regularly plays and makes purchases in Lotsa Slots and Jackpot Party  
23 Casino through the Apple App Store. She believes she has made thousands of dollars in  
24 purchases as a result of Facebook ads offering promotions on virtual coins.

25 111. Social casinos have significantly impacted Ms. Honeysuckle's finances. To date,  
26 she estimates that she has spent more than \$30,000 on virtual coins. Her addiction to social  
27 casinos has caused her to fall behind on rent, car payments, and household bills. Her bank  
28 account is frequently overdrawn, which has resulted in overdraft fees. Her credit cards have been

1 maxed out, and some have been sent to collections, resulting in calls and letters from creditors.  
2 Her spending on social casinos has devastated her credit and put a heavy strain on her monthly  
3 budget. She has even delayed medical appointments and procedures in order to afford more  
4 virtual coins in social casinos and has been forced to borrow money from others to make ends  
5 meet. Because of her spending on social casinos, Ms. Honeysuckle and her spouse feel that they  
6 are unable to buy a home.

7 112. In addition to these financial impacts, social casinos have consumed Ms.  
8 Honeysuckle's life. She estimates that she plays social casinos approximately 20 hours each  
9 week and has missed out on outings with friends, holidays, family vacations, and special  
10 memories with her son because of her addiction. She struggles with severe guilt over her social  
11 casino spending, to the point that she can become physically ill when she thinks about the  
12 amount of money she has lost playing the games. She suffers from insomnia due to the financial  
13 strain from social casinos and experiences frequent anxiety.

### 14 **III. Cheree Bibbs**

15 113. Plaintiff Cheree Bibbs, 52, is a resident and citizen of Bessemer, Alabama. Ms.  
16 Bibbs plays and has paid money to DoubleDown Casino, Jackpot Party, and Slotomania through  
17 the Apple App Store. She began playing social casinos approximately 5 years ago. Ms. Bibbs  
18 estimates that she has spent approximately \$15,000 in social casinos to date, and estimates that  
19 she plays the games as much as 40 hours each week.

### 20 **IV. Robert Alldis**

21 114. Plaintiff Robert Alldis, 34, is a resident and citizen of San Diego, California. Mr.  
22 Alldis plays and has paid money on Lightning Link Casino through the Apple App Store. He  
23 started playing social casinos in approximately 2020 after seeing ads for the games on social  
24 media. Mr. Alldis estimates that he plays social casinos approximately once per week, and  
25 estimates that he has spent approximately \$1,000 to date playing the games.

### 26 **V. Michael Helsel**

27 115. Plaintiff Michael Helsel, 59, is a resident and citizen of Loxley, Alabama. Mr.  
28 Helsel currently plays Double U Casino through the Apple App Store and believes he has played

1 Big Fish Casino, Cashman Casino, DoubleDown Casino, Heart of Vegas, Hit it Rich! Lucky  
2 Vegas Casino Slots, and Jackpot Party in the past. Mr. Helsel started playing social casinos in  
3 approximately 2016 after seeing advertisements on Facebook. Since then, social casinos have  
4 had a significant impact on his life. He estimates that he plays social casinos between 7 to 10  
5 hours per week on average, and estimates that he has lost approximately \$1,000 to \$1,500 on  
6 social casinos to date.

#### 7 **VI. Teresa Larsen**

8 116. Plaintiff Teresa Larsen, 62, is a resident and citizen of Baton Rouge, Louisiana.  
9 Ms. Larsen resided in Alabama prior to November 2020, and during her Alabama residency, she  
10 played Jackpot Party, DoubleDown Casino, and Goldfish Casino Slots through the Apple App  
11 Store. She started playing social casinos in approximately 2017. Ms. Larsen believes she plays  
12 social casinos for 15 to 20 hours each week on average, and estimates that she has spent  
13 approximately \$2,000 in total playing social casinos.

#### 14 **VII. Karen Workman**

15 117. Plaintiff Karen Workman, 57, is a resident and citizen of Norwich, Connecticut.  
16 Ms. Workman believes that over time she has played well over a dozen social casino games,  
17 including Billionaire Casino Slots 777, Caesars Slots, Cash Frenzy, Double U Casino,  
18 DoubleDown Casino, Lightning Link Casino, Zynga Slots, and Slots DoubleDown Fort Knox—  
19 all through the Apple App Store. She believes she started playing social casinos in approximately  
20 December 2016. Ms. Workman estimates that she plays social casinos for, on average, 40 to 50  
21 hours per week, and estimates that she has spent approximately \$25,000 to date playing social  
22 casinos.

#### 23 **VIII. Janice Hill**

24 118. Plaintiff Janice Hill, 56, is a resident and citizen of Hartford, Connecticut. Ms.  
25 Hill plays Cash Frenzy, Club Vegas 2021, and Jackpot Party through the Apple App Store. She  
26 started playing social casinos in approximately 2018 after seeing advertisements while playing  
27 other games in the Apple App Store. Ms. Hill estimates that she plays social casinos at least 10  
28 hours each week, and believes she has spent more than \$1,000 to date playing social casinos.

**IX. Vickie Payton**

119. Plaintiff Vickie Payton, 56, is a resident and citizen of Union City, Georgia. Ms. Payton played Big Fish Casino, Cashman Casino, and DoubleDown Casino through the Apple App Store until approximately September 2021. She started playing social casinos in approximately 2016 after seeing advertisements on Facebook. Up until the time she was able to stop playing social casinos, Ms. Payton believes she played social casinos approximately 24 hours each week, and estimates that she lost approximately \$2,000.

**X. Ernestine Thompson**

120. Plaintiff Ernestine Thompson, 52, is a resident and citizen of Chicago, Illinois. Ms. Thompson plays Cashman Casino, DoubleDown Casino, Jackpot Party, and Slotomania through the Apple App Store. She started playing social casinos in approximately 2015, and she believes she currently plays social casinos approximately 3 to 4 hours each week. Ms. Thompson estimates that she has spent thousands of dollars playing social casinos.

**XI. Rebecca Vincent**

121. Plaintiff Rebecca Vincent, 66, is a resident and citizen of Owensburg, Indiana. Ms. Vincent started playing DoubleDown Casino in approximately 2018. She plays and purchases virtual coins in DoubleDown Casino through the Apple App Store. She estimates that she plays DoubleDown Casino more than 25 hours each week, and estimates she has lost more than \$4,000 to date.

**XII. Jennifer Andrews**

122. Plaintiff Jennifer Andrews, 54, is a resident and citizen of Sauk Rapids, Minnesota. Ms. Andrews started playing social casinos in approximately 2011 after seeing an advertisement on Facebook, and believes that over time she has played Caesars Slots, Cash Frenzy, Cashman Casino, Casino Jackpot Slots - Infinity Slots, Double U Casino; Heart of Vegas; Goldfish Casino Slots, Hit it Rich! Lucky Vegas Casino Slots, Jackpot Party, Jackpot Slot Machines - Slots Era Vegas Casino, Lotsa Slots, Monopoly Slots, myVEGAS Slots, Slotomania, Scatter Slots, Willy Wonka Slots, Wizard of Oz Slots, and Quick Hit Casino Games. She currently plays and makes purchases in DoubleDown Casino through the Apple App Store.

1 Ms. Andrews believes that she plays social casinos for approximately 20 hours per week on  
2 average, and estimates she has spent approximately \$80,000 playing social casinos.

3 **XIII. Amy Hoven**

4 123. Plaintiff Amy Hoven, 53, is a resident and citizen of Rochester, Minnesota. Ms.  
5 Hoven currently plays Game of Thrones Slots and Wizard of Oz Slots through the Apple App  
6 Store. She started playing social casinos in approximately October. Ms. Hoven believes that she  
7 plays social casinos for approximately 20 to 30 hours per week on average, and estimates that  
8 she has spent more than \$25,000 to date playing social casinos.

9 **XIV. Lue Stephens**

10 124. Plaintiff Lue Stephens, 62, is a resident and citizen of Aberdeen, Mississippi. Ms.  
11 Stephens currently plays Big Fish Casino and myVEGAS Slots through the Apple App Store.  
12 She started playing social casinos in approximately 2013. Ms. Stephens believes she plays social  
13 casinos approximately 48 hours per week on average, and she estimates that she has spent  
14 approximately \$22,000 to date playing social casinos.

15 **XV. Frankie Killings-Larkin**

16 125. Plaintiff Frankie Killings-Larkin, 52, is a resident and citizen of Toomsba,  
17 Mississippi. Ms. Killings-Larkin played and made purchases in DoubleDown Casino through the  
18 Apple App Store. She started playing social casinos in approximately 2017. Ms. Killings-Larkin  
19 believes she used to play social casinos for, on average, 25 hours per week. She estimates that  
20 she has spent approximately \$30,000 in the games to date.

21 **XVI. Mary Lancaster**

22 126. Plaintiff Mary Lancaster, 73, is a resident and citizen of St. Charles, Missouri.  
23 Ms. Lancaster currently plays and spends money on Double U Casino, Pop Slots, Slots ERA, and  
24 Vegas Slots through the Apple App Store. She started playing social casinos in approximately  
25 2018. Ms. Lancaster believes she plays social casinos for approximately 30 hours per week on  
26 average, and she estimates that she has spent approximately \$4,000 playing social casino apps to  
27 date.

**XVII. Juliana Wisher**

127. Plaintiff Juliana Wisher, 65, is a resident and citizen of Albuquerque, New Mexico. Ms. Wisher has played and made purchases in DoubleDown Casino, Hit it Rich! Lucky Vegas Casino Slots, Quick Hit Casino Games, Slotomania, and Wizard of Oz Slots through the Apple App Store. She estimates she started playing social casinos more than a decade ago. Ms. Wisher believes that she has played social casinos for approximately 35 hours per week on average, and estimates that she has spent approximately \$40,000 to \$50,000 playing social casinos to date.

**XVIII. Jennifer Hoose**

128. Plaintiff Jennifer Hoose, 44, is a resident and citizen of Howes Cave, New York. Ms. Hoose believes she has played and spent money on Cash Frenzy, Jackpot Party, Pop Slots, Quick Hit Casino Games, and Slotomania through the Apple App Store in the past, and she currently plays and makes purchases in DoubleDown Casino, Cashman Casino, Show me Vegas, and Lighting Link Casino Slots through the Apple App Store. She started playing social casinos in approximately 2015 after seeing ads in the Apple App Store and on Facebook. She believes she plays social casinos for between 14 and 24 hours per week, and estimates that she has lost approximately \$200 to \$300 to date.

**XIX. Sean McCloskey**

129. Plaintiff Sean McCloskey, 44, is a resident and citizen of Huber Heights, Ohio. Mr. McCloskey started playing social casinos in July 2019 after seeing advertisements that appeared in other games he played through the Apple App Store. He has made purchases in Billionaire Casino Slots 777, Cash Frenzy, and Coin Master through the Apple App Store. He estimates that he plays social casinos approximately 20 hours each week, and estimates that he has spent approximately \$800 to date in social casinos.

**XX. Joshua McDonald**

130. Plaintiff Joshua McDonald, 32, is a resident and citizen of Portland, Oregon. Mr. McDonald began playing social casinos in approximately 2018 after seeing an ad on Facebook. He believes he has made purchases in My-KONAMI Real Vegas Slots, Pop Slots, myVEGAS

1 Slots, Jackpot World, Cash Frenzy, and Double U Casino through the Apple App Store. Mr.  
2 McDonald believes he made a number of these purchases after seeing offers for promotional  
3 bundles of virtual coins at discounted prices outside the game in the Apple App Store. He  
4 estimates that he plays social casinos for approximately 25 hours each week, and estimates that  
5 he has spent approximately \$2,000 to \$3,000 on social casinos to date.

6 **XXI. Deborah Steese**

7 131. Plaintiff Deborah Steese, 52, is a resident and citizen of Cross, South Carolina.  
8 She started playing social casinos in approximately 2011 after seeing ads for the games while  
9 browsing Facebook. Since believes that, over time, she has played and made purchases in  
10 DoubleDown Casino, Heart of Vegas, Jackpot Party, Lightning Link Casino, My-KONAMI Real  
11 Vegas Slots, and Quick Hit Casino Games through the Apple App Store. She believes she plays  
12 social casinos approximately 3 hours each day and estimates that she has spent more than \$1,000  
13 in social casinos to date. Ms. Steese made a number of these purchases after seeing ads outside  
14 the games that appeared in both the Apple App Store and Google Play Store when she logged  
15 into those platforms.

16 **XXII. John Viglietti**

17 132. Plaintiff John Viglietti, 41, is a resident and citizen of Oakland, Tennessee. Mr.  
18 Viglietti started playing social casinos in approximately 2015 after seeing ads in other games he  
19 played through the Apple App Store. He believes that, over time, he has played and made  
20 purchases in Lightning Link Casino, Cashman Casino, Heart of Vegas, and Jackpot Party  
21 through the Apple App Store. Before he stopped playing the games, he believes he spent  
22 approximately 4 hours per day playing social casinos, and estimates that he spent approximately  
23 \$500 across the four games he played. He estimates that approximately half of his purchases  
24 were made after he saw promotional offers for virtual coins within the games.

25 **XXIII. Kai Griffin**

26 133. Plaintiff Kai Griffin, 51, is a resident and citizen of Thompson's Station,  
27 Tennessee. Mr. Griffin started playing social casinos in approximately 2013 after seeing ads on  
28 Facebook. He believes that he has played and made purchases in 88 Fortunes Casino, Cashman

1 Casino, DoubleDown Casino, Monopoly Slots, Quick Hit Casino Games, Slotomania, and Heart  
2 of Vegas, all through the Apple App Store. To date, he estimates that has spent between  
3 approximately \$15,000 to \$18,000 in social casinos, and estimates that he plays the games  
4 approximately 21 hours per week. He believes that a number of his purchases were made as a  
5 result of promotional offers for virtual coins he saw within the games and outside the games,  
6 while on Facebook.

7 **XXIV. Sheri Miller**

8 134. Plaintiff Sheri Miller, 72, is a resident and citizen of Jefferson City, Tennessee.  
9 Ms. Miller believes she started playing DoubleDown Casino more than a decade ago after seeing  
10 an ad on Facebook. She regularly plays and makes purchases in the game through the Apple App  
11 Store. She believes she has spent between approximately \$50,000 and \$75,000 in the game to  
12 date, and she estimates that she plays DoubleDown approximately 25 hours per week.

13 **XXV. Connie Zilbert**

14 135. Plaintiff Connie Zilbert, 67, is a resident and citizen of Deer Park, Washington.  
15 She began playing social casinos in approximately 2011 after seeing ads that appeared in her  
16 Facebook news feed. She believes that, over time, she has played and made purchases in Casino  
17 Slots DoubleDown Fort Knox, DoubleDown Casino, Heart of Vegas, and Slotomania through  
18 the Apple App Store. She estimates that she has spent approximately \$50,000 across the various  
19 games she plays, and estimates that she plays approximately 24 hours per week. She believes a  
20 large portion of her purchases were made as a result of constant ads both in the games and  
21 outside the games on Facebook.

22 **XXVI. Frank Custodero**

23 136. Plaintiff Frank Custodero, 65, is a resident and citizen of Parrish, Florida. Mr.  
24 Custodero started playing social casinos in approximately 2018. He has made purchases in  
25 Billionaire Casino Slots 777, Classic Casino Slot Games, Jackpot Slot Machines – Slots Era  
26 Vegas Casino, Lotsa Slots, and Quick Hit Casino Games through the Apple App Store. He  
27 believes he has spent approximately \$4,000 in social casinos to date, and estimates that he played  
28 the games around 12 hours per week on average.

1 **XXVII. Sandra Rogers**

2 137. Plaintiff Sandra Rogers, 53, is a resident and citizen of Livermore, California.  
3 Ms. Rogers plays and makes purchases in DoubleDown Casino through the Apple App Store.  
4 She began playing DoubleDown in 2014. Ms. Rogers estimates that she has spent a total of  
5 \$6,900 in DoubleDown Casino, and she estimates that she spends 10 hour per week on average  
6 playing the game.

7 **XXVIII. Sheera Harris**

8 138. Plaintiff Sheera Harris, 53, is a resident and citizen of Steubenville, Ohio. Ms.  
9 Harris plays and believes she has made purchases in Cashman Casino, Jackpot Mania, Lightning  
10 Link Casino, and My-KONAMI Real Vegas Slots through the Apple App Store. She estimates  
11 she began playing social casinos in 2020 and estimates that she has spent more than \$100 in  
12 social casinos to date. She estimates that she plays the games around 1 to 3 hours per day on  
13 average.

14 **CLASS ALLEGATIONS**

15 139. **Class Definitions:** Plaintiffs bring this action pursuant to Fed. R. Civ. P. 23(b)(2)  
16 and (b)(3) on behalf of themselves and Classes of similarly situated individuals, defined and  
17 represented by Class Representatives as follows:

- 18 a. California Class: All persons in California who have lost money to any Illegal  
19 Slots through the Apple platform. The California Class is represented by Class  
20 Representatives Robert Alldis and Sandra Rogers.
- 21 b. Washington Class: All persons in Washington who have lost money to any Illegal  
22 Slots through the Apple platform. The Washington Class is represented by Class  
23 Representatives Connie Zilbert, Ben Kramer, and Ashley Honeysuckle.
- 24 c. Alabama Class: All persons in Alabama who have lost money to any Illegal Slots  
25 through the Apple platform. The Alabama Class is represented by Class  
26 Representatives Cheree Bibbs, Michael Helsel, and Teresa Larsen.
- 27  
28

- 1 d. Connecticut Class: All persons in Connecticut who have lost money to any Illegal  
2 Slots through the Apple platform. The Connecticut Class is represented by Class  
3 Representatives Karen Workman and Janice Hill.
- 4 e. Georgia Class: All persons in Georgia who have lost money to any Illegal Slots  
5 through the Apple platform. The Georgia Class is represented by Class  
6 Representative Vickie Payton.
- 7 f. Illinois Class: All persons in Illinois who have lost money to any Illegal Slots  
8 through the Apple platform. The Illinois Class is represented by Class  
9 Representative Ernestine Thompson.
- 10 g. Indiana Class: All persons in Indiana who have lost money to any Illegal Slots  
11 through the Apple platform. The Indiana Class is represented by Class  
12 Representative Rebecca Vincent.
- 13 h. Minnesota Class: All persons in Minnesota who have lost money to any Illegal  
14 Slots through the Apple platform. The Minnesota Class is represented by Class  
15 Representatives Jennifer Andrews and Amy Hoven.
- 16 i. Mississippi Class: All persons in Mississippi who have lost money to any Illegal  
17 Slots through the Apple platform. The Mississippi Class is represented by Class  
18 Representatives Lue Stephens and Frankie Killings-Larkin.
- 19 j. Missouri Class: All persons in Missouri who have lost money to any Illegal Slots  
20 through the Apple platform. The Missouri Class is represented by Class  
21 Representative Mary Lancaster.
- 22 k. New Mexico Class: All persons in New Mexico who have lost money to any  
23 Illegal Slots through the Apple platform. The New Mexico Class is represented by  
24 Class Representative Juliana Wisher.
- 25 l. New York Class: All persons in New York who have lost money to any Illegal  
26 Slots through the Apple platform. The New York Class is represented by Class  
27 Representative Jennifer Hoose.
- 28

- 1 m. Ohio Class: All persons in Ohio who have lost money to any Illegal Slots through  
2 the Apple platform. The Ohio Class is represented by Class Representatives Sean  
3 McCloskey and Sheera Harris.
- 4 n. Oregon Class: All persons in Oregon who have lost money to any Illegal Slots  
5 through the Apple platform. The Oregon Class is represented by Class  
6 Representative Joshua McDonald.
- 7 o. South Carolina Class: All persons in South Carolina who have lost money to any  
8 Illegal Slots through the Apple platform. The South Carolina Class is represented  
9 by Class Representative Deborah Steese.
- 10 p. Tennessee Class: All persons in Tennessee who have lost money to any Illegal  
11 Slots through the Apple platform. The Tennessee Class is represented by Class  
12 Representatives John Viglietti, Kai Griffin, and Sheri Miller.
- 13 q. Nationwide Class: All persons in the United States who have lost money to any  
14 Illegal Slots through the Apple platform. The Nationwide Class is represented by  
15 Class Representatives Robert Alldis, Cheree Bibbs, Michael Helsel, Teresa  
16 Larsen, Karen Workman, Janice Hill, Vickie Payton, Ernestine Thompson,  
17 Rebecca Vincent, Jennifer Andrews, Amy Hoven, Lue Stephens, Frankie  
18 Killings-Larkin, Mary Lancaster, Juliana Wisher, Jennifer Hoose, Sean  
19 McCloskey, Joshua McDonald, Deborah Steese, John Viglietti, Kai Griffin, Sheri  
20 Miller, Connie Zilbert, Ben Kramer, Ashley Honeysuckle, Frank Custodero,  
21 Sandra Rogers, and Sheera Harris.

22 140. The following people are excluded from any of the Classes: (1) any Judge or  
23 Magistrate presiding over this action and members of their families; (2) Defendant, Defendant's  
24 subsidiaries, parents, successors, predecessors, and any entity in which the Defendant or its  
25 parents have a controlling interest and their current or former employees, officers and directors;  
26 (3) persons who properly execute and file a timely request for exclusion from the Classes; (4)  
27 persons whose claims in this matter have been finally adjudicated on the merits or otherwise  
28

1 released; (5) Plaintiffs' counsel and Defendant's counsel; and (6) the legal representatives,  
2 successors, and assigns of any such excluded persons.

3 141. **Numerosity:** On information and belief, tens of thousands of consumers fall into  
4 the definition of each Class. Members of the Classes can be identified through Defendant's  
5 records, discovery, and other third-party sources.

6 142. **Commonality and Predominance:** There are many questions of law and fact  
7 common to Plaintiffs' and the Classes' claims, and those questions predominate over any  
8 questions that may affect individual members of the Classes. Common questions for the Classes  
9 include, but are not necessarily limited to the following:

- 10 A. Whether the Illegal Slots are illegal under the relevant state gambling laws;  
11 B. Whether Apple, under relevant state gambling laws, is liable for managing,  
12 possessing, controlling, and/or profiting from the Illegal Slots;  
13 C. Whether Apple's participation in operating the Illegal Slots constitutes an  
14 unfair and/or unlawful business practice under relevant state consumer  
15 protection statutes;  
16 D. Whether Apple should be enjoined from further participation in the Social  
17 Casino Enterprise;  
18 E. Whether Apple is a participant in the Social Casino Enterprise; and  
19 F. Whether Apple has committed illegal predicate acts under the Racketeer  
20 Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961, *et seq.*

21 143. **Typicality:** Plaintiffs' claims are typical of the claims of other members of the  
22 Classes in that Plaintiffs and the members of the Classes sustained damages arising out of  
23 Defendant's wrongful conduct.

24 144. **Adequate Representation:** Plaintiffs will fairly and adequately represent and  
25 protect the interests of the Classes and have retained counsel competent and experienced in  
26 complex litigation and class actions. Plaintiffs' claims are representative of the claims of the  
27 other members of the Classes, as Plaintiffs and each member of the Classes lost money playing  
28 the Illegal Slots. Plaintiffs also have no interests antagonistic to those of the Classes, and

1 Defendant has no defenses unique to Plaintiffs. Plaintiffs and their counsel are committed to  
2 vigorously prosecuting this action on behalf of the Classes and have the financial resources to do  
3 so. Neither Plaintiffs nor their counsel have any interest adverse to the Classes.

4       145.     **Policies Generally Applicable to the Classes:** This class action is appropriate for  
5 certification because Defendant has acted or refused to act on grounds generally applicable to the  
6 Classes as a whole, thereby requiring the Court's imposition of uniform relief to ensure  
7 compatible standards of conduct toward the members of the Classes and making final injunctive  
8 relief appropriate with respect to the Classes as a whole. Defendant's policies that Plaintiffs  
9 challenge apply and affect members of the Classes uniformly, and Plaintiffs' challenge of these  
10 policies hinges on Defendant's conduct with respect to the Classes as a whole, not on facts or  
11 law applicable only to Plaintiffs. The factual and legal bases of Defendant's liability to Plaintiffs  
12 and to the other members of the Classes are the same.

13       146.     **Superiority:** This case is also appropriate for certification because class  
14 proceedings are superior to all other available methods for the fair and efficient adjudication of  
15 this controversy. The harm suffered by the individual members of the Classes is likely to have  
16 been relatively small compared to the burden and expense of prosecuting individual actions to  
17 redress Defendant's wrongful conduct. Absent a class action, it would be difficult for the  
18 individual members of the Classes to obtain effective relief from Defendant. Even if members of  
19 the Classes themselves could sustain such individual litigation, it would not be preferable to a  
20 class action because individual litigation would increase the delay and expense to all parties and  
21 the Court and require duplicative consideration of the legal and factual issues presented. By  
22 contrast, a class action presents far fewer management difficulties and provides the benefits of  
23 single adjudication, economy of scale, and comprehensive supervision by a single Court.  
24 Economies of time, effort, and expense will be fostered and uniformity of decisions will be  
25 ensured.

26       147.     Plaintiffs reserve the right to revise each of the foregoing allegations based on  
27 facts learned through additional investigation and in discovery.  
28

1  
2 **CAUSES OF ACTION**

3 **CLAIMS BROUGHT ON BEHALF OF THE STATE CLASSES**

4 **COUNT I**

5 **Cal. Bus. and Prof. Code § 17200, et seq. (“UCL”)**  
6 **Unlawful and Unfair Business Practices**  
7 **(Restitution and Injunctive Relief)**

8 **(Plaintiffs Robert Alldis and Saundra Rogers, On Behalf of the California Class)**

9 148. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

10 149. Plaintiffs are “person[s]” within the meaning of Cal. Bus. & Prof. Code § 17201  
11 because they are natural persons.

12 150. Plaintiffs have standing under the UCL because they suffered injury in fact and  
13 have lost money or property as a result of Apple’s unlawful and unfair conduct.

14 151. By hosting and facilitating the Illegal Slots, Apple engaged in unfair competition  
15 within the meaning of Cal. Bus. & Prof. Code § 17200 by committing unlawful, unfair, and  
16 fraudulent business acts and practices.

17 152. Slot machines have long been outlawed in California.

18 153. California law recognizes that a device can be an illegal slot machine without  
19 offering users the opportunity to win money.

20 154. In fact, if a gaming machine has the look and feel of a slot machine, accepts real  
21 money for gameplay, and rewards a winning spin with an “additional chance or right to use the  
22 slot machine or device,” the device is an illegal slot machine.

23 155. Consequently, social casinos, as described herein, are illegal slot machines under  
24 California law.

25 156. California gambling law is, on this point, consistent with the laws of many other  
26 states—including Washington. In *Kater*, for example, the Ninth Circuit held that social casinos  
27 are illegal under Washington law because, while users cannot win money, social casino chips are  
28 “things of value” because they can be purchased for money, are awarded as prizes in social  
casino slot machines, and then can be used to allow players to keep spinning social casino slot  
machines.

1           157. California aggressively regulates all forms of gambling. One reason it does so is  
2 to prevent consumers from being cheated by professional gambling operations.

3           158. Because social casinos have previously operated as if they were not subject to  
4 gambling regulations, they do not comply with any of the regulations that govern the operation  
5 of slot machines.

6           159. Notably, while any legitimately operated slot machine must randomize its results,  
7 social casinos do not randomize their results. Instead, social casinos tailor “wins” and “losses” in  
8 such a way as to maximize addiction (and, in turn, revenues).

9           160. In other words, social casinos cheat players out of a legitimately randomized slot  
10 machine experience. Not only can players never actually win money, but their financial losses  
11 are maximized by deceptive gameplay tweaks that would never be allowed in a legitimate (*i.e.*,  
12 licensed and regulated) slot machine.

13           161. The Illegal Slots are illegal slot machines as defined by Cal. Penal Code  
14 § 330b(d) because, among other reasons, when a player purchases and wagers virtual casino  
15 chips in the Illegal Slots, a winning spin affords the player an “additional chance or right to use”  
16 the Illegal Slots. Pursuant to Cal. Penal Code § 330b(a), Defendant Apple, among other violative  
17 conduct, manufactures, repairs, owns, stores, possesses, sells, rents, leases, lets on shares, lends  
18 and gives away, transports, and exposes for sale or lease, the Illegal Slots. Apple also offers to  
19 repair, sells, rents, leases, lets on shares, lends and gives away, permit the operations, placement,  
20 maintenance, and keeping of, in places, rooms, spaces, and buildings owned, leased, or occupied,  
21 managed, or controlled by Apple, the Illegal Slots.

22           162. The Illegal Slots are illegal slot machines as defined by Cal. Penal Code § 330.1  
23 because, among other reasons, when a player purchases and wagers virtual casino chips in the  
24 Illegal Slots, a winning spin affords the player an “additional chance or right to use” the Illegal  
25 Slots. Pursuant to Cal. Penal Code § 330.1(a), Defendant Apple, among other violative conduct,  
26 manufactures, owns, stores, keeps, possesses, sells, rents, leases, lets on shares, lends and gives  
27 away, transports, and exposes for sale and lease, the Illegal Slots. Apple also offers to sell, rent,  
28 lease, let on shares, lends and gives away and permits the operation of and permits to be placed,

1 maintained, used, or kept in rooms, spaces, and building owned, leased, or occupied by Apple or  
2 under Apple’s management and control, the Illegal Slots.

3 163. The Illegal Slots are also illegal lotteries as defined by Cal. Penal Code § 319.  
4 Section 319 defines a lottery as any “any scheme for the disposal or distribution of property by  
5 chance, among persons who have paid or promised to pay any valuable consideration for the  
6 chance of obtaining such property.” Thus, the elements of an illegal lottery under Section 319 are  
7 a prize (or “property”), distribution by chance, and consideration.

8 164. The Illegal Slots satisfy all three elements because players pay valuable  
9 consideration in the form of real money to purchase virtual casino chips, use those chips to try to  
10 win prizes in the form of additional free plays, and are awarded these prizes based on chance  
11 outcomes.

12 165. California law recognizes that the duty of the operator of a game of chance to  
13 permit the winner to play further games for free is an obligation arising from contract, and the  
14 right of the winning player to continue to play for free is personal property.

15 166. Apple’s hosting and facilitating of the Illegal Slots constitutes an unfair and  
16 unscrupulous business practice because—among other reasons—Apple and the Illegal Slots  
17 work together to target and exploit vulnerable and addicted players; to deceptively tweak  
18 gameplay in order to maximize time-on-device and revenue; and to operate their online slot  
19 machines outside the bounds of licensing, regulation, and tax policy.

20 167. California’s Unfair Competition Law (“UCL”), Bus. and Prof. Code § 17203,  
21 specifically authorizes this Court to issue injunctive relief to enjoin ongoing acts of unfair  
22 competition and unlawful conduct.

23 168. Under the UCL, unfair competition encompasses any unlawful act, including acts  
24 made unlawful under the penal code and acts made unlawful by federal law.

25 169. The UCL authorizes this Court to award restitution to the California Class and to  
26 enjoin Apple’s ongoing violations of Sections 330b and 330.1 of the California Penal Code, as  
27 well as violations of the federal RICO law.  
28

1 170. No plain, adequate, and complete remedy for Defendant’s conduct exists at law.  
2 Consequently, the California Class is entitled to an equitable remedy under the UCL.

3 171. Plaintiffs Robert Alldis and Sandra Rogers, on behalf of themselves and the  
4 California Class, seek an order from the Court awarding restitution to the California Class in an  
5 amount to be determined at trial and enjoining Apple from further participation in the Social  
6 Casino Enterprise.

7 **COUNT II**  
8 **Unjust Enrichment**  
9 **(Plaintiffs Robert Alldis and Sandra Rogers, On Behalf of the California Class)**

10 172. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
11 herein.

12 173. Plaintiffs bring this claim on behalf of themselves and the California Class under  
13 the common law of unjust enrichment.

14 174. As a result of its unlawful conduct described above, Apple has been and will  
15 continue to be unjustly enriched to the detriment of Plaintiffs and California Class Members by  
16 virtue of their purchase of virtual coins from Apple to wager in social casinos through the Apple  
17 App Store.

18 175. Apple has profited immensely by providing marketing guidance, tools, and other  
19 assistance to the developers of social casinos and retaining a percentage of the money spent by  
20 consumers in social casinos.

21 176. These profits were obtained from illegal gambling in connection with Apple’s  
22 operation of social casinos.

23 177. These profits were a benefit conferred upon Apple by California Class Members  
24 when purchasing coins to wager in social casinos.

25 178. Accordingly, because Apple will be unjustly enriched if it is allowed to retain the  
26 illegal profits from social casinos, Plaintiffs and each California Class Member are entitled to  
27 recover the amount by which Apple was unjustly enriched at their expense.  
28

**COUNT III**

**Ala. Code § 8-1-150(a)**

**Civil Remedy Statute for Recovery of Gambling Losses**

**(Plaintiffs Cheree Bibbs, Michael Helsel, and Teresa Larsen, On Behalf of the Alabama Class)**

1  
2  
3  
4 179. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
5 herein.

6 180. Plaintiffs bring this claim on behalf of themselves and an Alabama Class under  
7 Alabama’s Civil Remedy Statute for Recovery of Gambling Losses, Ala. Code § 8-1-150(a),  
8 which was enacted to effectuate the State’s public policy against gambling.

9 181. Ala. Code § 8-1-150(a) provides: “Any person who has paid any money or  
10 delivered any thing of value lost upon any game or wager may recover such money, thing, or its  
11 value by an action commenced within six months from the time of such payment or delivery.”

12 182. Accordingly, Ala. Code § 8-1-150(a) prohibits a person or entity from profiting  
13 from gambling activity and provides for the recovery of money paid and lost due to such  
14 gambling activity.

15 183. By purchasing coins from Apple to wager on social casinos, Plaintiffs and each  
16 member of the Alabama Class paid money or gambled and lost money within the meaning of  
17 Ala. Code § 8-1-150(a).

18 184. Apple has profited and continues to profit from each payment made by Alabama  
19 Class Members to purchase virtual coins, and therefore is in violation of Ala. Code § 8-1-150(a).

20 185. Apple’s active participation in the operation of social casinos increases its  
21 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
22 promotional offers and more to help drive discovery and increased purchases within social  
23 casinos; (2) contributes to the creation and development of social casinos by providing  
24 technology, training, and other tools that allow developers of social casinos to operate these  
25 casinos on Apple’s gaming platform; and (3) offers and distributes social casinos through the  
26 App Store and facilitates all in-app purchases for social casinos in exchange for a significant  
27 percentage of the money paid and lost by Plaintiffs and Alabama Class Members to gamble in  
28 social casinos.

1 186. Plaintiffs and Alabama Class Members are therefore entitled to recover from  
2 Apple the amounts they lost when gambling in social casinos through the App Store.

3 **COUNT IV**  
4 **Ala. Code § 8-19-1, et seq.**  
5 **Alabama Deceptive Trade Practices Act**  
6 **(Plaintiffs Cheree Bibbs, Michael Helsel, and Teresa Larsen, On Behalf of the Alabama**  
7 **Class)**

7 187. Plaintiffs reallege and incorporate by reference all preceding allegations as though  
8 fully set forth herein.

9 188. Plaintiffs bring this action on behalf of themselves and the Alabama State Class  
10 against Apple.

11 189. Apple, Plaintiffs, and Alabama Class members are “persons” within the meaning  
12 of Ala. Code § 8-19-3(5).

13 190. Plaintiffs and Alabama Class members are “consumers” within the meaning of  
14 Ala. Code § 8-19-3(2).

15 191. Virtual coins and tokens used to play social casinos are “goods” within the  
16 meaning of Ala. Code. § 8-19-3(3).

17 192. Apple is and was engaged in “trade or commerce” within the meaning of Ala.  
18 Code § 8-19-3(8).

19 193. The Alabama Deceptive Trade Practices Act (“Alabama DTPA”) prohibits  
20 “deceptive acts or practices in the conduct of any trade or commerce[.]” Ala. Code § 8-19-5.

21 194. The Alabama DTPA makes unlawful “engaging in any other unconscionable,  
22 false, misleading, or deceptive act or practice in the conduct of trade or commerce.” *Id.* § 8-19-  
23 5(27).

24 195. Social casinos are illegal gambling games because they are online games at which  
25 players wager things of value (virtual coins or tokens purchased with real-world money) and by  
26 an element of chance (*e.g.*, by spinning an online slot machine) are able to obtain additional  
27 entertainment and extend gameplay (by winning additional coins or tokens). In the course of its  
28 business, Apple profits from illegal gambling in connection with its operation of social casinos,

1 for which Plaintiffs and Alabama Class members purchased virtual coins and tokens. This  
2 constitutes an unconscionable act or practice and thus is in violation of the Alabama DTPA.

3 196. Plaintiffs and Alabama Class members purchased virtual coins or tokens for  
4 personal, family, or household purposes and suffered ascertainable loss and actual damages as a  
5 direct and proximate result of Apple's unconscionable acts.

6 197. Apple's violations present a continuing risk to Plaintiffs and Alabama Class  
7 members, as well as to the general public. Apple's unlawful acts and practices complained of  
8 herein affect the public interest.

9 198. Pursuant to Ala. Code § 8-19-10, Plaintiffs and Alabama Class members seek an  
10 order enjoining Apple's unfair or deceptive acts or practices and awarding damages and any other  
11 just and proper relief available under the Alabama DTPA.

12 **COUNT V**  
13 **Unjust Enrichment**  
14 **(Plaintiffs Cheree Bibbs, Michael Helsel, and Teresa Larsen, On Behalf of the Alabama Class)**

15 199. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
16 herein.

17 200. Plaintiffs bring this claim on behalf of themselves and the Alabama Class under  
18 the common law of unjust enrichment.

19 201. As a result of its unlawful conduct described above, Apple has been and will  
20 continue to be unjustly enriched to the detriment of Plaintiffs and Alabama Class Members by  
21 virtue of their purchase of virtual coins from Apple to wager in social casinos through the Apple  
22 App Store.

23 202. Apple has profited immensely by providing marketing guidance, tools, and other  
24 assistance to the developers of social casinos and retaining a percentage of the money spent by  
25 consumers in social casinos.

26 203. These profits were obtained from illegal gambling in connection with Apple's  
27 operation of social casinos.







1 virtue of their purchase of virtual coins from Apple to wager in social casinos through the Apple  
2 App Store.

3 226. Apple has profited immensely by providing marketing guidance, tools, and other  
4 assistance to the developers of social casinos and retaining a percentage of the money spent by  
5 consumers in social casinos.

6 227. These profits were obtained from illegal gambling in connection with Apple's  
7 operation of social casinos.

8 228. These profits were a benefit conferred upon Apple by Connecticut Class Members  
9 when purchasing coins to wager in social casinos.

10 229. Accordingly, because Apple will be unjustly enriched if it is allowed to retain the  
11 illegal profits from social casinos, Plaintiffs and each Connecticut Class Member are entitled to  
12 recover the amount by which Apple was unjustly enriched at their expense.

13 **COUNT IX**

14 **Ga. Code Ann. § 13-8-3**

15 **Civil Remedy Statute for Recovery of Gambling Losses  
(Plaintiff Vickie Payton, On Behalf of the Georgia Class)**

16 230. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
17 herein.

18 231. Plaintiff brings this claim on behalf of herself and the Georgia Class under  
19 Georgia's Civil Remedy Statute for Recovery of Gambling Losses, Ga. Code. Ann. § 13-8-3,  
20 which was enacted to effectuate the State's public policy against gambling.

21 232. Ga. Code. Ann. § 13-8-3 provides: "Money paid or property delivered upon a  
22 gambling consideration may be recovered from the winner by the loser by institution of an action  
23 for the same within six months after the loss and, after the expiration of that time, by institution  
24 of an action by any person, at any time within four years, for the joint use of himself and the  
25 educational fund of the county."

26 233. Accordingly, Ga. Code. Ann. § 13-8-3 prohibits a person or entity from profiting  
27 from gambling activity and provides for the recovery of money paid and lost due to such  
28 gambling activity.







1 transaction to be made upon, or who executes any order given to him by another person, or who  
2 executes any transaction for his own account on, any regular board of trade or commercial,  
3 commodity or stock exchange, shall, under any circumstances, be deemed a ‘winner’ of any  
4 moneys lost by such other person in or through any such transactions.”

5 258. Accordingly, 720 Ill. Comp. Stat. Ann. 5/28-8 prohibits a person or entity from  
6 profiting from gambling activity and provides for the recovery of money paid and lost due to  
7 such gambling activity.

8 259. By purchasing coins from Apple to wager on social casinos, Plaintiff and each  
9 member of the Illinois Class gambled and lost money within the meaning of 720 Ill. Comp. Stat.  
10 Ann. 5/28-8.

11 260. Apple has profited and continues to profit from each payment made by Illinois  
12 Class Members to purchase virtual coins, and is the “winner” of each transaction, in violation of  
13 720 Ill. Comp. Stat. Ann. 5/28-8.

14 261. Apple’s active participation in the operation of social casinos increases its  
15 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
16 promotional offers and more to help drive discovery and increased purchases within social  
17 casinos; (2) contributes to the creation and development of social casinos by providing  
18 technology, training, and other tools that allow developers of social casinos to operate these  
19 casinos on Apple’s gaming platform; and (3) offers and distributes social casinos through the  
20 App Store and facilitates all in-app purchases for social casinos in exchange for a significant  
21 percentage of the money paid and lost by Plaintiff and Illinois Class Members to gamble in  
22 social casinos.

23 262. Plaintiff and Illinois Class Members are therefore entitled to recover from Apple  
24 the amounts they lost when gambling in social casinos through the App Store, in addition to  
25 costs of suit.

26 **COUNT XIII**

27 **815 ILCS 505/1, *et seq.***

28 **Illinois Consumer Fraud and Deceptive Business Practices Act  
(Plaintiff Ernestine Thompson, On Behalf of the Illinois Class)**

1           263. Plaintiffs reallege and incorporate by reference all preceding allegations as though  
2 fully set forth herein.

3           264. Plaintiff brings this action on behalf of herself and the Illinois Class against Apple.

4           265. Apple, Plaintiff, and Illinois Class members are “persons” within the meaning of  
5 815 ILCS 505/1(c).

6           266. Plaintiff and Illinois Class members are “consumers” within the meaning of 815  
7 ILCS 505/1(e).

8           267. Virtual coins and tokens are “merchandise” within the meaning of 815 ILCS  
9 505/1(b).

10          268. Apple is and was engaged in “trade” and “commerce” within the meaning of 815  
11 ILCS 505/1(f).

12          269. The Illinois Consumer Fraud and Deceptive Business Practices Act (“Illinois  
13 CFDBPA”) prohibits “[U]nfair methods of competition and unfair or deceptive acts or practices,  
14 including but not limited to the use or employment of any deception fraud, false pretense, false  
15 promise, misrepresentation or the concealment, suppression or omission of any material fact, with  
16 intent that others rely upon the concealment, suppression or omission of such material fact, or the  
17 use or employment of any practice described in Section 2 of the “Uniform Deceptive Trade  
18 Practices Act” [815 ILCS 510/2], approved August 5, 1965, in the conduct of any trade or  
19 commerce[.]” 815 ILCS 505/2.

20          270. Social casinos are illegal gambling games because they are online games at which  
21 players wager things of value (virtual coins or tokens purchased with real-world money) and by  
22 an element of chance (*e.g.*, by spinning an online slot machine) are able to obtain additional  
23 entertainment and extend gameplay (by winning additional coins or tokens). In the course of its  
24 business, Apple profits from illegal gambling in connection with its operation of social casinos,  
25 for which Plaintiff and Illinois Class members purchased virtual coins and tokens. This offends  
26 public policy because it violates 720 Ill. Comp. Stat. Ann. 5/28-8. Apple intended that Plaintiff  
27 rely on its unfair practices with regard to social casinos as outlined above. This constitutes an  
28

1 unfair or deceptive act or practice, and thus violates the Illinois Consumer Fraud and Deceptive  
2 Business Practices Act.

3 271. Plaintiff and Illinois Class members purchased virtual coins or tokens for personal,  
4 family, or household purposes and suffered ascertainable loss and actual damages as a direct and  
5 proximate result of Apple's conduct.

6 272. Apple's violations present a continuing risk to Plaintiff and Illinois Class  
7 members, as well as to the general public. Apple's unlawful acts and practices complained of  
8 herein affect the public interest.

9 273. Pursuant to 815 ILCS 505/10a, Plaintiff and Illinois Class members seek an order  
10 enjoining Apple's unfair or deceptive acts or practices and awarding damages and any other just  
11 and proper relief available under the Illinois CFDBPA.

12 **COUNT XIV**  
13 **Unjust Enrichment**  
14 **(Plaintiff Ernestine Thompson, On Behalf of the Illinois Class)**

15 274. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
16 herein.

17 275. Plaintiff brings this claim on behalf of herself and the Illinois Class under the  
18 common law of unjust enrichment.

19 276. As a result of its unlawful conduct described above, Apple has been and will  
20 continue to be unjustly enriched to the detriment of Plaintiff and Illinois Class Members by  
21 virtue of their purchase of virtual coins from Apple to wager in social casinos through the Apple  
22 App Store.

23 277. Apple has profited immensely by providing marketing guidance, tools, and other  
24 assistance to the developers of social casinos and retaining a percentage of the money spent by  
25 consumers in social casinos.

26 278. These profits were obtained from illegal gambling in connection with Apple's  
27 operation of social casinos.

28 279. These profits were a benefit conferred upon Apple by Illinois Class Members  
when purchasing coins to wager in social casinos.

1 280. Accordingly, because Apple will be unjustly enriched if it is allowed to retain the  
2 illegal profits from social casinos, Plaintiff and each Illinois Class Member are entitled to  
3 recover the amount by which Apple was unjustly enriched at their expense.

4 **COUNT XV**  
5 **Ind. Code Ann. § 34-16-1-2**  
6 **Civil Remedy Statute for Recovery of Gambling Losses**  
7 **(Plaintiff Rebecca Vincent, On Behalf of the Indiana Class)**

8 281. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
9 herein.

10 282. Plaintiff brings this claim on behalf of herself and the Indiana Class under  
11 Indiana’s Civil Remedy Statute for Recovery of Gambling Losses, Ind. Code Ann. § 34-16-1-2,  
12 which was enacted to effectuate the State’s public policy against gambling.

13 283. Ind. Code Ann. § 34-16-1-2 provides: “If a person, by betting on a game or on the  
14 hands or sides of persons playing a game: (1) loses any money or other property; and (2) delivers  
15 any part of the money or other property; the person may bring a civil action, within one hundred  
16 eighty (180) days, to recover the money or other property so lost and delivered.”

17 284. Accordingly, Ind. Code Ann. § 34-16-1-2 prohibits a person or entity from  
18 profiting from gambling activity and provides for the recovery of money paid and lost due to  
19 such gambling activity.

20 285. By purchasing coins from Apple to wager on social casinos, Plaintiff and each  
21 member of the Indiana Class gambled and lost money within the meaning of Ind. Code Ann. §  
22 34-16-1-2.

23 286. Apple has profited and continues to profit from each payment made by Indiana  
24 Class Members to purchase virtual coins, and therefore is in violation of Ind. Code Ann. § 34-16-  
25 1-2.

26 287. Apple’s active participation in the operation of social casinos increases its  
27 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
28 promotional offers and more to help drive discovery and increased purchases within social  
casinos; (2) contributes to the creation and development of social casinos by providing

1 technology, training, and other tools that allow developers of social casinos to operate these  
2 casinos on Apple’s gaming platform; and (3) offers and distributes social casinos through the  
3 App Store and facilitates all in-app purchases for social casinos in exchange for a significant  
4 percentage of the money paid and lost by Plaintiff and Indiana Class Members to gamble in  
5 social casinos.

6 288. Plaintiff and Indiana Class Members are therefore entitled to recover from Apple  
7 the amounts they lost when gambling in social casinos through the App Store.

8 **COUNT XVI**  
9 **Unjust Enrichment**  
10 **(Plaintiff Rebecca Vincent, On Behalf of the Indiana Class)**

11 289. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
12 herein.

13 290. Plaintiff brings this claim on behalf of herself and the Indiana Class under the  
14 common law of unjust enrichment.

15 291. As a result of its unlawful conduct described above, Apple has been and will  
16 continue to be unjustly enriched to the detriment of Plaintiff and Indiana Class Members by  
17 virtue of their purchase of virtual coins from Apple to wager in social casinos through the Apple  
18 App Store.

19 292. Apple has profited immensely by providing marketing guidance, tools, and other  
20 assistance to the developers of social casinos and retaining a percentage of the money spent by  
21 consumers in social casinos.

22 293. These profits were obtained from illegal gambling in connection with Apple’s  
23 operation of social casinos.

24 294. These profits were a benefit conferred upon Apple by Indiana Class Members  
25 when purchasing coins to wager in social casinos.

26 295. Accordingly, because Apple will be unjustly enriched if it is allowed to retain the  
27 illegal profits from social casinos, Plaintiff and each Indiana Class Member are entitled to  
28 recover the amount by which Apple was unjustly enriched at their expense.

**COUNT XVII**

**Minn. Stat. Ann. § 541.20**

**Civil Remedy Statute for Recovery of Gambling Losses**

**(Plaintiffs Jennifer Andrews and Amy Hoven, On Behalf of the Minnesota Class)**

1  
2  
3  
4 296. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
5 herein.

6 297. Plaintiffs bring this claim on behalf of themselves and the Minnesota Class under  
7 Minnesota’s Civil Remedy Statute for Recovery of Gambling Losses, Minn. Stat. Ann. § 541.20  
8 (referred to in this Count as the “Statute”), which was enacted to effectuate the State’s public  
9 policy against gambling.

10 298. The Statute provides: “Every person who, by playing at cards, dice, or other  
11 game, or by betting on the hands or sides of such as are gambling, shall lose to any person so  
12 playing or betting any sum of money or any goods, and pays or delivers the same, or any part  
13 thereof, to the winner, may sue for and recover such money by a civil action, before any court of  
14 competent jurisdiction.”

15 299. Accordingly, the Statute prohibits a person or entity from profiting from gambling  
16 activity and provides for the recovery of money paid and lost due to such gambling activity.

17 300. By purchasing coins from Apple to wager on social casinos, Plaintiffs and each  
18 member of the Minnesota Class gambled and lost money within the meaning of the Statute.

19 301. Apple has profited and continues to profit from each payment made by Minnesota  
20 Class Members to purchase virtual coins, and therefore is the “winner” of each transaction, in  
21 violation of the statute.

22 302. Apple’s active participation in the operation of social casinos increases its  
23 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
24 promotional offers and more to help drive discovery and increased purchases within social  
25 casinos; (2) contributes to the creation and development of social casinos by providing  
26 technology, training, and other tools that allow developers of social casinos to operate these  
27 casinos on Apple’s gaming platform; and (3) offers and distributes social casinos through the  
28 App Store and facilitates all in-app purchases for social casinos in exchange for a significant

1 percentage of the money paid and lost by Plaintiffs and Minnesota Class Members to gamble in  
2 social casinos.

3 303. Plaintiffs and Minnesota Class Members are therefore entitled to recover from  
4 Apple the amounts they lost when gambling in social casinos through the App Store, in addition  
5 to costs of suit.

6 **COUNT XVIII**  
7 **Unjust Enrichment**  
8 **(Plaintiffs Jennifer Andrews and Amy Hoven, On Behalf of the Minnesota Class)**

9 304. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
10 herein.

11 305. Plaintiffs bring this claim on behalf of themselves and the Minnesota Class under  
12 the common law of unjust enrichment.

13 306. As a result of its unlawful conduct described above, Apple has been and will  
14 continue to be unjustly enriched to the detriment of Plaintiffs and Minnesota Class Members by  
15 virtue of their purchase of virtual coins from Apple to wager in social casinos through the Apple  
16 App Store.

17 307. Apple has profited immensely by providing marketing guidance, tools, and other  
18 assistance to the developers of social casinos and retaining a percentage of the money spent by  
19 consumers in social casinos.

20 308. These profits were obtained from illegal gambling in connection with Apple's  
21 operation of social casinos.

22 309. These profits were a benefit conferred upon Apple by Minnesota Class Members  
23 when purchasing coins to wager in social casinos.

24 310. Accordingly, because Apple will be unjustly enriched if it is allowed to retain the  
25 illegal profits from social casinos, Plaintiffs and each Minnesota Class Member are entitled to  
26 recover the amount by which Apple was unjustly enriched at their expense.

27 **COUNT XIX**  
28 **Miss. Code Ann. § 87-1-5**  
**Civil Remedy Statute for Recovery of Gambling Losses**  
**(Plaintiffs Lue Stephens and Frankie Killings-Larkin, On Behalf of the Mississippi Class)**

1           311. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
2 herein.

3           312. Plaintiffs bring this claim on behalf of themselves and the Mississippi Class under  
4 Mississippi’s Civil Remedy Statute for Recovery of Gambling Losses, Miss. Code Ann. § 87-1-5  
5 (referred to in this Count as the “Statute”), which was enacted to effectuate the State’s public  
6 policy against gambling.

7           313. The Statute provides: “If any person, by playing at any game whatever, or by  
8 betting on the sides or hands of such as do play at any game, or by betting on any horse race or  
9 cockfight, or at any other sport or pastime, or by any wager whatever, shall lose any money,  
10 property, or other valuable thing, real or personal, and shall pay or deliver the same or any part  
11 thereof, the person so losing and paying or delivering the same, or his wife or children, may sue  
12 for and recover such money, property, or other valuable thing so lost and paid or delivered, or  
13 any part thereof, from the person knowingly receiving the same, with costs.”

14           314. Accordingly, the Statute prohibits a person or entity from profiting from gambling  
15 activity and provides for the recovery of money paid and lost due to such gambling activity.

16           315. By purchasing coins from Apple to wager on social casinos, Plaintiffs and each  
17 member of the Mississippi Class gambled and lost money within the meaning of the Statute.

18           316. Apple has profited and continues to profit from each payment made by  
19 Mississippi Class Members to purchase virtual coins, and therefore is the “person knowingly  
20 receiving” in each transaction, in violation of the statute.

21           317. Apple’s active participation in the operation of social casinos increases its  
22 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
23 promotional offers and more to help drive discovery and increased purchases within social  
24 casinos; (2) contributes to the creation and development of social casinos by providing  
25 technology, training, and other tools that allow developers of social casinos to operate these  
26 casinos on Apple’s gaming platform; and (3) offers and distributes social casinos through the  
27 App Store and facilitates all in-app purchases for social casinos in exchange for a significant  
28

1 percentage of the money paid and lost by Plaintiffs and Mississippi Class Members to gamble in  
2 social casinos.

3 318. Plaintiffs and Mississippi Class Members are therefore entitled to recover from  
4 Apple the amounts they lost when gambling in social casinos through the App Store, in addition  
5 to costs of suit.

6 **COUNT XX**  
7 **Unjust Enrichment**  
8 **(Plaintiffs Lue Stephens and Frankie Killings-Larkin, On Behalf of the Mississippi Class)**

9 319. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
10 herein.

11 320. Plaintiffs bring this claim on behalf of themselves and the Mississippi Class under  
12 the common law of unjust enrichment.

13 321. As a result of its unlawful conduct described above, Apple has been and will  
14 continue to be unjustly enriched to the detriment of Plaintiffs and Mississippi Class Members by  
15 virtue of their purchase of virtual coins from Apple to wager in social casinos through the Apple  
16 App Store.

17 322. Apple has profited immensely by providing marketing guidance, tools, and other  
18 assistance to the developers of social casinos and retaining a percentage of the money spent by  
19 consumers in social casinos.

20 323. These profits were obtained from illegal gambling in connection with Apple's  
21 operation of social casinos.

22 324. These profits were a benefit conferred upon Apple by Mississippi Class Members  
23 when purchasing coins to wager in social casinos.

24 325. Accordingly, because Apple will be unjustly enriched if it is allowed to retain the  
25 illegal profits from social casinos, Plaintiffs and each Mississippi Class Member are entitled to  
26 recover the amount by which Apple was unjustly enriched at their expense.

27 **COUNT XXI**  
28 **Mo. Ann. Stat. § 434.030**  
**Civil Remedy Statute for Recovery of Gambling Losses**  
**(Plaintiff Mary Lancaster, On Behalf of the Missouri Class)**

1           326. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
2 herein.

3           327. Plaintiff brings this claim on behalf of herself and the Missouri Class under  
4 Missouri’s Civil Remedy Statute for Recovery of Gambling Losses, Mo. Ann. Stat. § 434.030  
5 (referred to in this Count as the “Statute”), which was enacted to effectuate the State’s public  
6 policy against gambling.

7           328. The Statute provides: “Any person who shall lose any money or property at any  
8 game, gambling device or by any bet or wager whatever, may recover the same by a civil  
9 action.”

10           329. Accordingly, the Statute prohibits a person or entity from profiting from gambling  
11 activity and provides for the recovery of money paid and lost due to such gambling activity.

12           330. By purchasing coins from Apple to wager on social casinos, Plaintiff and each  
13 member of the Missouri Class gambled and lost money within the meaning of the Statute.

14           331. Apple has profited and continues to profit from each payment made by Missouri  
15 Class Members to purchase virtual coins, and therefore is subject to “recover[y]” for each  
16 transaction, in violation of the Statute.

17           332. Apple’s active participation in the operation of social casinos increases its  
18 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
19 promotional offers and more to help drive discovery and increased purchases within social  
20 casinos; (2) contributes to the creation and development of social casinos by providing  
21 technology, training, and other tools that allow developers of social casinos to operate these  
22 casinos on Apple’s gaming platform; and (3) offers and distributes social casinos through the  
23 App Store and facilitates all in-app purchases for social casinos in exchange for a significant  
24 percentage of the money paid and lost by Plaintiff and Missouri Class Members to gamble in  
25 social casinos.

26           333. Plaintiff and Missouri Class Members are therefore entitled to recover from Apple  
27 the amounts they lost when gambling in social casinos through the App Store, in addition to  
28 costs of suit.

**COUNT XXII**

**Mo. Ann. Stat. § 407.020(1)**

**Unfair Acts and Practices in the Conduct of Trade or Commerce  
(Plaintiff Mary Lancaster, On Behalf of the Missouri Class)**

1  
2  
3 334. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
4 herein.

5 335. Plaintiff brings this action on behalf of herself and the Missouri Class against  
6 Apple.

7 336. Missouri’s Consumer Protection Act prohibits that “[a]ny deception, fraud, false  
8 pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or  
9 omission of any material fact in connection with the sale or advertisement of any merchandise in  
10 trade or commerce.” Mo. Ann. Stat. § 407.020(1) (referred to in this count as the “Statute”).

11 337. Under the Statute, an unfair or deceptive practice includes one which is unlawful.

12 338. Apple, Plaintiff, and Missouri Class members are “persons” within the meaning of  
13 Mo. Ann. Stat. §§ 407.020(1) and 407.025.

14 339. As set forth herein, Apple violated Missouri’s Civil Remedy Statute for Recovery  
15 of Gambling Losses.

16 340. Apple’s unlawful and otherwise unfair or deceptive acts and practices occurred in  
17 the conduct of trade or commerce. Indeed, Apple is responsible for making social casinos  
18 available to the public in trade and commerce.

19 341. Apple’s acts and practices were and are injurious to the public interest because  
20 Apple continuously advertises, solicits, and enables the general public in Missouri and  
21 throughout the United States to play unlawful and otherwise unfair or deceptive social casinos,  
22 all while profiting from such conduct.

23 342. Such acts and practices are part of a pattern or generalized course of conduct on  
24 the part of Apple that contradicts the express public policy of Missouri.

25 343. As a result of Apple’s conduct, Plaintiff and Missouri Class Members were  
26 injured in their business or property—i.e., economic injury—in that they lost money wagering on  
27 unlawful and otherwise unfair or deceptive games of chance.  
28

1 344. Apple's unlawful and otherwise unfair or deceptive conduct proximately caused  
2 Plaintiff's and Missouri Class Members' injuries because, but for the challenged conduct,  
3 Plaintiff and Missouri Class Members would not have lost money wagering on illegal games of  
4 chance, which was a direct, foreseeable, and planned consequence of Apple's conduct.

5 345. Plaintiff, on her own behalf and on behalf of the Missouri Class, seeks to recover,  
6 as permitted by law, actual damages and multiple damages, together with the costs of suit,  
7 including reasonable attorneys' fees.

8 **COUNT XXIII**  
9 **Unjust Enrichment**  
10 **(Plaintiff Mary Lancaster, On Behalf of the Missouri Class)**

11 346. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
12 herein.

13 347. Plaintiff brings this claim on behalf of herself and the Missouri Class under the  
14 common law of unjust enrichment.

15 348. As a result of its unlawful conduct described above, Apple has been and will  
16 continue to be unjustly enriched to the detriment of Plaintiff and Missouri Class Members by  
17 virtue of their purchase of virtual coins from Apple to wager in social casinos through the Apple  
18 App Store.

19 349. Apple has profited immensely by providing marketing guidance, tools, and other  
20 assistance to the developers of social casinos and retaining a percentage of the money spent by  
21 consumers in social casinos.

22 350. These profits were obtained from illegal gambling in connection with Apple's  
23 operation of social casinos.

24 351. These profits were a benefit conferred upon Apple by Missouri Class Members  
25 when purchasing coins to wager in social casinos.

26 352. Accordingly, because Apple will be unjustly enriched if it is allowed to retain the  
27 illegal profits from social casinos, Plaintiff and each Missouri Class Member are entitled to  
28 recover the amount by which Apple was unjustly enriched at their expense.

**COUNT XXIV**

**N.M. Stat. Ann. § 44-5-1**

**Civil Remedy Statute for Recovery of Gambling Losses  
(Plaintiff Juliana Wisher, On Behalf of the New Mexico Class)**

1  
2  
3  
4 353. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
5 herein.

6 354. Plaintiff brings this claim on behalf of herself and the New Mexico Class under  
7 New Mexico’s Civil Remedy Statute for Recovery of Gambling Losses, N.M. Stat. Ann. § 44-5-  
8 1 (referred to in this Count as the “Statute”), which was enacted to effectuate the State’s public  
9 policy against gambling.

10 355. The Statute provides: “Any person who shall lose any money or property at any  
11 game at cards, or at any gambling device, may recover the same by action of debt, if money; if  
12 property, by action of trover, replevin or detinue.”

13 356. Accordingly, the Statute prohibits a person or entity from profiting from gambling  
14 activity and provides for the recovery of money paid and lost due to such gambling activity.

15 357. By purchasing coins from Apple to wager on social casinos, Plaintiff and each  
16 member of the New Mexico Class gambled and lost money within the meaning of the statute.

17 358. Apple has profited and continues to profit from each payment made by New  
18 Mexico Class Members to purchase virtual coins, and therefore is subject to “recover[y]” for  
19 each transaction, in violation of the statute.

20 359. Apple’s active participation in the operation of social casinos increases its  
21 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
22 promotional offers and more to help drive discovery and increased purchases within social  
23 casinos; (2) contributes to the creation and development of social casinos by providing  
24 technology, training, and other tools that allow developers of social casinos to operate these  
25 casinos on Apple’s gaming platform; and (3) offers and distributes social casinos through the  
26 App Store and facilitates all in-app purchases for social casinos in exchange for a significant  
27 percentage of the money paid and lost by Plaintiff and New Mexico Class Members to gamble in  
28 social casinos.









1 391. These profits were obtained from illegal gambling in connection with Apple’s  
2 operation of social casinos.

3 392. These profits were a benefit conferred upon Apple by New York Class Members  
4 when purchasing coins to wager in social casinos.

5 393. Accordingly, because Apple will be unjustly enriched if it is allowed to retain the  
6 illegal profits from social casinos, Plaintiff and each New York Class Member are entitled to  
7 recover the amount by which Apple was unjustly enriched at their expense.

8 **COUNT XXIX**

9 **Ohio Rev. Code § 3763.02**

10 **Civil Remedy Statute for Recovery of Gambling Losses**

11 **(Plaintiffs Sean McCloskey and Sheera Harris, On Behalf of the Ohio Class)**

12 394. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
13 herein.

14 395. Plaintiffs bring this claim on behalf of themselves and the Ohio Class under  
15 Ohio’s Civil Remedy Statute for Recovery of Gambling Losses, Ohio Rev. Code § 3763.02,  
16 which was enacted to effectuate the State’s public policy against gambling.

17 396. Section 3763.02 provides: “If a person, by playing a game, or by a wager, loses to  
18 another, money or other thing of value, and pays or delivers it or a part thereof, to the winner  
19 thereof, such person losing and paying or delivering, within six months after such loss and  
20 payment or delivery, may sue for and recover such money or thing of value or part thereof, from  
21 the winner thereof, with costs of suit.”

22 397. Accordingly, Section 3763.02 prohibits a person or entity from profiting from  
23 gambling activity and provides for the recovery of money paid and lost due to such gambling  
24 activity.

25 398. By purchasing coins from Apple to wager on social casinos, Plaintiffs and each  
26 member of the Ohio Class gambled and lost money within the meaning of Section 3763.02.

27 399. Apple has profited and continues to profit from each payment made by Ohio  
28 Class Members to purchase virtual coins, and therefore is the “winner” of each transaction, in  
violation of Section 3763.02.



1 407. These profits were a benefit conferred upon Apple by Ohio Class Members when  
2 purchasing coins to wager in social casinos.

3 408. Accordingly, because Apple will be unjustly enriched if it is allowed to retain the  
4 illegal profits from social casinos, Plaintiffs and each Ohio Class Member are entitled to recover  
5 the amount by which Apple was unjustly enriched at their expense.

6 **COUNT XXXI**  
7 **Or. Rev. Stat. § 30.740**  
8 **Civil Remedy Statute for Recovery of Gambling Losses**  
9 **(Plaintiff Joshua McDonald, On Behalf of the Oregon Class)**

10 409. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
11 herein.

12 410. Plaintiff brings this claim on behalf of himself and the Oregon Class under  
13 Oregon’s Civil Remedy Statute for Recovery of Gambling Losses, Or. Rev. Stat. § 30.740,  
14 which was enacted to effectuate the State’s public policy against gambling.

15 411. Section 30.740 provides: “All persons losing money or anything of value at or on  
16 any unlawful game described in ORS 167.117[,] ... 167.122[,] ... and 167.127 ... shall have a  
17 cause of action to recover from the dealer winning the same, or proprietor for whose benefit such  
18 game was played or dealt, or such money or thing of value won, twice the amount of the money  
19 or double the value of the thing so lost.”

20 412. Accordingly, Section 30.740 prohibits a person or entity from profiting from  
21 gambling activity and provides for the recovery of money paid and lost due to such gambling  
22 activity.

23 413. ORS 167.117(7) defines “gambling” as any time a person “stakes or risks  
24 something of value upon the outcome of a contest of chance or a future contingent event not  
25 under the control or influence of the person, upon an agreement or understanding that the person  
26 or someone else will receive something of value in the event of a certain outcome.”

27 414. Players of social casinos risk something of value (virtual coins purchased with  
28 real money) upon the outcome of a future contingent event (the results of the social casinos) not  
under the players’ control or influence, upon the understanding that players will receive

1 something of value (additional coins allowing them to continue playing the game for free) in the  
2 event of a certain outcome.

3 415. Thus, by purchasing coins from Apple to wager on social casinos, Plaintiff and  
4 each member of the Oregon Class gambled and lost money in illegal gambling transactions  
5 within the meaning of Section 30.740.

6 416. Apple has profited and continues to profit from each payment made by Oregon  
7 Class Members to purchase virtual coins, and therefore is both the “dealer winning” the same  
8 and a proprietor for whose benefit social casinos were played, in violation of Section 30.740.

9 417. Apple’s active participation in the operation of social casinos increases its  
10 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
11 promotional offers and more to help drive discovery and increased purchases within social  
12 casinos; (2) contributes to the creation and development of social casinos by providing  
13 technology, training, and other tools that allow developers of social casinos to operate these  
14 casinos on Apple’s gaming platform; and (3) offers and distributes social casinos through the  
15 App Store and facilitates all in-app purchases for social casinos in exchange for a significant  
16 percentage of the money paid and lost by Plaintiff and Oregon Class Members to gamble in  
17 social casinos.

18 418. Plaintiff and Oregon Class Members are therefore entitled to recover from Apple  
19 double the amounts they lost when gambling in social casinos through the App Store.

20 **COUNT XXXII**  
21 **Unjust Enrichment**  
22 **(Plaintiff Joshua McDonald, On Behalf of the Oregon Class)**

23 419. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
24 herein.

25 420. Plaintiff brings this claim on behalf of himself and the Oregon Class under the  
26 common law of unjust enrichment.

27 421. As a result of its unlawful conduct described above, Apple has been and will  
28 continue to be unjustly enriched to the detriment of Plaintiff and Oregon Class Members by

1 virtue of their purchase of virtual coins from Apple to wager in social casinos through the Apple  
2 App Store.

3 422. Apple has profited immensely by providing marketing guidance, tools, and other  
4 assistance to the developers of social casinos and retaining a percentage of the money spent by  
5 consumers in social casinos.

6 423. These profits were obtained from illegal gambling in connection with Apple's  
7 operation of social casinos.

8 424. These profits were a benefit conferred upon Apple by Oregon Class Members  
9 when purchasing coins to wager in social casinos.

10 425. Accordingly, because Apple will be unjustly enriched if it is allowed to retain the  
11 illegal profits from social casinos, Plaintiff and each Oregon Class Member are entitled to  
12 recover the amount by which Apple was unjustly enriched at their expense.

13 **COUNT XXXIII**

14 **S.C. Code § 32-1-10**

15 **Civil Remedy Statute for Recovery of Gambling Losses**  
16 **(Plaintiff Deborah Steese, On Behalf of the South Carolina Class)**

17 426. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
18 herein.

19 427. Plaintiff brings this claim on behalf of herself and the South Carolina Class under  
20 South Carolina's Civil Remedy Statute for Recovery of Gambling Losses, S.C. Code § 32-1-10,  
21 which was enacted to effectuate the State's public policy against gambling.

22 428. Section 32-1-10 provides: "Any person who shall at any time or sitting, by  
23 playing at cards, dice table or any other game whatsoever or by betting on the sides or hands of  
24 such as do play at any of the games aforesaid, lose to any person or persons so playing or betting,  
25 in the whole, the sum or value of fifty dollars and shall pay or deliver such sum or value or any  
26 part thereof shall be at liberty, within three months then next ensuing, to sue for and recover the  
27 money or goods so lost and paid or delivered or any part thereof from the respective winner or  
28 winners thereof, with costs of suit ...."

1 429. Accordingly, Section 32-1-10 prohibits a person or entity from profiting from  
2 gambling activity and provides for the recovery of money paid and lost due to such gambling  
3 activity.

4 430. By purchasing coins from Apple to wager on social casinos, Plaintiff and each  
5 member of the South Carolina Class gambled and lost money within the meaning of Section 32-  
6 1-10.

7 431. Apple has profited and continues to profit from each payment made by South  
8 Carolina Class Members to purchase virtual coins, and therefore is the “winner” of each  
9 transaction, in violation of Section 32-1-10.

10 432. Apple’s active participation in the operation of social casinos increases its  
11 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
12 promotional offers and more to help drive discovery and increased purchases within social  
13 casinos; (2) contributes to the creation and development of social casinos by providing  
14 technology, training, and other tools that allow developers of social casinos to operate these  
15 casinos on Apple’s gaming platform; and (3) offers and distributes social casinos through the  
16 App Store and facilitates all in-app purchases for social casinos in exchange for a significant  
17 percentage of the money paid and lost by Plaintiff and South Carolina Class Members to gamble  
18 in social casinos.

19 433. Plaintiff and South Carolina Class Members are therefore entitled to recover from  
20 Apple the amounts they lost when gambling in social casinos through the App Store, in addition  
21 to costs of suit.

22 **COUNT XXXIV**  
23 **Unjust Enrichment**  
24 **(Plaintiff Deborah Steese, On Behalf of the South Carolina Class)**

25 434. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
26 herein.

27 435. Plaintiff brings this claim on behalf of herself and the South Carolina Class under  
28 the common law of unjust enrichment.

1 436. As a result of its unlawful conduct described above, Apple has been and will  
2 continue to be unjustly enriched to the detriment of Plaintiff and South Carolina Class Members  
3 by virtue of their purchase of virtual coins from Apple to wager in social casinos through the  
4 Apple App Store.

5 437. Apple has profited immensely by providing marketing guidance, tools, and other  
6 assistance to the developers of social casinos and retaining a percentage of the money spent by  
7 consumers in social casinos.

8 438. These profits were obtained from illegal gambling in connection with Apple's  
9 operation of social casinos.

10 439. These profits were a benefit conferred upon Apple by South Carolina Class  
11 Members when purchasing coins to wager in social casinos.

12 440. Accordingly, because Apple will be unjustly enriched if it is allowed to retain the  
13 illegal profits from social casinos, Plaintiff and each South Carolina Class Member are entitled to  
14 recover the amount by which Apple was unjustly enriched at their expense.

15 **COUNT XXXV**

16 **Tenn. Code § 28-3-106**

17 **Civil Remedy Statute for Recovery of Gambling Losses**

18 **(Plaintiffs John Viglietti, Kai Griffin, and Sheri Miller, On Behalf of the Tennessee Class)**

19 441. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
20 herein.

21 442. Plaintiffs bring this claim on behalf of themselves and the Tennessee Class under  
22 Tennessee's Civil Remedy Statute for Recovery of Gambling Losses, Tenn. Code § 28-3-106,  
23 which was enacted to effectuate the State's public policy against gambling.

24 443. Section 28-3-106 provides that "the loser" of "any kind of gambling or betting"  
25 may bring an action "to recover money or goods lost" within 90 days after paying or delivering  
26 the lost money or goods.

27 444. Accordingly, Section 28-3-106 prohibits a person or entity from profiting from  
28 gambling activity and provides for the recovery of money paid and lost due to such gambling  
activity.

1 445. By purchasing coins from Apple to wager on social casinos, Plaintiffs and each  
2 member of the Tennessee Class gambled and lost money within the meaning of Section 28-3-  
3 106.

4 446. Apple has profited and continues to profit from each payment made by Class  
5 Members to purchase virtual coins, and therefore is in violation of Section 28-3-106.

6 447. Apple's active participation in the operation of social casinos increases its  
7 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
8 promotional offers and more to help drive discovery and increased purchases within social  
9 casinos; (2) contributes to the creation and development of social casinos by providing  
10 technology, training, and other tools that allow developers of social casinos to operate these  
11 casinos on Apple's gaming platform; and (3) offers and distributes social casinos through the  
12 App Store and facilitates all in-app purchases for social casinos in exchange for a significant  
13 percentage of the money paid and lost by Plaintiffs and Tennessee Class Members to gamble in  
14 social casinos.

15 448. Plaintiffs and Tennessee Class Members are therefore entitled to recover from  
16 Apple the amounts they lost when gambling in social casinos through the App Store.

17 **COUNT XXXVI**  
18 **Unjust Enrichment**  
**(Plaintiffs John Viglietti, Kai Griffin, and Sheri Miller, On Behalf of the Tennessee Class)**

19 449. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
20 herein.

21 450. Plaintiffs bring this claim on behalf of themselves and the Tennessee Class under  
22 the common law of unjust enrichment.

23 451. As a result of its unlawful conduct described above, Apple has been and will  
24 continue to be unjustly enriched to the detriment of Plaintiffs and Tennessee Class Members by  
25 virtue of their purchase of virtual coins from Apple to wager in social casinos through the Apple  
26 App Store.

1 452. Apple has profited immensely by providing marketing guidance, tools, and other  
2 assistance to the developers of social casinos and retaining a percentage of the money spent by  
3 consumers in social casinos.

4 453. These profits were obtained from illegal gambling in connection with Apple's  
5 operation of social casinos.

6 454. These profits were a benefit conferred upon Apple by Tennessee Class Members  
7 when purchasing coins to wager in social casinos.

8 455. Accordingly, because Apple will be unjustly enriched if it is allowed to retain the  
9 illegal profits from social casinos, Plaintiffs and each Tennessee Class Member are entitled to  
10 recover the amount by which Apple was unjustly enriched at their expense.

11 **COUNT XXXVII**

12 **Wash. Rev. Code § 4.24.070**

13 **Civil Remedy Statute for Recovery of Gambling Losses**

14 **(Plaintiffs Connie Zilbert, Ben Kramer, and Ashley Honeysuckle, On Behalf of the  
Washington Class)**

15 456. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
16 herein.

17 457. Plaintiffs bring this claim on behalf of themselves and the Washington Class  
18 under Washington's Civil Remedy Statute for Recovery of Gambling Losses, Wash. Rev. Code §  
19 4.24.070, which was enacted to effectuate the State's public policy against gambling.

20 458. Section 4.24.070 provides: "All persons losing money or anything of value at or  
21 on any illegal gambling games shall have a cause of action to recover from the dealer or player  
22 winning, or from the proprietor for whose benefit such game was played or dealt, or such money  
23 or things of value won, the amount of the money or the value of the thing so lost."

24 459. Accordingly, Section 4.24.070 prohibits a person or entity from profiting from  
25 gambling activity and provides for the recovery of money paid and lost due to such gambling  
26 activity.

1           460. By purchasing coins from Apple to wager on social casinos, Plaintiffs and each  
2 member of the Washington Class gambled and lost money within the meaning of Section  
3 4.24.070.

4           461. “Gambling,” defined by RCW § 9.46.0237, “means staking or risking something  
5 of value upon the outcome of a contest of chance or a future contingent event not under the  
6 person’s control or influence.”

7           462. Virtual coins and tokens used to play social casinos are “thing[s] of value” under  
8 RCW § 9.46.0285.

9           463. Social casinos are illegal gambling games because they are online games at which  
10 players wager things of value (the chips) and by an element of chance (e.g., by spinning an  
11 online slot machine) are able to obtain additional entertainment and extend gameplay (by  
12 winning additional chips).

13           464. Apple has profited and continues to profit from each payment made by  
14 Washington Class Members to purchase virtual coins, and therefore is both the “dealer winning”  
15 the same and a proprietor for whose benefit social casinos were played, in violation of Section  
16 4.24.070.

17           465. Apple’s active participation in the operation of social casinos increases its  
18 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
19 promotional offers and more to help drive discovery and increased purchases within social  
20 casinos; (2) contributes to the creation and development of social casinos by providing  
21 technology, training, and other tools that allow developers of social casinos to operate these  
22 casinos on Apple’s gaming platform; and (3) offers and distributes social casinos through the  
23 App Store and facilitates all in-app purchases for social casinos in exchange for a significant  
24 percentage of the money paid and lost by Plaintiffs and Washington Class Members to gamble in  
25 social casinos.

26           466. Plaintiffs and Washington Class Members are therefore entitled to recover from  
27 Apple the amounts they lost when gambling in social casinos through the App Store.  
28

**COUNT XXXVIII**

**Wash. Rev. Code § 19.86.020**

**Unfair Acts and Practices in the Conduct of Trade or Commerce  
(Plaintiffs Connie Zilbert, Ben Kramer, and Ashley Honeysuckle, On Behalf of the  
Washington Class)**

1  
2  
3  
4 467. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
5 herein.

6 468. Washington’s Consumer Protection Act (“CPA”) prohibits any person from using  
7 “unfair methods of competition or unfair or deceptive acts or practices in the conduct of any  
8 trade or commerce.” RCW § 19.86.020.

9 469. Under the CPA, an unfair or deceptive act is one which is unlawful and against  
10 public policy as declared by the legislature or judiciary.

11 470. Plaintiffs and Washington Class Members are “persons” within the meaning of  
12 RCW §§ 19.86.020 and 19.86.090.

13 471. Apple violated RCW § 9.46.010, *et seq.*, which declares that it is the policy of the  
14 State of Washington to, *inter alia*, “restrain all persons from seeking profit from professional  
15 gambling activities in this state,” to “restrain all persons from patronizing such professional  
16 gambling activities,” and to “safeguard the public against the evils induced by common gamblers  
17 and common gambling houses engaged in professional gambling.” RCW § 9.46.010.

18 472. Under RCW § 9.46.010, *et seq.*, unlawful “gambling” is defined as “staking or  
19 risking something of value upon the outcome of a contest of chance or a future contingent event  
20 not under the person’s control or influence.” RCW § 9.46.0237.

21 473. Virtual coins and tokens used to play social casinos are “thing[s] of value” under  
22 RCW § 9.46.0285.

23 474. Social casinos are illegal gambling games because they are online games at which  
24 players wager things of value (virtual coins or tokens purchased with real-world money) and by  
25 an element of chance (e.g., by spinning an online slot machine) are able to obtain additional  
26 entertainment and extend gameplay (by winning virtual coins or tokens).

1 475. Apple operates social casinos in conjunction with the developers of those casinos  
2 and has profited immensely from its operation of unlawful games of chance, amassing hundreds  
3 of millions of dollars from illegal gambling transactions.

4 476. Apple's unlawful acts and practices occurred in the conduct of trade or  
5 commerce. Indeed, Apple is responsible for making social casinos available to the public in trade  
6 and commerce.

7 477. Apple's acts and practices were and are injurious to the public interest because  
8 Apple continuously advertises, solicits, and enables the general public in Washington State and  
9 throughout the United States to play unlawful social casinos, all while profiting from such  
10 conduct.

11 478. This is part of a pattern or generalized course of conduct on the part of Apple that  
12 contradicts the express public policy of the State of Washington.

13 479. As a result of Apple's conduct, Plaintiffs and Washington Class Members were  
14 injured in their business or property—i.e., economic injury—in that they lost money wagering on  
15 unlawful games of chance.

16 480. Apple's unlawful conduct proximately caused Plaintiffs' and Washington Class  
17 Members' injuries because, but for the challenged conduct, Plaintiffs and Washington Class  
18 Members would not have lost money wagering on illegal games of chance, which was a direct,  
19 foreseeable, and planned consequence of Apple's conduct.

20 481. Plaintiffs, on their own behalf and on behalf of the Washington Class, seek to  
21 recover actual damages and treble damages, together with the costs of suit, including reasonable  
22 attorneys' fees.

23 **COUNT XXXIX**  
24 **Unjust Enrichment**  
25 **(Plaintiffs Connie Zilbert, Ben Kramer, and Ashley Honeysuckle, On Behalf of the**  
26 **Washington Class)**

27 482. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
28 herein.

1 483. Plaintiffs bring this claim on behalf of themselves and the Washington Class  
2 under the common law of unjust enrichment.

3 484. As a result of its unlawful conduct described above, Apple has been and will  
4 continue to be unjustly enriched to the detriment of Plaintiffs and Washington Class Members by  
5 virtue of their purchase of virtual coins from Apple to wager in social casinos through the Apple  
6 App Store.

7 485. Apple has profited immensely by providing marketing guidance, tools, and other  
8 assistance to the developers of social casinos and retaining a percentage of the money spent by  
9 consumers in social casinos.

10 486. These profits were obtained from illegal gambling in connection with Apple's  
11 operation of social casinos.

12 487. These profits were a benefit conferred upon Apple by Washington Class Members  
13 when purchasing coins to wager in social casinos.

14 488. Accordingly, because Apple will be unjustly enriched if it is allowed to retain the  
15 illegal profits from social casinos, Plaintiffs and each Washington Class Member are entitled to  
16 recover the amount by which Apple was unjustly enriched at their expense.

17 **CLAIMS BROUGHT ON BEHALF OF THE NATIONWIDE CLASS**

18 **COUNT XL**  
19 **18 U.S.C. § 1962(c) (RICO)**  
20 **Racketeering Activities and Collection of Unlawful Debts**  
21 **(Damages and Injunctive Relief)**  
22 **(All Plaintiffs, On Behalf of the Nationwide Class)**

23 489. Plaintiffs incorporate by reference the foregoing allegations as if fully set forth  
24 herein.

25 490. At all relevant times, Apple is and has been a "person" within the meaning of 18  
26 U.S.C. § 1961(3), because it is capable of holding, and does hold, "a legal or beneficial interest  
27 in property."

28 491. Plaintiffs are each a "person," as that term is defined in 18 U.S.C. § 1961(3), and  
have standing to sue as they were injured in their business and/or property as a result of the

1 Social Casino Enterprise’s wrongful conduct described herein, including but not limited to the  
2 Enterprise’s (1) unlawfully taking and receiving money from Plaintiffs and the Nationwide  
3 Class; (2) never providing Plaintiffs and members of the Nationwide Class a fair and objective  
4 chance to win—they could only lose; and (3) directly and knowingly profiting from, on  
5 information and belief, rigged and manipulated slot machines.

6 492. Section 1962(c) makes it unlawful “for any person employed by or associated  
7 with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce,  
8 to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through  
9 a pattern of racketeering activity or collection of unlawful debt.” 18 U.S.C. § 1962(c).

10 493. 18 U.S.C. § 1961(1) defines “racketeering activity” to include, among other  
11 things, (i) any act which is indictable under Title 18, Section 1084 of the United States Code  
12 (relating to the transmission of gambling information); and (ii) any act which is indictable under  
13 Title 18, Section 1955 of the United States Code (relating to the prohibition of illegal gambling  
14 businesses).

15 494. Interstate gambling, including interstate internet gambling, is illegal under federal  
16 law if the gambling transaction is illegal in any states in which the transaction occurs. As  
17 relevant here, at least some portion of all alleged gambling transactions occur within California,  
18 where the alleged gambling transactions are illegal. Consequently, all alleged gambling  
19 transactions are illegal under federal law.

20 495. Specifically, illegal gambling is indictable under both Section 1084 and Section  
21 1955 of Title 18 of the United States Code, as well as under California law, and is punishable by  
22 imprisonment for more than one year.

23 496. Therefore, the Social Enterprise is engaged in “racketeering activity.”

24 497. 18 U.S.C. § 1961(6) defines “unlawful debt” as a debt “(A) incurred or contracted  
25 in gambling activity which was in violation of the law of the United States, a State or political  
26 subdivision thereof,” and “(B) which was incurred in connection with the business of gambling  
27 in violation of the law of the United States, a State or political subdivision thereof.”  
28







1 F. Conspiring to uphold the Social Casino Enterprise; and

2 G. Unjustly collecting unlawful debts and retaining the profits from their illegal social  
3 gambling applications.

4 513. The Social Casino Enterprise has operated as a continuous unit since at least  
5 2010.

6 514. Pursuant to and in furtherance of their fraudulent scheme, Apple committed  
7 multiple predicate act violations of federal and state law as previously alleged herein.

8 **COUNT XLI**  
9 **RICO § 1962(d)**  
10 **Conspiracy to Engage in Racketeering Activities and Collection of Unlawful Debts**  
11 **(Damages and Injunctive Relief)**  
12 **(All Plaintiffs, On Behalf of the Nationwide Class)**

13 515. Plaintiffs incorporate by reference the foregoing allegations as if fully set forth  
14 herein.

15 516. 18 U.S.C. § 1962(d) states that “[i]t shall be unlawful for any person to conspire  
16 to violate any of the provisions of subsection (a), (b), or (c) of this section.”

17 517. As described throughout, and in detail in Count II, even if it did not direct or  
18 manage the affairs of the Social Casino Enterprise, Apple conspired to commit predicate acts in  
19 violation of § 1962(c), including violations of California Penal Code §§ 330b and 330.1.

20 518. Defendant Apple acted knowingly at all times when agreeing to conduct the  
21 activities of the Social Casino Enterprise. Apple agreed to and indeed did participate in the  
22 requisite pattern of racketeering activity which constitutes this RICO claim, collected unlawful  
23 debts, engaged in racketeering activities, and intentionally acted in furtherance of the conspiracy  
24 by conducting the pattern of racketeering and unlawful debt collection as described above.

25 519. At the very least, Apple had notice of the illegality of the Social Casino Enterprise  
26 as of the Ninth Circuit’s 2018 holding in *Kater*. Apple’s post-*Kater* participation in the Social  
27 Casino Enterprise demonstrates its commitment to upholding and operating the structure of the  
28 Social Casino Enterprise.



- 1 f) Awarding damages to Plaintiffs and the Class members in an amount to be
- 2 determined at trial, including trebling as appropriate;
- 3 g) Awarding restitution to Plaintiffs and Class members in an amount to be
- 4 determined at trial,
- 5 h) Requiring disgorgement of all of Apple's ill-gotten gains;
- 6 i) Awarding reasonable attorneys' fees and expenses;
- 7 j) Awarding pre- and post-judgment interest, to the extent allowable;
- 8 k) Requiring injunctive and/or declaratory relief as necessary to protect the interests
- 9 of Plaintiffs and the Classes; and
- 10 l) Awarding such other and further relief as equity and justice require, including all
- 11 forms of relief provided for under Plaintiffs' claims.

12 **JURY DEMAND**

13 Plaintiffs request a trial by jury of all claims that can be so tried.

14 Respectfully Submitted,

15  
16 **ROBERT ALLDIS, CHEREE BIBBS,**  
17 **MICHAEL HELSEL, TERESA LARSEN,**  
18 **KAREN WORKMAN, JANICE HILL, VICKIE**  
19 **PAYTON, ERNESTINE THOMPSON,**  
20 **REBECCA VINCENT, JENNIFER ANDREWS,**  
21 **AMY HOVEN, LUE STEPHENS, FRANKIE**  
22 **KILLINGS-LARKIN, MARY LANCASTER,**  
23 **JULIANA WISHER, JENNIFER HOOSE,**  
**SEAN MCCLOSKEY, JOSHUA MCDONALD,**  
**DEBORAH STEESE, JOHN VIGLIETTI, KAI**  
**GRIFFIN, SHERI MILLER, CONNIE**  
**ZILBERT, BEN KRAMER, ASHLEY**  
**HONEYSUCKLE, FRANK CUSTODERO,**  
**SAUNDRA ROGERS, AND SHEERA HARRIS,**  
individually and on behalf of all others similarly  
situated,

24 Dated: November 22, 2021

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

KATHLEEN WILKINSON, NANCY  
URBANCZYK, LAURA PERKINSON,  
MARIA VALENCIA-TORRES, MARY  
AUSTIN, PATRICIA MCCULLOUGH,  
ALISON KODA, GLENNA WIEGARD,  
CLOTERA ROGERS, CAROL SMITH,  
JANICE WILLIAMS, JENNIFER  
ANDREWS, DAWN MEHSIKOMER,  
DENICE WAX, FRANCES LONG, SANDRA  
MEYERS, STEVE SIMONS, VANESSA  
SOWELL SKEETER, DONNA WHITING,  
SHERI MILLER, PAUL LOMBARD, BEN  
KRAMER, ELEANOR MIZRAHI, and  
JANICE WILSON, individually, and on behalf  
of the proposed classes,

*Plaintiffs,*

v.

FACEBOOK, INC.,

*Defendant.*

Case No. 5:21-cv-02777-EJD

**PLAINTIFFS' MASTER COMPLAINT**

**CLASS ACTION**

**JURY DEMAND**

HANNELORE BOORN, individually and on  
behalf of all others similarly situated,

*Plaintiff,*

v.

FACEBOOK, INC.,

*Defendant.*

Case No. 5:21-cv-02818-EJD

**PLAINTIFF'S MASTER COMPLAINT**

**CLASS ACTION**

**JURY DEMANDED**

1 Plaintiffs Kathleen Wilkinson, Nancy Urbanczyk, Laura Perkinson, Maria Valencia-  
 2 Torres, Mary Austin, Patricia McCullough, Alison Koda, Glenna Wiegard, Clotera Rogers, Carol  
 3 Smith, Hannelore Boorn, Janice Williams, Jennifer Andrews, Dawn Mehsikomer, Denice Wax,  
 4 Frances Long, Sandra Meyers, Steve Simons, Vanessa Sowell Skeeter, Donna Whiting, Sheri  
 5 Miller, Paul Lombard, Ben Kramer, Eleanor Mizrahi, and Janice Wilson, individually and on  
 6 behalf of the proposed classes, bring this Class Action Complaint against Defendant Facebook,  
 7 Inc. (“Defendant” or “Facebook”), seeking restitution, damages, injunctive relief, and other  
 8 appropriate relief from Facebook’s ongoing participation in an illegal internet gambling  
 9 enterprise. Plaintiffs allege as follows upon personal knowledge as to themselves and their own  
 10 acts and experiences, and on information and belief derived from investigation of counsel, and  
 11 review of public documents as to all other matters.

## 12 INTRODUCTION

13 1. Over the last decade, the world’s leading slot machine makers—companies like  
 14 International Game Technology, Scientific Games Corporation, and Aristocrat Leisure—have  
 15 teamed up with American technology companies to develop a new product line: social casinos.

16 2. Social casinos are apps—playable from smartphones, tablets, and internet  
 17 browsers—that make the “authentic Vegas-style<sup>1</sup>” experience of slot machine gambling available  
 18 to consumers anywhere and anytime. *See* Figure 1 (Screenshot of DoubleDown Casino  
 19 Gameplay). By moving their casino games directly onto the phones, tablets, and computers of  
 20 players, and by leveraging an innocuous-sounding “free-to-play” model,<sup>2</sup> social casino  
 21 companies, along with Facebook, Google, and Apple (the “Platforms”), have found a way to  
 22 smuggle slot machines into the homes of consumers nationwide, twenty-four hours a day and  
 23 three-hundred-sixty-five days a year.

24 3. Just like Las Vegas slot machines, social casinos allow users to purchase virtual

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25  
 26 <sup>1</sup> Form F-1/A DoubleDown Interactive Co., Ltd. at 87,  
<https://sec.report/Document/0001193125-20-183157/>.

27 <sup>2</sup> This term is a misnomer. It refers to a business model by which the initial download of  
 28 the game is free, but companies reap huge profits by selling “in-game” items (known generally  
 as “in-app purchases”).

1 “chips” in exchange for real money and then gamble those chips at slot machine games in hopes  
 2 of winning still more chips to keep gambling. In DoubleDown Casino, for example, players  
 3 purchase “chip packages” costing up to \$499.99. *See* Figure 2 (Screenshot of “Popular” Chip  
 4 Packages in DoubleDown Casino). But unlike Las Vegas slots, social casinos do not allow  
 5 players to cash out their chips. Instead, purchased chips and won chips alike can be used only for  
 6 more slot machine “spinning.”

**Figure 1****Figure 2**

18 4. Like Las Vegas slots, social casinos are extraordinarily profitable and highly  
 19 addictive. Social casinos are so lucrative because they mix the addictive aspects of traditional  
 20 slot machines with the power of the Platforms, including Defendant Facebook, to leverage big  
 21 data and social network pressures to identify, target, and exploit consumers prone to addictive  
 22 behaviors.<sup>3</sup>

23 5. Simply put, the social casino apps do not, and cannot, operate and profit at such a  
 24 high level from these illegal games on their own. Their business of targeting, retaining, and  
 25 collecting losses from addicted gamblers is inextricably entwined with the Platforms. Not only  
 26 do the Platforms retain full control over allowing social casinos into their stores, and their

27 <sup>3</sup> *See, e.g., How social casinos leverage Facebook user data to target vulnerable gamblers,*  
 28 PBS NEWS HOUR, [youtube.com/watch?v=FFtkFLNjZfM](https://www.youtube.com/watch?v=FFtkFLNjZfM).

1 distribution and promotion therein, but they also share directly in a substantial portion of the  
2 gamblers' losses, which are collected and controlled by the Platforms themselves.

3 6. Because the Platforms are the centers for distribution and payment, social casinos  
4 gain a critical partner to retain high-spending users and collect player data, a trustworthy  
5 marketplace to conduct payment transactions, and the technological means to update their apps  
6 with targeted new content designed to keep addicted players spending money.

7 7. For example, in 2019, PBS NewsHour reported:

8  
9 [w]e obtained leaked company documents that show how [a social casino's] VIP system  
10 tracks players by their Facebook IDs, closely monitors their game play, and then prods  
11 people to keep them spending. They refer to their VIPs as whales, a term taken from the  
12 casino industry to describe big spenders.

13 Social casinos now use behavioral analysis software to quickly identify people who are  
14 likely to become big spenders. Behaviors like increasing your bet, or playing frequently,  
15 are signals to the companies, and they target these players with heavy marketing, and  
16 label them, proto-whales . . .

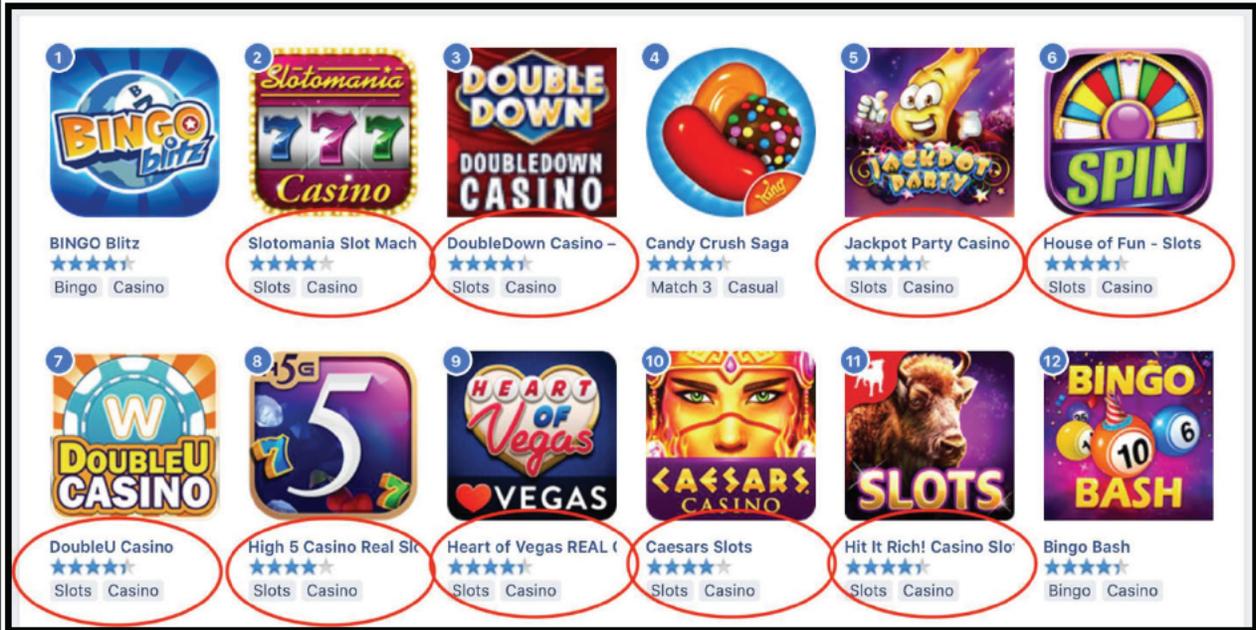
17 Facebook's website shows how it tracks people online, and can predict who is likely to  
18 spend big by analyzing user data. **Facebook helps social casinos find those potential  
19 whales. It charges a premium to nudge players to spend more, to target people  
20 whose online behavior might be a sign of addiction.**<sup>4</sup>

21 8. Last year alone, consumers purchased and gambled away an estimated *\$6 billion*  
22 in social casino virtual chips.<sup>5</sup> Indeed, of the top twelve grossing apps available on Defendant  
23 Facebook, *nine* are social casinos. *See* Figure 3 (Screenshot of "Top Grossing" Facebook Apps).  
24  
25  
26

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27 <sup>4</sup> *Id.*

28 <sup>5</sup> *SciPlay Net Income Skyrockets 127 Percent, as Social Gaming Embraced by Americans Sheltered at Home*, CASINO.ORG (May 13, 2020), <https://www.casino.org/news/sciplay-net-income-skyrockets-127-percent-as-social-gaming-embraced/>.

**Figure 3**

9. By utilizing Facebook for promotion, distribution and payment processing, the social casinos entered into a mutually beneficial business partnership. In exchange for promoting and distributing the casino games, providing them valuable data and insight about their players, and collecting money from consumers, Facebook (and the other Platforms) take a *30 percent* commission off of every wager, earning them billions in revenue. By comparison, the “house” at a traditional casino only takes 1 to 15 percent, while also taking on significant risk of loss in its operation. Facebook’s 30 percent commission, on the other hand, is guaranteed for its ability to act as a casino “host” and bankroll.

10. The result (and intent) of this dangerous partnership is that consumers become addicted to social casino apps, maxing out their credit cards with purchases amounting to tens or even hundreds of thousands of dollars. Consumers addicted to social casinos suffer a variety of non-financial damages ranging from depression to divorce to attempted suicide.

11. These devastating consequences are not hypothetical or hyperbole: below are excerpts of sworn testimony from individuals describing their experiences with social casinos:

- “There is no way to escape. . . . I actually was able to stop playing DoubleDown once, but I relapsed. DoubleDown has affected my life in so many ways. . . . Overall, I believe that I have spent well over \$220,000

1 playing DoubleDown. . . . My husband and I dreamed of paying off our  
 2 house and retiring at age 60. My addiction to DoubleDown likely ruined  
 3 that plan. *The financial consequences have caused a lot of strain in our*  
 4 *relationship. When I got hooked on DoubleDown again, I lied to my*  
 5 *husband about the total amount I had spent because I was afraid he would*  
 6 *divorce me if he were to find out the real amount.* He found out anyway,  
 7 and when he did, he contacted a divorce attorney to start the process of  
 8 separation. Luckily for me, he decided to give me another chance. I am so  
 9 thankful for his patience with me, but I feel terrible that I have put him  
 10 through all this.” Exhibit 1, Declaration of Ben Kramer ¶¶ 3-4, 7 (emphasis  
 11 added).

- 12 • “Overall, I believe that I have spent between \$10,000-\$20,000 playing  
 13 social casinos. . . . This kind of loss *put a huge strain on my ability to even*  
 14 *buy food* since I had spent money on a stupid game. I believe social casinos  
 15 were taking advantage of my addiction. . . . This game hurt me and the  
 16 worst part was that when my husband was alive, he would say, ‘You’re not  
 17 spending money on there are you?’ and *I lied. I hate that I have to live with*  
 18 *that now.*” Exhibit 2, Declaration of Laura Perkinson ¶¶ 3-6 (emphasis  
 19 added).

12. Unsurprisingly, social casinos are illegal under many states’ gambling laws.

13. As the Ninth Circuit held in *Kater v. Churchill Downs Inc.*, 886 F.3d 784, 785  
 (9th Cir. 2018):

15 In this appeal, we consider whether the virtual game platform “Big Fish  
 16 Casino” constitutes illegal gambling under Washington law. Defendant–  
 17 Appellee Churchill Downs, the game’s owner and operator, has made  
 18 millions of dollars off of Big Fish Casino. However, despite collecting  
 19 millions in revenue, Churchill Downs, like Captain Renault in *Casablanca*,  
 20 purports to be shocked—shocked!—to find that Big Fish Casino could  
 21 constitute illegal gambling. We are not. We therefore reverse the district  
 22 court and hold that because Big Fish Casino’s virtual chips are a “thing of  
 23 value,” Big Fish Casino constitutes illegal gambling under Washington law.

24 14. As an instructive example, DoubleDown Casino is illegal both in Washington and  
 25 here in California (where the Platforms, including Defendant Facebook, host it and collect their  
 26 30% commission). This year, consumers will purchase approximately \$400 million worth of  
 27 virtual casino chips in DoubleDown Casino. That \$400 million will be divided up approximately  
 28 as follows: \$240 million to DoubleDown; \$40 million to International Game Technology  
 (“IGT”) (a multinational slot machine manufacturer that licenses slot machine game intellectual  
 property to DoubleDown); and—as particularly relevant here—the remaining \$120 million to  
 Facebook and the other Platforms (for hosting the app, driving vulnerable consumers to it, and  
 processing the payments for those consumers’ virtual chip purchases).



1 23. Plaintiff Nancy Urbanczyk is a natural person and a citizen of the State of Illinois.

2 24. Plaintiff Laura Perkinson is a natural person and a citizen of the State of  
3 Washington.

4 25. Plaintiff Maria Valencia-Torres is a natural person and a citizen of the State of  
5 Alabama.

6 26. Plaintiff Mary Austin is a natural person and a citizen of the State of Arkansas.

7 27. Plaintiff Patricia McCullough is a natural person and a citizen of the State of  
8 Georgia.

9 28. Plaintiff Alison Koda is a natural person and a citizen of the State of Illinois.

10 29. Plaintiff Glenna Wiegard is a natural person and a citizen of the State of Illinois.

11 30. Plaintiff Clotera Rogers is a natural person and a citizen of the State of Illinois.

12 31. Plaintiff Carol Smith is a natural person and a citizen of the State of Illinois.

13 32. Plaintiff Hannelore Boorn is a natural person and a citizen of the State of  
14 Kentucky.

15 33. Plaintiff Janice Williams is a natural person and a citizen of the State of  
16 Kentucky.

17 34. Plaintiff Jennifer Andrews is a natural person and a citizen of the State of  
18 Minnesota.

19 35. Plaintiff Dawn Mehsikomer is a natural person and a citizen of the State of  
20 Minnesota.

21 36. Plaintiff Denice Wax is a natural person and a citizen of the State of Minnesota.

22 37. Plaintiff Frances Long is a natural person and a citizen of the State of Missouri.

23 38. Plaintiff Sandra Meyers is a natural person and a citizen of the State of Montana.

24 39. Plaintiff Steve Simons is a natural person and a citizen of the State of New Jersey.

25 40. Plaintiff Vanessa Sowell Skeeter is a natural person and a citizen of the State of  
26 New York.

27 41. Plaintiff Donna Whiting is a natural person and a citizen of the State of South  
28 Carolina.

1 42. Plaintiff Sheri Miller is a natural person and a citizen of the State of Tennessee.

2 43. Plaintiff Paul Lombard is a natural person and a citizen of the Commonwealth of  
3 Virginia.

4 44. Plaintiff Ben Kramer is a natural person and a citizen of the State of Washington.

5 45. Plaintiff Eleanor Mizrahi is a natural person and a citizen of the State of  
6 California.

7 46. Plaintiff Janice Wilson is a natural person and a citizen of the State of California.

8 47. Defendant Facebook, Inc. is a corporation existing under the laws of the State of  
9 Delaware with its principal place of business located at 1 Hacker Way, Menlo Park, California  
10 94025. Facebook regularly conducts and transacts business in this District and throughout the  
11 United States. Facebook owns and operates the Facebook App Center.

12 **JURISDICTION AND VENUE**

13 48. Federal subject-matter jurisdiction exists under 28 U.S.C. § 1332(d)(2) because  
14 (a) at least one member of the proposed classes is a citizen of a state different from Defendant,  
15 (b) the amount in controversy exceeds \$5,000,000, exclusive of interests and costs, and (c) none  
16 of the exceptions under that subsection apply to this action.

17 49. Federal subject-matter jurisdiction also exists under 28 U.S.C. § 1331 because  
18 Plaintiffs allege violations of 18 U.S.C. § 1962(c)-(d).

19 50. The Court has personal jurisdiction over Defendant because Defendant is  
20 headquartered in this District and Defendant's alleged wrongful conduct occurred in and  
21 emanated from this District.

22 51. Venue is proper in this District under 28 U.S.C. § 1391(b) because a substantial  
23 part of the events giving rise to Plaintiffs' claims occurred in and emanated from this District.

24 **GENERAL ALLEGATIONS**

25 **I. Facebook Promotes, Offers, Supports, and Profits From Illegal Slot Machines**

26 52. Players can access Illegal Slots through Facebook—either on a computer or a  
27 mobile device—and play at any time of day or night. The doors to these mobile casinos never  
28 close.

1           53.     The Illegal Slot apps each contain multiple games. For example, the DoubleDown  
2 Casino app contains over 200 total titles: 186 slot titles, 21 card game titles, and 1 bingo title.<sup>6</sup>  
3 The Illegal Slots derive substantially all of their revenue from their slot titles.

4           54.     Many of the Illegal Slots feature the same games—sporting the same graphics and  
5 music—as can be found on a slot machine in a brick-and-mortar casino. For instance,  
6 International Game Technology’s well-known slot game “Cleopatra” can be found both in  
7 physical casinos and through Facebook’s DoubleDown Casino app.<sup>7</sup>

8           55.     The Illegal Slots are designed to mimic the electronic slot machines found in  
9 brick-and-mortar casinos, including many of the features designed to maximize time-on-device  
10 and money spent. For example, the Illegal Slots offer multiline betting—allowing players to  
11 wager and win on multiple pay lines—which tends to keep people playing and spending for  
12 longer.<sup>8</sup>

13           56.     There is no skill involved in the slot machine games offered at the Illegal Slots.  
14 Players can only place wagers (using virtual chips), and then press a button to “spin” the slot  
15 machine. It is impossible for players to affect the outcome of any spins.

16           57.     Within the Illegal Slots, players are typically given an initial allotment of virtual  
17 chips for free. Players use those chips to play the animated slot machines, choosing the amount  
18 they wager on each spin. Virtual chips are won and lost based on the outcome of those spins.

19           58.     Once a player loses their initial allotment of free chips, the Illegal Slots typically  
20 alert the player that he or she has insufficient funds to continue playing that slot game. Many of  
21 the Illegal Slot games have minimum bet requirements, such that a player cannot continue  
22 playing that game if their chip balance falls too low.

23           59.     At this point, players have three options: (i) stop playing, (ii) wait for some period

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24 <sup>6</sup> Form F-1/A DoubleDown Interactive Co., Ltd. at 82,  
25 <https://sec.report/Document/0001193125-20-183157/>.

26 <sup>7</sup> *Id.* at 4 (“We have exclusive access to hundreds of highly recognizable, branded land-  
27 based slot titles through our partnership with IGT which enables us to deliver an authentic casino  
28 floor experience to our players.”).

<sup>8</sup> See Natasha Dow Schüll, *Addiction By Design: Machine Gambling in Las Vegas*  
(Princeton Univ. Press 2012).

1 of time before receiving more free chips from the Illegal Slot; or (iii) purchase more chips to  
2 keep playing—often with just a single click. To keep playing the same game immediately,  
3 players navigate to an electronic store and purchase chip packages.

4 60. Facebook operates as the payment processor for all in-app purchases of virtual  
5 chips in the Illegal Slots. Facebook collects the money players spend on virtual chips, takes a cut  
6 for itself, and remits the rest to the Illegal Slots.<sup>9</sup>

7 61. Purchased chips extend gameplay in the Illegal Slots because they allow players  
8 to place wagers on more spins of the slot machines.

9 62. Virtual chips cannot be used outside of any individual Illegal Slots app. The chips  
10 can only be used to (1) place wagers on slot machine spins, (2) place wagers on the few card  
11 game or bingo titles in the Illegal Slots app, or (3) give a “gift” of virtual chips to another  
12 account in the app. Substantially all virtual chips are used on slot machine spins.

13 63. Players typically run out of virtual chips quickly—within a day or two.<sup>10</sup>

14 64. Notably, while any legitimately operated slot machine must randomize its results,  
15 social casinos do not fully randomize their results. Instead, social casinos tailor “wins” and  
16 “losses” in such a way as to maximize addiction (and, in turn, revenues). As the CEO of  
17 DoubleDown Casino once explained, “[o]ur games aren’t built to be bulletproof like you’d need  
18 to be if you’re a real gambling company. We can do things to make our games more [fun] that if  
19 you were an operator in Vegas you’d go to jail for, because *we change the odds just for fun.*”<sup>11</sup>

20 65. Developers of social casino games, such as Scientific Games, hold patents for  
21 “dynamic paytables” in interactive games. Paytables—coded into the Illegal Slot apps—set the  
22 payout for each possible game event. In other words, they determine how many chips players  
23

---

24 <sup>9</sup> *Payments Terms*, Facebook for Developers,  
[https://developers.facebook.com/policy/payments\\_terms](https://developers.facebook.com/policy/payments_terms).

25 <sup>10</sup> Form F-1/A DoubleDown Interactive Co., Ltd. at 72,  
26 <https://sec.report/Document/0001193125-20-183157/> (“Th[e] timing difference [between virtual  
currency purchase and consumption] is relatively short.”).

27 <sup>11</sup> *Gambling giant IGT buying Double Down for \$500M, moving into Facebook games*,  
28 GEEK WIRE (Jan. 12, 2012), <https://www.geekwire.com/2012/gambling-giant-igt-buying-doubledown-500m-moving-facebook-games/> [emphasis added].

1 receive for various spin outcomes. Use of a dynamic payable means that the payout for any  
2 given game event can change over the course of a game or over the course of a player's use of  
3 the app.

4 66. As Scientific Games explained in their patent application, “[t]he slot machine’s  
5 dynamic payable is designed to take advantage of the observation that players are more apt to  
6 play gaming machines for longer periods of time if the payout is increased as the player  
7 continues to play the game. Other slot machines change the payable based on the amount  
8 wagered by the player.”<sup>12</sup>

9 67. On information and belief, many Illegal Slots utilize dynamic paytables. In these  
10 games, players are cheated out of a legitimately randomized slot machine experience. Rather, the  
11 games adjust the potential payouts in order to maximize revenue—changing the gameplay and  
12 the odds in order to manipulate players into playing longer and spending more.

## 13 **II. Facebook Promotes, Hosts and Facilitates At Least Fifty Illegal Social Casinos**

14 68. The Platforms, including Defendant Facebook, have directly assisted in creating  
15 and operating the unregulated market of virtual casino games from the outset of the industry.

16 69. Before gaining access to these social media platforms, the Illegal Slots used  
17 methods like loyalty cards to track data on how much gamblers spent, how frequently they  
18 played, or how often they bet. The Platform partnerships upgraded their business model to an in-  
19 app payment system and provided additional user data which skyrocketed revenue by providing  
20 them with access to a whole new market of consumers.

21 70. The Illegal Slots rely on Platforms, like Defendant Facebook, to make their games  
22 available to players and to collect revenue.<sup>13</sup> The Illegal Slots are *only* available to play via third-  
23 party Platforms, including on Facebook (online or mobile app), on an app downloaded from the  
24 Apple App Store, or on an app downloaded from Google Play.

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26 <sup>12</sup> United States Patent, *Dynamic Paytable for Interactive Games*, No. US 7,628,691 B2  
27 (Dec. 8, 2009).

28 <sup>13</sup> Form F-1/A DoubleDown Interactive Co., Ltd. at 16,  
<https://sec.report/Document/0001193125-20-183157/>.

1           71. The core marketing for the Illegal Slots is accomplished in concert with the  
2 Platforms, and their systems are inextricably linked. Here, for example, is how one social casino  
3 maker described their partnership with the Platforms in a public securities filing:

4  
5           Our games are distributed through several main platform providers, including  
6 Apple, Facebook, Google, and Amazon, which also provide us valuable  
7 information and data, such as the rankings of our games. **Substantially all of  
8 our revenue is generated by players using those platforms.** Consequently, our  
9 expansion and prospects depend on our continued relationships with these  
10 providers[.]

11           ....

12           We focus our marketing efforts on acquiring new players and retaining existing  
13 players. We acquire players both organically and through paid channels. Our paid  
14 marketing includes performance marketing and dynamic media buying on  
15 Facebook, Google, and other channels such as mobile ad networks. Underlying  
16 our paid marketing efforts are our data analytics that allow us to estimate the  
17 expected value of a player and adjust our user acquisition spend to a targeted  
18 payback period. Our broad capabilities in promotions allow us to tailor  
19 promotional activity around new releases, execute differentiated multi-channel  
20 campaigns, and reach players with preferred creative content.

21           ....

22           Our player retention marketing includes advertising on Facebook as well as  
23 outreach through email, push notifications, and social media posts on channels  
24 such as Facebook, Instagram, and Pinterest. Our data and analytics also inform  
25 our retention marketing efforts. Campaigns are specially designed for each  
26 channel based upon player preferences for dimensions such as time of day and  
27 creative content. We consistently monitor marketing results and return on  
28 investment, replacing ineffective marketing tactics to optimize and improve  
channel performance.

....

We employ a rigorous, data-driven approach to player lifecycle management  
from user acquisition to ongoing engagement and monetization. We use  
internally-developed analytic tools to segment and target players and to  
optimize user acquisition spend across multiple channels.

....

We continuously gather and analyze detailed customer play behavior and  
assess this data in relation to our judgments used for revenue recognition.<sup>14</sup>

72. By partnering with the Illegal Slots in marketing, distribution, and payment  
processing, Defendant Facebook entered into a mutually beneficial business partnership with the  
Illegal Slots. In exchange for pushing and distributing the social casino apps and collecting

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<sup>14</sup> *Id.* at 16, 72, 85, 91.

1 money from consumers, Facebook and the other Platforms take a 30 percent commission off of  
2 every in-app purchase, earning them billions in revenue.<sup>15</sup>

### 3 A. The Illegal Slots

4 73. Each of the following fifty Illegal Slots offered by Facebook allows players to  
5 gamble on online slot machines, even in states where such gambling is unlawful.<sup>16</sup>

6 **Figure 4 – The Illegal Slots**

#	Game Title	Facebook URL
7 1	DoubleDown Casino	<a href="https://apps.facebook.com/doubledowncasino/">https://apps.facebook.com/doubledowncasino/</a>
8 2	Slotomania Slot Machines	<a href="https://apps.facebook.com/slotomania/">https://apps.facebook.com/slotomania/</a>
9 3	Jackpot Party Casino Slots	<a href="https://apps.facebook.com/jackpotpartycasino/">https://apps.facebook.com/jackpotpartycasino/</a>
10 4	House of Fun – Slots	<a href="https://apps.facebook.com/houseoffun/">https://apps.facebook.com/houseoffun/</a>
11 5	DoubleU Casino	<a href="https://apps.facebook.com/doubleucasino/">https://apps.facebook.com/doubleucasino/</a>
12 6	High 5 Casino Real Slots	<a href="https://apps.facebook.com/highfivecasino">https://apps.facebook.com/highfivecasino</a>
13 7	Heart of Vegas	<a href="https://apps.facebook.com/heart_of_vegas">https://apps.facebook.com/heart_of_vegas</a>
14 8	Caesars Slots	<a href="https://apps.facebook.com/caesars/">https://apps.facebook.com/caesars/</a>
15 9	Hit It Rich! Casino Slots	<a href="https://apps.facebook.com/hititrich/">https://apps.facebook.com/hititrich/</a>
16 10	myVEGAS Slots	<a href="https://apps.facebook.com/playmyvegas">https://apps.facebook.com/playmyvegas</a>
17 11	GSN Casino	<a href="https://apps.facebook.com/mesmogames/">https://apps.facebook.com/mesmogames/</a>
18 12	Rock N' Cash Casino Slots	<a href="https://apps.facebook.com/rockncash/">https://apps.facebook.com/rockncash/</a>
19 13	Huuuge Casino	<a href="https://apps.facebook.com/1672695549623058/">https://apps.facebook.com/1672695549623058/</a>
20 14	Old Vegas Slots	<a href="https://apps.facebook.com/oldvegasslots/">https://apps.facebook.com/oldvegasslots/</a>
21 15	Take5 Free Slots	<a href="https://apps.facebook.com/takefiveslots/">https://apps.facebook.com/takefiveslots/</a>
22 16	Quick Hit Slots	<a href="https://apps.facebook.com/quickhitslots/">https://apps.facebook.com/quickhitslots/</a>
23 17	Vegas Downtown Slots & Words	<a href="https://apps.facebook.com/vegas_downtown_slots">https://apps.facebook.com/vegas_downtown_slots</a>
24 18	Diamond Sky Casino	<a href="https://apps.facebook.com/diamondskycasino">https://apps.facebook.com/diamondskycasino</a>
25 19	Gold Fish Casino Slots	<a href="https://apps.facebook.com/goldfishcasinoslots/">https://apps.facebook.com/goldfishcasinoslots/</a>
26 20	Billionaire Casino	<a href="https://apps.facebook.com/657457464407450/">https://apps.facebook.com/657457464407450/</a>
27 21	Slots - Wizard of Oz	<a href="https://apps.facebook.com/wizardofozslots/">https://apps.facebook.com/wizardofozslots/</a>

28 <sup>15</sup> *Payments Terms*, Facebook for Developers, [https://developers.facebook.com/policy/payments\\_terms](https://developers.facebook.com/policy/payments_terms).

<sup>16</sup> For the Court's convenience, an iPad containing Apple-based versions of the Illegal Slots will be lodged with the Court as Exhibit 3. Upon request from Facebook's appearing counsel, a copy of the iPad will be produced to Facebook. For the purposes of the claims alleged here, the Apple-based versions of the Illegal Slot games are materially indistinguishable from the Facebook-based versions.

22	Hot Shot Casino Slots	<a href="https://apps.facebook.com/hotshotcasino/">https://apps.facebook.com/hotshotcasino/</a>
23	Scatter Slots	<a href="https://apps.facebook.com/scatterslots/">https://apps.facebook.com/scatterslots/</a>
24	Jackpotjoy Slots	<a href="https://apps.facebook.com/jackpotjoyslots/">https://apps.facebook.com/jackpotjoyslots/</a>
25	Real Casino - Free Slots	<a href="https://apps.facebook.com/realtexasholdem/">https://apps.facebook.com/realtexasholdem/</a>
26	Infinity Slots	<a href="https://apps.facebook.com/infinityslots/">https://apps.facebook.com/infinityslots/</a>
27	Let's Vegas Casino-Slot Roulette	<a href="https://apps.facebook.com/letsvegas/">https://apps.facebook.com/letsvegas/</a>
28	OMG! Fortune FREE Slots	<a href="https://apps.facebook.com/omgfortune/">https://apps.facebook.com/omgfortune/</a>
29	Gold Party Casino - Free Slots	<a href="https://apps.facebook.com/goldpartycasino/">https://apps.facebook.com/goldpartycasino/</a>
30	Vegas Live Slots	<a href="https://apps.facebook.com/vegasliveslots/">https://apps.facebook.com/vegasliveslots/</a>
31	my KONAMI Slots	<a href="https://apps.facebook.com/mykonamislots/">https://apps.facebook.com/mykonamislots/</a>
32	Spin Vegas Slots	<a href="https://apps.facebook.com/spinvegasslots">https://apps.facebook.com/spinvegasslots</a>
33	Cashman Casino	<a href="https://apps.facebook.com/cashman_casino">https://apps.facebook.com/cashman_casino</a>
34	Baba WILD Slots & Casino	<a href="https://apps.facebook.com/babacasino/">https://apps.facebook.com/babacasino/</a>
35	MONOPOLY Slots!	<a href="https://apps.facebook.com/monopoly-slots/">https://apps.facebook.com/monopoly-slots/</a>
36	Slotica Casino - Free Slots	<a href="https://apps.facebook.com/slotica_slots/">https://apps.facebook.com/slotica_slots/</a>
37	Mirrorball Slots	<a href="https://apps.facebook.com/mirrorballslots/">https://apps.facebook.com/mirrorballslots/</a>
38	Slots Era	<a href="https://apps.facebook.com/slotsera/">https://apps.facebook.com/slotsera/</a>
39	CasinoStar - Free Slots	<a href="https://apps.facebook.com/casinostar">https://apps.facebook.com/casinostar</a>
40	Slots - Classic Vegas Casino	<a href="https://apps.facebook.com/classic-vegas/">https://apps.facebook.com/classic-vegas/</a>
41	Lucky Time Slots	<a href="https://apps.facebook.com/luckytimeslots/">https://apps.facebook.com/luckytimeslots/</a>
42	Vegas Star Casino - Free Slots	<a href="https://apps.facebook.com/vegasstarcasino">https://apps.facebook.com/vegasstarcasino</a>
43	Willy Wonka Slots Free Casino	<a href="https://apps.facebook.com/wonkaslots/">https://apps.facebook.com/wonkaslots/</a>
44	DoubleHit Casino - Free Slots	<a href="https://apps.facebook.com/doublehitcasino/">https://apps.facebook.com/doublehitcasino/</a>
45	Winning Slots	<a href="https://apps.facebook.com/winningslots/">https://apps.facebook.com/winningslots/</a>
46	Our Slots	<a href="https://apps.facebook.com/our-slots/">https://apps.facebook.com/our-slots/</a>
47	Gambino Slots	<a href="https://apps.facebook.com/gambino-slots/">https://apps.facebook.com/gambino-slots/</a>
48	Slots Farm	<a href="https://apps.facebook.com/slots_farm/">https://apps.facebook.com/slots_farm/</a>
49	Blazing 7s Slots	<a href="https://apps.facebook.com/blazingsevsslots/">https://apps.facebook.com/blazingsevsslots/</a>
50	VegasTower Casino - Free Slots	<a href="https://apps.facebook.com/vegastowercasino/">https://apps.facebook.com/vegastowercasino/</a>

74. Most or all of the Illegal Slots are also hosted and promoted by the other Platform members of the Social Casino Enterprise: Apple and Google.

1           **B. Facebook’s Facilitation, Promotion, and Control Over the Illegal Slots**

2           75. Facebook, for its part, routinely facilitates the success of social casinos by  
3 counseling the app developers through the app launch process and providing them with resources  
4 and business tools necessary to maximize the platform’s powerful social features.<sup>17</sup>

5           76. Prior to being published in the Facebook App Center, developers must submit  
6 their app for review. In this process, Facebook examines whether the app violates any company  
7 policies and demands that apps comply with all relevant laws within the jurisdiction where the  
8 app is available.<sup>18</sup> Apps may be, and often are, removed at Facebook’s discretion for violating its  
9 policies and can be audited at any time.

10           77. The Platforms, through their app review process, are keenly aware of the illegal  
11 and deceptive nature of the Illegal Slots. Facebook categorizes the Illegal Slots as “Casino”  
12 games (distinct from “Arcade” games and “Card” games).

13           78. Facebook also helps the Illegal Slots with marketing and analytics. Facebook  
14 Products, such as App Ads (targets lookalike audiences to increase engagement), App Invite  
15 (solicits new players via Game Requests), Facebook Analytics for Apps (tracks the time spent  
16 between installation and purchase and devises strategies to turn out higher profits), Facebook  
17 login (facilitates easy, familiar sign-up), and Sharing (creates viral social distribution), all enable  
18 the Illegal Slots to acquire new users and retain high-spenders. Social features keep players  
19 engaged longer, which in turn drives higher and more stable monetization.<sup>19</sup>

20           79. By way of example, International Game Technology cited the success of  
21 Facebook’s distribution channel as one of its main reasons for acquiring DoubleDown  
22 Interactive, of “DoubleDown Casino” fame, for \$500 million in 2012.<sup>20</sup>

23 <sup>17</sup> *Developer Products*, Facebook for Developers,  
24 <https://developers.facebook.com/products>.

25 <sup>18</sup> *Facebook Platform Terms*, Facebook for Developers,  
<https://developers.facebook.com/policy>.

26 <sup>19</sup> Form F-1/A DoubleDown Interactive Co., Ltd. at 80,  
<https://sec.report/Document/0001193125-20-183157/>.

27 <sup>20</sup> *International Game Technology to Acquire Social Gaming Company Double Down*  
28 *Interactive*, PRNEWswire (Jan 12, 2012), <https://www.prnewswire.com/news->

1 80. Millions of social casino players access their preferred Illegal Slot through their  
 2 Facebook login.<sup>21</sup> Upon login, Facebook sends targeted ads offering in-game rewards to users  
 3 who invite their Facebook friends to also play the Illegal Slots. In many Illegal Slots, the more  
 4 players a user brings to the game, the more virtual chips they can earn. Users can then compete  
 5 in “tournaments” online with friends, driving increased chip sales.

6 81. Meanwhile, the Illegal Slot companies and Facebook monitor the game activity  
 7 and use the collected data to increase user spending.<sup>22</sup> This access to data is critical for the  
 8 developers: Since all payment processing occurs through third-party platforms, the Illegal Slot  
 9 companies have limited access to personal user data unless players login through Facebook or  
 10 otherwise sign up for loyalty programs.<sup>23</sup>

11 82. Because the Illegal Slots depend on the spending of a small, targeted audience,  
 12 the Illegal Slot companies and Platforms work together to target and exploit high-spending users,  
 13 or “whales,” as Illegal Slot companies like DoubleDown refer to their top-spenders.<sup>24</sup>

14 83. The data that the Illegal Slot companies and the Platforms collect on monetization  
 15 necessarily contributes to the structure and success of the Social Casino Enterprise.<sup>25</sup>

16 84. Facebook App Ads allow Illegal Slot companies to target high spending users and  
 17 activate non-spending users.<sup>26</sup>

18  
 19 [releases/international-game-technology-to-acquire-social-gaming-company-double-down-  
 interactive-137209833.html](https://www.prnewswire.com/news-releases/international-game-technology-to-acquire-social-gaming-company-double-down-interactive-137209833.html).

20 <sup>21</sup> See, e.g., *Success Stories: DoubleU Games*, Facebook for Developers,  
 21 <https://developers.facebook.com/success-stories/doubleu-games/>.

22 <sup>22</sup> *DoubleDown Casino Launches the World’s First Social Slot Tournaments on Facebook*,  
 23 PRNewswire (July 19, 2011), [https://www.prnewswire.com/news-releases/doubledown-casino-  
 launches-the-worlds-first-social-slot-tournaments-on-facebook-125830673.html](https://www.prnewswire.com/news-releases/doubledown-casino-launches-the-worlds-first-social-slot-tournaments-on-facebook-125830673.html) (last visited  
 Nov. 22, 2021).

24 <sup>23</sup> Form F-1/A Doubledown Interactive Co., Ltd. at 21,  
<https://sec.report/Document/0001193125-20-183157/>.

25 <sup>24</sup> *The Journey From a Single-App to a Multi-App Company*,  
 26 <https://youtu.be/PY8gh8M6T20?t=1260> (Joe Sigrist, DoubleDown General Manager: “We track  
 our whales”).

27 <sup>25</sup> *Success Stories: DoubleU Games*, Facebook for Developers,  
<https://developers.facebook.com/success-stories/doubleu-games/>.

28 <sup>26</sup> *Id.*

1 85. A 2019 *PBS NewsHour* report quotes Facebook executive Julien Codorniou (in  
2 2014) regarding social casinos' financial potential and acknowledging Facebook's intentional  
3 role in sharing in the gambling profits:<sup>27</sup>

4  
5 It's the number one category on Facebook. It's a category that, you know, never  
6 stops growing. Every year, we see new companies out of nowhere coming up with  
7 amazing games, amazing IP, launching on Facebook, launching on mobile,  
8 making significant money.

9 It's very good for gaming companies because they can decide to target on  
10 Facebook, or on mobile, you know, specific users, or just the whales.

11 86. That same article also features former top Facebook executive Sam Lessin  
12 admitting to Facebook's knowledge of social casinos' exploitation of vulnerable consumers. In  
13 2012, Lessin emailed Facebook CEO Mark Zuckerberg with his concerns about the predatory  
14 and unethical nature of the in-app purchase business model for casino gaming apps.<sup>28</sup> The  
15 warning fell on deaf ears:

16 I mean, it sounds disgusting, right? You know, we're going to have to live in a  
17 world where both very, very good people, and very, very bad people have better  
18 tools.<sup>29</sup>

19 87. At all relevant times, Facebook and the Platforms have known of the unlawful  
20 nature of the Illegal Slots and nonetheless have subjected the general public to the unlawful,  
21 predatory, and addictive games in order to maximize profits at the expense of the public's health  
22 and welfare.

23 88. Apps, including the Illegal Slots, are required to use Facebook Payments to  
24 process all in-game purchases, and Facebook collects a 30 percent service fee off of every  
25 transaction.<sup>30</sup>

26 <sup>27</sup> Nate Halverson, *How social casinos leverage Facebook user data to target vulnerable*  
27 *gamblers*, *PBS NewsHour* (Aug. 13, 2019), <https://www.pbs.org/newshour/show/how-social-casinos-leverage-facebook-user-data-to-target-vulnerable-gamblers>.

28 <sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Payment Terms*, Facebook for Developers, [https://developers.facebook.com/policy/payments\\_terms](https://developers.facebook.com/policy/payments_terms).

1 89. Because they act as the “bank” for the Illegal Slots, the Platforms are entirely  
2 aware that some consumers spend *hundreds of thousands of dollars* on the Illegal Slots.

3 90. Furthermore, on information and belief, in the wake of the *Kater* decision, the  
4 Platforms did not remove social casinos from their offerings but instead conferred with each  
5 other and decided to each continue to offer illegal social casino games. This decision was  
6 consistent with the Platforms’ long history of entering into highly illegal agreements with each  
7 other as long as it is highly lucrative to do so.<sup>31</sup>

8 91. Despite having the ability to do so, Facebook has not taken any steps to limit  
9 access to the Illegal Slots, such as by excluding minors or excluding players from states where  
10 the Illegal Slots violate state gambling laws.

11 92. If Facebook ever discovers an illegal or fraudulent transaction in breach of its  
12 Facebook terms or policies, it can deny developers from redeeming the proceeds in its Developer  
13 Balance.<sup>32</sup>

14 93. Unfortunately, Facebook used its developer tools to take advantage of users with  
15 severe gambling problems.

16 94. As a result, Facebook has unlawfully made billions of dollars on the backs of  
17 consumers.

### 18 **III. Players Are Harmed By the Illegal Slots Hosted by Defendant**

19 95. Millions of consumers access Illegal Slots through Facebook, and at least  
20 thousands have paid money to Facebook to purchase virtual chips for gambling on the Illegal  
21 Slots.

22 96. These players have been injured by Facebook’s conduct because they have lost  
23 money as a result of Facebook’s hosting, promoting, and facilitating of illegal gambling and  
24

25 <sup>31</sup> See, e.g., *Exclusive: Apple, Google to pay \$324 million to settle conspiracy lawsuit*,  
26 available at [https://www.reuters.com/article/us-apple-google-lawsuit-exclusive/exclusive-apple-  
27 google-to-pay-324-million-to-settle-conspiracy-lawsuit-idUSBREA3N28Z20140425](https://www.reuters.com/article/us-apple-google-lawsuit-exclusive/exclusive-apple-google-to-pay-324-million-to-settle-conspiracy-lawsuit-idUSBREA3N28Z20140425); *Behind a  
28 Secret Deal Between Google and Facebook*, available at  
<https://www.nytimes.com/2021/01/17/technology/google-facebook-ad-deal-antitrust.html>.

<sup>32</sup> *Id.*

1 Facebook's participation in unfair and unscrupulous business practices.

2 97. Many players have lost substantial sums of money to Facebook and the Social  
3 Casino Enterprise. Players have maxed out credit cards, spent money they could not afford, and  
4 fallen behind on bills because they cannot stop spending money on Illegal Slots. Some players'  
5 injuries amount to tens or even hundreds of thousands of dollars.

6 98. Many players feel addicted to the Illegal Slots—they try to stop, knowing that  
7 they are losing money and that they are playing too much, but they can't. As long as Facebook  
8 continues to offer and promote Illegal Slots and continues to facilitate the sale of virtual chips,  
9 the victimization of these players (and the accompanying harms) will persist.

10 99. Players addicted to Illegal Slots also suffer serious non-economic damages,  
11 ranging from depression to divorce to attempted suicide.

12 100. Many of these harms are irreparable. After-the-fact money damages cannot fix  
13 injuries like strained marriages, unsought medical treatments, skipped meals, and anxiety and  
14 self-loathing caused by Facebook's and the Social Casino Enterprise's continued unlawful  
15 activity.

## 16 **FACTS SPECIFIC TO NAMED PLAINTIFFS**

### 17 **I. Nancy Urbanczyk**

18 101. Plaintiff Nancy Urbanczyk, 71, is a resident and citizen of Shorewood, Illinois.  
19 Ms. Urbanczyk plays and makes purchases in DoubleDown Casino through Facebook. She  
20 started playing DoubleDown Casino in approximately 2013. Ms. Urbanczyk is addicted to  
21 DoubleDown. She estimates that she plays the game 2 to 3 hours per day, and believes she has  
22 spent approximately \$240,000 in the game to date, sometimes spending as much as \$1,000 on  
23 chips in a single evening. As a result of her addiction, Ms. Urbanczyk lost her retirement savings,  
24 had to take out a mortgage on her home, and had to find a job at the age of 70. Her addiction has  
25 put significant strain on her personal relationships and her mental well-being.

### 26 **II. Laura Perkinson**

27 102. Plaintiff Laura Perkinson, 78, is a resident and citizen of Centralia, Washington.  
28 Ms. Perkinson was disabled in an accident several decades ago and has often turned to the

1 Internet for social interaction. This eventually led her to social casinos, which she began playing  
2 more than a decade ago. She believes that, over time, she has played and made purchases in more  
3 than a dozen social casino games, including 88 Fortunes Casino, Big Fish Casino, Caesars Slots,  
4 Casino Jackpot Slots - Infinity Slots, DoubleDown Casino, House of Fun, Jackpot Mania,  
5 Jackpot Party, Willy Wonka Slots, and Wizard of Oz Slots through Facebook. Eventually, and  
6 especially after she lost her husband, Ms. Perkinson estimates that she began to play social  
7 casinos for approximately four to five hours a day. Playing social casinos through Facebook has  
8 had a devastating impact on Ms. Perkinson's life. In total, she estimates that she has lost between  
9 \$10,000 and \$20,000 in social casinos. Ms. Perkinson's addiction has also put significant strain  
10 on her personal relationships and her mental well-being and has even impacted her ability to buy  
11 food.

### 12 **III. Ben Kramer**

13 103. Plaintiff Ben Kramer, 53, is a resident and citizen of Redmond, Washington. Mr.  
14 Kramer started playing DoubleDown Casino in approximately 2013 after discovering the game  
15 in the Apple App Store. He plays and makes purchases in DoubleDown Casino through  
16 Facebook. Mr. Kramer believes that he has spent approximately \$220,000 in DoubleDown  
17 Casino, and estimates that he plays the game approximately 48 hours each week. Mr. Kramer's  
18 addiction to social casinos has taken a significant toll on his life. He has twice used the equity in  
19 his home to pay off massive, high-interest credit card debt amassed from his spending in the  
20 games, which increased his mortgage payment and set back his schedule for paying off his house  
21 by years. This spending and debt caused enormous strain in his marriage and he believes the  
22 financial stresses caused by DoubleDown Casino have likely made his and his husband's plan to  
23 retire by age 60 impossible.

### 24 **IV. Maria Valencia-Torres**

25 104. Plaintiff Maria Valencia-Torres, 51, is a resident and citizen of Pelham, Alabama.  
26 Ms. Valencia-Torres plays and has made purchases in MyVegas Slots and Slotomania through  
27 Facebook. She started playing social casinos in approximately 2014. Ms. Valencia-Torres  
28 believes she plays social casinos for approximately 15 to 20 hours per week on average, and she

1 estimates that she has spent approximately \$1,500 to date playing social casinos.

2 **V. Mary Austin**

3 105. Plaintiff Mary Austin, 62, is a resident and citizen of Springdale, Arkansas. Ms.  
4 Austin currently plays and has made purchases in Slotomania through Facebook. She started  
5 playing Slotomania in approximately 2015 after seeing advertisements on Facebook. Ms. Austin  
6 plays Slotomania every day and believes her playing time adds up to many hours each week, and  
7 she estimates that she has lost more than \$60,000 playing social casinos to date.

8 **VI. Patricia McCullough**

9 106. Plaintiff Patricia McCullough, 73, is a resident and citizen of Harlem, Georgia.  
10 Ms. McCullough plays and makes purchases in DoubleDown Casino through Facebook. She  
11 started playing DoubleDown Casino in approximately 2016 after seeing advertisements on  
12 Facebook. Ms. McCullough believes she plays social casinos approximately 15 hours per week,  
13 and estimates that she has spent more than \$4,000 to date playing social casinos.

14 **VII. Alison Koda**

15 107. Plaintiff Alison Koda, 57, is a resident and citizen of Winthrop Harbor, Illinois.  
16 Ms. Koda believes that, over time, she has played and made purchases in DoubleDown Casino,  
17 Goldfish Casino Slots, Jackpot Party, Baba Wild Slots, and High Five Casino through Facebook.  
18 She started playing social casinos in approximately 2011 after seeing advertisements on  
19 Facebook. Ms. Koda believes she plays social casinos approximately 4 hours per week, and  
20 estimates that she has spent approximately \$1,000 playing social casinos to date.

21 **VIII. Glenna Wiegard**

22 108. Plaintiff Glenna Wiegard, 58, is a resident and citizen of Ellis Grove, Illinois. Ms.  
23 Wiegard plays and has made purchases in Goldfish Casino Slots and Jackpot Party through  
24 Facebook. She started playing social casinos in approximately 2017. Ms. Wiegard believes she  
25 plays social casinos many hours each week, and estimates that she has spent approximately \$400  
26 playing social casinos to date.

27 **IX. Clotera Rogers**

28 109. Plaintiff Clotera Rogers, 82, is a resident and citizen of Homewood, Illinois. Ms.

1 Rogers has played and made purchases in Hit it Rich! Lucky Vegas Casino Slots, and she  
2 currently plays and makes purchases in Jackpot Party through Facebook. She started playing  
3 social casinos in approximately 2014. Ms. Rogers plays social casinos many hours each week,  
4 and estimates she has spent approximately \$1,000 to \$2,000 to date playing social casinos.

5 **X. Carol Smith**

6 110. Plaintiff Carol Smith, 71, is a resident and citizen of Chicago, Illinois. Ms. Smith  
7 believes that, over time, she has played and made purchases in Monopoly Slots, Quick Hit  
8 Casino Games, DoubleDown Casino, Hit it Rich! Lucky Vegas Casino Slots, Jackpot Slot  
9 Machines – Slots Era Vegas Casino, Rock and Cash Slots, Diamond Sky Casino, Best Casino  
10 Slots, and Spin Vegas through Facebook. She started playing social casinos in approximately  
11 2014. Ms. Smith believes she plays social casinos more than 35 hours per week, and estimates  
12 that she has spent more than \$4,000 to date in social casinos.

13 **XI. Hannelore Boorn**

14 111. Plaintiff Hannelore Boorn, 71, is a resident and citizen of Lexington, Kentucky.  
15 Ms. Boorn has played and made purchases in Quick Hit Casino Games and currently plays and  
16 makes purchases in DoubleDown Casino through Facebook. She started playing social casinos  
17 more than a decade ago. Ms. Boorn estimates that she plays social casinos more than 35 hours  
18 each week, and estimates she has lost more than \$90,000 in social casinos to date.

19 **XII. Janice Williams**

20 112. Plaintiff Janice Williams, 63, is a resident and citizen of Lexington, Kentucky.  
21 Ms. Williams has played Slotomania and currently plays DoubleDown Casino, and has made  
22 purchases in both games through Facebook. She started playing social casinos more than a  
23 decade ago. Ms. Williams believes she plays social casinos approximately 20 hours per week,  
24 and estimates that she has spent approximately \$10,000 playing social casinos to date.

25 **XIII. Jennifer Andrews**

26 113. Plaintiff Jennifer Andrews, 54, is a resident and citizen of Sauk Rapids,  
27 Minnesota. Ms. Andrews started playing social casinos around 2011 after seeing an  
28 advertisement on Facebook. She believes that, over time, she has played more than a dozen

1 social casino games, including Caesars Slots, Cash Frenzy, Cashman Casino, Casino Jackpot  
2 Slots - Infinity Slots, Double U Casino, Willy Wonka Slots, Wizard of Oz Slots, and Quick Hit  
3 Casino Games. She currently plays and makes purchases in DoubleDown Casino through  
4 Facebook. Ms. Andrews estimates that she plays social casinos approximately 20 hours per week  
5 on average, and estimates that she has spent approximately \$80,000 playing social casinos.

6 **XIV. Dawn Mehsikomer**

7 114. Plaintiff Dawn Mehsikomer, 64, is a resident and citizen of New Brighton,  
8 Minnesota. Ms. Mehsikomer has played and made purchases in Double U Casino, Heart of  
9 Vegas, DoubleDown Casino, and Jackpot Party through Facebook. She started playing social  
10 casinos in approximately 2011. Ms. Mehsikomer estimates that she plays social casinos for  
11 approximately 20 to 25 hours per week on average, and estimates that she has lost approximately  
12 \$100,000 playing social casinos.

13 **XV. Denice Wax**

14 115. Plaintiff Denice Wax, 60, is a resident and citizen of Fridley, Minnesota. Ms. Wax  
15 has played and made purchases in Double U Casino, and she currently plays and makes  
16 purchases in DoubleDown Casino through Facebook. She believes she started playing social  
17 casinos around 2010. Ms. Wax has spent many hours playing social casinos, and estimates that  
18 she has spent more than \$19,000 in social casinos to date.

19 **XVI. Frances Long**

20 116. Plaintiff Frances Long, 70, is a resident and citizen of Ferguson, Missouri. Ms.  
21 Long believes she has, over time, played more than a dozen social casino games, including  
22 Double U Casino, House of Fun, Caesars Slots, Slotomania, Real Casino, Real Vegas Casino,  
23 and Old Vegas through Facebook. Ms. Long believes she plays social casinos between  
24 approximately 35 and 70 hours each week, and estimates that she has spent more than \$15,000  
25 on the games to date.

26 **XVII. Sandra Meyers**

27 117. Plaintiff Sandra Meyers, 71, is a resident and citizen of Helena, Montana. Ms.  
28 Meyers currently plays and has made purchases in DoubleDown Casino and My-KONAMI Real

1 Vegas Slots through Facebook. She started playing social casinos in approximately 2017 after  
2 seeing an advertisement on Facebook. Ms. Meyers believes she plays social casinos dozens of  
3 hours per week, and estimates that she has spent approximately \$9,000 playing social casinos to  
4 date.

5 **XVIII. Kathleen Wilkinson**

6 118. Plaintiff Kathleen Wilkinson, 52, is a resident and citizen of Kalispell, Montana.  
7 Ms. Wilkinson believes she has played and made purchases in more than a dozen social casinos,  
8 including DoubleDown Casino, Jackpot Party, Scatter Slots, Heart of Vegas, House of Fun,  
9 Willy Wonka Slots, Wizard of Oz Slots, and Cashman Casino. She started playing social casinos  
10 in approximately July 2016. Ms. Wilkinson believes she plays social casinos for approximately  
11 40 to 50 hours per week on average, and estimates that she has spent approximately \$50,000 to  
12 date playing social casinos.

13 **XIX. Steven Simons**

14 119. Plaintiff Steven Simons, 55, is a resident and citizen of Westwood, New Jersey.  
15 Mr. Simons has played and made purchases in Jackpot Party and GSN Casino and currently  
16 plays and makes purchases in DoubleDown Casino through Facebook. He started playing social  
17 casinos in approximately 2014 after seeing an ad on Facebook. Mr. Simons estimates that he  
18 plays social casinos for approximately 20 hours per week on average, and estimates that he has  
19 spent approximately \$15,000 playing social casinos.

20 **XX. Vanessa Sowell Skeeter**

21 120. Plaintiff Vanessa Sowell Skeeter, 65, is a resident and citizen of Bronx, New  
22 York. Ms. Skeeter has played and made purchases in Quick Hit Casino Games, and  
23 DoubleDown Casino through Facebook. She started playing social casinos in approximately  
24 2016 after seeing an ad on Facebook. Ms. Skeeter believes she plays social casinos 6 to 10 hours  
25 each week, and estimates that she has spent approximately \$5,000 to date in social casinos.

26 **XXI. Donna Whiting**

27 121. Plaintiff Donna Whiting, 68, is a resident and citizen of Little River, South  
28 Carolina. Ms. Whiting started playing social casinos in approximately 2010 after seeing ads on

1 Facebook. She plays and has made purchases in DoubleDown Casino and Jackpot Party through  
2 Facebook. To date, she estimates she has spent between approximately \$30,000 to \$60,000 in  
3 social casinos, and she estimates that she plays approximately 28 hours per week.

4 **XXII. Sheri Miller**

5 122. Plaintiff Sheri Miller, 72, is a resident and citizen of Jefferson City, Tennessee.  
6 Ms. Miller started playing DoubleDown Casino more than a decade ago after seeing an ad while  
7 browsing Facebook. She plays and makes purchases in DoubleDown Casino through Facebook.  
8 She estimates that she has spent between approximately \$50,000 and \$75,000 to date, and  
9 estimates that she plays DoubleDown Casino approximately 25 hours per week.

10 **XXIII. Paul Lombard**

11 123. Plaintiff Paul Lombard, 71, is a resident and citizen of Virginia Beach, Virginia.  
12 Mr. Lombard began playing social casinos in approximately 2013 after seeing ads on Facebook.  
13 He plays and makes purchases in DoubleDown Casino, Double U Casino, and Slotomania  
14 through Facebook. He estimates that has spent more than \$10,000. He believes that many of his  
15 purchases were made after he saw ads outside the social casinos when he logged into the  
16 “Games” section of Facebook or received email ads with special offers for virtual coins. Social  
17 casinos have substantially impacted Mr. Lombard’s life. In addition to the financial impact, he  
18 believes he plays social casinos at least 15 hours each week, and has not made upgrades to his  
19 home, put money into his grandson’s savings fund, or made planned contributions to his  
20 retirement funds so that he can spend more money on the social casinos.

21 **XXIV. Eleanor Mizrahi**

22 124. Plaintiff Eleanor Mizrahi, 76, is a resident and citizen of Sherwood Forest,  
23 California. Ms. Mizrahi started playing DoubleDown Casino in approximately 2013 after  
24 discovering it on Facebook. She plays and makes purchases in DoubleDown Casino through  
25 Facebook. Ms. Mizrahi estimates she has spent approximately \$108,000 to date in DoubleDown  
26 and believes that she plays DoubleDown Casino approximately 20 hours each week.

27 **XXV. Janice Wilson**

28 125. Plaintiff Janice Wilson, 63, is a resident and citizen of Modesto, California. Ms.

1 Wilson plays Game of Thrones Slots, Hit it Rich! Lucky Vegas Casino Slots, myVEGAS Slots,  
 2 Willy Wonka Slots, and Wizard of Oz Slots through Facebook. Ms. Wilson estimates that she  
 3 plays social casinos approximately 40 hours per week, and she estimates that she has spent more  
 4 than \$25,000 to date playing the social casinos. She regularly makes purchases in the social  
 5 casinos after seeing promotional ads on Facebook offering discounted coins.

### 6 CLASS ALLEGATIONS

7 126. **Class Definitions:** Plaintiffs bring this action pursuant to Fed. R. Civ. P. 23(b)(2)  
 8 and (b)(3) on behalf of themselves and Classes of similarly situated individuals, defined and  
 9 represented by Class Representatives as follows:

- 10 a. California Class: All persons in California who have lost money to any Illegal  
 11 Slots through the Facebook platform. The California Class is represented by Class  
 12 Representatives Eleanor Mizrahi and Janice Wilson.
- 13 b. Washington Class: All persons in Washington who have lost money to any Illegal  
 14 Slots through the Facebook platform. The Washington Class is represented by  
 15 Class Representative Ben Kramer.
- 16 c. Alabama Class: All persons in Alabama who have lost money to any Illegal Slots  
 17 through the Facebook platform. The Alabama Class is represented by Class  
 18 Representative Maria Valencia-Torres.
- 19 d. Arkansas Class: All persons in Arkansas who have lost money to any Illegal Slots  
 20 through the Facebook platform. The Arkansas Class is represented by Class  
 21 Representative Mary Austin.
- 22 e. Georgia Class: All persons in Georgia who have lost money to any Illegal Slots  
 23 through the Facebook platform. The Georgia Class is represented by Class  
 24 Representative Patricia McCullough.
- 25 f. Illinois Class: All persons in Illinois who have lost money to any Illegal Slots  
 26 through the Facebook platform. The Illinois Class is represented by Class  
 27 Representatives Alison Koda, Glenna Wiegard, Clotera Rogers, and Carol Smith.  
 28

- 1 g. Kentucky Class: All persons in Kentucky who have lost money to any Illegal  
2 Slots through the Facebook platform. The Kentucky Class is represented by Class  
3 Representatives Hannelore Boorn and Janice Williams.
- 4 h. Minnesota Class: All persons in Minnesota who have lost money to any Illegal  
5 Slots through the Facebook platform. The Minnesota Class is represented by  
6 Class Representatives Jennifer Andrews, Dawn Mehsikomer, and Denice Wax.
- 7 i. Missouri Class: All persons in Missouri who have lost money to any Illegal Slots  
8 through the Facebook platform. The Missouri Class is represented by Class  
9 Representative Frances Long.
- 10 j. Montana Class: All persons in Montana who have lost money to any Illegal Slots  
11 through the Facebook platform. The Montana Class is represented by Class  
12 Representatives Sandra Meyers and Kathleen Wilkinson.
- 13 k. New Jersey Class: All persons in New Jersey who have lost money to any Illegal  
14 Slots through the Facebook platform. The New Jersey Class is represented by  
15 Class Representative Steven Simons.
- 16 l. New York Class: All persons in New York who have lost money to any Illegal  
17 Slots through the Facebook platform. The New York Class is represented by  
18 Class Representative Vanessa Sowell Skeeter.
- 19 m. South Carolina Class: All persons in South Carolina who have lost money to any  
20 Illegal Slots through the Facebook platform. The South Carolina Class is  
21 represented by Class Representative Donna Whiting.
- 22 n. Tennessee Class: All persons in Tennessee who have lost money to any Illegal  
23 Slots through the Facebook platform. The Tennessee Class is represented by Class  
24 Representative Sheri Miller.
- 25 o. Virginia Class: All persons in Virginia who have lost money to any Illegal Slots  
26 through the Facebook platform. The Virginia Class is represented by Class  
27 Representative Paul Lombard.
- 28

1 p. Nationwide Class: All persons in the United States who have lost money to any  
 2 Illegal Slots through the Facebook platform. The Nationwide Class is represented  
 3 by Class Representatives Kathleen Wilkinson, Nancy Urbanczyk, Laura  
 4 Perkinson, Maria Valencia-Torres, Mary Austin, Patricia McCullough, Alison  
 5 Koda, Glenna Wiegard, Clotera Rogers, Carol Smith, Hannelore Boorn, Janice  
 6 Williams, Jennifer Andrews, Dawn Mehsikomer, Denice Wax, Frances Long,  
 7 Sandra Meyers, Steve Simons, Vanessa Sowell Skeeter, Donna Whiting, Sheri  
 8 Miller, Paul Lombard, Ben Kramer, Eleanor Mizrahi, and Janice Wilson.

9 127. The following people are excluded from any of the Classes: (1) any Judge or  
 10 Magistrate presiding over this action and members of their families; (2) Defendant, Defendant's  
 11 subsidiaries, parents, successors, predecessors, and any entity in which the Defendant or its  
 12 parents have a controlling interest and their current or former employees, officers and directors;  
 13 (3) persons who properly execute and file a timely request for exclusion from the Classes; (4)  
 14 persons whose claims in this matter have been finally adjudicated on the merits or otherwise  
 15 released; (5) Plaintiffs' counsel and Defendant's counsel; and (6) the legal representatives,  
 16 successors, and assigns of any such excluded persons.

17 128. **Numerosity**: On information and belief, thousands of consumers fall into the  
 18 definition of each Class. Members of the Classes can be identified through Defendant's records,  
 19 discovery, and other third-party sources.

20 129. **Commonality and Predominance**: There are many questions of law and fact  
 21 common to Plaintiffs' and the Classes' claims, and those questions predominate over any  
 22 questions that may affect individual members of the Class. Common questions for the Classes  
 23 include, but are not necessarily limited to the following:

- 24 A. Whether the Illegal Slots are illegal under the relevant state gambling laws;
- 25 B. Whether Facebook, under relevant state gambling laws, is liable for managing,  
 26 possessing, controlling, and/or profiting from the Illegal Slots;

1 C. Whether Facebook’s participation in operating the Illegal Slots constitutes an  
2 unfair and/or unlawful business practice under relevant state consumer  
3 protection statutes;

4 D. Whether Facebook should be enjoined from further participation in the Social  
5 Casino Enterprise;

6 E. Whether Facebook is a participant in the Social Casino Enterprise; and

7 F. Whether Facebook has committed illegal predicate acts under the Racketeer  
8 Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961, *et seq.*

9 130. **Typicality:** Plaintiffs’ claims are typical of the claims of other members of the  
10 Classes in that Plaintiffs and the members of the Classes sustained damages arising out of  
11 Defendant’s wrongful conduct.

12 131. **Adequate Representation:** Plaintiffs will fairly and adequately represent and  
13 protect the interests of the Classes and have retained counsel competent and experienced in  
14 complex litigation and class actions. Plaintiffs’ claims are representative of the claims of the  
15 other members of the Classes, as Plaintiffs and each member of the Classes lost money playing  
16 the Illegal Slots. Plaintiffs also have no interests antagonistic to those of the Classes, and  
17 Defendant has no defenses unique to Plaintiffs. Plaintiffs and their counsel are committed to  
18 vigorously prosecuting this action on behalf of the Classes and have the financial resources to do  
19 so. Neither Plaintiffs nor their counsel have any interest adverse to the Classes.

20 132. **Policies Generally Applicable to the Classes:** This class action is appropriate for  
21 certification because Defendant has acted or refused to act on grounds generally applicable to the  
22 Classes as a whole, thereby requiring the Court’s imposition of uniform relief to ensure  
23 compatible standards of conduct toward the members of the Classes and making final injunctive  
24 relief appropriate with respect to the Classes as a whole. Defendant’s policies that Plaintiffs  
25 challenge apply and affect members of the Classes uniformly, and Plaintiffs’ challenge of these  
26 policies hinges on Defendant’s conduct with respect to the Classes as a whole, not on facts or  
27 law applicable only to Plaintiffs. The factual and legal bases of Defendant’s liability to Plaintiffs  
28 and to the other members of the Classes are the same.

1           133. **Superiority:** This case is also appropriate for certification because class  
 2 proceedings are superior to all other available methods for the fair and efficient adjudication of  
 3 this controversy. The harm suffered by the individual members of the Classes is likely to have  
 4 been relatively small compared to the burden and expense of prosecuting individual actions to  
 5 redress Defendant’s wrongful conduct. Absent a class action, it would be difficult for the  
 6 individual members of the Classes to obtain effective relief from Defendant. Even if members of  
 7 the Classes themselves could sustain such individual litigation, it would not be preferable to a  
 8 class action because individual litigation would increase the delay and expense to all parties and  
 9 the Court and require duplicative consideration of the legal and factual issues presented. By  
 10 contrast, a class action presents far fewer management difficulties and provides the benefits of  
 11 single adjudication, economy of scale, and comprehensive supervision by a single Court.  
 12 Economies of time, effort, and expense will be fostered and uniformity of decisions will be  
 13 ensured.

14           134. Plaintiffs reserve the right to revise each of the foregoing allegations based on  
 15 facts learned through additional investigation and in discovery.

## CAUSES OF ACTION

### CLAIMS BROUGHT ON BEHALF OF THE STATE CLASSES

#### COUNT I

**Cal. Bus. & Prof. Code § 17200, *et seq.* (“UCL”)**

**Unlawful and Unfair Business Practices**

**(Restitution and Injunctive Relief)**

**(Plaintiffs Eleanor Mizrahi and Janice Wilson, On Behalf of the California Class)**

21           135. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

22           136. Plaintiffs are “person[s]” within the meaning of Cal. Bus. & Prof. Code § 17201  
 23 because they are natural persons.

24           137. Plaintiffs have standing under the UCL because they suffered injury in fact and  
 25 have lost money or property as a result of Facebook’s unlawful and unfair conduct.

26           138. By hosting and facilitating the Illegal Slots, Facebook engaged in unfair  
 27 competition within the meaning of Cal. Bus. & Prof. Code § 17200 by committing unlawful,  
 28 unfair, and fraudulent business acts and practices.

1 139. Slot machines have long been outlawed in California.

2 140. California law recognizes that a device can be an illegal slot machine without  
3 offering users the opportunity to win money.

4 141. In fact, if a gaming machine has the look and feel of a slot machine, accepts real  
5 money for gameplay, and rewards a winning spin with an “additional chance or right to use the  
6 slot machine or device,” the device is an illegal slot machine.

7 142. Consequently, social casinos, as described herein, are illegal slot machines under  
8 California law.

9 143. California gambling law is, on this point, consistent with the laws of many other  
10 states—including Washington. In *Kater*, for example, the Ninth Circuit held that social casinos  
11 are illegal under Washington law because, while users cannot win money, social casino chips are  
12 “things of value” because they can be purchased for money, are awarded as prizes in social  
13 casino slot machines, and then can be used to allow players to keep spinning social casino slot  
14 machines.

15 144. California aggressively regulates all forms of gambling. One reason it does so is  
16 to prevent consumers from being cheated by professional gambling operations.

17 145. Because social casinos have previously operated as if they were not subject to  
18 gambling regulations, they do not comply with any of the regulations that govern the operation  
19 of slot machines.

20 146. Notably, while any legitimately operated slot machine must randomize its results,  
21 social casinos do not randomize their results. Instead, social casinos tailor “wins” and “losses” in  
22 such a way as to maximize addiction (and, in turn, revenues).

23 147. In other words, social casinos cheat players out of a legitimately randomized slot  
24 machine experience. Not only can players never actually win money, but their financial losses  
25 are maximized by deceptive gameplay tweaks that would never be allowed in a legitimate slot  
26 machine.

27 148. The Illegal Slots are illegal slot machines as defined by Cal. Penal Code  
28 § 330b(d) because, among other reasons, when a player purchases and wagers virtual casino

1 chips in the Illegal Slots, a winning spin affords the player an “additional chance or right to use”  
2 the Illegal Slots. Pursuant to Cal. Penal Code § 330b(a), Defendant Facebook, among other  
3 violative conduct, manufactures, repairs, owns, stores, possesses, sells, rents, leases, lets on  
4 shares, lends and gives away, transports, and exposes for sale or lease, the Illegal Slots.  
5 Facebook also offers to repair, sells, rents, leases, lets on shares, lends and gives away, permit  
6 the operations, placement, maintenance, and keeping of, in places, rooms, spaces, and buildings  
7 owned, leased, or occupied, managed, or controlled by Facebook, the Illegal Slots.

8 149. The Illegal Slots are illegal slot machines as defined by Cal. Penal Code § 330.1  
9 because, among other reasons, when a player purchases and wagers virtual casino chips in the  
10 Illegal Slots, a winning spin affords the player an “additional chance or right to use” the Illegal  
11 Slots. Pursuant to Cal. Penal Code § 330.1(a), Defendant Facebook, among other violative  
12 conduct, manufactures, owns, stores, keeps, possesses, sells, rents, leases, lets on shares, lends  
13 and gives away, transports, and exposes for sale and lease, the Illegal Slots. Facebook also offers  
14 to sell, rent, lease, let on shares, lends and gives away and permits the operation of and permits to  
15 be placed, maintained, used, or kept in rooms, spaces, and building owned, leased, or occupied  
16 by Facebook or under Facebook’s management and control, the Illegal Slots.

17 150. The Illegal Slots are also illegal lotteries as defined by Cal. Penal Code § 319.  
18 Section 319 defines a lottery as any “any scheme for the disposal or distribution of property by  
19 chance, among persons who have paid or promised to pay any valuable consideration for the  
20 chance of obtaining such property.” Thus, the elements of an illegal lottery under Section 319 are  
21 a prize (or “property”), distribution by chance, and consideration.

22 151. The Illegal Slots satisfy all three elements because players pay valuable  
23 consideration in the form of real money to purchase virtual casino chips, use those chips to try to  
24 win prizes in the form of additional free plays, and are awarded these prizes based on chance  
25 outcomes.

26 152. California law recognizes that the duty of the operator of a game of chance to  
27 permit the winner to play further games for free is an obligation arising from contract, and the  
28 right of the winning player to continue to play for free is personal property.

1 153. Facebook’s hosting and facilitating of the Illegal Slots constitutes an unfair and  
2 unscrupulous business practice because—among other reasons—Facebook and the Illegal Slots  
3 work together to target and exploit vulnerable and addicted players; to deceptively tweak  
4 gameplay in order to maximize time-on-device and revenue; and to operate their online slot  
5 machines outside the bounds of licensing, regulation, and tax policy. California’s Unfair  
6 Competition Law (“UCL”), Cal. Bus. and Prof. Code § 17203, specifically authorizes this Court  
7 to issue injunctive relief to enjoin ongoing acts of unfair competition and unlawful conduct.

8 154. Under the UCL, unfair competition encompasses any unlawful act, including acts  
9 made unlawful under the penal code and acts made unlawful by federal law.

10 155. The UCL authorizes this Court to award restitution to the California Class and to  
11 enjoin Facebook’s ongoing violations of Sections 330b and 330.1 of the California Penal Code,  
12 as well as violations of the federal RICO law.

13 156. No plain, adequate, and complete remedy for Defendant’s conduct exists at law.  
14 Consequently, the California Class is entitled to an equitable remedy under the UCL.

15 157. Plaintiffs Eleanor Mizrahi and Janice Wilson, on behalf of themselves and the  
16 California Class, seek an order from the Court awarding restitution to the California Class in an  
17 amount to be determined at trial and enjoining Facebook from further participation in the Social  
18 Casino Enterprise.

19 **COUNT II**  
20 **Unjust Enrichment**  
**(Plaintiffs Eleanor Mizrahi and Janice Wilson, On Behalf of the California Class)**

21 158. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
22 herein.

23 159. Plaintiffs bring this claim on behalf of themselves and the California Class under  
24 the common law of unjust enrichment.

25 160. As a result of its unlawful conduct described above, Facebook has been and will  
26 continue to be unjustly enriched to the detriment of Plaintiffs and California Class Members by  
27 virtue of their purchase of virtual coins from Facebook to wager in social casinos through  
28 Facebook.

1 161. Facebook has profited immensely by providing marketing guidance, tools, and  
2 other assistance to the developers of social casinos and retaining a percentage of the money spent  
3 by consumers in social casinos.

4 162. These profits were obtained from illegal gambling in connection with Facebook's  
5 operation of social casinos.

6 163. These profits were a benefit conferred upon Facebook by California Class  
7 Members when purchasing coins to wager in social casinos.

8 164. Accordingly, because Facebook will be unjustly enriched if it is allowed to retain  
9 the illegal profits from social casinos, Plaintiffs and each California Class Member are entitled to  
10 recover the amount by which Facebook was unjustly enriched at their expense.

11 **COUNT III**

12 **Ala. Code § 8-1-150(a)**

13 **Civil Remedy Statute for Recovery of Gambling Losses  
(Plaintiff Maria Valencia-Torres, On Behalf of the Alabama Class)**

14 165. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
15 herein.

16 166. Plaintiff brings this claim on behalf of herself and the Alabama Class under  
17 Alabama's Civil Remedy Statute for Recovery of Gambling Losses, Ala. Code § 8-1-150(a),  
18 which was enacted to effectuate the State's public policy against gambling.

19 167. Ala. Code § 8-1-150(a) provides: "Any person who has paid any money or  
20 delivered any thing of value lost upon any game or wager may recover such money, thing, or its  
21 value by an action commenced within six months from the time of such payment or delivery."

22 168. Accordingly, Ala. Code § 8-1-150(a) prohibits a person or entity from profiting  
23 from gambling activity and provides for the recovery of money paid and lost due to such  
24 gambling activity.

25 169. By purchasing coins from Facebook to wager on social casinos, Plaintiff and each  
26 member of the Alabama Class paid money or gambled and lost money within the meaning of  
27 Ala. Code § 8-1-150(a).

1 170. Facebook has profited and continues to profit from each payment made by  
2 Alabama Class Members to purchase virtual coins, and therefore is in violation of Ala. Code § 8-  
3 1-150(a).

4 171. Facebook’s active participation in the operation of social casinos increases its  
5 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
6 promotional offers and more to help drive discovery and increased purchases within social  
7 casinos; (2) contributes to the creation and development of social casinos by providing  
8 technology, training, and other tools that allow developers of social casinos to operate these  
9 casinos on Facebook’s gaming platform; and (3) offers and distributes social casinos through  
10 Facebook and facilitates all in-app purchases for social casinos in exchange for a significant  
11 percentage of the money paid and lost by Plaintiff and Alabama Class Members to gamble in  
12 social casinos.

13 172. Plaintiff and Alabama Class Members are therefore entitled to recover from  
14 Facebook the amounts they lost when gambling in social casinos through Facebook.

15 **COUNT IV**  
16 **Ala. Code § 8-19-1, et seq.**  
17 **Alabama Deceptive Trade Practices Act**  
**(Plaintiff Maria Valencia-Torres, On Behalf of the Alabama Class)**

18 173. Plaintiffs reallege and incorporate by reference all preceding allegations as though  
19 fully set forth herein.

20 174. Plaintiff brings this action on behalf of herself and the Alabama Class against  
21 Facebook.

22 175. Facebook, Plaintiff, and Alabama Class members are “persons” within the  
23 meaning of Ala. Code § 8-19-3(5).

24 176. Plaintiff and Alabama Class members are “consumers” within the meaning of Ala.  
25 Code § 8-19-3(2).

26 177. Virtual coins and tokens used to play social casinos are “goods” within the  
27 meaning of Ala. Code. § 8-19-3(3).  
28

1 178. Facebook is and was engaged in “trade or commerce” within the meaning of Ala.  
2 Code § 8-19-3(8).

3 179. The Alabama Deceptive Trade Practices Act (“Alabama DTPA”) prohibits  
4 “deceptive acts or practices in the conduct of any trade or commerce[.]” Ala. Code § 8-19-5.

5 180. The Alabama DTPA makes unlawful “engaging in any other unconscionable,  
6 false, misleading, or deceptive act or practice in the conduct of trade or commerce.” *Id.* § 8-19-  
7 5(27).

8 181. Social casinos are illegal gambling games because they are online games at which  
9 players wager things of value (virtual coins or tokens purchased with real-world money) and by  
10 an element of chance (*e.g.*, by spinning an online slot machine) are able to obtain additional  
11 entertainment and extend gameplay (by winning additional coins or tokens). In the course of its  
12 business, Facebook profits from illegal gambling in connection with its operation of social  
13 casinos, for which Plaintiff and Alabama Class members purchased virtual coins and tokens. This  
14 constitutes an unconscionable act or practice and thus is in violation of the Alabama DTPA.

15 182. Plaintiff and Alabama Class members purchased virtual coins or tokens for  
16 personal, family, or household purposes and suffered ascertainable loss and actual damages as a  
17 direct and proximate result of Facebook’s unconscionable acts.

18 183. Facebook’s violations present a continuing risk to Plaintiff and Alabama Class  
19 members, as well as to the general public. Facebook’s unlawful acts and practices complained of  
20 herein affect the public interest.

21 184. Pursuant to Ala. Code § 8-19-10, Plaintiff and Alabama Class members seek an  
22 order enjoining Facebook’s unfair or deceptive acts or practices and awarding damages and any  
23 other just and proper relief available under the Alabama DTPA.

24 **COUNT V**  
25 **Unjust Enrichment**  
26 **(Plaintiff Maria Valencia-Torres, On Behalf of the Alabama Class)**

27 185. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
28 herein.

1 186. Plaintiff brings this claim on behalf of herself and the Alabama Class under the  
2 common law of unjust enrichment.

3 187. As a result of its unlawful conduct described above, Facebook has been and will  
4 continue to be unjustly enriched to the detriment of Plaintiff and Alabama Class Members by  
5 virtue of their purchase of virtual coins from Facebook to wager in social casinos through  
6 Facebook.

7 188. Facebook has profited immensely by providing marketing guidance, tools, and  
8 other assistance to the developers of social casinos and retaining a percentage of the money spent  
9 by consumers in social casinos.

10 189. These profits were obtained from illegal gambling in connection with Facebook's  
11 operation of social casinos.

12 190. These profits were a benefit conferred upon Facebook by Alabama Class  
13 Members when purchasing coins to wager in social casinos.

14 191. Accordingly, because Facebook will be unjustly enriched if it is allowed to retain  
15 the illegal profits from social casinos, Plaintiff and each Alabama Class Member are entitled to  
16 recover the amount by which Facebook was unjustly enriched at their expense.

17 **COUNT VI**

18 **Ark. Code. Ann. § 16-118-103**  
19 **Civil Remedy Statute for Recovery of Gambling Losses**  
**(Plaintiff Mary Austin, On Behalf of the Arkansas Class)**

20 192. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
21 herein.

22 193. Plaintiff brings this claim on behalf of herself and the Arkansas Class under  
23 Arkansas's Civil Remedy Statute for Recovery of Gambling Losses, Ark. Code. Ann. § 16-118-  
24 103, which was enacted to effectuate the State's public policy against gambling.

25 194. Ark. Code. Ann. § 16-118-103 provides: "Any person who loses any money or  
26 property at any game or gambling device, or any bet or wager whatever, may recover the money  
27 or property by obtaining a judgment ordering the return of the money or property following an  
28 action against the person winning the money or property."

1 195. Accordingly, Ark. Code. Ann. § 16-118-103 prohibits a person or entity from  
2 profiting from gambling activity and provides for the recovery of money paid and lost due to  
3 such gambling activity.

4 196. By purchasing coins from Facebook to wager on social casinos, Plaintiff and each  
5 member of the Arkansas Class paid money or gambled and lost money within the meaning of  
6 Ark. Code. Ann. § 16-118-103.

7 197. Facebook has profited and continues to profit from each payment made by  
8 Arkansas Class Members to purchase virtual coins, and therefore is the “winner” of each  
9 transaction, in violation of Ark. Code. Ann. § 16-118-103.

10 198. Facebook’s active participation in the operation of social casinos increases its  
11 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
12 promotional offers and more to help drive discovery and increased purchases within social  
13 casinos; (2) contributes to the creation and development of social casinos by providing  
14 technology, training, and other tools that allow developers of social casinos to operate these  
15 casinos on Facebook’s gaming platform; and (3) offers and distributes social casinos through  
16 Facebook and facilitates all in-app purchases for social casinos in exchange for a significant  
17 percentage of the money paid and lost by Plaintiff and Arkansas Class Members to gamble in  
18 social casinos.

19 199. Plaintiff and Arkansas Class Members are therefore entitled to recover from  
20 Facebook the amounts they lost when gambling in social casinos through Facebook.

21 **COUNT VII**

22 **Ark. Code Ann. § 4-88-101, et seq.**  
23 **Arkansas Deceptive Trade Practice Act**  
**(Plaintiff Mary Austin, On Behalf of the Arkansas Class)**

24 200. Plaintiffs reallege and incorporate by reference all preceding allegations as though  
25 fully set forth herein.

26 201. Plaintiff brings this action on behalf of herself and the Arkansas Class against  
27 Facebook.  
28

1           202. Facebook, Plaintiff, and Arkansas Class members are “persons” within the  
2 meaning of Ark. Code Ann. § 4-88-102(5).

3           203. Virtual coins and tokens used to play social casinos are “goods” within the  
4 meaning of Ark. Code Ann. § 4-88-102(4).

5           204. The Arkansas Deceptive Trade Practice Act (“Arkansas DTPA”) prohibits  
6 “[d]eceptive and unconscionable trade practices[.]” Ark. Code Ann. § 4-88-107(a).

7           205. The Arkansas DTPA makes unlawful “engaging in any other unconscionable,  
8 false, or deceptive act or practice in business, commerce, or trade[.]” Ark. Code Ann. § 4-88-  
9 107(a)(10).

10           206. Social casinos are illegal gambling games because they are online games at which  
11 players wager things of value (virtual coins or tokens purchased with real-world money) and by  
12 an element of chance (*e.g.*, by spinning an online slot machine) are able to obtain additional  
13 entertainment and extend gameplay (by winning additional coins or tokens). In the course of its  
14 business, Facebook profits from illegal gambling in connection with its operation of social  
15 casinos, for which Plaintiff and Arkansas Class members purchased virtual coins and tokens.  
16 Facebook’s conduct is thus unconscionable and in violation of the Arkansas DTPA.

17           207. Plaintiff and Arkansas Class members purchased virtual coins or tokens for  
18 personal, family, or household purposes and suffered ascertainable financial loss and actual  
19 damages as a direct and proximate result of their reliance on Facebook’s unconscionable conduct.

20           208. Facebook’s violations present a continuing risk to Plaintiff and Arkansas Class  
21 members, as well as to the general public. Facebook’s unlawful acts and practices complained of  
22 herein affect the public interest.

23           209. Plaintiff and Arkansas Class members seek an order enjoining Facebook’s unfair  
24 or deceptive acts or practices and awarding damages and any other just and proper relief  
25 available under the Arkansas DTPA.

**COUNT VIII**  
**Unjust Enrichment**  
**(Plaintiff Mary Austin, On Behalf of the Arkansas Class)**

210. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth herein.

211. Plaintiff brings this claim on behalf of herself and the Arkansas Class under the common law of unjust enrichment.

212. As a result of its unlawful conduct described above, Facebook has been and will continue to be unjustly enriched to the detriment of Plaintiff and Arkansas Class Members by virtue of their purchase of virtual coins from Facebook to wager in social casinos through Facebook.

213. Facebook has profited immensely by providing marketing guidance, tools, and other assistance to the developers of social casinos and retaining a percentage of the money spent by consumers in social casinos.

214. These profits were obtained from illegal gambling in connection with Facebook's operation of social casinos.

215. These profits were a benefit conferred upon Facebook by Arkansas Class Members when purchasing coins to wager in social casinos.

216. Accordingly, because Facebook will be unjustly enriched if it is allowed to retain the illegal profits from social casinos, Plaintiff and each Arkansas Class Member are entitled to recover the amount by which Facebook was unjustly enriched at their expense.

**COUNT IX**  
**Ga. Code Ann. § 13-8-3**  
**Civil Remedy Statute for Recovery of Gambling Losses**  
**(Plaintiff Patricia McCullough, On Behalf of the Georgia Class)**

217. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth herein.

218. Plaintiff brings this claim on behalf of herself and the Georgia Class under Georgia's Civil Remedy Statute for Recovery of Gambling Losses, Ga. Code. Ann. § 13-8-3, which was enacted to effectuate the State's public policy against gambling.

1           219. Ga. Code. Ann. § 13-8-3 provides: “Money paid or property delivered upon a  
2 gambling consideration may be recovered from the winner by the loser by institution of an action  
3 for the same within six months after the loss and, after the expiration of that time, by institution  
4 of an action by any person, at any time within four years, for the joint use of himself and the  
5 educational fund of the county.”

6           220. Accordingly, Ga. Code. Ann. § 13-8-3 prohibits a person or entity from profiting  
7 from gambling activity and provides for the recovery of money paid and lost due to such  
8 gambling activity.

9           221. By purchasing coins from Facebook to wager on social casinos, Plaintiff and each  
10 member of the Georgia Class gambled and lost money within the meaning of Ga. Code. Ann.  
11 § 13-8-3.

12           222. Facebook has profited and continues to profit from each payment made by  
13 Georgia Class Members to purchase virtual coins, and therefore is the “winner” of each  
14 transaction, in violation of Ga. Code. Ann. § 13-8-3.

15           223. Facebook’s active participation in the operation of social casinos increases its  
16 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
17 promotional offers and more to help drive discovery and increased purchases within social  
18 casinos; (2) contributes to the creation and development of social casinos by providing  
19 technology, training, and other tools that allow developers of social casinos to operate these  
20 casinos on Facebook’s gaming platform; and (3) offers and distributes social casinos through  
21 Facebook and facilitates all in-app purchases for social casinos in exchange for a significant  
22 percentage of the money paid and lost by Plaintiff and Class Members to gamble in social  
23 casinos.

24           224. Plaintiff and Georgia Class Members are therefore entitled to recover from  
25 Facebook the amounts they lost when gambling in social casinos through Facebook.

**COUNT X**

**Ga. Code Ann. § 10-1-390, et seq.  
Georgia Fair Business Practices Act  
(Plaintiff Patricia McCullough, On Behalf of the Georgia Class)**

1  
2  
3  
4 225. Plaintiffs reallege and incorporate by reference all preceding allegations as though  
5 fully set forth herein.

6 226. Plaintiff brings this action on behalf of herself and the Georgia Class against  
7 Facebook.

8 227. Facebook, Plaintiff, and Georgia Class members are “persons” within the meaning  
9 of Ga. Code. Ann. § 10-1-392(a)(24).

10 228. Plaintiff and Georgia Class members are “consumers” within the meaning of Ga.  
11 Code. Ann. § 10-1-392(a)(6).

12 229. Facebook is and was engaged in “trade” and “commerce” within the meaning of  
13 Ga. Code. Ann. § 10-1-392(a)(28).

14 230. The Georgia Fair Business Practices Act (“Georgia FBPA”) prohibits “[u]nfair or  
15 deceptive acts or practices in the conduct of consumer transactions and consumer acts or practices  
16 in trade or commerce[.]” Ga. Code Ann. § 10-1-393(a).

17 231. Social casinos are illegal gambling games because they are online games at which  
18 players wager things of value (virtual coins or tokens purchased with real-world money) and by  
19 an element of chance (*e.g.*, by spinning an online slot machine) are able to obtain additional  
20 entertainment and extend gameplay (by winning additional coins or tokens). In the course of its  
21 business, Facebook profits from illegal gambling in connection with its operation of social  
22 casinos, for which Plaintiff and Georgia Class members purchased virtual coins and tokens. This  
23 constitutes an unfair act or practice in violation of the Georgia FBPA.

24 232. Plaintiff and Georgia Class members purchased virtual coins or tokens for  
25 personal, family, or household purposes and suffered ascertainable loss and actual damages as a  
26 direct and proximate result of Facebook’s conduct.

1 233. Facebook’s violations present a continuing risk to Plaintiff and Georgia Class  
2 members, as well as to the general public. Facebook’s unlawful acts and practices complained of  
3 herein affect the public interest.

4 234. Pursuant to Ga. Code. Ann. § 10-1-399, Plaintiff and the Georgia Class seek an  
5 order enjoining Facebook’s unfair and/or deceptive acts or practices, and awarding any other just  
6 and proper relief available under the Georgia FBPA.

7 **COUNT XI**  
8 **Unjust Enrichment**  
9 **(Plaintiff Patricia McCullough, On Behalf of the Georgia Class)**

10 235. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
11 herein.

12 236. Plaintiff brings this claim on behalf of herself and the Georgia Class under the  
13 common law of unjust enrichment.

14 237. As a result of its unlawful conduct described above, Facebook has been and will  
15 continue to be unjustly enriched to the detriment of Plaintiff and Georgia Class Members by  
16 virtue of their purchase of virtual coins from Facebook to wager in social casinos through  
17 Facebook.

18 238. Facebook has profited immensely by providing marketing guidance, tools, and  
19 other assistance to the developers of social casinos and retaining a percentage of the money spent  
20 by consumers in social casinos.

21 239. These profits were obtained from illegal gambling in connection with Facebook’s  
22 operation of social casinos.

23 240. These profits were a benefit conferred upon Facebook by Georgia Class Members  
24 when purchasing coins to wager in social casinos.

25 241. Accordingly, because Facebook will be unjustly enriched if it is allowed to retain  
26 the illegal profits from social casinos, Plaintiff and each Georgia Class Member are entitled to  
27 recover the amount by which Facebook was unjustly enriched at their expense.  
28

**COUNT XII**

**720 Ill. Comp. Stat. Ann. 5/28-8**

**Civil Remedy Statute for Recovery of Gambling Losses**

**(Plaintiffs Alison Koda, Glenna Wiegard, Clotera Rogers, and Carol Smith, On Behalf of the Illinois Class)**

1  
2  
3  
4 242. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
5 herein.

6 243. Plaintiffs bring this claim on behalf of themselves and the Illinois Class under  
7 Illinois' Civil Remedy Statute for Recovery of Gambling Losses, 720 Ill. Comp. Stat. Ann. 5/28-  
8 8, which was enacted to effectuate the State's public policy against gambling.

9 244. 720 Ill. Comp. Stat. Ann. 5/28-8 provides: "Any person who by gambling shall  
10 lose to any other person, any sum of money or thing of value, amounting to the sum of \$50 or  
11 more and shall pay or deliver the same or any part thereof, may sue for and recover the money or  
12 other thing of value, so lost and paid or delivered, in a civil action against the winner thereof,  
13 with costs, in the circuit court. No person who accepts from another person for transmission, and  
14 transmits, either in his own name or in the name of such other person, any order for any  
15 transaction to be made upon, or who executes any order given to him by another person, or who  
16 executes any transaction for his own account on, any regular board of trade or commercial,  
17 commodity or stock exchange, shall, under any circumstances, be deemed a 'winner' of any  
18 moneys lost by such other person in or through any such transactions."

19 245. Accordingly, 720 Ill. Comp. Stat. Ann. 5/28-8 prohibits a person or entity from  
20 profiting from gambling activity and provides for the recovery of money paid and lost due to  
21 such gambling activity.

22 246. By purchasing coins from Facebook to wager on social casinos, Plaintiffs and  
23 each member of the Illinois Class gambled and lost money within the meaning of 720 Ill. Comp.  
24 Stat. Ann. 5/28-8.

25 247. Facebook has profited and continues to profit from each payment made by Illinois  
26 Class Members to purchase virtual coins, and is the "winner" of each transaction, in violation of  
27 720 Ill. Comp. Stat. Ann. 5/28-8.



1           256. The Illinois Consumer Fraud and Deceptive Business Practices Act (“Illinois  
2 CFDBPA”) prohibits “[U]nfair methods of competition and unfair or deceptive acts or practices,  
3 including but not limited to the use or employment of any deception fraud, false pretense, false  
4 promise, misrepresentation or the concealment, suppression or omission of any material fact, with  
5 intent that others rely upon the concealment, suppression or omission of such material fact, or the  
6 use or employment of any practice described in Section 2 of the “Uniform Deceptive Trade  
7 Practices Act” [815 ILCS 510/2], approved August 5, 1965, in the conduct of any trade or  
8 commerce[.]” 815 ILCS 505/2.

9           257. Social casinos are illegal gambling games because they are online games at which  
10 players wager things of value (virtual coins or tokens purchased with real-world money) and by  
11 an element of chance (*e.g.*, by spinning an online slot machine) are able to obtain additional  
12 entertainment and extend gameplay (by winning additional coins or tokens). In the course of its  
13 business, Facebook profits from illegal gambling in connection with its operation of social  
14 casinos, for which Plaintiffs and Illinois State Class members purchased virtual coins and tokens.  
15 This offends public policy because it violates 720 Ill. Comp. Stat. Ann. 5/28-8. Facebook  
16 intended that Plaintiffs rely on its unfair practices with regard to social casinos as outlined above.  
17 This constitutes an unfair or deceptive act or practice, and thus violates the Illinois Consumer  
18 Fraud and Deceptive Business Practices Act.

19           258. Plaintiffs and Illinois Class members purchased virtual coins or tokens for  
20 personal, family, or household purposes and suffered ascertainable loss and actual damages as a  
21 direct and proximate result of Facebook’s conduct.

22           259. Facebook’s violations present a continuing risk to Plaintiffs and Illinois Class  
23 members, as well as to the general public. Facebook’s unlawful acts and practices complained of  
24 herein affect the public interest.

25           260. Pursuant to 815 ILCS 505/10a, Plaintiffs and Illinois Class members seek an order  
26 enjoining Facebook’s unfair or deceptive acts or practices and awarding damages and any other  
27 just and proper relief available under the Illinois CFDBPA.  
28

**COUNT XIV**

**Unjust Enrichment**

**(Plaintiffs Alison Koda, Glenna Wiegard, Clotera Rogers, and Carol Smith, On Behalf of the Illinois Class)**

261. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth herein.

262. Plaintiffs bring this claim on behalf of themselves and the Illinois Class under the common law of unjust enrichment.

263. As a result of its unlawful conduct described above, Facebook has been and will continue to be unjustly enriched to the detriment of Plaintiffs and Illinois Class Members by virtue of their purchase of virtual coins from Facebook to wager in social casinos through Facebook.

264. Facebook has profited immensely by providing marketing guidance, tools, and other assistance to the developers of social casinos and retaining a percentage of the money spent by consumers in social casinos.

265. These profits were obtained from illegal gambling in connection with Facebook's operation of social casinos.

266. These profits were a benefit conferred upon Facebook by Illinois Class Members when purchasing coins to wager in social casinos.

267. Accordingly, because Facebook will be unjustly enriched if it is allowed to retain the illegal profits from social casinos, Plaintiffs and each Illinois Class Member are entitled to recover the amount by which Facebook was unjustly enriched at their expense.

**COUNT XV**

**Ky. Rev. Stat. Ann. § 372.020**

**Civil Remedy Statute for Recovery of Gambling Losses**

**(Plaintiffs Hannelore Boorn and Janice Williams, On Behalf of the Kentucky Class)**

268. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth herein.

269. Plaintiffs bring this claim on behalf of themselves and the Kentucky Class under Kentucky's Civil Remedy Statute for Recovery of Gambling Losses, Ky. Rev. Stat. Ann. § 372.020, which was enacted to effectuate the State's public policy against gambling.

1           270. Ky. Rev. Stat. Ann. § 372.020 provides: “If any person loses to another at one (1)  
2 time, or within twenty-four (24) hours, five dollars (\$5) or more, or anything of that value, and  
3 pays, transfers or delivers it, the loser or any of his creditors may recover it, or its value, from the  
4 winner, or any transferee of the winner, having notice of the consideration, by action brought  
5 within five (5) years after the payment, transfer or delivery. Recovery may be had against the  
6 winner, although the payment, transfer or delivery was made to the endorsee, assignee, or  
7 transferee of the winner.”

8           271. Accordingly, Ky. Rev. Stat. Ann. § 372.020 prohibits a person or entity from  
9 profiting from gambling activity and provides for the recovery of money paid and lost due to  
10 such gambling activity.

11           272. By purchasing coins from Facebook to wager on social casinos, Plaintiffs and  
12 each member of the Kentucky Class gambled and lost money within the meaning of Ky. Rev.  
13 Stat. Ann. § 372.020.

14           273. Facebook has profited and continues to profit from each payment made by  
15 Kentucky Class Members to purchase virtual coins, and therefore is the “winner” of each  
16 transaction, in violation of Ky. Rev. Stat. Ann. § 372.020.

17           274. Facebook’s active participation in the operation of social casinos increases its  
18 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
19 promotional offers and more to help drive discovery and increased purchases within social  
20 casinos; (2) contributes to the creation and development of social casinos by providing  
21 technology, training, and other tools that allow developers of social casinos to operate these  
22 casinos on Facebook’s gaming platform; and (3) offers and distributes social casinos through  
23 Facebook and facilitates all in-app purchases for social casinos in exchange for a significant  
24 percentage of the money paid and lost by Plaintiffs and Kentucky Class Members to gamble in  
25 social casinos.

26           275. Plaintiffs and Kentucky Class Members are therefore entitled to recover from  
27 Facebook the amounts they lost when gambling in social casinos through Facebook.

**COUNT XVI**

**Ky. Rev. Stat. § 367.110, et seq.**

**Kentucky Consumer Protection Act**

**(Plaintiffs Hannelore Boorn and Janice Williams, On Behalf of the Kentucky Class)**

1  
2  
3  
4 276. Plaintiffs reallege and incorporate by reference all preceding allegations as though  
5 fully set forth herein.

6 277. Plaintiffs bring this action on behalf of themselves and the Kentucky State Class  
7 against Facebook.

8 278. Facebook, Plaintiffs, and Kentucky Class members are “persons” within the  
9 meaning of Ky. Rev. Stat. § 367.110(1).

10 279. Facebook is and was engaged in “trade” or “commerce” within the meaning of  
11 Ky. Rev. Stat. § 367.110(2).

12 280. The Kentucky Consumer Protection Act (“Kentucky CPA”) prohibits unfair,  
13 unconscionable, false, misleading, or deceptive acts or practices in the conduct of any trade or  
14 commerce. Ky. Rev. Stat. §§ 367.170(1) and (2).

15 281. Social casinos are illegal gambling games because they are online games at which  
16 players wager things of value (virtual coins or tokens purchased with real-world money) and by  
17 an element of chance (*e.g.*, by spinning an online slot machine) are able to obtain additional  
18 entertainment and extend gameplay (by winning additional coins or tokens). In the course of its  
19 business, Facebook profits from illegal gambling in connection with its operation of social  
20 casinos, for which Plaintiffs and Kentucky Class members purchased virtual coins and tokens.  
21 This constitutes an unconscionable act or practice and thus is in violation of the Kentucky CPA.

22 282. Plaintiffs and Kentucky Class members purchased virtual coins or tokens for  
23 personal, family, or household purposes and suffered ascertainable loss and actual damages as a  
24 direct and proximate result of Facebook’s unconscionable acts.

25 283. Facebook’s violations present a continuing risk to Plaintiffs and Kentucky Class  
26 members, as well as to the general public. Facebook’s unlawful acts and practices complained of  
27 herein affect the public interest.



1           292. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
2 herein.

3           293. Plaintiffs bring this claim on behalf of themselves and the Minnesota Class under  
4 Minnesota’s Civil Remedy Statute for Recovery of Gambling Losses, Minn. Stat. Ann. § 541.20  
5 (referred to in this Count as the “Statute”), which was enacted to effectuate the State’s public  
6 policy against gambling.

7           294. The Statute provides: “Every person who, by playing at cards, dice, or other  
8 game, or by betting on the hands or sides of such as are gambling, shall lose to any person so  
9 playing or betting any sum of money or any goods, and pays or delivers the same, or any part  
10 thereof, to the winner, may sue for and recover such money by a civil action, before any court of  
11 competent jurisdiction.”

12           295. Accordingly, the Statute prohibits a person or entity from profiting from gambling  
13 activity and provides for the recovery of money paid and lost due to such gambling activity.

14           296. By purchasing coins from Facebook to wager on social casinos, Plaintiffs and  
15 each member of the Minnesota Class gambled and lost money within the meaning of the Statute.

16           297. Facebook has profited and continues to profit from each payment made by  
17 Minnesota Class Members to purchase virtual coins, and therefore is the “winner” of each  
18 transaction, in violation of the statute.

19           298. Facebook’s active participation in the operation of social casinos increases its  
20 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
21 promotional offers and more to help drive discovery and increased purchases within social  
22 casinos; (2) contributes to the creation and development of social casinos by providing  
23 technology, training, and other tools that allow developers of social casinos to operate these  
24 casinos on Facebook’s gaming platform; and (3) offers and distributes social casinos through  
25 Facebook and facilitates all in-app purchases for social casinos in exchange for a significant  
26 percentage of the money paid and lost by Plaintiffs and Minnesota Class Members to gamble in  
27 social casinos.

1 299. Plaintiffs and Minnesota Class Members are therefore entitled to recover from  
2 Facebook the amounts they lost when gambling in social casinos through Facebook, in addition  
3 to costs of suit.

4 **COUNT XIX**  
5 **Unjust Enrichment**  
6 **(Plaintiffs Jennifer Andrews, Dawn Mehsikomer and Denice Wax, On Behalf of the**  
7 **Minnesota Class)**

8 300. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
9 herein.

10 301. Plaintiffs bring this claim on behalf of themselves and the Minnesota Class under  
11 the common law of unjust enrichment.

12 302. As a result of its unlawful conduct described above, Facebook has been and will  
13 continue to be unjustly enriched to the detriment of Plaintiffs and Minnesota Class Members by  
14 virtue of their purchase of virtual coins from Facebook to wager in social casinos through  
15 Facebook.

16 303. Facebook has profited immensely by providing marketing guidance, tools, and  
17 other assistance to the developers of social casinos and retaining a percentage of the money spent  
18 by consumers in social casinos.

19 304. These profits were obtained from illegal gambling in connection with Facebook's  
20 operation of social casinos.

21 305. These profits were a benefit conferred upon Facebook by Minnesota Class  
22 Members when purchasing coins to wager in social casinos.

23 306. Accordingly, because Facebook will be unjustly enriched if it is allowed to retain  
24 the illegal profits from social casinos, Plaintiffs and each Minnesota Class Member are entitled  
25 to recover the amount by which Facebook was unjustly enriched at their expense.

26 **COUNT XX**  
27 **Mo. Ann. Stat. § 434.030**  
28 **Civil Remedy Statute for Recovery of Gambling Losses**  
**(Plaintiff Frances Long, On Behalf of the Missouri Class)**

1 307. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
2 herein.

3 308. Plaintiff brings this claim on behalf of herself and the Missouri Class under  
4 Missouri’s Civil Remedy Statute for Recovery of Gambling Losses, Mo. Ann. Stat. § 434.030  
5 (referred to in this Count as the “Statute”), which was enacted to effectuate the State’s public  
6 policy against gambling.

7 309. The Statute provides: “Any person who shall lose any money or property at any  
8 game, gambling device or by any bet or wager whatever, may recover the same by a civil  
9 action.”

10 310. Accordingly, the Statute prohibits a person or entity from profiting from gambling  
11 activity and provides for the recovery of money paid and lost due to such gambling activity.

12 311. By purchasing coins from Facebook to wager on social casinos, Plaintiff and each  
13 member of the Missouri Class gambled and lost money within the meaning of the Statute.

14 312. Facebook has profited and continues to profit from each payment made by  
15 Missouri Class Members to purchase virtual coins, and therefore is subject to “recover[y]” for  
16 each transaction, in violation of the Statute.

17 313. Facebook’s active participation in the operation of social casinos increases its  
18 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
19 promotional offers and more to help drive discovery and increased purchases within social  
20 casinos; (2) contributes to the creation and development of social casinos by providing  
21 technology, training, and other tools that allow developers of social casinos to operate these  
22 casinos on Facebook’s gaming platform; and (3) offers and distributes social casinos through  
23 Facebook and facilitates all in-app purchases for social casinos in exchange for a significant  
24 percentage of the money paid and lost by Plaintiff and Missouri Class Members to gamble in  
25 social casinos.

26 314. Plaintiff and Missouri Class Members are therefore entitled to recover from  
27 Facebook the amounts they lost when gambling in social casinos through Facebook, in addition  
28 to costs of suit.

**COUNT XXI**

**Mo. Ann. Stat. § 407.020(1)**

**Unfair Acts and Practices in the Conduct of Trade or Commerce  
(Plaintiff Frances Long, On Behalf of the Missouri Class)**

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2  
3  
4 315. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
5 herein.

6 316. Missouri’s Consumer Protection Act prohibits that “[a]ny deception, fraud, false  
7 pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or  
8 omission of any material fact in connection with the sale or advertisement of any merchandise in  
9 trade or commerce.” Mo. Ann. Stat. § 407.020(1) (referred to in this count as the “Statute”).

10 317. Under the Statute, an unfair or deceptive practice includes one which is unlawful.

11 318. Facebook, Plaintiff, and Missouri Class members are “persons” within the  
12 meaning of Mo. Ann. Stat. §§ 407.020(1) and 407.025.

13 319. As set forth herein, Facebook violated Missouri’s Civil Remedy Statute for  
14 Recovery of Gambling Losses.

15 320. Facebook’s unlawful and otherwise unfair or deceptive acts and practices  
16 occurred in the conduct of trade or commerce. Indeed, Facebook is responsible for making social  
17 casinos available to the public in trade and commerce.

18 321. Facebook’s acts and practices were and are injurious to the public interest because  
19 Facebook continuously advertises, solicits, and enables the general public in Missouri and  
20 throughout the United States to play unlawful and otherwise unfair or deceptive social casinos,  
21 all while profiting from such conduct.

22 322. Such acts and practices are part of a pattern or generalized course of conduct on  
23 the part of Facebook that contradicts the express public policy of Missouri.

24 323. As a result of Facebook’s conduct, Plaintiff and Missouri Class Members were  
25 injured in their business or property—i.e., economic injury—in that they lost money wagering on  
26 unlawful and otherwise unfair or deceptive games of chance.

27 324. Facebook’s unlawful and otherwise unfair or deceptive conduct proximately  
28 caused Plaintiff’s and Missouri Class Members’ injuries because, but for the challenged conduct,

1 Plaintiff and Missouri Class Members would not have lost money wagering on illegal games of  
2 chance, which was a direct, foreseeable, and planned consequence of Facebook's conduct.

3 325. Plaintiff, on her own behalf and on behalf of the Missouri Class, seeks to recover,  
4 as permitted by law, actual damages and multiple damages, together with the costs of suit,  
5 including reasonable attorneys' fees.

6 **COUNT XXII**  
7 **Unjust Enrichment**  
8 **(Plaintiff Frances Long, On Behalf of the Missouri Class)**

9 326. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
10 herein.

11 327. Plaintiff brings this claim on behalf of herself and the Missouri Class under the  
12 common law of unjust enrichment.

13 328. As a result of its unlawful conduct described above, Facebook has been and will  
14 continue to be unjustly enriched to the detriment of Plaintiff and Missouri Class Members by  
15 virtue of their purchase of virtual coins from Facebook to wager in social casinos through  
16 Facebook.

17 329. Facebook has profited immensely by providing marketing guidance, tools, and  
18 other assistance to the developers of social casinos and retaining a percentage of the money spent  
19 by consumers in social casinos.

20 330. These profits were obtained from illegal gambling in connection with Facebook's  
21 operation of social casinos.

22 331. These profits were a benefit conferred upon Facebook by Missouri Class  
23 Members when purchasing coins to wager in social casinos.

24 332. Accordingly, because Facebook will be unjustly enriched if it is allowed to retain  
25 the illegal profits from social casinos, Plaintiff and each Missouri Class Member are entitled to  
26 recover the amount by which Facebook was unjustly enriched at their expense.

27 **COUNT XXIII**  
28 **Mont. Code Ann. § 23-5-131**  
**Civil Remedy Statute for Recovery of Gambling Losses**  
**(Plaintiffs Sandra Meyers and Kathleen Wilkinson, On Behalf of the Montana Class)**

1 333. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
2 herein.

3 334. Plaintiffs bring this claim on behalf of themselves and the Montana Class under  
4 Montana’s Civil Remedy Statute for Recovery of Gambling Losses, Mont. Code Ann. § 23-5-  
5 131 (referred to in this Count as the “Statute”), which was enacted to effectuate the State’s public  
6 policy against gambling.

7 335. The Statute provides: “A person, or the person's dependent or guardian, who, by  
8 playing or betting at an illegal gambling device or illegal gambling enterprise, loses money,  
9 property, or any other thing of value and pays and delivers it to another person connected with  
10 the operation or conduct of the illegal gambling device or illegal gambling enterprise, within 1  
11 year following the person's loss, may: (1) bring a civil action in a court of competent jurisdiction  
12 to recover the loss; (2) recover the costs of the civil action and exemplary damages of no less  
13 than \$500 and no more than \$5,000; and (3) join as a Facebook any person having an interest in  
14 the illegal gambling device or illegal gambling enterprise.”

15 336. Accordingly, the Statute prohibits a person or entity from profiting from gambling  
16 activity and provides for the recovery of money paid and lost due to such gambling activity.

17 337. By purchasing coins from Facebook to wager on social casinos, Plaintiffs and  
18 each member of the Montana Class gambled and lost money within the meaning of the Statute.

19 338. Facebook has profited and continues to profit from each payment made by Class  
20 Members to purchase virtual coins, and therefore is “another person” for each transaction, in  
21 violation of the Statute.

22 339. Facebook’s active participation in the operation of social casinos increases its  
23 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
24 promotional offers and more to help drive discovery and increased purchases within social  
25 casinos; (2) contributes to the creation and development of social casinos by providing  
26 technology, training, and other tools that allow developers of social casinos to operate these  
27 casinos on Facebook’s gaming platform; and (3) offers and distributes social casinos through  
28 Facebook and facilitates all in-app purchases for social casinos in exchange for a significant

1 percentage of the money paid and lost by Plaintiffs and Montana Class Members to gamble in  
2 social casinos.

3 340. Plaintiffs and Montana Class Members are therefore entitled to recover from  
4 Facebook the amounts they lost when gambling in social casinos through Facebook, in addition  
5 to costs of suit.

6 **COUNT XXIV**

7 **Unjust Enrichment**

8 **(Plaintiffs Sandra Meyers and Kathleen Wilkinson, On Behalf of the Montana Class)**

9 341. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
10 herein.

11 342. Plaintiffs bring this claim on behalf of themselves and the Montana Class under  
12 the common law of unjust enrichment.

13 343. As a result of its unlawful conduct described above, Facebook has been and will  
14 continue to be unjustly enriched to the detriment of Plaintiffs and Montana Class Members by  
15 virtue of their purchase of virtual coins from Facebook to wager in social casinos through  
16 Facebook.

17 344. Facebook has profited immensely by providing marketing guidance, tools, and  
18 other assistance to the developers of social casinos and retaining a percentage of the money spent  
19 by consumers in social casinos.

20 345. These profits were obtained from illegal gambling in connection with Facebook's  
21 operation of social casinos.

22 346. These profits were a benefit conferred upon Facebook by Montana Class  
23 Members when purchasing coins to wager in social casinos.

24 347. Accordingly, because Facebook will be unjustly enriched if it is allowed to retain  
25 the illegal profits from social casinos, Plaintiffs and each Montana Class Member are entitled to  
26 recover the amount by which Facebook was unjustly enriched at their expense.

27 **COUNT XXV**

28 **N.J. Stat. Ann. § 2A:40-5**

**Civil Remedy Statute for Recovery of Gambling Losses**  
**(Plaintiff Steven Simons, On Behalf of the New Jersey Class)**

1 348. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
2 herein.

3 349. Plaintiff brings this claim on behalf of himself and the New Jersey Class under  
4 New Jersey’s Civil Remedy Statute for Recovery of Gambling Losses, N.J. Stat. Ann. § 2A:40-5  
5 (referred to in this Count as the “Statute”), which was enacted to effectuate the State’s public  
6 policy against gambling.

7 350. The Statute provides: “If any person shall lose any money, goods, chattels or  
8 other valuable thing, in violation of section 2A:40-1 of this title, and shall pay or deliver the  
9 same or any part thereof to the winner, or to any person to his use, or to a stakeholder, such  
10 person may sue for and recover such money, or the value of such goods, chattels, or other  
11 valuable thing, from such winner, or from such depository, or from such stakeholder, whether the  
12 same has been delivered or paid over by such stakeholder or not, in a civil action provided such  
13 action is brought within 6 calendar months after payment or delivery.”

14 351. Accordingly, the Statute prohibits a person or entity from profiting from gambling  
15 activity and provides for the recovery of money paid and lost due to such gambling activity.

16 352. By purchasing coins from Facebook to wager on social casinos, Plaintiff and each  
17 member of the New Jersey Class gambled and lost money within the meaning of the statute.

18 353. Facebook has profited and continues to profit from each payment made by New  
19 Jersey Class Members to purchase virtual coins, and therefore is the “winner” of each  
20 transaction, in violation of the Statute.

21 354. Facebook’s active participation in the operation of social casinos increases its  
22 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
23 promotional offers and more to help drive discovery and increased purchases within social  
24 casinos; (2) contributes to the creation and development of social casinos by providing  
25 technology, training, and other tools that allow developers of social casinos to operate these  
26 casinos on Facebook’s gaming platform; and (3) offers and distributes social casinos through  
27 Facebook and facilitates all in-app purchases for social casinos in exchange for a significant  
28

1 percentage of the money paid and lost by Plaintiff and New Jersey Class Members to gamble in  
2 social casinos.

3 355. Plaintiff and New Jersey Class Members are therefore entitled to recover from  
4 Facebook the amounts they lost when gambling in social casinos through Facebook, in addition  
5 to costs of suit.

6 **COUNT XXVI**

7 **N.J. Stat. Ann. § 56:8-2**

8 **Unfair Acts and Practices in the Conduct of Trade or Commerce**  
9 **(Plaintiff Steven Simons, On Behalf of the New Jersey Class)**

10 356. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
11 herein.

12 357. New Jersey’s Consumer Protection Act prohibits “any unconscionable  
13 commercial practice, deception, fraud, false pretense, false promise, misrepresentation, or the  
14 knowing, concealment, suppression, or omission of any material fact with intent that others rely  
15 upon such concealment, suppression or omission, in connection with the sale or advertisement of  
16 any merchandise.” N.J. Stat. Ann. § 56:8-2 (referred to in this count as the “Statute”).

17 358. Under the Statute, an unconscionable practice includes one which is unlawful.

18 359. Facebook, Plaintiff, and New Jersey Class members are “persons” within the  
19 meaning of N.J. Stat. Ann. § 56:8-2.

20 360. As set forth herein, Facebook violated New Jersey’s Civil Remedy Statute for  
21 Recovery of Gambling Losses.

22 361. Facebook’s unlawful and otherwise unconscionable practices occurred in the  
23 conduct of trade or commerce. Indeed, Facebook is responsible for making social casinos  
24 available to the public in trade and commerce.

25 362. Facebook’s practices were and are injurious to the public interest because  
26 Facebook continuously advertises, solicits, and enables the general public in New Jersey and  
27 throughout the United States to play unlawful and otherwise unconscionable social casinos, all  
28 while profiting from such conduct.



1 372. These profits were a benefit conferred upon Facebook by New Jersey Class  
2 Members when purchasing coins to wager in social casinos.

3 373. Accordingly, because Facebook will be unjustly enriched if it is allowed to retain  
4 the illegal profits from social casinos, Plaintiff and each New Jersey Class Member are entitled  
5 to recover the amount by which Facebook was unjustly enriched at their expense.

6 **COUNT XXVIII**  
7 **N.Y. Gen. Oblig. Law §§ 5-419 & 5-421**  
8 **Civil Remedy Statute for Recovery of Gambling Losses**  
9 **(Plaintiff Vanessa Sowell Skeeter, On Behalf of the New York Class)**

10 374. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
11 herein.

12 375. Plaintiff brings this claim on behalf of herself and the New York Class under New  
13 York’s Civil Remedy Statute for Recovery of Gambling Losses, N.Y. Gen. Oblig. Law §§ 5-419  
14 & 5-421 (referred to in this Count as the “Statute”), which was enacted to effectuate the State’s  
15 public policy against gambling.

16 376. The Statute provides: “Any person who shall pay, deliver or deposit any money,  
17 property or thing in action, upon the event of any wager or bet prohibited, may sue for and  
18 recover the same of the winner or person to whom the same shall be paid or delivered, and of the  
19 stakeholder or other person in whose hands shall be deposited any such wager, bet or stake, or  
20 any part thereof, whether the same shall have been paid over by such stakeholder or not, and  
21 whether any such wager be lost or not.” The statute further provides: “Every person who shall,  
22 by playing at any game, or by betting on the sides or hands of such as do play, lose at any time or  
23 sitting, the sum or value of twenty-five dollars or upwards, and shall pay or deliver the same or  
24 any part thereof, may, within three calendar months after such payment or delivery, sue for and  
25 recover the money or value of the things so lost and paid or delivered, from the winner thereof.”

26 377. Accordingly, the Statute prohibits a person or entity from profiting from gambling  
27 activity and provides for the recovery of money paid and lost due to such gambling activity.

28 378. By purchasing coins from Facebook to wager on social casinos, Plaintiff and each  
member of the New York Class gambled and lost money within the meaning of the Statute.

1 379. Facebook has profited and continues to profit from each payment made by New  
2 York Class Members to purchase virtual coins, and therefore is the “winner” (and/or “person to  
3 whom the same shall be paid or delivered”) of each transaction, in violation of the Statute.

4 380. Facebook’s active participation in the operation of social casinos increases its  
5 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
6 promotional offers and more to help drive discovery and increased purchases within social  
7 casinos; (2) contributes to the creation and development of social casinos by providing  
8 technology, training, and other tools that allow developers of social casinos to operate these  
9 casinos on Facebook’s gaming platform; and (3) offers and distributes social casinos through  
10 Facebook and facilitates all in-app purchases for social casinos in exchange for a significant  
11 percentage of the money paid and lost by Plaintiff and New York Class Members to gamble in  
12 social casinos.

13 381. Plaintiff and New York Class Members are therefore entitled to recover from  
14 Facebook the amounts they lost when gambling in social casinos through Facebook, in addition  
15 to costs of suit.

16 **COUNT XXIX**  
17 **Unjust Enrichment**  
18 **(Plaintiff Vanessa Sowell Skeeter, On Behalf of the New York Class)**

19 382. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
20 herein.

21 383. Plaintiff brings this claim on behalf of herself and the New York Class under the  
22 common law of unjust enrichment.

23 384. As a result of its unlawful conduct described above, Facebook has been and will  
24 continue to be unjustly enriched to the detriment of Plaintiff and New York Class Members by  
25 virtue of their purchase of virtual coins from Facebook to wager in social casinos through  
26 Facebook.  
27  
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1 385. Facebook has profited immensely by providing marketing guidance, tools, and  
2 other assistance to the developers of social casinos and retaining a percentage of the money spent  
3 by consumers in social casinos.

4 386. These profits were obtained from illegal gambling in connection with Facebook's  
5 operation of social casinos.

6 387. These profits were a benefit conferred upon Facebook by New York Class  
7 Members when purchasing coins to wager in social casinos.

8 388. Accordingly, because Facebook will be unjustly enriched if it is allowed to retain  
9 the illegal profits from social casinos, Plaintiff and each New York Class Member are entitled to  
10 recover the amount by which Facebook was unjustly enriched at their expense.

11 **COUNT XXX**

12 **S.C. Code § 32-1-10**

13 **Civil Remedy Statute for Recovery of Gambling Losses  
(Plaintiff Donna Whiting, On Behalf of the South Carolina Class)**

14 389. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
15 herein.

16 390. Plaintiff brings this claim on behalf of herself and the South Carolina Class under  
17 South Carolina's Civil Remedy Statute for Recovery of Gambling Losses, S.C. Code § 32-1-10,  
18 which was enacted to effectuate the State's public policy against gambling.

19 391. Section 32-1-10 provides: "Any person who shall at any time or sitting, by  
20 playing at cards, dice table or any other game whatsoever or by betting on the sides or hands of  
21 such as do play at any of the games aforesaid, lose to any person or persons so playing or betting,  
22 in the whole, the sum or value of fifty dollars and shall pay or deliver such sum or value or any  
23 part thereof shall be at liberty, within three months then next ensuing, to sue for and recover the  
24 money or goods so lost and paid or delivered or any part thereof from the respective winner or  
25 winners thereof, with costs of suit ...."

1 392. Accordingly, Section 32-1-10 prohibits a person or entity from profiting from  
2 gambling activity and provides for the recovery of money paid and lost due to such gambling  
3 activity.

4 393. By purchasing coins from Facebook to wager on social casinos, Plaintiff and each  
5 member of the South Carolina Class gambled and lost money within the meaning of Section 32-  
6 1-10.

7 394. Facebook has profited and continues to profit from each payment made by Class  
8 Members to purchase virtual coins, and therefore is the “winner” of each transaction, in violation  
9 of Section 32-1-10.

10 395. Facebook’s active participation in the operation of social casinos increases its  
11 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
12 promotional offers and more to help drive discovery and increased purchases within social  
13 casinos; (2) contributes to the creation and development of social casinos by providing  
14 technology, training, and other tools that allow developers of social casinos to operate these  
15 casinos on Facebook’s gaming platform; and (3) offers and distributes social casinos through  
16 Facebook and facilitates all in-app purchases for social casinos in exchange for a significant  
17 percentage of the money paid and lost by Plaintiff and Class Members to gamble in social  
18 casinos.

19 396. Plaintiff and South Carolina Class Members are therefore entitled to recover from  
20 Facebook the amounts they lost when gambling in social casinos through Facebook, in addition  
21 to costs of suit.

22 **COUNT XXXI**  
23 **Unjust Enrichment**  
24 **(Plaintiff Donna Whiting, On Behalf of the South Carolina Class)**

25 397. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
26 herein.

27 398. Plaintiff brings this claim on behalf of herself and the South Carolina Class under  
28 the common law of unjust enrichment.

1 399. As a result of its unlawful conduct described above, Facebook has been and will  
2 continue to be unjustly enriched to the detriment of Plaintiff and South Carolina Class Members  
3 by virtue of their purchase of virtual coins from Facebook to wager in social casinos through  
4 Facebook.

5 400. Facebook has profited immensely by providing marketing guidance, tools, and  
6 other assistance to the developers of social casinos and retaining a percentage of the money spent  
7 by consumers in social casinos.

8 401. These profits were obtained from illegal gambling in connection with Facebook's  
9 operation of social casinos.

10 402. These profits were a benefit conferred upon Facebook by South Carolina Class  
11 Members when purchasing coins to wager in social casinos.

12 403. Accordingly, because Facebook will be unjustly enriched if it is allowed to retain  
13 the illegal profits from social casinos, Plaintiff and each South Carolina Class Member are  
14 entitled to recover the amount by which Facebook was unjustly enriched at their expense.

15 **COUNT XXXII**

16 **Tenn. Code § 28-3-106**

17 **Civil Remedy Statute for Recovery of Gambling Losses  
(Plaintiff Sheri Miller, On Behalf of the Tennessee Class)**

18 404. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
19 herein.

20 405. Plaintiff brings this claim on behalf of herself and the Tennessee Class under  
21 Tennessee's Civil Remedy Statute for Recovery of Gambling Losses, Tenn. Code § 28-3-106,  
22 which was enacted to effectuate the State's public policy against gambling.

23 406. Section 28-3-106 provides that "the loser" of "any kind of gambling or betting"  
24 may bring an action "to recover money or goods lost" within 90 days after paying or delivering  
25 the lost money or goods.

26 407. Accordingly, Section 28-3-106 prohibits a person or entity from profiting from  
27 gambling activity and provides for the recovery of money paid and lost due to such gambling  
28 activity.

1 408. By purchasing coins from Facebook to wager on social casinos, Plaintiff and each  
2 member of the Tennessee Class gambled and lost money within the meaning of Section 28-3-  
3 106.

4 409. Facebook has profited and continues to profit from each payment made by Class  
5 Members to purchase virtual coins, and therefore is in violation of Section 28-3-106.

6 410. Facebook's active participation in the operation of social casinos increases its  
7 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
8 promotional offers and more to help drive discovery and increased purchases within social  
9 casinos; (2) contributes to the creation and development of social casinos by providing  
10 technology, training, and other tools that allow developers of social casinos to operate these  
11 casinos on Facebook's gaming platform; and (3) offers and distributes social casinos through  
12 Facebook and facilitates all in-app purchases for social casinos in exchange for a significant  
13 percentage of the money paid and lost by Plaintiff and Tennessee Class Members to gamble in  
14 social casinos.

15 411. Plaintiff and Tennessee Class Members are therefore entitled to recover from  
16 Facebook the amounts they lost when gambling in social casinos through Facebook.

17 **COUNT XXXIII**  
18 **Unjust Enrichment**  
19 **(Plaintiff Sheri Miller, On Behalf of the Tennessee Class)**

20 412. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
21 herein.

22 413. Plaintiff brings this claim on behalf of herself and the Tennessee Class under the  
23 common law of unjust enrichment.

24 414. As a result of its unlawful conduct described above, Facebook has been and will  
25 continue to be unjustly enriched to the detriment of Plaintiff and Tennessee Class Members by  
26 virtue of their purchase of virtual coins from Facebook to wager in social casinos through  
27 Facebook.  
28

1 415. Facebook has profited immensely by providing marketing guidance, tools, and  
2 other assistance to the developers of social casinos and retaining a percentage of the money spent  
3 by consumers in social casinos.

4 416. These profits were obtained from illegal gambling in connection with Facebook's  
5 operation of social casinos.

6 417. These profits were a benefit conferred upon Facebook by Tennessee Class  
7 Members when purchasing coins to wager in social casinos.

8 418. Accordingly, because Facebook will be unjustly enriched if it is allowed to retain  
9 the illegal profits from social casinos, Plaintiff and each Tennessee Class Member are entitled to  
10 recover the amount by which Facebook was unjustly enriched at their expense.

11 **COUNT XXXIV**  
12 **Va. Code § 11-15**

13 **Civil Remedy Statute for Recovery of Gambling Losses**  
14 **(Plaintiff Paul Lombard, On Behalf of the Virginia Class)**

15 419. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
16 herein.

17 420. Plaintiff brings this claim on behalf of himself and the Virginia Class under  
18 Virginia's Civil Remedy Statute for Recovery of Gambling Losses, Va. Code § 11-15, which  
19 was enacted to effectuate the State's public policy against gambling.

20 421. Section 11-15 provides: "Any person who shall, by playing at any game or betting  
21 on the sides or hands of such as play at any game, lose within twenty-four hours, the sum or  
22 value of five dollars, or more, and pay or deliver the same, or any part thereof, may, within three  
23 months next following, recover from the winner, the money or the value of the goods so lost and  
24 paid or delivered, with costs of suit in civil action, either by suit or warrant, according to the  
25 amount or value thereof."

26 422. Accordingly, Section 11-15 prohibits a person or entity from profiting from  
27 gambling activity and provides for the recovery of money paid and lost due to such gambling  
28 activity.

1 423. By purchasing coins from Facebook to wager on social casinos, Plaintiff and each  
2 member of the Virginia Class gambled and lost money within the meaning of Section 11-15.

3 424. Facebook has profited and continues to profit from each payment made by Class  
4 Members to purchase virtual coins, and therefore is the “winner” of each transaction, in violation  
5 of Section 11-15.

6 425. Facebook’s active participation in the operation of social casinos increases its  
7 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
8 promotional offers and more to help drive discovery and increased purchases within social  
9 casinos; (2) contributes to the creation and development of social casinos by providing  
10 technology, training, and other tools that allow developers of social casinos to operate these  
11 casinos on Facebook’s gaming platform; and (3) offers and distributes social casinos through  
12 Facebook and facilitates all in-app purchases for social casinos in exchange for a significant  
13 percentage of the money paid and lost by Plaintiff and Virginia Class Members to gamble in  
14 social casinos.

15 426. Plaintiff and Virginia Class Members are therefore entitled to recover from  
16 Facebook the amounts they lost when gambling in social casinos through Facebook, in addition  
17 to costs of suit.

18 **COUNT XXXV**  
19 **Unjust Enrichment**  
20 **(Plaintiff Paul Lombard, On Behalf of the Virginia Class)**

21 427. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
22 herein.

23 428. Plaintiff brings this claim on behalf of himself and the Virginia Class under the  
24 common law of unjust enrichment.

25 429. As a result of its unlawful conduct described above, Facebook has been and will  
26 continue to be unjustly enriched to the detriment of Plaintiff and Virginia Class Members by  
27 virtue of their purchase of virtual coins from Facebook to wager in social casinos through  
28 Facebook.

1 430. Facebook has profited immensely by providing marketing guidance, tools, and  
2 other assistance to the developers of social casinos and retaining a percentage of the money spent  
3 by consumers in social casinos.

4 431. These profits were obtained from illegal gambling in connection with Facebook’s  
5 operation of social casinos.

6 432. These profits were a benefit conferred upon Facebook by Virginia Class Members  
7 when purchasing coins to wager in social casinos.

8 433. Accordingly, because Facebook will be unjustly enriched if it is allowed to retain  
9 the illegal profits from social casinos, Plaintiff and each Virginia Class Member are entitled to  
10 recover the amount by which Facebook was unjustly enriched at their expense.

11 **COUNT XXXVI**

12 **Wash. Rev. Code § 4.24.070**

13 **Civil Remedy Statute for Recovery of Gambling Losses  
(Plaintiff Ben Kramer, On Behalf of the Washington Class)**

14 434. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
15 herein.

16 435. Plaintiff brings this claim on behalf of himself and the Washington Class under  
17 Washington’s Civil Remedy Statute for Recovery of Gambling Losses, Wash. Rev. Code §  
18 4.24.070, which was enacted to effectuate the State’s public policy against gambling.

19 436. Section 4.24.070 provides: “All persons losing money or anything of value at or  
20 on any illegal gambling games shall have a cause of action to recover from the dealer or player  
21 winning, or from the proprietor for whose benefit such game was played or dealt, or such money  
22 or things of value won, the amount of the money or the value of the thing so lost.”

23 437. Accordingly, Section 4.24.070 prohibits a person or entity from profiting from  
24 gambling activity and provides for the recovery of money paid and lost due to such gambling  
25 activity.

26 438. By purchasing coins from Facebook to wager on social casinos, Plaintiff and each  
27 member of the Washington Class gambled and lost money within the meaning of Section  
28 4.24.070.

1 439. “Gambling,” defined by RCW § 9.46.0237, “means staking or risking something  
2 of value upon the outcome of a contest of chance or a future contingent event not under the  
3 person’s control or influence.”,

4 440. Virtual coins and tokens used to play social casinos are “thing[s] of value” under  
5 RCW § 9.46.0285.

6 441. Social casinos are illegal gambling games because they are online games at which  
7 players wager things of value (the chips) and by an element of chance (e.g., by spinning an  
8 online slot machine) are able to obtain additional entertainment and extend gameplay (by  
9 winning additional chips).

10 442. Facebook has profited and continues to profit from each payment made by  
11 Washington Class Members to purchase virtual coins, and therefore is both the “dealer winning”  
12 the same and a proprietor for whose benefit social casinos were played, in violation of Section  
13 4.24.070.

14 443. Facebook’s active participation in the operation of social casinos increases its  
15 winnings from illegal gambling. The Platform (1) provides marketing guidance, tools, targeted  
16 promotional offers and more to help drive discovery and increased purchases within social  
17 casinos; (2) contributes to the creation and development of social casinos by providing  
18 technology, training, and other tools that allow developers of social casinos to operate these  
19 casinos on Facebook’s gaming platform; and (3) offers and distributes social casinos through  
20 Facebook and facilitates all in-app purchases for social casinos in exchange for a significant  
21 percentage of the money paid and lost by Plaintiff and Washington Class Members to gamble in  
22 social casinos.

23 444. Plaintiff and Washington Class Members are therefore entitled to recover from  
24 Facebook the amounts they lost when gambling in social casinos through Facebook.

25 **COUNT XXXVII**  
26 **Wash. Rev. Code § 19.86.020**  
27 **Unfair Acts and Practices in the Conduct of Trade or Commerce**  
28 **(Plaintiff Ben Kramer, On Behalf of the Washington Class)**

1 445. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
2 herein.

3 446. Washington’s Consumer Protection Act (“CPA”) prohibits any person from using  
4 “unfair methods of competition or unfair or deceptive acts or practices in the conduct of any  
5 trade or commerce.” RCW § 19.86.020.

6 447. Under the CPA, an unfair or deceptive act is one which is unlawful and against  
7 public policy as declared by the legislature or judiciary.

8 448. Plaintiff and Washington Class Members are “persons” within the meaning of  
9 RCW §§ 19.86.020 and 19.86.090.

10 449. Facebook violated RCW § 9.46.010, *et seq.*, which declares that it is the policy of  
11 the State of Washington to, *inter alia*, “restrain all persons from seeking profit from professional  
12 gambling activities in this state,” to “restrain all persons from patronizing such professional  
13 gambling activities,” and to “safeguard the public against the evils induced by common gamblers  
14 and common gambling houses engaged in professional gambling.” RCW § 9.46.010.

15 450. Under RCW § 9.46.010, *et seq.*, unlawful “gambling” is defined as “staking or  
16 risking something of value upon the outcome of a contest of chance or a future contingent event  
17 not under the person’s control or influence.” RCW § 9.46.0237.

18 451. Virtual coins and tokens used to play social casinos are “thing[s] of value” under  
19 RCW § 9.46.0285.

20 452. Social casinos are illegal gambling games because they are online games at which  
21 players wager things of value (virtual coins or tokens purchased with real-world money) and by  
22 an element of chance (e.g., by spinning an online slot machine) are able to obtain additional  
23 entertainment and extend gameplay (by winning virtual coins or tokens).

24 453. Facebook operates social casinos in conjunction with the developers of those  
25 casinos and has profited immensely from its operation of unlawful games of chance, amassing  
26 hundreds of millions of dollars from illegal gambling transactions.

1 454. Facebook’s unlawful acts and practices occurred in the conduct of trade or  
2 commerce. Indeed, Facebook is responsible for making social casinos available to the public in  
3 trade and commerce.

4 455. Facebook’s acts and practices were and are injurious to the public interest because  
5 Facebook continuously advertises, solicits, and enables the general public in Washington State  
6 and throughout the United States to play unlawful social casinos, all while profiting from such  
7 conduct.

8 456. This is part of a pattern or generalized course of conduct on the part of Facebook  
9 that contradicts the express public policy of the State of Washington.

10 457. As a result of Facebook’s conduct, Plaintiff and Washington Class Members were  
11 injured in their business or property—i.e., economic injury—in that they lost money wagering on  
12 unlawful games of chance.

13 458. Facebook’s unlawful conduct proximately caused Plaintiff’s and Washington  
14 Class Members’ injuries because, but for the challenged conduct, Plaintiff and Washington Class  
15 Members would not have lost money wagering on illegal games of chance, which was a direct,  
16 foreseeable, and planned consequence of Facebook’s conduct.

17 459. Plaintiff, on his own behalf and on behalf of the Washington Class, seeks to  
18 recover actual damages and treble damages, together with the costs of suit, including reasonable  
19 attorneys’ fees.

20 **COUNT XXXVIII**  
21 **Unjust Enrichment**  
**(Plaintiff Ben Kramer, On Behalf of the Washington Class)**

22 460. Plaintiffs reallege and incorporate the preceding paragraphs, as if fully set forth  
23 herein.

24 461. Plaintiff brings this claim on behalf of himself and the Washington Class under  
25 the common law of unjust enrichment.

26 462. As a result of its unlawful conduct described above, Facebook has been and will  
27 continue to be unjustly enriched to the detriment of Plaintiff and Washington Class Members by  
28

1 virtue of their purchase of virtual coins from Facebook to wager in social casinos through  
2 Facebook.

3 463. Facebook has profited immensely by providing marketing guidance, tools, and  
4 other assistance to the developers of social casinos and retaining a percentage of the money spent  
5 by consumers in social casinos.

6 464. These profits were obtained from illegal gambling in connection with Facebook’s  
7 operation of social casinos.

8 465. These profits were a benefit conferred upon Facebook by Washington Class  
9 Members when purchasing coins to wager in social casinos.

10 466. Accordingly, because Facebook will be unjustly enriched if it is allowed to retain  
11 the illegal profits from social casinos, Plaintiff and each Washington Class Member are entitled  
12 to recover the amount by which Facebook was unjustly enriched at their expense.

13 **CLAIMS BROUGHT ON BEHALF OF THE NATIONWIDE CLASS**

14 **COUNT XXXIX**  
15 **18 U.S.C. § 1962(c) (RICO)**  
16 **Racketeering Activities and Collection of Unlawful Debts**  
17 **(Damages and Injunctive Relief)**  
18 **(All Plaintiffs, On Behalf of the Nationwide Class)**

19 467. Plaintiffs incorporate by reference the foregoing allegations as if fully set forth  
20 herein.

21 468. At all relevant times, Facebook is and has been a “person” within the meaning of  
22 18 U.S.C. § 1961(3), because it is capable of holding, and does hold, “a legal or beneficial  
23 interest in property.”

24 469. Plaintiffs are each a “person,” as that term is defined in 18 U.S.C. § 1961(3), and  
25 have standing to sue as they were injured in their business and/or property as a result of the  
26 Social Casino Enterprise’s wrongful conduct described herein, including but not limited to the  
27 Enterprise’s (1) taking and receiving money from Plaintiffs and the Nationwide Class; (2) never  
28 providing Plaintiffs and members of the Nationwide Class a fair and objective chance to win—

1 they could only lose; and (3) having directly and knowingly profited from, on information and  
2 belief, rigged and manipulated slot machines.

3 470. Section 1962(c) makes it unlawful “for any person employed by or associated  
4 with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce,  
5 to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through  
6 a pattern of racketeering activity or collection of unlawful debt.” 18 U.S.C. § 1962(c).

7 471. 18 U.S.C. § 1961(1) defines “racketeering activity” to include (i) “any act ...  
8 involving ... gambling ... which is chargeable under State law and punishable by imprisonment  
9 for more than one year;” (ii) any act which is indictable under Title 18, Section 1084 of the  
10 United States Code (relating to the transmission of gambling information); and (iii) any act  
11 which is indictable under Title 18, Section 1955 of the United States Code (relating to the  
12 prohibition of illegal gambling businesses).

13 472. Interstate gambling, including interstate internet gambling, is illegal under federal  
14 law if the gambling transaction is illegal in any states in which the transaction occurs. As  
15 relevant here, at least some portion of all alleged gambling transactions occur within California,  
16 where the alleged gambling transactions are illegal. Consequently, all alleged gambling  
17 transactions are illegal under federal law.

18 473. Specifically, illegal gambling is indictable under both Section 1084 and Section  
19 1955 of Title 18 of the United States Code as well as under California law, and is punishable by  
20 imprisonment for more than one year.

21 474. Therefore, the Social Enterprise is engaged in “racketeering activity.”

22 475. 18 U.S.C. § 1961(6) defines “unlawful debt” as a debt “(A) incurred or contracted  
23 in gambling activity which was in violation of the law of the United States, a State or political  
24 subdivision thereof,” and “(B) which was incurred in connection with the business of gambling  
25 in violation of the law of the United States, a State or political subdivision thereof.”

26 476. Because the Social Casino Enterprise collects debts incurred from a gambling  
27 activity in violation of California and other state law, described herein, its profits derived from  
28 its ownership and maintenance constitute “unlawful debt” as defined in Section 1961(6).

1 477. Facebook violated 18 U.S.C. § 1962(c) and § 1962(d) by participating in,  
2 facilitating, or conducting the affairs of the Social Casino Enterprise through a pattern of  
3 racketeering activity composed of indictable offenses under 18 U.S.C. § 1084, 18 U.S.C. § 1955,  
4 California Penal Code §§ 319, 330b, and 330.1.

5 478. The affiliation between Defendant Facebook, the other Platforms, and the Illegal  
6 Slots constitutes a conspiracy to use an enterprise for the collection of unlawful debt in violation  
7 of 18 U.S.C. § 1962(d).

### 8 Social Casino Enterprise

9 479. RICO defines an enterprise as “any individual, partnership, corporation,  
10 association, or other legal entity, and any union or group of individuals associated in fact  
11 although not a legal entity.” 18 U.S.C. § 1961(4).

12 480. Under 18 U.S.C. § 1961(4) a RICO “enterprise” may be an association-in-fact  
13 that, although it has no formal legal structure, has (i) a common purpose, (ii) relationships among  
14 those associated with the enterprise, and (iii) longevity sufficient to pursue the enterprise’s  
15 purpose. *See Boyle v. United States*, 556 U.S. 938, 946 (2009).

16 481. The Social Casino Enterprise is an association-in-fact composed of Facebook,  
17 Apple, Google, and the Illegal Slot companies who are engaged in and whose activities affect  
18 interstate commerce, and which have affected and damaged interstate commercial activity. This  
19 Enterprise exists separately from the otherwise legitimate businesses operations of each  
20 individual participant.

21 482. The pattern of racketeering activity conducted by the members of the Social  
22 Casino Enterprise is distinct from the Social Casino Enterprise itself, as each act of racketeering  
23 is a separate offense committed by an entity while the Social Casino Enterprise itself is an  
24 association-in-fact of legal entities. The Social Casino Enterprise has an informal structure of app  
25 developers and platforms with continuing functions or responsibilities.

26 483. For approximately a decade, the Social Casino Enterprise has collaborated  
27 together to target and retain high-spending users in their online gambling scheme throughout the  
28 country. At the very latest, following the Ninth Circuit’s March 28, 2018, holding in *Kater*,

1 Defendant Facebook and the other Platforms, on information and belief, mutually agreed to  
2 continue their Enterprise through their ongoing collection of unlawful debts, functioning as a  
3 cohesive unit with the purpose of gaining illicit gambling profits.

4 Structure of the Social Casino Enterprise

5 484. The Social Casino Enterprise consists of dozens of Illegal Slot companies and the  
6 Platforms (Facebook, Apple and Google). Each participant agreed to conduct and carry out the  
7 affairs and goals of the Social Casino Enterprise:

8 A. The Illegal Slot companies agreed to conduct the affairs of the Social Casino  
9 Enterprise by developing, updating and operating the illegal slot machines: the “gambling  
10 devices.” The Illegal Slot companies operate as the principals, forming the necessary business  
11 partnerships with Facebook, Apple and Google for the successful execution of their unlawful  
12 gambling scheme. The Illegal Slot companies fundamentally rely on the Platforms to host their  
13 games, access consumers, and collect revenue. Upon constructive notice of the unlawful nature  
14 of the virtual social gambling applications, the Illegal Slot companies agreed with all Enterprise  
15 participants to uphold their roles in the Social Casino Enterprise and to continue functioning as a  
16 single unit with the common purpose of collecting unlawful debts from online gambling activity.

17 B. Facebook, Apple and Google agreed to conduct the affairs of the Social Casino  
18 Enterprise by serving as the gambling premises, hosting the virtual social gambling applications,  
19 and processing all in-app transactions in exchange for a share in the gamblers’ losses.

20 Additionally, upon notice of the unlawful nature of the virtual social gambling applications,  
21 Facebook, Apple, and Google agreed with all participants to uphold their roles in the Social  
22 Casino Enterprise and to continue functioning as a single unit with the common purpose of  
23 collecting unlawful debts from online gambling activity.

24 485. At all relevant times, each Social Casino Enterprise participant was aware of the  
25 conduct of the Social Casino Enterprise, was a knowing and willing participant in that conduct,  
26 and reaped profits from that conduct through in-app sales.

27 486. The persons engaged in the Social Casino Enterprise are systematically linked  
28 through contractual relationships, financial ties, and continuing coordination of activities.

1 487. All members of the Social Casino Enterprise coordinate and maintain their  
2 respective roles in order to enrich themselves and to further the common interests of the whole.

3 488. Each Social Casino Enterprise participant participated in the operation and  
4 management of the Social Casino Enterprise by directing its affairs as described herein.

5 489. The wrongful conduct of the Social Casino Enterprise has been and remains part  
6 of the Social Casino Enterprise's ongoing way of doing business and constitutes a continuing  
7 threat to the Plaintiffs' and the Class's property. Without the repeated illegal acts and intentional  
8 coordination between all participants, the Social Casino Enterprise's scheme would not have  
9 succeeded and would not pose a threat to Plaintiffs and the Class into the future.

10 Pattern of Racketeering Activity

11 490. The affairs of the Social Casino Enterprise were conducted in such a way to form  
12 a pattern of racketeering activity. The Social Casino Enterprise's general pattern of activity  
13 consists of designing and operating illegal internet-based slot machines and repeatedly violating  
14 public policy against gambling by:

- 15 A. Developing illegal slot machine games and disguising them as innocuous video  
16 game entertainment;
- 17 B. Distributing and operating illegal slot machine games that are, on information and  
18 belief, rigged and manipulated;
- 19 C. Concealing the scope and deceptive nature of their gambling applications despite  
20 knowledge of their predatory design and business model;
- 21 D. Providing a host platform to house unlicensed gambling activity;
- 22 E. Injuring the public interest by continuously advertising to and soliciting the general  
23 public to play illegal slot machines;
- 24 F. Conspiring to uphold the Social Casino Enterprise; and
- 25 G. Unjustly collecting unlawful debts and retaining the profits from their illegal social  
26 gambling applications.

27 491. The Social Casino Enterprise has operated as a continuous unit since at least  
28 2010.

1 492. Pursuant to and in furtherance of their fraudulent scheme, Facebook committed  
2 multiple predicate act violations of federal and state law as previously alleged herein.

3  
4 **COUNT XL**

5 **RICO § 1962(d)**  
6 **Conspiracy to Engage in Racketeering Activities and Collection of Unlawful Debts**  
7 **(Damages and Injunctive Relief)**  
8 **(All Plaintiffs, On Behalf of the Nationwide Class)**

9 493. Plaintiffs incorporate by reference the foregoing allegations as if fully set forth  
10 herein.

11 494. 18 U.S.C. § 1962(d) states that “[i]t shall be unlawful for any person to conspire  
12 to violate any of the provisions of subsection (a), (b), or (c) of this section.”

13 495. As described throughout, and in detail in Count II, even if it did not direct or  
14 manage the affairs of the Social Casino Enterprise, Facebook conspired to commit predicate acts  
15 in violation of § 1962(c), including violations of California Penal Code §§ 330b and 330.1.

16 496. Defendant Facebook acted knowingly at all times when agreeing to conduct the  
17 activities of the Social Casino Enterprise. Facebook agreed to and indeed did participate in the  
18 requisite pattern of racketeering activity which constitutes this RICO claim, collected unlawful  
19 debts, engaged in racketeering activities, and intentionally acted in furtherance of the conspiracy  
20 by conducting the pattern of racketeering and unlawful debt collection as described above.

21 497. At the very latest, Facebook had notice of the illegality of the Social Casino  
22 Enterprise as of the Ninth Circuit’s 2018 holding in *Kater*. Facebook’s post-*Kater* participation  
23 in the Social Casino Enterprise demonstrates its commitment to upholding and operating the  
24 structure of the Social Casino Enterprise.

25 498. As a result of Facebook’s conduct, Plaintiffs and Members of the Nationwide  
26 Class were deprived of money and property that they would not otherwise have lost.

27 499. Under 18 U.S.C. § 1964(c), the Nationwide Class is entitled to treble their  
28 damages, plus interest, costs, and reasonable attorneys’ fees.

**PRAYER FOR RELIEF**

1  
2 Plaintiffs, individually and on behalf of all others similarly situated, respectfully request  
3 that this Court enter an Order:

4 a) Certifying this case as a class action on behalf of the Classes defined above,  
5 appointing Kathleen Wilkinson, Nancy Urbanczyk, Laura Perkinson, Maria Valencia-Torres,  
6 Mary Austin, Patricia McCullough, Alison Koda, Glenna Wiegard, Clotera Rogers, Carol Smith,  
7 Hannelore Boorn, Janice Williams, Jennifer Andrews, Dawn Mehsikomer, Denice Wax, Frances  
8 Long, Sandra Meyers, Steve Simons, Vanessa Sowell Skeeter, Donna Whiting, Sheri Miller,  
9 Paul Lombard, Ben Kramer, Eleanor Mizrahi, and Janice Wilson as representatives of the  
10 Classes, and appointing their counsel as Class Counsel;

11 b) Declaring that Defendant’s conduct, as set out above, is unlawful under  
12 California’s UCL, Ala. Code § 8-1-150(a), Ala. Code § 8-19-1, *et seq.*, Ark. Code. Ann. § 16-  
13 118-103, Ark. Code Ann. § 4-88-101, *et seq.*, Ga. Code Ann. § 13-8-3, Ga. Code Ann. § 10-1-  
14 390, *et seq.*, 720 Ill. Comp. Stat. Ann. 5/28-8, 815 ILCS 505/1, *et seq.*, Ky. Rev. Stat. Ann. §  
15 372.020, Ky. Rev. Stat. § 367.110, *et seq.*, Minn. Stat. Ann. § 541.20, Mo. Ann. Stat. § 434.030,  
16 Mo. Ann. Stat. § 407.020(1), Mont. Code Ann. § 23-5-131, N.J. Stat. Ann. § 2A:40-5, N.J. Stat.  
17 Ann. § 56:8-2, N.Y. Gen. Oblig. Law §§ 5-419 & 5-421, S.C. Code § 32-1-10, Tenn. Code § 28-  
18 3-106, Va. Code § 11-15, Wash. Rev. Code § 4.24.070, and Wash. Rev. Code § 19.86.020;

19 c) Declaring that Defendant’s conduct, as set out above, constitutes racketeering  
20 activities, collection of unlawful debts, and conspiracy to engage in the same;

21 d) Entering judgment against Defendant Facebook, in the amount of the losses  
22 suffered by Plaintiffs and each member of the Classes;

23 e) Enjoining Defendant from continuing the challenged conduct;

24 f) Awarding damages to Plaintiffs and the Class members in an amount to be  
25 determined at trial, including trebling as appropriate;

26 g) Awarding restitution to Plaintiffs and Class members in an amount to be  
27 determined at trial;

28 h) Requiring disgorgement of all of Defendant Facebook’s ill-gotten gains;

1 i) Awarding reasonable attorneys’ fees and expenses;  
2 j) Awarding pre- and post-judgment interest, to the extent allowable;  
3 k) Requiring injunctive and/or declaratory relief as necessary to protect the interests  
4 of Plaintiffs and the Classes; and

5 l) Awarding such other and further relief as equity and justice require, including all  
6 forms of relief provided for under the Plaintiffs’ claims.

7 **JURY DEMAND**

8 Plaintiffs request a trial by jury of all claims that can be so tried.

9  
10 Respectfully Submitted,

11 **KATHLEEN WILKINSON, NANCY**  
12 **URBANCZYK, LAURA PERKINSON, MARIA**  
13 **VALENCIA-TORRES, MARY AUSTIN,**  
14 **PATRICIA MCCULLOUGH, ALISON KODA,**  
15 **GLENNA WIEGARD, CLOTERA ROGERS,**  
16 **CAROL SMITH, HANNELORE BOORN,**  
17 **JANICE WILLIAMS, JENNIFER ANDREWS,**  
18 **DAWN MEHSIKOMER, DENICE WAX,**  
19 **FRANCES LONG, SANDRA MEYERS, STEVE**  
20 **SIMONS, VANESSA SOWELL SKEETER,**  
21 **DONNA WHITING, SHERI MILLER, PAUL**  
22 **LOMBARD, BEN KRAMER, ELEANOR**  
23 **MIZRAHI, AND JANICE WILSON, individually**  
24 **and on behalf of all others similarly situated,**

25 Dated: November 22, 2021

26 **EDELSON PC**

27 By: /s/ Rafey S. Balabanian  
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