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12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA**

14 CHARLOTTE BOWNES; JOSEPH  
15 LAGRECA; JESSICA NAUMANN; and  
16 CHRISTOPHER GOODIN, individually  
17 and on behalf of all others similarly  
18 situated,

19 Plaintiffs,

20 v.

21 INTERNATIONAL GAME  
22 TECHNOLOGY PLC; MGM RESORTS  
23 INTERNATIONAL; BALLY’S  
24 CORPORATION; PENN  
25 ENTERTAINMENT, INC.; STATION  
26 CASINOS, LLC,

27 Defendants

Case No.

**CLASS ACTION COMPLAINT**

(Jury Trial Demanded)

1 Plaintiffs Charlotte Bownes, Joseph Lagreca, Jessica Naumann, and Christopher Goodin,  
2 on behalf of themselves and all others similarly situated, complain and allege as follows based on  
3 personal knowledge as to themselves, the investigation of their counsel, and information and belief  
4 as to all other matters, and demand trial by jury. Plaintiffs believe that substantial evidentiary  
5 support will exist for the allegations in this complaint, after a reasonable opportunity for discovery.

6 **NATURE OF THE CASE**

7 1. This case concerns a scheme to defraud consumers perpetrated by Defendants  
8 MGM Resorts International (“Defendant MGM”), Bally’s Corporation (“Defendant Bally’s”),  
9 PENN Entertainment, Inc. (“Defendant PENN”), Station Casinos, LLC (“Defendant Station”), and  
10 Boyd Gaming Corporation (“Defendant Boyd”) (collectively, the “Casino Defendants”) through  
11 their deceptive and misleading promotion and operation of “Wheel of Fortune”-themed electronic  
12 gaming devices, manufactured and sold to them by Defendant International Game Technology  
13 PLC (“Defendant IGT”), on their casino floors nationwide.

14 2. As explained in detail below, the “Wheel of Fortune” electronic gaming devices  
15 were designed and manufactured by Defendant IGT, and have been and continue to be operated  
16 by the Casino Defendants at their casinos nationwide, to systematically defraud casino patrons out  
17 of their hard-earned money.

18 3. All of the “Wheel of Fortune”-themed electronic gaming devices at issue in this  
19 case contain, as a signature feature, an attached spinning “bonus wheel” that creates a “game-  
20 within-a-game.” It works like this: when a designated symbol appears on the primary component  
21 of the electronic gaming device, the player gets to spin an attached wheel that contains several  
22 equal-sized, pie-shaped segments, each of which is designated a specific monetary amount, and an  
23 indicator affixed atop the wheel that points downwards at the segments of the wheel (the “Bonus  
24 Wheel Feature”). When the spinning wheel stops, the wheel’s indicator points to a particular  
25 segment of the wheel, which in turn indicates the monetary amount won by the player.

26 4. Defendants’ design, presentation, and promotion of the Bonus Wheel Feature  
27 depicts a truly mechanical spinning wheel, such as a roulette wheel – one that operates pursuant to  
28 the laws of physics. Accordingly, casino players reasonably believe that when they play the game

1 and are able to spin the wheel, the indicator atop the wheel will point to one of the wheel's equal-  
2 sized segments at random when the wheel stops spinning, giving the player just as good of a chance  
3 of landing on the highest-value segment as the player has of landing on the lowest-value segment.

4 5. However, Defendants fail to disclose that the outcome of a player's spin of the  
5 wheel is not random at all, but rather is predetermined by an internal computer that Defendants  
6 have programmed to ensure the wheel stops much more frequently with the indicator pointing at  
7 one of the segments with a lower monetary amount than with the indicator pointing at one of the  
8 segments with a higher monetary amount. Defendants' intentional failure to disclose this critical  
9 fact fraudulently deprives players of increased winnings, and fraudulently induces players to play  
10 or to continue to play the subject devices, thus unjustly increasing Defendants' profits associated  
11 with such devices. By way of analogy, the "Wheel of Fortune" game at issue in this case is the  
12 modern-day equivalent of a roulette wheel with a magnet surreptitiously affixed beneath the green  
13 zero and double-zero segments.

14 6. The Casino Defendants have used and continue to use these enormously popular –  
15 and, from their perspective, profitable – electronic gaming devices to illegally siphon billions of  
16 dollars from consumers' pockets into their own coffers.

17 7. Plaintiffs seek compensatory damages for themselves and a putative class  
18 comprised of all persons who played any of the "Wheel of Fortune" electronic gaming devices at  
19 any of the Casino Defendants' gaming establishments. Plaintiffs also seek an injunction  
20 restraining and enjoining Defendants from promoting and operating "Wheel of Fortune"-themed  
21 electronic gaming devices without clearly and conspicuously disclosing the true odds and  
22 probabilities associated with the Bonus Wheel Feature of the games.

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**PARTIES**

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2 8. Defendant International Game Technology PLC is incorporated in England and  
3 Wales. IGT maintains offices in Las Vegas, Nevada, including its “Global Gaming  
4 Headquarters,”<sup>1</sup> and in Reno, Nevada, its “principal location of manufacturing, logistics, and  
5 supply chain leadership.”<sup>2</sup> IGT designs, manufactures, markets, and distributes computerized  
6 casino gaming products and systems across international markets, including in the state of Nevada  
7 and throughout the United States, has sold and continues to sell electronic gaming devices  
8 (including the “Wheel of Fortune”-themed devices) to the Casino Defendants, and has shipped and  
9 continues to ship such devices to the Casino Defendants’ gaming establishments in Las Vegas,  
10 Nevada and throughout the United States.

11 9. Defendant MGM Resorts International is a Delaware corporation with a principal  
12 place of business in Las Vegas, Nevada. Defendant MGM operates resorts and casinos  
13 domestically and internationally, including the MGM Grand Detroit (in Detroit, Michigan) and the  
14 MGM Springfield (in Springfield, Massachusetts).

15 10. Defendant Bally’s Corporation is a Delaware corporation with a principal place of  
16 business in Providence, Rhode Island. Defendant Bally’s operates resorts and casinos  
17 domestically, including the Tropicana Las Vegas Casino and Resort (in Las Vegas, Nevada),  
18 Bally’s Twin River Lincoln Casino Resort (in Lincoln, Rhode Island), and Bally’s Vicksburg  
19 Casino and Hotel (in Vicksburg, Mississippi).

20 11. Defendant PENN Entertainment, Inc. is a Pennsylvania corporation with a principal  
21 place of business in Wyomissing, Pennsylvania. Defendant PENN operates resorts and casinos  
22 domestically, including Ameristar Casino Vicksburg (in Vicksburg, Mississippi) and Cactus Petes  
23 Resort Casino and Horshu Hotel (both in Jackpot, Nevada) and M Resort (in Henderson, Nevada).

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27 <sup>1</sup> International Game Technology PLC, Form 20-F “Annual Report,” March 12, 2024, available at  
<https://d18rn0p25nwr6d.cloudfront.net/CIK-0001619762/a5c8b83f-2e49-4c6a-a3e1-ec481903c19e.pdf>, at 24.

28 <sup>2</sup> *Id.*

1 12. Defendant Station Casinos, LLC is a Nevada limited liability company with a  
2 principal place of business in Las Vegas, Nevada. Defendant Station owns and operates resorts  
3 and casinos domestically, including the Palace Station (in Las Vegas, Nevada).

4 13. Defendant Boyd Gaming Corporation is a Nevada corporation with a principal  
5 place of business in Las Vegas, Nevada. Defendant Boyd owns and operates resorts and casinos  
6 domestically, including The Orleans (in Las Vegas, Nevada).

7 14. Plaintiff Charlotte Bownes is a natural person and is, and at all times relevant hereto  
8 was, a resident of Detroit, Michigan.

9 15. Plaintiff Joseph Lagreca is a natural person and is, and at all times relevant hereto  
10 was, a resident of East Providence, Rhode Island.

11 16. Plaintiff Jessica Naumann is a natural person and is, and at all times relevant hereto  
12 was, a resident of Las Vegas, Nevada.

13 17. Plaintiff Christopher Goodin is a natural person and is, and at all times relevant  
14 hereto was, a resident of Louisville, Mississippi.

15 **JURISDICTION AND VENUE**

16 18. This action presents claims arising from a scheme to defraud the gaming public. It  
17 is brought pursuant to the Racketeer Influences and Corrupt Organizations Act (“RICO”), 18  
18 U.S.C. §§ 1961 – 1968, and principles of state common law. Therefore, this Court has jurisdiction  
19 of this action pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1367 (supplemental  
20 jurisdiction).

21 19. This Court also has jurisdiction over the state-law causes of action pursuant to 28  
22 U.S.C. § 1332 because (i) at least one member of each of the putative classes is a citizen of a state  
23 different from the Defendants, (ii) the amount in controversy exceeds \$5,000,000 with respect to  
24 each of the putative classes, exclusive of interest and costs, and (iii) there are at least 100 members  
25 of each of the putative classes.

26 20. Personal jurisdiction and venue are proper because each of the Defendants either  
27 resides in or has substantial personal contacts with Nevada, and because the claims alleged in this  
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1 action arose in substantial part from events and omissions by Defendants in Nevada, including at  
2 their corporate headquarters and/or gaming establishments in Nevada.

3 **FACTUAL BACKGROUND**

4 21. An “electronic gaming device” is an electromechanical device, or electrical device  
5 or machine which, upon payment of consideration, is available to play or operate as a gambling  
6 game.

7 22. Slot machines are the most common type of electronic gaming device. Such  
8 devices typically have three or more spinning reels containing a variety of symbols. Players place  
9 bets by inserting money into the machine and pressing a button or pulling an arm to commence  
10 the spinning of the reels. When the reels stop spinning, if a designated array of symbols appears  
11 on the payline, the player is awarded the amount of money associated with that designated array.  
12 In modern slot machines, the outcomes of the spinning reels are pre-determined by a computer  
13 chip containing a random number generator.

14 23. Before the advent of electronic gaming devices, casinos offered mechanical  
15 spinning wheel games of chance to their patrons. Roulette is a classic example of such a game. A  
16 commonly understood trait of these spinning wheel games is that the wheel has an equal chance  
17 of stopping on each space. That is because spinning wheels are naturally subject to the laws of  
18 physics and because the area of the wheel attributable to each number is the same, meaning the  
19 wheel has an equal chance of landing on “5” as it does on “0.” If a casino manipulated the wheel  
20 so that it stopped on “0” more frequently than it stopped on “5”, such a wheel would properly be  
21 characterized as “rigged.”

22 24. More recently, certain electronic gaming devices have begun to incorporate, as a  
23 signature feature designed to induce patrons to play the device, an attached spinning ‘bonus’ wheel  
24 that creates a “game-within-a-game” (i.e., the “Bonus Wheel Feature”). When a designated  
25 symbol appears on the primary component of the electronic gaming device, the player “wins” a  
26 spin of an attached wheel that contains equally-spaced segments representing different monetary  
27 amount ranging from, comparatively speaking, very small to very large. When the spinning wheel  
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1 stops, an indicator affixed atop the wheel points to a particular segment of the wheel, which in turn  
2 designates the monetary amount won by the player.

3 25. The Bonus Wheel Feature is designed to increase player engagement and raise  
4 expectations that the player may win additional money beyond that the player is eligible to win  
5 through the primary component of the device alone. In this way, the Bonus Wheel Feature induces  
6 casino patrons to play or continue to play the associated electronic gaming device, spending more  
7 money and increasing revenues to the operator of the device.

8 26. The Bonus Wheel Feature was patented by Anchor Gaming, Inc. on October 20,  
9 1998. The patent recognizes the draw that the Bonus Wheel Feature would have for casino patrons,  
10 stating that the Bonus Wheel Feature is “designed to provide added excitement to a gaming device  
11 to increase the enjoyment to players and to serve as an added attraction to potential players.”<sup>3</sup>

12 27. In 1997, after licensing the patent from Anchor Gaming, Inc., Defendant IGT  
13 designed, manufactured, marketed, and distributed the first electronic gaming device incorporating  
14 the Bonus Wheel Feature, called “Wheel of Fortune.” Since that time, Defendant IGT has  
15 designed, manufactured, marketed, and distributed many variations of the “Wheel of Fortune”  
16 gaming device, all of which feature the signature Bonus Wheel Feature, which operates in  
17 materially the same way on all such devices.

18 28. In 2001, Defendant IGT acquired Anchor Gaming, Inc. in a stock-for-stock  
19 transaction valued at \$1.37 billion.

20 29. “Wheel of Fortune”-themed games are the most popular electronic gaming devices  
21 containing the Bonus Wheel Feature. The classic version of the machine has a 3-reel format and  
22 associated pay tables in the primary game component. The third reel contains a “SPIN” symbol  
23 that gives the player a bonus payout when the “SPIN” symbol lands on the payline. The amount  
24 of the bonus is determined by a “wheel of fortune” mounted at the top of the machine. The wheel  
25 starts spinning when the player presses a button to activate it.

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28 <sup>3</sup> U.S. Patent No. 5,823,874 (issued October 20, 1998).

1           30. Wheel of Fortune devices are designed in their appearance to replicate the  
2 movement of a normal mechanical wheel, e.g., a wheel which has an equal chance of landing on  
3 each of its segments. Indeed, the wheel on the Wheel of Fortune devices contains equal-sized  
4 segments, each bearing a different number, and each representing different levels of a bonus  
5 payout. When the wheel stops, the player is awarded the bonus identified by the segment on which  
6 the wheel indicator has landed. Players are led to believe that, based upon this design, they have  
7 an equal chance of winning each of the payout amounts designated on each of the various equal-  
8 sized segments of the wheel when it is spun.

9           31. In some versions of the Wheel of Fortune slot machine, the traditional spinning  
10 reels in the primary game are replaced by a digital display which hosts the primary game. The  
11 digital display either emulates the appearance of spinning reels or depicts an alternative primary  
12 game model. However, in all Wheel of Fortune devices subject to this action, the secondary game  
13 feature remains the same: an attached bonus wheel with equally-sized segments which spins and  
14 indicates the award that the player receives as the result of the secondary game.

15           32. Defendant IGT further encourages consumers' perception that the Bonus Wheel  
16 Feature conveys an equal chance of landing on any of its segments through the brand name of  
17 these devices—the "Wheel of Fortune." The use of the word "wheel" in this name is specifically  
18 intended to conjure the impression of a freely rotating mechanical wheel that spins and stops  
19 naturally pursuant to the laws of physics, such as the one in the famous television game show of  
20 the same name.

21           33. The patent held by Defendant IGT for the design of the Bonus Wheel Feature  
22 recognizes the power of this false allusion of a freely rotating wheel on the Wheel of Fortune  
23 television show. It states:

24           Those familiar with games involving winning payouts, such as the popular  
25 television game show entitled 'WHEEL OF FORTUNE' will realize that as players  
26 and observers watch a large wheel spin and gradually come to rest, the players  
experience a heightened feeling of anticipation and excitement as the wheel is  
slowing down to indicate a possible prize.<sup>4</sup>

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28 <sup>4</sup> *Id.*



1 34. After acquiring the rights to use Anchor Gaming, Inc.’s patent, Defendant IGT  
2 licensed the Wheel of Fortune brand from Sony Pictures Television, Inc. (“Sony”), the producer  
3 of the Wheel of Fortune television game show. Defendant IGT did so for the purpose of driving  
4 home the false association between the game of chance depicted on Sony’s television program and  
5 the Bonus Wheel Feature on its own electronic gaming devices.

6 35. In 2023, the licensing agreement between Sony and Defendant IGT was renewed  
7 for another ten years. In announcing the deal, Suzanne Prete, Sony Pictures Television’s Executive  
8 Vice President of Game Shows, stated:

9 This landmark agreement guarantees that casino and lottery players around the  
10 world can enjoy world-class Wheel of Fortune-themed games for years to come.  
11 Sony Pictures Television and IGT share the same commitment to applying the  
12 Wheel of Fortune brand in ingenious ways, creating growth opportunities and  
13 ensuring that Wheel of Fortune remains synonymous with winning and fun.<sup>5</sup>

14 36. This licensing agreement permits Defendant IGT to use the trademarked name  
15 “Wheel of Fortune.” It also provides Defendant IGT the right to use the sound effects, tones, and  
16 melodies of the popular television show on its electronic gaming devices. According to Boris  
17 Hallerbach, IGT’s director of product management for premium products, “You can’t walk across  
18 a casino floor without hearing [the licensed sounds].”<sup>6</sup> He continued:

19 We used that wheel from Anchor in the process and created the game that combined  
20 the Wheel of Fortune brand with strong IGT base games . . . It was the first brand  
21 in slots, and people with their familiarity with the show on television every night I  
22 think had an instant affinity to the Wheel of Fortune slot game.<sup>7</sup>

23 37. Defendant IGT also licenses the voices of the Wheel of Fortune television game  
24 show co-hosts Vanna White and Pat Sajak and announcer Jim Thornton for use in its Wheel of  
25 Fortune electronic gaming devices. These voices, along with the sounds from the television game

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24 <sup>5</sup> Press Release, IGT, “IGT Secures Exclusive Wheel of Fortune Licensing Rights for Gaming,  
25 Lottery, iGaming and iLottery via 10-Year Agreement” (June 5, 2023), available at  
[https://ir.igt.com/news/news-details/2023/IGT-Secures-Exclusive-Wheel-of-Fortune-Licensing-  
Rights-for-Gaming-Lottery-iGaming-and-iLottery-via-10-Year-Agreement/default.aspx](https://ir.igt.com/news/news-details/2023/IGT-Secures-Exclusive-Wheel-of-Fortune-Licensing-Rights-for-Gaming-Lottery-iGaming-and-iLottery-via-10-Year-Agreement/default.aspx).

26 <sup>6</sup> Richard N. Velotta, *Las Vegas Review-Journal*, “Iconic Wheel of Fortune still top slot 25 years  
27 later” (Aug. 5, 2021), available at [https://www.reviewjournal.com/business/casinos-  
gaming/iconic-wheel-of-fortune-still-top-slot-25-years-later-2414176/](https://www.reviewjournal.com/business/casinos-gaming/iconic-wheel-of-fortune-still-top-slot-25-years-later-2414176/).

28 <sup>7</sup> *Id.*

1 show, are intended to further consumers’ false association between the spinning wheel on the  
 2 television program, which is subject to random chance probabilities of landing on any given  
 3 segment, and the rigged wheel on the electronic gaming devices at issue in this case.

4 38. Defendant IGT has also enlisted the famous co-host of the Wheel of Fortune  
 5 television program, Vanna White, to promote its electronic gaming devices in live appearances.  
 6 These appearances further promote a false association between the game of chance depicted on  
 7 the game show and the rigged wheel on the gaming devices. For example, Ms. White appeared at  
 8 Defendant IGT’s booth at the 2016 Global Gaming Expo trade show, as depicted below:<sup>8</sup>



26 <sup>8</sup> *Id.*; see also C. Moon Reed, *Las Vegas Weekly*, “Chatting with Vanna White About 25 Years of  
 27 ‘Wheel of Fortune’ Slots” (October 14, 2021), available at  
 28 <https://lasvegasweekly.com/news/2021/oct/14/chatting-with-vanna-white-wheel-of-fortune-slots/>  
 (noting that “White was in town recently to celebrate the 25th anniversary of IGT’s *Wheel of Fortune* slot franchise at this year’s Global Gaming Expo (G2E)”).

1 39. Defendant MGM is a regular sponsor of Sony’s television program Wheel of  
2 Fortune. For example, Defendant MGM recently sponsored Wheel of Fortune’s 8,000th episode  
3 during the game show’s “Big Money Week” which aired from May 20, 2024 through May 24,  
4 2024.<sup>9</sup> As part of the sponsorship, Defendant MGM placed logos on the set and graphics of the  
5 Wheel of Fortune television program during its “Big Money Week.”

6 40. Defendant IGT’s Wheel of Fortune gaming devices with the Bonus Wheel Feature  
7 have become enormously popular. IGT recently stated that “Wheel of Fortune Slots is hailed as  
8 one of the most successful slot themes of all time.”<sup>10</sup>

9 41. The Casino Defendants have collectively deployed hundreds of Wheel of Fortune  
10 machines containing the Bonus Wheel Feature on their gaming floors. The Casino Defendants  
11 collectively generate at least hundreds of millions of dollars of revenue annually from the operation  
12 of these machines.

13 42. However, the Bonus Wheel Feature is not what it seems. The electromechanically  
14 operated Bonus Wheel Feature is linked to an internal computer that determines the segment of  
15 the wheel on which the wheel’s indicator actually stops. The wheel also contains a drive  
16 mechanism which gradually reduces the rate of spin of a mechanical wheel, which is designed to  
17 merely simulate the movement of a mechanical wheel. Unlike a mechanical wheel, however,  
18 which is truly random and has an equal chance of stopping at each segment on the wheel, the  
19 Bonus Wheel Feature is rigged and manipulated by the internal computer to stop far more  
20 frequently with the indicator pointing at segments with lower monetary amounts than at segments  
21 with higher monetary amounts.

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25 <sup>9</sup> Press Release, BetMGM, “BetMGM Sponsors Progressive Jackpot During Wheel of Fortune’s  
26 “Big Money Week” (May 17, 2024), available at <https://www.prnewswire.com/news-releases/betmgm-sponsors-progressive-jackpot-during-wheel-of-fortunes-big-money-week-302148486.html>.

27 <sup>10</sup> Press Release, IGT, “IGT Extends Success of Wheel of Fortune Brand to New Product  
28 Categories at Global Gaming Expo 2024,” available at <https://www.igt.com/Explore%20IGT/News/News%20Room%20Details?Index=20240924d0c1>.

1 43. IGT devised the bonus wheel feature with the intent to deceive players into  
2 believing that the Bonus Wheel Feature operates in the same manner as a mechanical wheel—e.g.,  
3 that once spun, the wheel operates pursuant to the laws of physics and will rotate with a constant  
4 rate of change of its angular velocity, and thus has an equal chance of landing on each of the  
5 segments. Indeed, the patent relating to the Bonus Wheel Feature expressly acknowledges that the  
6 intent of the device is to give the false appearance of a naturally rotating wheel, while permitting  
7 the device’s operator to select a “predetermined frequency” of occurrence for the wheel’s indicator  
8 to land on “each individual bonus payout”:

9 According to another preferred embodiment of the present invention, a bonus  
10 indicator is connected to a [*sic*] electromechanical control unit, for example a  
11 motor, which gradually decreases the rate of movement of the bonus indicator  
12 before the bonus indicator stops. **According to this embodiment of the present  
13 invention, players can be provided with a realistic sense of a totally mechanical  
14 indicator.** Those skilled in the art will appreciate that such a control unit can also  
15 readily be connected to a random generator which will randomly select the winning  
16 payout according to a **predetermined frequency of occurrence for each  
17 individual bonus payout**, and then cause the bonus indicator to stop at the desired  
18 area.<sup>11</sup>

19 44. Based upon Defendants’ design and presentation of the Bonus Wheel Feature,  
20 which simulates a truly naturally spinning wheel that will rotate and come to a stop in accordance  
21 with the laws of physics, such as a roulette wheel, casino players reasonably believe that wheel on  
22 the “Wheel of Fortune”-themed gaming devices likewise has an equal chance of stopping at each  
23 segment on the wheel—and that they therefore have as much of a change of winning the highest-  
24 value prize on the wheel as the do the lowest-value prize on the wheel. Defendants fail to disclose,  
25 however, that the wheel is controlled by an internal computer that selects the segments of the wheel  
26 that the indicator will land on (and thus the dollar amounts of the payouts to the players) according  
27 to a predetermined frequency of occurrence for each individual bonus payout set by the device’s  
28 operator. Stated simply, the wheel device is rigged by an internal computer to stop much more  
frequently on the segments with lower monetary amounts than the segments with higher monetary  
amounts.

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<sup>11</sup> U.S. Patent No. 5,823,874 (issued October 20, 1998).

1           45. Each of the Casino Defendants programmed the internal computers of each of the  
2 “Wheel of Fortune”-themed electronic gaming devices accessible to patrons at each of their  
3 gaming establishments nationwide, for the entire duration of the applicable limitation periods, to  
4 stop much more frequently on the segments of the wheel with lower monetary amounts than the  
5 segments of the wheel with higher monetary amounts.

6           46. The Casino Defendants know, and knew at all times relevant hereto, that the Bonus  
7 Wheel Feature is misleading and deceptive to consumers who frequented their gaming  
8 establishments because they have access to proprietary sales materials and instruction manuals  
9 from Defendant IGT describing the ability to program the wheel to land on spaces with lower  
10 monetary amounts more frequently than spaces with higher monetary amounts, and because (as  
11 alleged above) they have, in fact, configured the “Wheel of Fortune” gaming devices at their  
12 gaming establishments to operate in this manner, deployed those machines on their gaming floors,  
13 and reaped enormous revenue from consumers’ spending on the rigged machines. Nonetheless,  
14 the Casino Defendants fail to disclose any of this to their customers.

15           47. As a direct and proximate result of Defendants’ practice described above,  
16 customers are deceived and misled into believing that, when they spin the wheel while playing any  
17 of the Defendant IGT-manufactured “Wheel of Fortune”-themed gaming devices available at any  
18 of the Casino Defendants’ gaming establishments, they have an equal chance of receiving each of  
19 the monetary amounts set forth on each of the segments of the wheel.

20           48. Customers of the Defendant Casinos have been and continue to be damaged by  
21 Defendants’ fraudulent practices alleged herein, because customers reasonably expect, due to  
22 Defendants’ representations and omissions, that if they spin the wheel while playing any of the  
23 “Wheel of Fortune”-themed gaming devices, they have an equal chance of receiving each of the  
24 monetary amounts set forth on each of the segments of wheel. In fact, however, the wheel on each  
25 such device is, and at all times relevant hereto was, programmed to stop much more frequently on  
26 segments that pay the smaller monetary amounts to the customer than the segments that pay the  
27 larger monetary amounts to the customer. Defendants’ conduct not only deprives players of the  
28 monies they would have won if the Bonus Wheel Feature had been as represented, but also induces

1 players to begin to play and then to continue to play the devices, in all cases unjustly increasing  
2 the Defendants’ revenues and profits.

3 49. Accordingly, Defendants have defrauded Plaintiffs and the putative class members  
4 into spending money to play the Wheel of Fortune-themed gaming devices under the false pretense  
5 that the Bonus Wheel Feature conveys an opportunity for the player to spin the wheel with an  
6 equal chance of the wheel’s indicator landing on each of its segments, and that the player thus has  
7 an equal chance of receiving each of the monetary payout amounts designated on each of the  
8 wheel’s segments as the result of each spin.

9 50. Defendants have promoted the Wheel of Fortune-themed devices with the Bonus  
10 Wheel Feature in interstate wires and through the mail, including in promotions which include  
11 visual representations of the machine and utilize the brand name “Wheel of Fortune” on their  
12 websites, social media accounts, and in various advertising mediums which travel by mail  
13 including direct mail solicitations, print advertisements, and magazine publications.

14 51. Defendant IGT regularly publishes and transmits press releases, promotional  
15 materials, and advertisements over interstate wires which mislead the gaming public into believing  
16 that the Bonus Wheel Feature operates as a random game of chance.

17 52. For example, Defendant IGT publishes promotional videos on the internet which  
18 feature individuals spinning a normal mechanical wheel to promote its Wheel of Fortune brand, as  
19 shown in the following screenshot:<sup>12</sup>



28 <sup>12</sup> IGT, “Wheel of Fortune – Hawaiian Getaway by IGT – Game Launch 2018” (October 30, 2018),  
available at <https://www.youtube.com/watch?v=DpKLY59Wzto>.

1  
2 53. Defendant IGT also regularly publishes and disseminates over interstate wires  
3 “Product Demos” depicting the Bonus Wheel Feature to promote Wheel of Fortune gaming  
4 devices to casinos and casino patrons alike. An example is pictured in the screenshot below<sup>13</sup>:  
5



16  
17 **Wheel of Fortune Diamond Spins Pink Diamond by IGT - Product Demo**



IGT  
9,34K subscribers

Subscribe

4



Share

Save



19 408 views Feb 15, 2024

20 The newest addition to the Diamond Spins family of games features wilds in the base game and up to three wheel pointers that can lead to massive wins.

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28 <sup>13</sup> IGT, “Wheel of Fortune Diamond Spins Pink Diamond by IGT – Product Demo” (February 15, 2024), available at <https://www.youtube.com/watch?v=KoWVu8cCtE4>.

1 54. Defendant IGT regularly publishes and disseminates over interstate wires  
2 photographs and press releases promoting associations between the Wheel of Fortune television  
3 game show, with its naturally spinning wheel operating pursuant to the laws of physics, and the  
4 Wheel of Fortune-themed gaming devices, with their rigged Bonus Wheel Feature programmed to  
5 maximize Defendants' profits.<sup>14</sup>

6 55. Each of the Casino Defendants promotes the availability of Wheel of Fortune-  
7 themed gaming devices with the Bonus Wheel Feature at their properties, including their properties  
8 in Nevada and elsewhere throughout the United States, to consumers over interstate wires.<sup>15</sup>

9 56. The Casino Defendants have communicated with Defendant IGT over interstate  
10 wires and/or the mail to negotiate the purchase of Wheel of Fortune-themed gaming devices with  
11 the Bonus Wheel Feature.

12 57. The Casino Defendants have communicated with Defendant IGT over interstate  
13 wires and/or the mail to coordinate the delivery of Wheel of Fortune-themed gaming devices with  
14 the Bonus Wheel Feature to their properties, including their properties in Nevada and elsewhere  
15 throughout the United States.

16 58. The Casino Defendants have communicated with Defendant IGT over interstate  
17 wires and/or the mail to configure the Wheel of Fortune-themed gaming devices utilized at their  
18 properties (including their properties in Nevada and elsewhere throughout the United States).

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22 <sup>14</sup> See, e.g., Press Release, IGT, "Pat Sajak, Vanna White Will Help IGT Launch Newest Version  
23 of Wheel of Fortune<sup>®</sup> Slot Machine at Global Gaming Expo" (Sept. 10, 2015), available at  
<https://www.igt.com/Explore-IGT/News/News-Room-Details?Index=201509171615>.

24 <sup>15</sup> See, e.g., Encore Boston Harbor, "Winner, Winner. A lucky guest won \$40,000 playing Wheel  
25 of Fortune. Congratulations!" (June 6, 2022), available at  
[https://www.facebook.com/photo.php?fbid=5253596724662907&id=608422419180384&set=a.  
26 722841301071828](https://www.facebook.com/photo.php?fbid=5253596724662907&id=608422419180384&set=a.722841301071828); MGM Grand Detroit, "Wheel of Fortune" (June 9, 2016), available at  
<https://www.facebook.com/watch/?v=10157759468485206> (promoting a jackpot won on a Wheel  
27 of Fortune device at the MGM Grand Detroit on the casino's Facebook page); Bally's Lincoln,  
28 "Thousands of Slot Machines in RI," available at <https://casinos.ballys.com/lincoln/slots.htm>  
(promoting the availability of Wheel of Fortune machines at Bally's Twin River Lincoln Casino  
Resort in Lincoln, Rhode Island).



1 59. The Casino Defendants have communicated with Defendant IGT over interstate  
2 wires and/or the mail to maintain and repair the Wheel of Fortune-themed gaming devices utilized  
3 at their properties.

4 60. The Casino Defendants have communicated with Defendant IGT over interstate  
5 wires and/or the mail to discuss the design of Wheel of Fortune-themed gaming devices with the  
6 Bonus Wheel Feature.

7 61. The Casino Defendants have sent funds to Defendant IGT over interstate wires  
8 and/or the mail to purchase Wheel of Fortune-themed gaming devices with the Bonus Wheel  
9 Feature. Defendant IGT has accepted those funds in furtherance of the fraudulent scheme  
10 described herein.

11 **CLAIMS OF THE NAMED PLAINTIFFS**

12 62. Each of the Plaintiffs has played at least one Wheel of Fortune-themed gaming  
13 device with the Bonus Wheel Feature manufactured by Defendant IGT, at least one gaming  
14 establishment operated by at least one of the Casino Defendants.

15 **A. Charlotte Bownes**

16 63. Plaintiff Bownes has played Wheel of Fortune-themed gaming devices with the  
17 Bonus Wheel Feature manufactured by Defendant IGT, and has spun the wheel in the Bonus Wheel  
18 Feature when she played the devices.

19 64. Among other times, Plaintiff Bownes played Wheel of Fortune-themed gaming  
20 devices with the Bonus Wheel Feature, and spun the wheel in the device's Bonus Wheel Feature,  
21 at the MGM Grand Detroit on or about November 23, 2021 and November 24, 2021. Plaintiff  
22 Bownes lost money playing the Wheel of Fortune-themed gaming devices, including on those  
23 dates.

24 65. When Plaintiff Bownes played the Wheel of Fortune-themed gaming devices with  
25 the Bonus Wheel Feature, she believed, based upon Defendant IGT and Defendant MGM's actions  
26 and omissions, that if she obtained a bonus spin of the wheel, she had an equal chance of receiving  
27 each of the monetary amounts displayed on the wheel, including the highest monetary amounts  
28 displayed on the wheel.

1 66. In reality, however, due to Defendant IGT and Defendant MGM's manipulation of  
2 the Wheel of Fortune-themed gaming devices with the Bonus Wheel Feature that Plaintiff Bownes  
3 played, Plaintiff Bownes was not afforded an equal chance to win each of the monetary amounts  
4 listed on the segments of the wheel when she spun the wheel. This is because Defendant IGT and  
5 Defendant MGM had intentionally programmed the wheel to land on low-value segments with a  
6 significantly greater frequency than on high-value segments.

7 67. Had Plaintiff Bownes known the truth about the way in which the Wheel of  
8 Fortune-themed gaming devices operate, she would not have risked money playing the devices.

9 **B. Joseph Lagreca**

10 68. Plaintiff Lagreca has played Wheel of Fortune-themed gaming devices with the  
11 Bonus Wheel Feature manufactured by Defendant IGT, and has spun the wheel in the Bonus Wheel  
12 Feature when he played the devices.

13 69. Among other times, Plaintiff Lagreca played Wheel of Fortune-themed gaming  
14 devices with the Bonus Wheel Feature, and spun the wheel in the device's Bonus Wheel Feature,  
15 at the Bally's Twin River Lincoln Casino Resort (operated by Defendant Bally's) on August 13,  
16 2022 and the MGM Springfield (operated by Defendant MGM) on October 2, 2022. Plaintiff  
17 Lagreca lost money playing the Wheel of Fortune-themed gaming devices, including on those  
18 dates.

19 70. When Plaintiff Lagreca played the Wheel of Fortune-themed gaming devices with  
20 the Bonus Wheel Feature, he believed, based upon Defendant IGT, Defendant Bally's, and  
21 Defendant MGM's actions and omissions, that if he obtained a bonus spin of the wheel, he had an  
22 equal chance of receiving each of the monetary amounts displayed on the wheel, including the  
23 highest monetary amounts displayed on the wheel.

24 71. In reality, however, due to Defendant IGT, Defendant Bally's, and Defendant  
25 MGM's manipulation of the Wheel of Fortune-themed gaming devices with the Bonus Wheel  
26 Feature that Plaintiff Lagreca played, Plaintiff Lagreca was not afforded an equal chance to win  
27 each of the monetary amounts listed on the segments of the wheel when he spun the wheel. This  
28 is because Defendant IGT, Defendant Bally's, and Defendant MGM had intentionally programmed

1 the wheel to land on low-value segments with a significantly greater frequency than on high-value  
2 segments.

3 72. Had Plaintiff Lagreca known the truth about the way in which the Wheel of  
4 Fortune-themed gaming devices operate, he would not have risked money playing the devices.

5 **C. Jessica Naumann**

6 73. Plaintiff Naumann has played Wheel of Fortune-themed gaming devices with the  
7 Bonus Wheel Feature manufactured by Defendant IGT, and has spun the wheel in the Bonus Wheel  
8 Feature when she played the devices.

9 74. Among other times, Plaintiff Naumann played Wheel of Fortune-themed gaming  
10 devices with the Bonus Wheel Feature, and spun the wheel in the device's Bonus Wheel Feature,  
11 at Palace Station (operated by Defendant Station) on January 18, 2021, and The Orleans (operated  
12 by Defendant Boyd) on January 18, 2021. Plaintiff Naumann lost money playing the Wheel of  
13 Fortune-themed gaming devices, including on those dates.

14 75. When Plaintiff Naumann played the Wheel of Fortune-themed gaming devices with  
15 the Bonus Wheel Feature, she believed, based upon Defendant IGT, Defendant Station, and  
16 Defendant Boyd's actions and omissions, that if she obtained a bonus spin of the wheel, she had  
17 an equal chance of receiving each of the monetary amounts displayed on the wheel, including the  
18 highest monetary amounts displayed on the wheel.

19 76. In reality, however, due to Defendant IGT, Defendant Station, and Defendant  
20 Boyd's manipulation of the Wheel of Fortune-themed gaming devices with the Bonus Wheel  
21 Feature that Plaintiff Naumann played, Plaintiff Naumann was not afforded an equal chance to  
22 win each of the monetary amounts listed on the segments of the wheel when she spun the wheel.  
23 This is because Defendant IGT, Defendant Station, and Defendant Boyd's had intentionally  
24 programmed the wheel to land on low-value segments with a significantly greater frequency than  
25 on high-value segments.

26 77. Had Plaintiff Naumann known the truth about the way in which the Wheel of  
27 Fortune-themed gaming devices operate, she would not have risked money playing the devices.

28

1                   **D. Christopher Goodin**

2           78. Plaintiff Goodin has played Wheel of Fortune-themed gaming devices with the  
3 Bonus Wheel Feature manufactured by Defendant IGT, and has spun the wheel in the Bonus Wheel  
4 Feature when he played the devices.

5           79. Among other times, Plaintiff Goodin played Wheel of Fortune-themed gaming  
6 devices with the Bonus Wheel Feature, and spun the wheel in the device’s Bonus Wheel Feature,  
7 at the Ameristar Casino Vicksburg (operated by Defendant PENN) and Bally’s Vicksburg Casino  
8 and Hotel (operated by Defendant Bally’s) on the following dates: March 4, 2024 through March  
9 7, 2024; March 24, 2024; April 20, 2024; May 14, 2024; and May 19, 2024. Plaintiff Goodin lost  
10 money playing the Wheel of Fortune-themed gaming devices, including on those dates.

11           80. When Plaintiff Goodin played the Wheel of Fortune-themed gaming devices with  
12 the Bonus Wheel Feature, he believed, based upon Defendant IGT, Defendant PENN, Defendant  
13 Bally’s actions and omissions that if he obtained a bonus spin of the wheel, he had an equal chance  
14 of receiving each of the monetary amounts displayed on the wheel, including the highest monetary  
15 amounts displayed on the wheel.

16           81. In reality, however, due to Defendant IGT, Defendant PENN, and Defendant  
17 Bally’s manipulation of the Wheel of Fortune-themed gaming devices with the Bonus Wheel  
18 Feature that Plaintiff Goodin played, Plaintiff Goodin was not afforded an equal chance to win  
19 each of the monetary amounts listed on the segments of the wheel when he spun the wheel. This  
20 is because Defendant IGT, Defendant PENN, and Defendant Bally’s had intentionally  
21 programmed the wheel to land on low-value segments with a significantly greater frequency than  
22 on high-value segments.

23           82. Had Plaintiff Goodin known the truth about the way in which the Wheel of Fortune-  
24 themed gaming devices operate, he would not have risked money playing the devices.

25                                   **CLASS ACTION ALLEGATIONS**

26           83. Pursuant to Federal Rule of Civil Procedure 23(b)(1), 23(b)(2), 23(b)(3), and where  
27 applicable, 23(c)(4), Plaintiffs bring this action, on behalf of themselves and all persons who spent  
28

1 money to play any Wheel of Fortune-themed gaming device containing a Bonus Wheel Feature at  
2 any property in the United States owned or operated by any of the Casino Defendants.

3 84. Excluded from the Classes are Defendants' officers, directors, and employees; any  
4 entity in which any Defendant has a controlling interest; and the affiliates, legal representatives,  
5 attorneys, successors, heirs, and assigns of Defendants. Also excluded from the Classes are  
6 members of the judiciary to whom this case is assigned, their families, and members of their staff.

7 85. Plaintiffs reserve the right to modify the definitions of the Class, including based  
8 on discovery and further investigation.

9 86. The members of the Class are so numerous that their individual joinder herein is  
10 impracticable. Plaintiffs are informed and believe, and thereupon allege, that the members the  
11 Class number in the millions. The precise number of members of the Class and their identities are  
12 unknown to Plaintiffs at this time but will be readily determined in discovery, including by  
13 reference to records maintained by Defendants, including but not limited to players card records.  
14 Members of the Classes may be notified of the pendency of this action by mail and/or publication  
15 through the records of Defendants.

16 87. Plaintiffs' claims are typical of the claims of the members of the Class they seek to  
17 represent in that Plaintiffs and all members of the Class were injured and sustained damages by  
18 Defendants' uniform wrongful conduct—namely, Defendants' practices of misrepresenting, by  
19 action and/or omission, the statistical probability of winning higher-value payouts in connection  
20 with the Bonus Wheel Feature of the Wheel of Fortune-themed gaming devices.

21 88. Common questions of law and fact exist as to all members of the Class and  
22 predominate over questions affecting only individual members. Legal and factual questions  
23 common to the Classes include, but are not limited to:

- 24 a. Whether Defendants engaged in the alleged conduct;
- 25 b. Whether the Bonus Wheel Feature is programmed by Defendants so that the wheel  
26 does not rotate naturally pursuant to the laws of physics, such that the wheel has an  
27 equal chance of stopping on each segment, but rather rotates in manner that ensures  
28

- 1 it will stop on lower-value segments at a significantly greater frequency than  
2 higher-value segments;
- 3 c. Whether Defendants have established a policy and practice of failing to disclose  
4 that the wheel is pre-programmed as alleged in this Complaint and that players who  
5 spin the wheel are far more likely to receive lower-value amounts than larger-value  
6 amounts as a result of their spins;
- 7 d. Whether Defendants used interstate wires or the mail to advance their fraudulent  
8 scheme;
- 9 e. Whether Plaintiffs and the members of the Class are entitled to damages and the  
10 method of calculating those damages; and
- 11 f. Whether the Plaintiffs and the members of the Class are entitled to injunctive relief  
12 and the extent of that injunctive relief.

13 89. Plaintiffs are adequate representatives of the Class because none of the Plaintiffs’  
14 interests conflict with the interests of the other members of the Class they seek to represent, they  
15 have retained competent counsel experienced in prosecuting class actions, and they intend to  
16 prosecute this action vigorously. The interests of the members of the Class will be fairly and  
17 adequately protected by Plaintiffs and their counsel.

18 90. The class mechanism is superior to other available means for the fair and efficient  
19 adjudication of the claims of members of the Class. Each individual member of the Class may  
20 lack the resources to undergo the burden and expense of individual prosecution of the complex  
21 and extensive litigation necessary to establish Defendants’ liability. Individualized litigation  
22 increases the delay and expense to all parties and multiplies the burden on the judicial system  
23 presented by the complex legal and factual issues of this case. Individualized litigation also  
24 presents a potential for inconsistent or contradictory judgments. In contrast, the class action device  
25 presents far fewer management difficulties and provides the benefits of single adjudication,  
26 economy of scale, and comprehensive supervision by a single court on the issue of Defendants’  
27 liability. Class treatment of the liability issues will ensure that all claims and claimants are before  
28 this Court for consistent adjudication of such issues.

**FIRST CLAIM FOR RELIEF**  
**RICO, 18 U.S.C. § 1962(a)**

**By Plaintiffs, Individually and On Behalf of Members of the Class**

1  
2  
3 91. Plaintiffs repeat the allegations contained in the foregoing paragraphs as if fully set  
4 forth herein.

5 92. Each of the Defendants is a “person” as defined in 18 U.S.C. § 1961(3).

6 93. Each of the Casino Defendants and Defendant IGT comprise an “association-in-  
7 fact” and an “enterprise” as defined in 18 U.S.C. § 1961(4).

8 94. Each of the “associations-in-fact” and “enterprises” between Defendant IGT and  
9 the Casino Defendants engages in a conspiracy designed to conceal the true nature of the Wheel  
10 of Fortune-themed electronic gaming devices that have a Bonus Wheel Feature.

11 95. All of the Defendants are associated-in-fact and their association-in-fact constitutes  
12 an enterprise under 18 U.S.C. § 1961(4). That associations-in-fact and enterprise engages in a  
13 conspiracy designed to conceal the true nature of the Wheel of Fortune-themed electronic gaming  
14 devices that have a Bonus Wheel Feature.

15 96. Each of the enterprises identified above are ongoing and each has an existence  
16 distinct from the pattern of racketeering activity alleged herein. That distinct existence arises  
17 from activities of such enterprises related to legalized casino gambling, but which do not involve  
18 the manufacture, marketing, promotion, distribution, operation, or the collection or retention of  
19 revenues of the Wheel of Fortune-themed electronic gaming devices.

20 97. Each of the enterprises identified above engage in, and their activities affect,  
21 interstate commerce. Among other things, Defendants transport the Wheel of Fortune-themed  
22 electronic gaming devices and transact business through interstate travel, the mail, by interstate  
23 wires, and by telephone. Defendants advertise the Wheel of Fortune-themed electronic gaming  
24 devices through various mediums, including their websites, social media accounts, and various  
25 print advertisements.

26 98. Defendants have engaged in a pattern of racketeering activity within the meaning  
27 of 18 U.S.C. § 1961(5) involving multiple predicate acts of mail fraud (18 U.S.C. § 1341) and  
28

1 wire fraud (18 U.S.C. § 1343), and aided and abetted the commission of those predicate acts in  
2 violation of 18 U.S.C. § 2.

3 99. As more fully set forth above, Defendants have actively participated in a course of  
4 conduct, commencing with the introduction of the Wheel of Fortune-themed electronic gaming  
5 devices and continuing today, which has misled Plaintiffs and the Class. Defendants have pursued  
6 such activities with the intention of creating the perception that the Bonus Wheel Feature of the  
7 Wheel of Fortune-themed electronic gaming devices operates as a true game of chance and is  
8 comparable to its traditional mechanical wheel counterparts that operate naturally pursuant to the  
9 laws of physics.

10 100. Defendants' misconduct and the fraud at the heart of this action involves the  
11 labelling, identification, design, configuration, and appearance of Wheel of Fortune-themed  
12 electronic gaming devices as containing Bonus Wheel Features which operate in a manner  
13 consistent with a traditional mechanical wheel that operates naturally pursuant to the laws of  
14 physics.

15 101. The misconduct and fraud committed by Defendants has occurred in the Casino  
16 Defendants' properties on each day in which the Wheel of Fortune-themed gaming devices were  
17 operated in their gaming establishments. Those machines continue to operate as of the day of the  
18 filing of this Complaint.

19 102. The predicate acts of mail and/or wire fraud which establish the pattern of  
20 racketeering activity under 18 U.S.C. § 1961(5) all pertain to and further the fraudulent scheme  
21 described above.

22 103. Each of the Defendants participated in this fraudulent scheme intentionally and for  
23 the purpose of maximizing revenue generated by Wheel of Fortune-themed electronic gaming  
24 devices.

25 104. Defendants devised the scheme alleged herein to defraud or to obtain money from  
26 Plaintiffs and the Class by means of false or fraudulent pretenses or representations. In  
27 furtherance of and for the purpose of executing such scheme or artifice or attempting to do so,  
28 Defendants knowingly placed or caused to be placed in the United States mails materials to be



1 delivered by the Postal Service, as described herein and otherwise, constituting multiple acts of  
2 mail fraud under 18 U.S.C. § 1341.

3 105. Defendants devised the scheme alleged herein to defraud or to obtain money from  
4 Plaintiffs and the Class by means of false or fraudulent pretenses or representations. In  
5 furtherance of and for the purpose of executing such scheme or artifice or attempting to do so,  
6 Defendants knowingly placed or caused to be placed transmissions over interstate wires, as  
7 described herein and otherwise, constituting multiple acts of mail fraud under 18 U.S.C. § 1341.

8 106. The specific mail and wire communications which are part of the predicate acts of  
9 mail and wire fraud advanced defendant's fraudulent scheme. Plaintiffs need not and does allege  
10 that each such mail or wire communication was, itself, fraudulent.

11 107. Each of the Defendants has engaged in mail and wire communications in  
12 furtherance of the fraudulent scheme described herein. Such instances of mail and wire fraud are  
13 related and continuous. They therefore comprise a pattern of racketeering activity under 18  
14 U.S.C. § 1961(5).

15 108. Defendants received significant income derived from their fraudulent scheme to  
16 mislead the gaming public regarding the Wheel of Fortune-themed electronic gaming devices.  
17 Such racketeering income included substantial revenues from the play of Wheel of Fortune-  
18 themed gaming devices. Much of such revenue was then used to operate and expand the forgoing  
19 enterprises through research, design, development, and deployment of new machines, and the  
20 acquisition of more machines and increasing the number and size of gaming establishments with  
21 such machines.

22 109. Plaintiffs and each member of the Class played a Wheel of Fortune-themed gaming  
23 device featuring a Bonus Wheel Feature at one of the Casino Defendants' casinos where such  
24 machines were displayed and available for play. Plaintiffs and the Class members were injured  
25 in their property through the expenditure and loss of their money to play such devices. This was  
26 made possible by the continued operation and expansion of the enterprises through reinvestment  
27 of racketeering proceeds in research, design, and development of new gaming devices, and  
28 increasing the number and size of casinos at which such devices were displayed and available for

1 play. Plaintiffs' and the Class's injuries thus resulted from Defendants' use and investment of  
2 the proceeds of their racketeering activity in violation of 18 U.S.C. § 1962(a) in that Plaintiffs  
3 played and lost property (e.g., money) on gaming devices and at establishments developed and/or  
4 expanded through the use of racketeering proceeds.

5 110. Under 18 U.S.C. § 1964(c) Plaintiffs and the Class are entitled to treble their general  
6 and special compensatory damages, plus interest, costs, and attorneys' fees.

7 **SECOND CLAIM FOR RELIEF**  
8 **RICO, 18 U.S.C. § 1962(c)**

9 **By Plaintiffs, Individually and On Behalf of Members of the Class**

10 111. Plaintiffs reallege the foregoing paragraphs as though fully set forth herein.

11 112. Defendants are associated with the enterprises alleged above. In violation of 18  
12 U.S.C. § 1962(c), Defendants have conducted and/or participated in the conduct of the affairs of  
13 such enterprises, including but not limited to, participating in activities in furtherance of the  
14 Defendants' fraudulent scheme, through the pattern of racketeering activity alleged above.

15 113. Defendants conducted and/or participated in the affairs of the enterprises alleged  
16 above through the use of interstate wires and the mail, including but not limited to Defendants'  
17 promotion of the false and misleading design of the Wheel of Fortune-themed electronic gaming  
18 devices, the promotion of the false and misleading branding and labelling of the Wheel of Fortune-  
19 themed electronic gaming devices, the payment of consideration in exchange for the delivery of  
20 the Wheel of Fortune-themed electronic gaming devices, the coordination of the shipment of such  
21 Wheel of Fortune-themed electronic gaming devices, and communications regarding the  
22 configuration, maintenance, and repair of the Wheel of Fortune-themed electronic gaming devices.

23 114. As a direct and proximate result of Defendants' violation of 18 U.S.C. § 1962(c),  
24 Plaintiffs and the Class were induced to, and did, expend money playing the Wheel of Fortune-  
25 themed electronic gaming devices, manufactured and promoted by Defendant IGT, at the Casino  
26 Defendants' gaming establishments. Plaintiffs and the Class were injured by Defendants' unlawful  
27 conduct in that, had they known the truth about the way in which the Wheel of Fortune-themed  
28 gaming devices operate, they would not have risked money playing the devices. Plaintiffs and  
members of the Class were further injured by the loss of all or part of the money they spent playing

1 the Wheel of Fortune-themed electronic gaming devices. Such money spent and / or lost  
2 constitutes property of Plaintiffs and the Class under 18 U.S.C. § 1964(c).

3 115. Under 18 U.S.C. § 1964(c), Plaintiffs and the Class are entitled to treble their  
4 general and special compensatory damages, plus interest, costs, and attorneys' fees.

5 **THIRD CLAIM FOR RELIEF**  
6 **RICO, 18 U.S.C. § 1962(d)**

7 **By Plaintiffs, Individually and On Behalf of Members of the Class**

8 116. Plaintiffs reallege the foregoing paragraphs as though fully set forth herein.

9 117. Defendants conspired to violate 18 U.S.C. § 1962(a) and 18 U.S.C. § 1962(c) as  
10 alleged above as presented in summary form below.

11 118. Defendant IGT conspired with the Casino Defendants to distribute and promote the  
12 Wheel of Fortune-themed electronic gaming devices. Defendant IGT disclosed the true nature of  
13 the Bonus Wheel Feature of the Wheel of Fortune-themed electronic gaming devices to the Casino  
14 Defendants and then enlisted their assistance in a conspiratorial course of conduct designed to  
15 defraud the gaming public. Defendants conspired to promote the misleading and fraudulent  
16 design, labeling, and branding of the Wheel of Fortune-themed electronic gaming devices to the  
17 public through the use of the mail and interstate wires. Defendants engaged in this conspiratorial  
18 scheme with the common objective of inducing casino patrons to both play the Wheel of Fortune-  
19 themed electronic gaming devices even though they would not have played such devices had the  
20 true nature of these games been known, and to spend more money playing the Wheel of Fortune-  
21 themed electronic gaming devices than they would have had the true nature of these games been  
22 known. Defendants then reinvested the money made from the scheme in promoting and expanding  
23 the availability of the Wheel of Fortune-themed electronic gaming devices to further enlarge the  
24 conspiracy.

25 119. As a direct and proximate result of Defendants' violation of 18 U.S.C. § 1962(d),  
26 Plaintiffs and the Class were induced to, and did, play and expend money playing Defendants'  
27 Wheel of Fortune-themed electronic gaming devices. Plaintiffs and the Class were injured by  
28 Defendants' unlawful conduct in that, had they known the truth about the way in which the Wheel  
of Fortune-themed gaming devices operate, they would not have risked money playing the devices.

1 Plaintiffs and members of the Class were further injured by the loss of all or part of the money  
2 they spent playing the Wheel of Fortune-themed electronic gaming devices. Such money spent  
3 and/or lost constitutes property of Plaintiff and the members of the Class under 18 U.S.C. §  
4 1964(c).

5 120. Under 18 U.S.C. § 1964(c), Plaintiffs and the class are entitled to treble their  
6 general and special compensatory damages, plus interest, costs, and attorneys' fees.

7 **FOURTH CLAIM FOR RELIEF**

8 **Common Law Fraud**

9 **By Plaintiffs, Individually and On Behalf of Members of the Class**

10 121. Plaintiffs reallege the foregoing paragraphs as though fully set forth herein.

11 122. Defendants induced Plaintiff and the Class to spend money playing the Wheel of  
12 Fortune-themed electronic gaming devices by knowingly making false and misleading  
13 representations, and concealing the true facts, concerning the operation of such devices.  
14 Defendants' manipulative and deceptive conduct has consisted of the deliberate design,  
15 appearance, labelling, branding, promotion, distribution, configuration, and maintenance of the  
16 Wheel of Fortune-themed electronic gaming devices. Such deception was intended to suggest that  
17 the Wheel of Fortune-themed electronic gaming devices are games of chance comparable to games  
18 featuring a naturally spinning wheel subject to the laws of physics. Defendants knew that such  
19 representations were false and that the public image and understanding of their machines was false  
20 and misleading. Defendants also know that the Plaintiffs and the Class did not know the true facts  
21 about the Wheel of Fortune-themed electronic gaming devices and intended that the Plaintiffs  
22 would rely upon their false and misleading representations and concealment of the true nature of  
23 the machines.

24 123. Plaintiffs and the Class relied upon Defendants' false and misleading  
25 representations, omissions, concealment, and deceptive conduct, and consequently suffered injury  
26 by spending and losing money to play the Wheel of Fortune-themed electronic gaming devices at  
27 the Casino Defendants' gaming establishments, in an amount to be determined at trial.

28

**FIFTH CLAIM FOR RELIEF**

**Unjust Enrichment**

**By Plaintiffs, Individually and On Behalf of Members of the Class**

124. Plaintiffs reallege the foregoing paragraphs as though fully set forth herein.

125. As a result of Defendants' wrongful conduct described herein, Defendants received income to which they had no legal right, and were thereby unjustly enriched at Plaintiffs' and the Class's expense and to their detriment, in an amount to be determined at trial.

**SIXTH CLAIM FOR RELIEF**

**Negligent Misrepresentation**

**By Plaintiffs, Individually and On Behalf of Members of the Class**

126. Plaintiffs reallege the foregoing paragraphs as though fully set forth herein.

127. Defendants owe a duty to the public to act with reasonable care in providing information concerning the nature and operation of electronic gaming devices which they operate or manufacture.

128. Defendants breached their duty to Plaintiffs and the Class by negligently misrepresenting and failing to disclose to Plaintiffs and the Class the true nature and operation of the Wheel of Fortune-themed electronic gaming devices.

129. Plaintiffs and the Class relied upon Defendants' negligent misrepresentations and omissions, and consequently suffered injury by spending money to play the Wheel of Fortune-themed electronic gaming devices at the Casino Defendants' gaming establishments, in an amount to be determined at trial.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs seek a judgment against Defendants, individually and on behalf of the members of the Class, as follows:

A. For an order certifying the Classes pursuant to Federal Rule of Civil Procedure 23 and naming Plaintiffs as representatives of the Classes and Plaintiffs' undersigned attorneys as counsel to represent the Class;

B. For an order entering judgment in favor of the Plaintiffs and the members of the Class on all claims for relief stated herein;

1 C. For an order awarding compensatory and punitive damages with respect to the First,  
2 Second, and Third Claims for Relief in an amount to be determined at trial, together with interest  
3 thereon, plus special, consequential and incidental damages (with the general and special  
4 compensatory damages trebled pursuant to 18 U.S.C. § 1964(c)), costs of suit and reasonable  
5 attorneys' fees;

6 D. For an order awarding Plaintiffs and the members of the Class compensatory and  
7 punitive damages with respect to the Fourth, Fifth, and Sixth Claims for Relief in an amount to be  
8 determined at trial, together with interest thereon, plus special, consequential and incidental  
9 damages, costs of suit, and reasonable attorneys' fees; and

10 E. For an order for appropriate injunctive relief.

11 **DEMAND FOR JURY TRIAL**

12 Plaintiffs, on behalf of themselves and members of the Classes, hereby demand a trial by  
13 jury pursuant to Federal Rule of Civil Procedure 38(b) on all claims and issues so triable.

14 Dated: November 21, 2024

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15 /s/ David C. O'Mara, Esq.

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*\*Pro Hac Vice Pending*