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2026 May 20 AM 8:18
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IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO

OHIO GAMBLING RECOVERY LLC,	)	Case No. 2025 CV 01412
	)	
Plaintiff	)	Judge Maureen A. Sweeney
	)	
v.	)	
	)	
VGW HOLDINGS LTD., et al.,	)	
	)	
Defendants	)	

ORDER GRANTING MOTION TO DISMISS

Plaintiff Ohio Gambling Recovery LLC has sued Defendants VGW Holdings Pty Ltd. f/k/a VGW Holdings Ltd., VGW GP Ltd., VGW Malta Ltd., and VGW Luckyland, Inc. (collectively, "VGW Group") under Section 3763.04 of the Revised Code. VGW Group has moved to dismiss the Complaint on the ground that Plaintiff lacks standing. For the following reasons, the Court **GRANTS** VGW Group's motion.

BACKGROUND

Section 3763 regulates gambling contracts. Section 3763.01 provides that a contract is void if "the whole or part of the consideration thereof is for money or other valuable thing won or lost … upon a game of any kind." Section 3763.02 then authorizes "a person losing money or thing of value" pursuant to such a contract to recover the loss. Finally, Section 3763.04 provides that if the losing person does not sue within six months, "any person"—"whether the loser or another"—may sue to recover the losing person's loss. *Hoss v. Layton*, 3 Ohio St. 352, 356 (1854). A third party's recovery under Section 3763.04 precludes the losing person from recovering.

Historically, relatives of losing players have sued under Section 3763.04 to recover

unlawful gambling losses that directly affected them. *See, e.g.*, *Worland v. McGill*, 26 Ohio App. 442, 444 (1927) (losing player's spouse); *Emerine v. Belpash*, 155 N.E. 249, 249 (Ohio App. 6th Dist. 1926) (same). This case presents a very different use of the statute. Plaintiff is a Delaware limited liability corporation formed shortly before filing this suit. Its members reside in Texas and Florida, and Plaintiff admits it "has no relationship" to Ohio residents who allegedly suffered losses while playing VGW Group's games. Am. Compl. ¶ 6. Nonetheless, Plaintiff has sued VGW Group under Section 3763.04 to recover the purported losses of *all* such Ohio residents, thereby preventing the residents from recovering.

VGW Group has moved to dismiss on the ground that Plaintiff lacks standing to sue under Section 3763.04. In response, Plaintiff attempts to carry its burden of establishing standing, *see Kauffman Racing Equip., L.L.C. v. Roberts*, 126 Ohio St. 3d 81, 85 (2010), in three ways. It argues that (1) Plaintiff has common-law standing as a *qui tam* relator suing on behalf of an injured sovereign; (2) alternatively, Plaintiff has common-law standing under the doctrine of maritime salvage; and (3) even if Plaintiff lacks common-law standing, it need not demonstrate a personal injury of any kind to establish statutory standing under Section 3763.04. This Court disagrees.

ANALYSIS

I. Plaintiff Has Not Established Common-Law Standing

The "test for common-law standing in Ohio" mirrors the "test for Article III standing," and so "requires an injury in fact, causation, and redressability." *State ex rel. Walgate v. Kasich*, 147 Ohio St. 3d 1, 9 (2016). Generally, to establish standing, a plaintiff "must assert its own rights, not the claims of third parties." *N Canton v. Canton*, 871 N.E.2d 586, 588 (Ohio 2007). And the plaintiff must show "that he has been personally injured … before he may seek relief in court." *State ex rel. Martens v. Findlay Mun. Ct.*, 262 N.E.3d 304, 305 (Ohio 2024). Plaintiff

cannot satisfy those standards because it is suing to recover for alleged injuries suffered by Ohio residents. And Plaintiff fails to show that its Section 3763.04 claim falls within any exception to the usual common-law requirements.

First, Plaintiff is not a *qui tam* relator suing on the State's behalf. There is a narrow exception to ordinary standing rules for *qui tam* statutes, which authorize private citizens to prosecute claims based on injury to the government. But Plaintiff's lawsuit does not allege that the State lost money or a thing of value playing the games, and Section 3763.04 makes no mention of a governmental injury. Rather, Plaintiff is a private party—and non-Ohio citizen, no less—suing on its own behalf to collect Ohio residents' purported losses. Of course, the Ohio Legislature enacted Section 3763.04. But that does not transform the statute into a *qui tam* provision or Plaintiff into a relator; if it did, the same would be true for every statute and every plaintiff.

The United States Court of Appeals for the Sixth Circuit recently highlighted this distinction in *Burt v. Playtika, Ltd.*, 132 F.4th 398 (6th Cir. 2025). That decision assessed standing under a Tennessee statute, Tenn. Code Ann. § 29-19-105, that closely resembles Section 3763.04 and likewise provides that third parties may sue to recover a player's losses if the player does not timely sue. *Burt* ruled § 29-19-105 is not a *qui tam* statute because it lacks three critical features: (1) "redress [of] an injury to the government," (2) "the plaintiff shar[ing] part of the recovery with the government," and (3) "procedural safeguards to ensure that the government retains some control." 132 F.4th at 404. The same is true for Section 3763.04.

Second, Plaintiff does not have standing under the doctrine of maritime salvage. That is another narrow exception to ordinary standing rules, crafted by federal courts to address the unique admiralty-law problem of abandoned ships on the high seas. The maritime salvage

doctrine permits plaintiffs to file *in rem* actions directly against abandoned ships without showing a preceding injury. *See, e.g.*, *Salvors, Inc. v. Unidentified Wrecked & Abandoned Vessel*, 861 F.3d 1278 (11th Cir. 2017). There is no basis for importing the doctrine into this case, an *in personam* action filed against VGW Group under state gambling law.

II. Plaintiff Has Not Established Statutory Standing

Plaintiff argues in the alternative that it need not show any personal injury to sue under Section 3763.04. Plaintiff contends that because the statute extends a cause of action to "any person," it establishes statutory standing for everyone on the planet, however unconnected they are to Ohio residents and their purported losses. Ohio does, in certain circumstances, recognize statutory standing where common-law standing may be lacking. *See Voss v. Quicken Loans LLC*, 2026-Ohio-531. But courts have never stretched statutory standing as far as Plaintiff proposes here, and this Court declines to do so.

Just recently, our Supreme Court rejected a similar argument in *Ohioans for Concealed Carry, Inc. v. Columbus*, 164 Ohio St. 3d 291 (2020). The statute at issue there, former R.C. 9.68(B), stated that "any person, group, or entity" might "prevail[ ] in a challenge to an ordinance." *Id.* at 295. The Supreme Court recognized that this language could be "read" to establish "a cause of action to challenge an ordinance" available to any person. *Id.* Even if that were the case, however, the language "would not abrogate the need for a 'person, group, or entity' to establish standing for purposes of pursuing a civil action under that statute." *Id.* Simply put, extending a cause of action to "any person" does not establish statutory standing for "any person." A plaintiff must still demonstrate personal injury to seek statutory remedies. That is why Section 3763.04 lawsuits have historically been brought by relatives of losing players—they, unlike Plaintiff, have been personally harmed by the losses.

Voss is entirely consistent with this personal-injury requirement. It considered only *what*

type of personal injury sufficed to establish statutory standing. The law at issue there, R.C. § 5301.36, grants Ohio mortgage borrowers the right to have the release of their mortgage recorded by the lender "in a timely fashion." 2026-Ohio-531, ¶ 1. Where a lender fails to comply, the borrower personally suffers a "legal injury"—the deprivation of timely recording, which threatens various adverse consequences for the borrower. *Id.* ¶ 12. To ensure that such a borrower need not await those adverse consequences before correcting the error, § 5301.36 authorizes the borrower to sue for $250 in damages immediately, without making an additional showing of injury. *Id.* ¶ 1. The question in *Voss* was whether a borrower's personal legal injury sufficed to establish statutory standing, even if it was not sufficiently concrete to create common-law standing. The Supreme Court ruled that the borrower's personal legal injury was enough. *Id.* ¶ 18.

Nothing about *Voss* suggests that a plaintiff who has suffered no personal injury of *any* kind—legal or otherwise—may claim statutory standing to sue. Endorsing that rule would dramatically reshape Ohio's standing law. As the Court of Appeals has noted, Ohio courts have published "no authority … which would permit a third person, wholly a stranger to the transaction, to recover for his own use, unknown (but presumably substantial) amounts of money lost" by players of "games of chance." *Salamon v. Taft Broad. Co.*, 475 N.E.2d 1292, 1298 (Ohio App. 1st Dist. 1984). There is no ground for this Court to be the first.

CONCLUSION

The Court **GRANTS** VGW Group's motion to dismiss.

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Judge Maureen A. Sweeney

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So Ordered