

Gaming lawsuit still up in air

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Hearing on ex-addict's claim put off until September

A former gambling addict is hoping his lawsuit against the province and Atlantic Lotto will eventually result in some peace of mind for other problem video lottery gamblers and their families.

Bernie Walsh, whose video lottery terminal addiction in the 1990s cost him his home and family, says gamblers made their own choice to first put their money into the machines.

But after they became addicted, the Halifax man claims they didn't have a choice.

"It wasn't just they were weak, or had no willpower, or they were stupid. It's they were duped by their own government," says Walsh 62.

Walsh's lawsuit alleges that the province and the Atlantic Lottery Corp. knew, or should have known, of the "inherent dangers and deceptive nature" of VLTs, and had an obligation to protect citizens from such products.

Walsh filed his suit in 2004, and amended his statement of claim in 2008. In separate defences filed in 2010, the province and Atlantic Lotto denied Walsh's allegations.

They believe the case has so little merit, they've asked the court to strike it before the two sides get into exchanging evidence. The hearing was to have been held last week, but was moved to September.

The province said in its defence that Walsh has no one to blame but himself.

"If loss was incurred by the plaintiff, such loss or damage, if any, was a result of the plaintiff's own actions, and not as a result of any negligence on the part of the Crown defendants, or otherwise," says the document.

But Walsh says he's armed with expert evidence that shows VLTs were designed to be deceptive. His lawyer, Barry Mason, said it took some time to get that evidence — two affidavits from gambling researchers, dated last October and November.

"We all know that the odds are stacked against you, but the machines are designed in such a way to promote near misses, which gives the gambler a view that they're close to winning, when ... they're not even close," said Mason.

The experts are Garry Smith, a researcher at the Alberta Gambling Institute and professor emeritus at the University of Alberta, and Kevin Harrigan, a research associate professor at the University of Waterloo, whose work focuses on the design and programming of VLT and slot machine games.

Walsh, currently on a disability pension, declined to say how much he's seeking in damages. He said he's not looking to recover what he lost in the machines, but what he says he lost as a result, such as the ability to hold a decent job.

The province had a \$92-million profit from VLTs in 2011-12, according to the Nova Scotia Provincial Lotteries and Casino Corp. website.

Since 2005, the province has made several changes to the machines, including slowing them down, removing the stop feature, and implementing a card system that allows players to track their money and set time limits.

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