

# Oregon Lottery: Games, like tobacco earlier, could face liability lawsuits

Oregon Lottery

Harry Esteve | [hesteve@oregonian.com](mailto:hesteve@oregonian.com) By Harry Esteve | [hesteve@oregonian.com](mailto:hesteve@oregonian.com)

on November 22, 2013 at 9:07 AM, updated November 22, 2013 at 9:15 AM

States that offer video slots among their array of lottery games could be risking legal trouble, a prominent lawyer involved in tobacco litigation says.

Mark Gottlieb, executive director of the Boston-based **Public Health Advocacy Institute**, said a handful of groups are looking at the potential for a broad product liability lawsuit over the addictive nature of the machines. Gottlieb has spent years studying tobacco lawsuits and, more recently, potential obesity cases against the food and beverage industry.

In 1998, tobacco companies agreed to pay states more than \$200 billion to settle lawsuits alleging they knowingly addicted and ruined the health of smokers.

“There are some similarities,” Gottlieb says. “We are talking about a product that is engineered to make people do something that is basically destructive and causes an economic injury.”

Portland attorney Greg Kafoury says he is part of “a team of national lawyers” looking at a potential class-action suit. He wouldn’t go into detail but called it “a major, long-term project.”

“A lot of data has already been gathered” on the addictive nature of electronic slot machines, Kafoury says. “A lot of smart people are talking to each other about the best way to bring this industry down.”

No one at the lottery or elsewhere in state government has shown much concern about possible legal action.

“We haven’t heard anything to concern us about the potential for such suits,” Michael Kron, a lawyer in the state Justice Department and spokesman for Attorney General Ellen Rosenblum, said in an email. “To the extent we end up needing to think about these issues, it could well be in our role as attorneys for the Oregon State Lottery.”

-- Harry Esteve