

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
KENTUCKY, OWENSBORO DIVISION

Cayce v. VGW, Ltd.; Cayce v. Zynga, Inc.; Fuqua v. Playtika, Ltd.;
Jenkins v. DoubleDown Interactive LLC; Gunkel v. Huuuge, Inc.

Fuqua · No. Nos. 4:24-cv-86-BJB, 4:24-cv-87-BJB, 4:24-cv-88-BJB, 4:24-cv-90-BJB, and 4:24-cv-92-BJB ·
Decided March 26, 2026

SUMMARY

The United States District Court for the Western District of Kentucky dismissed five consolidated actions brought under Kentucky Revised Statutes §§ 372.010 and 372.040, which allow recovery of gambling losses by certain non-losing plaintiffs. The court held that the plaintiffs lacked Article III standing because they alleged no personal gambling losses, and it rejected their argument that the Kentucky statute creates a qui tam-like assignment of governmental or private interests.

CASE DETAILS

COURT	United States District Court for the Western District of Kentucky, Owensboro Division
WRITING FOR THE COURT	Benjamin Beaton
JURISDICTION	United States District Court for the Western District of Kentucky, Owensboro Division
DECIDED	March 26, 2026
DOCKET	Nos. 4:24-cv-86-BJB, 4:24-cv-87-BJB, 4:24-cv-88-BJB, 4:24-cv-90-BJB, and 4:24-cv-92-BJB
DISPOSITION	dismissed
PROCEDURAL POSTURE	The plaintiffs brought diversity actions seeking treble gambling losses under Kentucky Revised Statutes § 372.040. After determining that the complaints alleged the plaintiffs had not played or lost money on the defendants' games, the court ordered supplemental briefing on standing and dismissed the cases for lack of subject-matter jurisdiction.
STANDARD OF REVIEW	The court independently reviewed whether subject-matter jurisdiction existed, including whether the plaintiffs had Article III standing.
PRECEDENTIAL VALUE	Unknown; unpublished district court opinion

PARTIES

Charles Cayce, Dianne Fuqua, Wade Jenkins, Clay Manning Gunkel v. VGW, Ltd., Zynga, Inc., Playtika, Ltd., DoubleDown Interactive LLC, Huuuge, Inc.

TOPICS

standing

subject matter jurisdiction

gambling

constitutional law

statutory interpretation

PRACTICE AREAS

Civil procedure

Constitutional law

Gambling law

Federal jurisdiction

Statutory interpretation

QUESTIONS PRESENTED

1. Whether plaintiffs who did not play or lose money on defendants' social-casino games suffered an injury in fact sufficient for Article III standing.
2. Whether Kentucky Revised Statutes § 372.040 confers standing on an uninjured plaintiff under a qui tam, private-attorney-general, or assignment theory.
3. Whether the court had subject-matter jurisdiction over the plaintiffs' claims.

HOLDINGS

1. Plaintiffs who did not play or lose money on the defendants' games lack Article III standing because they did not suffer a personal injury in fact.
2. Kentucky Revised Statutes § 372.040 does not confer Article III standing on these plaintiffs through a qui tam or private-attorney-general analogy.
3. The plaintiffs did not establish standing as assignees of the injured players' claims.

KEY QUOTATIONS

“But by asserting that he’s not “himself among the injured,” Sierra Club v. Morton, 405 U.S. 727, 735 (1972), each Plaintiff pleads himself out of federal court because the suit neither “redress[es]” nor “otherwise ... protect[s] against” any “injury to the complaining party,” Warth, 422 U.S. at 499”

“The sort of “personal stake” that matters for standing looks not to the prospect of gain but instead to the redress of loss.”

“The Court dismisses these cases for lack of subject-matter jurisdiction and denies as moot all pending motions.”

FACTUAL BACKGROUND

The defendants operated social-casino video games that sold virtual currency used to play simulated gambling games offering no tangible prizes. The plaintiffs did not play the defendants' games and did not allege that they personally lost money. Instead, they sought treble the value of gambling losses allegedly incurred by other players under Kentucky Revised Statutes § 372.040.

PROCEDURAL HISTORY

Five plaintiffs filed separate federal actions against operators of social-casino games. Although the parties raised standing only in passing, the court independently examined subject-matter jurisdiction and ordered supplemental briefing. The court dismissed all five cases for lack of subject-matter jurisdiction and denied the pending motions as moot.

DISPOSITION

dismissed

CASES CITED

- Warth v. Seldin, 422 U.S. 490, 499 (1975)
- Food & Drug Admin. v. Alliance for Hippocratic Med., 602 U.S. 367, 378, 380 (2024)
- Arbaugh v. Y&H Corp., 546 U.S. 500, 514 (2006)
- Sierra Club v. Morton, 405 U.S. 727, 735 (1972)
- Burt v. Playtika, Ltd., 132 F.4th 398, 401-04 (6th Cir. 2025)
- Raines v. Byrd, 521 U.S. 811, 819 (1997)
- Vermont Agency of Natural Resources v. United States ex rel. Stevens, 529 U.S. 765, 771-74 (2000)
- Whole Woman's Health v. Jackson, Whole Woman's Health v. Jackson, 595 U.S. 30, 45 (2021)
- Kowalski v. Tesmer, 543 U.S. 125, 129-30 (2004)
- June Medical Services v. Russo, 591 U.S. 299, 317 (2020)
- United States ex rel. Polansky v. Executive Health Resources, Inc., 599 U.S. 419, 424-25 (2023)
- Stalley v. Methodist Healthcare, 517 F.3d 911, 918-19 (6th Cir. 2008)
- Commonwealth ex rel. Brown v. Stars Interactive Holdings Ltd., 617 S.W.3d 792, 798-801, 805 (Ky. 2020)
- Marvin v. Trout, 199 U.S. 212, 225 (1905)
- Riley v. St. Luke's Episcopal Hospital, 196 F.3d 514, 534 (5th Cir. 1999) (DeMoss, J., specially concurring), vacated, 196 F.3d 561
- Sprint Communications Co. v. APCC Services, Inc., 554 U.S. 269, 290 (2008)
- Herr v. U.S. Forest Service, 803 F.3d 809, 821 (6th Cir. 2015)
- Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992)
- Steel Co. v. Citizens for a Better Environment, 523 U.S. 83 (1998)
- TransUnion LLC v. Ramirez, 594 U.S. 413, 433 (2021)
- United States ex rel. Newsham v. Lockheed Missiles & Space Co., 722 F. Supp. 607, 609 (N.D. Cal. 1989)
- Adams v. Woods, 2 Cranch 336, 341 (1805)