

SUPREME COURT OF MISSISSIPPI

Ameristar Casino Vicksburg, Inc. v. Jimmy L. Duckworth

Ameristar Casino Vicksburg, Inc. v. Duckworth · No. No. 2006-IA-01877-SCT · Decided October 11, 2006

SUMMARY

The Mississippi Supreme Court held that a casino promotional drawing was a promotional giveaway rather than a game or gaming debt under the Mississippi Gaming Control Act. Because the dispute did not arise from a gambling debt, the Mississippi Gaming Commission lacked jurisdiction, and the circuit court retained jurisdiction. The court affirmed and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Dickinson, Justice; Waller, P.J.; Dickinson, J.; Randolph, J.; Smith, C.J.; Diaz, P.J.; Easley, J.; Carlson, J.; Graves, J.; Lamar, J.
JURISDICTION	Mississippi
DECIDED	October 11, 2006
DOCKET	No. 2006-IA-01877-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Ameristar appealed the Warren County Circuit Court's refusal to dismiss Duckworth's complaint for lack of subject-matter jurisdiction and to refer the dispute to the Mississippi Gaming Commission.
STANDARD OF REVIEW	De novo review applies to questions of jurisdiction and statutory interpretation.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion; precedential authority.
PARTIES	Ameristar Casino Vicksburg, Inc. v. Jimmy L. Duckworth

TOPICS

- gambling
- statutory interpretation
- subject matter jurisdiction
- administrative law
- appellate procedure

PRACTICE AREAS

- gaming law
- administrative law
- civil procedure
- statutory interpretation
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Mississippi Gaming Commission has exclusive jurisdiction over a dispute arising from Ameristar's promotional drawing.
2. Whether the promotional drawing constituted a "game" or "gaming debt" under the Mississippi Gaming Control Act.
3. Whether the circuit court properly retained common-law jurisdiction over Duckworth's claim for payment of the \$35,000 check.

HOLDINGS

1. The Mississippi Gaming Commission does not have exclusive jurisdiction because the dispute did not arise from a gaming debt or other gaming matter covered by the Mississippi Gaming Control Act.
2. The promotional drawing was a promotional giveaway, not a "game" or "gambling game" under the Mississippi Gaming Control Act.
3. The circuit court properly refused to relinquish jurisdiction to the Mississippi Gaming Commission.

KEY QUOTATIONS

"This Court must apply the plain meaning of unambiguous statutes." (¶ 9)

"The prize was awarded by random drawing. This random drawing clearly is not "played with cards, with dice, or with any . . . device or machine for money . . . ," and therefore, does not fall under the definition of a "game" or "gambling" as per the MGCA." (¶ 11)

"Ameristar's "Giveaway" does not qualify as a "game" or a "gaming matter," and the dispute between Duckworth and Ameristar is unrelated to a "gambling debt." (¶ 12)

FACTUAL BACKGROUND

Ameristar conducted a "\$190,000 Dream Car Giveaway" for Star Awards cardholders. Entries were obtained based on casino play, although cardholders could also receive a free ticket by showing valid identification; the tickets themselves cost nothing. Ten finalists were selected by random drawing, and the winner spun a wheel to determine whether the prize would be a car or money. Ameristar declared Duckworth the winner, paid him \$5,461 in cash, and issued a \$35,000 check, but later stopped payment after asserting that he had obtained the entry form improperly.

PROCEDURAL HISTORY

Ameristar held a promotional drawing and initially awarded Duckworth \$5,461 in cash and a \$35,000 check. After Ameristar stopped payment on the check, Duckworth sued in the Warren County Circuit Court. Ameristar moved to dismiss under Rule 12(b)(1), arguing that the Mississippi Gaming Commission had exclusive jurisdiction. The circuit court held that the drawing was a promotional giveaway rather than a game or gaming debt, denied the motion, and retained jurisdiction. The Supreme Court of Mississippi affirmed and remanded for further proceedings.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

Remanded to the Warren County Circuit Court for further proceedings consistent with the opinion.

CASES CITED

- Grand Casino Tunica v. Shindler, 772 So. 2d 1036, 1038 (Miss. 2000)
- Wright v. White, 693 So. 2d 898, 900 (Miss. 1997)
- Richmond v. City of Corinth, 816 So. 2d 373, 377-78 (Miss. 2002)

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