

Another case O'Connor cites is one in which several couples agreed to buy tickets together for a New Year's draw. One couple bought the tickets, then held them out to the others saying "pick your ticket." As it happened, one of the couples won the jackpot and the other two couples are arguing that it was a joint venture so they are entitled to share in the winnings.

"These are really interesting cases," O'Connor says. "The court looks at whether there was a core group, for example, if you're part of four people, you play every week for months and then others say, 'You didn't put any money in this week,' and you say, 'Well, I give you \$10 to cover tickets and you tell me when I need to top up.'"

"They look at if there were written rules and if there were accurate records. All of those things will more likely go in favour of someone claiming a prize."

With lottery draws becoming larger, there are more and more lawsuits, O'Connor says. As a result, provincial lottery agencies are publishing sample group-play forms that pool captains are supposed to fill out — contracts to sign before you start playing. However, few people bother.

Perhaps they are more careless about this kind of contract than others because they don't expect to win big, she says

"You win \$100 and no one cares, you just buy more lottery tickets," O'Connor says. "But if it's a big amount and you're supposed to get \$50,000, you say, 'Wait a second ...'"

Lottery wins seem to bring out the worst in people because "I think it's the concept of the windfall," she says.

It's always on the plaintiff to show that a contract was formed, O'Connor says.

"It's a simple meeting of the minds. Normally, the courts look at how the enterprise was moving forward, whether it was a one-off participation versus an enterprise per se that was happening for months, whether there's some form of informal agreement or formal agreement about people chipping in, absent players, or if you can chip in after the fact."

O'Connor is unaware of any precedents that applied to the Nova Scotia case, but she recalls one recent lottery dispute involving close family members.

"They were a couple. One of the spouses won and waited until the divorce was final before claiming their winnings. The spouse found out and the judge said, 'No, the ticket was won during the marriage and should be split.'"