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TO: Maryland Lottery and Gaming Control Commission
Jeremy P. Baker, Acting Director, MLGCA

FROM: Jennifer L. Tosky, Deputy Principal Counsel

DATE: October 9, 2026

RE: Recent and Upcoming Legal Tasks

Our unit of the Office of the Attorney General (OAG) is assigned to provide legal advice and counsel to the Maryland Lottery and Gaming Control Agency (Agency) and the Maryland Lottery and Gaming Control Commission (Commission).

The legal advice and counsel that our attorneys provide is generally considered confidential and legally privileged so we cannot provide specific details about our work in this publicly available memorandum. However, we strive to provide updates on special projects or notable issues for which the OAG has recently provided, or anticipates providing, legal support, including:

- Agency procurement processes;
- Lottery games and promotions;
- Licensing-related matters for regulated gaming activities;
- Ongoing efforts to address unauthorized gaming activity in the State;
- Defending the Agency and Commission in *KalshiEx v. John Martin, et al.* in federal court; we are awaiting a decision from the 4th Circuit Court of Appeals. Contact AAG Erik Delfosse with any questions at erik.delfosse@maryland.gov or 410-230-8726;
- Defending the Agency and Commission in *Scientific Games v. MLGCA, et al.*, C-02-CV-25-003034, in the Anne Arundel County Circuit Court. This case remains stayed. OAG continues to coordinate with the OAG Contract Litigation Unit (CLU) in this litigation;
- Coordinating with CLU in defending the appeals pending before the Maryland State Board of Contract Appeals (MSBCA) concerning the LCMCS RFP #2024-01. The merits hearing was held July 22, July 23, August 4, and August 5, a motions hearing was held September 3 and we are awaiting orders from the MSBCA.
- Awaiting a decision in C-24-CV-26-004527, which is a challenge to the MSBCA's orders to disclose attorney-client privileged communications.
- Received a decision in C-24-CV-26-004011, Intralot's petition for judicial review of their dismissal from the MSBCA case referenced above, the case was remanded to the MSBCA.

We are available to discuss legal issues and concerns. Please feel free to contact me at jennifer.tosky@maryland.gov or 410-230-8822.