

EXHIBIT VIII.A.12. Breach of Contract MOHEGAN SUN AT THE CONCORD

The Applicant and Manager have not had active business operations prior to the preparation of this application, and to their knowledge, after inquiry, have not breached or defaulted on any contract, loan agreement or commitment or been a party to any lawsuit related to such allegations.

As referenced in Exhibit VIII.A.10, various Applicant Parties are routinely involved in litigation matters in the ordinary course of their businesses some of which may have alleged breach or default of an agreement.