

While not applicable to Applicant or Manager, the Mohegan Tribal Gaming Authority (“MTGA”), which, upon award of the license, will ultimately own 50.1% of Mohegan Sun at The Concord and 100% of its Manager, Mohegan Gaming New York, LLC, is also the owner and operator of Mohegan Sun in Connecticut and, through an indirect subsidiary, Downs Racing, L.P. (“DRLP”), owns and operates Mohegan Sun at Pocono Downs in Pennsylvania.

MTGA and DRLP are occasionally a party to tax audits and disputes in the ordinary course of their business, none of which either party would consider material in the past ten years.