

**EXHIBIT VIII.A.10. LEGAL ACTIONS MOHEGAN SUN AT THE CONCORD**

**Mohegan Resorts New York, LLC, Mohegan Resorts, LLC, Mohegan Gaming & Hospitality, LLC, MTGA Gaming, LLC (direct and indirect majority owners of the Applicant and Manager) and Mohegan Gaming New York, LLC (Manager)**

- a) None of the above has any pending legal actions. A subsidiary of Mohegan Resorts, LLC, (Mohegan Resorts Mass, LLC) is a party to a lawsuit in superior court in Massachusetts concerning its lease for property in Palmer, Massachusetts for a former casino project and other agreements with its landlord and related parties.
- b) None of the above has any settled or closed legal actions. A subsidiary of Mohegan Resorts, LLC, (Mohegan Resorts Mass, LLC) was named as a third-party reach defendant in a dispute between its landlord in Palmer, Massachusetts and a former vendor of such landlord, but Mohegan Resorts Mass, LLC was subsequently dismissed from that suit in 2014.
- c) There have been no judgments against any of the above within the past ten years.
- d) None of the above are parties to any ongoing litigation matters, except for the subsidiary of one of the above, Mohegan Resorts Mass, LLC, so there are no non-disclosure orders with respect to any of the above Applicant Parties.
- e) To Applicant's knowledge, after inquiry, none of the above has been indicted, accused, convicted or the subject of a grand jury or criminal investigation during the past ten years.
- f) None of the above has been the subject of any order enjoining it from or otherwise limiting participation in any type of business, practice or activity during the past ten years.

**Bryan Cappelli, an Applicant Party:**

- a) Bryan Cappelli does not currently have any pending legal actions.
- a) Bryan Cappelli has no settled or closed legal actions that have occurred over the past ten years.
- b) There have been no judgments against Bryan Cappelli within the past ten years.
- c) Bryan Cappelli is not involved in any ongoing litigation.
- d) Bryan Cappelli has not been accused or convicted of any crimes or criminal activity over the past ten years.

- e) Bryan Cappelli has never received any order, judgment or decree of court that would have permanently or temporarily prohibited it from participating in any type of business or activity in the past ten years.

**Kylie Cappelli, an Applicant Party:**

- b) Kylie Cappelli does not currently have any pending legal actions.
- c) Kylie Cappelli has no settled or closed legal actions that have occurred over the past ten years.
- d) There have been no judgments against Kylie Cappelli within the past ten years.
- e) Kylie Cappelli is not involved in any ongoing litigation.
- f) Kylie Cappelli has not been accused or convicted of any crimes or criminal activity over the past ten years.
- g) Kylie Cappelli has never received any order, judgment or decree of court that would have permanently or temporarily prohibited it from participating in any type of business or activity in the past ten years.

**Caroline Cappelli, an Applicant Party:**

- a) Caroline Cappelli does not currently have any pending legal actions.
- b) Caroline Cappelli has no settled or closed legal actions that have occurred over the past ten years.
- c) There have been no judgments against Caroline Cappelli within the past ten years.
- d) Caroline Cappelli is not involved in any ongoing litigation.
- e) Caroline Cappelli has not been accused or convicted of any crimes or criminal activity over the past ten years.
- f) Caroline Cappelli has never received any order, judgment or decree of court that would have permanently or temporarily prohibited it from participating in any type of business or activity in the past ten years.

**Concord Associates, LP, current land owner and minority Owner:**

While Concord Associates, LP is a minor owner of the Applicant and does not meet the parameters of the definition of an “Applicant Party”, the company is the current owner of the land and we therefore believe that litigation relating to Concord Associates, LP should be disclosed to the Gaming Commission as follows.

- a. A statement as to whether there are any pending legal actions, whether civil, criminal or administrative in nature, to which the Applicant Party is a party and a brief description of any such actions;*

**Response:**

*Concord Associates, L.P., et al v. EPT Concord, LLC*, Sullivan County Index No. 1611/2011. Concord Associates, L.P. and Kiamesha Concord LLC are defendants on a counterclaim for declaratory relief relating to restrictive covenant encumbering EPT Concord’s (“EPT”) property. The restrictive covenant prohibits a casino on EPT’s property. EPT leased the property to Empire Resorts for development of a casino. EPT has moved for partial summary judgment on their counterclaim, pre-answer and pre-discovery. Motion is pending before court.

*Edwards & Zuck v Concord Associates, L.P., et al*, Sullivan County Index No. 956/2011 - Construction services and materials disputes. The matter is pending.

- b. A brief description of any settled or closed legal actions, whether civil, criminal or administrative in nature, against the Applicant Party over the past ten (10) years;*

**Response:**

*Entertainment Properties Trust, et al. v. LC New Roc LP, LLC, et al*, Missouri Case No. 0916-CV-40206. Concord Associates, L.P. was sued for alleged breach of certain promissory notes and guarantees. Action was settled in 2010.

*In re Empire Resorts, Inc., et al v. Town of Thompson, et al.*, Sullivan County Index No. 2882/2011. Article 78 proceeding by Empire Resorts, Inc. (“Empire”) and MRMI to set aside building permits obtained by Concord Associates, L.P. Judgment was entered in February 2012 dismissing petition.

*Kaplan v. Concord Associates, L.P.*, Sullivan County Index No. 1964/2005 - Contract claim for consulting services - settled in September 2005.

*Anderson & McCoy v. Concord Associates, L.P. et al*, Kings County Index No. 14555/2003 - Construction work contract dispute dismissed on summary judgment motion July 2008.

*Gensler Architectural v. Concord Associates, L.P. et al*, Westchester County Index No. 15584/2007 - Construction services contract dispute - settled in March 2010.

*Tano Contracting v. Concord Associates, L.P. et al*, Westchester County Index No. 11699/2009 - Construction work contract dispute - settled in April 2011.

*Brennan Beer Gorman v. Concord Associates, L.P. et al*, New York County Index No. 650383/2008 - Construction services contract dispute - settled in December 2011.

- c. A description of any judgments against the Applicant Party within the past ten (10) years, including the case name, number, court, and what the final ruling or determination was from the court, administrative body or other tribunal;**

**Response:**

*Monticello Raceway Management, Inc. v. Concord Associates, L.P.*, Sullivan County Index No. 2011-202. Monticello Raceway Management, Inc. (“MRMI”), sued Concord Associates, L.P. (“CALP”) for breach of contract. Following trial, Judgment was entered in favor of MRMI and against CALP in the amount of \$419,045.03, dated January 23, 2014. The judgment has been appealed.

- d. In instances where litigation is ongoing and the Applicant Party has been directed not to disclose information by the court, provide the name of the judge, location of the court, and case name and number;**

**Response:**

Not applicable.

- e. A statement whether the Applicant Party was indicted, accused or convicted of a crime or was a subject of a grand jury or criminal investigation during the past ten (10) years; and**

**Response:**

Not applicable.

- f. A statement whether the Applicant Party was the subject of any order, judgment or decree of any court, administrative body or other tribunal of competent jurisdiction permanently or temporarily enjoining it from or otherwise limiting its participation in any type of business, practice or activity during the past ten (10) years.*

**Response:**

Not applicable.

**Mohegan Tribal Gaming Authority:**

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 regularly a party to legal actions, as plaintiff, defendant or in other capacities, in the ordinary course of their business, as disclosed in more detail in MTGA’s periodic filings with the Securities and Exchange Commission, referenced in Exhibit VIII.A.9.

MTGA and DRLP are also regularly a party to regulatory reviews and investigations related to their gaming operations, some of which result in administrative or judicial findings and/or proceedings.

To Applicant’s knowledge, after inquiry, MTGA and DRLP have not been indicted, accused or convicted of a crime or the subject of a grand jury or criminal investigation during the past ten years, nor the subject of any order enjoining either from participation in any type of business, practice or activity during the past ten years.