

## Exhibit VIII.A.10

### LEGAL ACTIONS

*Submit as Exhibit VIII. A.10. the following information relating to legal actions of any Applicant Party:*

- 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;*
- 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;*
- 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;*
- 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;*
- 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*
- e. 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.*



**LEGAL ACTIONS****Pending Legal Actions to which the Applicant is a Party as a Result of Purchasing the Nevele Grande Resort and County Club Out of Receivership**

The Decision/Order issued February 3, 2012 (Index No. 09-2279) RJI No. 55-09-01923 set out continuing obligations for Nevele Resort, Casino & Spa to pay debts up to five million dollars (\$5,000,000.00) that were incurred by the previous owners within sixty (60) days of the opening of the proposed casino. The Decision/Order can be found in its entirety as an attachment to this Exhibit.

**The Applicant must satisfy the following judgment creditors:**

1. Judgment, Kenneth Baxter vs. Nevele Grande, LLC  
Justice Court, Ulster County, Perfected: June 6, 2007; Docketed: June 19, 2007; Amount: \$2,751.56; Index No.: 07-5625.
2. Judgment, Hess Corporation f/k/a Amerada Hess Corporation vs. Nevele Hotel, LLC, Ulster County, Perfected: October 2, 2008; Docketed: October 2, 2008;  
Amount: \$94,947.50; Index No.: 08-9085.
3. Mechanic's Lien dated November 7, 2008 and filed November 10, 2009, Thyssenkrupp Elevator Corp., Lienor against Nevele Hotel, LLC, Owner, Amount \$47,671.96.
4. Mechanic's Lien dated July 14, 2009 and filed July 14, 2009, Culwell Holding Corporation DBA Ace Hardware of Ellenville, Lienor, against Nevele Grande and Nevele Hotel, LLC, Owner, Amount: \$2,218.29
5. Judgment, Stanley Sherry Chairman NY Police Ecumenical Golf Outing vs. Nevele Grande Resort and Country Club, Justice Court, Ulster County, Perfected: January 21, 2009; Docketed: February 10, 2009; Amount: \$2,515.00; Index No.: 09-1274

6. Judgment, Eva Brown d/b/a InPhase vs. Nevele Hotel, LLC and Nevele Grande, LLC, Supreme Court, Ulster County, Perfected: February 24, 2009; Docketed: February 26, 2009; Amount: \$130,000.00; Index No. 09-1924.
7. Judgment, Austin Stern and Pamela Stern (GUA) vs. Nevele Hotel, LLC, Supreme Court, Nassau County, Perfected: March 6, 2009; Docketed: March 17, 2009; Amount: \$12,971.87; Index No.: 09-2526
8. Judgment, Insurance Company of the State of Pennsylvania vs. Nevele Hotel, LLC, Supreme Court, Ulster County, Perfected: March 31, 2009; Docketed: April 7, 2009; Amount: \$50,185.68; Index No.: 09-3368.
9. Judgment, Mitchell Wolff vs. Joel Hoffman, Stratford Business Corporation, First National Center, LLC, Nevele Hotel, LLC and the Center at Horseheads, LLC, Superior Court of New Jersey, Somerset County, Perfected: April 7, 2009; Docketed: May 8, 2009; Amount: \$2,027,821.44; the amount was reduced to \$5,000.00 by court order.
10. Judgment, Mainetti, Mainetti & O'Connor, P.C. vs. Nevele Hotel, LLC and Joel Hoffman, Individually, Supreme Court, Ulster County, Perfected: February 5, 2009; Docketed: May 12, 2009; Amount: \$76,310.28; Index No.: 09-4935.
11. Judgment, Commissioner of Labor of the State of New York vs. Nevele Hotel, LLC and Stratford Business Corporation d/b/a Nevele Grande Resort & Country Club, Supreme Court, Ulster County; Docketed: August 20, 2009; Amount \$777,559.94; Index No.: 09-8293.
12. Judgment, Commission of Taxation and Finance vs. Nevele Hotel, LLC, Ulster County, Perfected: June 15, 2009; Docketed: June 17, 2009; Amount: \$43,182.97; Index No.: 09-6243.
13. Judgment, Commissioner of Taxation and Finance vs. Nevele Hotel, LLC, Ulster County, Perfected: July 27, 2009; Docketed: August 4, 2009; Amount: \$904,231.43; Index No.: 09-7715.
14. Judgment, Mahinrahi LLC d/b/a Days Inn vs. Nevele Hotel, LLC, Supreme Court, Sullivan County, Perfected: August 25, 2009; Docketed: August 31,

2009; Amount: \$6,153.82; Index No.: 09-8685 in Ulster County Clerk's Office and Docketed: August 25, 2009 in the Sullivan County Clerk's Office as Index No. 09-2265.

15. Judgment, Thyssenkrupp Elevator Corporation vs. Nevele Hotel, LLC and Stratford Business Corp., Supreme Court, Ulster County, Perfected: August 27, 2009; Docketed: September 3, 2009; Amount \$70,000.00; Index No.: 09-8806.
16. Judgment, Carrier Corporation vs. Nevele Hotel, LLC, Supreme Court, Ulster County, Perfected: September 16, 2009; Docketed: September 16, 2009; Amount: \$28,148.25; Index No.: 09-9245.
17. Judgment, White Plains Coat & Apron Co., Inc. d/b/a White Plains Linen vs. Nevele Hotel, LLC, Supreme Court, Westchester County, Perfected: August 19, 2009; Docketed: September 28, 2009 in the Sullivan County Clerk's Office as Instrument No. 2009-6049.
18. Judgment, State Insurance Fund Commissioners vs. Nevele Hotel, LLC, Supreme Court, Albany County, Perfected: September 16, 2009; Docketed: October 19, 2009; Amount: \$59,678.96; Index No.: 09-10445.
19. The following UCC Financing Statement: Debtor: Stratford Business Corporation and Nevele Hotel, LLC; Secured Party: Bing Jr. Enterprises, Inc.; Filed: August 31, 2009; Instrument No.: 09-600.
20. Judgment, Adams Fences, Inc. vs. Nevele Hotel, LLC, Supreme Court, Dutchess County, Perfected: September 4, 2009; Docketed: November 24, 2009; Amount: \$7,650.78; Index No.: 09-11861. Docketed: December 3, 2009; Index No.: 2009-7290 in Sullivan County Clerk's Office.
21. Judgment, Waste Management of New York, LLC vs. Nevele Hotel, LLC, Supreme Court, Ulster County, Perfected: December 3, 2009; Docketed: December 18, 2009; Amount \$35,844.21; Index No.: 09-12602.
22. Judgment, New York State Department of Labor and New York State Department of Taxation and Finance vs. Nevele Hotel, LLC, Ulster County, Perfected: December 17, 2009; Docketed: December 22, 2009; Amount: \$10,331.93; Index No.: 09-12721.

23. Judgment, Rosa Rizzo vs. Nevele Grande Resort & Country Club and Nevele Hotel, LLC, Supreme Court, Ulster County, Perfected: January 12, 2010; Docketed: January 12, 2010; Amount: \$14,023.24; Index No.: 2010-352.
24. Judgment, Village of Ellenville vs. Nevele Hotel, LLC and Nevele Grande, LLC, Supreme Court, Ulster County, Perfected: February 5, 2010; Docketed: February 11, 2010; Amount: \$155,480.26 together with the costs and disbursements as taxed by the Ulster County Clerk's Office; Index No.: 09-4032.
25. Judgment, Central Hudson Gas & Electric Corp. vs. Nevele Hotel, LLC, Horseheads Commercial Development Partners, LP & Horseheads Commercial Development Partnership c/o Stratford Business Corp., Supreme Court, Ulster County, Perfected: November 30, 2009; Docketed: March 29, 2010; Amount: \$147,053.96; Index No.: 2010-3017.
26. Judgment, New York State Department of Labor and New York State Department of Taxation and Finance vs. Nevele Hotel, LLC, Ulster County, Perfected: March 25, 2010; Docketed March 30, 2010; Amount: \$10,347.79; Index No.: 2010-3225.
27. Judgment, Commissioner of Taxation and Finance vs. Nevele Hotel, LLC, Ulster County, Perfected: April 19, 2010; Docketed: April 22, 2010; Amount: \$205,479.04; Index No.: 10-4199.
28. Judgment, Sprague Energy Corp. vs. Nevele Hotel, LLC and Nevele Winter Sports, Inc., Supreme Court, Ulster County, Perfected: May 17, 2010; Docketed: May 21, 2010; Amount: \$43,379.75; Index No.: 10-5278.
29. Judgment, David Sunshine vs. Nevele Grand Resort and Country Club, Supreme Court, Kings County, Perfected: July 7, 2010; Docketed: July 13, 2010; Amount: \$81,485.50; Index No.: 10-7219.
30. Judgment, Commissioner of Taxation and Finance vs. Nevele Hotel, LLC, Ulster County, Perfected: September 7, 2010; Docketed: September 13, 2010; Amount: \$79,626.23; Index No.: 10-9284.
31. Judgment, Limmud NY vs. Nevele Hotel, LLC, Supreme Court, New York County, Perfected: November 30, 2010; Docketed: December 3, 2010;

Amount: \$102,283.68; Index No.: 600644/09.

32. Judgment, Blue Cliff Monastery of the Unified Buddhist Church, Inc. vs. Nevele Hotel, LLC and Joel Hoffman, Supreme Court, Ulster County, Perfected: March 14, 2011; Docketed: March 14, 2011; Amount: \$40,975.10.
33. Judgment, Cordelia McDonald vs. Nevele Hotel, LLC, Supreme Court, Kings County, Perfected: December 20, 2010; Docketed: April 19, 2011; Amount: \$768,715.00; Index No.: 8456-08.
34. Judgment, Cover X Corporation vs. Nevele Hotel, LLC d/b/a Nevele Grande Resort & Country Club and Joel Hoffman, Supreme Court, Ulster County, Perfected: May 5, 2011; Docketed: May 17, 2011; Amount \$149,204.57; Index No.: 07/5181.
35. Judgment, Insurance Company of the State of Pennsylvania vs. Nevele Hotel, LLC, Supreme Court, Ulster County, Perfected: April 11, 2011; Docketed: July 1, 2011; Amount: \$58,679.42; Index No.: 11-6977.

### **Settled or Closed Actions**

There are no settled or closed legal actions, civil, criminal or administrative in nature, against the applicant party over the past ten (10) years.

### **Judgments Against the Applicant Party**

There are no judgments against the applicant party within the past ten (10) years.

### **Ongoing Litigation**

There is no ongoing litigation against the applicant part.

**Indictments, Accusations, Convictions, Investigations**

The applicant party has never been indicted, accused or convicted of a crime nor been a subject of a grand jury or criminal investigation during the past ten (10) years.

**Legal Restrictions**

The applicant party was never 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.