

New York Gaming Facility Location Board
Response to Request for Applications to Develop and Operate a
Gaming Facility in New York State

TIOGA DOWNS RACETRACK, LLC

Exhibit VIII.A.12.

Breach of Contract Actions

Applicant:

None

Manager:

Not applicable

Direct or indirect control of 5% or greater:

American Racing & Entertainment, LLC, was a party to an action captioned *Netwolves v. Mallet Telephone and American Racing* filed in February 2011 in the 4th Judicial District Court of the State of Louisiana. The matter was amicably resolved in May 2011 as to American Racing & Entertainment, LLC.

Casino Key Employees:

None