

Attachment VIII-A-10-1 Penn National Gaming Litigation (Penn Corporate)

Penn National Gaming, Inc.
As of 3/31/2013

Penn National Gaming, Inc. (Corporate)		
Matter	Description of Claim	Law Type
Plaar LLC, etc.v. Hollywood Casino Corporation, etc. (Central District of California, US District Court) Open	Plaar LLC is alleging Hollywood Casino has infringed Plaar's intellectual property related to its use of the "Hollywood Poker" mark.	Trademark Infringement
Northeast Gaming Group v. Peter Picknelly and Penn National Gaming, Inc. (Hampden County Superior Court, Massachusetts) Closed	Northeast Gaming alleges breach of contract and unjust enrichment (among many other allegations of Peter Picknelly involving his participation with them in pursuit of a casino license in Massachusetts and his subsequent decision to partner with Penn National.	Business Tort
Power Plant Entertainment Casino Resorts Indiana, LLC et al v. Penn National Gaming, Inc. et al (Baltimore City Circuit Court) Closed	Cordish companies have filed suit against Penn, MJC and others including owner of Indiana Live! for defamation and conspiracy related to ads and statements made during the referendum campaign in Anne Arundel County in 2009.	Defamation, Conspiracy
Presque Isle Downs, Inc. vs. The Commonwealth of PA Harness Racing Commission and Endeka Entertainment LP (Commonwealth Court) Open	Northwestern Pennsylvania racetrack filed a Writ of Mandamus seeking the PA Harness Racing commission to reverse its decision to grant a racing license to Endeka.	Administrative
Cohn Realty Co., Inc. v. Argosy Gaming Company (19th Judicial District Court, Louisiana) Open	Claim to enforce guaranty agreement made by Argosy on two leases on property being used by Tropicana	Contract
MyOhioNow v. PNGI, et al (threatened, not in litigation) Closed	Defamation, libel, false advertisement claim	Defamation Libel
State ex rel Walgate, et al v. Kasich (Franklin County, OH) Open	Case challenging constitutionality of the Ohio VLT law and the constitutionality of the state's calculation of the Commercial Activity Tax (CAT) as applied to Ohio's four casinos.	Constitutional
Weiser & Lefton v. CRC and PNGI (Circuit Court of 11th Judicial District in Florida) Open	Former owners of Carnival have sought a Florida court to declare that their calculation of amount due to PNGI under an indemnity agreement is correct.	Contract
Board of Commissioners of Cherokee County, Kansas v. Kempthorne (USDC, DC) Closed	Complaint for declaratory and injunctive relief requesting the Department of Interior follow environmental mandates related to the development of a casino by the Quapaw Tribe of Oklahoma.	Administrative Law
Board of County Commissioners of the County of Cherokee, KS v. PNGI and KPG Closed	Cherokee County filed a petition for breach of contract alleging breach of the predevelopment agreement and breach of the amended agreement	Breach of Contract
Cofield, Dr. Keenan Kester, et al. vs. United States of America, et al. (Dauphin County, PA) Closed	Plaintiff filed a purported confession of judgment against numerous defendants including Penn National, CTRS, and some CTRS employees. The Dauphin County Prothonotary has, upon advice of the county solicitor, refused to enter judgment against PNGI.	Legal Theory Unknown
D'Andrea v. Penn National Gaming, Inc. Comm. Of PA Governor's Office PHRC Closed	Complainant alleges that the Respondent violated Section 5 of the PA Human Relations Act and the Americans w/Disabilities Act	Employment
Heartland Jockey Club, Ltd. and Charles Ruma vs. PNGI Closed	The Plaintiffs claim Penn's efforts on behalf of Issue 3 violates the 2006 option agreement, and that the option has expired because it has not been timely exercised.	Contract
HV Properties v. PNGI (US DC, Kansas) Consolidated with KPG v. HV Properties Closed	Kansas Penn Gaming, LLC (KPG) has filed for declaratory judgment, asking the court to declare KPG is not in breach of the agreement with HV. Our position is that we exercised our rights under the contract to terminate and therefore are not in breach and no further payments are due. HV Properties filed suit for breach of contract against PNGI as guarantor of KPG's contract with HV. Cases are now consolidated.	Contract

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Missouri River Historical Development, Inc. v. Penn National Gaming, Inc. (United States District Court, Northern District of Iowa) Open	Action by MRHD seeking damages and injunctive relief against PNGI based on tortious interference and unfair competition. MRHD alleges Penn improperly sent a letter on behalf of Belle of Sioux City to other Iowa operators setting forth Belle's interpretation of MRHD's contractual obligations to Belle.	Business tort
Penn National Gaming, Inc., et al. v. Greenwood Racing, Inc., et al. (Sup.Ct. Camden County) Closed	Antitrust and breach of fiduciary duty claims brought by PNGI against Greenwood and its appointed directors of Pennwood requesting the court to order the Pennwood directors to develop an OTW in Camden County.	Antitrust
PNGI v. Hollywood Plaza Casino Closed	PNGI filed a claim against Hollywood Plaza Casino requesting it cease from using the "Hollywood" mark.	Trademark
Penn National Gaming, Inc. v. Scott, et al., U.S. Dist. Ct. for Dist. of Maine, Civil Action No. 03-295 Closed	Action to enjoin false advertisements run by defendants in opposition to 12/30/03 referendum elections concerning slots at Scarborough Downs.	Defamation
Rosenzweig, Alan and Kaul, Jamie v. Penn National Gaming, Inc. (US District Court, Northern District of Illinois, Eastern Div) Closed	Plaintiffs allege several violation of the Employee Retirement Income Security Act, breach of contract, wrongful denial of benefits including severance, and violation of the Illinois Wage Payment and Collection Act.	Employment
Robert Katyl, Joseph Small & Brent Sille v. PNGI, Carlino & Clifford (United States District Court of Maryland) Closed	Plaintiff is a shareholder bringing a class action against PNGI, Carlino and Clifford claiming securities fraud violations during settlement of Fortress/Centerbridge buyout dispute.	Securities
Shawn A. Scott, et al. v. PNGI, et al. (AAA Arbitration, NY, NY) Closed	Claim based on breach of contract for failure to pay purchase price for Bangor Historic Track. PNGI paid Scott a total of \$51 Million based on the purchase agreement. The purchase price adjusted according to the tax rate that would eventually be enacted by the Maine legislature at the end of the session. Since the tax rate was over 47%, the purchase price was reduced from \$81M to \$51M. Scott claims the total \$81M is due and claims that PNGI's calculation of the enacted tax rate is incorrect.	Contract
Stevens v. Penn National Gaming, Inc (USDC, SDFL) Closed	Stevens claims he is due a \$1M fee based on PNGI's entry into the joint venture with MID to own and operate MJC.	Breach of Contract
Superior Partners, derivatively on behalf of Penn National Gaming, Inc. v. Peter Carlino, et al. (Berks County, PA) Closed	Shareholder class action and derivative claim brought by alleged shareholder, Superior Partners, against members of the Board of Directors of PNGI and PNGI to enjoin the acquisition of PNGI by Fortress & Centerbridge. The claim alleges the directors breached their fiduciary duty to PNGI, their duty of care, duty of loyalty, and duty of disclosure.	Business tort
SVVVI, LLC vs. Penn Hollywood Kansas, Inc., et al. Closed	Plaintiff alleges breach of contract.	Breach of Contract
Weiser, et al v. CRC Holdings, Inc. and Penn National Gaming, Inc. Open Miami-Dade County Circuit Court 01-29630 CA 23	Plaintiffs are two former shareholders of company acquired by PNGI who sued to enforce consulting agreements executed with PNGI as part of merger.	Contract
White Rock, Inc. v. Penn National Gaming, Inc. (USPTO Trademark Trial and Appeal Board) Closed	White Rock is a residential developer who has developed a large golf course residential community near Chambersburg called "Penn National". It has been using the "Penn National" mark since 1968. When PNGI filed to register "Hollywood Casino at Penn National" White Rock filed an opposition.	Trademark