



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 (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.

Tioga Downs reports the following information related to legal actions:

a. Pending Matters:

1. May 2013 - *Rebecca Harzinski vs. American Racing & Entertainment*, Supreme Court of the State of New York, County of Tioga Index# 44432 - [REDACTED]
[REDACTED]
2. March 2015 - *Elliot D. Wooden and Tracy Pebley-Wooden v. American Racing and Entertainment, LLC and Magic City Productions, LLC*, Supreme Court of New York, County of Broome, No. CA2015000897. [REDACTED]
[REDACTED]
3. December 2014 - *Theresa Shara and Jerome M. Shara v. Tioga Downs Racetrack, LLC* - Supreme Court of New York, County of Broome, No. CA2014002056.

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- [REDACTED]
4. Jeffrey Gural - As a principal of a large global brokerage firm and the owner of extensive real estate holdings, Mr. Gural has business interactions with thousands of vendors, tenants, contractors, landlords and visitors annually. Mr. Gural's buildings or companies in which he is involved may be involved in legal actions as a result of daily operations. Mr. Gural, from time to time, may be named as a party to such legal actions. None of the proceedings are material, and will have no adverse effect on, nor involve, Tioga Downs.

b. Settled/Closed

1. Oct 2009 - *Richard Moore v. Tioga Downs Racetrack, LLC and American Racing & Entertainment, LLC* - Supreme Court of the State of New York County of Broome Index #1710-2011. [REDACTED]
2. May 2013 - *Charlotte Cotter v. American Racing and Entertainment, LLC* - Supreme Court of the State of New York County of Oneida Index #1301463/2013. [REDACTED]
3. Dec 2010 - *Manivahn Keomoungkhoun vs. Tioga Downs Racetrack LLC, American Racing & Entertainment, LLC and ADT Security Services Inc.* Index #2311-1090CV - [REDACTED]
4. May 2007 - *NYS Div of Human Rights on the Complaint of Kathleen Tatich vs. Tioga Downs Racetrack, LLC* Case #10117461 [REDACTED]

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5. Oct 2006 - *Theodore Davenport v. Tioga Downs Racetrack, LLC NYS Div of Human Rights* Index# 10114347- [REDACTED]
[REDACTED]
 6. Oct 2006 - *State Div. of Human Rights on the Complaint of Lindalee Marcou vs. Tioga Downs Racetrack, LLC* Case #10114349 - [REDACTED]
[REDACTED]
 7. Jul 2007 - Supreme Court of the State of New York County of Chemung, *Gina Stewart vs. Tioga Downs Racetrack LLC* Index #07-2984 - [REDACTED]
[REDACTED]
 8. Feb 2009 - State of New York Supreme Court County of Broome, *Denise Scouten vs. Tioga Downs Racetrack, LLC* Index # CA2012000240 - [REDACTED]
[REDACTED]
 9. May 2009 - Ann Ward, Small Claims Summons, Nichols Town Court - [REDACTED]
[REDACTED]
 10. Jul 2009 - Terry Bowman - [REDACTED]
[REDACTED]
 11. May 2009 - *Coyle vs. Tioga Downs Racetrack LLC, et al*, Supreme Court State of New York County of Broome Index# 2009-000739 - [REDACTED]
[REDACTED]
 12. April 2009 - *Carmine Luongo v. Tioga Downs* - NYS Division of Human Rights - [REDACTED]
[REDACTED]
 13. Aug 2010 - NYS Dept. of Labor Div. of Labor Standards Case Number L508-2010017786 - [REDACTED]
 14. 2007-2010 - *Catskill Regional OTB v. NYS Racing & Wagering Board, Tioga Downs Racetrack LLC & American Racing* - Nevada Gold, Inc. (fka Nevada Gold -



Tioga Downs, Inc.) - Orange County Supreme Court, change of venue to Schenectady County Supreme Court Index #2007-1028 - [REDACTED]

15. 2005 - *All Vernon Acquisition, LLC v. NYS Division of the Lottery & Tioga Downs Racetrack, LLC* - Schenectady County Supreme Court Index # 2005 - 1007 - [REDACTED]

16. Jun 2009 - *Pamela & Anthony Traino v. American Racing & Entertainment, LLC* - Onondaga County Supreme Court Index # 10-0681 - [REDACTED]

17. Mar 2008 - *Jon P. Rumpff v. Tioga Downs Racetrack, LLC* - [REDACTED]

18. June 2006 - *Lamar Bell v. Tioga Downs Racetrack, LLC* - NYS Division of Human Rights. [REDACTED]

19. June 2008 - *Steven M. Wells v. Tioga Downs Racetrack, LLC* - NYS Division of Human Rights - [REDACTED]

20. *Capital District Regional OTB Corp, et al v. NYS Racing & Wagering Board et al.* [REDACTED]

21. Dec 2009 - *Mavis Pine v. Tioga Downs Racetrack, LLC* - NYS Division of Human Rights - [REDACTED]

22. Nov 2009 - *Etta Kay Dewey v. Tioga Downs Racetrack, LLC* - NYS Division of Human Rights - [REDACTED]

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23. 2010 - *Richard Hunsinger v. Tioga Downs Racetrack, LLC* - National Labor Relations Board - [REDACTED]

24. Dec 2009 - *Michelle Budinger v. Tioga Downs Racetrack, LLC* - NYS Division of Human Rights - [REDACTED]

25. Dec 2009 - *Melissa Barnhart v. Tioga Downs Racetrack, LLC* - NYS Division of Human Rights - [REDACTED]

26. May 2014 - Susquehanna River Basin Commission - [REDACTED]

27. Jeffrey Gural - As a principal of a large global brokerage firm and the owner of extensive real estate holdings, Mr. Gural has business interactions with thousands of vendors, tenants, contractors, landlords and visitors annually. Mr. Gural's buildings or companies in which he is involved may be involved in legal actions as a result of daily operations. Mr. Gural, from time to time, may be named as a party to such legal actions. None of the proceedings are material, and will have no adverse effect on, nor involve, Tioga Downs.

28. Scott Freeman - January 2011 - *Victoria Freeman v. Scott Freeman* - Superior Court of New Jersey, Appellate Division, Camden County, NJ - [REDACTED]

29. Scott Freeman - March 2014 - *Victoria Freeman v. Scott Freeman* - Superior Court of New Jersey, Chancery Division Family Part, Cape May County, NJ - [REDACTED]



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- c. Judgments Against
 - 1. None

 - d. Ongoing Litigation - Non disclosure
 - 1. None

 - e. The Applicant Party is not aware of any indictment, accusation or conviction of a crime, nor is it aware that it was a subject of a grand jury or criminal investigation during the past ten (10) years.

 - f. The Applicant Party was not the subject of any order, judgment or decree of any court, administrative body or other tribunal or 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.