

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.10.*

Tioga Downs reports the following information related to legal actions:

a. Current

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 #2011-1710 – [REDACTED]

2. May 2013 - Rebecca Harzinski vs. American Racing & Entertainment Supreme Court of the State of New York County of Tioga Index# 44432 – [REDACTED]

3. 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. It is inevitable that Mr. Gural’s buildings or companies in which he is involved may be involved in legal actions as a course 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 Tioga Downs.

b. Settled/Closed

1. Dec 2010 - Manivahn Keomoungkhoun vs. Tioga Downs Racetrack LLC, American Racing & Entertainment, LLC and ADT Security Services Inc Index #2311-1090CV – [REDACTED]

2. 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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*Exhibit VIII.A.10. (cont.)*

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

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*Exhibit VIII.A.10. (cont.)*

of venue to Schenectady County Supreme Court Index #2007-1028 - [REDACTED]

13. 2005 – All Vernon Acquisition, LLC v. NYS Division of the Lottery & Tioga Downs Racetrack, LLC – Schenectady County Supreme Court Index # 2005 – 1007 – [REDACTED]

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

15. Mar 2008 - Jon P. Rumpff v. Tioga Downs Racetrack, LLC – US Dept. of Labor Veteran’s Employment and Training Services Claim. [REDACTED]

16. June 2006 – Lamar Bell v. Tioga Downs Racetrack, LLC – NYS Division of Human Rights. [REDACTED]

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

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

19. Dec 2009 – Mavis Pine v. Tioga Downs Racetrack, LLC – NYS Division of Human Rights [REDACTED]

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

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### *Exhibit VIII.A.10. (cont.)*

21. 2010 – Richard Hunsinger v. Tioga Downs Racetrack, LLC – National Labor Relations Board – [REDACTED]

22. Dec 2009 – Michelle Budinger v. Tioga Downs Racetrack, LLC – NYS Division of Human Rights – [REDACTED]

23. Dec 2009 – Melissa Barnhart v. Tioga Downs Racetrack, LLC – NYS Division of Human Rights – [REDACTED]

24. May 2014 – Susquehanna River Basin Commission – [REDACTED]

25. 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. It is inevitable that Mr. Gural's buildings or companies in which he is involved may be involved in legal actions as a course 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 Tioga Downs.

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

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

c. Judgments Against

1. None

d. Ongoing Litigation – Non disclosure

1. None

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*Exhibit VIII.A.10. (cont.)*

- e. The Applicant Party is not aware of any indictment, accusation or conviction of a crime nor 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.