LEGAL

Legal

The following information relating to legal actions of any Applicant Party:

Applicant Party, TSG Coney Island Entertainment Holdco LLC ("TSG"), is a Delaware limited liability company authorized to do business in New York. TSG has three member parties, each an Applicant Party – Global Gaming Solutions, LLC ("GGS"); Saratoga Casino Development LLC ("Saratoga CD"); and Thor Coney Island Entertainment LLC ("Thor CI), an Applicant Party.

Saratoga CD is an Applicant Party. The members of Saratoga CD are Saratoga Casino Holdings LLC , Samuel T. Gerrity , and James D. Featherstonhaugh . Saratoga Casino Holdings LLC is a holding company which is owned by Saratoga Harness Racing, Inc., an Applicant Party. PBO § 87(2)(d)

The Coney will be operated by Global Gaming NY LLC ("GGNY"), an Applicant Party. GGNY has not operation as of this date.

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.

Pending legal actions (civil) to which Saratoga Harness Racing, Inc.is a party and a brief description of such action is attached in Appendix 1-A to this Section. There are no criminal or administrative actions pending against Saratoga Harness Racing, Inc.

A brief description of any settled or closed legal actions, whether civil, criminal or administrative in nature, against the Applicant Party over the past 10 years.

Descriptions of settled or closed legal actions, whether civil, criminal or administrative in nature, against Saratoga Harness Racing, Inc. over the past 10 years is attached in Appendix 1-B to this Section. There have been no criminal or administrative actions closed against Saratoga CD during the past 10 years.

A description of any judgments against the Applicant Party within the past 10 years, including the case name, number, court, and what the final ruling or determination was from the court, administrative body or other tribunal.

There have been no judgments against Saratoga Harness Racing, Inc. within the past 10 years.

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.

This request is not applicable to Saratoga Harness Racing, Inc.

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 10 years.

Saratoga Harness Racing, Inc. has not been indicted, accused or convicted of a crime or was a subject of a grand jury or criminal investigation during the past 10 years.

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 10 years.

Saratoga Harness Racing, Inc. has not been 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 10 years.

APPENDIX 1-A

Appendix 1-A

Pending Legal Actions Against Saratoga Harness Racing, Inc.:

A number of civil actions related to personal injury (slip and falls, etc.) have been settled in the past 15 years or are currently pending and have been turned over to the Company's insurance carrier for defense. The Company has never settled a case in excess of policy limits and the Company is unaware of any current claim that is in excess of policy limits.

The following 2 cases are pending actions which are being handled by the Company's insurance carrier but are not common "slip and fall" type cases.

1. Armando v Saratoga Harness Racing, Inc., Saratoga County Supreme Court, guest requested by management to leave the night club, alleges he was unlawfully restrained/ injured by SHRI employees who were escorting him out.
2. August v Saratoga Harness Racing, Inc., Saratoga County Supreme Court, a guest in the nightclub alleges that he was assaulted by another guest in the nightclub. It alleges negligence and over serving (dramshop liability).

The company reasonably expects that both of these cases will be resolved or settled within policy limits.

There are currently three class action complaints pending in Saratoga County Supreme Court:
1. Madison Marcel, individually and on behalf of all others similarly situated against Saratoga Harness Racing, Inc.
2. Troy Ashline, on behalf of her herself, and all others similarly situated against Saratoga Harness Racing, Inc.
3. Robert Myers, individually and on behalf of all others similarly situated against Saratoga Harness Racing, Inc.

Each of these lawsuits claim a failure by the Company to properly secure and safeguard personally identify information of plaintiffs and other similarly situated individuals. These lawsuits arose out of a November 2024 data breach in which certain cyber criminals accessed files in the Company's computer systems. The Company promptly notified law-enforcement and it's insurance carrier and immediately began an investigation with the assistance of third-party specialist to determine the full nature and scope of the incident. The Company has also reviewed all of its practices and has taken steps to further enhance network security. As a result, it is the Company's understanding that no personal information has been or will be misused. The instant lawsuits seek unspecified damages and an order requiring the Company to protect, including through encryption, all data collected in the course of its business. These lawsuits have been turned over to the Company's insurance carrier for defense. We have been advised by the carrier that this type of litigation is not uncommon after a data breach and is usually dismissed or settled for approximately $500-$600,000. If these matters are settled by the carrier, the Company expects the majority of the settlement to be covered by insurance. The Company's carrier is in discussions with the attorneys for the three plaintiffs about the possibility of consolidating the three cases.

The Company is also a named defendant in one action pending in the United States District Court for the Northern District of New York, Joshua Weakland versus Saratoga Harness Racing, Inc. This case relates to the Company terminating Plaintiffs employment as a sous chef. It alleges violations of the Family Medical Leave Act, the Fair labor Standards Act and the New York State Human Rights law. This case is being defended by the Company's insurance carrier and we expect it to be dismissed, withdrawn or settled within policy limits.

Additional information about any of the pending cases is available upon request.

APPENDIX 1-B

Appendix 1-B

Settled or Closed Actions Against Saratoga Harness Racing, Inc.:

PBO § 87(2)(d)

Settled or Closed Human Rights Claims:

Over the past 15 years the Company has been a named respondent in a small number of claims at the New York State Division of Human Rights and one at the District of Columbia Small Claims Court, which alleged discrimination. These claims have all been dismissed based upon findings of no probable cause to believe that any discrimination occurred or settled for "nuisance value." The Company has never been found guilty of any type of discrimination. Additional information about any of these proceedings is available upon request.

Withdrawn National Labor Relations Act Claims:

Over the past 15 years the Company has been a named Respondent in 2 Unfair Labor Practice Claims filed against it by New York Hotel Trade Council, AFL-CIO. Both of these charges were withdrawn by the Union. Additional information about these matters is available upon request.

Settled, Closed, or Staved Legal Actions:

The following is a list of suits filed against Ellis Park Race Course, LLC or its successor EP Windup, LLC (the entity created after the 2019 sale):

1. *The Family Trust Foundation of Kentucky, Inc. (Appellant) vs. Ellis Park Race Course, The Kentucky Horse Racing Commission, et al.,*
   KY Court of Appeals —2018 CA-001689 (pending appeal of Franklin Circuit Court decision). Given the Kentucky legislature's action in the 2021 session (which legalized gambling), the claims by Family Trust Foundation are now moot.
   Plaintiff claims that historic horseracing at Ellis Park and other defendants' racetracks was illegal. The Kentucky legislature in 2020 which legalized gambling mooted the lawsuit.
2. *Galloway Electric, Inc. v. Ellis Park Race Course, LLC and Midwest Commercial, LLC,* Henderson Circuit Court, 18-CI-00425—Settled (Agreed Order of Dismissal Entered February 11, 2019);
3. *Robert Lassiter, et al. v. EP Windup, LLC, et al.,* Jefferson Circuit Court, 20-CI-007314 (pending Motion to Dismiss filed by EP Windup and all other Kentucky Racetracks, but currently stayed due to Plaintiffs' Chapter 13 Bankruptcy filing).

The following is a list of suits filed against Saratoga Harness Racing Inc. a New York Subchapter S Corporation:

1. *Capital District Regional Off Track Betting Corp., et al. v. New York State Racing & Wagering Board and Saratoga Harness Racing, Inc., et al.* (2011). Action commenced in Albany County Supreme Court. By decision dated March 31, 2011, the Court ruled in favor of the Racing & Wagering Board and the regional tracks and against the OTBs. The OTBs filed an appeal, which was later withdrawn.
2. *Capital District OTB v. Racing & Wagering Board and Saratoga Harness Racing Inc., et al.* (2012). Action commenced in Albany County Supreme Court. The Court ruled in favor of the defendants.

A suit filed February 10, 2022 by Plaintiff Saratoga Casino Holdings LLC against Defendants Casino Holding Investment Partners, LLC and Natchez Casino OpCo, LLC relating to an agreement to purchase the assets of Magnolia Bluffs Casino and Hotel. The parties subsequently reached an agreement whereby the assets of Magnolia Bluffs Casino and Hotel were purchased by Saratoga Casino Holdings LLC on October 3, 2022.