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VIA ELECTRONIC MAIL

March 25, 2014

Stephen Crosby
Massachusetts Gaming Commission Chair
Massachusetts Gaming Commission
84 State Street, 10th Floor
Boston, MA 02109

Re: *Massachusetts Gaming Commission's Notices of Adjudicatory Hearing*

Chairman Crosby and Massachusetts Gaming Commissioners and Staff:



ATLANTA

AUSTIN

BOSTON

DALLAS

DELAWARE

HOUSTON

MUNICH

NEW YORK

SILICON VALLEY

SOUTHERN CALIFORNIA

TWIN CITIES

WASHINGTON, DC

As the Commission is aware, Fish & Richardson represents the City of Boston in connection with the Category 1 license applications filed by Wynn Massachusetts, LLC ("Wynn") and Mohegan Sun Massachusetts, LLC ("Mohegan Sun") for Region A. This letter is in response to the two Notices of Adjudicatory Proceeding dated March 21, 2014, and March 24, 2014 served by the Commission on the City of Boston, Wynn and Mohegan Sun.

At the public meeting on March 20, 2014, the Commission decided to treat the City of Boston's Declarations of Host Community Status regarding Wynn's and Mohegan Sun's proposed casinos as "petition[s] for recognition of host community status" and to "put together an adjudicatory hearing." On Friday, March 21, 2014, at 4:29 p.m., the Commission sent a Notice to the City describing its schedule and mandated process for an adjudicatory hearing (Exhibit A). On Monday, March 24, 2014, at 6:22 p.m., the Commission sent a revised Notice (Exhibit B).

As an initial matter, as the City explained at the public meeting on March 20, 2014, the Declarations were a direct response to the request made by the Commission to the City in a letter dated January 10, 2014 (Exhibit C). In that letter, the Commission expressly requested that the City notify it if the City determines that it qualifies as a host community. The Commission wrote, "If the City determines that it qualifies for host community status before such date [the date that the Commission designates surrounding communities], the City could notify the Commission." As the Commission is aware, the City has consistently reserved its right to assert host community status, and recently did so at the public meeting of the Commission held on March 3, 2014. The provisions of G.L. c. 23K (the "Gaming Act") and 205 CMR 1.00 *et seq.* allow the City to determine its status as a host community. Accordingly,

Re: Massachusetts Gaming Commission's Notices of Adjudicatory Hearing
March 25, 2014
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the City reiterates that its Declarations are not petitions to the Commission. By submitting the Declarations to Wynn, Mohegan Sun and the Commission, the City did not petition the Commission for an adjudicatory hearing on the issue of its status.

To the contrary, as the City stated on March 20, 2014, there is a significant preliminary legal question concerning whether the Commission has jurisdiction to decide the issue of Boston's host community status. Although the Commission has apparently determined that it has jurisdiction, it cites no authority in the Notices to the effect that the Legislature has specifically so empowered it. As the City explained on March 20, while the Legislature delegated to the Commission the power to determine a municipality's surrounding community status, G.L. c. 23K, § 17, it did not include an analogous provision in the Gaming Act regarding a municipality's host community status. Nor do the Commission's regulations address this issue. The Gaming Act also contains no provision addressing how disputes concerning a municipality's host status shall be resolved.

Even if the facts and law were different—if the City had filed a petition and the Commission was authorized to conduct an adjudicatory hearing—the Notices that the Commission issued would remain fundamentally flawed and invalid. First, they do not comply with the Gaming Act and applicable regulations. *See* G.L. c. 23K, § 4 (28); 205 CMR 101.00; 801 CMR 1.01. Second, the process outlined in the Notices regarding the conduct of the proposed adjudicatory hearing is devoid of any sense of due process. The proposed process eliminates the City's opportunity to obtain highly pertinent documents and information from Wynn and Mohegan Sun. It also contemplates a procedure whereby the Commission will unilaterally dictate whether the City can call witnesses on its behalf and cross-examine the other parties' witnesses. Such a process directly contravenes the Commission's declared mission of creating "a fair, transparent and participatory process for implementing" the Gaming Act.

Finally, the Commission cannot ignore the City of Boston's lack of access to documents and information from the casino applicants that are germane to its host community status. To date, the casinos have consistently stonewalled the City's attempts to obtain this information. Despite the City's repeated requests, the Commission has failed to compel the applicants to provide it with the requested information. The City's most recent document requests to the applicants reflect the lack of documents produced to date. *See* Exhibits D and E.

FISH & RICHARDSON P.C.

Re: Massachusetts Gaming Commission's Notices of Adjudicatory Hearing
March 25, 2014
Page 3

The City of Boston will take necessary steps to ensure that the best interests of its residents are not compromised. Accordingly, for the reasons stated above, the City considers the Commission's Notices to be invalid. Since there is a fundamental question regarding the Commission's jurisdiction, the City expects that the discussion at the meeting scheduled for Wednesday, March 26 will be confined to that issue.

Very truly yours,



Thomas C. Frongillo

Enclosures.

cc: John Ziemba, Massachusetts Gaming Commission
Catherine Blue, Massachusetts Gaming Commission
Eugene O'Flaherty, City of Boston Corporation Counsel
Elizabeth Dello Russo, Office of Gaming Accountability
Mary Marshall, Nutter, McClennen & Fish LLP
William F. Kennedy, Nutter, McClennen & Fish LLP
Ariel I. Raphael, Fish & Richardson P.C.
John Stefanini, DLA Piper LLP
Kevin Conroy, Foley Hoag LLP

EXHIBIT A



March 21, 2014

<u>By Email –</u> <u>Elizabeth.DelloRusso@cityofboston.gov</u> Elizabeth Dello Russo City of Boston Office of Gaming Accountability City Hall, Room 620 Boston, MA 02201	
<u>By Email - Jacqui.Krum@wynnresorts.com</u> Jacqui Krum Senior Vice President and General Counsel Wynn Resorts Development	<u>By Email - DOGaquin@mintz.com</u> Daniel O. Gaquin Mintz Levin Cohn Ferris Glovsky and Popeo One Financial Center Boston, MA 02111
<u>By Email - kconroy@foleyhoag.com</u> Kevin Conroy Foley Hoag LLP Seaport West 155 Seaport Boulevard Boston, MA 02210-2600	<u>By Email - john.stefanini@dlapiper.com</u> John A. Stefanini DLA Piper LLP 33 Arch Street, 26 th Floor Boston, MA 02110-1447

NOTICE OF ADJUDICATORY PROCEEDING

RE: Consolidated Proceedings:
City of Boston's "Declarations" for Host Community Status Regarding Gaming
Establishments Proposed by Mohegan Sun Massachusetts, LLC and Wynn MA, LLC

Dear Counsel:

The Massachusetts Gaming Commission (the "Commission") will hold an Adjudicatory Proceeding ("Proceeding") on **April 4, 2014 at 10:30 a.m., at the Hynes Convention Center**, concerning (1) the "Declaration of the City of Boston of Status as a Host Community within Region A pursuant to M.G.L. c. 23K, § 2, regarding the Mohegan Sun Massachusetts, LLC Casino Applicant" and (2) the "Declaration of the City of Boston of Status as a Host Community within Region A pursuant to M.G.L. c. 23K § 2, regarding the Wynn MA, LLC Casino Applicant" (collectively, the "Declarations"), both submitted on March 19, 2014. The Commission may continue the Proceeding from day-to-day thereafter, as needed. For purposes of this hearing the Declarations are being treated as petitions for determination

Massachusetts Gaming Commission

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of Boston's host community status relative to the respective RFA-2 applications. The Proceeding will be conducted pursuant to G.L. c.23K, §§ 1(10), 4, 4(13), 4(28), and 4(33), and G.L. c. 30A. The petitions will be heard by the Commission at one hearing.

Questions Presented

Whether the City of Boston is a *host community* as defined by M.G.L. c. 23K, § 2, with respect to either *gaming establishment* as defined by M.G.L. c. 23K, § 2, referenced below:

1. The gaming establishment proposed by Mohegan Sun Massachusetts, LLC, in or about Revere, MA as more fully described in the RFA-2 application; and/or
2. The gaming establishment proposed by Wynn MA, LLC, in or about Everett, MA as more fully described in the RFA-2 application.

Procedure

1. The City of Boston, by 5:00 p.m. on Thursday, March 27, 2014, must file with the Commission and serve electronically on counsel for Mohegan Sun Massachusetts, LLC and Wynn MA, LLC (the "Applicants") and the Commission a legal memorandum not to exceed 10 pages in length, which addresses the Questions Presented outlined above. The City of Boston shall attach any supporting affidavits made on personal knowledge or other relevant documents and materials to the memorandum as necessary to support its position.
2. Each Applicant, by 5:00 p.m. on Tuesday, April 1, 2014, must file with the Commission and serve electronically on counsel for the City of Boston, and the Commission a legal memorandum not to exceed 10 pages in length, setting forth its position on the relevant Question Presented above. Each applicant may attach any supporting affidavits made on personal knowledge or other relevant documents and materials to the memorandum as necessary to support its position.
3. Based on the submissions described in the foregoing paragraphs, the Commission will determine, and promptly notify counsel for the City and the Applicants, whether the Proceeding will require oral testimony and an opportunity for cross-examination, or be limited to argument by counsel.

There will be a Pre-Hearing Conference among counsel for the Commission, the City of Boston and the Applicants at **1 p.m. on Wednesday, March 26, 2014**, at the Commission's Offices, 84 State Street, 7th Floor, Boston, MA. The City of Boston and the Applicants should attend the Pre-Hearing Conference through their counsel. The Pre-Hearing Conference will serve to lay out the anticipated procedure for the Proceeding and afford counsel the opportunity to discuss issues for the Proceeding as described in this Notice.


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If any party has any questions or concerns with respect to this Notice, please contact Commission General Counsel, Catherine Blue at (617) 979-8434, at your earliest convenience.

Sincerely,


Catherine Blue
General Counsel

cc: Stephen D. Anderson, Anderson & Kreiger, LLP (by email only – sanderson@andersonkreiger.com)
David S. Mackey, Anderson & Kreiger, LLP (by email only – dmackey@andersonkreiger.com)

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EXHIBIT B



Commission may continue the Proceeding from day-to-day thereafter, as needed. For purposes of this hearing the Declarations are being treated as petitions for determination of Boston's host community status relative to the respective RFA-2 applications. The Proceeding will be conducted pursuant to G.L. c.23K, §§ 1(10), 4, 4(13), 4(28), and 4(33), and G.L. c. 30A. The petitions will be heard by the Commission at one hearing.

Questions Presented

Whether the City of Boston is a *host community* as defined by M.G.L. c. 23K, § 2, with respect to either *gaming establishment* as defined by M.G.L. c. 23K, § 2, referenced below:

1. The gaming establishment proposed by Mohegan Sun Massachusetts, LLC, in or about Revere, MA as more fully described in the RFA-2 application; and/or
2. The gaming establishment proposed by Wynn MA, LLC, in or about Everett, MA as more fully described in the RFA-2 application.

Procedure

1. The City of Boston, by 5:00 p.m. on Thursday, March 27, 2014, must file with the


Commission and serve electronically on counsel for Mohegan Sun Massachusetts, LLC and Wynn MA, LLC (the "Applicants") and the Commission a legal memorandum not to exceed 10 pages in length, which addresses the Questions Presented outlined above. The City of Boston shall attach any supporting affidavits made on personal knowledge or other relevant documents and materials to the memorandum as necessary to support its position.

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3. Based on the submissions described in the foregoing paragraphs, the Commission will determine, and promptly notify counsel for the City and the Applicants, whether the Proceeding will require oral testimony and an opportunity for cross-examination, or be limited to argument by counsel.

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If any party has any questions or concerns with respect to this Notice, please contact Commission General Counsel, Catherine Blue at (617) 979-8434, at your earliest convenience.

Sincerely,



Catherine Blue
General Counsel

cc: Stephen D. Anderson, Anderson & Kreiger, LLP (by email only – sanderson&andersonkreiger.com)
David S. Mackey, Anderson & Kreiger, LLP (by email only – dmackey@andersonkreiger.com)

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Massachusetts Gaming Commission

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EXHIBIT C



January 10, 2014

Via Electronic Delivery

Elizabeth S. Dello Russo, Esquire
Senior Assistant Corporation Counsel
City of Boston, Law Department
City Hall, Room 620
Boston, MA 02201

Re: Extension of Time Period Request dated January 9, 2014 by the City of Boston ("City")

Dear Ms. Dello Russo:

We are writing in response to the January 9, 2014 letter you wrote to Chairman Crosby requesting an extension of thirty (30) days to the January 13, 2014 deadline for communities to submit a letter assenting to any designation of a community as a surrounding community. Unfortunately, the Commission did not receive this letter in time to allow the commissioners to deliberate this matter at its last Commission meeting before the January 13, 2014 deadline.

Therefore, the Commission will not be able to extend this deadline, as you requested, before it expires. However, in order to allow the City to meet the regulatory requirements specified in 205 CMR 125.01, we recommend that the City consider assenting to the designation of surrounding community status but reserving a right to claim host community status, should the City deem it advisable to do so.

As you are aware, the Commission does not plan to designate any communities, either those that petition to be designated as a surrounding community or those designated as a surrounding community in an RFA-2 application, until February 6, 2014, or potentially later. February 6 is approximate to the February 10 date specified in your letter. If the City determines that it qualifies for host community status before such date, the City could notify the Commission. Further, as noted by the Commission previously, host community status will be part of the RFA-2 evaluation process.

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Massachusetts Gaming Commission

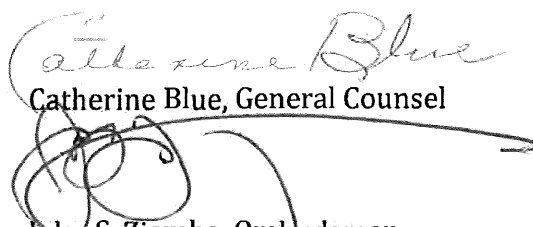
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Elizabeth Dello Russo, Esquire
Page Two
January 10, 2014

We hope this is a remedy to the timing constraints you raised. If you believe it necessary to continue to request an extension, please notify us so that we can put the issue before the Commission at a future meeting.

As of this date, the next regularly scheduled meeting of the Commission is January 23, 2014. Please let us know if you have any further questions or concerns.

Sincerely,


Catherine Blue, General Counsel

cc: ***Via Electronic Delivery:***
Chairman Stephen Crosby
Massachusetts Gaming Commissioners
John Stefanini, DLA Piper
Kevin Conroy, Foley Hoag
Daniel Gaquin, Mintz Levin
Steve Tocco, ML Strategies
William F. Kennedy, Nutter McClennen & Fish
Mary Marshall, Nutter McClennen & Fish

EXHIBIT D

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VIA ELECTRONIC MAIL

March 25, 2014

Daniel O. Gaquin
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
One Financial Center
Boston, MA 02111

Re: *City of Boston's Request for Production of Documents to Wynn MA, LLC*

Dear Mr. Gaquin:

I have enclosed the City of Boston's Request for Production of Documents to Wynn MA, LLC ("Wynn"), dated March 25, 2014. We request that Wynn produce copies of the requested documents by April 2, 2014.

Please call me if you have any questions.

Very truly yours,



Thomas C. Frongillo

Enclosure.

cc: Steve Tocco, ML Strategies, LLC
Eugene O'Flaherty, City of Boston Corporation Counsel
Elizabeth Dello Russo, Office of Gaming Accountability
Mary Marshall, Nutter, McClennen & Fish LLP
William F. Kennedy, Nutter, McClennen & Fish LLP
Ariel I. Raphael, Fish & Richardson P.C.



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CITY OF BOSTON'S REQUEST FOR PRODUCTION OF DOCUMENTS
TO WYNN MA, LLC, DATED MARCH 25, 2014

DEFINITIONS

The following definitions apply to these Requests for Production of Documents and Information:

1. "Wynn" means Wynn MA, LLC, and includes, without limitation, Wynn's employees, agents, representatives, owners, directors, management, principals, partnerships, corporations, associates, legal entities, divisions, departments, subsidiaries, parent companies (including, but not limited to, Wynn Resorts Ltd.), and affiliates, as well as the Wynn's "Close associates," as defined under G.L. c. 23K § 2.
2. "FBT Everett" means FBT Everett Realty LLC and its current and former owners/investors.
3. "Document" means all things from which information can be derived through visual inspection or other means, including, but not limited to, hard copy or electronically stored information, such as writings, drawings, graphs, charts, photographs, recordings, images, and other data or data compilations stored in any medium.
4. "Record" means "Record" as defined under 205 CMR 102.02 and G.L. c. 4, § 7(26).

REQUESTS FOR PRODUCTION

1. All documents and records regarding Wynn's proposed site including, but not limited to, drawings, photographs, maps, renderings, sketches, handouts, promotional materials, and blueprints that Wynn disclosed to the public prior to June 23, 2013. This request includes, but is not limited to, documents and records that Wynn presented to the public at Everett community presentations and/or meetings on March 27, April 19, May 21, and June 13, 2013.
2. All documents and records regarding Wynn's proposed site including, but not limited to, drawings, photographs, maps, renderings, sketches, handouts, promotional materials, and

~~1. All documents and records regarding Wynn's proposed site including, but not limited to, drawings, photographs, maps, renderings, sketches, handouts, promotional materials, and blueprints that Wynn disclosed to the public prior to June 23, 2013. This request includes, but is not limited to, documents and records that Wynn presented to the public at Everett community presentations and/or meetings on March 27, April 19, May 21, and June 13, 2013.~~

Community Agreement, including, but not limited to, all plans for the urban redevelopment corporation to take any land by eminent domain in connection with the proposed casino development.

5. All documents and records regarding and including any memoranda of understanding, agreements, or contracts between Wynn and any community including, but not limited to, nearby and surrounding communities such as Chelsea, Lynn, Malden, Medford, Melrose, and/or Somerville.
6. All documents and records regarding Wynn's plans to make the waterfront and the City of Boston's and/or City of Everett's water sheet part of its development including, but not limited to, plans to develop the waterfront for public access, use and enjoyment, as described in the Host Community Agreement and otherwise its Municipal Harbor Plan.
7. All documents and records regarding access to the project site including, but not limited to existing access on Horizon Way, future plans to use any part of Horizon Way, the construction of driveways, sidewalks and bicycle accommodations, as described in the Host Community Agreement.
8. All documents and records regarding any and all existing easements relating to Horizon Way.
9. All documents and records regarding Wynn's plans for public transportation enhancements as part of the project, as developed to date, including as previously described in the Host Community Agreement and in the Draft Environmental Impact Report ("DEIR") as filed with the Massachusetts Environmental Policy Act Unit ("MEPA"), including, but not limited to, fixed-route shuttle bus service to and from the project and the MBTA Orange Line stations at Wellington Station and at Sullivan Square, and service to Logan International Airport, North Station, South Station and other hubs.
10. All documents and records regarding the proposed water shuttle service to the project, as developed to date, including as previously initially described in the Host Community Agreement.
11. All documents, records, and communications regarding proposed access to the site, including, but not limited to, all agreements between Wynn and Everett, the MBTA, or any other entity, including drafts.
12. All documents and records concerning and including "detailed plans of construction," including drafts and revisions, as well as site plans and construction management plans submitted by Wynn. This request specifically excludes the publicly available DEIR.
13. All documents and records concerning Wynn's communications with FBT Everett including, but not limited to, documents and records related to memoranda of understanding, agreements, options, rights of way.

14. The “sign[ed] notarized statement[s] under oath affirming that no parties other than [FBT Everett owners Lohnes, DeCicco, and Gattineri] will receive any of the proceeds of the sale” of property purchased from FBT Everett by Wynn, as required by the Commission in its Phase I Suitability Decision, dated December 27, 2013.
15. All documents and records, including affidavits of owners, related to land and improvements located within the geographic boundaries of the City of Boston, including, but not limited to, land owned or controlled by instrumentalities of the Commonwealth or the federal government (*e.g.*, MassDOT, MBTA, the Federal Highway Administration, etc.) that would be accessed, used, taken, leased, optioned, purchased, or otherwise affected by the site preparation, remediation, construction and/or operation of a proposed casino development, or related amenity, by Wynn, according to any and all plans or proposals submitted (whether or not they were later withdrawn) by Wynn.
16. All documents and records concerning the entity or entities that are party to the option agreement on Parcel C, as referenced by Wynn at the September 4, 2013 hearing before the Gaming Commission.
17. All documents and records concerning Wynn’s plans and proposals for environmental remediation in relation to its proposed casino including, but not limited to, assessment and analysis of contamination conducted to date; plans and proposals for further assessment and remediation of contamination by qualified experts; viability of any such plans or proposals; financial analysis of and budgets for full assessment and remediation of contamination; comparable information (such as previous assessments and costs of remediation of environmental contamination in the City of Boston and City of Everett); and reasons for requesting the extension of time to file Phase IV in compliance with G.L. c. 21E.
18. All documents and records concerning and including detailed plans for remediation and construction of Parcel C, including drafts and revisions, as well as site plans and

construction management plans for Parcel C submitted by Wynn.

19. All documents and records concerning any amendments to the City of Boston’s zoning and other land use rules, ordinances or regulations, or permits or approvals that Wynn anticipates would be required for the site preparation, remediation, construction and/or operation of a proposed casino development, or related amenity, by Wynn.
20. All documents and records concerning any amendments to zoning and other land use rules, ordinances or regulations, or permits or approvals that Wynn anticipates would be required for the site preparation, remediation, construction and/or operation of a proposed casino development, or related amenity, by Wynn.
21. All documents and records regarding communications, including those sufficient to show all verbal communications and emails, with the Massachusetts Bay Transportation Authority (“MBTA”), Massachusetts Department of Transportation (“MassDOT”),

abutters, and other nearby property owners about Wynn's possible acquisition of land, easements, or other property rights in connection with its proposed casino development.

22. All documents and records, including affidavits of owners, related to land and improvements located within the geographic boundaries of the City of Everett, including, but not limited to, land owned or controlled by instrumentalities of the Commonwealth or the federal government (*e.g.*, MassDOT, MBTA, the Federal Highway Administration, etc.) that would be accessed, used, taken, leased, optioned, purchased, or otherwise affected by the site preparation, remediation, construction and/or operation of a proposed casino development, or related amenity, by Wynn, according to any and all plans or

proposals submitted (whether or not they were later withdrawn) by Wynn.

23. All documents and records concerning the staging and management of the remediation of

EXHIBIT E

FISH & RICHARDSON P.C.

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W.K. Richardson
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VIA ELECTRONIC MAIL

March 25, 2014

John A. Stefanini
DLA Piper LLP
33 Arch Street, 26th Floor
Boston, MA 02110

Re: *City of Boston's Request for Production of Documents to Mohegan Sun
Massachusetts, LLC*



Dear Mr. Stefanini:

I have enclosed the City of Boston's Request for Production of Documents to Mohegan Sun Massachusetts, LLC ("Mohegan Sun"), dated March 25, 2014. We request that Mohegan Sun produce copies of the requested documents by April 2, 2014.

Please call me if you have any questions.

Very truly yours,

Thomas C. Frongillo

Enclosure.

cc: Eugene O'Flaherty, City of Boston Corporation Counsel
Elizabeth Dello Russo, Office of Gaming Accountability
Mary Marshall, Nutter, McClennen & Fish LLP
William F. Kennedy, Nutter, McClennen & Fish LLP
Ariel I. Raphael, Fish & Richardson P.C.

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**CITY OF BOSTON'S REQUEST FOR PRODUCTION OF DOCUMENTS
TO MOHEGAN SUN MASSACHUSETTS, LLC, DATED MARCH 25, 2014**

DEFINITIONS

The following definitions apply to these Requests for Production of Documents and Information:

1. "MSM" means Mohegan Sun Massachusetts, LLC, and includes, without limitation, MSM's employees, agents, representatives, owners, directors, management, principals, partnerships, corporations, associates, legal entities, divisions, departments, subsidiaries, parent companies, and affiliates, as well as MSM's "close associates," as defined under G.L. c. 23K § 2.
2. "SSR" means Sterling Suffolk Racecourse, LLC, and includes, without limitation, SSR's employees, agents, representatives, owners, directors, management, principals, partnerships, corporations, associates, legal entities, divisions, departments, subsidiaries, parent companies, and affiliates, as well as SSR's "close associates," as defined under G.L. c. 23K § 2.
3. "Document" means all things from which information can be derived through visual inspection or other means, including, but not limited to, hard copy or electronically stored information, such as writings, drawings, graphs, charts, photographs, recordings, images, and other data or data compilations stored in any medium.
4. "Record" means "Record" as defined under 205 CMR 102.02 and G.L. c. 4, § 7(26).

REQUESTS FOR PRODUCTION

1. All documents and records regarding MSM's proposed development of a resort destination casino at Suffolk Downs including, but not limited to, drawings, photographs, maps, renderings, sketches, handouts, promotional materials, and other plans that MSM has prepared to date, such as detailed plans for construction and operation, whether or not disclosed to the public at community presentations and/or meetings before the Massachusetts Gaming Commission or with representatives of the City of Boston as of this date.
2. All documents and records regarding SSR's proposed relocation and reconstruction of the existing horse stables, centralized animal feeding operation ("CAFO") facility, and attendant racing operations and amenities from land in the City of Revere to land and improvements located solely within the City of Boston, such as but not limited to, drawings, photographs, maps, renderings, sketches, handouts, promotional materials, and detailed plans for construction and operation including all available plans pertaining to

the renovations to the existing Suffolk Downs Grandstand facilities and the construction of a CAFO within the City of Boston.

3. All documents and records regarding the City of Revere's approval of the proposed casino development by MSM at the referendum held on February 25, 2014 including, but not limited to, the written request for an election, the ballot question, the Host Community Agreement between MSM and Revere (the "Host Community Agreement"), all information provided to voters, all concise summaries of the Host Community

Agreement provided to voters, and the results of the vote.

9. All documents and records relating to MSM's plans for parking for patrons of the project,

set forth in Section 2.F of the Host Community Agreement.

10. All documents and records regarding and including any memoranda of understanding, agreements, or contracts, draft or final, between MSM and any community other than the City of Boston including, but not limited to, the City of Chelsea and Town of Winthrop.
11. All documents and records regarding MSM's plans to fund and cause the permitting, design and construction, in coordination with the relevant state and municipal agencies including the City of Revere, of the water and sewer upgrades required to service the MSM gaming establishment. The documents and records shall include but not be limited to detailed construction level drawings for such improvements, and public or private property interests within the City of Revere and the City of Boston that would be required

16. All documents and records concerning and including “detailed plans of construction,” including drafts and revisions, as well as site plans and construction management plans prepared or submitted by MSM. This request specifically excludes the publicly available DEIR, MSM NPC and SSR NPC.
17. All documents and records concerning and including “detailed plans of construction,” including drafts and revisions, as well as site plans and construction management plans prepared or submitted by SSR. This request specifically excludes the publicly available DEIR and SSR NPC.
18. All documents and records concerning either of MSM’s or SSR’s communications with abutters to the project site, including, but not limited to, documents and records related to memoranda of understanding, agreements, options, or rights of way.
19. All documents and records, including affidavits of owners, related to land and improvements located within the geographic boundaries of the City of Boston, including, but not limited to, land owned or controlled by instrumentalities of the Commonwealth or the federal government (e.g., MassDOT, MBTA, the Federal Highway Administration, etc.) that would be accessed, used, taken, leased, optioned, purchased, or otherwise affected by the site preparation, remediation, construction and/or operation of a proposed casino development, infrastructure or related amenity, by MSM or SSR, according to any and all plans or proposals submitted (whether or not they were later withdrawn) by MSM or SSR.
20. All documents and records concerning any amendments to the City of Boston’s zoning and other land use rules, ordinances or regulations, or permits or approvals that either or MSM or SSR anticipates would be required for the site preparation, remediation, construction and/or operation of a proposed casino development or related amenities or the relocated stables and horse racing operations.
21. All documents and records concerning any amendments to zoning and other land use rules, ordinances or regulations, or permits or approvals that either MSM or SSR anticipates would be required for the site preparation, remediation, construction and/or operation of a proposed casino development, or related amenities or the relocated stables and horse racing operations.
22. All documents and records regarding communications, including those sufficient to show all verbal communications and emails, with the MBTA, MassDOT, abutters, and other nearby property owners about either of MSM’s or SSR’s possible acquisition of land.

easements, or other property rights in connection with its proposed casino development or the relocation of the stabling and horse racing operations.

23. All documents and records, including affidavits of owners, related to land and improvements located within the geographic boundaries of the Cities of Boston or Revere including, but not limited to, land owned or controlled by instrumentalities of the Commonwealth or the federal government (e.g., MassDOT, MBTA, the Federal Highway Administration, etc.) that would be accessed, used, taken, leased, optioned, purchased, or otherwise affected by the site preparation, remediation, construction and/or operation of a proposed casino development, or related amenity, by either of MSM or SSR, according to any and all plans or proposals submitted (whether or not they were later withdrawn) by MSM or SSR.
24. All documents and records concerning the staging and management of the remediation of any parcel required for the construction and/or operation of a proposed casino development or related amenities and the relocated and reconstructed horse stables and racing operations whether by MSM or SSR.
25. All documents and records concerning and including marketing plans, public relations materials, advertising, or materials related to the planned or proposed promotion of “local businesses” in the City of Boston, “including developing cross-marketing strategies with local restaurants, small businesses, hotels, retail outlets and impacted live entertainment venues.” G.L. c. 23K, § 18(2).
26. All documents and records concerning and including executed and proposed contracts between either of SSR or MSM and any businesses located in Boston.
27. All documents and records concerning and including contracts for work to be done at any location in Boston in connection with the proposed casino development including, but not limited to, contracts for construction, environmental assessment and remediation, utilities, infrastructure, and landscaping.