

**THIRD AMENDED AND RESTATED RIDER TO THE MGM RESORTS
INTERNATIONAL SEVEN-POINT SAFETY PLAN**

This Rider forms part of, and is deemed incorporated in, MGM Resorts International Seven-Point Safety Plan (collectively, the “Safety Plan”) dated June 25, 2020. The Rider together with the Safety Plan represent the COVID-19 Prevention Plan as required by the New Jersey Division of Gaming Enforcement (“Division”) for casino licensee Marina District Development Company, LLC d/b/a “Borgata Hotel Casino and Spa” (“Borgata”). To the extent that there is a conflict in the terms of MGM Resorts International Seven-Point Safety Plan and this Rider, this Rider shall control. Borgata will provide our guests, patrons, employees, and vendors with appropriate notice of the requirements described within the Safety Plan. In addition to the requirements set forth in this Safety Plan, Borgata will comply with all COVID-19 Executive Orders, mandates of the New Jersey Department of Health (“NJDOH”), and any related government orders, then in effect, applicable to Borgata’s approved casino hotel facility.

A. Protocols Prior to Reopening

1. Prior to reopening to the public, Borgata will clean and disinfect its property in accordance with the guidelines published by the CDC for “Cleaning and Disinfecting Your Facility”.

2. Third-party tenants and contractors frequently on Borgata’s property will be provided with a copy of the Safety Plan and instructed to follow the Safety Plan to the extent applicable to the tenant’s operation and contractor’s presence on Borgata’s property, including, but not limited to, performing temperature checks of their employees or requiring their employees to submit to temperature checks by Borgata prior to commencement of work within Borgata’s casino hotel facility. In addition, third-party tenants of Borgata will be required to comply with any COVID-19 Executive Order, mandate of the NJDOH, and/or any related government order then in effect and applicable to their respective businesses (e.g., food and beverage outlets, entertainment, retail, etc.).

3. All guest rooms used since the closure on March 16, 2020, will be thoroughly cleaned according to the procedures herein prior to reopening.

B. Occupancy Limitations

1. Borgata will comply with all reduced occupancy limitations applicable to its casino, hotel, retail space, food and beverage outlets, entertainment space, meeting and exhibition space, and other areas of Borgata’s approved casino hotel facility as set forth in any COVID-19 Executive Order, mandate of the NJDOH, and/or any related government order, then in effect, applicable to such area. For purposes of calculating the permissible number of persons in any particular area of Borgata’s casino hotel facility under any COVID-19 reduced occupancy limitation, Borgata will use as a baseline the maximum occupancy number for such area as established by the New Jersey Department of Community Affairs or other applicable governmental authority or body (and the applicable COVID-19 reduced occupancy limitation will be applied to such baseline). For the avoidance of doubt, any reduced occupancy requirement for the casino and/or food and beverage outlets shall only apply to the number of

permissible patrons (not employees) in the particular area unless otherwise required by applicable COVID-19 Executive Order, mandate of the NJDOH, and/or any related government order then in effect.

2. COVID-19 reduced occupancy requirements will be achieved through the provisions contained in the Safety Plan and, in particular, the provisions regarding the requirements for physical distancing of patrons in all gaming areas, restrictions on the number of persons at gaming tables, and the limitations on the availability of slot machines. Borgata will utilize its existing surveillance systems and other methods to affirmatively monitor the total aggregate number of patrons in the gaming areas (and other areas) of Borgata for purposes of achieving any applicable COVID-19 reduced occupancy limitation.

C. Guests

1. Anywhere within Borgata's casino hotel facility where there are normally lines of guests (casino cage, hotel front desk, promotions booth, etc.), Borgata will prominently display signage or other indicators on the floor or otherwise requesting that guests not related or travelling together remain at least six (6) feet apart or maintain such other physical distance as required by this Safety Plan, recommended by then-current CDC guidelines or imposed by government order. Such signage will include notice of the amount of distance between guests to be maintained or other measures to separate individuals as required by government order or in this Safety Plan and such signage will, where feasible, convey the message intended with diagrams in addition to or in lieu of verbiage so that the signage may be more universally understood.

2. Borgata will provide for spacing and take other measures as required by this Safety Plan or by government order at guest counters to facilitate physical distancing between employees and guests (e.g., casino cage, hotel front desk, promotions booth, etc.).

3. Subject to the requirements of the Americans with Disabilities Act ("ADA"), guests will be required to wear masks in all public areas of Borgata's casino hotel facility consistent with applicable Executive Orders, mandates of the NJDOH, and/or related government orders. Borgata will post signage within its casino hotel facility informing guests of this state-mandated requirement. Borgata will have a supply of masks on hand if a guest requires one.

a. Borgata will request that guests briefly lower masks for cage transactions for surveillance coverage purposes as and when necessary.

4. Upon check-in, hotel guests will be provided with current COVID-19 information and house rules.

5. As part of the guest screening process and in accordance with any applicable COVID-19 Executive Order, mandate of the NJDOH, and/or any related government order, then in effect, signage will be placed at public entrances to Borgata's casino hotel facility and in other required locations of the casino hotel facility reminding guests to follow current CDC guidelines (handwashing, sanitizer use, stay at home if sick, etc.) and setting forth the most currently available checklist of COVID-19 symptoms. Additionally, all guests will be subject

to temperature screening at public entrances to Borgata's casino hotel facility. Either the employee operating the temperature screening equipment or another employee will remind guests through repeated verbal announcements to review the posted checklist of COVID-19 symptoms and not enter Borgata if the guest has one or more of the symptoms.

6. Enhanced cleaning protocols using EPA-registered disinfectants (List N) approved for use against SARS CoV-2, the virus that causes COVID-19 ("EPA Registered Disinfectants"), will be implemented throughout the casino hotel facility.

7. Guests entering the casino floor, any interior outlet, or checking in to the hotel will be screened based on criteria and questions established by Government Order, law or regulation.

8. Guests not adhering to physical distancing and any other requirements will be advised of the requirements, and warned that, if they continue to disregard the requirements, they will be asked to leave the casino hotel facility.

9. Guests presenting with and seeking assistance for COVID-19 symptoms will be provided with a mask and directed to exit the casino hotel facility and return home or to a medical facility for their safety and the safety of others. Such guests will be provided with the CDC material entitled, "Steps to help prevent the spread of COVID-19". Borgata will also comply with then-current CDC, state and local guidelines that provide requirements for businesses dealing with guests who present COVID-19 symptoms. Borgata staff will also maintain a list of employees known to have been in close contact with the ill guest and monitor the condition of those employees for two (2) weeks following the date of the close contact by having the employee(s) complete a COVID-19 symptom checklist on each day of work during that fourteen (14)-day period. For purposes of the Plan, "close contact" is defined as being within six (6) feet for a period of ten (10) minutes or greater. Should Borgata be notified by public health that ill guest was positive for COVID-19, those employees will be quarantined for fourteen (14) days from exposure.

10. For guests presenting with severe COVID-19 symptoms (i.e., very high fever, extreme shortness of breath, uncontrolled cough), Borgata will follow its current process for managing guests who become severely ill on property (i.e., calling 911). Borgata will separate the guest and any persons travelling with him/her from other guests and will take appropriate measures to minimize the guest's contact with casino personnel while waiting for medical personnel to arrive. Borgata staff will also maintain a list of employees known to have been in close contact with the ill guest and monitor the condition of those employees for two (2) weeks following the date of the close contact by having the employee(s) complete a COVID-19 symptom checklist on each day of work during that fourteen (14)-day period. For purposes of the Plan, "close contact" is defined as being within six (6) feet for a period of ten (10) minutes or greater. Should Borgata be notified by public health that ill guest was positive for COVID-19, those employees will be quarantined for fourteen (14) days from exposure

11. If there is any situation where a guest is known to have been in close contact with a guest or employee who has tested positive for COVID-19 and was not wearing a mask during

the close contact, that guest will be directed to exit the casino hotel facility and return home or seek medical attention.

12. Borgata will comply with any required reporting of guests with presumed cases of COVID-19 to local and/or state health authorities for contact tracing and/or other purposes.

13. Borgata will report to the Division all known cases where a guest has tested positive for COVID-19 within fourteen (14) days after the guest was in the casino hotel facility and provide any other information known about such guest as requested by Division.

14. The following questions may be used by Borgata personnel during the health screening of patrons, visitors, and guests seeking to access services within the casino hotel facility and any employees working therein;

- i. Do you currently have a fever of 100.4 or higher?
- ii. Are you now, or have you experienced within the past 14 days, any NEW symptoms listed below which may be associated with COVID-19? Please select all that apply:
 1. Fever or chills
 2. Cough
 3. Shortness of breath or difficulty breathing
 4. Fatigue
 5. Muscle or body aches
 6. Headache
 7. New loss of taste or smell
 8. Sore throat
 9. Congestion or runny nose
 10. Nausea or vomiting
 11. Diarrhea
 12. None of the above
- iii. In the past 14 days, have you (or anyone in your household) been diagnosed, tested, or quarantined for COVID-19?

- iv. In the past 14 days, have you been in close contact (within 6 feet for 10 minutes or longer) with anyone who has recently been diagnosed, tested, or quarantined for COVID-19?

D. Employees

1. Borgata will provide required PPE to its employees at no cost to the employees and provide training on how to properly use and dispose of all PPE.
2. Hand sanitizer or sanitizing wipes will be available at each timeclock station.
3. All employees will be required and consistently reminded through signage to wash their hands with soap and warm water for twenty (20) seconds or sanitize them:
 - a. no less than every hour while at work except for employees that work in back of the house office areas and do not have contact with public areas or guests;
 - b. before the start of a shift; and
 - c. at least once during every break period.
4. Employees will be instructed to contact a supervisor if they notice a coworker with signs or symptoms of COVID-19.
5. Signage will be placed in all employee/back of house areas reminding employees to follow CDC guidelines (to wash hands, use sanitizer, stay at home if sick, etc.) and setting forth a checklist of symptoms and reminding employees to not come to work if answering “Yes” to any question (e.g., “Do you have a fever”, “have you been in the presence of someone with COVID-19”, etc.).
6. Rolling announcements will be made on human resources communications reminding employees of CDC guidelines and when not to come to work (e.g., wash hands, use sanitizer, stay at home if sick, if you have a temperature, etc.).
7. Signage will be placed in the employee cafeteria requiring employees to observe six (6) foot physical distancing or other distancing recommendations consistent with CDC guidelines and in accordance with government order when sitting at tables and mealtimes will be staggered to limit number of employees in the employee cafeteria as much as possible. Consistent with the foregoing, Borgata may install plexiglass barriers in the center of one or more tables separating seating positions at each such table where employees seated at such a table would be less than 6’ apart.
8. Employee break areas, training areas, and locker rooms will be configured, to the extent possible in the existing space, so that all employees can maintain a six (6) foot separation or the use of such areas will be staggered and all such areas will be cleaned frequently.
9. Food in employee cafeteria lines will be served in single serving containers or by cafeteria staff as opposed to employees serving themselves.

10. Sanitizer fluid or wipes will be provided in the employee cafeteria. Additionally, handwashing sinks will be installed at the entrance of the employee cafeteria.

11. Meetings will be conducted with physical distancing that are consistent with CDC guidelines and as required by government orders or by video conferencing and employees will adhere to all applicable policies.

12. Employees who management believes can fully perform their job at home will be allowed to continue working from home as long as practicable.

E. Employee Screening and Testing

1. Prior to or upon their return to work, each employee shall be provided with a list of COVID-19 viral testing opportunities in Atlantic County;

2. Borgata will post information near each employee entrance and in the employee cafeteria showing COVID-19 viral testing facilities in Atlantic County;

3. Employees will be screened at the beginning of their work shift and, as a result of such screening:

a. Any employee whose temperature exceeds 100.4 °F (38 °C) will be given the opportunity to have their temperature checked again no sooner than ten (10) minutes after the first check. Employees with a temperature exceeding 100.4 °F (38 °C) will not be permitted to work unless they present medical evidence (e.g., a doctor's note) that such temperature is due to a non-communicable condition; and

b. Any employee with a temperature exceeding the measure in subsection (a) above will not be permitted to return to work until the sooner of:

1. At least 3 days (72 hours) have passed *since recovery*, defined as resolution of fever without the use of fever-reducing medications **and** improvement in respiratory symptoms (e.g. cough, shortness of breath); **and**, at least 10 days have passed *since symptoms first appeared*. Refer also to the NJDOH Quick Reference: Discontinuation of Transmission-Based Precaution of Home Isolation for Persons Diagnosed with COVID-19 at https://www.nj.com/health/cd/cd/documents/topics/NCOV/COVID-QuickRef_Discont_Isolation_and_TBP.pdf. See table on pg. 3 “Guidance for discontinuation of home isolation precaution for persons awaiting test results (e.g. PUI) and not in a healthcare setting.”;

2. they receive a negative result from a COVID-19 test and do not have a fever over 100.4 °F (38 °C); or

3. they present a physician's note permitting them to return to work.

4. For employees presenting with severe COVID-19 symptoms (i.e., very high fever, extreme shortness of breath, uncontrolled cough), Borgata will follow current processes for managing employees who become severely ill on property (i.e., calling 911). Borgata will separate the employee from other guests and will take appropriate measures to minimize the employee's contact with casino personnel while waiting for medical personnel to arrive.

5. If there is any situation where an employee is known to have been in close contact with a guest or another employee who has tested positive for COVID-19 and was not wearing a mask during the close contact, that employee will be sent home from work and advised to self-quarantine and monitor his or her symptoms for the required time period as directed by the local Department of Health and/or in accordance with then-current CDC guidelines (i.e., quarantine for fourteen (14) days or such other period as may be recommended by the CDC at the time of such occurrence).

6. Borgata will arrange for COVID-19 viral testing for any employee who is not permitted to remain at work under the conditions noted in the paragraphs 3, 4 and 5 above at no cost to the employee unless such employee presents medical evidence (e.g., a doctor's note) that his/her condition is otherwise due to a non-communicable condition. Such employees shall be provided with the CDC material entitled, "Steps to help prevent the spread of COVID 19" and encouraged to contact their health care provider. Borgata will also comply with then-current CDC, state and local guidelines that provide requirements for businesses dealing with employees who present with COVID-19 symptoms.

7. Borgata staff will also maintain a list of employees known to have been in close prolonged contact with the ill employee and the employee shall be quarantined for the required time period as directed by the local Department of Health and/or in accordance with then-current CDC guideline (i.e. quarantine for fourteen (14) days for such other period as may be recommended by the CDC at the time of such occurrence)..

8. Borgata will comply with any required reporting of employee presumed cases of COVID-19 to local and/or state health authorities for contact tracing and/or other purposes.

9. Borgata will report to Division all known cases where an employee has been in the casino hotel facility within fourteen (14) days of having tested positive for COVID-19 and the dates that such employee was in the casino hotel facility.

F. General Cleaning Protocols

1. Borgata will use EPA Registered Disinfectants and follow cleaning protocols that meet CDC guidelines. Good faith efforts will be taken to ensure uninterrupted supplies will be maintained.

2. All high-contact surfaces, including, but not limited to, check-in counters, bell and concierge desks, elevators/elevator buttons/elevator handrails, door handles, public restrooms, etc. in areas utilized by the public will be cleaned and disinfected with increased frequency based on business volumes, but no less often than once each day.

3. All linens, towels, uniforms, and laundry will be laundered in accordance with CDC guidelines.

G. Training

1. Cleaning and Disinfecting – Employees assigned to clean or who will conduct cleaning will be informed on proper cleaning and disinfecting protocol, including manufacturer instructions on use according to recommended guidance. Employees will also be informed of proper PPE required for cleaning and day-to-day operations.

2. Infectious Disease Overview Training – All employees will receive information on COVID-19, how it is contracted, how it is prevented and sanitization protocols. This training information will cover basic techniques such as physical distancing, masking, and proper hand hygiene such as handwashing or the use of alcohol-based hand rubs to provide employees guidance in keeping guests and themselves safe and healthy.

H. Food and Beverage Outlets, Bars, and Lounges

Pursuant to Executive Order No. 158 (2020), Borgata will not permit the consumption of food or beverage in any indoor area of the casino hotel facility that is open to the public. When permitted by Executive Order or other governmental action to resume indoor food and beverage service, Borgata will adhere to the following protocols:

1. Public self-service beverage service (for example, self-serve beverage refill machines, coffee makers accessible to guests in public areas, etc.) will be suspended and replaced by alternative service styles until government orders permit that service to occur or resume.

2. The use of uncovered food displays (e.g., raw food/dessert display trolley) will be suspended.

3. Table-side food preparation services will be suspended.

4. Borgata will place signage in food, beverage, and retail outlets to remind and encourage guests to observe physical distancing in accordance with this Safety Plan, consistent with CDC guidelines and as required by government order.

5. Condiments (salt, pepper, ketchup, etc.) will be removed from tables and counters and guests requesting them will be supplied with single-serving packages.

6. All self-serve utensils will be removed, and such utensils will be available from cashiers or servers by request.

7. All table tents and other table/bar top promotional materials that are within reach of guests will be removed from dining and bar areas.

8. Menus shall either be provided to guests in a wipeable format or by digital device that will be sanitized between use by different guests or disposable and discarded after a guest's use.

9. Carts used for transporting food and picking up used dishes, flatware, and glassware will be cleaned using EPA Registered Disinfectants between every shift and at least once per day unless business volumes require that disinfecting should be done more frequently.

I. Showrooms and Nightclubs

1. Indoor showrooms and nightclubs will be closed until government order permits opening of such venues.

J. Casino

Table Games

1. In accordance with the requirements of the Division, prior to the re-opening of Borgata, clear plexiglass barriers separating dealers and players from each other shall be installed at all table games that are made available for play.

2. Borgata will require one (1) vacant position at a table between a single guest or a group of related guests (e.g., husband and wife, people travelling together, etc. "related guests") and another unrelated guest so that the position on either side of a guest or related guests is not permitted to be occupied. Subject to the approval of the Division, the foregoing requirement will not apply to any table game where a clear plexiglass barrier has been installed separating players from each other.

3. The following maximum player limits at gaming tables will be implemented unless otherwise approved by the Division:

- a. Three (3) players per blackjack table;
- b. Three (3) players per pai gow table;
- c. Four (4) players per roulette table;
- d. Four (4) players per poker table;
- e. Three (3) players for big six;
- f. Six (6) players per craps table (with no more than 3 players on each side) where the craps table is less than fourteen (14) feet in length;
- g. Eight (8) players per craps table (with no more than 4 players on each side) where the craps table is fourteen (14) feet in length or greater; and
- h. For mini/midi baccarat tables, the reduced number of positions will not exceed 50% of the player positions which would otherwise be ordinarily available (e.g.,

mini/midi baccarat tables, which would ordinarily seat 8 players, will have 4 player positions available, and the tables, which would ordinarily seat 6 or 7 players, will have only 3 player positions available).

4. Borgata will remind unrelated players/guests to keep physically distant from each other by positioning themselves, either seated or standing around a table, with equal distant spacing between them. Subject to the approval of the Division, the foregoing requirement will not apply to any table game where a clear plexiglass barrier has been installed separating players from each other.

5. For games where cards are dealt face up and guests will not be permitted to touch the cards, such as low-limit blackjack and low-limit baccarat games as determined by the casino licensee, cards will be sanitized or replaced daily.

6. For games where the guests are permitted to touch the cards and tiles, such as high-limit baccarat, high-limit double deck blackjack, pai gow, poker, and poker derivative games, Borgata will:

- a. make sanitizer fluid or wipes available to guests at such table; and
- b. after a maximum of four (4) hours of use in active play, cards and tiles will be replaced with new or sanitized cards or tiles.

7. Dice will be sanitized (or replaced with sanitized dice) for each new shooter.

8. Security personnel or other authorized personnel will have the right to request any guest on the gaming floor to briefly lower his/her masks for age and identification purposes.

9. Borgata will assign employees (i.e., Environmental Services personnel and table games supervisory personnel) to clean and disinfect, using EPA Registered Disinfectants, the rails and chairs at each gaming table that is in use no less than every four (4) hours and anytime that a guest may request the cleaning of a particular gaming table surface area.

10. Borgata will assign security and other personnel (e.g., table games supervisory personnel) to ensure guests do not congregate in groups around table games.

11. Pursuant to Executive Order No. 158 (2020), Borgata will not permit the consumption of food or beverage in any indoor area of the casino hotel facility that is open to the public. When permitted by Executive Order or other governmental action to resume indoor food and beverage service, Borgata will adhere to the following protocols:

- a. Servers serving food or beverage to guests at table games will wash or sanitize their hands each time they return to the food or beverage preparation station prior to the delivery of the food or beverage.
- b. Food will not be served to guests at table games unless the guest (and related guests) are the only participants at the gaming table and the hard surface areas

around which the guest(s) was eating will be cleaned and sanitized after his/her departure from the gaming table.

Gaming Machines

12. Borgata will require one (1) vacant position between a single guest (playing up to three (3) gaming machines in a row) or a group of related guests (e.g., husband and wife, people travelling together, etc. playing up to three gaming machines in a row) and another unrelated guest so that the gaming machine on either side of the gaming machines used by a guest or related guests is not permitted to be utilized. This restriction will also apply to gaming machines in a carousel, but will not apply to gaming machines in a carousel or otherwise where there is already a physical distance separation of the gaming machine from the next closest gaming machine such that the seat of the gaming machine is separated from the seat of the next closest gaming machine by at least a distance equal to the width of the gaming machine.

13. Signage will be provided, and slot attendants will be in place to notify guests of and enforce the restriction on gaming machine availability.

14. Borgata will assign employees (i.e., Environmental Services personnel) to clean and disinfect, using EPA Registered Disinfectants, high-touch areas of each gaming machine that is in use no less than every four (4) hours and anytime that a guest may request the cleaning of a particular gaming machine.

15. Borgata will assign security and other personnel (e.g., slot attendants) to ensure guests do not congregate in groups around gaming machines.

16. Pursuant to Executive Order No. 158 (2020), Borgata will not permit the consumption of food or beverage in any indoor area of the casino hotel facility that is open to the public. When permitted by Executive Order or other governmental action to resume indoor food and beverage service, Borgata will require servers serving food or beverage to guests at gaming machines to wash or sanitize their hands each time they return to the food or beverage preparation station prior to the delivery of the food or beverage.

17. If food is served to a guest at a gaming machine, the hard surface areas around which the guest(s) was eating will be cleaned and sanitized after his/her departure from the gaming machine.

Count Rooms

18. Borgata will supply employees in count rooms with gloves and, subject to ADA requirements, require that they wear masks.

19. Hand sanitizer dispensers or sanitizing wipes will be available within each count room.

20. Hard surfaces that are regularly utilized in each count room will be cleaned and disinfected with EPA Registered Disinfectants after the completion of each count.

K. Hotel

1. Borgata will utilize enhanced cleaning protocols for guest rooms and high touch hard surfaces (e.g., light switches, TV remote, door handles, elevator buttons, etc.).
2. Any loose items that cannot be disinfected will be removed from guest rooms.
3. Room service menu/marketing materials in guest rooms will be maintained in a wipeable medium (or placed in a wipeable sleeve) that is capable of being appropriately cleaned and disinfected or will be disposable and discarded after each guest's stay.
4. Buttons utilized by guests and other high-touch surfaces on self-service ice machines and vending machines will be cleaned and disinfected no less than every eight (8) hours. Hand sanitizer will be made available, and signage will be posted recommending that guests utilize same prior to touching these high-touch surfaces.
5. Borgata will post signage instructing guests to limit elevator capacity to four (4) persons at a time unless all elevator car occupants are part of the same group of related guests (e.g., husband and wife, people travelling together, etc.).
6. Hotel-operated shuttle buses will be thoroughly cleaned after each trip. Guests will not be permitted in the front passenger seat.
7. Disposable gloves will be worn when handling dirty laundry.
8. During the declared state of emergency, Borgata will not incentivize hotel guests to decline daily in-room housekeeping service. Additionally, guests checking-in at the front desk will be informed that, if they would like to decline in-room housekeeping service during their stay, the guest should hang the 'Do Not Disturb' sign on the outside of the hotel room door. Borgata will follow its Do Not Disturb wellness check procedures for any guests declining daily in-room housekeeping service.
9. When any guest room was occupied by a guest who was known to have tested positive for COVID-19, the hotel room will be taken out of service for a period of no less than twenty-four (24) hours before being cleaned and disinfected in a manner that is consistent with CDC guidelines for areas occupied by persons infected with the COVID-19 virus.
10. Borgata will streamline the guest check-in process through the use of a mobile app that will allow hotel guests to check in via mobile phone and receive a notification instructing them to obtain their physical room key from the front desk.

L. Promotions/Tournaments

1. No promotions or tournaments will be conducted that require guests to cluster and which cannot be conducted in accordance with physical distancing required by then-current government order.

M. Sportsbook

1. Signage will be posted in Borgata's sportsbook lounge reminding guest groups to remain at least six (6) feet apart or maintain such other physical distance as required by this Plan, then-current CDC guidelines or government order.
2. Food service to guests in Borgata's sportsbook lounge will follow the same food service requirements as provided otherwise in this Safety Plan and those requirements related to food service provided through government restrictions.
3. Borgata will assign employees (i.e., Environmental Services personnel) to clean and disinfect, using EPA Registered Disinfectants guest contact points of sports book seats in occupied areas and high-touch surfaces of betting kiosks (if any) no less than every four (4) hours and anytime that a guest may request the cleaning of a particular seating area or kiosk.

N. Contact Tracing

Subject to any government requirements regarding contact tracing that shall supersede any provision of this Section N, in addition to the procedures for responding to guests and employees who exhibit COVID-19 symptoms or a confirmed diagnosis of COVID-19 as described above, Borgata will conduct contact tracing procedures as follows for any confirmed COVID-19 cases:

1. When Borgata is advised that a guest was tested and determined to be COVID-19 positive and was in the casino hotel facility during a period when he/she may have been infectious to others:
 - a. The security personnel or other employee assigned by Borgata and/or third-party contact tracing service will collect guest information including name, names of those sharing their hotel room, and close contact guests in their traveling party, and details about the guest's activities at the casino hotel facility (for possible contact tracing and enhanced cleaning) and will generate a report.
 - b. The incident report will include the information above as well as the guest's home address, room number (if applicable), date of COVID-19 diagnosis, and whether the guest was transported for medical care. The incident report will be updated as new information becomes available.
 - c. Borgata will take reasonable efforts to help determine the areas traveled by a guest while on the property and employees with whom the guest may have had close, prolonged contact (within 6ft for 10 minutes or more). Such efforts may include the use of resources such as surveillance system, player card/customer management system and guest interviews. Alternatively, Borgata may elect to engage a qualified third-party contact tracing service for contact tracing purposes.
 - d. Any employees who have been in close, prolonged contact with the guest will be directed to the screening procedures provided for in herein, and will be

quarantined for the required time period as direct by the local Department of Health and/or in accordance with the then/current CDC guidelines (i.e., quarantine for fourteen (14) days or such other period as may be recommended by the CDC at the time of such occurrence).

- e. Any high-contact areas where the guest was known to have had extended contact will be cleaned and sanitized.

2. When Borgata is advised that an employee was tested and determined to be COVID-19 positive and was in the casino hotel facility during a period when he/she may have been infectious to others:

- a. The security personnel or other employee assigned by Borgata and/or third-party contact tracing service will collect all pertinent information and will generate a report.
- b. The incident report will include:
 - 1. employee's name, ID number, and contact information;
 - 2. date of COVID-19 diagnosis, if applicable;
 - 3. employees or guests with whom the employee believes that he/she had close, prolonged contact while he or she was exhibiting symptoms of COVID-19 and the circumstances and locations of any such contact; and
 - 4. whether the employee was transported for medical care.
- c. The incident report will be updated as new information becomes available.
- d. The security personnel, other employee assigned by Borgata and/or third-party contact tracing service will take reasonable efforts to help determine if any employees or guests have been in close, prolonged contact with the reporting employee which investigation may include reviewing:
 - 1. the employee's work schedule;
 - 2. documentation that would provide encounters, such as work logs, work locations; and
 - 3. security or surveillance footage where available and as needed.
- e. Any employee determined to have been in close, prolonged contact with the employee will be directed to the screening procedures provided for herein, and will be quarantined for the required time period as directed by the local Department of Health and/or in accordance with then-current CDC guidelines (i.e. quarantine for fourteen (14) days or such other period as may be recommended by the CDC at the time of such occurrence).

- f. Any employee who has a confirmed diagnosis of COVID-19 shall report the occurrence to the employee's immediate supervisor.

3. All reports shall be maintained by Borgata's Security department and made available to the Division and state and/or local health officials and their designees, including contact tracers, upon their request.

4. Borgata's security personnel, other employee assigned by Borgata and/or third-party contact tracing service shall be available to coordinate with state and/or local health officials and their designees, including contact tracers, to provide or collect further information as described in Sections 1 and 2 above related to employees or guests who were determined to be COVID-19 positive.

O. Initial Limited Reopening

1. For up to the first five (5) days after Borgata reopens, Borgata will operate on an invited-guest-only format similar to an initial opening of a casino where test days are performed with limited occupancy. An invited-guest-only format, with limited casino occupancy, is intended to provide a more controlled environment for Borgata's employees and guests in the first several days of Borgata's reopening. This controlled environment is expected to be highly conducive to achieving positive guest experiences. Of equal, if not more, importance, this controlled environment will allow Borgata's employees to gain comfort, experience and confidence with executing all of Borgata's new COVID-19 protocols without being overwhelmed by patron demands. It also provides greater opportunities for Borgata property management to review "lessons learned" at the end of each day and apply them in operations the next day. These are some of the very same goals that are intended to be achieved during test days at the initial opening of a casino through occupancy controls.

P. Smoking

1. Pursuant to Executive Order No. 158 (2020), Borgata will not permit smoking in the indoor areas of casinos until such a time as permitted by Executive Order or other governmental action.

Q. Miscellaneous

1. To the extent that there is a conflict in the terms of either the MGM Resorts International Seven-Point Safety Plan and/or this Rider, on one hand, and any COVID-19 Executive Order, mandate of the NJDOH, and/or any related government orders (collectively, "Government COVID-19 Requirement"), then in effect, applicable to Borgata's approved casino hotel facility, on the other hand, the Government COVID-19 Requirement shall control.