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*Preserving the integrity of competition. Inspiring true sport. Protecting the rights of athletes.*

VIA ELECTRONIC MAIL TO [REDACTED]

July 10, 2012

Tim Herman  
HOWRY BREEN & HERMAN, LLP  
1900 Pearl Street  
Austin, Texas 78705-5408

**Re: *Lance Armstrong v. United States Anti-Doping Agency (“USADA”), et al.***

Dear Tim:

I am in receipt of your letter and amended complaint against the United States Anti-Doping Agency (USADA) which certifies that it has been refiled with the Court. Yesterday, we discussed an agreement regarding an extension of the time for Mr. Armstrong to elect to contest USADA’s charges against him through requesting an arbitration hearing in the event that you refiled an amended complaint with the Court. The current deadline for Mr. Armstrong to contest USADA’s charges against him by requesting initiation of an American Arbitration Association (AAA) arbitration proceeding is July 14, 2012, at 5:00 p.m. eastern time.

You have requested that USADA agree to extend beyond July 14, 2012, the time in which Mr. Armstrong may elect to contest the charges against him by making a request for his case to proceed to AAA arbitration. USADA is willing to agree with you to an extension of the date by which Mr. Armstrong may request arbitration in order to give the Court the opportunity to evaluate Mr. Armstrong’s claims and USADA’s response. This letter sets forth the terms upon which USADA is willing to agree with you to extend the period of time in which Mr. Armstrong may choose to initiate the AAA arbitration process, thereby eliminating a need for you to seek a temporary restraining order (“TRO”).

USADA will agree to extend by thirty (30) days or, to a date five (5) days after the Court dismisses Mr. Armstrong’s complaint, rules on Mr. Armstrong’s motion for preliminary injunction (and/or USADA’s responses thereto, including any motion to dismiss USADA may file) or the complaint is otherwise withdrawn or dismissed, whichever comes first, the time in which Mr. Armstrong may contest the charges against him pursuant to clause 11(e) of the USADA Protocol for Olympic and Paralympic Testing (the “USADA Protocol”).

By proposing this agreement USADA is not indicating or agreeing that Mr. Armstrong’s claims have merit, that the Court has any jurisdiction over Mr. Armstrong’s claims or that venue is appropriate in the Western District of Texas. You understand that it is USADA’s position that Mr. Armstrong’s claims are pre-empted by the Ted Stevens Olympic and Amateur Sports Act, 36 U.S.C. §220509, et seq. (the “Sports Act”). See *Jacobs v. USA Track & Field and USADA*, 374 F.3d 85 (2<sup>nd</sup> Cir. 2004); *Gatlin v. USADA, et al.*, 2008 WL 2567657 (N.D.Fla.), and *Graham*

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***United States Anti-Doping Agency***

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v. *USADA*, 2011 WL 1261321 (E.D.N.C.). As the foregoing cases and a host of others provide, Mr. Armstrong's exclusive remedy is binding arbitration pursuant to the Sports Act. You also understand that it is USADA's position that, because Mr. Armstrong has not exhausted his remedy in arbitration he is barred from seeking judicial review. Therefore, it is USADA's position that no jurisdiction lies in any court to consider Mr. Armstrong's claims which are subject to binding arbitration.

Through this agreement no party is waiving any rights, remedies, defenses or other actions which that party may elect to exercise or assert within or without the extension period.

Rather, an extension is agreed to in order to provide the parties a full opportunity to present their positions to the Court, and in order to afford the Court adequate time to evaluate the parties' legal positions. This agreement eliminates the need, at this time, for a TRO or for a hearing on your motion for TRO.

Please indicate your agreement to this proposed extension by signing this letter as indicated below and returning a copy to me.

Should you for any reason decline to enter this agreement I would request that you not seek an *ex parte* TRO as there has been more than adequate time for you to involve USADA and its counsel in any hearing before the Court. In any case, in the event that you nonetheless decide to seek an *ex parte* TRO, I would request that you provide a copy of this letter to the Court.

Should you have any questions, please do not hesitate to call me at any time. My mobile number is [REDACTED] and my office numbers are [REDACTED] and [REDACTED].

Regards,

UNITED STATES ANTI-DOPING AGENCY

A handwritten signature in blue ink, appearing to read "William Bock, III", is written over a horizontal line.

William Bock, III  
General Counsel

WB/ljm

On behalf of Lance Armstrong, I agree that the time in which Mr. Armstrong may contest USADA's charges of anti-doping rule violations shall be extended as provided above.

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Timothy J. Herman