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VIA ELECTRONIC MAIL TO [REDACTED]

July 23, 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.*
Cause No. 1:12-cv-00606-SS

Response to Your Letter of July 23, 2012

Dear Tim:

I write in response to your letter of today’s date. First, I agree with you that, as you state, given USADA’s motion to dismiss based on subject matter jurisdiction, Plaintiff is “entitled to *limited* discovery on certain jurisdictional issues USADA has raised.” (emphasis added). Therefore, to the extent that Plaintiff may request non-privileged information in the possession of USADA that is relevant and limited to the jurisdictional issues USADA has raised you will not find resistance from USADA in providing such documents subject to an appropriate protective order. However, it is not apparent how any of the three categories of documents identified in today’s letter from you are relevant to the limited issues raised by USADA’s motion to dismiss.

The issues raised in USADA’s motion to dismiss concern the pre-emption of Plaintiff’s causes of action by the Ted Stevens Olympic and Amateur Sports Act and the availability of an arbitral remedy in the USADA Protocol, USOC National Anti-Doping Policies and USA Cycling rules to address the concerns raised by Plaintiff in his amended complaint. It does not appear that your request for communications since February 1, 2012, between USADA and the Union Cycliste Internationale (UCI) or the World Anti-Doping Agency (WADA) or between USADA and Mr. Bruyneel, Mr. Marti and Drs. Celaya, del Moral, and Ferrari, since June 1, 2012, relate in any way to the limited issues in USADA’s motion to dismiss. Accordingly, pursuant to established Fifth Circuit precedent it does not appear that Plaintiff is entitled to discovery on these matters at this juncture. *See Moran v. Kingdom of Saudi Arabia*, 27 F.3d 169, 172 (5th Cir. 1994) (“discovery, . . . should be limited to only that which is necessary to determine the preliminary jurisdictional issue”). Should you disagree with this analysis I would invite you to provide a written explanation of how the discovery you have propounded in your letter could reasonably lead to the discovery of admissible evidence on the limited jurisdictional issue raised in USADA’s motion to dismiss due to lack of subject matter jurisdiction.

United States Anti-Doping Agency

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With respect to your request for a further extension of the time in which Plaintiff may choose to contest USADA's charges by proceeding to arbitration, USADA proposes to agree with you to extend by ten (10) days until August 23, 2012, or, to a date five (5) days after the Court dismisses Mr. Armstrong's complaint, or rules on USADA's motion to dismiss USADA 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.

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 for the reasons set forth in USADA's motion to dismiss, 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 on USADA's motion to dismiss to the Court, and in order to afford the Court adequate time to evaluate the parties' legal positions. This agreement eliminates the need to file any motion for temporary restraining order ("TRO") in advance of the August 10, 2012, hearing set by the Court.

Please indicate your agreement to this proposed extension by signing this letter as indicated below and returning a copy to me. Should you have any questions, please do not hesitate to call me at any time.

Kind regards,

UNITED STATES ANTI-DOPING AGENCY

A handwritten signature in blue ink, which appears to read "William Bock, III", is written over the typed name.

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.

Timothy J. Herman