



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

VIA ELECTRONIC MAIL TO [REDACTED]

July 26, 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  
Plaintiff’s July 23, 2012 Discovery Requests***

Dear Tim:

This letter is in response to Plaintiff’s discovery requests to USADA contained in your letter dated Monday, July 23, 2012. You requested a response by Friday, July 27, 2012. USADA is responding a day earlier than requested as a courtesy to you.

With respect to each of Plaintiff’s discovery requests USADA objects that the requests are not reasonably calculated to the discovery of admissible evidence on the limited jurisdictional issue before the Court as set forth in USADA’s prior letters to you dated July 23 and July 24, 2012, which are incorporated herein by reference as if fully set forth. *See Moran v. Kingdom of Saudi Arabia*, 27 F.3d 169, 172 (5<sup>th</sup> Cir. 1994) (“discovery . . . should be limited to only that which is necessary to determine the preliminary jurisdictional issue”).

Nevertheless, as a courtesy to you and in order to foreclose argument on this point USADA has decided to provide a complete response to your Request No. 1 for all correspondence with the Union Cycliste Internationale (“UCI”) since February 1, 2012, on the matters set forth in USADA’s June 12 and June 28, 2012, letters. Other than the June 12 and 28 letters which you already have, responsive documents consist of:

June 13, 2012, email from William Bock to Otilie Morand and Ms. Morand’s response thereto;

June 15, 2012, email from Philippe Verbiest to William Bock;

June 18, 2012, letter from Pat McQuaid to Travis Tygart;

June 18, 2012, email from Philippe Verbiest to William Bock;

July 6, 2012, letter from Travis Tygart to Pat McQuaid;

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

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usada@usada.org ■ www.usada.org



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July 10, 2012, letter from William Bock to Francesca Rossi, UCI, and Julien Sieveking, World Anti-Doping Agency (“WADA”);

July 11, 2012, letter from William Bock to Philippe Verbiest, UCI;

July 12, 2012, letter from Otilie Morand, UCI, to William Bock;

July 13, 2012, letter from Pat McQuaid to Travis Tygart;

July 13, 2012, letter from Pat McQuaid to William Bock; and

July 26, 2012, letter from William Bock to Pat McQuaid.

Copies of the foregoing eleven (11) responsive documents are attached to this letter.<sup>1</sup> USADA is not aware of any other substantive documents responsive to this request.

With respect to your Request No. 2 seeking communications between WADA and USADA since February 1, 2012, USADA incorporates its prior objections and objects further to the production of documents covered by the investigative privilege applicable to documents related to a USADA investigation. *See U.S. v. Graham*, 555 F.Supp.2d 1046 (N.D.Cal. 2008) (recognizing investigative privilege).

Without waiving the foregoing objections and privileges and as a courtesy to you USADA states that there are no documents exchanged with WADA since February 1, 2012, which refer to the topic of the anti-doping rules which apply in this case or the topic of USADA’s jurisdiction over any Respondent other than the July 10, 2012, letter from William Bock to Francesca Rossi, UCI, and Julien Sieveking, WADA, and the July 26, 2012, letter from William Bock to Pat McQuaid (on which WADA was copied) that are being produced in response to Request No. 1.

With respect to your Request No. 3 seeking USADA’s communications with the Respondents other than Mr. Armstrong USADA incorporates its prior objections and further states that these documents have not been disclosed by USADA to any person other than the Respondents and their representatives and relevant officials under the rules and to USADA’s knowledge the documents have generally remained out of the public domain. Based on our prior experience with the conduct of Mr. Armstrong’s representatives in this case USADA is concerned that Plaintiff or his representatives would make these documents public as Plaintiff or his representatives have done with other documents referencing Respondents in this case. Moreover, USADA is unaware how any such documents could relate to the limited jurisdictional issues before the Court. Accordingly, without more information from you concerning how these

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<sup>1</sup> USADA has not included transmittal emails or fax cover sheets which contain no substantive information and which therefore do not relate to the request for communications relating to the June 12 and/or June 28 letters. Where emails exchanged with UCI representatives contained substantive information related to your request they are included.



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documents could be relevant to the limited jurisdictional issues we do not believe they are discoverable.

Finally, I note that Plaintiff has neither provided the alleged contract documents requested by USADA nor has Plaintiff's counsel articulated in any detail how any of the documents requested by Plaintiff could relate to the limited jurisdictional issues before the Court. Should Plaintiff provide this information to USADA, you may, of course, feel free to ask USADA to reevaluate its positions herein in light of any new information provided.

Kind regards,

UNITED STATES ANTI-DOPING AGENCY

A handwritten signature in blue ink, which appears to read "William Bock, III". The signature is fluid and cursive, with a prominent initial "W" and "B".

William Bock, III  
General Counsel

WB/ljm