



Timothy J. Herman

Email: [REDACTED]

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July 23, 2012

Mr. William Bock, III
General Counsel
United States Anti-Doping Agency
5555 Tech Center Drive, Suite 200
Colorado Springs, C) 80919

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

Dear Bill:

I write in response to your letter of July 20th, which raised several issues regarding timing and discovery.

First, after reviewing USADA’s motion to dismiss, we do believe we need and are entitled to limited discovery on certain jurisdictional issues USADA has raised. Specifically, we hereby request that USADA produce the following categories of documents, without waiver of our rights to request further discovery at a later date:

1. All documents,¹ including all correspondence (written or electronic), evidencing communications between USADA and the Union Cycliste Internationale, the international federation for cycling, from February 1, 2012 to the present, relating to Mr. Armstrong, any of the other respondents identified in USADA’s June 12th and June 28th charging letters, or the charges or the investigation of the respondents referenced in the charging letters;
2. All documents, including all correspondence (written or electronic), evidencing communications between USADA and the World Anti-Doping Agency, from February 1, 2012 to the present, relating to Mr. Armstrong, any of the other respondents identified in USADA’s June 12th and June 28th charging letters, or the charges or the investigation of the respondents referenced in the charging letters; and

¹ The term “documents” is used herein as the term is used in the Federal Rules of Civil Procedure.

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3. All documents, including all correspondence (written or electronic), evidencing communications between USADA and any of the other respondents (or their representatives) identified in your June 12th and June 28th charging letters, dated or created since June 1, 2012.

Given the upcoming deadline for our response to USADA's motion to dismiss, we ask that USADA produce the responsive documents to us by no later than Friday, July 27th. If that is not acceptable to you, please let us know as soon as possible.

Second, in light of recent events, we feel that a further extension of the USADA created deadline by which Mr. Armstrong would need to decide whether to go forward with the USADA disciplinary proceeding is appropriate. Per our July 10th letter agreement, the current deadline for such a decision is August 13th (30 days from our previous agreement), or five days after the Court rules in USADA's favor on its motion to dismiss, whichever comes first. Because the Court may not rule on USADA's motion to dismiss by August 13th, and if the motion is denied there would not be time at that point to start addressing a motion for a TRO or preliminary injunction, we would propose an extension of the current deadline until five days after a ruling in USADA's favor on its motion to dismiss or a ruling against Mr. Armstrong on a motion for a temporary restraining order or preliminary injunction to enjoin the deadline, whichever occurs later. If USADA is not successful on either motion, then the deadline would be moved per the Court's entry of the temporary restraining order or preliminary injunction. Such an extension would allow the Court to rule on our respective positions on its own schedule (as opposed to a schedule mandated by the parties). As with our prior agreement, this extension would not be considered an acknowledgement by either party of the validity of the other party's positions on any issues (jurisdiction or otherwise); nor would it be deemed a waiver of any rights by either party.

If this is acceptable to USADA, please sign below where indicated and return a copy to me at your earliest convenience. If USADA is not willing to agree to this proposal, or a reasonable alternative, we will need to seek the Court's guidance on how to proceed prior to the August 10th hearing.

I look forward to speaking with you on Tuesday at 3 pm/EST.

Very truly yours,



Timothy J. Herman

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TJH/rlw
AGREED:

William Bock, III
General Counsel
United States Anti-Doping Agency