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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

Request to Confer re. August 10 Hearing and USADA’s Motion to Dismiss for Lack of Subject Matter Jurisdiction

Dear Tim:

In preparation for the August 10, 2012, hearing in this matter and in light of USADA’s motion to dismiss on the basis of subject matter jurisdiction, I would like to confer with you regarding narrowing the issues in dispute on USADA’s motion to dismiss in the following three (3) areas:

1. I request that you confirm whether Plaintiff will stipulate to the authenticity and admissibility of each exhibit attached to the affidavits of Rana Dershowitz, Travis Tygart and Molly Tomlonovic as detailed in the Index to Defendants’ Motion to Dismiss for Lack of Subject Matter Jurisdiction Or, In the Alternative, Motion to Dismiss or Stay Under the Federal Arbitration Act (copy enclosed).
2. I request that you agree that the affidavits of Dershowitz, Tygart and Tomlonovic shall be admissible for all purposes in support of USADA’s motion to dismiss for lack of subject matter jurisdiction. As you know, when subject matter jurisdiction is challenged, the Court is authorized to resolve factual disputes and may rely upon affidavits. *See Moran v. Kingdom of Saudi Arabia*, 27 F.3d 169,172 (5th Cir. 1994); *Matter of Arbitration Between Trans. Chemical Ltd. And China Nat. Machinery Import and Export Corp.*, 978 F.Supp. 266, 274-76 (S.D. Tex. 1997), *aff’d* 161 F.3d 314, 319 (5th Cir. 1998) (*per curium*). An evidentiary hearing is not required. *Trans. Chemical, Ltd.*, 978 F.Supp. at 274-75.
3. Finally, for purposes of preparing a stipulation of uncontested facts relevant to the jurisdictional issues in advance of the August 10 hearing, I request that you specifically indicate by paragraph number any factual statements in the affidavits of Dershowitz, Tygart, Tomlonovic and Farrell which Plaintiff contests.

United States Anti-Doping Agency

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I would hope that we could discuss these matters in our phone conversation scheduled for tomorrow at 3:00 p.m. eastern and, in any case, respectfully request that you provide your written response on each of these items by no later than this Friday, July 27, 2012.

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 large initial "W" and "B".

William Bock, III
General Counsel

WB/ljm