

From: [William Bock, III](#)
To: [Tim Herman](#)
Cc: [Sean Breen](#)
Subject: USADA's Response to Your Request
Date: Friday, August 03, 2012 4:38:18 PM

Dear Tim,

USADA took 17 pages to comment on the very same issues and exhibits. Plaintiff's failure to timely file his response to USADA's motion to dismiss has already put our legal team, including staff members at USADA and outside lawyers and their staff, under additional pressure and time constraints to complete our reply brief. While Plaintiff's legal team will finish its work this evening, I will no doubt be asking people to take away from family time to work on the weekend. Plaintiff's failure to file an on time response to USADA's motion to dismiss will also cut into our preparation time for the upcoming hearing.

Moreover, your request does not identify any specific reason why Plaintiff cannot respond within the page limits in the rules to USADA's motion. Sure, there are lots of rules that are generally applicable to Plaintiff but only a few were cited in USADA's motion to dismiss.

Plaintiff's motion filed late last night to extend his time for filing a response contained statements about the relevance of the UCI's rules. Yet, USADA's motion to dismiss was predicated on the Amateur Sports Act and the Plaintiff's failure to exhaust his remedies under the domestic sports rules applicable to him. These facts lead me to the concern that Plaintiff is seeking additional pages beyond what is provided in the Local Rules simply to raise irrelevant arguments that are not focused on the basis for USADA's motion to dismiss. In any case, I cannot discern the basis of a need for additional pages in the description you have provided below.

Under these circumstances, I do not believe that Plaintiff's request for additional pages to file a response that is 40% over length is reasonable or appropriate. Compliance with Plaintiff's further request to bend the rules would merely place an additional burden on USADA and the Court. Accordingly, I would request that Plaintiff not seek to file an over-length response and instead file a response that complies with the Local Rules.

Should you disregard this request and seek leave of the Court to file a brief in excess of the 20 page limit set forth in the Local Rules I would ask that you attach both your email below and this response to Plaintiff's motion for leave to file an over-length response so that the Court is fully advised regarding Defendants' position on Plaintiff's request.

Kind regards,

Bill

William Bock, III
General Counsel



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US Anti-Doping Agency

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From: Tim Herman [REDACTED]
Sent: Friday, August 03, 2012 3:41 PM
To: William Bock, III
Cc: Sean Breen
Subject:

Bill -

I just left you a VM at your office. My call concerns our effort to confer on leave to file a response 28 pages in length. Local Rule CV-7(e) limits the length of responses to dispositive motions to twenty (20) pages without authorization from the Court. As you know, Defendants' Motion was accompanied by four affidavits, which in turn attached hundreds of pages of exhibits. These exhibits included several complicated and voluminous organizational codes, rules, regulations, bylaws, charters and constitutions, many of which purport to incorporate one another. We are filing a motion for extension of the page limit to request the Court allow us to file a response with approximately eight (8) additional pages in length.

Do you oppose our request to extend the page limit in that regard? if we do not hear back from you this afternoon we will indicate we tried to confer without success. Thank you for your consideration.

Tim

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