



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

VIA ELECTRONIC MAIL TO [REDACTED]

August 24, 2012

Timothy J. Herman
HOWRY BREEN & HERMAN, LLP
1900 Pearl Street
Austin, Texas 78705-5408

Robert J. Luskin
PATTON BOGGS, LLP
2550 M. Street, NW
Washington, DC 20037

Re: Your letter dated August 23, 2012

Gentlemen:

I received and read your letter dated August 23 late yesterday evening, after it was forwarded by a reporter. Sometime later, Mr. Herman emailed the letter to me. I understand from this sequence that your letter was meant for media appeal rather than to communicate anything of importance to me. Accordingly, my response will be short.

As you know, by failing to request arbitration under the USADA Protocol by the agreed deadline Mr. Armstrong voluntarily chose not to contest USADA's charges against him with full knowledge that USADA would impose the sanctions against him set forth in USADA's June 28 charging letter. As explained in the enclosed letter to UCI and to WADA, USADA has done so.

The assertion in your letter that Mr. Armstrong has chosen not to arbitrate under the USADA Protocol because UCI rules require him not to do so was made in your arguments to Judge Sparks and rejected by him. Judge Sparks saw nothing that prevented Mr. Armstrong from arbitrating with USADA because no impediment exists other than your client's unwillingness to confront the evidence against him before neutral arbitrators in a hearing on the merits. Mr. Armstrong owes no obligation to UCI to refuse to arbitrate under the USADA Protocol. Your assertion otherwise is baseless.

Likewise, your claim that USA Cycling has said that USADA lacks jurisdiction to proceed is utterly false and baseless. As to the threat at the end of your letter, this threat, like others before it, will not dissuade USADA from fulfilling its responsibility under the rules.

Your letter adds nothing new to the laundry list of arguments rejected by Judge Sparks earlier this week, but the timing of your letter suggests you were not trying to make legal arguments anyway.

Kind regards,

UNITED STATES ANTI-DOPING AGENCY

A handwritten signature in blue ink, which appears to read "William Bock, III".

William Bock, III
General Counsel

United States Anti-Doping Agency

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