

Bert Beelen O O O O Philippe Verbiest Johan Vanstipelen Sabine Etienne Stefanie De Schrijver Alexander Binon Katrien Beelen Kim Rens Liesbeth Peeters Thomas Beelen Marjolein De Backer Stephanie Lenaerts Ted Kappetijn

Ellen Vandensande Evelien Vanlaer

i.s.m. Dirk De Keuster Wim Rasschaert USADA

Attn Mr Travis Tygart CEO

By e-mail only : tt@usada.org

Dear Mr Tygart,

Re: USADA v/ Bruyneel e. a.

Please find herewith copy of my letter to AAA.

Sincerely yøyr De shujer Ph/Verbiest



Residentie Binnenhof Justus Lipsiusstraat 24 B-3000 Leuven P ondergrond Binnenhof nr. 233 - 234 - 235 - 236 Consultaties na afspraak T 016 31 77 10 F 016 31 77 11 bertbeelen@beelenadvocaten.be www.beelenadvocaten.be

- ° Master in Business Law
- ° Bemiddelaar in familiezaken
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- ^o Burgerlijke éénmansvennootschap onder de vorm van een byba - R.B.V. 323



BEELEN ADVOCATEN AVOCATS • LAWYERS • RECHTSANWÄLTE

Fresno, CA 93704

USA

American Arbitration Association

Western Case Management Center

6795 North Palm Avenue, 2nd floor

By e-mail only: Nilmeierj@adr.org

Attn Ms Jen Nilmeier, manager of ADR services

8 August 2012

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i.s.m Dirk De Keuster Wim Rasschaert

Dear Ms Nilmeier,

Re: 77 190 00225/226/229 12 JENF USADA and Johan Bruyneel, Pedro Celaya Lezama, José Marti

I have the honour to inform you that I act as attorney-at-law for the International Cycling Union (UCI), the International Federation for the sport of cycling.

The UCI was advised by USADA that USADA requested AAA to begin the process for a hearing in USADA's cases against Mr Johan Bruyneel, Mr Pedro Celaya Lezama and José Marti.

The UCI was advised also that it can participate in the hearing process as an observer or as a party.

At this time the UCI has not decided yet whether it will participate in the hearing process either as a party or as an observer.

The UCI has not received a copy of USADA's case file. The UCI is not aware of the evidence that USADA will invoke against the respondents. Therefore it is not possible for the UCI to decide at this time in a meaningful way whether to intervene in the case(s) or not.

I would like to ask you what is the deadline for the UCI to intervene as a party or as an observer and how such intervention should be made.

Another question is what the procedural rights and obligations are of an intervening party or an observer. If UCI intervenes as a party shall it be considered as a party under all clauses of AAA's Supplementary Procedures? For example, is there a right to receive all communications and submissions, is there a right to file submissions or documents just as USADA and the respondents?



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Can UCI invoke its own rules in this respect as is suggested by R 29.f?

In the meantime I would like also to point out the following.

The UCI contests that USADA has authority for results management in these cases and consequently that USADA has jurisdiction to have disciplinary proceedings initiated (see UCI's letter to USADA dated 3rd August 2012, copy enclosed). It is the position of the UCI that only the UCI has the authority to decide whether disciplinary proceedings be initiated against the respondents. The UCI has not taken a decision as to whether such disciplinary proceedings should be initiated or not.

USADA claims that the file contains evidence that shows that USADA has results management authority for such evidence. Yet as USADA refused to provide UCI with a copy of the file the UCI is not in a position to assess whether there is any merit in USADA's claim that it has results management jurisdiction.

USADA has indicated that its cases against Mr Bruyneel, Mr Celaya Lezama and Mr Marti are part of a consolidated case involving other persons the case of which USADA apparently expects to be brought before AAA in a later stage. In this respect USADA has requested that the panel chair in the respective cases is appointed once the parties in all cases have appointed an arbitrator. How AAA is going to deal with this situation? Will AAA deal with these cases as one consolidated case and if so what are the consequences for the proceedings, for example in terms of deadlines, in particular for any intervention as a party or as an observer?

As you may have noted UCI has publicly expressed concerns about the respect of the rules of due process by USADA. For example to the knowledge of the UCI and until last Friday none of the six respondents that were initially notified by USADA have received a copy of the file which USADA claims to contain evidence of multiple non-analytical anti-doping rule violations and a conspiracy over a period of almost fifteen years. The UCI expects that the defendants will raise this issue for themselves yet the UCI is surprised to see that the defendants are expected to file an answer with AAA in an extremely short deadline, especially in view of the seriousness of the allegations and the fact that the respondents ignore what evidence may be invoked against them.

This letter and UCI's requests for information regarding a possible intervention shall not constitute or be construed as a recognition whatsoever of any right of USADA to conduct results management or initiate disciplinary proceedings.

I thank you for your attention.

De huje Yours sincerel Philippe Verbiest

Cc Mr Travis Tygart, USADA Mr Mike Morgan

