



Timothy J. Herman
Email: therman@howrybreen.com
Direct dial: 439-4103

August 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:

The United States Anti-Doping Agency (“USADA”) has presented our client, Lance Armstrong, with the following ultimatum: Agree, by midnight on Thursday, August 23rd, to submit to an unauthorized, *ultra vires* disciplinary proceeding against him by USADA or accept USADA’s proposed sanction. Given the assertion of jurisdiction and authority by the Union Internationale Cycliste (“UCI”), and its mandate that no one associated with UCI or USA Cycling should participate in such an arbitration, which was confirmed by USA Cycling, Mr. Armstrong cannot proceed into the arbitration. For that reason and based on the reservations articulated by Judge Sparks, it would appear that the appropriate next step for USADA would be to: a) follow the governing rules and submit the information and evidence to UCI for an independent review and decision; or b) take the jurisdictional dispute (which puts Mr. Armstrong in the middle) to the appropriate forum to resolve the issue, the Court for Arbitration for Sport (CAS).

From the beginning, we have challenged USADA’s motives, methods, and authority to proceed with a so-called conspiracy charge against Mr. Armstrong and others. While the federal court concluded that it lacked jurisdiction to address these issues, its decision leaves no room for doubt that our concerns are well-founded. Indeed, the court’s observations make clear that Mr. Armstrong’s arguments that USADA lacks jurisdiction are compelling, and that USADA’s efforts to sanction Mr. Armstrong for alleged conduct dating back to before 1996, had “the smell of bad fish.” The ethical implications for an inquisition based on hearsay from witnesses to whom USADA has promised leniency are questionable at best. As for the inclusion of foreigners who have never set foot on US soil, Judge Sparks detected a “stench”. As the Court aptly put it, USADA’s conduct has been “motivated more by politics and a desire for media attention than faithful adherence to [USADA’s] obligations.

USADA has no authority to proceed in this matter for all of the reasons we have set out in our previous pleadings, correspondence and my presentation in Federal Court. After Mr. Armstrong filed his federal court action, UCI, the international federation for cycling, and USA Cycling, the national governing body for cycling in the United States, both confirmed that UCI, not USADA, has the exclusive authority and jurisdiction in this matter.

For reasons of its own, which Judge Sparks correctly characterized as suspicious and self-serving, USADA refuses to abide its own governing rules. Mr. Armstrong is not free to pick and choose the rules he must follow. Rather, as a retired international cyclist responding to charges about international events he competed in pursuant to his UCI international license, Mr. Armstrong must follow the rules and decisions of the UCI. Under all the applicable rules, USADA cannot proceed until it submits its evidence to UCI's independent panel for review and adjudicates any disputes with that panel about jurisdiction, scope, the reliability of the evidence, and all related issues with UCI in CAS. At an absolute minimum, UCI and USADA should go to CAS to resolve the jurisdiction issue before any proceedings begin, a solution offered by UCI but rejected by USADA.

A USADA proceeding would force Mr. Armstrong to arbitrate about jurisdiction in at least two, and perhaps three, arbitrations – AAA and then CAS – and perhaps later in a Swiss court. Then, when even USADA's unfair multi-stage process confirms that USADA does not have authority or jurisdiction, USADA would then be free to submit the file to UCI for consideration and referral and start what would be another review by CAS prior to any dispositive proceeding. It is fundamentally unfair to put Mr. Armstrong through that costly and time-consuming process, particularly when it is already clear that USADA does not have authority to bring these charges. Mr. Armstrong will, instead, respect the decision of UCI with every confidence that his position should and will be vindicated through independent review by authorities with lawful jurisdiction over this matter. As you are aware, this has been the exclusive and required procedure invoked for every international cyclist except Mr. Armstrong.

We believe UCI's independent review panel would conclude, as any fair tribunal would, that the little evidence that exists is tainted testimony procured improperly from witnesses trying to profit at Mr. Armstrong's expense and secured by improper coercion and promises to witnesses. It is also very likely that USADA's blatant failure to observe its own 8-year statute of limitations by pursuing allegations over 17 years old would be summarily corrected.

In one of USADA's many recent press releases, USADA's CEO, Travis Tygart, stated that "Mr. Armstrong agreed to play by the same rules that apply to every other athlete and we believe he should not be allowed to create a new set of rules that apply only to him." But if USADA were sincere about its repeated admonitions, then USADA should follow the governing rules, under which UCI has exclusive authority for this matter.

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Any organization that is serious about fair play, integrity, and respect for rules, would take Judge Sparks' criticisms to heart, rather than waste taxpayer money in the vindictive pursuit of Mr. Armstrong. Sadly, based upon our experience with USADA over the recent months, we have little confidence that USADA has the institutional character for that task. Indeed, the Court further observed that "USADA's apparent single-minded determination to force Armstrong to arbitrate" indicated that USADA was "acting according to less noble motives" than to combat doping.

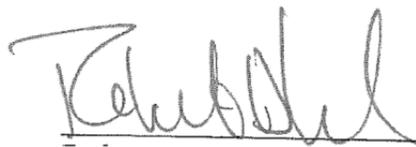
To be clear: Mr. Armstrong is not requesting a AAA arbitration because -- unlike USADA -- he respects the rules applicable to him and not because of any belief that USADA's charges have merit or any fear of what a fair proceeding would establish.

Finally, you are on notice that if USADA makes any public statement claiming, without jurisdiction, to sanction Mr. Armstrong, or to falsely characterize Mr. Armstrong's reasons for not requesting an arbitration as anything other than a recognition of UCI jurisdiction and authority, USADA and anyone involved in the making of the statement will be liable.

Very truly yours,



Timothy J. Herman



Robert Luskin

TJH/ll