



Timothy J. Herman

Email: [REDACTED]

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July 31, 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:

I write in response to your letter of yesterday regarding the admissibility of the affidavits and the hundreds of pages of exhibits thereto submitted by USADA in support of its Motion to Dismiss. (I note that although your letter states that USADA has submitted three affidavits in support of its motion, it has, in fact, submitted four.) Given that, as noted in my July 27th letter, we plan to submit affidavits in support of Mr. Armstrong's opposition to USADA's motion, and since we are currently busy preparing that opposition, we continue to believe that it would be more efficient to wait until we have filed our opposition before conferring regarding a list of undisputed facts and other evidentiary matters in advance of the August 10th hearing. That said, if you would like to speak this Thursday, August 2nd, as to our preliminary views on these evidentiary issues, we are willing to do so on the understanding that we cannot make any final determinations until our affidavits and exhibits have been filed, and we are informed of your position with respect to those. Either way, it appears we will need to have an omnibus meeting or call early next week to discuss evidentiary issues with respect to the hearing, but let us know if you would like to speak on Thursday, and, if so, what times work for you. I have Thursday morning available. Also, please let us know your availability for an omnibus meeting or call next week.

In the spirit of cooperation and narrowing the issues for the hearing, however, we are willing to agree that, for purposes of the August 10th hearing only, we do not plan to object on authenticity grounds to the affidavits and exhibits thereto attached to USADA's Motion to Dismiss. But, by agreeing not to object to the authenticity of these documents for purposes of the August 10th hearing, we are not necessarily conceding that these documents are, in fact, authentic; nor are we waiving any other potential objections to these documents (or any of the documents attached to USADA's motion to dismiss), including, but not limited to, relevance, completeness, best evidence

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rule or hearsay. Finally, nothing herein is intended, nor should be construed, as a waiver of any right to contest or otherwise dispute the factual allegations in any affidavit.

Very truly yours,

A handwritten signature in black ink that reads "Timothy J. Herman". The signature is written in a cursive style with a large, prominent "T" and "H".

Timothy J. Herman

TJH/ll