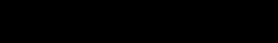


From: [Tim Herman](#)
To: [William Bock, III](#)
Date: Monday, August 06, 2012 3:20:36 PM
Attachments: [Farrell Affidavit.pdf](#)

Bill

Attached is an affidavit from Shawn Farrell of USA Cycling. We received this affidavit around noon today. USA Cycling wanted to insure complete accuracy and Mr. Farrell only today returned the executed affidavit. We propose to file this affidavit today as supplementary evidence to our response filed Friday. As you know, Mr. Farrell provided USADA an affidavit which was appended to your Motion to Dismiss. The matters contained in the affidavit are simply corroborative of many of the matters contained in my affidavit of Friday. We write to confer to see if you oppose on the grounds of timing the filing of this affidavit via a notice of supplemental affidavit in support of Armstrong's response. We are not asking you to make substantive objections, if any, at this time. Please let us know by 4 pm central today so we may reflect it in our certificate. Thank you for your consideration.

Tim

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(512) 474-7300

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

Lance Armstrong,

Plaintiff,

v.

United States Anti-Doping Agency, *et al.*,

Defendants.

Civ. Action No.1:12-cv-00606-SS

AFFIDAVIT OF SHAWN O. FARRELL

I, Shawn O. Farrell, under penalty of perjury, hereby declare and state as follows:

1. My name is Shawn O. Farrell. I am the Technical Director for USA Cycling and have been employed in that position since 2003. I am familiar with the International Olympic Committee's Olympic Charter; the Constitution, rules and regulations of the Union Cycliste Internationale ("UCI"), including the UCI's Anti-Doping Rules ("UCI ADR"); the World Anti-Doping Agency's ("WADA") WADA Code; the Bylaws of the United States Olympic Committee ("USOC"), and the Bylaws, rules and license applications of USA Cycling.

2. UCI is the international federation for cycling. The purposes of UCI, as set out in its Constitution, include "to direct, develop, regulate, control and discipline cycling under all forms worldwide." UCI Constitution, Art. I.2.a, at 1. A true and correct copy of the current version of the UCI Constitution is attached as Exhibit 22 to the Affidavit of Timothy J. Herman, Esq. (Doc. 45-1) ("Herman Aff.").¹ UCI is responsible for overseeing international cycling

¹ In order to avoid the needless submission of duplicative exhibits, I will refer to exhibits to previously-filed affidavits.

competitions, including testing athletes for prohibited substances at international events that it sanctions.

3. The members of UCI are the national cycling federations around the world, including USA Cycling, which is recognized by UCI as the National Federation for cycling in the United States. USA Cycling is also recognized by the USOC as the National Governing Body for cycling in the United States.

4. UCI has a comprehensive set of anti-doping rules—the UCI ADR—by which its license-holders are bound. The current version of the UCI ADR is attached as Exhibit 23 to the Herman Aff.

5. Under the UCI ADR, UCI has exclusive jurisdiction over testing at those international events where it conducts testing (if UCI does not test at a particular international event, the National Federation in that country may test), and Doping Control for such matters is governed exclusively by the UCI ADR. *See* Ex. 23 to Herman Aff. (current UCI ADR) at Arts. 2, 4, 202. As defined by the ADR, “*Doping Control*” encompasses:

All steps and processes from test distribution planning through to ultimate disposition of any appeal including all steps and processes in between such as provision of whereabouts information, sample collection and handling, laboratory analysis, TUE’s, results management and hearings.

Id., Appendix 1, at p. 75.

6. Under the UCI ADR, UCI also conducts out-of-competition testing of its license-holders, and Doping Control for such testing is governed exclusively by the UCI ADR. *Id.*, Arts. 8, 202.

7. As a national federation for cycling, USA Cycling is bound by, and obligated to follow, UCI’s Constitution, rules, and regulations (including the UCI ADR) where applicable. *See* Ex. 24 to Herman Aff. (current USA Cycling Bylaws) § K.4; Ex. 22 to Herman Aff. (current

UCI Constitution), Art. II.6.1, at 2; Ex. 25 to Herman Aff. (excerpt from current Olympic Charter), Art. 29; Ex. 26 to Herman Aff. (excerpt from current USA Cycling Rule Book), at Rule 1B. Likewise, under the UCI Constitution, USA Cycling “shall have the Constitution, Regulations, and decisions of the UCI complied with by all persons concerned.” *See* Ex. 22 to Herman Aff. (current UCI Constitution), Art. II.6.1, at 2. The UCI Rule Book is a link posted on USA Cycling’s website at <http://www.usacycling.org/usa-cycling-rule-book.htm>.

8. Mr. Armstrong applied for and was issued several annual cycling licenses in classes that permitted him to race internationally in UCI sanctioned races.

9. Blank copies of those international cycling license applications that Mr. Armstrong would have signed for the years 2003 and thereafter are attached to my previous Affidavit (dated July 19th) as Exhibits A–G. Mr. Armstrong would have signed license applications for years prior to 2003, but USA Cycling either does not have them or could not locate them, so they were not attached to my previous affidavit. USA Cycling was not able to locate actual signed copies of Mr. Armstrong’s international license applications in its expedited search of its records for all the applicable years. The international license applications that Mr. Armstrong would have signed prior to 2004 did not refer to USADA.²

10. The Tour of Switzerland and the *Tour de France* are professional cycling events sanctioned by UCI and are part of the “UCI WorldTour.” *See* Ex. 27 to Herman Aff. (excerpts of UCI Cycling Regulations, Part 2: Road Races), at 2.1.001, 2.1.005, 2.15. UCI has exclusive

² In my previous Affidavit of Shawn O. Farrell, dated July 19, 2012, I quoted language referencing USADA as being included in the 2003 and 2004 international license applications. *See* Affidavit of Shawn O. Farrell, ¶ 10. I reviewed the documents again, and the initial reference was incorrect: the language I quoted first appeared in the 2004 application. The international license application in 2003 did not refer to USADA.

authority over testing at these events when it chooses to engage in such testing. *See* Ex. 23 to Herman Aff. (current UCI ADR), Arts. 2, 4, 202.

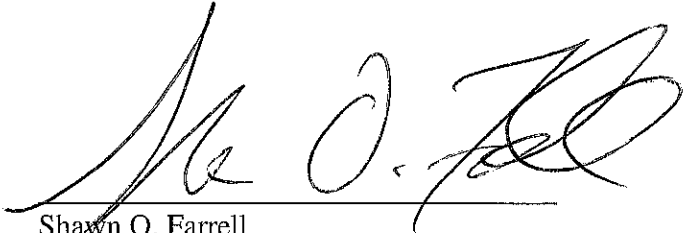
11. The professional cycling teams on which Mr. Armstrong competed (*e.g.*, the United States Postal Service Team and the RadioShack team) were professional cycling teams that were licensed to compete in UCI World Tour events, including the Tour of Switzerland and *Tour de France*, as UCI ProTeams, the highest level team designation available under UCI's rules. *See, e.g.*, Ex. 28 to Herman Aff. (printout from www.uciprotour.com listing RadioShack team as a UCI ProTeam); Ex. 27 to Herman Aff. (excerpts from UCI Cycling Regulations, Part 2: Road Races), at 2.15, § 4; Ex. 5 (excerpts from current UCI Rule Book) at Rule 1A24. UCI ProTeams are managed directly by the UCI. The events that Mr. Armstrong's UCI ProTeams competed in, including the Tour of Switzerland and *Tour de France*, are not amateur athletic competitions or part of the Olympic, Paralympic, or Pan-American Games, or any world championship. USA Cycling does not designate which cyclists will compete for those UCI ProTeams or in the events in which they participate. Entrants in these races compete for professional teams, and not for their respective nations pursuant to the rules of such races. In addition, USA Cycling does not organize or sponsor cyclists to represent the United States in those professional cycling events, and USA Cycling does not conduct any selection process or tryout procedure for those competitions.

12. The "Medical Control" policy referenced in paragraph 13 of my earlier affidavit is an appendix to the USA Cycling Rule Book, which is separate from the USA Cycling Bylaws or Articles of Incorporation.

13. Floyd Landis was a UCI license-holder for a number of years, including 2010.

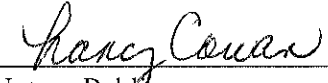
14. The foregoing statements are true and accurate to the best of my knowledge,
information and belief.

Dated this 6 day of August, 2012.


Shawn O. Farrell

County of El Paso)
) ss.
State of Colorado)

I certify that on this 6th day of August, 2012, Shawn O. Farrell appeared before
me and personally subscribed the foregoing Affidavit. Witness my hand and official seal.



Notary Public

[SEAL]

My commission expires: _____

**NANCY COWAN
NOTARY PUBLIC
STATE OF COLORADO**
MY COMMISSION EXPIRES 04/01/2014