

15-05

CAUSE NO. 04-9557

JAN 10 2005

LANCE ARMSTRONG AND
TAILWIND SPORTS, INC.

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IN THE DISTRICT COURT OF

V.

DALLAS COUNTY, TEXAS

SCA PROMOTIONS, INC.

M-298TH JUDICIAL DISTRICT

ORDER

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P31

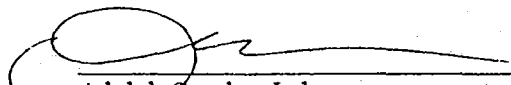
On this day came on to be heard the Fourth Supplemental Motion to Appoint Arbitrator and Motion to Strike Defendant's Arbitrator. After hearing the evidence and argument of Counsel, the Court finds that such motion should be granted. The Court further finds that Thibault de Montbrial has a clear, present and ongoing conflict of interest, as he is currently serving as counsel of record in ongoing litigation against Lance Armstrong, one of the claimants herein. The Court further finds that the appointment of Mr. Montbrial will unduly prolong and hinder the efficient conduct of the arbitration proceeding involved herein, as his residence in Paris, France will prevent a prompt and fair arbitration tribunal proceeding.

It is therefore ORDERED that Defendant's appointed arbitrator, Thibault de Montbrial, is stricken as an arbitrator in this matter. It is further ORDERED that SCA Promotions, Inc., Defendant, appoint a new arbitrator on or before ~~December 31, 2004~~ *February 1, 2005* *Or*

The Court further finds that the parties have been unable to agree upon a third arbitrator and that the Court has authority and responsibility, under the Texas Arbitration Act, Sec. 171.041(b), Civil Practice and Remedies Code, to appoint such third arbitrator. ~~The Court has been presented with six names from which to choose such third arbitrator.~~

It is further ORDERED that
of _____ Texas serve as the third arbitrator. If
_____ is unwilling or unable to serve in such capacity, then
_____ of _____ Texas is ORDERED
to serve as the third arbitrator.

Signed this 5th day of January, 2005
~~December, 2004.~~


Adolph Canales, Judge

APPROVED AS TO FORM:

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