

LAW OFFICES OF HOWARD L. JACOBS

October 23, 2006

VIA FACSIMILE 719-785-2001 AND REGULAR MAIL

Travis Tygart
USADA
1330 Quail Lake Loop, Suite 260
Colorado Springs, CO 80906

Re: USADA v. Floyd Landis
AAA Case No. 30 190 00847 06

Dear Travis:

You have requested that I outline, to the greatest extent possible, the specifics of our request for an open public hearing pursuant to Paragraph 10(b) of the USADA Protocol. Initially, it is stressed that I believe that the fundamental question is whether or not the hearing will be open to the public, and that the details can be worked out between the parties and the arbitrators. In that regard, our request for a public hearing is not conditioned on acceptance of all of the specifics outlined in this letter; to the contrary, and as stated in my October 17, 2006 letter to the AAA, Landis requests that the hearing be as open as possible to both the public and the media, recognizing that there may be some space limitations depending on the interest level. To the extent possible at this early juncture, some of the specifics of our request, as well as specific responses to questions raised by you in your October 17 and 19 correspondence, are addressed below.

1. LANDIS REQUESTS THAT TELEVISION CAMERAS BE ALLOWED TO RECORD AND TRANSMIT THE HEARING

Without knowing at present whether there will be any interest, Landis requests that television cameras be permitted in the hearing room, for possible usage in both television (international and domestic) and / or Web based media. We

have spoken to several news outlets including CNN, Court TV and various networks regarding the logistics of such a request. They have all generally stated that in a large auditorium, a single pool camera - or even a limited number of network cameras - would be unobtrusive and would not interfere with the arbitration sessions (with wireless microphones and zoom lenses, there is no need to be close to the hearing itself). As to some of the specifics of the set-up and possible intrusion on scheduling, I would propose the following (much of which is taken from the media guidelines attached to my October 17 letter to the AAA):

1. You questioned whether television will lengthen the hearing or change the time schedule. It should not; the arbitration panel can ensure this just the same as any trial judge.
2. Specific proposal regarding equipment and personnel:
 - a. Maximum of two television cameras, with one operator per camera, and one still photographer will be permitted in the hearing room. The Chair of the Panel, or designee, shall identify the location in the hearing room for the camera equipment and operators.
 - b. Equipment shall not produce distracting sound or light. Signal lights or devices to show when equipment is operating shall not be visible. Motorized drives, moving lights, flash attachments, or sudden light changes shall not be used. Still cameras that do not operate quietly will not be used at any time when hearing is in session.
 - c. Except as otherwise approved by the Chair of the Panel or designee, existing hearing room sound and light systems shall be used without modification. Audio pickup for all media purposes shall be accomplished from existing audio systems present in the court facility, or from a television camera's built-in microphone. If no technically suitable audio system exists in the hearing room facility, microphones and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance by the Chair of the Panel or designee.
 - d. All equipment must be set up prior to the opening of the arbitration session and may not be removed until after the conclusion of the

sessions, or during a hearing recess. Camera operators shall wear suitable attire in the hearing room.

e. Media personnel shall also adhere to the direction of the Chair of the Panel or designee in such matters as security, parking, noise avoidance, and other related issues.

f. Media personnel may not interview participants in the hearing room until the conclusion of the session, and the arbitrators have left the bench. The Panel may, where space is available, make available a separate room where news reporters and photographers may conduct their business with the consent of persons willing to participate in such interviews.

g. Not more than one audio system for radio broadcast purposes shall be permitted. Audio pickup for all media purposes other than tape recording shall be accomplished from existing audio systems present in the hearing room. If no technically suitable audio system exists in the hearing room, microphones and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance of any proceeding by the Chair of the Panel.

3. Specific proposal regarding news media pooling:

a. Camera coverage will be permitted by any person or entity regularly engaged in the gathering and dissemination of news. If coverage is sought by more than one person or entity, a pool system must be used.

b. It will be the responsibility of the news media to agree upon a pooling arrangement for their respective news medium. Such pooling arrangements shall include the designation of pool operators, procedures for cost sharing, access to and dissemination of material (including where appropriate satellite coordinates for video footage of arbitration session), and selection of a pool representative if appropriate.

c. The AAA and/or the Arbitration Panel may not be called upon to mediate or resolve any dispute as to such arrangements. The Chair of the Panel shall be notified of any pooling arrangements at least 24 hours prior to the arbitration proceeding.

4. In the event that no media interests desire to arrange for television cameras to be present during the hearing, Landis will request the right to hire a single video camera to videotape the arbitration proceeding, consistent with the restrictions expressed above.

2. DISTRIBUTION OF SEATS

As stated in my October 17 letter, the number of available seats range from approximately 160 to 400, depending on the hearing room utilized at Pepperdine. Landis proposes that the seats be distributed as follows: 20% of available seats to be given to Pepperdine University School of Law to distribute to further their educational purposes; 40% of available seats to be given to USADA to distribute as it sees fit; and 40% of available seats to be given to Landis to distribute as he sees fit. Any print or other media not manning or assisting with the video/radio coverage described in section 1 above would require credentials from one of the parties or from Pepperdine to gain admittance.

I would envision that we would simply provide credentials to Pepperdine and the parties, distributed as stated above or as otherwise agreed. Those individuals with appropriate credentials would be granted admittance to the campus and the hearing room by Pepperdine security, while others would be denied admittance.

3. PUBLIC DISSEMINATION OF DOCUMENTS

It is proposed that each party shall have the right to disseminate any correspondence, briefs, exhibits or discovery in any manner that the party sees fit, subject to any limitations that may be placed by the Arbitration Panel. Each party shall be responsible for the public dissemination of the documents that the party chooses to disseminate.

4. AAA RULES REGARDING CONFIDENTIALITY OF PROCEEDINGS

As stated in my October 17 letter, the confidentiality issue is adequately addressed by Rule R-25 of the supplemental rules, which provides in pertinent part as follows: "The arbitrator and the AAA shall maintain the privacy of the

hearings unless the law provides to the contrary or the hearing is open to the public as prescribed in R-4."

5. AAA RULES PRECLUDING PUBLIC COMMENT BY USADA

You have asked whether Mr. Landis is willing to waive the public comment prohibition contained in Article 12 of the USADA Protocol, to allow USADA to publicly comment during all phases of the proceeding. Landis is willing to waive that public comment prohibition, with that prohibition being lifted after USADA produces all documents requested in my October 16, 2006 correspondence addressed to USADA and the UCI. The Article 12 prohibition is specifically not waived as to any information or documentation known by USADA but not provided to Landis by USADA.

I am sure that there are additional issues and details of the proposal that will need to be considered at a later date. However, I believe that this answers all of the questions that you have raised. If there are additional questions that you have regarding our request for an open public hearing, please advise.

In the meantime, should you have any questions, please do not hesitate to contact me.

Very truly yours,



Howard L. Jacobs

cc: Floyd Landis (via e-mail)

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