

APPENDIX B

INVESTIGATIVE REPORT

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APPENDIX B -1

Investigators' Summary

To: Kentucky Horse Racing Commission

From: Patrick Adams, Director of Enforcement

Date: March 10, 2011

Prior to the running of the BC Ladies' Classic at Churchill Downs on November 5, 2010, ESPN reporters interviewed jockey John Velazquez while he was warming up Life At Ten ("LAT"). The ESPN commentary and LAT's performance during the race led to an investigation by the KHRC. The results of the investigation are outlined in this summary.

LAT is owned by Candy DeBartolo and trained by Todd Pletcher. The ESPN reporter who interviewed Velazquez during the warm up was Jerry Bailey. After this interview, commentary was made by ESPN reporters Jeannine Edwards, Randy Moss, Joe Tessitore, Kenny Mayne, Hank Goldberg and Jay Privman. Other statements made by Todd Pletcher added to the controversy. There were comments made by the ESPN reporters about the KHRC veterinary staff that were inaccurate. The first group of people covered in this summary will be the KHRC veterinary staff. KHRC veterinarians were positioned around the track to observe the horses during the warm up and running of the race. While it was reported the veterinarians were advised of the ESPN commentary, no KHRC veterinarian was given any specific information. Dr. Larry Bramlage asked if a jockey had presented a horse for inspection; however he did not provide the name of a horse or jockey. Dr. Bramlage was the front side AAEP On-Call veterinarian for the event. All of the KHRC veterinarians were interviewed and provided written statements as to their respective locations and observations before, during, and after the running of the race. None of the KHRC veterinarians observed signs of lameness or distress in any of the horses in the BC Ladies' Classic prior to the race. Velazquez did not present LAT for inspection to any KHRC veterinarian. During the running of the race, LAT trailed the rest of the field but was not pulled up by Velazquez. After finishing the race many yards behind the field, Velazquez pulled up LAT after the finish line. KHRC Chief Veterinarian, Dr. Bryce Peckham, inquired about the horse, and Velazquez replied that the horse was fine.

The Breeders' Cup also provided veterinarians who were located with or near the KHRC veterinarians. The Breeders' Cup veterinarians were also interviewed and provided written statements. None of the Breeders' Cup veterinarians observed any horses in the field showing any signs of lameness. However, Dr. Jill Bailey received a text message from a friend advising her of the ESPN commentary while the horses were being led to the starting gate. Dr. Bailey did not bring this information

to the attention of the KHRC staff because she assumed the situation had been addressed due to the radio conversation between Dr. Bramlage and Dr. Peckham.

KHRC investigators interviewed all of the other trainers and jockeys in the race to determine if they saw or heard anything concerning LAT. These interviews garnered no information as all of the individuals were focused on the race and their respective horses.

The pony riders for this race were also interviewed, with much the same result as the trainer and jockey interviews. However one pony rider, Jerry Mealing, thought LAT looked stiff and appeared to be reluctant during the warm up. Betty Harless rode the pony for LAT and stated she was concerned about the horse, but she did not think Velazquez felt he was in danger because he did not present the horse for examination to the veterinary staff. Deputies from the Jefferson County Sheriff's Office provided twenty-four hour security the week of the Breeders' Cup. Two deputies were assigned to each barn. According to the deputies, nothing out of the ordinary or illicit occurred during the week. The Thoroughbred Racing Protective Bureau also provided seventeen agents during the week for enhanced security. The chief TRPB agent, Pete Lang, stated none of the TRPB agents reported any irregularities or suspected rule violations.

Trainer Todd Pletcher was in the Horsemen's Lounge prior to the running of the BC Ladies' Classic. ESPN was not being shown, but Pletcher overheard an ESPN technician state that LAT was being taken to the veterinarians for examination. After he heard this statement, Pletcher went down to the track to look at LAT. Comments Pletcher later made to ESPN reporter Jay Privman were based on what he overheard from the ESPN technician. Later Pletcher acknowledged to the KHRC investigator that Velazquez had not asked for LAT to be examined by a veterinarian.

Pletcher watched the ESPN coverage for the first time during his interview with KHRC investigators. Based on what he observed, he stated he saw no reason for the horse to be scratched. While the horse was "calmer than usual" in the paddock, Pletcher felt the horse would race well.

Velazquez also expected LAT to run well. During his pre-race interview with Jerry Bailey, Velazquez said the horse was "not warming up like she normally does." When interviewed by KHRC investigators, Velazquez observed that the ESPN reporters had elaborated on his pre-race comment. Velazquez said he would not have loaded LAT into the starting gate if he thought something was wrong with her. During the race, Velazquez said the horse acted as if she "wanted to run" but would not. Following the race, Velazquez made the statement, "I should have scratched her," to assistant trainer Michael McCarthy. According to Velazquez, this statement was based solely on LAT's performance during the race. Interviews were

conducted with the following Pletcher employees: Michael McCarthy, assistant trainer; Patty Krotenko, exercise rider; Miguel Rivera, groom; and, Horatio DePaz, barn foreman. These employees noticed LAT was unusually calm on the day of the race, but expected LAT to run well. During their respective interviews, Pletcher's employees voiced different opinions regarding LAT's calm demeanor and poor performance, including a reaction to the cold weather and the lights. Following the race, they agreed LAT showed no outward signs of lameness and did not seem distressed. However, they added the horse seemed to be "tying up" after returning to the barn and receiving a bath. LAT was treated that night for this condition by Dr. Ken Reed.

The owner, Candy DeBartolo, explained that due to other personal and business obligations, DeBartolo had not been involved in the management of LAT and had never seen her run before. The DeBartolos hired a racing manager, David Vance, to oversee all aspects of LAT's training. Vance was interviewed several times by KHRC investigators.

LAT was treated by Dr. Steven Allday, Dr. Robert Landry and Dr. Ken Reed during the week leading up to and after the Breeders' Cup.

Dr. Allday injected LAT's joints on November 1, 2010. Dr. Allday watched the race on ESPN and stated that he thought LAT was "tying up" during the warm up. He believed LAT should have been scratched.

Dr. Landry administered the race day medications of Lasix and Amicar approximately four hours prior to the post time. Dr. Landry did not remember treating LAT before or after these administrations and was not present for Dr. Reed's treatments.

Dr. Reed was interviewed and stated he had treated LAT with Phenylbutazone during the week leading up to the race. Dr. Reed watched the ESPN coverage and felt that LAT appeared to be "tying up" during the warm up. After watching LAT's poor performance, Dr. Reed went to Pletcher's barn and treated LAT following the race for "tying up." Dr. Reed did not recall LAT having an elevated temperature that evening, but said she did have an elevated white blood cell count. Dr. Reed believed LAT may have had an undiagnosed virus or infection which manifested in the poor performance.

In addition to the above veterinary treatments, LAT received a massage from physical therapist Carol Seaver during the week prior to the race.

AAEP On-Call veterinarians, Dr. Larry Bramlage and Dr. Foster Northrop, were interviewed regarding their observations and actions. During the pre-race warm up, Dr. Bramlage was located near the winner's circle. ESPN reporter Jeannine

Edwards informed Dr. Bramlage of the ESPN commentary and believed that Dr. Bramlage would forward the information to the KRHC veterinarians. While Dr. Bramlage was aware of the specific jockey and horse number in question, he did not forward that information to Dr. Peckham because he felt that reporters and spectators might overhear him.

Prior to the running of the race, Dr. Northrop was on the back side and received a call from his assistant, Dr. Ross Russell, advising him of the ESPN commentary. Dr. Northrop attempted to call Dr. Bramlage, but did not reach him before the race started. Dr. Northrop met LAT on the track after the race and walked back with her to the barn. He noticed no outward signs of lameness or distress. Dr. Northrop was advised by McCarthy that he believed LAT reacted to the lights.

Churchill Downs starter, Scott Jordan, was unable to see LAT prior to being loaded in the gate. As he loaded LAT into the gate, assistant starter Mike Edwards noticed nothing out of the ordinary with her. Edwards also stated that Velazquez did not say anything to him regarding LAT's condition. Edwards noticed LAT broke slowly from the gate. Other assistant starters, as well as the tractor driver for the gate, were interviewed but provided no additional information.

Outrider Greg Blasi heard Velazquez' portion of the ESPN commentary and believed the horse appeared to be travelling wide in the front. On retrospect, Blasi said he felt he should have said something, but expected Velazquez to present the horse for examination if he was concerned about LAT's condition.

The ESPN reporters were interviewed. They believed they were giving the betting public important information regarding the race. ESPN producer Amy Zimmerman telephoned the stewards about the ESPN commentary. While the exact time of this call is unknown, it is believed to have been approximately five minutes and thirty seconds before LAT was loaded into the starting gate. Wagering analyses were conducted by the following three entities: the KHRC; TRPB; and, Betfair. No irregularities or integrity concerns were raised in the respective analyses.

While LAT was not sampled following the race, blood samples were taken to test for TCO₂. These samples were sent to the KHRC laboratory for testing. No prohibited substances were detected in the blood samples. The KHRC also submitted the syringes used to administer Lasix and Amicar to LAT to the KHRC laboratory for testing. No prohibited substances were detected in the syringes. The Office of Inspector General for the Transportation Cabinet conducted the investigation of the Stewards. According to the OIG report, the stewards were notified by Zimmerman of the ESPN commentary. This notification is reported to have been approximately five minutes and thirty three seconds prior to LAT loading into the starting gate. The stewards did not notify the KHRC veterinarians, and did not send the horse to the test barn for post race testing.

Conclusion:

It is clear a communication breakdown contributed to this controversy. Had Dr. Bramlage given the jockey's name or horse number to Dr. Peckham this incident could have been resolved before the running of the race. If Dr. Bailey had relayed the information she received in a text message to the KHRC veterinary staff, this incident could have been resolved before the running of the race. If the stewards had notified the veterinary staff after Zimmerman contacting them this incident could have been resolved before the running of the race. Pletcher, his staff, and Velazquez all noticed LAT was unusually quiet during the day and in the paddock. Velazquez also noticed LAT was not warming up like she normally did. While in the best position to feel a potential problem and have the horse examined, Velazquez obviously did not present LAT to the KHRC veterinary staff for examination. Had Pletcher or Velazquez communicated any concerns to any veterinarian this situation could have been resolved.

APPENDIX B -2

FINDINGS

To: Kentucky Horse Racing Commission

From: Patrick Adams, Director of Enforcement

Date: March 10, 2011

- 1) LAT arrived at Churchill Downs on October 26, 2010 and was stabled in barn #34. Groom Miguel Rivera arrived with LAT.
- 2) LAT had a published work at Churchill Downs on October 30, 2010. Patty Krotenko was the exercise rider. Later Miss Krotenko was interviewed and stated the horse worked well and experienced no problems during the week leading up to the BC BC Ladies' Classic.
- 3) On November 1, 2010, Dr. Steven Allday checked LAT for lameness and injected two joints.
- 4) During an interview with Dr. Reed, he stated he had treated LAT with Phenylbutazone (bute) on Thursday November 4, 2010. Dr. Landry treated LAT with Lasix and Amicar on race day. The syringes from this administration were collected and tested. No prohibited substances were detected.
- 5) LAT received new hind shoes on the morning of the race by farrier Ray Amato, Sr. Amato was not licensed by the KHRC at the time.
- 6) On November 5, 2010, KHRC veterinarian Dr. Bentz and Breeders' Cup panel veterinarian Dr. Picciano performed the pre-race examination on LAT. In her written statement, Dr. Picciano said LAT jogged fine. Dr. Bentz questioned LAT's right front leg, but after discussion believed the uneven ground in the barn caused him to question the movement.
- 7) Pletcher barn foreman Horatio De Paz took LAT's temperature the morning of the race and noted her temperature was normal.
- 8) On race day, Rivera noticed that LAT was more quiet than usual and was concerned that she was reacting to the colder air temperature.
- 9) Prior to the race, blood was drawn for TCO2 testing by Jenna Hardy.
- 10) In the paddock before the race, Pletcher told Velazquez to warm up LAT well.
- 11) During the warm up, Velazquez was interviewed by ESPN analyst Jerry Bailey. Velazquez responds to a question by saying "... she's not warming up like she normally does." Following this statement, Jerry Bailey, Joe Tessitore

and ESPN analyst Randy Moss made comments regarding their observations of LAT.

- 12) After hearing the ESPN commentary, ESPN producer Amy Zimmerman telephoned the stewards. Zimmerman spoke to Chief State Steward John Veitch and told him that Velazquez was complaining about his horse. This call took place approximately five minutes and thirty seconds prior to LAT being loaded into the gate.
- 13) As the horses were loading, Bailey asked Velazquez if LAT was any better, and he responded, “no, not really.”
- 14) After hearing the ESPN commentary, ESPN reporter Jeannine Edwards told Dr. Larry Bramlage about the commentary. Because Ms. Edwards believed Dr. Bramlage would ask the KHRC veterinarians to examine LAT, she reported that Dr. Bramlage was in contact with his veterinarians on the track.
- 15) Dr. Bramlage contacted Dr. Peckham, but did not advise Dr. Peckham of the specific horse and jockey of concern.
- 16) At no time did Velazquez present LAT to the KHRC veterinarians for examination.
- 17) Todd Pletcher was watching the race from the Horsemen’s Lounge and did not hear the ESPN commentary. He overheard an ESPN technician say that the number one horse was being taken to the veterinarians to be examined.
- 18) While the horses were approaching the gate, Breeders’ Cup panel veterinarian Dr. Jill Bailey received a text message regarding the ESPN commentary. Dr. Bailey did not notify any KHRC veterinarians of the text. Dr. Bailey assumed the situation had been handled because of the radio traffic between Dr. Bramlage and Dr. Peckham.
- 19) Dr. Bailey observed LAT as she approached the gate and noticed no outward signs of lameness on LAT.
- 20) After hearing the ESPN commentary, Dr. Ross Russell telephoned Dr. Foster Northrop. Dr. Russell believed the horse was “tying up.”
- 21) After receiving Dr. Russell’s telephone call, Dr. Northrop attempted to call Dr. Bramlage, but was unable to reach him.
- 22) After the race, Velazquez told assistant trainer Michael McCarthy that he should have scratched LAT due to her poor race performance. Velazquez told Dr. Peckham that LAT was fine.
- 23) The stewards did not send LAT to the detention barn for post-race sampling.
- 24) ESPN did not interview Dr. Bramlage after the race and, according to Ms. Edwards and Zimmerman, had no plan to do so.

- 25) After the race, Dr. Northrop walked with LAT back to the barn. He detected no signs of lameness or distress. Dr. Northrop heard McCarthy say he thought LAT reacted to the lights.
- 26) According to Rivera and De Paz, LAT showed signs of “tying up” after returning to the barn and receiving a bath.
- 27) After returning to the barn, De Paz took LAT’s temperature and noted it was elevated at 102 degrees.
- 28) Dr. Ken Reed treated LAT after the race for “tying up” with fluids and medication. Dr. Reed does not recall LAT showing an elevated temperature.
- 29) Two different video feeds were being shown during the event at Churchill Downs: one from ESPN and one in house.
- 30) The remaining TCO₂ blood was sent to the KHRC laboratory for testing. No prohibited substances were detected.
- 31) On November 6, 2010, Dr. Reed performed blood tests on LAT, the results of which indicated to him that she suffered from an undiagnosed virus or infection.
- 32) While watching the ESPN commentary for the first time during his KHRC interview, Pletcher stated he saw nothing wrong with LAT and no reason for her to be scratched.
- 33) During their respective interviews, Dr. Allday and Dr. Reed believed LAT was “tying up” during the pre-race warm up.

APPENDIX B-3

Kentucky Horse Racing Commission Report of Investigation Life At Ten

Staff Timeline Report:

On November 5, 2010 prior to the running of the Breeders' Cup Ladies' Classic ("BC Ladies' Classic") at Churchill Downs reporters from ESPN interviewed jockey John Velazquez ("Velazquez") while he was warming his horse up. The horse Velazquez was riding, in the tenth race of the Breeders' Cup, was Life At Ten ("LAT"). The comments made by Velazquez, and those of the reporters from ESPN, along with the performance of the horse during the race led to an investigation by the Kentucky Horse Racing Commission ("KHRC"). The following is a timeline of this investigation. The timeline represents an overview of the activities taken during the investigation. It does not go into detail about daily conversations and meetings.

November 5, 2010

KHRC Executive Director Lisa Underwood ("Underwood") was present during the BC Ladies' Classic. Underwood continued to watch LAT after the race to see if the ambulance picked her up or what happened. After the race, a KHRC veterinarian said "she is OK; she's walking fine; she is not lame."

Underwood stopped Chief State Steward John Veitch ("Veitch") when he was walking through the paddock to leave for the day and called KHRC Equine Medical Director, Dr. Mary Scollay ("Dr. Scollay") to check on the health of LAT. Dr. Scollay said the veterinarians were going to go to the barn to look at LAT.

November 6, 2010

Dr. Scollay contacted Dr. Sally Baker ("Dr. Baker"), American Association Equine Practitioners ("AAEP"), for contact info for ESPN assistant producer Amy Zimmerman ("Zimmerman").

Prior to arriving at Churchill Downs, Underwood talked to Commissioner Burr Travis about the LAT situation. At that point Underwood knew LAT had been discussed on television.

Scollay spoke to Zimmerman, requested review of video feed for BC Ladies' Classic and meeting with ESPN analysts Randy Moss ("Moss") and Jerry Bailey ("Bailey").

In paddock Saturday morning—Scollay told Underwood that Zimmerman told Veitch prior to the race that Velazquez complained about LAT. That was the first time Underwood had heard that ESPN had notified the stewards.

Underwood went to stewards' stand with Dick Brown ("Brown"). Underwood asked steward Rick Leigh something like, "did you hear ESPN coverage on LAT?" He said, "yeah we heard it." Brown and Underwood stood with Veitch on the balcony and asked him if ESPN had called. He said yes. Underwood did not delve further into timing because it was apparent that there needed to be in-depth questioning by an investigator.

Underwood told Veitch to interview LAT trainer Todd Pletcher ("Pletcher") and Velazquez. Veitch already knew to do this because it was part of his duties, but just as a reminder she said it.

Underwood told Dr. Scollay to get statements from all of the veterinarians on the track (Breeders' Cup veterinarians, Dr. Larry Bramlage ("Dr. Bramlage") and KHRC veterinarians) while their memories were fresh.

Dr. Scollay arrived at ESPN trailer for meeting with Zimmerman, Moss and Bailey.

Director of Enforcement Pat Adams ("Adams") spoke to Underwood who requested that outrider Greg Blasi ("Blasi") be interviewed about the statements made by Velazquez prior to the running of the BC Ladies' Classic. Underwood also requested that Adams interview the pony person and assistant starter who loaded LAT into the gate.

November 7, 2010

Adams spoke to Blasi at the race office. Adams asked if he had heard the comments made by Velazquez and Blasi stated he had. Blasi said Velazquez never asked the KHRC veterinarian or any veterinarian to look at LAT. The only person Velazquez spoke to about the horse was Bailey. Blasi added he did not advise any of the veterinarians of what he had heard, nor did he request a veterinarian to examine LAT. Blasi said the horses were led to the gate and LAT was loaded for the race with the rest of the field. Blasi stated he felt Velazquez should have taken the horse to be examined if he truly believed the horse was not fit to race. Blasi added he believed LAT was travelling wide in the front during the warm up.

November 8, 2010

Underwood asked Churchill Downs President Kevin Flanery ("Flanery") for any video of the stewards' room, any tapes of the paddock and the race and for Churchill Downs to request a wagering analysis from the Thoroughbred Racing Protective Bureau ("TRPB").

November 9, 2010

Underwood told Brown that Adams was in charge of the investigation. The investigation would not be conducted by the stewards. Underwood, Guilfoil and Scollay memorialized a list prepared on November 8th of people to interview and

documents to be collected. Underwood also had asked for a wagering investigation to be conducted. Drug testing was requested to be conducted on all the samples the KHRC has for Pletcher trained horses. All syringes collected from treatment of Pletcher trained horses were also sent for testing.

Dr. Scollay asked ESPN for their tape of the BC Ladies' Classic and asked veterinarians to provide the KHRC their respective locations on the track.

Underwood asked KHRC Supervisor of Pari-mutuel wagering, Greg Lamb ("Lamb") to look into wagering integrity aspects of the race.

Dr. Scollay contacted Dr. Bryce Peckham ("Dr. Peckham") to request sample ID information of the pre-race blood samples.

Dr. Scollay received Dr. Peckham's response to pre-race blood information request.

November 10, 2010

A meeting was held at Churchill Downs. Present for this meeting were the following KHRC staff: Underwood, Adams, and Lamb. Via telephone: Deputy Executive Director Marc Guilfoil ("Guilfoil"), and Dr. Scollay.

Underwood met with the stewards and instructed them that media contact would be coordinated through the KHRC offices.

Underwood advised Adams to obtain statements from the veterinarians at the gate and all KHRC veterinarians located around the course. Adams was also advised to speak to Zimmerman from ESPN regarding her conversation with the stewards prior to the running of the BC Ladies' Classic.

Adams spoke to Dr. Brent Cassady ("Dr. Cassady") and Dr. Peckham and requested statements as to their positions around the course and any observations made during or prior to the race. Dr. Peckham stated he had already submitted a statement and would forward a copy to Adams. Dr. Cassady e-mailed a statement at approximately 1:00 p.m.

Adams obtained a copy of LAT's treatment sheet from KHRC test barn employee Greg Berry ("Berry"). This sheet showed that the horse was treated with Furosemide (Lasix) and Amicar at 3:25p.m., on November 5, 2010 by either Dr. Ken Reed ("Dr. Reed"), Dr. Eric French ("Dr. French") or Dr. Robert Landry ("Dr. Landry").

Dr. Scollay contacted Zimmerman and requested DVDs of ESPN coverage.

Dr. Scollay received pre-race blood sample ID info from Berry.

Lamb called Andy Cunningham (“Cunningham”) of Betfair in London. Lamb also sent an e-mail to Cunningham asking whether there were any large wagers on LAT to lose.

On either November 10th or November 11th, Underwood emailed Curtis Linnell (“Linnell”) requesting TRPB conduct a wagering analysis.

Underwood began compiling a list of recommendations.

November 11, 2010

Betfair reported they did an analysis of exchange wagers placed on www.betfair.com (and therefore placed by non-US residents) on the BC Ladies’ Classic. Betfair did not find “anything unusual or anything that raised integrity concerns.”

In response to requests from Underwood made earlier in the week, Flanery reported to Underwood that Churchill Downs does not have a camera or tapes of steward’s room activity. The camera was ESPN’s and he was going to ask ESPN if there was a tape. Churchill Downs was going to talk to TRPB that afternoon about doing a wagering analysis. Flanery agreed to give Adams whatever tapes Churchill Downs had.

Underwood talked to DeBartolo Racing Manager David Vance (“Vance”) on the phone. Vance was upset with comments made by Veitch that were in a Courier-Journal article. Vance stated what is right is to acknowledge in hindsight --the horse should have been scratched and tested. Vance said he felt compelled to respond publicly to Veitch. Vance said they were trying to decide on the next steps and could not stand by and allow insult and denial.

November 12, 2010

Adams e-mailed Dr. Robin White (“Dr. White”) requesting him to call. A short time later Dr. White telephoned and Adams asked if he had seen LAT warming up. Dr. White stated he did not see the horse warming up and had not heard the interview of the jockey. Dr. White said he was at the starting gate close to Dr. Peckham and overheard someone on the radio ask if a jockey had brought a horse for the veterinarians to check. White added there was no mention of a specific horse or jockey and he had assumed the radio traffic was from the stewards. When asked if he had seen LAT approach the starting gate Dr. White stated he had but the horse showed no signs of lameness.

Dr. White said he was present with Dr. Peckham on November 6, 2010 when Dr. Peckham went to Pletcher's barn to check LAT. White advised he heard Pletcher say the horse was running a fever and had an elevated white cell count. White said

Pletcher was apologetic about the statements he had made on ESPN after the BC Ladies' Classic in which he erroneously stated that Velazquez had asked the KHRC vets to look at LAT. He now realized Velazquez had not made that request.

Adams asked Veitch if he had radioed the veterinarians at the gate and Veitch advised that he had not. Adams asked if he had heard any radio traffic asking if a jockey had presented a horse at the gate for examination and Veitch stated that he heard nothing on the stewards' radio about the horse. Veitch added that he was not the steward monitoring the radio on November 5, 2010.

A telephonic interview was conducted with Zimmerman. During this interview Zimmerman said she heard the first part of the interview with Velazquez and called the stewards via the ring down telephone. Zimmerman stated she talked directly to Veitch. During this conversation Zimmerman said she notified the stewards of the interview and believed the stewards were watching the telecast. Zimmerman said there was ample time to do something before the horses were loaded in the gate for the race. Zimmerman had the opinion there was a "colossal communication problem" that prevented the horse from being seen by the veterinarians. Zimmerman said when the horses turned to go to the gate she thought the horse was going to be examined.

Adams then spoke to steward Brooks "Butch" Becraft ("Becraft") to ask if he had radioed Dr. Peckham. Becraft said he did not radio the vets at the gate about LAT. Becraft stated he was the steward monitoring the radio and he did not hear any such transmission to Dr. Peckham about LAT.

Adams called for Dr. Bramlage and was advised he was out until November 15, 2010.

Adams received an e-mail from Cunningham advising that Betfair had conducted an analysis and did not find anything unusual or anything that raised integrity concerns.

November 13, 2010

Adams telephoned Dr. Debbie Lamparter ("Dr. Lamparter"), Dr. Dana Stead ("Dr. Stead"), and Dr. Liz Santschi ("Dr. Santschi") with a request to call Adams about LAT.

Adams first spoke to Dr. Lamparter, via telephone, who stated she was at the starting gate near the outside. Dr. Lamparter said she heard the radio traffic from Dr. Bramlage and saw Dr. Peckham contact Dr. Will Farmer ("Dr. Farmer") and also saw Dr. Farmer contact Dr. Brad Bentz ("Dr. Bentz"). Dr. Lamparter heard Dr. Peckham radio Dr. Bramlage advising there had been no horse brought to any veterinarian and there was no other traffic. Dr. Lamparter said she was unable to

hear if there was any radio traffic on the KHRC radio. From her position on the track Dr. Lamparter was unable to see LAT warming up prior to the race.

Dr. Santschi telephoned and stated she was located in the door of the horse ambulance positioned near the 1/4 pole. Dr. Santschi said Dr. Jill Bailey (“Dr. Bailey”) was out on the track and Dr. Bentz was located near the center of the track while the horses were warming up. Dr. Santschi said she did not see any outward signs of lameness on any of the horses running in the BC Ladies’ Classic.

Adams received a telephone call from Dr. Stead. Dr. Stead stated he was located in the chase truck which was located approximately 100 yards behind the starting gate. Dr. Stead said he was with Dr. Farmer when he was asked by Dr. Peckham if any horses were presented for examination. Dr. Stead stated he was unable to see the horses warming up from his position and only saw the horses walking to the starting gate. Dr. Stead said he saw no outward sign of lameness of any of the horses. Dr. Stead added he believed there was a "communication meltdown" during this incident.

Adams proceeded to the test barn to speak with Dr. Peckham. Adams requested his report and Dr. Peckham forwarded the report via e-mail. During this conversation Dr. Peckham stated KHRC Commissioners Ned Bonnie (“Bonnie”) and Dr. Foster Northrop (“Dr. Northrup”) had been on the backside on Saturday November 13, 2010 speaking to outrider Blasi.

Adams met with Blasi outside the test barn (detention barn) after speaking to Dr. Peckham. Blasi stated he had spoken to the Commissioners and related the same information to them as he had during the earlier interview with Adams.

Adams met with Dr. Northrop in the barn area at Churchill Downs. Adams explained he would like to ask what information he had been given from Blasi. Dr. Northrop related the information and the information was the same. Dr. Northrop added he had been made aware of the LAT ESPN broadcast by his assistant, Dr. Ross Russell (“Dr. Russell”), via telephone. Dr. Northrop stated he was watching the Churchill Downs feed, of the pre-race warm up, from an office in the barn of trainer Neil Howard. The Churchill Downs feed did not contain the interview between Velazquez and Bailey. Dr. Northrop explained he was the AAEP on call veterinarian for the backside during the Breeders’ Cup and attempted to contact Dr. Bramlage via radio but decided against transmitting the information due to concerns about the volume of people with access to the radio. Dr. Northrop attempted to telephone Dr. Bramlage but was unable to make contact.

Adams obtained telephone numbers for Velazquez and Pletcher from Director of Licensing, Chris Clark (“Clark”).

November 14, 2010

Underwood and KHRC Chairman Bob Beck discussed the need for an independent investigator to conduct the portion of the investigation relating to the stewards. Various potential investigators were discussed. There was a desire to find someone at no cost to the KHRC and who did not have a conflict of interest.

November 15, 2010

Underwood talked to Vance again. He said LAT was back to normal and would go to Florida for 30 days and then go back into training. He thought they took the temperature every 2-3 hours before a race and there was nothing to indicate elevated anything. After the race, the blood count and enzymes were off the charts. His explanation was that LAT wasn't drinking as much water and could have become dehydrated.

Underwood talked to Dr. Northrop and he said he walked back with LAT after the race and she didn't look tied up. He wanted to see the pre race video to see if she was tying up. She was not lame.

November 16, 2010

Underwood told KHRC General Counsel Susan Speckert ("Speckert") and Adams that she would like to have the Daily Training Logs for LAT for the last six months; all veterinarian records for LAT for the last six months and racing records for LAT for the last six months by the end of the week.

November 17, 2010

Adams telephoned Velazquez and spoke to a female who stated Velazquez was not home. Adams requested a return call and provided a cellular telephone number.

Adams telephoned the number provided for Pletcher and received a recording advising the number was no longer in service.

Adams received a return call from Velazquez. Adams requested his appearance at the KHRC offices in Lexington, Kentucky. Velazquez stated he would come in but needed to contact his attorney and asked if he would need an attorney. Adams told Velazquez he could not advise him if he needed an attorney as that would be his decision.

Adams reviewed a copy of the telecast provided by ESPN. Present during this review were Underwood, Guilfoil and Speckert.

Adams spoke to Terry Meyocks, Executive Director of The Jockey's Guild ("Meyocks"), via telephone. He asked what the purpose of the interview requested with Velazquez. Adams explained he was tasked with investigating the matter and needed to speak with Velazquez about his comments to Bailey and Moss. Adams

added he was not looking to assess blame, and was only trying to ensure these events were not repeated. Meyocks shared his opinion the jockeys are not treated fairly in Kentucky and he was calling to see what the scope of the investigation was.

Upon Adams' arrival at Churchill Downs he telephoned Pete Lang ("Lang") of the TRPB. Adams asked if any TRPB agent reported any irregularities during the Breeders' Cup in Pletcher's barn, Barn # 34. Lang stated he had not received any reports from any TRPB agents about any suspected problems or violations in Pletcher's barn.

November 18, 2010

Underwood and Beck met with Breeders' Cup representatives Greg Avioli ("Avioli"), Matt Lutz ("Lutz") and Bob Watt to discuss strategy. Breeders' Cup management was supportive of the KHRC conducting a thorough investigation and making recommendations. The group decided that the focus should be on: 1. Did the participants act in the best interest of racing? 2. What could KHRC do better? Underwood went through the list of people to be interviewed, analysis to be conducted, etc. As a result of the meeting the scope of the interviews was expanded to include people such as all of the trainers and jockeys in the Ladies' Classic all assistant starters, Mike McQuade (McQuade"), Flanery, Churchill Downs' Director of Racing Donnie Richardson ("Richardson"), Churchill Downs' Track Superintendent Butch Lehr ("Lehr"), Churchill Downs' Parimutuel Manager and Churchill Downs' tractor driver. It was mentioned Arquana had a telecast in France and the Breeders' Cup could obtain the tapes for KHRC. Also mentioned Breeders' Cup could obtain the TVG tape for KHRC.

Adams telephoned Dr. Bailey, Breeders' Cup veterinarian panel, and asked if she saw LAT. Dr. Bailey stated she saw the horse but observed no outward signs of lameness from any of the horses in the field. Dr. Bailey said she saw Dr. Farmer talk to Dr. Bentz but did not hear the conversation.

Adams telephoned Kathy Picciano DVM ("Dr. Picciano"), Breeders' Cup veterinarian panel, and left a message requesting an interview.

Adams collected the Breeders' Cup horse inspection cards from the test barn. Adams only retained the cards for the BC Ladies' Classic. The remainder of the horse inspection cards were returned to the test barn.

Adams met with Dr. Peckham for assistance interpreting the notes located on the horse inspection card for LAT.

Adams conducted a telephone interview with Dr. Picciano. Dr. Picciano stated she was unable to see the horses warming up from her location. Dr. Picciano said she was located near the $\frac{3}{4}$ pole and only saw LAT as she came around the track after

the start of the race. While the horse was well behind the rest of the field, Dr. Picciano stated she did not see any outward signs of lameness. Dr. Picciano added the jockey continued to ride the horse around the race course. Dr. Picciano stated she was present at the gap when the horse was walking back to the barn after the race and heard assistant trainer Michael McCarthy (“McCarthy”) say the horse had been bothered by the lights.

Adams telephoned Pletcher and requested an interview. Pletcher stated he would have his attorney contact Speckert for a date and time. Adams requested training records, veterinarian records and race records for last six months for LAT.

Adams telephoned assistant trainer McCarthy in an attempt to conduct an interview. McCarthy stated his wife had just had a baby and would call back.

Clark was requested by Speckert to assist in this investigation by conducting interviews on multiple trainers and jockeys that were in the paddock prior to the BC Ladies’ Classic. Clark was requested to interview the following individuals:

Jockeys:

Kent Desormeaux (“Desormeaux”), Joel Rosario (“Rosario”), Jeremy Rose (“Rose”), Julian Leparoux (“Leparoux”), Robby Albarado (“Albarado”), Jose Lezcano (“Lezcano”), Alan Garcia (“Garcia”), Rafael Bejarano (“Bejarano”), Calvin Borel (“Borel”), Garret Gomez (“Gomez”)

Trainers:

Bill Mott (“Mott”), Jerry Hollendorfer (“Hollendorfer”), Tony Dutrow (“T. Dutrow”), Rick Dutrow (“R. Dutrow”), Rusty Arnold (“Arnold”), David Carroll (“Carroll”), Shug McGaughey (“McGaughey”), Scott Fairlie (“Fairlie”), Dallas Stewart (“Stewart”)

November 19, 2010

Underwood had a conversation with Vance. He told her LAT owner Candy DeBartolo (“DeBartolo”) wanted a copy of the blood test that was turned in. Underwood said, “the jockey should have taken the horse to one of our veterinarians.” Vance responded, “well that’s true.” Underwood told him since the stewards were implicated as well, it was no longer in the stewards’ hands; it was at the commission level. Vance mentioned people were whispering in DeBartolo’s ear about suing. He stated that he wants to attend the KHRC meeting when it is in front of the KHRC.

An interview was conducted with Dr. Northrop. In addition to information given by Dr. Northrop in the prior interview, he stated he had gone to the track and observed LAT walking back to Pletcher’s barn. Dr. Northrop stated LAT did not appear to be in distress and showed no signs of lameness. Dr. Northrop said he asked the

assistant trainer McCarthy if the horse was OK. McCarthy replied he thought the horse was bothered by the lights.

An interview was conducted with assistant starter Mike Edwards (“Mr. Edwards”). Mr. Edwards stated he loaded LAT into the starting gate for the BC Ladies’ Classic. Mr. Edwards said the horse loaded into the gate fine and stood with no problems. Mr. Edwards said Velazquez did not say anything while waiting on the start. Mr. Edwards said Velazquez never asked the veterinarian to look at the horse. Mr. Edwards added LAT had to walk right by the KHRC veterinarian and Velazquez had every opportunity to talk to the veterinarian.

An interview was conducted with ESPN analyst Bailey via telephone. During the interview Bailey explained the microphone was wired for the pony person riding next to the jockey. Bailey said he chose which jockeys he would interview two to three days prior to the race date. Bailey said there was no communication with Velazquez prior to the interview.

An interview was conducted with Dr. Bramlage, on call AAEP veterinarian. Prior to the race Dr. Bramlage was standing in the winner’s circle. Dr. Bramlage said he did not hear the interview Velazquez had with Bailey and Moss. Dr. Bramlage said he was contacted by ESPN analyst Jeannine Edwards (“Ms. Edwards”) and asked if LAT had been examined by the veterinarian staff on the track. Dr. Bramlage stated he contacted Dr. Peckham, via radio, and asked if any jockey had presented a horse for examination. Dr. Peckham replied none of the horses in the field had been presented for examination. Dr. Bramlage said he did not feel comfortable mentioning the name or number of the horse on the radio from his location.

Adams received a telephone call from Sgt. Mike Littlefield (“Littlefield”) of the Jefferson County Sheriff’s Office (the “JCSO”) advising he would forward the names of the assigned deputies via e-mail.

Adams spoke to Dr. Bentz, KHRC, and requested a written statement. Dr. Bentz stated he would provide a statement and talked briefly about the events surrounding LAT. Dr. Bentz said he had positioned himself near the middle of the track and had been approached by Dr. Farmer and asked if any jockey had presented a horse for examination. Dr. Bentz replied there had been no horses presented.

An interview was conducted of Berry, KHRC. Berry was working in the test barn on November 5, 2010 and stated he was watching the Churchill Downs feed and did not hear the interview with Velazquez. Berry said there were four horses in the test barn from the 9th race and he was anticipating the first four finishing horses from the BC Ladies’ Classic. Berry stated there are four usable stalls in the test barn with two wash stalls.

An interview was conducted with the Horse Identifier, Barbara Borden (“Borden”). Borden stated she had identified LAT and in doing so did not notice anything out of the ordinary with the horse. Borden said she was watching the Churchill Downs video feed, with sound muted, in the claims office after identifying the horses for the BC Ladies’ Classic. Borden said she did not know of the interview until a later time, either later that evening or the next morning.

An interview was conducted with pony rider Betty Harless (“Harless”). During this interview Harless stated she had been wired with the ESPN microphone and overheard the interview with Velazquez. Harless said Velazquez never asked to speak with a veterinarian and didn’t talk to her during the pre-race warm up. Harless said she was concerned the horse was having some sort of problem due to the fact the horse did not gallop away from the pony as it did normally. Harless said Velazquez did not feel he was in danger with the horse and she felt that is why he took the horse to the gate without asking a veterinarian to examine the horse.

Clark was working at Churchill Downs and began interviewing the trainers and jockeys. Clark started with the list of trainers. All of these interviews were conducted via telephone. The purpose of the interview was to focus on events prior to the race in the paddock area, when each person arrived in the paddock, if they saw or heard any comments about LAT. All of the trainers stated that they were focusing on their horse, and paying attention to their jockey and owners. In summary, there was no information of investigative value from any of the interviews Clark conducted.

Below is the list of individuals interviewed via telephone.

- 1) Mott
- 2) Hollendorfer
- 3) R. Dutrow
- 4) T. Dutrow
- 5) Arnold
- 6) Carroll
- 7) McGaughey
- 8) Fairlie
- 9) Stewart

The jockeys were interviewed via a combination of telephone and face to face interviews. Again, the purpose of these interviews was to focus on the paddock area prior to the race and any information surrounding LAT. Of the jockeys Clark spoke with, none had any information that could assist in this investigation.

Below is a list of the jockeys that were interviewed:

- 1) Rosario- via telephone
- 2) Rose- via telephone
- 3) Bejarano- via telephone
- 4) Leparoux-in person

Dr. Scollay provided a written statement to Adams on her activities and location of veterinarians during the BC Ladies' Classic. This statement contains information regarding events that occurred from the period of time from the paddock to post race.

Dr. Scollay sent a reminder to KHRC veterinarians to submit statements which were previously requested.

November 20, 2010

Adams received email from Littlefield with the contact information of the deputies from the day shift 7 a.m. to 7 p.m. Littlefield's email advised he had been unable to obtain the list of the night shift deputies assigned but left a message for the night shift Sgt., Vicky Brown, asking that she forward contact information to Adams.

Adams received a written statement from Dr. Bentz.

Adams met with Dr. Peckham requesting written statements from Dr. Michael Hardy ("Dr. Hardy") and Dr. Farmer.

Adams received an email from Sgt. Vicky Brown, JCSO, showing the contact information for the night shift deputies.

Adams received a written statement from Dr. Picciano about LAT.

Adams assigned Don Kolioutas ("Kolioutas"), KHRC Investigator, the interviews of the Rood and Riddle interns who were assisting on the track during the BC Ladies' Classic.

Clark interviewed jockey Kent Desormeaux in person at Churchill Downs. The interview focused on the same topic as the other interviews in this investigation. The summary of the interview provided no information to assist in this investigation.

Clark left a voicemail for the following jockeys that he could not reach, requesting them to call to discuss LAT.

- 1) Lezcano
- 2) Garcia

- 3) Gomez
- 4) Albarado
- 5) Borel

November 21, 2010

Adams telephoned Ms. Edwards and left a message for a return call.

Adams telephoned Moss and left a message for a return call.

Adams conducted an interview with Ms. Edwards. Ms. Edwards said she heard the interview on her ESPN ear piece and advised Dr. Bramlage. Ms. Edwards said she assumed the horse was being taken to the veterinarian for examination after Dr. Bramlage radioed the veterinarian staff on the track. Ms. Edwards was unable to hear Dr. Bramlage's radio conversation and was very surprised when the horse was led to the gate and loaded for the start of the race.

November 22, 2010

Guilfoil contacted Vance via telephone to interview him about LAT and the happenings prior to and after the BC Ladies' Classic. Vance stated that he is currently employed as racing manager for LAT owner DeBartolo. Vance said that he has worked in various positions for the DeBartolo family the past 20 plus years. Vance said he arrived at Churchill Downs on Wednesday, November 3, 2010, and had seen LAT on each day prior to her race on the evening of the November 5, 2010. Vance said that he watched her jog Thursday morning "under tack" and she looked fine. Vance was on the backside of Churchill Downs Friday morning, November 5, 2010, with his son to purchase Breeders' Cup memorabilia and saw LAT that morning. Vance said that in all his visits he had not seen anything out of the ordinary with LAT and quoted trainer Pletcher as saying that "she had never been better."

Vance stated that he was present in the paddock for the saddling of LAT. Vance stated that he was with DeBartolo, along with his wife and his son. He further stated that he had no conversations with Pletcher in the paddock. Vance said that he made the "observation" that LAT looked "calm" from a distance in the paddock but attributed it to her experience as compared to the others. Vance said he followed the horse to trackside where he watched the race along with his son.

Guilfoil asked Vance about when was the first time he knew something was "amiss" with LAT. Vance stated "the horses were immediately behind gate and loading and my son got a cell phone call from someone in Texas who said, 'you better check something's wrong with your horse.'" My son turned around and said dad there's something wrong with Life at Ten, you better call Todd (trainer) and so I took my cell phone and held it out to make a call and the gates opened." Vance said he went down to the track where they were unsaddling the horse to talk with Pletcher.

Vance said at that point Pletcher was at a loss as to the performance of LAT. He went on further to say Pletcher said he didn't know if it was an allergic reaction or what but he would definitely look into it and get back to him. Vance said he did not talk with Velazquez.

Vance stated that he thinks the KHRC is doing an admirable job in the investigation, but he is not certain it's imperative because the KHRC is not about trying to find out about any wrong doing. Vance believes the scope of the investigation should be: 1) Should she have been scratched? and 2) Should she have been tested?

When asked about the newspaper reports that LAT's temperature was taken sometime after the races and she spiked a temperature of 103 degrees, Vance said the first he had heard of it was the next morning but did not know when or who took the temperature. Vance said that Dr. Reed came by "at a point and time when I was there" to share the blood work and what they had determined (see follow up interview below). Vance did not know when Dr. Reed drew the blood.

Vance asked several times for results of the blood test conducted by the KHRC and wanted to know why they have not been made public. Guilfoil then asked Vance about getting LAT's owner DeBartolo to give permission to their veterinarian(s) to release treatment history to Adams. Vance declined and stated that he would place that request in Pletcher's purview because DeBartolo did not hire the veterinarian(s), Pletcher did.

Guilfoil then asked Vance about interviewing DeBartolo to which Vance said he would "personally object" to her being interviewed because "she has zero to do with any aspects of it." He further stated that November 5, 2010 was the first time she had seen the horse race and he was not sure her attorneys would allow her to be interviewed. Vance then stated that is what he is there for and would be glad to answer any questions regarding LAT.

November 23, 2010

Guilfoil contacted Frank Delgado ("Mr. Delgado") via telephone to interview him about LAT and the happenings prior to and after the BC Ladies' Classic. Mr. Delgado stated that he was working in the capacity of a Big Event Team (BET) investigator for the TRPB. Mr. Delgado was assigned to the paddock and winner's circle for the two days of Breeders' Cup racing at Churchill Downs. Mr. Delgado stated he was in the paddock and winner's circle for the BC Ladies' Classic and did not see anything out of the ordinary.

Guilfoil contacted Juan Dominguez ("Dominguez") via telephone to interview him about LAT and the happenings prior to and after the BC Ladies' Classic. Dominguez was working in the capacity of a Big Event Team (BET) investigator for

the TRPB. Dominguez was assigned to the paddock and winner's circle for the two days of Breeders' Cup racing at Churchill Downs. Dominguez stated he was in the paddock and winner's circle for the BC Ladies' Classic and at the time did not notice anything out of the ordinary. Dominguez added that, after reflecting on the day, he thought LAT looked a little "dull." He further stated that he works in New York as a racing investigator and has seen her race several times at New York tracks so is somewhat familiar with how she acts in the paddock.

Kolioutas interviewed the following individuals in regard to the BC Ladies' Classic.

- 1) Dr. Cameon Childers
- 2) Dr. Pena Lowman
- 3) Dr. Taralyn McCarroll
- 4) Dr. Travis Tull
- 5) Dr. Mara Wendell ("Dr. Wendell")

These people are interns from Rood & Riddle equine who assisted during this event. All were unaware of the interviews of the jockey and did not see LAT warm up. Dr. Wendell was present for the pre-race blood draw but did not see anything out of the ordinary with the horse.

November 24, 2010

Dr. Scollay requested information on Test Barn communications with the stewards from Berry.

November 26, 2010

An interview was conducted with Deputy Bishe ("Bishe") with the JCSO. Bishe stated he had worked Tuesday through Thursday but had to be relieved due to a death in his family. During his time working security at barn #34 (Pletcher's barn), Bishe stated he observed nothing out of the ordinary. Bishe said he had only seen one veterinarian and what he believed to be his assistant enter the barn. Bishe said there were two veterinarians, a man and a woman, who were together.

An interview was conducted with Deputy Marksberry ("Marksberry") with the JCSO. Marksberry replaced Bishe on Friday and Saturday and observed the same veterinarians enter the barn. These veterinarians are believed to be Dr. Reed and his assistant. Marksberry stated it was Deputy Fahey, a reserve with the department, who collected the syringes.

November 27, 2010

An interview was conducted with Robert Douglas ("Douglas"). Douglas is an assistant starter for Churchill Downs. Douglas said he had loaded the #6 horse for the race and did not observe LAT. Douglas explained there were three or four assistants who helped load the horse Acoma, which required the use of a blanket.

An interview was conducted with starter Scott Jordan (“Jordan”). Jordan stated he did not see LAT as his view was blocked by the gate, tractor and pony horses from his position as starter. Jordan stated he was positioned in front of the gate on an elevated stand waiting for the horses to be loaded. Jordan said he was not told of any suspected problems with LAT prior to the start of the race.

November 28, 2010

An interview was conducted with Dr. Bailey. Dr. Bailey was asked about the text message she received prior to the running of the BC Ladies' Classic. Dr. Bailey stated a friend had sent her a text saying Velazquez was concerned about the way his horse was warming up. Dr. Bailey said this text came in while the horses were going to the gate. Dr. Bailey said she did not say anything to any commission veterinarian because she assumed the situation had been taken care of with the radio traffic from Dr. Bramlage to Dr. Peckham.

A second interview was conducted with pony rider Harless to clarify information received in her first interview on November 19th. During the first interview Harless stated the horse did not gallop away from the pony as it did normally. However, during the November 28 interview Harless stated she was unsure if she had been the pony rider for LAT prior to the BC Ladies' Classic. Harless said she did not remember ever being the pony person for the horse prior to this race. LAT had not raced in Kentucky prior to the BC Ladies' Classic so it is unlikely Harless had been a pony rider for LAT before. Harless stated she believed Velazquez didn't think he was in danger because he would have asked her to take the horse to see a veterinarian. She added if he had asked her she would have taken him to a KHRC veterinarian for the horse to be inspected.

A call was placed to McCarthy requesting an interview. McCarthy advised he would gladly talk, however he had the understanding all communication should go through Pletcher's attorney. Adams stated he would have Speckert contact Pletcher's attorney to set up a time for an interview.

November 30, 2010

Guilfoil phoned Vance to ask follow up questions about his conversation with Dr. Reed. Vance had said earlier that Dr. Reed stopped by the barn to share blood results on LAT. He further stated that “Dr. Reed reported that the enzymes were off the chart as well as a high white blood cell count” but could not tell Guilfoil what this indicated.

A written statement was provided by KHRC veterinarian Michael Hardy (“Dr. Hardy”) via email.

December 1, 2010

Adams spoke to Marilyn K. Montavon ("Montavon"), who runs a business supplying ponies and riders for the race warm ups. Montavon advised some of the pony riders worked for her and some worked for Monte Graves ("Ms. Graves"). Montavon provided the names of her employees and was able to provide the phone numbers for two.

Adams called to request an interview with Gomez regarding what he had seen during the race as he was the rider of the horse Malibu Prayer during this race. This horse is also trained by Pletcher and started from post position #3. Gomez also rode LAT in a race approximately one year prior and had a similar incident with the horse during that race. The telephone number from the licensing database was incorrect for Gomez.

Adams was advised by Speckert that an interview was scheduled with Velazquez for December 13, 2010.

December 2, 2010

Adams called the telephone numbers for the pony people obtained from Montavon. Adams was unable to make contact as there was no answer on either call.

Adams located a second cell number for Gomez and called. Adams received no answer and left a message.

Adams obtained a telephone number for Ms. Graves. He called this number but was unable to leave a voice mail.

Adams received confirmation of a scheduled interview with Pletcher for December 10, 2010.

December 3, 2010

Adams met with Guilfoil and Speckert regarding the LAT investigation. Adams provided all the written statements he had received and discussed the case. Adams asked Guilfoil if he would interview Rogers Beasley ("Beasley"), Director of Racing for Keeneland, Flanery, Richardson, and Lehr. Adams asked Speckert to request the billing records for LAT from DeBartolo and she stated she would. These were to be checked against what was going to be received from the trainer and practicing veterinarians. During this meeting it was noticed the TRPB had been contacted by the Breeders' Cup about LAT not performing as expected.

Speckert spoke with Brian Kopp ("Kopp"), attorney for the DeBartolos. They discussed receiving signed copies of release forms for veterinary information. Speckert also requested a list of LAT's regular veterinarians, copies of all records concerning LAT from the DeBartolos and from Vance, including correspondence

with Pletcher, invoices, veterinarian bills, training records, etc. Speckert provided copies of 810 KAR 1:008 and 1:018 re: trainer responsibility rule and an excerpt from a legal brief on the trainer responsibility rule.

Speckert emailed veterinary releases to Kopp to be executed by DeBartolo for the following: Dr. Allday, Dr. Charlie Hord, Dr. John Garrity (“Garrity”), Dr. Reed, Dr. French and Dr. Landry.

December 5, 2010

Calls were made to the pony people, Jerry Mealing (“Mealing”) and Ms. Graves, who worked during the BC Ladies’ Classic. Mealing stated he felt LAT looked "like shit" and should have been scratched. Mealing stated he had worked as an outrider in other jurisdictions and thought the horse looked bad.

Ms. Graves added she was more concerned with the horse she was taking care of and noticed little about the rest of the field of horses.

An interview was conducted with Deputy Shafter Short (“Short”) who was present for security during 7:00 p.m. to 7:00 a.m during Breeders’ Cup week. Short stated he had not seen anything out of the ordinary during his time at Churchill Downs. Short said the only people to enter the barn over night were Pletcher employees and they arrived around 4:00 a.m. Short stated he had worked at the track as security for years and if he had seen a veterinarian overnight he would have known this to be out of the ordinary.

Clark was requested by Adams to interview the “Pony Crew” that worked the BC Ladies’ Classic, relating to the LAT investigation.

All of the interviews Clark conducted were done via telephone.
Below is a list of individuals Clark interviewed.

- 1) Mealing: the pony rider for the #3 horse, Malibu Prayer.
- 2) Ms. Graves: the pony rider for the #8 horse, Unrived Belle, and also employs some of the other pony riders.
- 3) Lynn Steffileno: the pony rider for the #9 horse, Acoma.
- 4) Candis Fires: Ms. Fires stated she was not working the BC Ladies’ Classic.
- 5) Frankie Castillo: the pony rider for the #4 horse, Milwaukee Appeal.
- 6) Carrie Landry: the pony rider for the #10 horse, Blind Luck.
- 7) Jose Castanon: the pony rider for the #6 horse, Persistently.

Other than Mealing, the other pony riders did not notice anything regarding LAT.

December 6, 2010

Guilfoil contacted Lehr, via telephone to interview him about LAT and the happenings prior to and after the BC Ladies' Classic. Lehr stated, "I didn't hear anything until the next morning, when I had a trainer come to me and you know and I really wasn't aware what he was even talking about." Lehr stated that he saw LAT from where he watches the races which is "right there where the horses come on to the track" on the front side of the track above the paddock tunnel. Lehr stated that he and his staff made sure that LAT was ok after the race and that it left him "scratching his head."

Lehr wanted to point out that the television in the office had problems. Lehr said that he usually likes to listen to the television throughout the day to listen to the comments but was unable to until about "midday the next day." He did add that his televisions were "in house" televisions meaning he did not have ESPN coverage on. When asked if he ever watched the event coverage on ESPN, Lehr said that the only two channels he has on are the Churchill Downs feed and The Weather Channel.

Lehr stated that he was concerned because LAT was "way back" and they were wondering whether "we ought to pick her up or not." He said that there were a lot of veterinarians "on the grounds" and "nobody made the call." Lehr said that the only radio contact they (track crew) had was with the outriders, starter, maintenance, ambulance and the stewards, and added that they do not have a radio channel with the veterinarians. When asked if he had heard any radio traffic about LAT, Lehr stated "no, nothing."

Guilfoil contacted Richardson, Senior Vice President of Racing for Churchill Downs Inc., via telephone to interview him about LAT and the happenings prior to and after the BC Ladies' Classic. Richardson stated he was on the front side of Churchill Downs during the BC Ladies' Classic talking with some horsemen about tickets for Saturday's races and did not witness the race. Richardson further stated that the first time he heard about LAT was approximately two hours after Friday's races. Richardson stated that some horsemen told him that "she (LAT) was last, and that there was some issues with her in the paddock cause she was kind of listless and Pletcher had mentioned that to the jock and then my information was the jock got on the track....I guess he stopped there by Bailey and those guys and Moss and interviewed....told them somewhat that you know he was a little bit concerned about the horse and truly that's everything I know about it other than what you keep hearing."

Guilfoil contacted Flanery, President of Churchill Downs via telephone to interview him about LAT and the happenings prior to and after the BC Ladies' Classic. Flanery stated that he received an email from Bob Evans ("Evans"), President and CEO of Churchill Downs Inc. after the races on November 5, 2010, but at the time did not know what Evans was talking about. Flanery further said that when he

arrived at work the next morning, November 6, 2010 at 11:00 a.m., he did some internet research and found some reports of what had happened. Flanery stated that Evans was not present at the races due to a death in the family and saw it reported on ESPN.

A contact telephone number was provided for McQuade by Lutz of the Breeders' Cup.

December 7, 2010

Guilfoil contacted Beasley, Director of Racing for Keeneland, via telephone to interview him about a meeting he had with several jockeys, KHRC race officials and representatives of the Jockeys' Guild. That meeting was held at Keeneland on Saturday, October 23, 2010. Beasley stated that Meyocks (Jockeys' Guild), Veitch, Dr. Peckham and several jockeys, including Victor Lebron ("Lebron"), Gomez, and Albarado attended. Beasley further stated that the meeting was requested by the jockeys and held as a result of an incident that happened at Keeneland prior to the running of the 4th race on Thursday, October 21, 2010. Beasley said that jockey Gomez stated he was not satisfied with the way his mount was warming up prior to the race and requested that KHRC veterinarian, Dr. Bentz, take a look at it and scratch the horse. Beasley said that Dr. Bentz stated he did not see anything wrong with the horse and radioed his findings to the stewards. Beasley stated when the horse was not scratched, Gomez elected not to ride and the stewards asked for another jockey to ride. Beasley said that Lebron volunteered to ride the mount.

At the meeting on Saturday, Beasley said that Lebron stated that he was uncomfortable riding the horse but felt obligated because it was his only potential opportunity to ride a Breeders' Cup horse for Mike Maker and that he would prefer not to be put in that situation in the future. Beasley stated that Meyocks said a similar incident had happened in California when Mike Smith and Alex Solis were forced to ride when the veterinarian would not scratch because he did not see a problem with the horse. Both times the horse broke down creating great concern with the jockeys.

Beasley stated that "as a result, the jockeys asked if we could follow New York's rule which states that if a jockey wants to scratch, then no other rider is allowed to ride." Beasley said that he told the jockeys for the remainder of the fall meet Keeneland would abide by the New York rule, but that he would have to research all jurisdictions to ascertain what was best for all concerned. Beasley further stated that this rule would have an effect on claiming horses and exotic wagering and that he would need to examine what changes if any would need to be made to address both issues.

Note: Velazquez did not attend the meeting as he was out-of-state.

Speckert received an email from Kopp asking for a telephone conference. Speckert returned his call and left a voicemail.

December 8, 2010

Speckert received an email from Kopp stating that he would have a list of any additional private veterinarians for LAT by the end of the week. Speckert also requested a telephone conference to be scheduled on December 9.

December 9, 2010

Speckert had a telephone conference with Kopp and sent a follow up email requesting any and all of the DeBartolo's and Vance's records pertaining to LAT. This request for documents included, invoices, trainers reports, veterinary reports, correspondence from the Pletcher barn or any veterinarians or equine therapists. Speckert also requested signed veterinarian releases to be returned. Speckert attached a blank veterinarian release form for any other veterinarians or medical providers.

Adams attended a meeting with Guilfoil and Speckert to plan the interview with Pletcher. There was a long discussion pertaining to the line of questioning and how the interview would be conducted.

December 10, 2010

An interview was conducted with Pletcher at the KHRC office. During the interview, Pletcher provided the name of the exercise rider who had ridden LAT for the published work from October 30, 2010. Pletcher stated he had noticed LAT was acting much calmer than she had during previous races but was unconcerned as she appeared sound. Adams asked which veterinarians had treated the horse and Pletcher advised Dr. Reed had administered Lasix and Amicar pre-race. Dr. Allday had examined the horse five days before for lameness and injected the joints. This is believed to have taken place on November 1, 2010. Pletcher added the horse received new shoes on the back feet the morning of November 5, 2010. Ray Amato Sr. ("Amato Sr.") was the farrier who applied the shoes. When asked if the horse stood well for the farrier, Pletcher advised she stood very well. Pletcher said he gave instructions to jockey Velazquez to warm the horse up good but denied telling the groom handling the horse to "shake her head and wake her up." During the interview, a DVD of the pre-race warm up with the commentary was played for Pletcher. Adams asked if he had seen the telecast and he said he had not. Pletcher noted the horse was reluctant to turn around but said he thought the horse looked "fine" as she galloped after the turn. During the commentary provided by ESPN analysts Bailey and Moss, Adams asked Pletcher what he saw from his horse as compared to their observations. Pletcher stated he saw nothing during the warm up that led him to believe LAT should have been scratched. When asked about the comment the horse was travelling wide in front Pletcher said this was the normal gait for the horse and was not out of the ordinary. Pletcher was asked if he had

seen this part of the commentary in the Horsemen's Lounge during the warm up and he stated the TV in the lounge was showing the feed from Churchill Downs and did not have the commentary from Bailey and Moss. Pletcher explained he had overheard an ESPN employee say the jockey on the #1 horse was taking the horse to the KHRC veterinarian and came out to see what had happened.

Pletcher assumed the horse had been examined and was cleared to race as the horse was loaded in the gate. After the race started Pletcher noticed the horse did not want to run. Pletcher stated it appeared to him Velazquez was trying to get the horse to race but she would not. Pletcher stated once the horse left the paddock the jockey was responsible for taking the horse to the KHRC veterinarian if he suspected a problem. After the conclusion of the race Pletcher was unable to recall the entire conversation he had with Velazquez but stated Velazquez did not tell him he had taken the horse to the veterinarians for inspection. Pletcher said his post race statement was based solely on what he had heard in the Horsemen's Lounge. Pletcher was able to provide the name of the reporter who followed Velazquez through the tunnel towards the jockeys' room, as Matt Graves ("Mr. Graves"). Pletcher stated the horse walked from the track fine and only showed signs of "tying up" when the horse was returned to the barn and then only after bathing.

December 12, 2010

Adams was advised the interview scheduled with Velazquez had been postponed due to weather.

December 13, 2010

The interview with Velazquez was rescheduled for December 21, 2010.

December 14, 2010

Adams was advised that a scheduled interview with owner DeBartolo had been postponed until December 22, 2010.

An interview was conducted with Dr. Bramlage. Adams asked Dr. Bramlage why he had not given the horse number or jockey's name to Dr. Peckham via radio when asked by Ms. Edwards. Dr. Bramlage explained there were many people where he was standing, both patrons and press and he did not want them to overhear what he was saying. Dr. Bramlage continued saying he never puts that information over the radio due to the crowd. Adams requested a written statement from Dr. Bramlage about the events of November 5, 2010 and he advised he would provide this document.

Adams received an email from Dr. Bramlage later in the day containing his written statement.

Dr. Scollay requested curricula vitae from all veterinarians on track.

December 15, 2010

Adams telephoned the number supplied by Lutz and left a voice mail message for McQuade requesting a return call.

Adams telephoned a number obtained from Association of Racing Commissioners International and left a voice mail for Amato Sr. requesting a return call.

Adams telephoned the newspaper, Times Union, seeking Mr. Graves. Adams was advised he could leave a message for the sports editor because the receptionist did not have an extension for him. Adams was forwarded to the editor's extension and left a voice mail.

December 16, 2010

Adams received a telephone call from Mr. Graves. An interview was then conducted about what conversation had taken place between Mr. Graves and Velazquez following the BC Ladies' Classic. Mr. Graves stated he was unaware of what had taken place prior to the race and had asked Velazquez what had happened during the race. Mr. Graves said Velazquez told him the horse would just not run. Adams asked if there was a tape of the conversation and Mr. Graves said he had recorded over the conversation the next day. Mr. Graves stated he would forward an email to Adams containing quotes from Pletcher from an interview he conducted on Saturday morning November 6, 2010.

December 17, 2010

An interview was conducted with Rudy Coffman ("Coffman"). Coffman was the driver of the tractor which pulled the starting gate at Churchill Downs. Coffman was sitting in the tractor while the horses were being escorted to the starting gate for the BC Ladies' Classic. Adams asked Coffman if he noticed LAT as she was walking to the starting gate. Coffman stated he did not notice the horse. Coffman said he would not have known if there was anything wrong with any of the horses as he is not a horse person. Coffman stated he watched the start of the race to make sure all the horses were out of the gate before he moved the gate.

Adams called Amato Sr. and left a voice mail.

Adams interviewed Raul Vizcarrondo ("Vizcarrondo"). Vizcarrondo was the valet for jockey Velazquez on November 5, 2010. Vizcarrondo was asked if he had noticed anything out of the ordinary with LAT and he did not recall any irregularities. Vizcarrondo stated he did not speak to Velazquez about the BC Ladies' Classic and was unaware of Valazquez's interview with Bailey prior to the race.

Clark conducted interviews of Albarado and Borel related to the investigation. The interviews were done via telephone.

Additionally, Clark interviewed two other jockeys, Lezcano and Garcia. These two were interviewed via telephone. Both of these individuals were at the Aqueduct Race Course in New York. Neither jockey provided any information that would benefit this investigation. Speckert received an email from Kopp indicating that the veterinarian releases were sent to DeBartolo on December 16. He also indicated that he was checking to see if the DeBartolos had a file specific to LAT.

Speckert responded to Kopp expressing concern with the delay in receiving the requested information.

Speckert received an email back from Kopp stating that he was gathering the information as quickly as possible. Kopp indicated that the records pertaining to the horse were maintained by Pletcher, and the information the DeBartolo business office had pertained to billing. Kopp said that they had no desire to delay the investigation, but, rather, hoped it would move more quickly. Kopp asked for the status of the toxicology and expressed the DeBartolo's desire to have their own testing done.

Kopp stated that Speckert would have the signed veterinarian releases in her office when she got to work on Monday, December 20, 2010.

December 19, 2010

Adams telephoned the jockeys' room at Hollywood Park and spoke to Gomez. An interview then took place. Gomez said he did not notice LAT during the warm up and had only glanced at her prior to going to the gate and didn't pay attention. When asked about his race on LAT, and about the lights affecting LAT, Gomez stated that, during a race in 2009, LAT was washed out and shaking and LAT didn't warm up well. Gomez stated the horse went on to finish third in that race.

December 20, 2010

Speckert received signed veterinary releases from Kopp via email. In addition to the requested releases provided on December 9, Kopp also provided releases for Perfecting Fluid Motion, Yarbrough and Rabenstein, DVM and James C. Hunt, DVM, Equine Therapy.

December 21, 2010

Speckert asked Kopp for the records previously requested on December 9. Kopp said he would work on gathering the records on December 22—he was in the middle of negotiations for another client.

Speckert emailed Kopp to schedule a telephone conference with DeBartolo. Speckert expressed a desire to receive the requested records prior to the telephone conference with DeBartolo.

An in person interview was conducted with Velazquez. KHRC staff present included Adams, Speckert, and Clark. Velazquez was represented by attorney Maggie Moss and Meyocks from the Jockeys' Guild. Velazquez was asked what he had been told while in the paddock before the BC Ladies' Classic and he confirmed that Pletcher had told him to warm the horse up well. Velazquez stated the horse felt sound as she walked from the paddock to the track for the post parade. Velazquez said the horse was not lame and his only comment to Bailey was that the horse wasn't warming up like she normally does. Velazquez said he did not hear any of the commentary provided by Bailey and Moss after his conversation with Bailey. Velazquez was asked what he meant by the horse not warming up like normal and he explained the horse normally would try to run off and was hard for him to hold back. Velazquez said he did not exercise the horse in the mornings because of the way she pulled. Velazquez said he did work some horses for Pletcher but not LAT. Adams asked about what appeared to be a stumble by LAT and Velazquez stated LAT bumped the pony which caused her to stumble. Velazquez said LAT didn't want to turn around at one point, near the 3/8 pole, but after she did turn around she moved soundly. Adams asked Velazquez if he should have taken the horse to the KHRC veterinarian for inspection and he stated no. Velazquez explained the horse was sound and other than warming up differently, she seemed fine. Velazquez believed the horse would be better once she was loaded into the starting gate. At the start of the race Velazquez said he tried to get the horse to run but she would not respond. Velazquez pointed out the horse was alert with her ears up but when he tried to get her to go faster she would not. Velazquez stated he had other horses he had ridden that day that warmed up much worse than LAT. One of these horses, R Heat Lightning, finished the race well in second or third place. Adams asked about the horse Quality Road and Velazquez said the horse did not seem to like the track surface and did not race well.

Following this interview Clark and Adams briefed Underwood of what transpired.

Adams received signed veterinary release forms from Speckert.

Dr. Scollay contacted AAEP and requested information on on-call procedures and existing regulatory guidelines.

December 22, 2010

Underwood telephoned David Ray ("Ray") from the Office of the Inspector General for the Department of Transportation ("OIG") to set up meeting on December 27, 2010. The OIG had been contacted to conduct interviews of the stewards.

December 27, 2010

A meeting took place at the KHRC offices. This meeting was with investigators from the OIG. These investigators were given information to help with their

investigation regarding the role of the stewards in the BC Ladies' Classic. Present during this meeting were: Underwood, Guilfoil, Speckert, Clark and Adams from the KHRC and inspectors Ray, Michael Duncan ("Duncan") and Chuck Hines ("Hines") from the OIG.

Adams and Speckert interviewed Patty Krotenko ("Krotenko") via telephone. Krotenko stated she was the regular exercise rider for LAT during September through the Breeder's Cup. Krotenko said the horse was normally spirited and eager to run when she rode the horse in the mornings. Adams asked if the published work from October 30 was under the lights at Churchill Downs and Krotenko did not remember. Krotenko was present in the paddock prior to the BC Ladies' Classic and the horse was quiet but was alert. Adams asked if she saw the horse warming up and Krotenko said she did not. She stated that whether you are sitting on a horse or watching a horse, it is obvious when a horse ties up. After the race Krotenko walked back to the barn but did not recall talking to anyone about LAT's performance. Krotenko said she didn't stay at the barn long.

An interview was conducted with McCarthy. McCarthy is an assistant trainer for Pletcher and was present in the paddock before the BC Ladies' Classic to saddle the number three horse Malibu Prayer, also a Pletcher trained horse. When asked, McCarthy said other than being really quiet LAT seemed fine from what he saw. McCarthy went to the horse after the race, while Velazquez was unsaddling her, to see what was wrong or what happened. McCarthy stated Velazquez said, "I knew it. I knew it, you know. I should've scratched her." McCarthy said the horse walked back to the barn fine and did not appear lame. After the horse was at the barn and given a bath the horse began to show signs of "tying up." McCarthy said the horse was given a tranquilizer by Dr. Reed and put in her stall. McCarthy did not know the exact medication Dr. Reed administered.

Speckert emailed Kopp to ask if a time had been arranged for the telephone conference with DeBartolo, and if the records previously requested on December 9 were pulled. Speckert again expressed a desire to receive the requested records prior to the telephone conference. Speckert also asked for better contact information for Perfecting Fluid Motion because the address on the release provided by Kopp was incorrect.

Kopp indicated a telephone conference would take place on December 28 at 1:00 and that they were short staffed for the holidays and not able to pull the file yet.

December 28, 2010

Clark and Adams travelled to the addresses listed on the veterinary release forms in an attempt to collect the veterinary treatment records.

Adams received a call from Dr. Garrity. Dr. Garrity stated he worked with Dr. Allday during the time of the Breeders' Cup but did not treat LAT. Dr. Garrity explained that Pletcher was Dr. Allday's client and he did not work on Pletcher's horses. Dr. Horde was also in practice with Dr. Allday and Dr. Garrity but did not do any work for Pletcher. Dr. Garrity said he would check his records just to make sure but was confident he did not treat the horse.

On December 28, 2010, Guilfoil and Speckert conducted a telephone interview with DeBartolo, owner of LAT. DeBartolo's attorney, Kopp, was also present for the interview.

DeBartolo stated that LAT is the first race horse she has owned. She indicated that Vance arranged purchase of the horse about three years ago and managed the horse for her. Due to personal and business obligations, she had no involvement with the management of the horse and had never seen the horse work or race prior to the BC Ladies' Classic.

She was not sure who hired Pletcher as trainer, but thinks Vance mentioned his name. She said that Vance interacted with the Pletcher Stable and would then update the DeBartolos on when the horse was racing and the horse's progress. She never received a written report from either Vance or Pletcher regarding the horse. She never saw any invoices for any training, veterinary or other bills for the horse. Those bills would go through Vance to be paid by the DeBartolos.

DeBartolo indicated she was very excited that LAT was running in the BC Ladies' Classic. She and about nine or ten friends travelled to Louisville on Thursday, November 4, to see the horse run. On Thursday, she and her friends went to the Pletcher barn at Churchill Downs, where DeBartolo saw LAT for the first time. Vance was with her at the time. She greeted Pletcher and his father, but did not speak with Pletcher about the horse. She said no one told her how they expected the horse to perform, but she assumed the horse would do well based on her past performances.

Before the race, DeBartolo watched the horse being saddled in the paddock. She did not speak to anyone with the Pletcher Stable, and no one said anything to her about the condition of the horse.

DeBartolo watched the race near the winner's circle. She could not see or hear the ESPN broadcast from her location, and had not seen the ESPN footage as of the date of the interview. She said she was not concerned until the horse started running. She said she was "*aghast*" at what she saw as the horse trailed the field.

DeBartolo indicated that she and her friends left after the race without speaking to anyone with the Pletcher Stable or without going to the barn to check on the horse.

She also stated that Vance has never given her any information regarding the horse's performance in the race or the horse's condition. DeBartolo said she has never been informed about the veterinary findings of the horse after the race. She said her primary concern was for the welfare of the horse.

From reading blogs, DeBartolo wondered if LAT should have been scratched. Guilfoil and Speckert discussed the procedure for how a horse would be scratched under the circumstances with DeBartolo and Kopp.

Kopp and DeBartolo both expressed concerns that the horse had not been tested after the race. Kopp indicated that the DeBartolos might want to perform testing of the pre-race blood samples themselves. Guilfoil and Speckert discussed the testing procedures provided in the regulations.

During the interview, Speckert again requested the records previously requested on December 9 and asked to schedule a follow up interview with Vance.

Pat Adams telephoned Dr. Reed and left a voice mail requesting a return call.

January 3, 2011

Speckert emailed Kopp to inquire about the records previously requested on December 9 and asked if Vance could be interviewed during the week.

Dr. Scollay repeated request for outstanding curricula vitae from Breeders' Cup veterinarian panel.

January 5, 2011

Speckert received an email from Kopp indicating that he had the previously requested records in the DeBartolos' possession and that had spoken to Vance. Kopp also indicated he wanted to speak on January 6.

Adams telephoned the office of Dr. Allday and requested his treatment records for LAT. The receptionist said she would have Dr. Allday call when he returned to the office as he had just left.

Adams telephoned Dr. Reed and again left a voice mail requesting a call.

Adams received a return call from Dr. Allday who stated he didn't need the releases and he would fax his records to the office. Adams asked if he was available for an interview and he said he could the following day but was too busy at the time. Adams advised he would call him in the morning and meet him at his convenience.

Adams telephoned Ray Amato Jr. in an attempt to locate Amato Sr. Adams left a voice mail requesting a return call.

January 6, 2011

Adams received a call from Amato Sr. who stated that Adams must have been looking for him because his son had not been to Kentucky to do any farrier work. Adams asked if he had put shoes on the back hooves of LAT and he stated that he had. Amato Sr. said he had advised Pletcher he should shoe LAT on the day of the race and that was what Pletcher did. Amato Sr. did not notice any problem during his time with the horse. Adams asked if the horse stood well for his work and he said she did. Amato Sr. stated if the horse didn't stand well and needed a tranquilizer the horse would have to be shod earlier in the week as a veterinarian would have to be called to administer the drug. Amato Sr. added this was not the case with this horse.

Prior to this conversation, it was noticed Amato Sr. was not licensed in Kentucky while he was performing this work.

Adams met with Dr. Allday in Lexington for an interview. Dr. Allday stated he had travelled to other jurisdictions to check the horse for lameness for quite some time. Dr. Allday said he had given LAT joint injections on the front legs on November 1, 2010 in preparation for the upcoming race. Dr. Allday said he was watching the ESPN telecast and believed LAT should have been scratched because he saw the horse was having trouble while warming up. Dr. Allday added he was familiar with LAT and thought the horse was "tying up" during the warm up. Dr. Allday was of the opinion the veterinary staff should have noticed this and scratched the horse.

January 7, 2011

A follow up interview was conducted with Velazquez. This interview contained additional questions pertaining to LAT. Adams asked Velazquez if, in his opinion, he thought the horse was "tying up." Velazquez stated he did not think the horse was "tying up" he felt the horse was just tight. Concerning a statement Velazquez reportedly made to assistant trainer McCarthy, Velazquez said he indeed made the statement "maybe I should have scratched her." Velazquez added this statement was based on the horse's performance during the race and had nothing to do with the way the horse warmed up prior to the race. Velazquez explained he rides many horses and some are very tight during the warm up. Some horses race well and even win after they warm up poorly.

Underwood asked Adams if ESPN had interviewed Dr. Bramlage following the race for insight regarding what had happened to the horse. Adams was unaware if an interview had taken place after the race. Follow up interviews will be conducted with Zimmerman, McQuade, and Dr. Bramlage.

Adams telephoned the office of Dr. Reed, Dr. French, and Dr. Landry with a request for LAT's treatment records. Adams faxed the release to their office and received

the records. It was noticed that Dr. Landry administered the pre-race medications, Lasix and Amicar, to LAT on November 5, 2010. Dr. Reed treated the horse following the race after the horse returned to the barn. Also contained were the results from blood work performed by Dr. Reed.

January 10, 2011

Adams received an e-mail from Speckert advising McQuade had telephoned the office. McQuade was given Adams' telephone number and called leaving Adams a message. This is the first call received after a message was left for McQuade on December 15, 2010 containing Adams' contact information.

Speckert had a telephone conversation with Kopp. He indicated he would scan and email requested records in the DeBartolos' possession and try to set up a telephone conference with Vance on Tuesday, January 18, 2011.

Scollay reviewed LAT medical records.

January 11, 2011

Kopp attempted to email the requested records, however the records would not come through on email, so Kopp sent them via fax.

January 14, 2011

A telephone interview was conducted with Rivera, the groom for LAT. Rivera is employed by Pletcher and speaks only Spanish. Interpreters were utilized for both parties. During the interview Rivera explained he had been the groom for the horse for approximately four months and travelled with the horse. Rivera was in the barn from 3:45 a.m. on November 5, 2010 and noticed the horse was very quiet during the day. Rivera said he was concerned but believed the cold weather was the problem. Rivera applied ice to the horse's legs and put two blankets on the horse as usual. The horse was quiet during the walk to the paddock and while in the paddock. Rivera spoke to jockey Velazquez and said the horse was ready to win, he then wished Velazquez good luck. Rivera then walked the horse to the track for the post parade and warm up.

Following the race Rivera said the horse was walking fine around the track and back to the barn. After washing the horse at the barn, Rivera said the horse began showing signs of "tying up." Rivera stated the veterinarian was called and the horse was treated.

The next interview was Horatio De Paz ("De Paz"). De Paz is the barn foreman for Pletcher. De Paz stated he was at the barn at approximately 4:00 a.m. and worked with the other grooms cleaning stalls, feeding, and watering the horses in the barn. De Paz also took the temperature of the horse on the morning of the race and reported it was normal. De Paz noticed the horse was quiet but assumed it was the

cold weather. De Paz accompanied the horse to the paddock and said the horse was calm but believed she would be fine for the race.

Following the race De Paz walked with the horse back to the barn and was present when the horse was treated. De Paz did not know what drugs were given and counsel for Pletcher asked De Paz not asked to speculate. De Paz stated he took the horse's temperature that evening following the race and recalled it was approximately 102 degrees. The next morning November 6, 2010 De Paz again took the horse's temperature and believed it to be approximately 103 degrees.

Dr. Scollay requested Adams obtain an instrument printout from Dr. Reed regarding the instrument used to draw blood from LAT following the BC Ladies' Classic.

January 15, 2011

Adams interviewed Dr. Landry via telephone about LAT. Dr. Landry stated he administered the pre-race medications (IV) because Dr. Reed was busy with another client. Dr. Landry said Pletcher was Dr. Reed's client and he was just helping him. Dr. Landry said he did not notice anything out of the ordinary while he was treating the horse. Dr. Reed treated the horse after the race and Dr. Landry had no knowledge of what treatment was performed. The blood work was done by Dr. Reed on November 6, 2010. Dr. Landry did not recall treating the horse after the pre-race treatment.

January 17, 2011

Dr. Scollay submitted a draft of a memorandum on LAT pre-race medical records.

January 18, 2011

A telephone interview was conducted with Dr. Russell. Dr. Russell works with Dr. Northrop and was watching the ESPN telecast from his office. Dr. Russell said the horse appeared to be "tying up" while warming up for the BC Ladies' Classic and he telephoned Dr. Northrop, who was still at the track. When asked to explain what he saw Dr. Russell said the horse looked stiff and it looked as if the pony was pulling the horse along rather than guiding it during the warm up.

January 19, 2011

A follow up interview was conducted with Zimmerman from ESPN. Adams asked if ESPN interviewed Dr. Bramlage following the BC Ladies' Classic for insight as to what might have happened. Zimmerman said he was not interviewed because he had gone toward the location near where the horse was to check on her condition. Zimmerman said Dr. Bramlage was a liaison between the press and the veterinarians on the track so he can explain what is happening for the press. Zimmerman stated she was unsure where Dr. Bramlage had gone but he was not in a location where the reporters could ask his opinion of the incident.

McQuade, from ESPN, was interviewed about when the Zimmerman call was made to the stewards from the production truck. McQuade did not know the exact time of the Zimmerman call but said it was shortly after the comments made by Velazquez during the first time he spoke to Bailey. McQuade was then asked if Dr. Bramlage was interviewed after the race and McQuade said Dr. Bramlage was, but the footage was not aired during the telecast.

January 20, 2011

An interview was conducted with Carol Seaver (“Seaver”), from Perfecting Fluid Motion LLC, about her involvement with LAT. Seaver said she was a physical therapist and worked massaging the horse prior to race day. During her time with the horse she did not see anything out of the ordinary. Seaver stated she uses no needles or medication and only massages the animals.

Dr. French was interviewed via telephone about any treatment he may have given LAT. Dr. French said he did not believe he had treated the horse anytime during the meet at Churchill Downs. Adams asked about the instrument used by Dr. Reed for the blood tests and Dr. Reed was unsure as to where the instrument was now located. Dr. French suggested it may be at the office in Hot Springs, Arkansas or possibly at the Fair Grounds in Louisiana. Dr. French seemed unfamiliar with the instrument and the results from the blood tests for LAT.

On January 20, 2011, Guilfoil and Speckert conducted a follow-up telephone interview with Vance. Kopp, was also present for the interview. Speckert requested the records previously requested on December 9 in Vance’s possession.

Vance indicated that he is the racing manager for the DeBartolos. They own one horse, LAT, and Vance does not manage horses for anyone else. In addition to managing LAT, he also does consulting work for racetracks, primarily in Latin America.

Vance stated that he advised the DeBartolos to use Pletcher as a trainer. The DeBartolos expressed interest to Vance in buying a race horse, and Vance contacted Pletcher to identify a horse to purchase. Pletcher contacted Vance about LAT, and the DeBartolos purchased her in a private sale. The DeBartolos bought LAT after her first race. They have owned her ever since.

Vance described his duties with regards to LAT as coordinating the necessary licensing, discussing with Pletcher the plans for LAT, and talking to bloodstock agents about the possibility of purchasing other horses. He indicated that he has seen LAT run live approximately four times. He typically watches her races on television.

Vance indicated he speaks directly with Pletcher approximately once a week by telephone. These conversations relate to upcoming races. He said that Pletcher rarely calls him. Vance also said that he receives a one-line weekly email on LAT's status from one of Pletcher's employees. He further indicated he is not involved with any veterinary, farrier or other care given to LAT. He is not aware of her feed or supplement regimen. Vance does not review bills or invoices.

Vance disagreed with Pletcher that LAT is a somewhat "on her toes" type mare. He said that she always seemed calm to him, the few times he saw her race live, and did not seem excitable. He also admitted that he does not have the experience to really characterize the personality of a horse or know when a horse is off or lame.

He saw LAT in the paddock before the BC Ladies' Classic, and she seemed calm, but, in his opinion, like she normally appeared to him. When he visited the Pletcher barn the day before the race, he spoke briefly with Pletcher. According to Vance, Pletcher indicated LAT had never been better. No one in the Pletcher Stable told Vance that she seemed more quiet than usual or may be reacting to the cold weather.

After the race, Pletcher told Vance that he wasn't really sure what happened. Pletcher theorized that LAT might have had a reaction to Lasix. Vance did not go back to Pletcher's barn the night of the BC Ladies' Classic.

Vance went to Pletcher's barn on the morning of November 6th. Dr. Reed came to attend to LAT while Vance was present. According to Vance, Dr. Reed indicated that LAT had a temperature of 103 degrees and the blood work showed a high white blood cell count. He said for the few days following the race, LAT's blood count and enzymes were monitored, and he spoke with Pletcher to receive updates. He has never been given a diagnosis or been told that LAT tied up. Vance has never spoken directly with Candy DeBartolo concerning the condition of LAT. Vance and Pletcher never spoke about whether LAT should have been scratched.

Vance was not aware of the role of the KHRC veterinarians. He did not seem to be aware of the trainer responsibility rule. When asked, based on his knowledge and experience, who is ultimately responsible for the welfare of the horse, he stated, "I think—you know, if you're—that's such a wide range, Susan. I know racing. I mean, I've—I've been around it most of my life and – and I know how the system works. I know the trainer's responsible, you know, is—is held responsible for the horse. I mean, if he does well or does poorly, but, you know there are jockeys and stewards and veterinarians and so many other people involved."

Kopp indicated that the DeBartolos still do not have a clear understanding of what happened to LAT.

January 21, 2011

Adams spoke to Dr. Scollay about the instrument used for testing the blood of LAT in the days following the race. Dr. Scollay said she would call Dr. Landry to get some information needed to assess the reports received from the office of Dr. Reed. Dr. Scollay stated the instrument was currently located in Hot Springs, Arkansas and she knew the veterinarian who was currently using the instrument. Dr. Scollay was going to call to get the information.

January 27, 2011

Kopp attempted to email documents in Vance's possession, but they would not go through on email.

January 28, 2011

Speckert received records in Vance's possession which had originally been requested on December 9.

February 2, 2011

Clark, KHRC Director of Licensing had a telephone conversation with Dr. Bramlage.

The purpose of the conversation was to discuss if or when ESPN conducted an interview with Dr. Bramlage following the BC Ladies' Classic. In previous interviews with ESPN personnel this topic had been discussed with conflicting answers.

Dr. Bramlage stated that he was not interviewed by ESPN after the BC Ladies' Classic and that after the race he went down to the track to see LAT. Dr. Bramlage again stated that he did not talk to ESPN reporter Zimmerman or do any interview with ESPN following the BC Ladies' Classic.

Adams conducted an interview with Dr. Reed via phone. KHRC staff had been attempting to contact Dr. Reed since late November but he was out of the country and unavailable. Dr. Reed was asked what treatment he had performed on LAT during the week leading up to the November 5, 2010 running of the race. Dr. Reed stated the horse was in great shape and only received a Phenylbutazone (Bute) shot on November 4, 2010. Dr. Reed added the horse received Lasix and Amicar as pre-race medications on race day. Dr. Reed said he was watching LAT warm up for the race and believed the horse was short in its stride as he watched on television. Dr. Reed proceeded to the barn and waited for the horse to return after the race. Dr. Reed treated the horse at the barn with fluids, and medications for "tying up." Dr. Reed did not recall the horse having an elevated temperature following the race. From the blood work done on November 6, 2010, Dr. Reed noted an elevated white blood cell count and believed the horse had an undetected virus or infection. Dr. Reed added he thought the horse had this undetected condition prior to receiving

“lasix” and the condition caused the horse to lose electrolytes which caused the horse to “tie up.”

February 3, 2011

Clark had a telephone conversation with Dr. Bramlage to discuss the actions of Dr. Bramlage following the BC Ladies’ Classic.

Dr. Bramlage stated that after the race, he walked from the winner’s circle, with an English reporter named Nick, to the location where LAT was on the track. Dr. Bramlage could see Velazquez talking to Dr. Peckham, but could not hear their conversation. Dr. Bramlage was focusing on LAT and her condition and he could see nothing to be wrong. Dr. Bramlage spoke to Dr. Peckham and informed him that he could see no signs of lameness.

Dr. Bramlage did not talk to anyone on camera nor did he talk to anyone in the ESPN production truck after the race. He did state that he could hear Ms. Edwards inquiring as to why he was not at his post in the winners’ circle. Dr. Bramlage stated that he believes ESPN did want to interview him following the race, but he did not have any factual information to share at that time.

Dr. Bramlage believes ESPN production moved forward and did not have time to interview him once he had factual knowledge about the condition of LAT.

Clark telephoned Ms. Edwards and asked if ESPN had planned to interview Dr. Bramlage following the BC Ladies’ Classic. Ms. Edwards stated there were no plans to interview Dr. Bramlage, however she wanted to, but he was not at his normal location. There were no plans to interview him on Saturday either, thus there was no follow up interview with Dr. Bramlage.

KHRC received the report from Office of Inspector General.

February 9, 2011

Dr. Scollay contacted Dora Delgado (Ms. Delgado) and requested responsibilities of Breeders’ Cup veterinarian panel.

February 11, 2011

Dr. Scollay forwarded email received from Ms. Delgado to Adams containing the Breeders’ Cup veterinarian protocol outline.

February 15, 2011

Adams spoke to Dr. Stead and requested a written statement. Dr. Stead stated he had misunderstood a previous message from Adams and said he would forward a written statement as soon as possible.

February 18, 2011

Adams received an email from Dr. Stead containing his written statement.

Adams conducted an interview with Dr. Bentz regarding the pre-race exam card for LAT. Dr. Bentz said he had watched LAT jog in the barn and the card was a note for what he had seen. Dr. Bentz said the notes from the morning pre-race exams were discussed during a meeting of the veterinarians after the pre-race exams and before the races started. Dr. Bentz said notes were made about horses to watch during post parades during this meeting. Dr. Bentz stated he could not recall if LAT was discussed specifically during the meeting.

February 21, 2011

Adams interviewed Dr. Farmer about any notes he had on LAT from the pre-race meeting. Dr. Farmer stated he did not have any notes regarding LAT from the meeting. Dr. Farmer added he did not see LAT jog or gallop on the track during the week and did not see any notes from any veterinarians from watching LAT on the track. Dr. Farmer reported that Dr. Bentz' observation was discussed by the group after the initial round of pre-race exams was performed. The group determined it was not necessary to re-examine LAT.

Adams interviewed Dr. Bentz again about the pre-race exam card for LAT. Dr. Bentz was unable to remember which Breeders' Cup panel vet was with him during the exam. Dr. Bentz stated he used the card to take notes of what he observed and believed LAT may have been affected by the uneven ground in the barn. Dr. Bentz was sure LAT was discussed during a meeting of the veterinarians but did not recall what was said. Dr. Bentz said he did not have a program during the meeting.

Adams spoke to Ms. Delgado via telephone and asked if she had been contacted by any Breeders' Cup panel veterinarians with any concerns about LAT before the race. Ms. Delgado stated she had not. Ms. Delgado said she saw LAT break from the starting gate slowly and called to ask what the condition of LAT was. Ms. Delgado said she heard over the radio the horse did not appear lame and was being eased around the course.

March 3, 2011

Adams spoke to Ray Amato Sr. to obtain the time he applied the rear shoes to LAT. Amato stated he did not recall the exact time, but believed he had done so between 8:30 a.m. and 9:30 a.m. on November 5, 2010.

Adams spoke to Dr. Bentz to obtain the time he performed the pre-race inspection of LAT. Dr. Bentz stated he did not recall the exact time, but believed he started the pre-race inspections for the day at approximately 8:00 a.m. Dr. Bentz added he started at the barn farthest away from the test barn and worked his way towards

the test barn. Dr. Bentz speculated he performed the exam on LAT close to 10:00 a.m.

Adams asked Dr. Picciano if she remembered the time of the pre-race inspection of LAT and she did not recall. Dr. Picciano said she believed the inspection took place between 9:30 a.m. and 10:00 a.m.

APPENDIX B-4

Kentucky Horse Racing Commission

Interview List

Name	Date	Employer
1) Greg Blasi	11/7/10, 11/13/10	Churchill Downs
2) Amy Zimmerman	11/12/10, 1/19/11 and OIG	ESPN
3) Dr. Bryce Peckham	11/10/10, 11/13/10	KHRC
4) Dr. Brent Cassady	11/10/10	KHRC
5) Dr. Robin White	11/12/10	Breeders' Cup
6) Dr. Debbie Lamparter	11/13/10	Breeders' Cup
7) Dr. Liz Santschi	11/13/10	Breeders' Cup
8) Dr. Dana Stead	11/13/10	Breeders' Cup
9) Dr. Foster Northrop	11/13/10, 11/19/10	AAEP/KHRC/ Vet
10) Pete Lang	11/17/10	TRPB
11) Dr. Jill Bailey	11/18/10	Breeders' Cup
12) Dr. Kathy Picciano	11/18/10, 3/3/11	Breeders' Cup
13) Mike Edwards	11/18/10	Churchill Downs
14) Jerry Bailey	11/19/10	ESPN
15) Dr. Larry Bramlage	11/19/10, 12/15/10, 2/2,3/11	AAEP
16) Dr. Brad Bentz	11/19/10, 3/3/11	KHRC
17) Greg Berry	11/19/10	KHRC

Name	Date	Employer
18) Barbara Borden	11/19/10	Churchill Downs
19) Betty Harless	11/19/10	Pony Rider
20) Jeannine Edwards	11/21/10, 2/3/11	ESPN
21) Bill Mott	11/19/10	Trainer
22) Jerry Hollendorfer	11/19/10	Trainer
23) Tony Dutrow	11/19/10	Trainer
24) Rick Dutrow	11/19/10	Trainer
25) Rusty Arnold	11/19/10	Trainer
26) David Carroll	11/19/10	Trainer
27) Shug McGaughey	11/19/10	Trainer
28) Scott Fairlie	11/19/10	Trainer
29) Dallas Stewart	11/19/10	Trainer
30) Joel Rosario	11/19/10	Jockey
31) Jeremy Rose	11/19/10	Jockey
32) Rafael Bejarano	11/19/10	Jockey
33) Julian Leparoux	11/19/10	Jockey
34) Kent Desormeaux	11/19/10	Jockey
35) Randy Moss	11/22/10	ESPN
36) Dr. Will Farmer	11/22/10	KHRC
37) Dr. Michael Hardy	11/22/10	KHRC

Name	Date	Employer
38) David Vance	11/22,30/10, 1/20/11	C. DeBartolo
39) Frank Delgado	11/23/10	TRPB
40) Juan Dominguez	11/23/10	TRPB
41) Cameon Childers	11/23/10	Rood & Riddle
42) Pena Lowman	11/23/10	Rood & Riddle
43) Taralyn McCarroll	11/23/10	Rood & Riddle
44) Travis Tull	11/23/10	Rood & Riddle
45) Mara Wendell	11/23/10	Rood & Riddle
46) Bud Bishe	11/26/10	JCSO
47) Ken Marksberry	11/26/10	JCSO
48) Robert Douglas	11/27/10	Churchill Downs
49) Scott Jordan	11/27/10	Churchill Downs
50) Shafter Short	12/5/10	JCSO
51) Jerry Mealing	12/5/10	Pony Rider
52) Monte Graves	12/5/10	Pony Rider
53) Lynn Steffileno	12/5/10	Pony Rider
54) Candis Fires	12/5/10	Pony Rider
55) Frankie Castillo	12/5/10	Pony Rider
56) Carrie Landry	12/5/10	Pony Rider
57) Jose Castanon	12/5/10	Pony Rider

Name	Date	Employer
58) Butch Lehr	12/6/10	Churchill Downs
59) Donnie Richardson	12/6/10	Churchill Downs
60) Kevin Flanery	12/6/10	Churchill Downs
61) Rogers Beasley	12/6/10	Keeneland
62) Todd Pletcher	12/10/10	Trainer
63) Matt Graves	12/16/10	Reporter
64) Rudy Coffman	12/16/10	Churchill Downs
65) Raul Vizcarrondo	12/16/10	Valet
66) Robby Albarado	12/16/10	Jockey
67) Calvin Borel	12/16/10	Jockey
68) Jose Lezcano	12/16/10	Jockey
69) Alan Garcia	12/16/10	Jockey
70) Garrett Gomez	12/19/10	Jockey
71) John Velazquez	12/21/10, 1/7/11	Jockey
72) Patty Krotenko	12/27/10	T. Pletcher
73) Mike McCarthy	12/27/10	T. Pletcher
74) Dr. John Garrity	12/28/10	Veterinarian
75) Candy DeBartolo	12/28/10	Owner
76) Ray Amato Sr.	1/6/11, 3/3/11	Blacksmith
77) Dr. Steve Allday	1/6/11	Veterinarian

Name	Date	Employer
78) Miguel Rivera	1/14/11	T. Pletcher
79) Horatio De Paz	1/14/11	T. Pletcher
80) Dr. Robert Landry	1/15/11	Veterinarian
81) Dr. Ross Russell	1/18/11	Veterinarian
82) Mike McQuade	1/19/11 and OIG	ESPN
83) Carol Seaver	1/20/11	Perf. Fluid Motion
84) Dr. Eric French	1/20/11	Veterinarian
85) Dr. Ken Reed	2/2/11	Veterinarian
86) John Veitch	OIG Report	Steward
87) Brooks Becraft	OIG Report	Steward
88) Rick Leigh	OIG Report	Steward
89) Lisa Underwood	OIG Report	KHRC
90) David Ceisler	OIG Report	ESPN