BEFORE THE AMERICAN ARBITRATION ASSOCIATION

NORTH AMERICAN COURT OF ARBITRATION FOR SPORT PANEL

United States Anti-Doping Agency, Claimant, v. Floyd Landis, Respondent	CASE NO. AAA No. 30 190 00847 06 **MOTION TO STRIKE SELECTED PAGES OF USADA'S PRETRIAL HEARING AND RESPONSE BRIEF BASED UPON VIOLATION OF PROCEDURAL ORDER # 2** **AND** **MOTION IN LIMINE TO EXCLUDE EVIDENCE SET FORTH IN SELECTED PAGES OF PRETRIAL HEARING AND RESPONSE BRIEF BASED UPON VIOLATION OF PROCEDURAL ORDER #2**

I.

INTRODUCTION

Respondent Floyd Landis requests that the Panel in this matter strike the following portions of USADA's Pre-Hearing and Response Brief, and preclude USADA from introducing any evidence related to the issues raised in the following portions of USADA's Pre-Hearing Brief, as being in violation of the Panel's Procedural Order #2:

1. Page 33, par. 78, the following "The criterion for acceptability is that the standard deviation must be less than or equal to 0.5 per mil for at least three of the four alkanes in the mix. This criterion was met on the day of the A confirmation and on the day of the B confirmation. There is also good consistency between the A confirmation and the B confirmation data."[1]

2. Page 39, par. 79, the following "LNDD's criterion for acceptability is that at least three of four measurements from the control must agree with the Eurofins measurement ±0.5 per mil." And the following "The dashed horizontal lines represent the range of acceptability of the LNDD

[1] Including Figures 1 and 2.

measurement of any day. The LNDD acceptability criteria is that on any day, at least three of the four delta values (for at least three of the four standards present in the mix) must fall between the dashed lines."

3. Pages 40-41, par. 80, the following: "LNDD checks assay performance and the accuracy of each day's results by making sure that, of the four delta/delta values for the Blank Urine, at least three agree with LNDD's "initial" values. This is reflected in Figures 10 and 11 below[2]. The vertical line through each dot is the range of acceptability of each measurement; it is equal to the "initial" difference in the delta/delta value measured by LNDD, ±0.8 delta/delta units. On any given day the criteria for acceptability is that at least three of the four dots must fall within the vertical line. This criteria was met on both the day of the IRMS A sample confirmation and the day of the IRMS B sample confirmation. Because the four delta/delta values are correct for the metabolites in the Blank Urine, then the delta/delta values for the same testosterone metabolites measured in Respondent's urine are also correct."

4. Page 45, par. 81, the following: "Each round dot on these Figures represents one of the 43 delta/delta measurements for that testosterone metabolite. The solid line represents the "initial" value measured by LNDD. The dashed horizontal lines represent the range of acceptability of the LNDD measurement on any day. The LNDD acceptability criteria is that on any day, every three of the four differences in delta values must fall between the dashed lines. This criteria was met in every single analysis, including the A confirmation and B confirmation for Sample #995474.

5. Page 48, par. 87, the following: "Dr. Christiane Ayotte, the Director of the Montreal WADA-accredited laboratory, was the principal drafter for the WADA Working Group that prepared TD2004EAAS. Dr. Ayotte will testify that in drafting TD2004AAS for WADA she attempted to make clear that a difference of -3 delta/delta units in a single metabolite was sufficient to establish positivity by using the term "metabolite(s)." If the intention had been to include the plural (all metabolites), the phrase would not have been written to include both the singular and the plural; it would simply have been written as 'metabolites'."

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[2] Similarly, Respondent moves to strike the referenced Figures 10 and 11.

6. Pages 48-54, the entirety of par. 88.

7. Page 54, the entirety of par. 89.

8. Pages 57-58, the entirety of par. 93.

9. Page 58, the entirety of par. 94.

10. Page 58, the entirety of par. 95.

Moreover, Respondent requests that the Panel strike the portions of USADA Pre-Trial Response Brief, and preclude USADA from introducing any evidence related to the issues raised in the following portions of USADA's Pre-Hearing Brief, as being in violation of the Panel's Procedural Order #2:

11. Page 4, par. 6, the following: "Contrary to Respondent's assertion, USADA will call the directors of all three laboratories and each will say that LNDD's delta/delta value results for Respondent's sample would be considered positive in their laboratory.

12. Page 21, the entirety of paragraph 27.

13. Page 28, par. 32, as follows, "While it may be true, as evidenced by the Cologne and UCLA studies (USADA Exhibits 34, 34a, 35, 36), that the more metabolite-ERC pairs a laboratory analyzes, the greater the chances it will catch a doper, that is not something about which an athlete can complain."

14. Page 28-29, the entirety of par. 33.

15. Page 29, the entirety of par. 34.

16. Page 29, the entirety of par. 35.

17. Page 34, the entirety of par. 47.

18. Page 26, par. 26, the following "Additional LNDD bottle chain of custody documentation which LNDD does not normally provide with the documentation package is attached as exhibit 103."

II. PROCEDURAL HISTORY

A. The Preliminary Conference Hearing

Respondent Landis submitted two separate discovery requests to USADA (on October 16, 2006 and January 22, 2007), which USADA refused to substantively respond to absent Panel

intervention. The subject of these discovery requests was brought to the Panel's attention and was the subject of a lengthy Preliminary Conference on February 22-23, 2007.

The resolution of a great number of those discovery requests was that USADA refused to produce certain categories of documents; and as a result of that refusal, the Panel ordered, with USADA's agreement, that USADA would not offer any evidence (whether documentary evidence or oral evidence) on those subjects. Because of the significance of this agreement, it is recited at some length below:

"ARBITRATOR CAMPBELL: Mr. Suh, let me ask you if this would resolve the issue, because I'm very concerned about what you're talking about. If you have a request for a document in a certain category and the response back is, "We don't have any," then it seems to me that would preclude this panel from ever considering it as evidence, if it later was to be produced. And if we can have an agreement on that issue, then that -- maybe that satisfies your verification concern.

MR. SUH: I think that would satisfy that verification concern.

MR. YOUNG: And we're fine with that as long as what we're doing today is going through and narrowing the categories." [February 22, 2007 Transcript, p. 172, lines 2-17].

* * *

MR. BARNETT: But here's the problem. We keep hearing -- I think the term was "proof of an absence," is what Mr. Suh says he's looking for. He wants to take that verified answer, Mr. Campbell, and say those documents don't exist. And I'm not even arguing the legalities right now. I'm just trying to cut through it. What the lab is saying is not that those documents don't exist. They're saying, we don't have to provide those.

ARBITRATOR CAMPBELL: Either --

MR. BARNETT: So at some point the panel has to rule on whether --

ARBITRATOR CAMPBELL: Either they don't exist or they are not going to provide them. In either case, they're not coming in as evidence. I think that's the agreement we reached.

MR. BARNETT: I don't disagree that they won't come into evidence if they're not produced. The question is how they will be able to use the proof of an absence. [February 22, 2007 Transcript, p. 190, line 1-19]

* * *

MR. SUH: Which is -- and also, I guess – you know, as we're talking through this, I certainly would be remiss if we were to ignore the loophole that – you know, that the evidence would not come in simply by a witness coming in and saying, "Oh, yes, I've seen a stack of documents. Here's what they say," and, you know, it's not that they would actually have maybe a voice whereby --

ARBITRATOR CAMPBELL: So by either orally or by written, that evidence doesn't come in?

MR. SUH: That evidence doesn't come in.

ARBITRATOR CAMPBELL: Richard, do you agree with that?

MR. BARNETT: Wait a minute. I have a question about that. So they would suggest -- and let's just look the 6A: "All documents from WADA to LNDD" --

THE COURT REPORTER: Slower.

MR. BARNETT: All right" All documents from WADA to LNDD referencing GC/MS or IRMS." And then I realize this is a hypothetical, but we get to hearing. They're crossing the director of LNDD, and they ask, "Isn't it true that you've never received any documents from WADA about GC/MS?" The director is going to say, "No, that's not true," theoretically. I don't know. But the point is, if he can't testify about something that exists just because he's raising an objection under the ISL that he doesn't have to produce it, we're going to be in a very hypertechnical fictional area that isn't going to serve anyone -- anyone's interest.

ARBITRATOR CAMPBELL: Well, he can produce it, and that would resolve the issue.

MR. BARNETT: But he's raising an objection. That's what I'm worried about here, is that we have a lab who's raising an objection and saying that, "We operate under an arbitration agreement and a system of – the anti-doping movement that doesn't require us to turn over all of our lab documents, everything in our files every time we have a positive case."

MR. JACOBS: I thought we were beyond that objection, though, and had decided that they were going to affirmatively answer whether they have documents or not, and if they say they don't have documents on a specific category, then we can rely on that.

MR. BARNETT: Exactly. When you say we're beyond that objection, you mean that the panel should ignore that objection and that the lab should have to turn over everything, regardless of what the ISL says. I want to make sure we're all clear on that issue. [February 22, 2007 Transcript, p. 191, line 22 – p. 194, line 3].

ARBITRATOR CAMPBELL: No. No. I think – and I think it goes a step further. And they really do have them, but we're not going to produce them. Then it doesn't come in either. [[February 22, 2007 Transcript, p. 190, lines 2-17].

Therefore, for any documents that are not produced, USADA has agreed that it will not offer any documentary or oral evidence on that subject. From that point forward during the Preliminary Conference, USADA confirmed this agreement on multiple occasions.

B. Respondent's discovery requests and USADA's Response to the Panel's Draft Procedural Order

The Panel issued a draft order concerning Respondent's discovery requests on March 23, 2007. On March 30, 2007, with knowledge that if it failed to produce documents, it would be prohibited from using such evidence at trial, USADA submitted its responses to the Panel's draft order. This response is attached as Exhibit 1. USADA's notable representations are as follows:

a. Respondent's Request B4 asked for the following documents: "All SOPs related to the analysis of any urine or blood sample provided by Floyd Landis during the 2006 Tour de France, including IRMS and GC-MS." In response, USADA stated that all the SOP's LNDD agreed to produce were attached to the response.

b. Respondent's Request B7 asked for the following documents: "All DOCUMENTS from USADA to LNDD that reference validation, testing, use or standards of GC-MS or IRMS." In response, USADA stated that it had no additional documents concerning documents from USADA to LNDD that reference validation, testing, use or standards for the GC-MS or IRMS tests.

c. Respondent's Request B8 asked for the following documents: "All DOCUMENTS, from any source, that relate to the use or approval of LNDD's current criteria for determining an Adverse Analytic Finding ("AAF") using GC-MS or IRMS. In response, USADA stated that it would not produce additional documentation relating to the use or approval of LNDD's current criteria for positivity using GC-MS or IRMS, except for the 2006 WADA certification, 2006 ISO Certification.

d. Respondent's Request B9 asked for the following documents: "All DOCUMENTS, from any source, that relate to any changes, adjustments or alterations made to the criteria for determining an Adverse Analytical Finding ("AAF") using GC-MS or IRMS." In response, USADA stated that it has no documents concerning LNDD's positivity criteria for the IRMS test except for WADA TD2004EAAS and documents concerning LNDD's former positivity criteria. Further USADA stated that USADA has no documents concerning the positivity criteria for the T/E test except for the WADA Prohibit List, effective January 1, 2005.

e. Respondent's Request C3 asked for the following documents: "All DOCUMENTS that relate to the standards by which LNDD or other WADA-approved labs have determined the standards by which testosterone or its metabolites are determined to be exogenous using IRMS." In response, USADA was order to produce documents related to the standards by which LNDD and other WADA-approved laboratories have determined the standards by which testosterone or its metabolites are determined to be exogenous using IRMS; however, no such documentation has been produced.

USADA also failed to respond to Respondent's First Request for Documents. In particular, USADA did not produce documents response to Category 48, which requests "All documents that evidence, reference, or relate to the intra-laboratory chain of custody of sample 995474, along with the relevant entries documenting why the sample results were printed the day following analysis. Exhibit 2.

III. EVIDENCE RELATED TO STANDARD OPERATING PROCEDURES AT LNDD

The arguments made by USADA that are identified at points 1-4, 12, and 17 above, are all assertions that relate to how LNDD allegedly performed certain portions of the IRMS analysis to make sure (1) that the equipment is working properly and (2) that the test results are accurate. USADA has, to date, introduced no evidence to support any of these assertions related to "LNDD acceptability criteria." Presumably, each of these "criteria" would be documented somewhere in an LNDD SOP.

Respondent's January 22, 2007 discovery request, at request (B)(4), requested "SOP's related to the analysis of any urine or blood sample provided by Floyd Landis during the 2006 Tour de France, including IRMS and GC-MS." However, none of the SOPs produced by USADA address any of these "criteria." Indeed, none of the SOPs produced by USADA on April 24, 2007, after it submitted its Pre-Hearing trial brief, support USADA's assertions. As a result, USADA is precluded from introducing any evidence to support these allegations, whether by documentary or oral evidence in its brief and at trial. The natural result of this evidentiary exclusion, previously agreed to by USADA, is that these portions of the USADA Pre-Hearing Brief and Response Brief must be stricken.

IV. EVIDENCE RELATED TO JUSTIFICATION FOR POSITIVITY CRITERIA

The arguments made by USADA that are identified at points 5-11, 13-16 above, are all assertions that relate to the basis upon which WADA, the LNDD and certain other WADA-accredited laboratories have established their positivity criteria for the IRMS analysis (either current or past positivity criteria). Respondent's January 22, 2007 discovery request asked for, in pertinent part, the following:

(B)(8). All DOCUMENTS, from any source, that relate to the use or approval of LNDD's current criteria for determining an Adverse Analytic Finding ("AAF") using GC-MS or IRMS.

(B)(9). All DOCUMENTS, from any source, that relate to any changes, adjustments or alterations made to the criteria for determining an Adverse Analytic Finding ("AAF") using GCMS or IRMS.

(C)(3). All DOCUMENTS that relate to the standards by which LNDD or other WADA approved labs have determined the standards by which testosterone or its metabolites are determined to be exogenous using IRMS.

In response to this request, USADA produced none of the evidence upon which it now seeks to rely in the above-referenced sections of its brief (and in USADA's accompanying exhibits 34, 36

and 40). USADA, given its prior agreement, is precluded from relying on this documentary evidence; is precluded from introducing the proferred testimony of Dr. Ayotte; and is precluded from introducing any documentary or oral evidence on this subject. The natural result of this evidentiary exclusion, previously agreed to by USADA, is that these portions of the USADA Pre-Hearing and Response Brief must be stricken.

The studies referred to in Paragraph 88(a) and (b) should also be stricken because they are studies which are either not complete, or have not been peer-reviewed. In USADA v. Sbeih, the Panel found that a study which was not finalized and had not been peer reviewed is not credible evidence. USADA v. Sbeih, AAA No. 30-190-001100-03, p. 10, n.11. As to the UCLA study in Paragraph 88(a), on April 23, 2007, Dr. Don Catlin sent Mr. Young a letter stating that the results from the entire study could not be provided to respondent because – for eleven of the twelve subjects – the results have not been reviewed. This study is clearly incomplete and has not been reviewed by others in the field; as such, the one "cherry-picked" result USADA cites from the UCLA study is not credible evidence and should be stricken. As to the Cologne study, there is no evidence that this study has been peer-reviewed; thus, it is not credible either.

Accordingly, since USADA failed to comply with Respondent's discovery requests for the positivity criteria of LNDD and other WADA-accredited laboratories, USADA is precluded from introducing any evidence to support these allegations, whether by documentary or oral evidence in its brief and at trial. The natural result of this evidentiary exclusion, previously agreed to by USADA, is that these portions of the USADA Pre-Hearing Brief and Response Brief must be stricken.

V. CHAIN OF CUSTODY DOCUMENTS

The exhibits referenced by USADA that is identified at point 17 above relates to USADA's argument that is has maintained adequate chain of custody of the sample bottles. Respondent requested these "all documents that . . . relate to the intra laboratory chain of custody of sample 995474." Exhibit 2. In response to this request, USADA produced none of the evidence upon which it now seeks to rely in the above-referenced sections of its response brief. USADA, given its prior agreement, is precluded from relying on this documentary evidence and is precluded from introducing any documentary or oral evidence on this subject. The natural result of this evidentiary

exclusion, previously agreed to by USADA, is that these portions of the USADA Pre-Hearing and Response Brief must be stricken.

VI. CONCLUSION

For all of the foregoing reasons, it is respectfully requested that this Panel order the above-referenced portions of the USADA Briefs be stricken, and Order that USADA, by its prior Agreement, is precluded from introducing any evidence, whether documentary or by oral testimony, related to those portions of the USADA Pre-Hearing Brief and Response Brief that have been stricken.

DATED: May 8, 2007

GIBSON, DUNN & CRUTCHER LLP

By: _____
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Exhibit 1

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March 30, 2007

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Re: *USADA and Floyd Landis,*
AAA No. 30 190 00847 06

Dear Panel:

USADA hereby submits its responses to the Panel's draft order of March 23rd. Without waiving any objections, USADA sets forth its responses to the Panel's Order below in blue underlined text (the Panel's Order is set forth verbatim below for ease of reference). The documents referenced herein will be produced by hard copy and PDF to Mr. Suh and Mr. Jacobs. USADA reserves the right to produce additional documents in advance of the hearing; however, with this production USADA believes it has produced the documents the Panel has requested within the scope of the Second Request.

B1. All ELECTRONIC DATA FILES and other DOCUMENTS for all test results conducted during the 2006 Tour de France by LNDD of specimens provided by Floyd Landis.

B2. All DOCUMENTS that CONCERN any testing of urine or blood samples provided by Floyd Landis during the 2006 Tour de France by LNDD.

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The Panel considers that both of these requests (Bl and B2) will be satisfied.
The electronic data files shall be analyzed by the Panel-appointed expert in accordance with Procedural Order No 2.

LNDD will await instructions from the Panel-appointed expert.

B3. All DOCUMENTS that CONCERN any testing of urine or blood samples provided by Floyd Landis during the period beginning January 1, 2001 to the present.

Claimant will produce additional documents responsive to this request. Such documents will be obtained from the LNDD and other four laboratories will have provided the required information. [1]

The agreed-upon documents are attached at pages LNDD1353-0377 and USADA1082-1132.

B4. All SOPs related to the analysis of any urine or blood sample provided by Floyd Landis during the 2006 Tour de France, including IRMS and GC-MS.

Claimant will produce additional documents responsive to this request.

The documents that LNDD agreed to produce are attached under C4.

B5. All calibration data for GC- MS and IRMS equipment used by LNDD used to test any sample provided by Floyd Landis during the 2006 Tour de France.

The Panel considers that this request has been satisfied.

B6. All documents from WADA to LNDD that reference the validation, testing, use or standards of GC-MS or IRMS, including but not limited to:

a. All DOCUMENTS that evidence, reference or relate to any surveys

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[1] The Claimant's counsel has advised all parties in his email dated March 2nd 2007, that the LNDD will provide chromatograms such as those provided for the "other seven Tour de France samples" for all 9 samples which were collected between the year 2002 and March 2006

conducted by WADA or by the World Association of Anti-Doping Scientists;

b. All DOCUMENTS that relate to the accuracy and validity of the IRMS testing method.

The Panel considers this request to be partially satisfied; Claimant will produce additional documents responsive to this request.

Other than the WADA proficiency studies that are a part of the WADA accreditation process, LNDD has no other such documents from WADA. It was our understanding that LNDD was not required to produce proficiency studies unless the result was a corrective action notice from WADA pursuant to discovery request B15. WADA has not issued a corrective action notice to LNDD in connection with a proficiency study.

B7. All DOCUMENTS from USADA to LNDD that reference validation, testing, use or standards of GC-MS or IRMS.

The Panel considers this request to be partially satisfied; Claimant will produce additional documents responsive to this request.

As previously stated, there are no additional documents responsive to this request.

B8. All DOCUMENTS, from any source, that relate to the use or approval of LNDD's current criteria for determining an Adverse Analytic Finding ("AAF") using GC-MS or IRMS.

This document request will be satisfied by USADA's response that there are documents responsive to this request, however, USADA will not produce those documents pursuant to the International Standards of Laboratories (Version 3.0).[2]

As previously stated, there are no additional documents responsive to this request. The 2006 WADA certification is found at LNDD 0104. The 2006 ISO Certification is found at LNDD0074 (diploma), 0075 (certificate), 0076-0088 (scope of accreditation), and 0089-0100 (corrected scope of

[2] Please see also Procedural Order No. 2, paragraph 5.

accreditation). In the course of ISO Certification, ISO reviews voluminous documentation with respect to LNDD's methods. Pursuant to the International Standard for Laboratories, all of that documentation need not be produced. With respect to the choice of positivity criteria for GC-MS and IRMS, LNDD uses criteria set forth in WADA technical document TD2004EAAS.

B9. All DOCUMENTS, from any source, that relate to any changes, adjustments or alterations made to the criteria for determining an Adverse Analytical Finding ("AAF") using GC-MS or IRMS.

This document request will be satisfied by USADA's response that there are documents responsive to this request, however, USADA will not produce those documents pursuant to the International Standards of Laboratories (Version 3.0).[3]

The criteria for determining that a sample should be declared an Adverse Analytical Finding are established by WADA. WADA changed the T/E ratio reporting criteria from 6:1 to 4:1 with the publication of the Prohibited List effective January 1, 2005. LNDD complied. As set forth in documents already provided in response to Request B9, before WADA's publication of TD2004EAAS, which established three delta units as the criteria for reporting an IRMS adverse analytical finding, LNDD's positivity criteria was a ratio of the delta value of a metabolite over that of an endogenous reference compound (ERC) greater than 1.12.

LNDD has no other documents that specifically reference positivity criteria. In the course of ISO Certification, ISO reviews voluminous documentation with regard to LNDD's methods. Pursuant to the International Standard for Laboratories, all of that documentation need not be produced.

Regarding LNDD's former IRMS positivity criteria, the obsolete LNDD forms found at LNDD0107-0112 show that the criteria were based on the ratio of delta value, but the forms do not show the cut-off. The cut-off value appears on the LNDD Certificates of Analysis that reported IRMS adverse analytical findings in individual athlete cases. These documents exist and were made available for ISO to review as part of the annual certification process and will not be produced pursuant to the International Standard for Laboratories.

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[3] Idem.

B10. All DOCUMENTS related to the blank urine samples used in connection with the analysis taken from Floyd Landis during the 2006 Tour de France.

This information request has been satisfied because Claimant has produced additional information responsive to this request by email dated March 2nd 2007.

B11. All DOCUMENTS related to the laboratory test results associated with (I) sample number 995475, (2) sample number 995476 and (3) sample number 994474.

Claimant will produce additional documents responsive to this request.

As previously noted by LNDD, LNDD has not processed a sample number 994474 since 2001. As agreed, the analytical reports confirming that 995475 and 995476 were both negative samples are included at LNDD0378-0380.

B12. All DOCUMENTS related to the certification by WADA of LNDD.

The Panel considers that this request has been satisfied.

B13. All DOCUMENTS related to any change of protocol or procedure put in place in response to any finding or conclusion rendered by any doping court in conjunction with Inigio Landaluze.

The Panel considers that this request has been satisfied.

B14. All DOCUMENTS related to the identification of LNDD personnel and their roles at LNDD.

The Panel considers that this request has been satisfied.

B15. All DOCUMENTS related to claims that LNDD has (1) failed to follow its own laboratory procedures or (2) generated inaccurate test results or conclusions and (3) the resolution of any of the foregoing claims.

The Panel considers that this request will be satisfied by Claimant providing any existing documentation from ISO/WADA establishing LNDD's deviation from its standard procedures, or confirmation of the

absence of such documents.

The 2006 ISO (COFRAC) Inspection Report, which notes all observed deficiencies and how they were remedied, is attached as LNDD0381-0431. The correspondence between LNDD and WADA about a WADA investigation of a testing issue at LNDD is being assembled by LNDD and will be provided.

B16. All DOCUMENTS discussing the possibility of testing specimens associated with Floyd Landis aside from those taken after completion of Stage 17 of the 2006 Tour de France.

The Panel considers that this request has been satisfied.

B17. All DOCUMENTS related to a critique of publicly available documents authored by Dr. Arnie Baker.

The Panel considers that this request has been satisfied.

B18. All DOCUMENTS between and among LNDD and W ADA and/or any sports federation regarding:

a. Errors in documentation packages;

b. Requests to destroy or actual destruction of laboratory reports or any portion of laboratory reports;

c. Errors related to contamination or degradation of blank urine samples;

The Panel considers that this request will be satisfied by Claimant providing any existing documentation from ISO/WADA establishing LNDD's deviation from its standard procedures, or confirmation of the absence of such documents.

See response to B15.

B19. All DOCUMENTS that demonstrate LNDD's compliance with WADA International Standards for Laboratories ("ISL") Version 3.0, section 5.4.4.4.1.1

regarding access to computer terminals, computers or other operating equipment.

The Panel considers that this request will be resolved by Claimant providing any existing documentation from ISO/WADA establishing LNDD's deviation from its standard procedures, or confirmation of the absence of such documents.

See response to B15.

B20. All DOCUMENTS tint demonstrate LNDD's compliance with W ADA International Standards for Laboratories ("ISL") Version 3.0, section 5.4.4.4.1.3 regarding documentation of changes to results.

The Panel considers that this request will be resolved by Claimant providing any existing documentation from ISO/WADA establishing LNDD's deviation from its standard procedures, or confirmation of the absence of such documents.

See response to B15.

B21. All DOCUMENTS that demonstrate LNDD's compliance with WADA International Standards for Laboratories ("ISL") Version 3.0, section 5.4.4.4.1.4 regarding recording of reporting processes and all changes to reported data.

The Panel considers that this request will be resolved by Claimant providing any existing documentation from ISO/WADA establishing LNDD's deviation from its standard procedures, or confirmation of the absence of such documents.

See response to B15.

B22. All DOCUMENTS that evidence LNDD'S compliance with ISO 17025, section 4.13.1.4 regarding procedure to protect and back up records electronically and to prevent unauthorized access to or amendment to these records.

The Panel considers that this request will be resolved by Claimant providing any existing documentation from ISO/WADA establishing LNDD's deviation from its standard procedures, or confirmation ofthe absence of such documents.

See response to B15.

B23. All DOCUMENTS sent from LNDD to the Conseil de Prevention et de Lutte Contre le Dopage concerning sample 995474.

The Panel considers that this request is still in progress; Claimant will produce additional documents responsive to this request.

LNDD can confirm that, other than documents previously provided, no other documents were sent by LNDD to CFLD concerning sample 995474.

C 1. All DOCUMENTS that relate to the frequency that LNDD has performed IRMS and the results of those tests.

The Panel considers that this request is based on a review of the measure of uncertainty, and is still in progress; the Panel-appointed expert(s) shall report its findings and Claimant will produce additional documents responsive to this request.

LNDD did not understand this request as going to the issue of uncertainty. Rather, as stated by Mr. Suh in the February 22nd hearing, Respondent wanted to know "if this were the first time that LNDD ever saw a one metabolite finding." The answer is no. LNDD is providing, at LNDD0432-0436, the IRMS data for all samples reported positive in 2004, 2005, 2006, and the IRMS data for all samples reported negative by IRMS in 2006. Note that the numbers E1, E2, etc., are line numbers in each table and are unrelated between the two tables.

C2. All DOCUMENTS that relate to the frequency that other WADA-approved labs have performed IRMS and the results of those tests.

This document request will be satisfied by USADA's response that there are no additional documents responsive to this request.

LNDD confirms that it has no additional documents responsive to this request.

C3. ALL DOCUMENTS that relate to the standards by which LNDD or other WADA-approved labs have determined the standards by which testosterone or its metabolites are determined to be exogenous using IRMS.

The Panel considers that this request is based on a review of the measure of uncertainty, and is still in progress; the Panel-appointed expert(s) shall report its findings and Claimant will produce additional documents responsive to this request.

LNDD did not understand this request as going to the issue of uncertainty. However, LNDD will produce any additional responsive documentation that the Panel-appointed expert considers to be necessary.

C4. ALL DOCUMENTS that relate to LNDD's purchase and use of IRMS equipment and software and software updates and GC-MS equipment and software and software updates, including but not limited to:

a. DOCUMENTS related to calibration standards and certificates (including those documents related to the type and grade of purity of the reference gas used);

In accordance with the February 23rd transcript (p. 115), Claimant will produce additional documents responsive to this request.

- Reference solution preparation logs for: testosterone H10-03502 and 033-2 are attached at LNDD0438.
- Reference solution preparation logs for: Epitestosterone H7-033.1.1 and 033.2 and methyltestosterone SI3 046-7 are attached at LNDD0439-0440.
- SOP for the preparation of mix acetate and mix cal acetate attached at LNDD0441-0442.
- Preparation Log for Alcane Mix 003 attached at LNDD0443.
- Mix acetate and mix cal acetate composition attached at LNDD 0444-0447.
- IRMS Standard – mix cal acetate 001A measurement history from May 29, 2006, to October 6, 2006, are attached at LNDD0448-0450.

b. DOCUMENTS related to the precise version of the IRMS software

used by LNDD, and;

The Panel considers that this request is based on a review of the applicable software version, and is still in progress; the Panel-appointed expert(s) shall report its findings.

LNDD has identified the version of software used and will await further direction from the Panel-appointed expert.

c. DOCUMENTS related to the manufacturer's recommended procedures for the use of the IRMS test, including its operating pressure;

Claimant will confirm whether additional documents exist, and will produce them if existing.

LNDD has confirmed that it has no additional documents.

C5. ALL DOCUMENTS that relate to the calculation of the .8 measure of uncertainty value for IRMS delta calculations.

The Panel considers that this request is based on a review of the measure of uncertainty, and is still in progress; the Panel-appointed expert(s) shall report its findings and Claimant will produce additional documents responsive to this request.

Original validation of delta value uncertainty (.8 and .5) attached at LNDD0451-0460.

C6. ALL DOCUMENTS, from any source, that relate to the criteria used by other WADA-accredited laboratories aside from LNDD for determining an AAF for testosterone or testosterone precursors based on a Testosterone/Epitestosterone ratio analysis or an IRMS test result.

Claimant will confirm whether additional documents exist, and will produce them if existing.

LNDD has no additional documents.

C7. All DOCUMENTS that relate to the selection of metabolites used by LNDD for the IRMS test.

The Panel considers that this request will be resolved upon confirmation by the Claimant that no document exists other than those already produced.

LNDD confirms that it has no additional documents.

C8. All DOCUMENTS that relate to the expected delta values for androsterone, etiocholano lone, 5 alpha Androstanediol and 5 beta Androstanediol for negative control urine used the IRMS test.

The Panel considers that this request has been satisfied.

C9. All DOCUMENTS that relate to the linearity tests conducted by LNDD on the Isoprime used in the IRMS test that (1) analyzed any specimen taken from Floyd Landis during the 2006 Tour de France and (2) analyzed any specimen immediately prior to the testing of sample 995474.

The Panel considers that this issue will be resolved upon confirmation by the Claimant that no linearity test was conducted between the linearity test documents which were already produced, or upon production of the linearity test documents which would fall in between those already produced.

LNDD confirms that it has no additional documents. There were no other linearity tests done in between those already produced.

C10. All DOCUMENTS that relate to the creation and accuracy of the background subtraction method used by LNDD in the IRMS test.

The Panel considers that this request will be resolved upon confirmation by the Claimant that no document exists other than those already produced.

LNDD confirms that it has no other documents.

C 11. All DOCUMENTS that relate to the "craig correction" in connection with the IRMS test.

The Panel considers that this request will be resolved upon

confirmation by the Claimant that no document exists other than those already produced The Panel-appointed expert shall also provide additional answers to Respondent.

LNDD confirms that it has no other documents.

C12. All DOCUMENTS that relate to the calculation and application of the correction factor(s) applied to the IRMS test for any sample tested by LNDD from Floyd Landis during the 2006 Tour de France.

The Panel considers that this request will be resolved upon confirmation by the Claimant that no document exists other than those already produced.

LNDD confirms that it has no other documents.

C 13. All DOCUMENTS that relate to the identification of each of the peaks in the IRMS analysis for any sample tested by LNDD from Floyd Landis during the 2006 Tour de France.

The Panel considers that this request will be resolved upon production of "scans" for all of the Respondent's Tour de France 2006 samples.

None of the Landis Tour de France samples other than 995474 were analyzed using IRMS. The full scans of the IRMS analysis peaks for number 995474 have already been produced at LNDD0333-0345.

C14. All DOCUMENTS that relate to background scans for the IRMS machine that would have occurred contemporaneous with the testing of any specimen taken from Floyd Landis during the 2006 Tour de France.

The Panel considers that this request will be resolved upon confirmation by the Claimant that no document exists other than those already produced.

LNDD confirms that it has no additional documents.

C15. All DOCUMENTS that relate to the calculation of the 20% measure of uncertainty for testosterone calculation and 30% measure of uncertainty for epitestosterone calculation.

The Panel considers that this request is based on a review of the measure of uncertainty, and is still in progress; the Panel-appointed expert(s) shall report its findings and Claimant will produce additional documents responsive to this request.

Historical validation documentation on T, E, and T/E uncertainty is provided at LNDD 0461-0471.

C 16. All DOCUMENTS that relate to the calculation of the 30% measure of uncertainty for the ratio of testosterone to epitestosterone using the GC- MS test.

The Panel considers that this request is based on a review of the measure of uncertainty, and is still in progress; the Panel-appointed expert(s) shall report its findings and Claimant will produce additional documents responsive to this request.

Historical validation documentation on T, E, and T/E uncertainty is provided at LNDD0461-0471.

C 17. All DOCUMENTS related to the reference range for IRMS (as shown on USADA 352), including those documents related to (1) the sample size; (2) the applicable highs and lows; (3) the correlation coefficient between Adiols and PDiol and (4) the subtraction values.

Claimant will confirm whether additional documents exist, and will produce them if existing.

LNDD needs to correct a statement made by Mr. Young in his March 13, 2007, email. The text set forth in bold italics below is corrected from Mr. Young's email.

The "reference population" is not part of LNDD's IRMS positivity criteria. The reference population was studied by LNDD in order to become familiar with data from athletes, not to establish the range of values in known negative

samples, or any cut-off value or any criteria for declaring a sample positive or negative. The reference population consists entirely of athlete doping control samples which were analyzed by IRMS after having screened suspicious using the T/E ratio method (>6:1 or >4:1). All of these samples were subsequently declared negative based on the IRMS criteria applicable at the time. For each of the six compounds of interest, the ***mean and standard deviation were calculated; the mean +/- 3 standard deviations are stated in the documentation package as the high and low values for each compound in the reference population.*** From that point on, delta values from athletes' samples had been compared to the reference population range. The purpose of the comparison is merely to see whether the latest sample's values fall within the range of samples previously declared negative. The only other reference population data readily available consists of a frequency distribution for the delta values for each of the six compounds. LNDD has agreed to voluntarily produce that document.

The referenced document is attached at LNDD0472-0476.

C18. A clear and legible copy of USADA 0105.

The Panel considers that this request has been satisfied.

C19. All DOCUMENTS related to the derivitization marker with mass 361.30.

The Panel considers this request will have been resolved once the Claimant will have informed the Respondent of the nature of the compound present in Mr. Landis' sample.

LNDD believes that this marker is a metabolite of a non-prohibited painkiller but it does not have any documents specifically establishing this.

Additional documents provided by Agence francaise de lutte contre le dopage (AFLD) at AFLD0001-0013:

- CPLD (the predecessor of AFLD) copy of doping control forms of samples from 5 other Tour de France riders collected on July 20, 2006, and received by mail at CPLD on July 27, 2006 (riders' names redacted).

- CPLD copy of doping control forms of samples from 7 other Tour de France riders collected on July 19, 2006, and received at CPLD on July 28, 2006 (riders' names redacted).

Additional Documents Provided

- LNDD0477: Cover letter to documents produced beginning at LNDD0089. Evidently this page was inadvertently omitted from the first production.
- LNDD0478: Study referenced in LNDD's response to request for documents submitted on February 7, 2007 at C12. Evidently this document was inadvertently omitted from the first production.
- USADA1133-1134: Materials from Don Catlin, M.D.
- USADA1135-1137: January 25, 2007, letter to T. Tygart from AFLD. We believe this letter has already been produced, however our review of the documents did not locate it. As such, it is being produced here.

Sincerely,

Richard Young

cc: Maurice Suh, Esq. (via email)

Howard Jacobs, Esq. (via email)

Exhibit 2

T56563-1

LAW OFFICES OF HOWARD L. JACOBS

October 16, 2006

VIA FACSIMILE 719-785-2001 AND REGULAR MAIL

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

VIA FACSIMILE 011 41 24 468 58 12

Delphine Lautenschlager
UCI
CH 1860 Aigle
Switzerland

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

Dear Mr. Tygart and Ms. Lautenschlager:

In connection with the above-referenced matter, Floyd Landis submits herewith a First Request or Production of Documents; and a First Set of Interrogatories. For your convenience, and to avoid later objection regarding the justification for the necessity of each request, I have coded each request/interrogatory in superscript. The corresponding justifications are as follows:

CODE FOR JUSTIFICATION OF DOCUMENT / INTERROGATORY NECESSITY

[1] We question the competency of LNDD in conducting the tests at issue in this case. The documents / information requested are essential to our analysis of the laboratory's competence in this regard.

[2] We have questions regarding the ambiguity of the test methods and positivity criteria at issue in this case. The documents / information requested are essential to our analysis of these ambiguities created by WADA and/or LNDD.

[3] It is our contention that LNDD did not follow proper testing procedures. The documents / information requested are necessary to our analysis of this issue and the preparation of our defense.

4 It is our contention that LNDD did not properly interpret the test results in accordance with applicable SOPs and positivity criteria. The documents / information requested are necessary to our analysis of this issue and the preparation of our defense.

[5] The documents provided to date raise questions regarding accuracy that cannot be answered without the requested documents / information.

[6] It is our contention that other test results will corroborate other evidence that the test results related to sample 995474 cannot be accurate. The documents / information requested are necessary to our analysis of this issue and the preparation of our defense.

The corresponding requests and interrogatories are found below.

I. FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

A. DOCUMENTS RELATED TO IRMS ANALYSIS

1. Any Standard Operating Procedure or SOP used by LNDD related to the processing of sample 995474 by GC-C-IRMS.[1, 2, 3, 4, 5]

2. All documents that evidence, reference or relate to the frequency that LNDD has performed the carbon isotope ratio test for testosterone using any GC-C-IRMS method.[1]
3. All documents that evidence, reference or relate to the frequency that WADA-accredited laboratories other than LNDD have performed the carbon isotope ratio test for testosterone using any GC-C-IRMS method.[1]
4. All calibration data for GC, MS and IRMS equipment used by LNDD in connection with sample 995474.[1, 3, 4, 5]
5. All documents that evidence, reference or relate to LNDD's purchase of IRMS equipment and software, and any maintenance logs or updates.[3, 4]
6. All documents that evidence, reference or relate to the first date that LNDD used the IRMS equipment and software referenced in request number 5 above.[3, 4]
7. All documents that evidence, reference or relate to LNDD's determination of a measure of uncertainty of 0.8 ‰ for IRMS delta ‰ calculations.[1, 2, 4, 5]
8. All documents that evidence, reference or relate to the validation of method by WADA of the carbon isotope ratio test for testosterone using any GC-C-IRMS method.[1, 2, 3, 4]
9. All documents that evidence, reference or relate to approval of LNDD's criteria for determining an Adverse Analytical Finding ("AAF") using the carbon isotope ratio test for testosterone using any GC-C-IRMS method.[1, 2, 3, 4]
10. All documents that evidence, reference or relate to approval of WADA's criteria for determining an AAF using the carbon isotope ratio test for testosterone using any GC-C-IRMS method.[1, 2, 3, 4]
11. All documents that evidence, reference or relate to the current IRMS criteria used by LNDD for determining an Adverse Analytical Finding.[1, 2, 3, 4]
12. All documents that evidence, reference or relate to prior IRMS criteria used by LNDD for determining an Adverse Analytical Finding, if different from the previous request.[1, 2, 3, 4]
13. All documents that evidence, reference or relate to the current IRMS criteria used by WADA-accredited laboratories other than LNDD for determining an Adverse Analytical Finding.[1, 2, 3, 4]

14. All documents that evidence, reference or relate to prior IRMS criteria used by WADA-accredited laboratories other than LNDD for determining an Adverse Analytical Finding, if different from the previous request. [1, 2, 3, 4]
15. All documents that evidence, reference or relate to the selection of metabolites used by LNDD for the carbon isotope ratio test for testosterone using any GC-C-IRMS method.[1, 2, 3, 4]
16. All documents that evidence, reference or relate to expected delta ‰ values for androsterone for negative control urine used in any GC-C-IRMS method.[1, 2, 3, 4, 5]
17. All documents that evidence, reference or relate to expected delta ‰ values for etiocholanolone for negative control urine used in any GC-C-IRMS method.[1, 2, 3, 4, 5]
18. All documents that evidence, reference or relate to expected delta values for 5 α-Androstanediol for negative control urine used in any GC-C-IRMS method.[1, 2, 3, 4, 5]
19. All documents that evidence, reference or relate to expected delta ‰ values for 5 β-Androstanediol for negative control urine used in any GC-C-IRMS method.[1, 2, 3, 4, 5]
20. All documents that evidence, reference or relate to any linearity tests that have been carried out by LNDD on the Isoprime used in any GC-C-IRMS method.[1, 3, 4, 5]
21. All documents that evidence, reference or relate to the creation and accuracy of the background subtraction method used by LNDD in connection with any GC-C-IRMS method.[1, 3, 4, 5]
22. All documents that evidence, reference or relate to LNDD's usage or non-usage of the "craig" correction in connection with any GC-C-IRMS method.[1, 3, 4, 5]
23. All documents that evidence, reference or relate to the exact software used by LNDD in connection with any GC-C-IRMS method, including documents related to any software updates.[3, 4]
24. All documents that evidence, reference or relate to the standards used to calibrate the instrument used by LNDD in connection with any GC-C-IRMS method, including any and all certifications and/or approvals of such calibration standard(s).[3, 4, 5]
25. All documents that identify the manufacturer's recommended operating pressure of any GC-C-IRMS system.[3, 4, 5]

26. All calibration certificates for all standards analyzed by LNDD connection with any GC-C-IRMS method.[3, 4, 5]
27. All documents that evidence, reference or relate to any surveys conducted by WADA or by the World Association of Anti-Doping Scientists (hereinafter "WAADS") regarding samples analyzed that showed T/E ratios above 4 that were also analyzed by any GC-C-IRMS method.[2]
28. All documents that evidence, reference or relate to any statistics generated by WADA or WAADS regarding how frequently samples analyzed that showed T/E ratios above 4 that were also analyzed by any GC-C-IRMS method were actually confirmed by said GC-C-IRMS method.[2]
29. All documents that evidence, reference or relate to reservations that have been expressed by WADA or WAADS regarding the validity of the IRMS method.[2]

B. DOCUMENTS RELATED TO T/E ANALYSIS

30. Any Standard Operating Procedure or SOP used by LNDD related to the processing of sample 995474 by GC/MS.[1, 2, 3, 4, 5]
31. Any Standard Operating Procedure or SOP used by LNDD related to the processing of sample 995474 by LC/MS.[1, 2, 3, 4, 5]
32. All documents that evidence, reference or relate to the determination by LNDD of a 20% measure of uncertainty for testosterone concentration.[1, 2, 3, 4]
33. All documents that evidence, reference or relate to the determination by LNDD of a 30% measure of uncertainty for epitestosterone concentration.[1, 2, 3, 4]
34. All documents that evidence, reference or relate to the determination by LNDD of 30% measure of uncertainty for T/E ratio.[1, 2, 3, 4]

C. DOCUMENTS SPECIFICALLY RELATED TO URINE SAMPLE 995474

35. All electronic data files for all test results, "A" and "B" sample 995474.[1, 3, 4, 5]
36. For any GC-C-IRMS method, all documents that evidence, reference or relate to the calculation of and reasoning for correction factors applied to[1, 3, 4, 5]:
    a. Reference samples vs. sample 995474
    b. Different metabolites.
37. All documents that evidence, reference or relate to the identification of each of the peaks in the IRMS analysis of sample 995474.[1, 3, 4, 5]
38. All raw data for all IRMS testing performed on sample 995474 and related controls.[1, 3, 4, 5]
39. All documents which show the non-corrected results of sample 995474 in connection with the GC-C-IRMS method (i.e., results prior to application of the background subtraction method).[1, 3, 4, 5]
40. All documents that evidence, reference or relate to LNDD's determination of the exact corrections used to calculate corrected delta ‰ figures for sample 995474 and the blank urines used in that GC-C-IRMS analysis.[1, 3, 4, 5]
41. All documents that evidence, reference or relate to how the IRMS calibration gas has been calibrated by LNDD in connection with sample 995474, including but not limited to details regarding the last date and results of calibration, and the type and grade of purity of the reference gas used.[1, 3, 4, 5]
42. All documents that evidence, reference or relate to the gas purification systems used by LNDD between the gas bottle and the reference gas box of the IRMS in connection with sample 995474.[1, 3, 4, 5]
43. All mass spectral data necessary to identify all peaks within the MSD TIC analysis in connection with sample 995474.[1, 3, 4, 5]
44. All data that has been used to identify the peaks in the IRMS analysis in connection with sample 995474, including any relevant isotope standards not provided within the laboratory documentation provided to date.[1, 3, 4, 5]

45. All documents which identify the precise time at which each peak on the MSD TIC scan appears in connection with sample 995474.[3, 4, 5]

46. All documents which explain why a number of the isotope results were printed on the day following the analysis in connection with sample 995474.[1, 3, 4, 5]

47. All printouts of isotope results which pre-date or post-date those provided within the laboratory documentation package in connection with sample 995474.[1, 3, 4, 5]

48. All documents that evidence, reference or relate to the intra laboratory chain of custody of sample 995474, along with the relevant entries documenting why the sample results were printed the day following analysis.[1, 3]

49. All documents that evidence, reference or relate to any post acquisition corrections of data that have been performed by LNDD in relation to sample 995474 other than those shown in the laboratory documentation package.[1, 3, 4, 5]

50. All FID traces for all analyses of sample 995474 and related controls.[3, 4]

51. All documents that evidence, reference or relate to whether or not all isotope samples in connection with sample 995474 were run at an operating pressure of 5.2e-6 mb.[1, 3, 4]

52. All linearity tests performed in connection with any analysis of sample 995474.[3, 4]

53. Electronic data files of the most recent linearity test(s) conducted by LNDD that pre-date the analysis of sample 995474.[3, 4]

54. All documents that evidence, reference or relate to how the correction was performed on sample 995474 and related controls; and any and all data necessary to re-calculate the corrections from the raw data.[1, 3, 4, 5]

55. All contemporary background scans for the Isotope machine (contemporary to the analysis of sample 995474), such that the peaks heights for water and N2 can be observed.[3, 4]

56. All contemporary background scans for the Isotope machine (contemporary to the analysis of sample 995474) that specify the trap current of the scan.[3, 4]

57. All documents that evidence, reference or relate to the fact that the blank urine used in connection with the analysis of sample 995474 was in fact blank.[3, 4]
58. All data from water blanks run within the batch analysis of sample 995474.[3, 4]
59. If no water samples were analyzed in connection with the analysis of sample 995474, all documents that evidence, reference or relate to the contention that no cross sample contamination or general sample contamination has occurred.[3, 4]
60. Electronic copies of all standards run during the analysis along with all FID traces.[3, 4]
61. Any English translation that has been prepared of any of the documents related to the testing of sample 995474.[1, 2, 3, 4, 5]

D. DOCUMENTS RELATED TO OTHER URINE AND BLOOD SAMPLES

62. All documents that evidence, reference or relate to each urine and/or blood sample provided by Floyd Landis during 2006 Tour de France including identification of all test results performed and copies of all test results.[6]
63. All documents that evidence, reference or relate to each other sample provided by Floyd Landis from January 1, 2001 through the present including identification of all test results performed and copies of all test results (including all Health test results) including calculation of Testosterone and Epitestosterone.[6]
64. All documents that evidence, reference or relate to whether or not USADA and/or UCI shared information, either intentionally or inadvertently, with LNDD or any other WADA accredited laboratory that may have processed a sample provided by Floyd Landis that would allow such WADA accredited laboratory to link Floyd Landis with any sample provided by Floyd Landis.[1, 3]

II. INTERROGATORIES:

1. The GC conditions and column type for the Isotope system have been provided apart from the GC flow rates; please provide the flow rates and the same information for the MSD.[3, 4, 5]
2. Please specify how the IRMS calibration gas has been calibrated by LNDD, including but not limited to details regarding the last date and results of calibration, and the type and grade of purity of the reference gas used.[3, 4]
3. Please provide details regarding gas purification systems used by LNDD between the gas bottle and the reference gas box of the IRMS.[1, 3, 4]
4. Please identify the precise time at which each peak on the MSD TIC scan appears.[1, 3, 4]
5. Please explain why a number of the isotope results where printed on the day following the analysis.[1, 3]
6. Please confirm that no post acquisition corrections of the data have been performed by LNDD in relation to sample 995474 other than those shown in the laboratory documentation package.[1, 3, 4, 5]
7. Please explain why LNDD used a background correction during the isotope analysis and provided the same data re-processed with the background subtraction removed.[1, 3, 4, 5]
8. Please explain, with mathematical formulas, how LNDD performed and applied background subtraction to sample 995474 and related controls.[1, 3, 4, 5]
9. Please confirm whether or not LNDD applied a craig correction to sample 995474 and related controls.[1, 3, 4, 5]
10. Please confirm whether or not all isotope samples in connection with sample 995474 were run at an operating pressure of 5.2e-6 mb; and also identify the manufacturer's recommended operating pressure of the system.[1, 3, 4]
11. Please confirm whether the standard "Mix cal IRMS 003" is in fact VG mix.[3, 4, 5]
12. Please specify the trap current of the IRMS during all background scans in connection with sample 995474.[1, 3, 4, 5]
13. Between 200 and 800 seconds in the GC-C-IRMS analysis, there is a discernable lump in the GC trace of the "Mix cal Acetate"; please explain why this is present and what it represents.[3, 4, 5]

14. Please explain why no linearity tests have been provided with the laboratory document package for sample 995474.[3, 4, 5]
15. Please confirm that USADA/UCI have not shared information, either intentionally or inadvertently, with LNDD or any other WADA accredited laboratory that may have processed a sample provided by Floyd Landis that would allow such WADA accredited laboratory to link Floyd Landis with any sample provided by Floyd Landis.[1, 3]

Please provide these documents and interrogatory responses on or before November 6, 2006.

Very truly yours,

Howard L. Jacobs

cc: Floyd Landis (via e-mail)

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Agoura Hills, CA 91301
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