

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES
FTC DOCKET NO. D09423

ADMINISTRATIVE LAW JUDGE: JAY L. HIMES

IN THE MATTER OF:

NATALIA LYNCH

APPELLANT

APPELLEE'S RESPONSE AND REQUEST FOR LEAVE

The Authority/Agency (“Appellee” or “Authority”) are in receipt of Appellant Lynch’s “Witness, Exhibit and Hearing Participant Disclosures dated May 13, 2024” and Appellant’s “Motion For In Camera Inspection,” dated May 14, 2024. Upon initial review of these two documents, Appellee seeks leave to file written responses as follows.

With respect to the “Motion For In Camera Inspection,” Appellee reasonably advised that it consented to Judge Himes reviewing the redactions *in camera*. Regrettably, Appellant has continued an unnecessary and vitriolic attack on the Appellee in her motion materials. Appellee strongly disagrees with the Appellant’s rhetoric and, if necessary and helpful, requests leave to respond to it formally in writing. Appellee also notes that Appellant’s submissions ignore the scope of the Subpoena Duces Tecum issued on May 1, 2024 and, in so doing, cast unsubstantiated and unfair aspersions on the Authority.

With respect to the disclosure of Witnesses for the *de novo* hearing, Appellant has now indicated – in contrast to her earlier position – that she will not testify and the sole witness presenting evidence in accordance with this Court’s direction will be Dr. Barker. The Appellant has not, however, furnished an expert report setting out the opinion to which Dr. Barker will testify. Appellee requests that a report be delivered in advance and no later than May 16. This is important to: (i) provide notice of the evidence to be tendered, including that it falls within the scope of permitted supplementation; and (ii) afford the Authority a reasonable opportunity to provide rebuttal evidence as provided for in 16 CFR § 1.146(c)(6)(iii).

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 14th day of May, 2024.

/s/Bryan H. Beauman

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**HORSERACING INTEGRITY &
WELFARE UNIT, A DIVISION OF
DRUG FREE SPORT LLC**

CERTIFICATE OF SERVICE

Pursuant to Federal Trade Commission Rules of Practice 4.2(c) and 4.4(b), a copy of this Motion is being served on May 14, 2024, via Administrative E-File System and by emailing a copy to:

Hon. D. Michael Chappell
Chief Administrative Law Judge
Office of Administrative Law Judges
Federal Trade Commission
600 Pennsylvania Ave. NW
Washington DC 20580
Via e-mail: Oalj@ftc.gov

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