

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF THE ADMINISTRATIVE LAW JUDGES**

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In the Matter of )  
Joseph Peacock and Oscar Ceballos, ) Docket No. 9415  
Appellants. )

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**APPELLANTS' WITNESS LIST**

Pursuant to 16 CFR 1.146(c)(4)(i)(C) and the Chief Administrative Law Judge's Order on Stay Application and Application for Review entered July 3, 2023, Appellants hereby submit the following for the list of persons they expect to call as witnesses to testify at the evidentiary hearing on July 13, 2023:

1. Larry Fontenot Jr. is the Chief Steward of the three Albuquerque Downs Racetrack stewards (the "Stewards") who issued the September 25, 2022 ruling and civil sanction against Appellants. he process that the Stewards undertook in counting the number of uses of the riding crop to strike SHERIFF BROWN's hindquarters and in determining that Appellant Ceballos violated Horseracing Integrity and Safety Authority ("HISA") Racetrack Safety Program Rule 2280 ("Rule 2280"); (ii) Albuquerque Downs Racetrack's lack of a riding crop rule prior to the promulgation of Rule 2280; (iii) his experience stewarding use of the riding crop in races at Albuquerque Downs Racetrack using the equipment and technologies that were available to him in this matter; and (iv) the Stewards' assessment of a Rule 2280 violation against the horse who finished second to SHERIFF BROWN in the race at issue.

2. Oscar Ceballos is an Appellant in this matter. He is expected to testify regarding his use of the riding crop in the race at issue and that he did not strike SHERIFF BROWN on the hindquarters more than two or three times during the race.

3. Todd Fincher is the trainer of SHERIFF BROWN. He is expected to testify regarding (i) his personal knowledge that Appellant Ceballos did not strike SHERIFF BROWN on the hindquarters more than two or three times during the race at issue; (ii) SHERIFF BROWN's run in the race at issue, which involved starting wide and gradually lugging in, while being encouraged to maintain a straight course; (iii) SHERIFF BROWN's past behavior of lugging in and use of the riding crop to prevent or correct such behavior; and (iv) the part(s) of the horse which a jockey would strike to active the horse versus the part(s) of the horse which a jockey would strike for reasons of horse or rider safety.

4. Joseph Peacock Jr. is an Appellant in this matter. He is expected to testify regarding (i) SHERIFF BROWN's past behavior of lugging in and use of the riding crop to prevent or correct such behavior; (ii) his examination and analysis of videos of the race at issue, from which he observed an approximate total of seven strikes or taps to SHERIFF BROWN, approximately six of which were to the horse's shoulder for reasons of safety (to stop the horse from lugging in); and (iii) whether, prior to the enactment of Rule 2280, Albuquerque Downs Racetrack had a rule limiting use of the riding crop and whether he knew stewards, prior to that time, to enforce or steward races at Albuquerque Downs Racetrack for use of the riding crop.

5. Jeff Williams is an accredited racing official who has personal knowledge in this matter. He is expected to testify regarding (i) his consultation by HISA for his opinion about enforcement of Rule 2280; (ii) his consultation by HISA in this matter for his opinion about the Stewards' application of Rule 2280 and the September 25 ruling and civil sanction against

Appellants; (iii) a conversation he had with Marc Guilfoil, who served on the HISA panel in this matter, during which he told Mr. Guilfoil that, in his opinion, Appellant Ceballos did not use the riding crop in violation of Rule 2280, that Appellant Ceballos used the riding crop to strike the horse SHERIFF BROWN on the hindquarters only two or three times, and that other uses of the riding crop were permitted uses that were intended to preserve the safety of horses and riders that should not have been counted against Appellant Ceballos; and (iv) his impression or understanding that, from their conversation, Mr. Guilfoil shared his opinion about Appellants Ceballos's use of the riding crop.

Appellants reserves the right, if the need arises (including for impeachment purposes), to call as witnesses any of the following persons:

1. Any person identified by HISA in its witness list;
2. Any person necessary to authenticate any document objected to by HISA; and
3. Any person necessary to rebut any testimony presented by HISA which could not have been reasonably anticipated.

Respectfully submitted,

/s/ Nolan M. Jackson

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**CERTIFICATE OF SERVICE**

Pursuant to 16 CFR 4.2(c)(1)(i), a copy of the forgoing is being filed electronic through the Federal Trade Commission's electronic filing system (AEFS) this 10th day of July, 2023, with courtesy copies being served via email upon the following:

Office of the Secretary  
[electronicfilings@ftc.gov](mailto:electronicfilings@ftc.gov)

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