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VIA E-MAIL ONLY [stuart.miller@itftennis.com]

Dr. Stuart Miller  
ITF Anti-Doping Manager  
Bank Lane, Roehampton  
London SW15 5XZ  
United Kingdom

**Re: The ITF's Statement Regarding the Case of Maria Sharapova**

Dear Dr. Miller:

I write to respond to the statement issued today by the International Tennis Federation ("ITF"), and specifically, to address certain unfortunate misstatements contained therein. While Maria has admitted that she made a mistake, the reality is that she is serving a 15-month suspension for what amounted to an honest oversight. Unfortunately, as the ITF's statement of this morning makes abundantly clear, despite the Court of Arbitration for Sport's ("CAS") detailed description of the ITF's failures, the ITF appears unwilling to either accept any responsibility for Maria's violation or pledge to make any changes to its procedures. My sincere hope is that the ITF will reconsider its approach.

**I. The ITF Sought a Four-Year Ban**

The ITF's claim that it "did not try to ban Ms. Sharapova for four years" is patently false. As you made clear in your March 2, 2016 letter to Ms. Sharapova informing her that she had tested positive for meldonium:

*As this would be your first Anti-Doping Rule Violation, but the substance involved (Meldonium) is not considered a Specified Substance under the Programme, **prima facie a four year period of Ineligibility would apply under TADP Article 10.2.1(a)**. To reduce that to a two-year period of Ineligibility, you would have to satisfy the Independent Tribunal on the balance of probabilities that your violation was not 'intentional' (within the meaning of the TADP Article 10.2.3).*

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The ITF reiterated this point in its submissions to the ITF Tribunal characterizing the issue in the case as:

*[w]hether the player can establish that the violation of article 2.1 was not intentional within the meaning of article 10.2.3. If so, then the period of ineligibility to be imposed is 2 years; if not, the period of ineligibility to be imposed is 4 years.*

And, the ITF ultimately argued that Maria:

*[k]nowingly and manifestly disregarded the risk of contravening the anti-doping rules, and thus committed an **intentional violation**.* ITF Tribunal Decision at ¶6.

Make no mistake, the arbitrators disagreed with the ITF and originally handed down a two-year sanction, but you asked them to find her violation intentional, deserving of a four-year ban. Your claim to the contrary is flat out incorrect.

## **II. The “Neutrality” of the Independent Tribunal**

It also cannot credibly be disputed that the ITF’s “Independent” Tribunal is independent in name only. Notably, the Chairman of the ITF Tribunal in Maria’s case, Charles Flint, was copied on your March 2, 2016 letter to Maria, so the ITF had selected the Chairman in Maria’s case prior to even informing her of her anti-doping rule violation. Moreover, unlike the CAS proceeding, where each party chooses its own arbitrator and the CAS selects the third, the ITF, and the ITF alone, selected the three members of the “Independent” Tribunal.

While Maria was permitted to object to the panel the ITF selected (each member of which had previously sat as an ITF arbitrator in multiple other ITF cases), her objection would be ruled upon by the ITF’s chosen chairman, and if sustained, any replacement arbitrators would be selected by the ITF. Thus, any objection by Maria, or any other player to the ITF’s selected panelist, would be a futile exercise.

In addition, further evidencing the lack of neutrality with which the ITF Tribunal approaches anti-doping matters is the glaring reality that the CAS has reduced the awards of the ITF Tribunal in each of the last six matters. In fact, the CAS has not upheld an ITF Tribunal decision in its entirety since 2009.

Tellingly, when Maria sought to forego the ITF proceedings and go directly to CAS, the ITF refused her request.



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**III. Whether the ITF Should have Given Specific Notice to European Athletes Relating to the Change in Meldonium**

Equally surprising are the ITF's claims that it had no obligation to provide more specific notice to European Players regarding meldonium and that, in your own words, the ITF's efforts to publicize the changes to the Prohibited List for 2016 were "reasonable." In light of the CAS decision, it is difficult to comprehend how the ITF could continue to advance such a claim. As the CAS made clear at ¶¶ 92iii. and 100:

*No specific warning had been issued by the relevant organizations (WADA, ITF or WTA) as to the change in the status of Meldonium (the ingredient of Mildronate). In that respect, the Panel notes that anti-doping organizations should have to take reasonable steps to provide notice to athletes of significant changes to the Prohibited List.*

CAS Decision ¶92iii.

*[Maria] was not clearly informed by the relevant antidoping authorities of the change in the rules.*

CAS Decision ¶100.

CAS has ruled that your notifications were *not* reasonable. While the ITF puts forth its alleged lack of knowledge about meldonium use as the basis for its failed notice, its deliberate ignorance in a matter of such grave importance to the careers of all the athletes under the ITF's charge, is no excuse. As your testimony before both the ITF Tribunal and CAS made clear, despite more than half of the WTA's top 100 players being from Eastern Europe or Russia, you, the ITF's head of anti-doping, did nothing to educate yourself about meldonium, the purposes for its use, or even where it was most commonly used. Worse yet, when asked about whether you would have done anything if you had actually informed yourself about meldonium and how common it was in Eastern Europe, you unabashedly stated that you could not say for sure that you would have.

Perhaps no lesson is more paramount for the ITF to learn than the need to provide clear notice of changes to the Prohibited List. Players depend on the ITF to notify them of rule changes. It would be in everyone's best interest if the ITF sent direct, to the point, easy to read messages to its players. When CAS says the ITF did not provide proper notice to athletes, as it has done in this case, it would be wise to learn the lessons of how you can do better.





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**IV. Whether the WADA or the ITF Could have Informed Maria that she was Repeatedly Testing Positive for Meldonium Throughout 2015 when it was Part of the Monitoring Program**

On the issue of the Monitoring Program and whether WADA could have informed Maria that she was testing positive for meldonium throughout 2015, the ITF's press release again misses the point. With respect to WADA, while we do not dispute that the monitoring testing is conducted by sample number, not name, it became evident during the proceedings before the Tribunal that WADA could have very easily matched those numbers to the names of the player tested and ultimately informed that player of the results. To the contrary, WADA represented to Maria, and presumably other players testing positive for substances being monitored, that their results were "Negative."

In addition, while we also do not challenge the ITF's ignorance of the test results, we do take issue with the fact that the ITF does absolutely nothing to learn the results of the monitoring testing from WADA, nor does the ITF see any benefit in informing the athlete themselves of the significant potential that they may unknowingly be ensnared in an anti-doping rule violation.

\* \* \*

At base, with respect to Maria's hearing before the ITF Tribunal, the ITF was the public information officer, the prosecutor, and the Judge – and it did not do any of its jobs well.

In light of the above, it is my sincere hope that the ITF will refrain from issuing any further misleading press releases regarding not only Maria, but about the manner in which its Tribunal functions. Instead I ask the ITF to endeavor to review its processes for communicating changes to the Prohibited List to players, establish a process for providing monitoring test results to those impacted, and to work to better conduct itself consistent with its stated goal of: "*protecting the health and rights of tennis players [.]*".

Sincerely,



John J. Haggerty