

# **EXHIBIT 58**

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January 26, 2007

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**VIA E-MAIL, FACSIMILE  
AND REGULAR U.S. MAIL**

Carmen Frobos  
Construction/Commercial Sr. Case Manager  
American Arbitration Association  
2200 Century Parkway, Suite 300  
Atlanta, GA 30345

Re: 30 190 00847 06,  
*The United States Anti-Doping Agency and Floyd Landis*

Dear Ms. Frobos:

I wish to respond briefly to USADA's "Position Paper Re Preliminary Matters" dated January 24, 2007.

With regard to publicity, USADA states that "the *only* way that Mr. Landis will not receive a fair hearing is if the media attention is allowed to intrude on the proceedings in a way that compromises the integrity of the hearing" (emphasis added). This statement is disturbing on a number of levels. First, it is profoundly odd for USADA to suggest that the *only* way that Mr. Landis will be denied a fair hearing is if he is granted the public access and transparency he seeks. Quite the contrary, Mr. Landis will be denied a fair hearing if he is denied access to the documents necessary to mount his defense, denied his statutory rights under California law to the disclosures necessary to determine the qualifications of the proposed arbitrators, or otherwise denied procedures necessary to ensure fundamental fairness. Second, federal and state judges across the country provide access to the public, including live media coverage, without undermining the integrity of their proceedings. I see no reason why the proposed panel, if confirmed, would prove uniquely incapable of controlling these proceedings. Third, USADA asks this Panel to implement "reasonable limitations" on public access to these

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proceedings yet fails to address the proposal made by Mr. Landis on October 23, 2006. Fourth, USADA does not explain how it is prejudiced by public access and cites no authority for the proposition that Mr. Landis bears the burden of proving why the proceedings should be publicly accessible.

USADA also seeks a gag order on the parties. First, the gag order is unnecessary. This dispute will be resolved by a panel of arbitrators, and there is no reason to expect the panel's decision to be affected by public commentary. *See, e.g., N., J., Y., & W. v. FINA* (CAS 98/208), at ¶8, p. 246 ("The Panel would, as an international arbitral tribunal, not only be, but trust that it appears to be, free from any taint of such predisposition or discrimination. The Panel considers only the relevant evidence before it: it pays no heed to media hyperbole."). Second, USADA justifies its request by accusing Mr. Landis of attempting to try this case in the court of public opinion. These accusations should be considered in light of public statements made by anti-doping officials. *See, e.g., Michael Sokolove, The Scold*, N.Y. Times, Jan. 7, 2007, available at [http://www.nytimes.com/2007/01/07/magazine/07Antidoping.t.html?\\_r=2&ref=magazine&oref=slogin&oref=slogin](http://www.nytimes.com/2007/01/07/magazine/07Antidoping.t.html?_r=2&ref=magazine&oref=slogin&oref=slogin) (last visited Jan. 26, 2007) (statement of Dick Pound, chairman of the World Anti-Doping Agency: "[Landis] was 11 minutes behind or something, and all of the sudden there's this Herculean effort, where he's going up mountains like he's on a goddamn Harley . . . It's a great story . . . Wonderful. But if it seems too good to be true, it probably is . . . I mean, [Landis's reported testosterone-to-epitestosterone ratio] was 11 to 1! . . . You'd think he'd be violating every virgin within 100 miles. How does he even get on his bicycle?").

With regard to the other issues raised in the position paper, USADA and Mr. Landis had previously agreed that they would not brief these other issues until the proposed panel provided a briefing schedule. Indeed, in Mr. Young's letter of January 22, 2007 to the AAA, he explicitly states that "by the 24th we will also be able to jointly propose a briefing schedule on those issues." Accordingly, Mr. Landis reserves the right to address those issues as directed by the Panel. Needless to say, Mr. Landis disagrees with USADA on many points. Briefly:

1. **Law Applicable to this Proceeding:** USADA's position paper states that U.S. law (e.g., the Ted Stevens Olympic and Amateur Sports Act) applies to the procedural issues in this case. USADA has previously conceded that the proposed panel must comply with California arbitration law. USADA has therefore already conceded, as it must, that California law applies to the procedural aspects of this dispute. Swiss law bears no relationship whatsoever to this matter.
2. **Discovery:** The discovery Mr. Landis seeks is reasonable and necessary to a fair resolution of the matters before the proposed panel. Mr. Landis will demonstrate that reasonableness with specificity and explicitly does not intend to turn this process into general complex civil litigation discovery. USADA has not demonstrated how it would suffer any prejudice as a result of these requests.

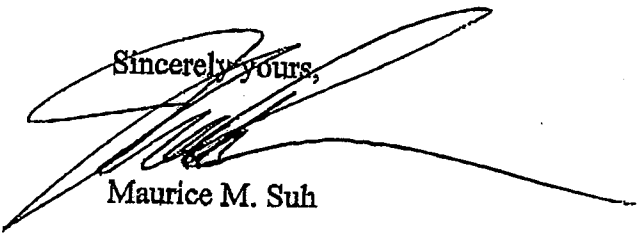
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3. Testing of Additional Samples: The testing sought by USADA violates USADA's own rules as well as the World Anti-Doping Code and UCI rules.

We look forward to our call on January 29, 2007 and to cooperatively work through the foregoing issues.

Sincerely yours,



Maurice M. Suh

MMS/td

cc: Howard L. Jacobs  
Travis T. Tygart  
Richard R. Young

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