

# **EXHIBIT 70**

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April 13, 2007

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**VIA EMAIL AND FACSIMILE**

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Re: 30 190 00847 06

*The United States Anti-Doping Agency and Floyd Landis*

Dear Messrs. Brunet, Campbell and McLaren:

Thank you for the notification regarding the potential Panel appointed expert, Dr. Francesco Botre. We are available to conduct a teleconference anytime on Saturday after 11:00 a.m. or Sunday after 11:00 a.m.

LOS ANGELES NEW YORK WASHINGTON, D.C. SAN FRANCISCO PALO ALTO  
LONDON PARIS MUNICH BRUSSELS ORANGE COUNTY CENTURY CITY DALLAS DENVER

USADA1431

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In advance of this call, we have three initial concerns about Dr. Botre. First, Dr. Botre does not appear to have any experience with Gas Chromatography/Isotope Ratio Mass Spectrometry testing from his resume. Indeed, it is not known whether the Italian anti-doping laboratory has such an instrument.

Secondly, as the current Scientific Director of the Italian Anti-Doping Laboratory, Dr. Botre is subject to the WADA Code of Ethics. Section 3.3 of the WADA Code of Ethics states:

The Laboratory should not engage in testing or expert testimony that would call into question the integrity of the individual or the scientific validity of work performed in the anti-doping program.

Further, Section 3.4 of the WADA Code of Ethics states:

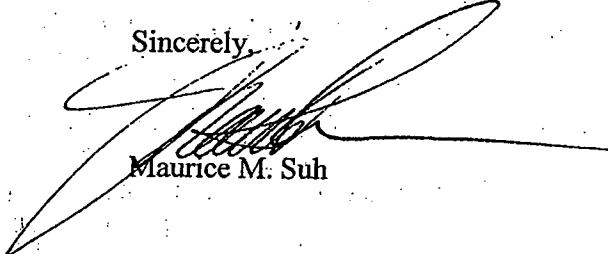
The Laboratory should not provide testing services in defense of an Athlete in a Doping Control Adjudication.

See WADA Code of Ethics, Exhibit 1. Individually and in combination, these provisions prevent Dr. Botre from maintaining the objectivity, and the appearance of objectivity, necessary for the position of an independent expert.

Thirdly, even if Dr. Botre has the GC/IRMS knowledge required, it is unclear whether Dr. Botre has the skills to remove the EDFs from the LNDD system for the further analysis that the Panel has ordered. We respectfully emphasize that this issue will need to be resolved due to the quickly oncoming trial date in order not to prejudice Mr. Landis' ability to use this evidence, already ordered to be produced by this Panel.

Please let us know your availability.

Sincerely,



Maurice M. Suh

MMS/td

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cc: Howard L. Jacobs  
Richard R. Young

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Testing or the International Standard for Doping Control (ISO/PAS 18873), or similar guidelines. These guidelines must include collection of Split Samples; appropriate Sample container security considerations; and formal chain of custody conditions.

### **3.2. Out-of-competition**

The Laboratories shall accept Samples taken during training (or *Out-of-competition*) only if the following conditions are simultaneously met:

- (a) That the Samples have been collected and sealed under the conditions generally prevailing in competitions themselves as in Section 3.1 above;
- (b) If the collection is a part of an anti-doping program; and
- (c) If appropriate sanctions will follow a positive case.

Laboratories shall not accept Samples, for the purposes of either screening or identification, from commercial or other sources when the conditions in the above paragraph are not simultaneously met.

Laboratories shall not accept Samples from individual *Athletes* on a private basis or from individuals or organizations acting on their behalf.

These rules apply to Olympic and non-Olympic sports.

### **3.3. Clinical or Forensic**

Occasionally the Laboratory is requested to analyze a Sample for a banned drug or endogenous substance allegedly coming from a hospitalized or ill *Person* in order to assist a physician in the diagnostic process. Under this circumstance, the Laboratory director must explain the pre-testing issue to the requester and agree subsequently to analyze the Sample only if a letter accompanies the Sample and explicitly certifies that the Sample is for medical diagnostic or therapeutic purposes.

The letter must also explain the medical reason for the test.

Work to aid in forensic investigations may be undertaken but due diligence should be exercised to ensure that the work is requested by an appropriate agency or body. The Laboratory should not engage in testing or expert testimony that would call into question the integrity of the individual or the scientific validity of work performed in the anti-doping program.

### **3.4. Other Testing**

If the Laboratory accepts Samples from an entity that is not a Testing Authority recognized by the World Anti-Doping Code, it is the responsibility of the Laboratory Director to ensure that any *Adverse Analytical Finding* will be processed according to the Code and that the results cannot be used in any way by an *Athlete* or associated *Person* to avoid detection.

The Laboratory should not engage in testing that undermines or is detrimental to the anti-doping program of WADA. The Laboratory should not provide results that in any way suggests endorsement of products or services for *Athletes* or sports authorities. The Laboratory should not provide testing services in defense of an *Athlete* in a *Doping Control* adjudication.