

BEFORE THE AMERICAN ARBITRATION ASSOCIATION

North American Court of Arbitration for Sport Panel

United States Anti-Doping Agency,)
)
 Claimant,)
)
 v.)
)
 Justin Gatlin,)
)
 Respondent.)

AAA No. 30 190 00170 07

**USADA'S RESPONSE TO RESPONDENT'S MOTION PURSUANT TO RULE 48 TO
MODIFY START DATE OF HIS SANCTION**

The United States Anti-Doping Agency responds to Respondent's Motion for Modification of the Panel's Award as follows:

1. Rule 40.9 of the IAAF Anti-Doping Rules (ADR) provides as follows:

In any case where a period of ineligibility is to be imposed under this Rule, the period of ineligibility shall start on the date of the hearing decision providing for ineligibility or, if the hearing is waived, on the date the ineligibility is accepted or otherwise imposed. When an athlete has served a period of provisional suspension prior to being declared ineligible (whether imposed or voluntarily accepted), such a period shall be credited against the total period of ineligibility to be served.

2. Therefore, the applicable IAAF ADR did not give the Panel discretion to impose a start date other than from the date of the decision with credit being given for Mr. Gatlin's period of provisional suspension beginning on July 25, 2006.

3. The parties' stipulation provided that "Mr. Gatlin reserves the right to argue for an earlier start date under WADA Code Article 10.8 because his A sample was not reported to him until June 15, 2006."

4. However, the Panel found in paragraph 8.25 of its opinion that Mr. Gatlin was not entitled to a reduction or a different start date pursuant to Article 10.8.

Accordingly, USADA objects to the determination of any start date for Mr. Gatlin's period of ineligibility other than the date of the Panel's decision with credit given for Mr. Gatlin's period of provisional suspension beginning on July 25, 2006.

Respectfully submitted this 8th day of January, 2008.

United States Anti-Doping Agency



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CERTIFICATE OF SERVICE

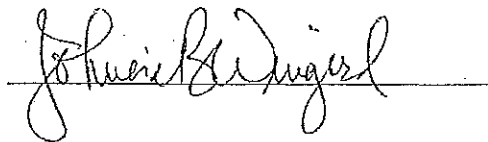
The undersigned hereby certifies that on this 8th day of January, 2008, a true and correct copy of the foregoing USADA's Response to Respondent's Motion Pursuant to Rule 48 to Modify Start Date of His Sanction was served via electronic mail as follows:

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A handwritten signature in cursive script, appearing to read "John P. Collins", is written over a horizontal line.