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1 and that's her boss, and her boss ordered her to  
2 do something.  
3 Q. Okay. So that's what I'm saying:  
4 It actually was a conversation on a  
5 speakerphone; is that correct?  
6 A. Yeah.  
7 Q. Are you sure about that?  
8 A. Yeah.  
9 Q. Because you recall hearing both  
10 Mr. Nehemiah and Ms. Stackhouse on the phone at  
11 the same time, correct?  
12 A. Yes.  
13 Q. And this conversation took place in  
14 March of 2006; is that right?  
15 A. Yes.  
16 MR. COLLINS: Just to clarify -- and  
17 I don't know if we covered this in our direct --  
18 I believe the shot occurred on March 1st, and if  
19 you want, the medical record is there, so I  
20 think he testified that's when the shot  
21 happened. It's possible -- I don't know that it  
22 all happened in one day. You can ask. But I  
23 don't want it to be misled. We could  
24 introduce -- I saw that for the first time  
25 today, the record says March 1st shot.

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1 MR. BOCK: Let me just comment to  
2 that: No. At the hearing, it's kind of a  
3 difficult time to get records. You made a  
4 decision to apparently present your case without  
5 medical records, so I guess -- are you  
6 attempting now to get medical records into --  
7 MR. COLLINS: Well, one, I don't  
8 believe I rested my case, and I think that we  
9 could introduce the records.  
10 MR. COLBERT: Could I just suggest  
11 that arguing about what you may or may not put  
12 on in the rebuttal case may not be appropriate  
13 in the middle of cross-examination? I  
14 understand Mr. Bock has questions, and you may  
15 need to do some follow-up on redirect or  
16 rebuttal, but why don't we just continue the  
17 examination for the moment.  
18 Q. (By Mr. Bock) So after your lawyer's  
19 comment, do you now think that perhaps the  
20 conversation did not occur in March?  
21 A. I'm not sure.  
22 Q. Do you have a specific recollection  
23 of this conversation, Mr. Gatlin?  
24 A. Not the time frame.  
25 Q. Do you have a specific recollection

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1 of the conversation, Mr. Gatlin?  
2 A. I remember talking to my agent and  
3 his assistant, yes.  
4 Q. And you recall that they were on the  
5 speakerphone?  
6 A. Yes.  
7 Q. And what do you recall that  
8 Ms. Stackhouse said when you were on the  
9 speakerphone?  
10 A. She said -- she greeted me, said,  
11 "Hello Justin," and I told Renaldo my problem.  
12 He understood what I was talking about. And she  
13 also said "Okay," and that's the conversation.  
14 Q. What did you ask them to do?  
15 A. To check with USADA if I could take  
16 it or not.  
17 Q. Now, your testimony on direct was  
18 that you do all your supplements yourself, you  
19 take full responsibility for everything you  
20 ingest; is that correct?  
21 A. Yes.  
22 Q. Why did you leave this conversation  
23 to USADA to your agent?  
24 A. Because my agent, that's his job.  
25 Q. And so, you felt like you could just

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1 leave it to your agent without investigating  
2 further?  
3 A. Yes.  
4 Q. Now, that's the conversation where  
5 you asked for your agent to contact USADA, now I  
6 want to go to the conversation where you  
7 received information about the contact, alleged  
8 contact with USADA.  
9 When did that occur?  
10 A. The contact about what now?  
11 Q. I'm assuming that there was a second  
12 phone call about contacting USADA because you  
13 had to be informed what USADA said; right?  
14 A. Yes.  
15 Q. When did that conversation occur?  
16 A. I'm not sure.  
17 Q. Who did you speak with about the  
18 information that was received back from USADA?  
19 A. My agent, my agency.  
20 Q. Your agency? I was looking for the  
21 name of an individual.  
22 A. I can't remember if it was either  
23 Britton or Renaldo.  
24 Q. Can you remember what was said?  
25 A. That it was okay to take the shot.

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1 Q. And did you inform them what drugs  
2 were going to be in the shot?  
3 A. Yes.  
4 Q. Why can't you remember those today?  
5 A. Because I'm going through a very  
6 traumatic situation right now that has nothing  
7 to do with that information. I mean, I can't  
8 remember. I do have ADD, I'm sorry.  
9 Q. And I appreciate that. And I want  
10 you to take as much time as you want to respond  
11 to these questions, but I guess I would ask you  
12 why you think it doesn't relate to why we're  
13 here today?  
14 A. Because I didn't test positive for  
15 it.  
16 Q. How do you know?  
17 A. How do I know I didn't test positive  
18 for it?  
19 Q. Yeah. You don't know what was in  
20 the shot.  
21 A. Well, I mean, for one, from what I  
22 found out that it might be a cream-based tested  
23 positive, so cream and injection are two  
24 different things.  
25 Q. What's a cream-based? You tested

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1 positive for testosterone. Do you understand  
2 that?  
3 A. I'm talking about the information  
4 from Dr. Black.  
5 Q. Okay. And you understand that you  
6 tested positive for testosterone; is that right?  
7 A. I understand that.  
8 Q. Do you understand that testosterone  
9 can be injected?  
10 A. It can be a testosterone precursor.  
11 Q. Do you understand that testosterone  
12 can be injected?  
13 A. Yes. But if I said it was an  
14 anti-inflammatory steroid, then it's not a  
15 testosterone.  
16 Q. So, it's -- your testimony is that  
17 it was not a combination of an anti-inflammatory  
18 and a steroid? It was an anti-inflammatory  
19 steroid?  
20 A. What I'm saying is that I think that  
21 they're two different things. Maybe I'm wrong.  
22 Maybe -- I'm not a scientist, I'm sorry.  
23 Q. I'm not either. That's okay.  
24 A. I'm just saying that I really  
25 believe in my heart that having a test positive

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1 for this shot that was given to me by a doctor  
2 who is a sports orthopedic who understands the  
3 difference between something he can't give to  
4 his athletes, that would test them positive.  
5 Q. Okay. All right.  
6 A. That's all I know.  
7 Q. All right. And -- okay.  
8 Do you know for sure that you told  
9 your agent the precise substances that were in  
10 the shot?  
11 A. Yes.  
12 Q. Now, that occurred -- that shot then  
13 occurred in March of 2006, right?  
14 A. Somewhere around that time.  
15 Q. And there were no drug tests between  
16 the time of that shot and the time of your  
17 positive test results; is that correct?  
18 A. Yes.  
19 Q. So were there any drug tests between  
20 the time of the shot and your positive test  
21 results?  
22 A. Between April?  
23 Q. Between the time of the shot and  
24 April 22nd?  
25 A. No, I don't think so.

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1 Q. Now, you said something just a  
2 minute ago that caused me to think. You said  
3 the shot was given to you by your doctor?  
4 A. Yes.  
5 Q. Okay. So it was given to you by the  
6 doctor in his office?  
7 A. Dr. Martini?  
8 Q. Yes.  
9 A. He works in an office, yes.  
10 Q. I guess I got confused with the  
11 other shot that you had in April.  
12 A. Okay.  
13 Q. When you were in Dr. Martini's  
14 office, did you ask him what he was injecting  
15 into your knee?  
16 A. Yes.  
17 Q. What did you say to him, and what  
18 did he say to you?  
19 A. He informed me that this -- the  
20 medication that he was injecting into my knee  
21 was not going to test me positive at the point  
22 in time because I was not ready, and it would  
23 not last till the duration of when I started  
24 running. He asked me when I started to -- when  
25 I was going to run, and he mapped out what

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1 procedures he should do.  
 2 Q. Okay. And so it was your  
 3 understanding that if you took that substance  
 4 close enough in relation to a drug test, that  
 5 you would test positive?  
 6 A. It would come up, yes.  
 7 Q. So your understanding was that he  
 8 was injecting a prohibited substance into your  
 9 knee?  
 10 A. Yes.  
 11 Q. Did you discuss that with Trevor  
 12 Graham?  
 13 A. Yes.  
 14 Q. And he knew that you were injecting  
 15 a prohibited substance into your knee?  
 16 A. Yes.  
 17 Q. Did you discuss it with anyone else  
 18 besides Dr. Martini, your agent, and Trevor  
 19 Graham?  
 20 A. No.  
 21 Q. How about Randall Evans?  
 22 A. No, he was not there.  
 23 Q. Let's talk about the second  
 24 injection that you received in 2006, the third  
 25 to which you testified.

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1 That was for a different physical  
 2 issue, correct?  
 3 A. Yes.  
 4 Q. That was for pain in your hamstring;  
 5 is that correct?  
 6 A. Yes.  
 7 Q. Have you ever told anyone that you  
 8 had tightness in your hamstrings in April 2006,  
 9 and that that was the reason that you took the  
 10 injection?  
 11 A. That I had tightness?  
 12 Q. Yeah.  
 13 A. My hamstring was damaged.  
 14 Q. Okay.  
 15 A. It was pulled.  
 16 Q. Okay. Well, let's kind of figure  
 17 this out. I mean, is there a difference in your  
 18 mind between tightness and damage?  
 19 A. Tightness means you can stretch it,  
 20 and you can run.  
 21 Q. Okay.  
 22 A. Damaged is, you can't run.  
 23 Q. So was it tight or was it damaged?  
 24 A. It was damaged.  
 25 Q. And what is that knowledge about

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1 your hamstring being damaged in April of 2006  
 2 based on, your experience, or what somebody told  
 3 you?  
 4 A. It was both.  
 5 Q. Okay. What were your experiences  
 6 that showed you that you couldn't run on your  
 7 hamstring in April of 2006?  
 8 A. What was my experience?  
 9 Q. Yes.  
 10 A. Pulling it while I was at practice.  
 11 Q. When did that occur?  
 12 A. I don't know the exact date.  
 13 Q. In April of 2006?  
 14 A. Yeah, a little bit before that.  
 15 Q. So, in March of 2006?  
 16 A. It was at the end.  
 17 Q. Okay. End of March, 2006.  
 18 And what workout were you doing when  
 19 you pulled your hamstring?  
 20 A. Some speed workout.  
 21 Q. Where did it occur?  
 22 A. Over at the track.  
 23 Q. In Raleigh?  
 24 A. Yes.  
 25 Q. Were you aware at the time that it

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1 happened that you had done something?  
 2 A. Yes.  
 3 Q. Describe to us how it developed.  
 4 A. It wasn't as bad as when I pulled my  
 5 hamstring in Mexico, but it was twinged to where  
 6 it gave me a significant limp when I walked, I  
 7 was walking around.  
 8 Q. So you couldn't walk without a limp?  
 9 A. Yes.  
 10 Q. And I'm assuming -- well, let me  
 11 back up.  
 12 How long did this damaged condition  
 13 last?  
 14 A. In my mind, it lasted almost all the  
 15 way up to Mt. SAC.  
 16 Q. And Mt. SAC ended on the 15th of  
 17 April?  
 18 A. Yes.  
 19 Q. So this damaged condition lasted  
 20 through April 15th?  
 21 A. I would say a little before.  
 22 Q. The 13th, or 24th?  
 23 A. I think it was like the 14th or the  
 24 15th. I had to have been ready to run before  
 25 then, because if I wasn't ready to run, I wasn't

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<p>1 going to go. 2 Q. So when did you make the decision 3 about whether you were okay to run? 4 A. I guess, maybe, like around the 5 10th. I'm not sure. 6 Q. So that you recovered from your 7 damaged hamstring by April 10th? 8 A. Possibly. 9 Q. Is it difficult to recall back then? 10 A. It is. 11 Q. All right. So some time in the 12 frame of a few days before Mt. SAC, your 13 hamstring started to feel better; is that 14 correct? 15 A. Yes. 16 Q. And that was, then, a couple of days 17 after you received an injection in your 18 hamstring from Randall Evans, correct? 19 A. Yes. 20 Q. On April 6th or 7th? 21 A. Yes. 22 Q. And you've recounted all these 23 events that we are talking about now to a 24 federal investigator, correct? 25 A. Yes.</p>	<p>1 Q. When did you feel like you were all 2 the way back at 100 percent? 3 A. After Mt. SAC. 4 Q. So within just a few days? 5 A. Well, I wouldn't say in a few days. 6 I mean, I would say the 16th, and the Mt. SAC 7 was on the 15th. I said after Mt. SAC, so, 8 between -- 9 Q. But I assumed it meant before 10 Kansas, which was the next week? 11 A. Well, that's a week away. 12 Q. Uh-huh, some time in there. I'm not 13 trying to get you down to the day. 14 A. I understand. I'm trying to get you 15 to understand that it wasn't the next day, so, 16 within that time that I was traveling and doing 17 stuff, yes, it feels better when you are not on 18 it all the time, and you are not working out all 19 the time on it. 20 Q. Okay. All right. Getting back to 21 the injection, this injection on April 6th or 22 7th, you testified, was a B12 injection; is that 23 right? 24 A. Yes, sir. 25 Q. And what was your understanding that</p>
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<p>1 Q. And you realize you had to tell the 2 truth then, correct? 3 A. Yes. 4 Q. And you realized that if you didn't, 5 you could be prosecuted; is that correct? 6 A. Yes. 7 Q. Okay. So, were you instantaneously 8 on April 10th just running at top speed? 9 A. No. 10 Q. Make a quick recovery? 11 A. No. 12 Q. How long did it take you to recover 13 from that damaged hamstring? 14 A. I don't know. 15 Q. You don't know? 16 A. (Nod of head.) 17 Q. Well, can you talk us through your 18 recovery and tell us when you started to feeling 19 better, and what means you seemed to get better? 20 A. Well, I mean, you don't just 21 instantaneously just get better on the 10th if 22 you are hurt significantly on the 9th. So, 23 obviously you work towards getting better. I 24 just knew the time frame of maybe the 10th, all 25 the way working my way up to the 14th, or 15th.</p>	<p>1 the B12 was supposed to do? 2 A. It was a vitamin. It was supposed 3 to help heal my torn hamstring and micro fibro 4 tears and reduce swelling. 5 Q. Who told you this? 6 A. Dr. Martini, that's what B12 does. 7 You can read up on it too. 8 Q. And so before April of 2006, when 9 you went to see Dr. Martini, how long had you 10 been meeting with Dr. Martini? 11 A. I only met with Dr. Martini on two 12 occasions. 13 Q. Had you ever been alone with 14 Dr. Martini before? 15 A. Oh, yeah, usually, when you are in 16 the office with him. 17 Q. Well, on direct, you testified that 18 you met with him, Randall Evans, your assistant 19 coach, Trevor Graham, your coach, and Me'Lisa 20 Barber, another athlete? 21 MR. COLLINS: I'm going to object. I 22 think that mischaracterized the record. I think 23 his testimony -- 24 MR. BOCK: Why don't you let your 25 witness -- or your client respond?</p>

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<p>1 MR. COLLINS: You said he said that 2 on direct testimony. I can object that that's 3 not what the record says. That's a proper 4 objection. 5 MR. BOCK: Was my -- could -- do you 6 mind reading my question? I thought I said it 7 was my understanding; if not, I misspoke. 8 (Reporter reread the previous 9 question.) 10 THE REPORTER: And then you 11 objected. 12 MR. COLBERT: Can you rephrase? 13 Q. (By Mr. Bock) Yeah, I can rephrase. 14 I apologize. I wasn't -- because I wasn't 15 completely sure about that point. 16 Didn't you testify that you met with 17 Randall Evans, Trevor Graham, Me'Lisa Barber, 18 and Dr. Martini? 19 A. On separate occasions. I didn't say 20 all at once. 21 Q. Okay. And what were the purpose of 22 these separate meetings? 23 A. Well, Me'Lisa Barber had a B12 shot 24 before, and I was asking her how she felt, what 25 did she feel, did it benefit her. And I met</p>	<p>1 a banned substance. It's a vitamin.. 2 Q. All right. 3 Tell us about your conversation with 4 Dr. Martini. What did he tell you? 5 A. That he thinks it would be a great 6 way to get my hamstring back on track. 7 Q. Okay. And was that conversation in 8 Dr. Martini's office, or was it over the phone? 9 A. I think it was over the phone. 10 Q. So did Dr. Martini ever examine your 11 hamstring? 12 A. Did he ever examine it? 13 Q. Yeah, in March -- or in April of 14 2006? 15 A. Not that I remember. 16 Q. So he diagnosed you over the phone? 17 A. (Nod of head.) 18 Q. Is that correct? 19 A. Yes. 20 Q. And ordered an injection over the 21 phone; is that correct? 22 A. He recommended it. He didn't order 23 it. 24 Q. All right. And was it in this phone 25 conversation that Dr. Martini told you that</p>
<p style="text-align: center;">Page 222</p> <p>1 Randall Evans and Trevor Graham to talk about 2 the B12. And I met with Dr. Martini to confirm 3 that it was something that I was able to take. 4 Q. Who did you meet with first? 5 A. Dr. Martini -- I mean, well, talked 6 to Trevor and Randall about it, then met with 7 Dr. Martini. 8 Q. So it was initially Trevor's 9 recommendation to get the B12 shot? 10 A. Yes. 11 Q. Okay. And then you went -- after 12 Trevor recommended it, then you went to 13 Dr. Martini? 14 A. Yes, I did. 15 Q. Did you contact USADA in relation to 16 that shot? 17 A. No, I did not. 18 Q. Did you ask anybody about whether 19 you should contact USADA? 20 A. No, it was B12. I could take it 21 orally. 22 Q. Okay. Were you aware of that, or 23 did someone tell you that? 24 A. I was aware of it. I could take B12 25 all day and not test positive for it. It's not</p>	<p style="text-align: center;">Page 224</p> <p>1 Randall Evans was taking classes to become more 2 medically inclined? 3 A. Yes. 4 Q. How did that topic come up? 5 A. Um, I don't remember how it came up. 6 We were just talking about it. 7 Q. Because it was your understanding 8 that Randall Evans, your assistant coach, was 9 going to be the one giving you the injection? 10 A. Yes. 11 Q. So, did you ask the questions 12 about -- first of all, had you seen Randall 13 Evans giving athletes injections before? 14 A. No, but I know he gave Me'Lisa 15 Barber one. 16 Q. And had Randall Evans been going to 17 medical school or nursing school or any sort of 18 professional paramedic school or anything like 19 that? 20 A. Yes, that's what I heard. 21 Q. Okay. What sorts of classes was he 22 taking? 23 A. He was taking classes to be a 24 therapist, and try to get -- and try to work on 25 getting his license.</p>

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<p>1 Q. And how did you know that?</p> <p>2 A. Because it was told to me.</p> <p>3 Q. By who?</p> <p>4 A. By Randall and Dr. Martini.</p> <p>5 Q. Was he being trained by Dr. Martini?</p> <p>6 A. No.</p> <p>7 Q. Was he attending some school,</p> <p>8 recognized school?</p> <p>9 A. That's what I was told.</p> <p>10 Q. Do you know?</p> <p>11 A. I only know what I was told.</p> <p>12 Q. And you were -- so you just accepted</p> <p>13 the word of Dr. Martini and Randall Evans?</p> <p>14 A. Yes.</p> <p>15 Q. Have you subsequently found out</p> <p>16 whether he was actually taking any sorts of</p> <p>17 classes?</p> <p>18 A. I didn't go in to see -- I didn't</p> <p>19 pull up in the driveway of where he was taking</p> <p>20 classes at, but, yeah.</p> <p>21 Q. Do you believe he is?</p> <p>22 A. I believe he was. I don't know if</p> <p>23 he is now.</p> <p>24 Q. You believe he was?</p> <p>25 A. Yes.</p>	<p>1 Q. Do you believe in him now?</p> <p>2 A. Do you believe him as in what?</p> <p>3 Q. Well, do you trust him now?</p> <p>4 A. My thoughts are skewed for a lot of</p> <p>5 stuff that I found out about him.</p> <p>6 Q. Including that he has been charged</p> <p>7 with a criminal offense involving steroid</p> <p>8 possession?</p> <p>9 A. I didn't know about that until we</p> <p>10 found out that information.</p> <p>11 Q. But you have found that out?</p> <p>12 A. Yes.</p> <p>13 Q. When did you find that out?</p> <p>14 A. Way after, when we was investigating</p> <p>15 on this case.</p> <p>16 Q. Before Mr. Evans injected you in</p> <p>17 your hamstring, did you ask him whether he had</p> <p>18 ever injected performance-enhancing substances</p> <p>19 into any athletes?</p> <p>20 A. No.</p> <p>21 Q. Why not?</p> <p>22 A. Because I didn't believe he did. It</p> <p>23 was a B12 -- sitting right here, it's a B12</p> <p>24 shot. That's why I was concerned about my leg.</p> <p>25 I was concerned about if he was juicing up some</p>
<p data-bbox="722 1018 836 1060">Page 226</p> <p>1 Q. But that's just based on his word;</p> <p>2 you don't know where he was at the time?</p> <p>3 A. Yes.</p> <p>4 Q. Besides the injection that you</p> <p>5 understood he had given to Me'Lisa Barber, what</p> <p>6 was your understanding of Randall Evans'</p> <p>7 experience in giving injections?</p> <p>8 A. I didn't know if he had any</p> <p>9 experience.</p> <p>10 Q. So you didn't know? You just knew</p> <p>11 he was taking classes and had given one other</p> <p>12 person an injection?</p> <p>13 A. Yes.</p> <p>14 Q. And you are a gold medalist, double</p> <p>15 world champion, and you allow this person, who</p> <p>16 is learning to give injections, to inject you in</p> <p>17 your hamstring while you were injured?</p> <p>18 A. He wasn't a person who was learning.</p> <p>19 He was my assistant coach.</p> <p>20 Q. Did you feel like that was good</p> <p>21 judgment?</p> <p>22 A. At the point in time, yes.</p> <p>23 Q. Do you now?</p> <p>24 A. I trusted him, you know, I believed</p> <p>25 him.</p>	<p data-bbox="1323 1018 1443 1060">Page 228</p> <p>1 of the athletes that I didn't know about.</p> <p>2 Q. You testified that you were shown a</p> <p>3 package that said B12 on it?</p> <p>4 A. Yes.</p> <p>5 Q. Did you then ask a question: What's</p> <p>6 in that injection you are giving me?</p> <p>7 A. I read the box. I mean, I asked</p> <p>8 him, you know, to make sure what it was. And he</p> <p>9 showed me the box, and I said "let me see the</p> <p>10 box," and I read the box and the contents of it.</p> <p>11 Q. Well, if you trusted Mr. Evans to</p> <p>12 give you the shot and you trusted that he would</p> <p>13 give you the right thing, did you feel like it</p> <p>14 was important to read the box?</p> <p>15 A. Yeah, why not?</p> <p>16 Q. Okay. I'm just asking why you</p> <p>17 wanted to read the box?</p> <p>18 A. Because, that's human nature, just</p> <p>19 to make sure, double-check anyway. That's -- if</p> <p>20 I gave you something, you would double-check it,</p> <p>21 even if we grew up together. Especially,</p> <p>22 dealing with situations that I have before. I</p> <p>23 had to make sure that everything was okay.</p> <p>24 That's why I checked with Dr. Martini. That's</p> <p>25 why --</p>

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1 Q. Where did the B12 come from?	1 Q. Have you since learned that?
2 A. As far as I know, Dr. Martini.	2 A. I have heard Chris Whetstine say
3 Q. How was it picked up?	3 something about that.
4 A. How was it picked up?	4 Q. When did Chris Whetstine talk with
5 Q. Mm-hm.	5 you about Randall Evans getting testosterone in
6 A. I don't know.	6 Mexico?
7 Q. How do you know it came from	7 A. When I asked him questions about how
8 Dr. Martini?	8 does he think I tested positive.
9 A. Because that's where they said it	9 Q. What did he say?
10 came from.	10 A. I have enough information to throw
11 Q. Who is they?	11 Trevor under the bus, and I remember seeing
12 A. Randall.	12 Randall Evans getting testosterone in Mexico.
13 Q. Randall is one person. Who is they?	13 So my question was: If you saw that, then, why
14 A. I mean Randall.	14 didn't you say something then?
15 Q. Okay. Was Trevor involved as well?	15 Q. And when did this conversation with
16 A. Trevor was there.	16 Chris Whetstine occur?
17 Q. Trevor was there when -- so both of	17 A. Well, after my positive. It had to
18 your coaches were there when you were given this	18 have been, like November, around that time. I
19 injection?	19 was at home.
20 A. Yes.	20 Q. November of 2006?
21 (Cell phone rings.)	21 A. I will have to say around that time.
22 MR. COLLINS: Sorry. I thought I	22 I'm not very sure, but I know I was at home with
23 turned this off.	23 my parents. I moved back home.
24 Q. (By Mr. Bock) What time of the day	24 Q. How did the topic come up?
25 was this?	25 A. Topic of?
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1 A. I don't remember. It was -- it was	1 Q. Of -- I think you -- do you mind
2 still daylight outside.	2 reading his answer, his last answer back? I'm
3 Q. Was it before or after practice?	3 sorry. I just want to make sure that my train
4 A. I wasn't practicing, because I was	4 of thought is accurate.
5 hurt.	5 (Reporter read the last question and
6 Q. Right. But didn't Trevor have a	6 answer.)
7 responsibility for other athletes?	7 Q. So, at the time you had this
8 A. He did.	8 conversation with Chris Whetstine, you were not
9 Q. And don't the athletes all train at	9 sure how you tested positive, correct?
10 a particular time?	10 A. Yes, sir.
11 A. Some train at different times. I	11 Q. This was in November of 2006?
12 mean, all I know is it's still daylight outside.	12 A. Around that time.
13 Q. And you don't recall any more	13 Q. How many conversations did you have
14 specifically than that, when it occurred?	14 with Chris Whetstine about how you tested
15 A. (Nod of head.)	15 positive?
16 Q. What was the point of both Trevor	16 A. Maybe like two. I didn't talk to
17 and Randall coming over to your house to give	17 him that much.
18 you the injections together?	18 Q. Was the one that you just testified
19 A. They travel together.	19 about the first one or the second one?
20 Q. Did Randall Evans ever talk with you	20 A. Come again?
21 about getting testosterone in Mexico?	21 Q. Was the conversation that you just
22 A. No.	22 testified about the first one or the second one
23 Q. Did you ever hear a conversation	23 that you had with Mr. Whetstine?
24 about him getting testosterone in Mexico?	24 A. I don't remember which conversation
25 A. No.	25 it was.

Page 233	Page 235
<p>1 Q. Do you recall anything else that you 2 talked about with Mr. Whetstine, when you were 3 trying to figure out how you testified positive? 4 A. Other than that, he basically was 5 trying to put everything off on Trevor at that 6 point in time. 7 Q. And at that point in time, did you 8 defend Trevor? 9 A. No. I mean, because, there was so 10 much information coming out about all of them, 11 all three of them, and I was so suspicious of 12 everybody. I was suspicious of Chris because he 13 had a criminal background, and that's why he 14 couldn't get credentialed into the Olympics, and 15 I just found that out. And Randall had a 16 criminal background. And Trevor didn't -- I 17 found out, he had a lot of criminal, priors to 18 him, too. So, any of them could have been a 19 suspect at that point in time. 20 Q. So at that point in time, you 21 thought your positive test result could have 22 been explained by any one of those guys? 23 A. Well, especially after talking with 24 Novitzky and him targeting Trevor Graham. I 25 didn't feel that an agent of the government</p>	<p>1 And the "they" refers to Randall 2 Evans, Trevor Graham, and Chris Whetstine? 3 A. They -- yes. 4 Q. How could any one of those persons 5 have caused a positive test? 6 A. Well, I was concerned Chris 7 Whetstine could have rubbed something on me. 8 Q. How about the other two? 9 A. I don't know. 10 Q. They were suspects. 11 A. Obviously I ruled them out. 12 Q. How did you rule them out? 13 A. Because they weren't touching my 14 body on a consistent basis. 15 Q. Other than giving you injections and 16 giving you pills, right? 17 A. Giving me a injection, not 18 injections. 19 Q. Okay. 20 A. And a pill. 21 Q. And a pill? 22 A. Yeah. 23 Q. And the injection and the pill were 24 in the first week in April, two weeks before the 25 positive drug test, correct?</p>
<p>1 could be totally wrong. 2 Q. Okay. And when were your 3 supplements tested by Dr. Black? 4 A. I don't remember. 5 Q. Well, I'm trying to understand this. 6 How do you think that -- how were you thinking 7 that Randall Evans or Trevor Graham could have 8 gotten it? How could they have been responsible 9 for the positive test? 10 A. I wasn't thinking that they could 11 have done anything, I mean, because I was ruling 12 out situations. I was still thinking 13 that, learning information about them, that 14 maybe they could have known knowledge of the 15 situation. 16 Q. Well, you just said that any of them 17 could be a suspect. How could they have caused 18 a positive test? 19 A. If something happened to me, I 20 didn't know, I'm going to blame everyone until I 21 pin down how it happened. 22 Q. Okay. And I'm asking you how they 23 could have caused a positive test. 24 A. I don't know. 25 Q. You don't?</p>	<p>1 A. Yes. 2 Q. I'm just going to ask you some 3 questions about your doping control official 4 records that are under Tabs 8 and 9 of USADA's 5 exhibit. And I have prepared a summary of the 6 supplements that are listed, that I think would 7 make things a little quicker. I will show it to 8 John and see if he has any objections to this 9 summary? 10 And what I propose is if we just go 11 through and confirm what's on it, but I think 12 having to have to deal with the whole stack 13 of -- 14 MR. COLLINS: So just so I understand 15 that you are saying this accurately reflects 16 everything that he wrote on all of his different 17 ones. 18 MR. BOCK: Yes. 19 MR. COLLINS: Without having the 20 opportunity to check all of them, obviously if 21 it becomes clear that one's wrong -- 22 MR. BOCK: Absolutely. If there's -- 23 MR. COLLINS: Right. As we went 24 through the other chart, we found out there were 25 things here and there that weren't --</p>



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<p>1 MR. BOCK: It's very possible. In 2 fact -- 3 MR. COLBERT: This is just a 4 demonstrative, right? Not actually being 5 offered into evidence. 6 MR. BOCK: Correct. That's correct. 7 Then, I will, if it's okay with the 8 panel, give everybody a copy. 9 MR. COLBERT: Please. 10 MR. BOCK: And I will tell you, it 11 is -- there is the one meet left off there 12 inadvertently. And that was the May 12th world 13 record, I think, but I can either correct this 14 this evening, or we can just note that it's not 15 there. 16 MR. COLBERT: Well, this is only 17 demonstrative. It's not being offered into 18 evidence, correct? 19 MR. BOCK: Yeah, that's right. 20 Okay. The USADA doping control 21 forms are under Tab 8, so turn your attention to 22 the doping control form at the bottom says USADA 23 0155, and that is the 3-01-2003 doping control 24 form. So -- 25 MR. COLBERT: Say that again.</p>	<p>1 sit down to process the sample after you have 2 actually produced the urine is the third time 3 that it's noted on the form; is that right? 4 A. Yes. 5 Q. And in this particular form, your 6 athlete representative was Trevor Graham, and 7 he's noted in the lower right-hand corner; is 8 that correct? 9 A. Yes. 10 Q. And the athlete representative is 11 just someone that is permitted to accompany you 12 while you go through the drug test, right? 13 A. Yes, it is. 14 Q. And at this point in time in March 15 of 2003, as you've testified, Trevor Graham was 16 your coach, correct? 17 A. Yes. 18 Q. And in the middle of the form, 19 there's a place where you can list the 20 medications and supplements that you have taken 21 within the last three days; is that right? 22 A. Yes. 23 Q. And on this particular form, you 24 noted that you have been taking amino acids, 25 creatine, a multivitamin and glutamine; is that</p>
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<p>1 MR. CAMPBELL: 0155. 2 MR. BOCK: 0155 in the lower 3 right-hand corner. 4 Q. (By Mr. Bock) Do you recognize the 5 form here, Mr. Gatlin, USADA 0155 as a document 6 that you would have to complete each time you 7 did a drug test; is that correct? 8 A. Yes. 9 Q. And this document, you have to sign 10 in at the top and the top right-hand side when 11 you are approached to give the test, right? 12 A. Yes. 13 Q. And the time is noted when you are 14 notified up in the upper right-hand corner; is 15 that right? 16 A. Yes. 17 Q. And then Athlete Information part of 18 the form, which is the next section, is 19 completed when you arrive at the doping control 20 station; is that right? 21 A. Yes. 22 Q. And again, the time is noted there; 23 is that right? 24 A. Yes. 25 Q. And then the time that you actually</p>	<p>1 correct? 2 A. Yes. 3 Q. And those substances are -- the dose 4 of those substances are also listed, correct? 5 A. Yes, they are. 6 Q. And you provide that information 7 when you go to a doping control station, 8 correct? 9 A. Yes. 10 Q. So have you had the opportunity to 11 go through the doping control records that are 12 part of the exhibits in this case? 13 A. No, I have not. 14 Q. They're under this Tab 8, and as we 15 go through these, if you have any questions 16 about them, then certainly bring it out. 17 But do you recognize these to be the 18 sorts of forms that you regularly filled out 19 when USADA did a drug test? 20 A. Yes. 21 MR. COLLINS: Could I just ask the 22 question: Are you going to go through all of 23 the different forms? 24 MR. BOCK: No. We can, if you want. 25 MR. COLLINS: I was going to object</p>

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1 to relevance on stuff that was years before.  
 2 MR. BOCK: Right. Okay. Well,  
 3 most -- a lot of the things that he was taking  
 4 were consistent throughout his career.  
 5 Q. (By Mr. Bock) And is that -- let me  
 6 just ask you -- answer this question: Were a  
 7 lot of these substances, the supplements that  
 8 you were taking, consistent throughout the  
 9 several years you were being coached by Trevor  
 10 Graham?  
 11 A. Yes, it was.  
 12 Q. And, for instance, one of the  
 13 substances that you took throughout this time  
 14 period was something called "Amino Fuel"?  
 15 A. Yes.  
 16 Q. Okay. And another of the  
 17 substances -- well, let me back up.  
 18 What is Amino Fuel?  
 19 A. It's amino acid. You buy it in the  
 20 store, like some products are labeled different,  
 21 and it's called Amino Fuel.  
 22 Q. Okay.  
 23 A. It's amino acids.  
 24 Q. And when you listed "amino acids" in  
 25 your doping control form, were you referring to

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1 Amino Fuel?  
 2 A. Yes.  
 3 MR. COLBERT: Could I just ask you,  
 4 Mr. Bock, where is -- where does Amino Fuel show  
 5 up in any of these anti-doping records?  
 6 MR. BOCK: It generally says amino  
 7 acids, and it indicates that it's a liquid. The  
 8 last one, 12-5-06, actually lists Amino Fuel.  
 9 And that's IAAF doping form. It's under Tab 9.  
 10 MR. CAMPBELL: No Bates?  
 11 MR. COLLINS: That's actually 5-12.  
 12 MR. BOCK: Oh, is it actually 5-12?  
 13 Oh, that was the mistake. It's actually the  
 14 world record date.  
 15 MR. TYGART: It's USADA 0250.  
 16 MR. COLBERT: It's still under 9?  
 17 MR. TYGART: Yeah, it's the first  
 18 doping control official record under 9.  
 19 MR. BOCK: So that's why the cutter  
 20 -- he couldn't get there -- it got put under the  
 21 wrong date. Instead of 5-12, it's listed on  
 22 this chart as 12-5, and so that one was Amino  
 23 Fuel. Okay.  
 24 Q. (By Mr. Bock) Referring to the  
 25 summary here, do you see on 12-9-2003, do you

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1 see that you took a product called Nitro-Tech,  
 2 and you can look at your doping control form for  
 3 12-9-2003, which is USADA 161, if you prefer.  
 4 A. Okay.  
 5 Q. Can you explain what Nitro-Tech is?  
 6 A. It's like a post-workout shake.  
 7 Myoplex is like the morning shake before you go  
 8 work out, gives you the energy, and Nitro-Tech  
 9 is afterwards, usually.  
 10 Q. And it looked to me that you were  
 11 consistently taking Nitro-Tech throughout the  
 12 time period that you were working with Trevor;  
 13 is that correct?  
 14 A. Yes.  
 15 Q. Okay. In terms of the product,  
 16 Amino Fuel, what research did you do to  
 17 investigate whether that substance had any  
 18 prohibited substance in it?  
 19 A. I read up on it. I checked the  
 20 labels and everything. I mean, in every  
 21 substance that I have on here, were put into the  
 22 database on the Internet, the USADA database, to  
 23 make sure that they didn't have anything else  
 24 inside of it that was chemically combined to it.  
 25 That's the reason why I tested positive in 2001.

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1 Adderall was not on their list in 2001, but the  
 2 chemical combination of it, of the amphetamines  
 3 of it was.  
 4 Q. Okay. And so other than looking at  
 5 the label, did you do any other investigation  
 6 regarding these substances?  
 7 A. No.  
 8 Q. No? Did you go to the Web site?  
 9 A. Did I go to the Web site?  
 10 Q. Yeah, for the manufacturers for  
 11 these products.  
 12 A. Well, I went to GNC, the store.  
 13 Q. Did you go to the Web site for the  
 14 manufacturers of the Nitro-Tech and the Amino  
 15 Fuels?  
 16 A. No.  
 17 Q. Did you think that was -- were you  
 18 aware about any concern relating to supplement  
 19 contamination?  
 20 A. Was I concerned about supplement  
 21 contamination?  
 22 Q. Yeah.  
 23 A. No, I wasn't.  
 24 Q. And why not?  
 25 A. I mean, what could I do if it was --

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<p>1 I wouldn't even know if it was contaminated or 2 not. You can buy supplements, it could be 3 contaminated. That's just the chance you take 4 in that one time. 5 Q. So, I'm going to show you -- 6 A. I mean, if I'm able to buy it in a 7 store, I think it's better to buy it in a store 8 than try to buy it off the Internet. 9 Q. That's pretty much illegible, isn't 10 it? 11 MR. COLLINS: I'm going to object, 12 since he said he didn't go to the Web site, I 13 don't see how this is relevant. 14 MR. BOCK: I think it's relevant to 15 know what information Mr. Gatlin could have 16 found out about these products, if he had gone 17 to the Web site. Again, he's testified that 18 he's very careful, and this is impeaching his 19 testimony about how careful he was regarding 20 what he put into his body. 21 If it's helpful, I only have two 22 that I'm going to go to. 23 MR. COLBERT: Can I ask you, Mr. 24 Bock, to make whatever point it is you wish to 25 make and move along. We are getting -- we are</p>	<p>1 Q. In your own words, what does 2 anabolic refer to? 3 A. It's a medical term. 4 Q. Referring to what? 5 A. The makeup of that product. 6 Q. Do you understand that anabolic 7 refers to increasing muscle mass? 8 A. Okay. I have only tested once, so I 9 have been taking this for the duration of all 10 these times. 11 Q. Yeah. 12 A. So, what does that have to do with 13 -- that's what I'm saying, like, okay? 14 Q. And do you recognize whether -- do 15 you know whether Twinlab produces steroids such 16 as DHEA? 17 A. I wouldn't be looking up steroids. 18 Q. So you wouldn't be investigating 19 that? 20 A. I wasn't trying to take any 21 steroids. I was trying to take Amino Fuel. 22 Q. And you understand that steroid 23 increases muscle mass, and so -- does the term 24 "anabolic" -- 25 A. So does creatine. Creatine</p>
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<p>1 starting to get a little tenuated, and we're 2 getting late, and you have got two minutes 3 before your 4:00 call. 4 MR. BOCK: Sure. I can cover these 5 two aspects before our call and be out of these. 6 MR. COLBERT: About two minutes? 7 MR. BOCK: Yes. 8 Q. (By Mr. Bock) If you had gone to the 9 Twinlab Web site that produces Amino Fuel, and 10 the product you took was from Twinlabs, correct, 11 Amino Fuel? 12 A. It's made by Twinlabs. 13 Q. And that's a picture of the bottle, 14 correct? 15 A. Yes. 16 Q. And you took that throughout your 17 career, correct? 18 A. Yes. 19 Q. And so there was -- on the label of 20 the product that you took, it says "anabolic," 21 correct? 22 A. Yes. 23 Q. And did you understand what the 24 reference to anabolic means? 25 A. Yeah.</p>	<p>1 increases muscle mass too. 2 Q. Does the term "anabolic" on a 3 product that you are using cause you any 4 concern, make you want to investigate it 5 further? 6 A. Well, if it said anabolic steroid, 7 then, yeah, but it says "anabolic liquid," and 8 then I did my research on it, and it wasn't a 9 steroid. 10 Q. I'm going to show you -- this is the 11 Web page for Nitro-Tech. Is that the product 12 that you are taking? 13 A. Not Hardcore, just regular 14 Nitro-Tech. 15 Q. And it is also advertised to 16 increase lean muscle mass; is that correct? 17 MR. COLLINS: Objection. 18 MR. COLBERT: Mr. Bock, I don't want 19 to anticipate your objection. He's testified 20 that he doesn't take the product you are showing 21 on the screen. 22 Q. Have you ever taken Hardcore? 23 A. No, I have not. It says right 24 here... 25 Q. All right. I guess they're both</p>

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1 Hardcore.  
 2 All right. And are you aware of --  
 3 let me just get out of this, so we won't have it  
 4 up on the screen.  
 5 Are you aware of whether the  
 6 manufacturer of Nitro-Tech manufactures  
 7 steroids?  
 8 A. You asked me that. I said I didn't  
 9 look into that.  
 10 MR. BOCK: Okay.  
 11 Well, I promised that I would be  
 12 through at 4:00 with that aspect of the  
 13 examination.  
 14 MR. COLBERT: You want the witness  
 15 just to step down temporarily?  
 16 MR. BOCK: Yes.  
 17 MR. COLBERT: And this is going to be  
 18 Mr. Novitzky, and it's your witness, Counsel?  
 19 MR. COLLINS: Yes.  
 20 MR. COLBERT: This is acceptable to  
 21 you?  
 22 MR. COLLINS: That's fine.  
 23 MR. TYGART: Does he know to call in  
 24 the call-in number?  
 25 MR. COLLINS: No, we have got to

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1 call him with the call-in number. It may  
 2 take -- we should probably notify him, and then  
 3 take a couple-minute break because he's got to  
 4 have to get the AUSAs on the line.  
 5 (Off-the-record discussion about the  
 6 call; call placed to the parties.)  
 7 (Present on the telephone conference  
 8 were Jeff Finnigan, U.S. Assistant Attorney, San  
 9 Francisco, and Agent Jeff Novitzky.)  
 10 MR. COLBERT: Mr. Finnigan?  
 11 Mr. Finnigan, I think, is on the phone too.  
 12 Mr. Finnigan, Mr. Novitzky is with you?  
 13 MR. FINNIGAN: No, we are not  
 14 physically together.  
 15 MR. COLBERT: You're both on the  
 16 phone. And are you the only two that are going  
 17 to be on the phone?  
 18 MR. FINNIGAN: There should be  
 19 another AUSA, Jeff Nedrow joining us.  
 20 MR. COLBERT: Jeff Nedrow.  
 21 MR. FINNIGAN: He may have stepped out of  
 22 his office for a second. So he should be  
 23 calling us shortly, but if you need to get  
 24 started, we can do so whenever you're ready.  
 25 MR. COLBERT: Mr. Collins?

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1 MR. COLLINS: Certainly.  
 2 MR. TYGART: Can we swear the  
 3 witness?  
 4  
 5 WHEREUPON,  
 6 JEFF NOVITZKY,  
 7 the witness herein, having been first duly sworn  
 8 to state the whole truth, testified on his oath  
 9 telephonically as follows:  
 10  
 11 MR. FINNIGAN: And this is Jeff  
 12 Finnigan. Before we actually get into the  
 13 testimony, I was wondering if it's okay if I  
 14 just make some preliminary comment.  
 15 MR. COLBERT: All right. Please do.  
 16 MR. FINNIGAN: I think most of you  
 17 are aware, obviously, that we have an ongoing  
 18 investigation that Agent Novitzky is the lead  
 19 agent on. In addition to the ongoing  
 20 investigation, there are open pending cases  
 21 right now that we have that could potentially be  
 22 topics that are relevant to what you are doing  
 23 there today with Mr. Gatlin.  
 24 So I just wanted to point out, there  
 25 are sort of -- based on my understanding of

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1 what's happening today, there are basically four  
 2 categories, I just wanted to break down as far  
 3 as what Agent Novitzky can talk to and what he  
 4 cannot speak to.  
 5 First of all, he can testify today  
 6 to the facts of his contacts with Mr. Gatlin,  
 7 and what Mr. Gatlin did to assist Agent Novitzky  
 8 in the investigation. Again, because of the  
 9 fact that the investigation is ongoing and it  
 10 also involves certain grand jury material, he  
 11 will not be able to testify to other sort of  
 12 unrelated facts to Mr. Gatlin, because it may be  
 13 related to Mr. Gatlin's case.  
 14 He won't be able to testify to  
 15 putting a value, so to speak, on the cooperation  
 16 that Mr. Gatlin offered in the case, although,  
 17 again, he's fully ready to talk about the exact  
 18 facts, and then whatever value the arbitrators  
 19 assign to that obviously is your decision, and  
 20 Agent Novitzky will give that to you.  
 21 He's not going to offer any opinions  
 22 about the interpretation of any of the evidence.  
 23 An example there is, it's my understanding that  
 24 Mr. Gatlin is not contesting his positive test,  
 25 and so to the extent that Agent Novitzky would

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<p>1 be asked whether he has a conclusion of whether 2 Mr. Gatlin did anything knowingly, that's 3 something that Agent Novitzky can't speak to. 4 But again, he can give you whatever facts you 5 need for you to draw whatever conclusions are 6 going to be drawn. 7 And then the other thing is, again, 8 Agent Novitzky cannot speak to other cases that 9 are ongoing investigations or pending cases, you 10 know, for example, as you I'm sure all know, 11 there's an indictment pending against Mr. Trevor 12 Graham, so Agent Novitzky cannot speak about 13 facts related to that person or any other 14 athlete for that matter. 15 There is one exception, though. 16 It's my understanding that there may be 17 questions about a person by the name of Chris 18 Whetstine and an interview that Agent Novitzky 19 had with that person. We don't have any 20 objection to you asking Agent Novitzky about 21 that, if, in fact, that's even something that 22 you want to ask about. 23 So with that said, I hope that that 24 doesn't curtail what you need to do today, and 25 I'm certainly open to fielding any questions</p>	<p>1 IRS for approximately the last 15 years. 2 Q. Are you familiar with an 3 investigation -- are you involved in an 4 investigation in looking into the doping in 5 sport? 6 A. Yes, I have been in a general sense. 7 A lot of specific investigations, but in a 8 general sense for approximately the last five 9 years. 10 Q. And that's what is generally known 11 sort of as the BALCO investigation? 12 A. Correct. 13 Q. I understand the limitations the 14 AUSA has placed on your testimony, so I will try 15 not to go around those or violate them, but in 16 speaking some generalities, approximately how 17 many witnesses have you interviewed during the 18 course of that investigation? 19 A. Hundreds. 20 Q. Is that 100 or multiple hundreds? 21 A. Multiple hundreds. 22 Q. Within those hundreds of 23 individuals, approximately how many have been 24 athletes? 25 A. I would say right around or possibly</p>
<p>Page 254</p> <p>1 that you might have, but because of the nature 2 of what we're doing, I just felt that it was 3 important to sort of lay some ground rules 4 before we get started. 5 MR. COLBERT: All right. 6 Mr. Collins, are you ready to begin? 7 MR. COLLINS: Yes. 8 9 EXAMINATION 10 BY MR. COLLINS: 11 Q. Jeff, can you hear me okay? 12 A. Yes, I can hear you good. 13 Q. Just for the record, could you 14 please state your name, spelling the last name? 15 A. Yes. Jeff Novitzky. 16 N-o-v-i-t-z-k-y. 17 Q. Are you employed? 18 A. Yes, I am. 19 Q. How are you currently employed? 20 A. I am employed as a special agent 21 with the Internal Revenue Service criminal 22 investigation. 23 Q. And approximately how long have you 24 been involved? 25 A. I have been a special agent with the</p>	<p>Page 256</p> <p>1 a little bit greater than 100. 2 Q. And of those athletes, approximately 3 how many have been track athletes? 4 A. Probably a little less than half. 5 Q. As part of that investigation have 6 there been a number of indictments? 7 A. Yes. 8 Q. Do you know approximately how many? 9 A. Let me think here in my head. 10 Approximately seven. 11 Q. How many of those indictments are 12 currently pending? 13 A. There are two pending. 14 Q. Do you know the name -- is Trevor 15 Graham one of those? 16 A. Yes. 17 Q. And who is the other one? 18 A. The other one that is currently 19 pending is Tammy Thomas. 20 Q. And do you know what sport she's 21 from? 22 A. She was an Olympic-caliber cyclist. 23 Q. With respect to Mr. Graham, what has 24 he currently been indicted for? 25 A. He is under indictment for making</p>

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<p>1 false statements to federal agents in the course 2 of an interview he provided to them. 3 Q. When was that interview? 4 A. That interview was in 2004, 5 approximately, the summer of 2004. 6 Q. And I believe, having read the 7 indictment before, the indictment indicates he 8 testified in the grand jury prior to that -- 9 MR. FINNIGAN: You know, I'm going to 10 jump in -- this is Jeff Finnigan. To the extent 11 that the indictment is available, it's a public 12 record, that information sort of speaks for 13 itself. I would ask that you please not get 14 into any more details about Mr. Graham's case. 15 Q. Okay. I had one more question on 16 that topic -- 17 MR. FINNIGAN: Okay. 18 MR. COLLINS: -- If you will. 19 Q. (By Mr. Collins) The activities 20 covered in the indictment, can you give an 21 approximate time period? 22 A. You know, I don't have the 23 indictment in front of me here, but without 24 being able to read it here, I wouldn't want to 25 go there, because I'm not sure.</p>	<p>1 A. The one and only time I met the 2 person was August 16th of 2006 during an 3 interview, that myself and my partner, Special 4 Agent Irwin Rogers conducted of him in New York. 5 Q. Do you recall who else was at that 6 interview? 7 A. Yes. There was Mr. Gatlin, his mom, 8 Jeanette Gatlin, two attorneys, Brian Moss and 9 Cameron Myler, were both for Mr. Gatlin, myself, 10 and Special Agent Irwin Rogers. 11 Q. How did you come to be interviewing 12 Mr. Gatlin? 13 A. It was arranged through his attorney 14 Cameron Myler, and it was shortly after we heard 15 publicly about his positive drug test. And I 16 put in the request through his attorney, Cameron 17 Myler, to interview Mr. Gatlin about his 18 positive drug test and about other possible 19 issues regarding his coach, Trevor Graham, and 20 possible other individuals. 21 Q. And so Mr. Gatlin submitted to that 22 interview voluntarily? 23 A. Yes, he did. 24 Q. Now, did he receive a proffer letter 25 or anything in connection with that?</p>
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<p>1 MR. TYGART: Just to get through 2 this, we can agree to just jointly submit the 3 indictment. It's a public document. We're fine 4 with that. 5 MR. CAMPBELL: What's the dates, 6 since it's public? 7 MR. COLLINS: My understanding is the 8 activities to which he testified in 2004 9 occurred in late 1990s, up until mid- to late 10 2001. 11 MR. CAMPBELL: Okay. 12 MR. TYGART: And again, I would just 13 let the public document speak for itself. 14 MR. CAMPBELL: Do you have any 15 understanding inconsistent with that, 16 Mr. Tygart? 17 MR. TYGART: Based on what the 18 indictment says, I don't believe so, but again, 19 I haven't reviewed that recently. 20 MR. CAMPBELL: I'm just trying to get 21 my mind around it. 22 Q. (By Mr. Collins) Have you ever met 23 Justin Gatlin? 24 A. Yes. 25 Q. When did you meet Justin Gatlin?</p>	<p>1 A. Yes, he did. 2 Q. And could you briefly explain what a 3 "proffer letter" is? 4 A. Yes, a proffer agreement offers some 5 protection against an individual giving those 6 statements, and those statements -- of being 7 given cannot be used against them under a few 8 instances; the exception would be false 9 statements or a perjury case where that 10 information was not accurate. But other than 11 that, in most instances, those statements 12 provided under that proffer agreement cannot be 13 used against the individual making that 14 agreement. 15 Q. Okay. But he's still obligated to 16 tell the truth? 17 A. Yes, absolutely. 18 Q. And I believe you are also entitled 19 to develop leads or whatever you want from that 20 information? 21 A. Yes, we can, correct. 22 Q. So this is something well short of 23 actual immunity? 24 A. You know what? I'm -- I don't want 25 to categorize that. I'm not an attorney. And</p>

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1 this is actually an agreement entered into  
 2 between the United States Attorney's Office and  
 3 a client in general, in this case, Mr. Gatlin.  
 4 So in terms of quantifying where it stands in  
 5 the immunity hierarchy, I don't think I'm good  
 6 with giving that opinion.  
 7 Q. Okay. But your understanding is  
 8 that it's certainly not the greatest level of  
 9 immunity?  
 10 A. Correct. It's not -- it's use  
 11 immunity, not transactional immunity, so it's  
 12 immunity just for the statement being given. It  
 13 doesn't mean that this individual couldn't be  
 14 charged; just couldn't use the statements  
 15 against him if he was.  
 16 Q. Okay. Go ahead. Did you have  
 17 something? I didn't mean to cut you off.  
 18 A. Again, unless it was a case of a  
 19 false statement or a perjury where actually  
 20 those false statements could be used against an  
 21 individual.  
 22 Q. Understood.  
 23 Approximately, how long was this  
 24 interview?  
 25 A. This interview lasted from

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1 approximately 10 a.m. to 3:30 p.m., so it was  
 2 approximately five and a half hours.  
 3 Q. Now, going into this interview, were  
 4 there any topics that were taboo or you couldn't  
 5 talk about with Mr. Gatlin?  
 6 A. No. In terms of any ground rules on  
 7 his side, no, we weren't told that anything was  
 8 off limits.  
 9 Q. So you were free to ask anything?  
 10 A. Yes, as far as we knew.  
 11 Q. Okay. Did you ask him about his  
 12 experience with Trevor Graham?  
 13 A. Yes.  
 14 Q. What did he indicate to you?  
 15 A. He basically went through in  
 16 chronological order how he met Trevor Graham,  
 17 how he came to contract him as a coach, their  
 18 early years of training, where they trained, who  
 19 they trained with, really, the details regarding  
 20 Trevor, and, of the beginning to, you know,  
 21 really, the end, as the most recent part  
 22 connected to this interview, you know, summer of  
 23 2006.  
 24 Q. So that went just to cover the terms  
 25 from when he joined Trevor Graham in 2002?

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1 A. Correct.  
 2 Q. So when he -- at the end of this  
 3 positive test he was having your interview with  
 4 you, which would have been August 16th, 2006?  
 5 A. That's correct.  
 6 Q. Did he -- did you ask whether or not  
 7 Trevor Graham had ever given him any banned  
 8 substances?  
 9 A. Yes.  
 10 Q. And how did he answer those  
 11 questions?  
 12 A. He answered that he -- no, that he  
 13 never knowingly received anything banned from  
 14 Trevor Graham.  
 15 Q. Did he talk about anything with  
 16 Mr. Whetstine?  
 17 A. Yes.  
 18 Q. What did he tell you about  
 19 Mr. Whetstine?  
 20 A. We went through some details of  
 21 Mr. Whetstine's role as a masseuse for Justin,  
 22 particularly during the spring and summer of  
 23 2006. And he provided details about the  
 24 protocol used on him by Mr. Whetstine throughout  
 25 that period, specifically the applying of creams

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1 and lotions onto him.  
 2 Q. He indicated that he had worked with  
 3 Mr. Whetstine for more than just 2006, though,  
 4 correct?  
 5 A. Yeah. Referring to my report here,  
 6 yes, he did. He talked about that he started  
 7 with Mr. Whetstine in 2004, but the majority of  
 8 our discussions regarding Mr. Whetstine had to  
 9 do with the 2006 season.  
 10 Q. Did he indicate that  
 11 Mr. Whetstine -- I think he used the word  
 12 "protocols" for giving massages and use of  
 13 creams and stuff, changed at all in 2006?  
 14 A. Yes, he told us that.  
 15 Q. And how did he say they changed?  
 16 A. He said that usually, in the past,  
 17 he would go back to the hotel, where  
 18 Mr. Whetstine would a massage his legs and apply  
 19 cream. But in 2006 Mr. Gatlin stated that  
 20 Mr. Whetstine seemed eager to get the massage  
 21 creams on his legs as soon as possible. And  
 22 that, in particular, he noticed this occurring  
 23 at the Kansas Relay meets, also, the Prefontaine  
 24 meets, the New York Reebok meets, and the Japan  
 25 meets.

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<p>1 Q. Did you discuss any text messages 2 that Mr. Gatlin sent to Mr. Whetstine? 3 A. Again, I'm just referring to a 4 report here that I took of that interview. 5 Yes, we did, yes. 6 Q. And what did he say caused -- or how 7 his sending those text messages came to be? 8 A. Basically, Mr. Gatlin told us that 9 he received a phone call from Trevor Graham, and 10 that Trevor Graham had told him that he just 11 talked to Chris Whetstine and that Whetstine 12 told Mr. Graham that he wanted to confess, but 13 he was scared because he thought he would get in 14 trouble with Gatlin. And Mr. Gatlin told us 15 that this conversation he had with Trevor 16 basically sparked him to text-message to 17 Mr. Whetstine and basically tell him to tell the 18 truth. 19 Mr. Gatlin told us that 20 Mr. Whetstine replied, What do you mean? 21 Q. Okay. You subsequently had an 22 opportunity to interview Mr. Whetstine? 23 A. Yes, I did. 24 Q. Have you seen copies of the text 25 messages?</p>	<p>1 Mr. Gatlin, did he ever indicate that he 2 authorized Mr. Whetstine to rub any banned or 3 prohibited substances on him? 4 A. No. 5 Q. At a point during this interview, 6 did you request Mr. Gatlin to make an undercover 7 recorded phone call? 8 A. Yes, I did. 9 Q. When did you ask him to make it? 10 A. At the end of the interview. 11 Q. Who did you ask that he call? 12 A. I asked him to call Trevor Graham. 13 Q. And what was the purpose of asking 14 him to make a call? 15 A. It was twofold: Number 1, to gauge 16 the accuracy of the information that Mr. Gatlin 17 had just provided to myself and my partner; and 18 then Number 2, to possibly gather further 19 evidence of our case on Trevor Graham. 20 Q. Okay. Did he agree to make that 21 call? 22 A. Yes, he did. 23 Q. When did he agree? 24 A. Very shortly after being requested. 25 There was a period of less than five minutes</p>
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<p>1 A. Yes, I have. I actually saw them on 2 his phone. 3 Q. You saw them on Chris Whetstine's 4 phone? 5 A. Yes. 6 Q. And do you have copies of them? 7 A. I transcribed what I saw on his 8 phone. 9 Q. Do you know if USADA has copies of 10 all of those? 11 A. I believe they do. I have 12 independently spoken with them about them. I 13 did not provide them to them, however. 14 Q. Are you familiar with Mr. Gatlin 15 having sent Mr. Whetstine a text message saying 16 "My family and I just want me to run again," 17 period. "That's it," exclamation mark. "We 18 will not come after you," exclamation mark. "I 19 promise that's our word," exclamation mark. 20 "Let us work this out," exclamation mark. "I am 21 tired of crying," period, which was sent on 22 August 7th of 2006? 23 A. Yes, that's one of the text messages 24 I observed on Mr. Whetstine's phone. 25 Q. Okay. In your interview with</p>	<p>1 where he, his mom and his attorneys went out of 2 the room to discuss it. They came back in, 3 again, relatively shortly thereafter, indicating 4 that he was -- would be agreeable to make the 5 call. 6 Q. After he agreed to make the call, 7 what did you do? 8 A. We then sat down with him and 9 basically wrote out a script of what we wanted 10 him to talk to Trevor Graham about. 11 Q. And then did he place the call? 12 A. Yes, he did. 13 Q. Did he discuss what you had asked in 14 the script? 15 A. He did. 16 MR. FINNIGAN: I'm sorry to break in 17 here, but I don't know if the calls have been 18 provided or not, I doubt they have, but to the 19 extent you want to go into the substance of the 20 call, I would ask that Agent Novitzky not be 21 asked those questions unless for some reason 22 that information cannot come from Mr. Gatlin. 23 MR. COLLINS: Okay. I don't think 24 I'm going to ask him to give the specific 25 details of the call, but I will ask him how they</p>



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<p>1 were designed, what they were designed to 2 elicit, as I have already done with this one. 3 MR. FINNIGAN: Right. And the 4 procedure, the fact that calls were made, and 5 the procedures that were set up for the calls, 6 that's okay. The substance of the call is what 7 I would ask to not be asked about. 8 MR. TYGART: Just ask him if he can 9 testify what the purpose of the calls were. 10 That's what's relevant here. 11 MR. CAMPBELL: Is there something 12 that is going to be beneficial to your client's 13 case regarding the substance that you want him 14 to cooperate, because, obviously, he can testify 15 what you stated. 16 MR. COLLINS: Right. I may have to 17 go back and ask. I wasn't aware of the 18 limitations. When I had previously -- 19 MR. CAMPBELL: Well, let's talk about 20 this, because I want to make sure that you get 21 to prove your case, whatever is correct. 22 What are the statements that are -- 23 that you feel are key -- the key issues in your 24 client's case? 25 MR. COLLINS: The key ones would be</p>	<p>1 Trevor Graham statements that were recorded by 2 Justin Gatlin when he made that phone call. 3 MR. CAMPBELL: Regarding the B12. 4 MR. TYGART: He should just call 5 Trevor Graham, if we want evidence of what 6 Trevor Graham and him talked about. 7 MR. CAMPBELL: But there's a 8 credibility issue. I mean, let's put it this 9 way. Are you willing to accept what he says 10 about that? 11 MR. BOCK: Wait a minute. We don't 12 have to -- 13 MR. COLBERT: Let me just -- let me 14 stop it because I know we do have Mr. Novitzky 15 and Mr. Finnigan on the phone, and they're sort 16 of standing by. 17 I understand that Mr. Finnigan has 18 some concerns about some specificity of some of 19 the information or the quotations. 20 Mr. Collins, on behalf of 21 Mr. Gatlin, is indicating he may want to ask him 22 generally, may ask him to say what Mr. Gatlin 23 has said, and whether he can corroborate it. 24 Maybe we could see how far we can go, and see if 25 we run up against something, if Mr. Collins can</p>
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<p>1 the discussions unbeknownst to Mr. Graham that 2 he was being recorded about anything he had ever 3 taken, what it was about the B12 shot, things 4 like that, which corroborate the testimony of 5 what Mr. Gatlin said about it. 6 MR. CAMPBELL: So those are specific 7 statements about what Mr. Gatlin just testified 8 about regarding his B12 shots, and what is it -- 9 what's it called? Voltaren. 10 MR. COLLINS: Yeah. 11 MR. CAMPBELL: Anything else? 12 MR. COLLINS: There's some other 13 questions. I'm not going to ask him for 14 specific quotes, but I will ask him generally if 15 there was any evidence produced as a result of 16 those. 17 MR. FINNIGAN: Well -- I'm sorry. 18 Are you directing that to me? 19 MR. CAMPBELL: We're having a 20 discussion right now. My concern is -- seems to 21 be the B12, and the Voltaren, the pill, seems to 22 be pretty important issue that was in cross, and 23 now you are trying to, I guess, what would you 24 call it? 25 MR. TYGART: He's trying to get</p>	<p>1 rephrase his question to the satisfaction of Mr. 2 Finnigan. 3 MR. FINNIGAN: This is Finnigan 4 again. It's not a question of specifics or 5 generally. I don't want Agent Novitzky asked 6 about the substance of the conversation -- 7 MR. COLBERT: With Mr. Graham. 8 MR. FINNIGAN -- whether that's 9 directly or indirectly. For example, if you 10 were to ask, well, I'm not going to ask you 11 about what Mr. Gatlin said, or what Mr. Graham 12 said, but did that corroborate what Mr. Gatlin 13 had previously told you, that's an indirect way 14 of getting at the substance of the conversation. 15 So I'm asking you to not ask him 16 about any specifics of the conversation of the 17 calls. And, again, that goes back to because 18 there is an open case with respect to 19 Mr. Graham. As you know, he's facing an 20 indictment and has a trial date in about a month 21 or so. 22 MR. COLBERT: What can you ask 23 Mr. Novitzky? Can you try asking Mr. Novitzky 24 generalized questions without getting details 25 and see how far he's permitted to answer.</p>

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<p>1 MR. COLLINS: Yeah, let's see where 2 we go. 3 MR. COLBERT: Let's see what we can 4 do, and if you run up against a wall, you may 5 run up against the wall. 6 MR. COLLINS: Okay. My frustration 7 is not with the panel. 8 Q. (By Mr. Collins) So this first call 9 is made where? 10 A. It was made in the law offices in 11 New York City where the interview was conducted. 12 Q. And you scripted this call? 13 A. Correct. 14 Q. And the purpose of this call was to 15 elicit information about doping and activities 16 Mr. Graham had done? 17 A. It was twofold: It was to test and 18 corroborate the information that Mr. Gatlin just 19 provided myself and my partner; and then 20 secondly, to attempt to gather possibly more 21 information for our pending case against 22 Mr. Graham. 23 MR. TYGART: Did somebody join? 24 MR. NEDROW: Yes, hey, I really 25 apologize. This is Jeff Nedrow, from the U.S.</p>	<p>1 to determine whether or not they could 2 corroborate the information that Mr. Gatlin 3 provided. Can I ask you generally, did the 4 phone call corroborate the information 5 Mr. Gatlin provided? 6 MR. FINNIGAN: Well, perhaps, a 7 better way to ask it: In the course of your 8 dealings with Mr. Gatlin -- I guess, either way 9 we're going to get into the same issue, but I 10 was going to say, perhaps, you can just ask 11 Agent Novitzky if he found Mr. Gatlin to be a 12 credible and cooperative person. 13 Q. (By Mr. Collins) Okay. Did you find 14 Mr. Gatlin to be a credible and cooperative 15 person, Mr. Novitzky? 16 A. Well, that's a -- I mean, that's a 17 complex question. Based -- because there was 18 many -- there's many issues and many levels of 19 that answer to that question. Do you want to 20 go -- I mean, it's going to take a while to 21 answer that. Do you want me to go through 22 everything? 23 MR. COLBERT: We're here. Go ahead. 24 MR. CHERIS: We're here. Go ahead. 25 A. Okay. So, again, in determining</p>
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<p>1 Attorney's Office, with Jeff Finnigan, and I'm 2 coming in a little late, and I apologize. So, I 3 will just remain silent. Please go ahead with 4 wherever you guys were at. 5 Q. (By Mr. Collins) How long was 6 approximately this first call? 7 A. It was approximately 20 minutes. 8 Q. Forgive me if I already asked this: 9 Did Mr. Gatlin cover all the topics you had 10 scripted? 11 A. Yes. 12 Q. During the course of that 13 conversation, did you learn any facts indicating 14 that Justin had knowingly received any banned 15 substance from Trevor Graham? 16 MR. FINNIGAN: Here's where I would 17 ask, that goes into the substance. In fact, the 18 previous question really did too, but that now 19 we're getting into specific substance of a 20 conversation with somebody who is facing an 21 indictment, and I don't want to go there. 22 MR. COLBERT: This is Edward Colbert. 23 I'm on the panel. Can I ask -- let me try this 24 following general question. I understand 25 Mr. Novitzky said that one of the purposes was</p>	<p>1 that, it's not as easy as giving a yes or a no. 2 In terms of his cooperation that day 3 August 16th, absolutely. He came all the way up 4 to Florida with his mother in a very short time 5 period, within a couple of days of our request. 6 You know, sat with us for five and a half hours, 7 answered every question that we asked, agreed to 8 make this phone call, you know, literally 9 minutes after we asked him to do it. The script 10 that we laid out, he agreed to that. He asked 11 follow-up questions as we were sort of listening 12 in on the conversation. 13 So in terms of August 16th, I 14 absolutely found him to be both very 15 cooperative, and based upon all the facts that I 16 learned that day, from interview and phone 17 calls, found him to be credible. 18 Now, some issues have come up since 19 then, that, I don't know diminish that statement 20 completely, but there have been some issues that 21 have come up. 22 There was -- do you want me to go 23 through those? 24 MR. CHERIS: Keep going. 25 MR. COLLINS: Sure.</p>

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1 A. There was categorization that he  
 2 made to us during the interview of a pill that  
 3 was given to him by Randall Evans. He  
 4 categorized the pill during our interview as a  
 5 "Voltaren bean." When myself and my partner  
 6 heard the word "bean" used, based on our  
 7 investigation to that period of time, we had  
 8 heard testosterone and Decadron being referred  
 9 to as a "bean," so it kind of spurred our  
 10 interest when we heard that.  
 11 So we asked several follow-up  
 12 questions regarding that categorization and  
 13 description of that pill. He described it as  
 14 green with a V on it.  
 15 This wasn't an instance where we  
 16 just left it. We followed up and said, Are you  
 17 sure that's what it looked like?  
 18 He said, yeah, he was sure it was  
 19 green with a V on it.  
 20 We came to find out later, much  
 21 later, months, maybe a year later, that he told  
 22 someone else that the pill was brown, and brown  
 23 is the color of these testosterone and Decadron  
 24 pills, so we had some concern about that.  
 25 We actually had Mr. Gatlin, his

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1 mother, and Mr. Collins on a phone call, and  
 2 brought that to their attention. They did come  
 3 up with an explanation about his confusion  
 4 regarding the coloring, and that he had been  
 5 taking an Excedrin which was a green, but these  
 6 Voltaren pills that he had been taking all along  
 7 were brown. You know, a little bit unclear,  
 8 where that leaves him, you know, in the  
 9 credibility issue in that department.  
 10 There was another issue that has  
 11 come up since about his contacting an individual  
 12 by the name of Memo Heredia, who has come up in  
 13 our investigations. In fact, there was a very  
 14 public newspaper account of him in the New York  
 15 Times some time ago, about allegedly being a big  
 16 drug supplier in track and field.  
 17 We asked him questions about Memo  
 18 during the day of the interview. We actually --  
 19 that was one of the things we scripted to have  
 20 him ask Mr. Graham about.  
 21 We came to find out that Mr. Gatlin  
 22 and/or Mr. Nehemiah, his agent, had made contact  
 23 with Memo Heredia, and actually contracted him,  
 24 and paid him anywhere from 5- to \$10,000 to put  
 25 together some type of a report for him on the

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1 positive drug case issue.  
 2 This was all unbeknownst to us. He  
 3 didn't -- we found out about this secondhand,  
 4 not from them. And that was a big issue towards  
 5 us, in terms of, you know, cooperation and  
 6 credibility, because typically, when we're  
 7 dealing with cooperators and looking at those  
 8 issues, you know, one of the issues with a  
 9 cooperator is full disclosure of everything.  
 10 And while we did get some  
 11 explanation that they weren't sure that we  
 12 needed to know this, and they thought we already  
 13 knew some of this, the bottom line, it was not  
 14 the case that they told us this was going on  
 15 when it was going on. So that was another issue  
 16 that came into play.  
 17 There was another instance after  
 18 Mr. Gatlin made the first phone call for us. He  
 19 was provided with a recorder to make  
 20 subsequent -- or to record subsequent phone  
 21 calls between he and Mr. Graham, and also  
 22 Mr. Evans, Randall Evans, who is Trevor Graham's  
 23 assistant.  
 24 He did -- made additional --  
 25 recorded 11 calls, which is technically a

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1 positive through his cooperation and his  
 2 credibility. Those calls were with Mr. Graham  
 3 and Mr. Evans.  
 4 There was one weekend, where I got a  
 5 call from him that he received a call from  
 6 Mr. Graham but didn't have a recorder with him.  
 7 I told him that wasn't a big deal, because these  
 8 things sometimes happen, and told him to go get  
 9 the recorder and make a call back to get that  
 10 previous conversation on the record.  
 11 He said he didn't have the recorder  
 12 with him, and that he was traveling to New  
 13 Orleans and wouldn't be back for three days, so,  
 14 maybe was looked upon negatively in terms of his  
 15 cooperation and credibility, because we thought  
 16 when we gave him the recorder on that day, that  
 17 we made it known that he needs to have that with  
 18 him at all times, and the occasional call or two  
 19 if you didn't have it on person, would be fine  
 20 as long as you get it, you know, several minutes  
 21 thereafter. In this case, he went for a weekend  
 22 and didn't bring it with him at all.  
 23 Again, after that issue, though, he  
 24 was fine about that. And I talked to  
 25 Mr. Collins about that who told me that he

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<p>1 brought Mr. Gatlin back online, and it appeared 2 to be that way. He had the recorder with him 3 from then on out, and it appeared, to the best 4 of my knowledge, that he was -- captured all the 5 pertinent calls that we wanted him to. 6 So, again, kind of long-winded 7 there, but that question is not a simple 8 question to answer. I mean, there are many 9 factors and many instances that would go into 10 evaluating his cooperation and his credibility. 11 MR. COLBERT: Just so I'm clear, 12 Mr. Novitzky, can you put in the time frame of 13 this first call and the 11 other recorded calls, 14 when this gap in coverage occurred? 15 A. So the gap in coverage when he 16 didn't have the recorder with him? 17 MR. COLBERT: Yes. 18 A. That occurred early on. It was 19 after the first call which he made in our 20 presence, and then it might have been before the 21 next call was made. If not then, very early on 22 in the course of the 11 calls. 23 Q. (By Mr. Collins) Did he indicate 24 where he went? 25 A. I think it was a period of, I think,</p>	<p>1 A. Yes, definitely. Once it was known, 2 I got all of the details of that communication. 3 I got details about the payment, details about 4 the reports that had been prepared by this 5 individual in exchange for the payment, details 6 about how he came in contact with this 7 individual, so, yes. 8 Q. And he actually gave you bank 9 account numbers or Renaldo Nehemiah was -- gave 10 you bank account numbers? 11 A. Yes. I got the account numbers, the 12 routing numbers, showing the money wired from 13 Mr. Gatlin's account to Mr. Heredia's account, 14 yes. 15 Q. And you were given phone numbers for 16 Mr. Heredia? 17 A. Yes, I was. 18 Q. And you were given a copy of the 19 memo? 20 A. The memo that Mr. Heredia prepared? 21 Q. Yes, as I have artfully called the 22 "Memo memo"? 23 A. Yes. 24 Q. Now, in dealing with cooperating 25 witnesses, is it uncommon for there to be, what</p>
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<p>1 three days, where he didn't have it because he 2 traveled away and didn't bring it with him. 3 Q. Did he indicate where he traveled 4 to? 5 A. New Orleans is what he said. 6 Q. Okay. The -- another time frame, 7 these conversations with Memo? 8 A. Mm-hm. 9 Q. Do you know approximately when those 10 occurred? 11 A. Those occurred at a much later date. 12 This was -- would have been, I believe, the 13 start of the 2000 -- the end of 2006, October, 14 November 2006. 15 Q. And at that time, it had been 16 determined that he didn't need to continue 17 recording all his calls, correct? 18 A. Correct, at that time, we had taken 19 the recorder back from him, so, obviously, he 20 was not under instructions to record any more 21 calls, so, correct. 22 Q. And once it became known that there 23 was a miscommunication that these things should 24 have been reported to you, did Justin fully tell 25 you everything about them?</p>	<p>1 I will refer to as hiccups or issues like this? 2 A. Well, I mean, these issues are kind 3 of unique, but, in general -- I will answer the 4 first part -- that in general, no, it is not 5 uncommon for there to be issues about, you know, 6 things that were kind of brought in about, you 7 know recording all the time, about passing along 8 information in a timely manner. Generally, it 9 is my experience based upon dealing with 10 cooperators and my criminal investigations to 11 see these things occurring. 12 Q. And speaking of common or uncommon, 13 is the level of cooperation in making recorded 14 calls you received from Mr. Gatlin common with 15 the other athletes that you have interviewed 16 within the BALCO investigation? 17 MR. FINNIGAN: Let me jump and ask 18 for some clarification there. What do you mean 19 "common with other athletes"? 20 MR. COLLINS: Well, he's interviewed 21 approximately 40 athletes. I'm not asking who 22 made what, but it's my understanding that making 23 undercover calls like this is relatively 24 unprecedented. 25 MR. NEDROW: Yeah. I'm sorry,</p>

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1 Mr. Collins. This is Jeff Nedrow. We're not  
 2 going to be able to answer that, and I hope you  
 3 understand that -- or have the Agent Novitzky  
 4 answer that, because it necessarily gets into  
 5 the question of what other people are doing as  
 6 to recording and things of that sort, and that  
 7 would directly threaten or compromise, possibly,  
 8 other investigative matters. So, we're going to  
 9 have to --

10 MR. COLLINS: Well, he can testify  
 11 historically about the cases that are already  
 12 indicted and resolved.

13 MR. NEDROW: He has, but your  
 14 question, basically, based the question of other  
 15 individuals who may or may not be undertaking  
 16 investigative efforts, similar to that, what  
 17 he's described Mr. Gatlin is doing, and I'm not  
 18 commenting on whether that's ongoing or not, but  
 19 to the extent it is, that's not a dead issue,  
 20 and, therefore, we're not going to let him  
 21 answer the question.

22 MR. CHERIS: How about 2006, was his  
 23 utilization --

24 MR. NEDROW: You know, I'm just not  
 25 comfortable, to the extent that the question is

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1 getting into how common -- which I agree to  
 2 that, unless you guys correct me if I'm wrong --  
 3 into how -- to what extent was other recording  
 4 going on by other athletes, who were  
 5 cooperating, I'm not comfortable, and I don't  
 6 think the government is comfortable allowing him  
 7 to get into that.

8 So I'm sorry, but we can't -- and I  
 9 don't want there be to be any comments about  
 10 this just going into ongoing investigative  
 11 aspects. And I realize 2006 tends to put in a  
 12 historical context, but there may be things in  
 13 2006 that are still ongoing now.

14 MR. COLLINS: Well, that doesn't  
 15 apply to the context of the cases that have  
 16 already been indicted and resolved. You could  
 17 certainly talk about the number of athletes that  
 18 made undercover recorded calls there.

19 MR. NEDROW: Cases that have been  
 20 indicted and resolved -- if the question were  
 21 just limited to in the original BALCO case, if  
 22 you are asking him in a lead-up to indicting the  
 23 original BALCO defendants or something like  
 24 that, I suppose you can limit it that way, even  
 25 though -- yeah, I suppose you can limit that

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1 way.

2 Q. (By Mr. Collins) Okay. So in the  
 3 cases that have already been indicted and  
 4 resolved, how many athletes recorded the number  
 5 of -- I think, you indicated Justin recorded  
 6 something of 11 calls?

7 A. Right.

8 Q. How many athletes recorded 11  
 9 undercover calls in those investigations?

10 A. Well, are you asking specifically  
 11 for 11 or recorded any undercover calls.

12 Q. Well, any, and then how many  
 13 recorded up to the extent Justin did?

14 A. Yeah, in the original -- in the  
 15 original BALCO investigation, there were no  
 16 recorded calls by athletes. There were none.

17 Q. Okay. Have you had the opportunity  
 18 to interview a Randall Evans?

19 A. That's one I don't think I can  
 20 answer. I think. According to the ground rules  
 21 that Mr. Finnigan talked about early on that the  
 22 one individual we were okay with talking about  
 23 was Whetstine, but he didn't want any other  
 24 individual.

25 MR. FINNIGAN: That's correct.

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1 Q. Okay. How about this: During the  
 2 course of your investigation, have you found any  
 3 credible facts to dispute Justin's description  
 4 of how he received the B12 shot?

5 MR. FINNIGAN: That's an indirect way  
 6 of potentially bringing in other evidence that  
 7 could be related to open investigations or  
 8 pending indictments, and Agent Novitzky can't  
 9 get into that.

10 Q. Let me ask: Did you learn any facts  
 11 in the undercover calls made by Justin Gatlin  
 12 indicating that he knowingly received any banned  
 13 substances?

14 A. I did not obtain any information in  
 15 any of the undercover calls that would be  
 16 evidence of his received knowingly banned  
 17 substances.

18 Q. And would that be from Trevor  
 19 Graham?

20 MR. FINNIGAN: We're -- again, this  
 21 is an indirect way of getting this information  
 22 from people who really are either facing an  
 23 indictment or witnesses other than Mr. Gatlin  
 24 and Mr. Whetstine, so I'd ask that we don't go  
 25 there.

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<p>1 MR. COLLINS: Okay.</p> <p>2 Q. (By Mr. Collins) So your last</p> <p>3 statement, then, did include your interview with</p> <p>4 Mr. Whetstine?</p> <p>5 A. When you said the undercover phone</p> <p>6 call, you asked -- I thought the question was</p> <p>7 whether or not I had obtained any evidence via</p> <p>8 the undercover phone calls about Mr. Gatlin's</p> <p>9 knowing receipt of banned substances.</p> <p>10 Q. Okay. Well, what about in your</p> <p>11 interview with Mr. Whetstine? Was there any</p> <p>12 facts learned that Mr. Gatlin knowingly received</p> <p>13 any banned substance?</p> <p>14 A. I received no evidence in that</p> <p>15 interview that would constitute evidence of his</p> <p>16 knowing receipt of banned substances.</p> <p>17 Q. Now, I think we have sort of reached</p> <p>18 the outer limits of where we can go there.</p> <p>19 I want to ask generally, what is</p> <p>20 your understanding in the federal system, how a</p> <p>21 cooperating individual receives credit for</p> <p>22 cooperating?</p> <p>23 A. On many, many different levels. You</p> <p>24 know, myself, as a case agent who is going out</p> <p>25 and doing the day-to-day work with these</p>	<p>1 Q. I'm just taking a note here.</p> <p>2 Thanks, Jeff. One second.</p> <p>3 Now, when you ask a witness to make</p> <p>4 undercover calls, does that witness control the</p> <p>5 outcome as to what the other side is going to</p> <p>6 say?</p> <p>7 A. No. I mean, they control their</p> <p>8 effort, they control, you know, following</p> <p>9 instructions with me, but in terms of what</p> <p>10 they're getting from the individual they're</p> <p>11 calling, no.</p> <p>12 Q. And there are some risks assumed in</p> <p>13 acting in an undercover capacity?</p> <p>14 A. Absolutely.</p> <p>15 Q. Typically, the witnesses that act in</p> <p>16 an undercover capacity are facing some criminal</p> <p>17 charge; is that correct?</p> <p>18 A. Correct.</p> <p>19 Q. So someone who makes recorded calls</p> <p>20 like Justin who has no pending case is somewhat</p> <p>21 unusual?</p> <p>22 A. Well, yes, and no. I mean,</p> <p>23 typically, there are instances where if you are</p> <p>24 a witness, will agree to make undercover calls.</p> <p>25 But the majority of the time, at least in my</p>
<p>Page 290</p> <p>1 cooperators, in general, what I tell them before</p> <p>2 the cooperation starts is that the necessity for</p> <p>3 truthfulness, Number 1, timeliness, in their</p> <p>4 cooperation. I mean, it's one thing to</p> <p>5 cooperate off the bat versus a week later and</p> <p>6 calling me up and saying, okay, now, I'm ready</p> <p>7 to cooperate. Thoroughness, disclosure, 100</p> <p>8 percent disclosure.</p> <p>9 So we go over all those things.</p> <p>10 Obviously, you know, cooperation that leads to</p> <p>11 obtaining evidence of criminal activities is</p> <p>12 positive, but I always tell cooperators that,</p> <p>13 you know, it's not your job to do that. Your</p> <p>14 job is to follow my instructions, follow them to</p> <p>15 the letter, and then the rest will take care of</p> <p>16 themselves.</p> <p>17 I do that, because I don't want</p> <p>18 cooperators thinking that if they're following</p> <p>19 directions and not getting the evidence they</p> <p>20 think that I want, they're going to go out of</p> <p>21 their way to manufacture or produce that</p> <p>22 evidence.</p> <p>23 So I generally tell them that it's</p> <p>24 not, that it's the effort that matters with</p> <p>25 cooperating to me.</p>	<p>Page 292</p> <p>1 personal experience, and that's all I can</p> <p>2 testify to, is that most of the individuals that</p> <p>3 throughout my career -- and not just in this</p> <p>4 case, but throughout my career -- would agree to</p> <p>5 make recorded calls have some criminal exposure.</p> <p>6 Q. And at the time Justin made some, he</p> <p>7 had none?</p> <p>8 A. Correct. We told him that from</p> <p>9 early on, unless he was not truthful with us,</p> <p>10 that he was viewed in this matter as a witness.</p> <p>11 Q. Now, to testify today, a subpoena</p> <p>12 was sent to you; is that correct?</p> <p>13 A. That's correct.</p> <p>14 Q. Now, as I understand it, that was</p> <p>15 sent because of requirements from your office in</p> <p>16 the federal government. That was not an</p> <p>17 indication that you weren't willing to testify</p> <p>18 to discuss what Justin had done to cooperate?</p> <p>19 A. Yes, I would say that's correct.</p> <p>20 Q. So absent the office policy, you</p> <p>21 would have willingly participated in today's</p> <p>22 call?</p> <p>23 A. Well, I mean, absent the office</p> <p>24 policy, is what I have to adhere to, so there is</p> <p>25 no "absent the office policy." That's always</p>

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1 that's given.  
 2 Q. I forgot. You are an IRS agent.  
 3 No, I'm just teasing Jeff, thanks.  
 4 That is the correct answer.  
 5 Now, did you consider Justin's  
 6 agreement to cooperate prompt?  
 7 A. Yes, especially, you know, as I  
 8 talked about, in terms of the August 16th date.  
 9 I mean, he literally flew out to New York that  
 10 week that we requested it. And then obviously,  
 11 the call, the request to make the call, that  
 12 wasn't something that I talked about with his  
 13 attorneys previous to that day. Didn't give any  
 14 indication that we were even thinking about  
 15 that, and part of that was because I wanted to,  
 16 you know, to judge the reaction I would get from  
 17 that request. And again, as I testified, it was  
 18 a period of minutes, where he agreed to make  
 19 that call.  
 20 Q. Now, in preparation for testifying  
 21 today, you have reviewed Justin's file and  
 22 relistened to all the tapes, correct?  
 23 A. Correct.  
 24 Q. And we spent a fair amount of time  
 25 today talking about what I referred to as the

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1 hiccups in his cooperation, but in light of  
 2 those hiccups, did they change your impression  
 3 or understanding of any of the facts that you  
 4 learned in the calls?  
 5 A. No. They definitely caused me to  
 6 question about some of the things that he told  
 7 us, but it also caused me to go back and listen  
 8 to those calls again, and, you know, I have  
 9 listened, not in this case, but throughout my  
 10 career, to a lot of calls like these, and I like  
 11 to think I have some ability to detect, you  
 12 know, genuineness, especially when one party is  
 13 not aware that these calls are being recorded,  
 14 so, no, I mean, the roundabout answer to that  
 15 question is no.  
 16 Q. I'm sure the AUSAs will hop in if  
 17 I'm overstepping here. If Justin were  
 18 cooperating in a criminal case for you, would  
 19 you make a recommendation as to his cooperation?  
 20 A. Let me tell you how it works in a  
 21 criminal case. The United States Attorney's  
 22 Office is the entity that determines what type  
 23 of consideration an individual gets who  
 24 cooperates. Myself, as an agent, just passes  
 25 along the facts of the cooperation. As I did

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1 earlier, I talked about the timeliness. I  
 2 talked about him agreeing to make the call. I  
 3 talked about the little hiccup. In a criminal  
 4 case, I would do the exact same thing to the  
 5 United States Attorney's Office.  
 6 Ultimately, they would make a  
 7 decision, and, in both cases, would run that by  
 8 the case agent to see if they were comfortable  
 9 with that. But it is not my job to determine  
 10 how much credibility or how much weight a person  
 11 gets from the cooperation. I just want to pass  
 12 along what the facts of that cooperation.  
 13 Q. So you wouldn't say what you think  
 14 his sentence should be, is what you think you  
 15 are telling me?  
 16 A. Correct.  
 17 Q. Would you give a rating?  
 18 A. Yeah, a rating, possibly, but, I  
 19 mean, the Number 1 thing I would do is pass  
 20 along the facts of the cooperation. Sometimes  
 21 attorneys would have specific questions, like  
 22 you did, about certain areas of those facts,  
 23 about the hiccups, and was that a big deal. Did  
 24 they come around afterwards, after we informed  
 25 them that you want this to change where they

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1 were doing things wrong. They will definitely  
 2 ask me specifics about. But, I mean, I can't  
 3 say that I have ever been asked for a rating or  
 4 for a grade. It's more just general disclosure  
 5 of the facts of that cooperation.  
 6 Q. Okay. And then I guess I'll end by  
 7 you believe Justin then did come in and explain  
 8 how the hiccups happened, and came clean with  
 9 everything about that?  
 10 A. Definitely got explanations about  
 11 the hiccups. In some areas, you know, I think  
 12 it rectified what the problem was.  
 13 Again to the best of my ability, and  
 14 as I testified before, throughout this case, I  
 15 have not obtained any evidence, despite these  
 16 hiccups and despite these concerns, looking back  
 17 now historically, I have not obtained any  
 18 evidence of his knowing receipt and use of  
 19 banned substances.  
 20 MR. COLLINS: Thank you. That's all  
 21 I have.  
 22 MR. NOVITZKY: Okay.  
 23 MR. TYGART: Should we proceed?  
 24 MR. COLBERT: Yes.  
 25

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1 EXAMINATION  
 2 BY MR. TYGART:  
 3 Q. Agent Novitzky, this is Travis  
 4 Tygart with USADA.  
 5 First, let me just thank you for all  
 6 your work on this case, but all the others. It  
 7 has had a huge impact for the world that we live  
 8 in, so thank you.  
 9 I'm going to ask you a few  
 10 questions. If I get anywhere near some of the  
 11 topics you are not allowed to discuss, I will  
 12 defer to Mr. Finnigan and Mr. Nedrow to stop me.  
 13 It's obviously a difficult task for all of us,  
 14 including Mr. Collins, to navigate some of these  
 15 issues, so thanks for your patience, and I will  
 16 say that in advance.  
 17 The first question, just so I'm real  
 18 clear, I heard, I think, three areas where  
 19 Mr. Gatlin did not meet your full satisfaction;  
 20 is that right?  
 21 A. Correct.  
 22 Q. And the three, just so I have them,  
 23 he said -- and we will get into some more detail  
 24 on these, but generally the three areas are he  
 25 told you a color of a Voltaren bean that you

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1 later found out he told someone else was a  
 2 different color; is that correct?  
 3 A. Correct.  
 4 And in terms of your generalization  
 5 of not meeting my area of expectation, I would  
 6 categorize the first one a little bit  
 7 differently in that there was definitely some  
 8 questions that came up, of his description, of  
 9 this pill to us versus what we've learned, as he  
 10 described it to someone else, and then, you  
 11 know, at some time in the future, a change of  
 12 explanation, so some concerns about that.  
 13 Q. Okay. And let me just add --  
 14 A. -- definitely we're in a different  
 15 category, because those were controllable things  
 16 that we just thought he didn't do at that period  
 17 of time.  
 18 Q. Well, while we're on the color of  
 19 the pill that he described to you on that August  
 20 date when you all met in New York, tell me in  
 21 detail how he described that to you on that  
 22 date.  
 23 A. Okay. So, he basically talked about  
 24 an injection that he got from Randall Evans. He  
 25 said it was a B12 injection. He said that he

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1 ran that injection by his doctor, Dr. Martini, I  
 2 think it was, and that Trevor Graham and Randall  
 3 came over to his house, and that Randall  
 4 actually administered this injection into his  
 5 hamstring.  
 6 Mr. Gatlin told us that his  
 7 hamstring had been sore, and that basically,  
 8 they thought it might help him heal, and that  
 9 the injectable B12 would be much more effective  
 10 for him, because it would go right to the  
 11 muscle.  
 12 Mr. Gatlin described that after the  
 13 injection, his hamstring was a little bit sore,  
 14 and basically, Mr. Gatlin said he complained to  
 15 Mr. Evans that his hamstring was sore. He said  
 16 that Mr. Evans had a bottle that was labeled  
 17 Voltaren, V-o-l-t-a-r-e-n, on the bottle. And  
 18 he said that Mr. Evans told him that the bottle  
 19 contained Voltaren bean, and that Mr. Evans took  
 20 a pill from the bottle, and told him that it  
 21 would help him for anti-inflammatory purposes.  
 22 We then, again, as I talked about  
 23 it, asked Mr. Gatlin to describe the pill, and  
 24 he described it as green with a V on it.  
 25 Q. Agent Novitzky, did he tell you the

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1 day that he received the injection of the B12?  
 2 A. Yes, he did. He said that that  
 3 injection was -- going back here in my report,  
 4 stand by one second. So he told us in regard to  
 5 the date, the shot was administered a week  
 6 before the Mt. SAC track meet, which he said the  
 7 Mt. SAC track meet took place on April 15th.  
 8 So, again, the report says a week before that,  
 9 which would be, talking seven days, so right  
 10 around April 8th, 2006.  
 11 Q. Okay. And did he tell you the  
 12 day -- in relation to the shot, did he tell you  
 13 what day he took the Voltaren -- what he  
 14 described as the Voltaren bean? Did he tell  
 15 what day he took that pill?  
 16 A. He described it, it was understood  
 17 to be approximately the next day.  
 18 Q. Did you ask him about any other  
 19 injections he received?  
 20 A. Yeah, we did ask about any other  
 21 substances, injections, pills. And he had  
 22 indicated to us that that was the only one, the  
 23 one that he got from Randall, B12.  
 24 Q. So the injection -- in your  
 25 conversation, your meeting with Mr. Gatlin in



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<p>1 New York, in August of '06, you asked him about 2 all the injections he received, and the only one 3 he told you about was an injection he received 4 from Randall Evans on April, let's say, 7 or 8 5 that was an injection of B12? 6 A. Yeah, other than, you know, common 7 injections that you would get at the doctor for 8 checkup or, you know, blood tests or things like 9 that, and that was the only one of the category 10 coming from a Randall Evans or a Trevor Graham. 11 Q. Well, do you remember if it was 12 discussed, if he said anything about an 13 injection that he had received prior, you know, 14 in -- let's say, in the month of March of 2006? 15 A. No, nothing specifically was talked 16 about. My recollection is, you know, have you 17 received any other injection? And that the 18 answer would have been something like, well, 19 other than when you go to a doctor, and things 20 like that, no, nothing other of these sorts, and 21 in these sorts, we're talking in reference to 22 the B12 injection by Mr. Evans. 23 But again, it was -- we didn't 24 follow up on that, about, well, what other 25 injections are you talking about with checkups</p>	<p>1 question -- well, did you ask him if he used any 2 prohibited substances? 3 A. Yes. 4 Q. And what was his response to that? 5 A. His answer was no, never knowingly. 6 Q. Would it surprise you that he has 7 testified here today that, in fact, he took an 8 injection of an anti-inflammatory steroid that 9 was prohibited in March of 2006? 10 MR. COLLINS: I'm going to object to 11 that, because it's out of context. He indicated 12 that he did it after calling USADA. The 13 implication of the question -- 14 MR. COLBERT: Are you also objecting 15 that he used the characterization of the word 16 "prohibited" in the context of this question? 17 MR. COLLINS: Yes. 18 MR. COLBERT: I think it's a valid 19 objection. 20 MR. BOCK: He testified that it was a 21 prohibited substance. 22 MR. COLBERT: He testified in 23 response to your question, Mr. Bock, and your 24 characterization, and his attorney didn't object 25 to it, and I might have sustained the objection</p>
<p>Page 302</p> <p>1 of the doctor? It was more much more in general 2 question, and we didn't follow up on it. 3 Q. Okay. So Mr. -- let me just put it 4 out there. Mr. Gatlin has testified in this 5 proceeding that he received an injection of, I 6 think, a combination of an anti-inflammatory 7 steroid in March of 2006, given to him, in his 8 knee, by Dr. Martini. Did that topic come up at 9 all in your discussion with Mr. Gatlin on August 10 of 2006? 11 A. No, in that we didn't ask him about 12 specific injections given by doctors during that 13 period of time; however, the one area that maybe 14 we did ask him about, were, I guess conceivably 15 that could have been answered was: What, during 16 the period of time in the spring of '06, you 17 know, could possibly have caused this positive 18 drug test that you had? Did you get any pills 19 or injections from people? And that's when he 20 went into -- that's when he went into the B12 21 and the bean. So that's about as specific as we 22 would have asked in that category that could 23 have been covered by a doctor during that period 24 of time. 25 Q. Do you think you asked him any</p>	<p>Page 304</p> <p>1 to at the time, but it was never objected to. 2 So, he's objected now. I'm going to sustain the 3 objection -- 4 MR. TYGART: Well, but -- 5 MR. COLBERT: -- to the 6 characterization of a prohibited substance. 7 MR. TYGART: That's fine. 8 MR. COLBERT: You can ask him if 9 he -- you can ask him and you did, whether he 10 told him whether he ever got a shot of an 11 anti-inflammatory and a steroid combination. 12 And the answer was no. And now you are 13 basically being argumentative with the witness 14 as to whether he would characterize it as a 15 prohibited substance or not. 16 MR. TYGART: Well, no, he testified 17 that he was told, as long as he didn't compete 18 for ten days, it was fine to take. I think the 19 necessary implication there, or inference there, 20 is that it was a prohibited substance; as long 21 as he didn't have it in his system when he 22 competed -- 23 MR. COLBERT: We're not arguing with 24 this witness. 25 MR. TYGART: Okay. That's fine.</p>

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<p>1 That's fine.  2 Q. (By Mr. Tygart) Mr. Novitzky, again,  3 I think you said this, but just so I'm clear,  4 the purpose for you approaching Justin Gatlin  5 and speaking with him in August of 2006, that  6 was for purposes of investigating Trevor Graham;  7 is that right?  8 A. Correct.  9 Q. And you weren't investigating  10 whether or not Justin Gatlin intentionally used  11 prohibited substances, were you?  12 A. Only to the context that possibly  13 Mr. Graham provided him with something.  14 Q. Okay. I assume, but I could be  15 wrong, you didn't further your investigation to  16 prove whether or not Mr. Gatlin intentionally  17 used prohibited substances or not?  18 A. Correct.  19 Q. Okay. When -- in addition to --  20 well, were there any other -- were there any  21 other pills besides the Voltaren bean that  22 Mr. Gatlin indicated that he took when you met  23 with him in August of 2006?  24 A. No. He talked about just that bean,  25 on that one occasion.</p>	<p>1 Q. And when was it that you heard about  2 that from Mr. Collins?  3 A. That was even more recently, a  4 couple of weeks ago.  5 Q. Okay. Agent Novitzky, you also  6 testified previously about -- actually, I think,  7 you said based on your interview with -- and it  8 may have been, I didn't quite hear it, it might  9 have been with your interview with Chris  10 Whetstine or possibly your conversation with  11 Justin Gatlin, but that you learned that there  12 was a protocol change that happened in 2006, and  13 the protocol being what Mr. Whetstine did to  14 Mr. Gatlin?  15 A. Correct. And I learned that from  16 Mr. Gatlin.  17 Q. So that came from Mr. Gatlin?  18 A. Correct.  19 Q. And did he tell you -- I think you  20 rattled off a few meets that I just didn't quite  21 get. What meets did he tell you that that  22 protocol change occurred?  23 A. He said it started with the Kansas  24 relay meet, and he said that, again, the  25 protocol change was Mr. Whetstine's eagerness to</p>
<p>Page 306</p> <p>1 Q. And as I understand your testimony,  2 he, at a later point -- at a later point, it  3 came up directly with Mr. Gatlin that you  4 understood he had described that bean in a  5 different, in a different color; is that right?  6 A. Correct.  7 Q. When did that conversation take  8 place, if you remember?  9 A. The conversation that I had with  10 Mr. Gatlin explaining about that?  11 Q. Yeah. Confronting Mr. Gatlin  12 about --  13 A. That was recently. That was  14 approximately a month ago.  15 Q. Okay. And then you also testified  16 that there was a -- you had now learned that he  17 had an explanation for why he told you green on  18 the day and then told someone else brown when  19 describing that pill. When did you learn of  20 that explanation for that inconsistency?  21 A. I actually learned about it from  22 Mr. Collins.  23 Q. So you haven't actually heard that  24 from Mr. Gatlin?  25 A. Correct.</p>	<p>Page 308</p> <p>1 get the massage cream on his legs as soon as  2 possible after a race, whereas in the past, they  3 would typically go back to the hotel. He would  4 describe in the past that he would run a race,  5 talk to the media, go to drug testing, and then  6 return to the hotel, where Mr. Whetstine would  7 massage his legs with the cream and lotion.  8 He said, in '06, however,  9 Mr. Whetstine became eager to get the massage  10 creams on his legs as soon as possible. And  11 that they then further explained that this  12 occurred first at the Kansas relay meet, the  13 Prefontaine meet, the New York Reebok meet, and  14 the Japan meet.  15 So he asked Mr. Whetstine why he was  16 so eager to do this, and Mr. Whetstine replied  17 that he just wanted to do his job.  18 Q. And when you spoke with  19 Mr. Whetstine, did you ask him about that  20 statement?  21 A. Yes.  22 Q. And what was his response to that  23 statement?  24 A. He denied that the protocol --  25 THE REPORTER: He denied what? I'm</p>

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1 sorry.  
 2 Q. Can you repeat that, Agent Novitzky,  
 3 please, for the record?  
 4 A. Yes, Mr. Whetstine denied that the  
 5 protocol had changed.  
 6 THE REPORTER: Thank you.  
 7 Q. Agent Novitzky, you also testified,  
 8 and it was in the context of some questions  
 9 about text messages that were sent from Justin  
 10 Gatlin to Chris Whetstine that you -- did you  
 11 keep a copy of those, or did you just see them  
 12 on his phone?  
 13 A. I saw them on his phone and  
 14 transcribed them from what I saw on the paper.  
 15 Q. And the statements that were made  
 16 from Justin, supposedly from Chris Whetstine to  
 17 Trevor Graham that you heard from Justin Gatlin,  
 18 did you ask Chris Whetstine about those  
 19 statements?  
 20 A. Yes.  
 21 Q. And what was Chris Whetstine's  
 22 response to Trevor Graham's allegation that he  
 23 admitted to applying this cream with a  
 24 prohibited substance on Mr. Gatlin?  
 25 A. He stated that was inaccurate.

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1 Q. When did you discover that  
 2 Mr. Gatlin had contacted the individual everyone  
 3 is referring to as "Memo"?  
 4 MR. FINNIGAN: To the extent that  
 5 goes into a conversation that Agent Novitzky had  
 6 with somebody other than Mr. Gatlin, I would ask  
 7 that that not -- that that subject be -- well,  
 8 that that subject is off limits. If you want to  
 9 ask to the extent Agent Novitzky had  
 10 communications with Mr. Gatlin --  
 11 MR. TYGART: Yeah --  
 12 MR. FINNIGAN: That's fine.  
 13 Q. (By Mr. Tygart) Agent Novitzky, did  
 14 you bring it to -- did you approach Mr. Gatlin  
 15 about the fact that he had contacted Memo, or  
 16 did he approach you?  
 17 A. I actually approached Mr. Collins.  
 18 Q. Okay. And when was that?  
 19 A. That would have been in February of  
 20 2007.  
 21 Q. Has Mr. Gatlin's assistance that  
 22 he's provided led to you discovering any  
 23 violation of laws dealing with  
 24 performance-enhancing drugs?  
 25 A. No.

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1 Q. Has his assistance allowed you to  
 2 establish any violations of laws dealing with  
 3 performance-enhancing drugs?  
 4 A. No.  
 5 Q. Has his assistance led to you  
 6 discovering the violation of any laws?  
 7 A. No.  
 8 Q. And has his assistance led you to  
 9 establishing a violation of any laws?  
 10 A. The last one, you were a little  
 11 broken up. Could you repeat that that one.  
 12 Q. Has his assistance led you to  
 13 establishing a violation of any laws?  
 14 A. No.  
 15 Q. Agent Novitzky, just a point we're  
 16 trying to clarify, the Reebok meet that you  
 17 referred to, I think you said the "Reebok New  
 18 York relays"?  
 19 A. Yes. The New York Reebok meet is  
 20 how I have it recorded, and I believe that is  
 21 the Reebok meet that took place in New York.  
 22 Q. Do you know any further information  
 23 about that particular meet?  
 24 A. No.  
 25 Q. Do you know when it was?

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1 A. My understanding, in terms of  
 2 chronological order that it was after the  
 3 Prefontaine meet and before the Japan meet.  
 4 Q. Okay.  
 5 A. But, again, that was just on the  
 6 statements we got from Mr. Gatlin.  
 7 Q. Was it possibly the Penn Relays? Or  
 8 was it an entirely different relay?  
 9 A. My understanding it was entirely  
 10 different than the Penn Relays.  
 11 Q. Okay. Agent Novitzky, have you --  
 12 are you aware that Randall Evans has denied  
 13 giving an injection of B12?  
 14 MR. COLLINS: I'm going to object. I  
 15 wasn't allowed to go into this.  
 16 MR. NEDROW: Yeah, and I -- on behalf  
 17 of the government and following Mr. Collins'  
 18 statement, yeah, unfortunately, we need to stay  
 19 away from questions about Randall Evans, citing  
 20 again, ongoing investigative matters and, you  
 21 know, possible trials coming up, witness  
 22 testimony, things of that sort.  
 23 MR. TYGART: Okay. We don't have any  
 24 further questions.  
 25 MR. COLBERT: Do you have any

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1 further --  
 2 MR. COLLINS: One second.  
 3 MR. COLBERT just one second,  
 4 Mr. Novitzky. We will be right with you.  
 5 MR. COLLINS: I'm okay.  
 6 MR. COLBERT: All right. Mr.  
 7 Novitzky, the panel has just a few things for  
 8 you.  
 9 MR. NOVITZKY: I can barely hear you  
 10 guys. If you guys can get a little closer to  
 11 the phone.  
 12 MR. COLBERT: Let me see if this  
 13 microphone is working. Hang on. Okay. You  
 14 have to speak up. Apparently, the local mikes  
 15 aren't working.  
 16 Chris, why don't you identify  
 17 yourself for the --  
 18 MR. CAMPBELL: Yeah. Mr. Novitzky,  
 19 my name is Chris Campbell, and I think we have  
 20 met before in the Gaines/Montgomery case.  
 21 MR. NOVITZKY: Yeah, absolutely.  
 22 How are you doing, Mr. Campbell?  
 23 MR. CAMPBELL: How are you doing?  
 24 MR. NOVITZKY: Good.  
 25 EXAMINATION

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1 BY MR. CAMPBELL:  
 2 Q. I have got one question for you: Do  
 3 you have any information that could suggest that  
 4 Mr. Gatlin may have unknowingly been  
 5 administered a banned substance?  
 6 MR. FINNIGAN: You, know, I'm going  
 7 to ask that Agent Novitzky not go into that  
 8 because that's -- I mean, that's really an  
 9 open-ended and broad question. And obviously, I  
 10 entirely understand the relevance and why you  
 11 are asking it, but it invites a narrative by  
 12 Agent Novitzky to go into interviews of lots of  
 13 people beyond just Mr. Gatlin, and  
 14 Mr. Whetstine, which are the only two that we  
 15 can really go into.  
 16 Beside that, I think he's sort of  
 17 answered sort of the opposite question.  
 18 Q. (By Mr. Campbell) Well, one was with  
 19 respect to his knowingly being administered. My  
 20 question with respect to his unknowingly being  
 21 administered. Those are two different issues.  
 22 MR. FINNIGAN: Fair enough.  
 23 MR. NEDROW: How about this? This is  
 24 the other AUSA, Jeff Nedrow.  
 25 How about, based on the facts that

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1 Agent Novitzky has already talked about, because  
 2 I think the concern is -- and I echo the  
 3 sentiment expressed -- Agent Novitzky can't talk  
 4 about all of the information he has available,  
 5 because some of it directly pertains to these  
 6 ongoing indictments, but what he can talk about  
 7 is the facts that he's gathered, that he's  
 8 already summarized in terms of speaking with  
 9 Mr. Gatlin, in terms of Mr. Gatlin's telephone  
 10 calls with Mr. Graham, in terms of Mr. Gatlin's  
 11 conduct. And he can comment -- he can the  
 12 answer that question, I think, if we limit it to  
 13 the facts that he's discussed in his testimony  
 14 today. But it needs to be clear that he's only  
 15 referencing the facts that if he testified to  
 16 today is not extending into other facts he has  
 17 available.  
 18 MR. BOCK: Can I ask a follow-up  
 19 question, just to clarify: And does that also  
 20 mean that if there's testimony that impeaches  
 21 any of the statements that may have been made by  
 22 either Mr. Whetstine or Mr. Gatlin, that he  
 23 couldn't testify about those, if they came from  
 24 another witness?  
 25 MR. NEDROW: Yes. We can't allow

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1 him, unfortunately, to preserve the integrity of  
 2 our ongoing federal investigative matters, to  
 3 get into facts that he's developed outside this  
 4 kind of really narrow factual parameters of what  
 5 he's testified to today. And again, I  
 6 apologize. I realize it somewhat potentially or  
 7 theoretically impedes what you guys are doing,  
 8 but we can't -- we can't allow him to do that,  
 9 in terms of this investigative and  
 10 prosecutorial --  
 11 MR. BOCK: Can I just throw in a  
 12 comment? I guess it's an objection, although,  
 13 obviously, we really appreciate what has been  
 14 shared. In answering a broad question like, is  
 15 there evidence that he unknowingly did it and  
 16 limiting it only to testimony from two people  
 17 when he's aware of testimony of a lot of other  
 18 people, I don't know that there is any value to  
 19 that.  
 20 MR. COLBERT: I'm sure you can argue  
 21 in closing the relevance, the merit, the weight,  
 22 but if he's willing to answer it, Mr. Campbell  
 23 would like an answer, I have no objection to him  
 24 answering it, with those limitations.  
 25 MR. CAMPBELL: We might as well get

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<p>1 the answer.</p> <p>2 MR. CHERIS: Go ahead.</p> <p>3 MR. COLBERT: Mr. Novitzky, with all</p> <p>4 of that, can you answer the question?</p> <p>5 MR. NOVITZKY: Okay. I'm sorry, was</p> <p>6 there another question?</p> <p>7 MR. COLBERT: Repeat your question</p> <p>8 with all the qualifications.</p> <p>9 MR. CAMPBELL: I think it's the</p> <p>10 question that was rephrased by one of your</p> <p>11 attorneys.</p> <p>12 MR. COLLINS: Mr. Nedrow, I think.</p> <p>13 MR. CAMPBELL: Mr. Nedrow, you want</p> <p>14 to rephrase the question?</p> <p>15 MR. NOVITZKY: Just so I'm clear</p> <p>16 what's being asked, I need to ask it again.</p> <p>17 Q. (By Mr. Campbell) Well, I mean, the</p> <p>18 question was: Do you have any information that</p> <p>19 could suggest that Mr. Gatlin may have</p> <p>20 unknowingly been administered a banned</p> <p>21 substance, but that question would be limited by</p> <p>22 the -- help me out here --</p> <p>23 MR. TYGART: Chris Whetstine, what he</p> <p>24 learned from Chris Whetstine.</p> <p>25 MR. NEDROW: And I appreciate the</p>	<p>1 the possibilities of him unknowingly being given</p> <p>2 these things. But in terms of any other</p> <p>3 specifics from those two areas and specific</p> <p>4 knowledge of his unknowing receipt, no, I don't</p> <p>5 have any.</p> <p>6 Q. And with respect to -- I think,</p> <p>7 Chris Whetstine is, you say, not off-limits --</p> <p>8 is it Whitestein (phonetic)? Whetstine, I'm</p> <p>9 going to get it wrong the whole time.</p> <p>10 And you assessed sort of the</p> <p>11 credibility of Mr. Gatlin. How would you assess</p> <p>12 the credibility of Mr. Whetstine?</p> <p>13 A. Difficult. It's not an easy</p> <p>14 question to answer like the last one was.</p> <p>15 Many things about that guy. He's</p> <p>16 suffering, you know, apparently, from some type</p> <p>17 of head injury. Can be lucid at times, and not</p> <p>18 at others. Tends to ramble a lot. You know,</p> <p>19 did have somewhat reasonable explanation for</p> <p>20 things.</p> <p>21 But in assessing his credibility, I</p> <p>22 would have to say, because he didn't make</p> <p>23 recorded calls for me, a lot more difficult to</p> <p>24 put a value on his credibility versus somebody</p> <p>25 like Mr. Gatlin, who goes ahead and makes these</p>
<p>Page 318</p> <p>1 question. I think it would simply be: Do you</p> <p>2 have any information, limited to the information</p> <p>3 discussed today in his testimony, is there</p> <p>4 anything within that factual set, basically,</p> <p>5 that leads you to -- I'm sorry. Now I'm losing</p> <p>6 what the thrust was, but it was that Mr. Gatlin</p> <p>7 unknowingly took the substance.</p> <p>8 Is that the question?</p> <p>9 MR. NOVITZKY: Basically, and based</p> <p>10 only on all those things I'm allowed to talk,</p> <p>11 the call, and the interview with Mr. Gatlin.</p> <p>12 MR. CAMPBELL: Well, with Evans, I</p> <p>13 believe, and Whetstine?</p> <p>14 MR. NEDROW: Mr. Whetstine is fine,</p> <p>15 but Mr. Evans is not fine from our perspective</p> <p>16 in terms of the factual universe. But</p> <p>17 Mr. Whetstine is fine, yes.</p> <p>18 A. Well, I mean, limiting it to that,</p> <p>19 in that I have already earlier testified that I</p> <p>20 obtained no information in those areas of</p> <p>21 Mr. Gatlin -- Mr. Gatlin's knowing use of banned</p> <p>22 substances, and just knowing the public knows</p> <p>23 that he did test positive for a banned</p> <p>24 substance, putting those two things together,</p> <p>25 you know, that would indicate to me, at least</p>	<p>Page 320</p> <p>1 calls right off the bat, and gives me another</p> <p>2 measuring stick to establish that. I didn't</p> <p>3 have those measuring sticks with Mr. Whetstine,</p> <p>4 to the extent I did with Mr. Gatlin.</p> <p>5 Q. And how deep did you go into the</p> <p>6 issue of him putting cream on his legs before</p> <p>7 the doping test?</p> <p>8 A. Yeah. We went very deep into it,</p> <p>9 and he denied that any of the creams were</p> <p>10 changed from in the past what he was using. He</p> <p>11 did talk about going from a cream-based to a</p> <p>12 lipid-based Voltaren cream, which would cause it</p> <p>13 to sit on the leg as opposed to being massaged</p> <p>14 into the leg, so he did have an explanation for</p> <p>15 that.</p> <p>16 Again, he said that the protocols</p> <p>17 didn't change in '06, and anybody who said it</p> <p>18 did is lying.</p> <p>19 He claims that he wasn't putting</p> <p>20 anything on him to try to sabotage Mr. Gatlin</p> <p>21 because it would be against his interest to do</p> <p>22 that.</p> <p>23 Q. Did he talk about putting the cream</p> <p>24 on him right before he went to drug testing?</p> <p>25 A. Yes, he did. But he said that he</p>

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<p>1 did that, he said, because he needed to get that 2 cream on there as fast as possible after a race. 3 Q. Did he talk to you -- did he talk to 4 you about any disputes that he had with 5 Mr. Gatlin? 6 A. Not so much with Mr. Gatlin. He 7 said -- he did say, in particular, that if 8 anything changed with Mr. Gatlin, he would be 9 the first one to say, hey, what's going on, and 10 that nothing like that ever happened in regard 11 to this period of time in '06. 12 You know, he definitely talked about 13 things with Mr. Graham and the disputes that he 14 was having with him, a lot of this having to do 15 with previous athletes and pain and things, but 16 not so much Mr. Gatlin, no. 17 Q. He didn't tell you about a \$5,000 18 dispute he had with Mr. Gatlin? 19 A. Let me go back and look at my notes 20 just to make sure, my report. I don't believe 21 he did, and if you just bear with me for a 22 second, as I page through here. 23 No, he didn't. 24 Q. Were you aware of whether there was 25 a \$5,000 dispute between him and Whetstine and</p>	<p>1 after we cleared that up again, after him not 2 having the recorder for that weekend, he had it 3 with him for the rest of the duration. 4 There was one instance, where we 5 were trying to track down an individual familiar 6 to Mr. Gatlin, and this was in the tail end of 7 his recording and the meat of the cooperation he 8 was giving us, and let's just categorize it as a 9 little less-than-enthusiastic cooperation on his 10 behalf. I think part of him was getting a 11 little frustrated about him making all these 12 calls, doing things for us, and not really 13 seeing anything in his return, and actually 14 called to get a car description and a license 15 plate, and I was kind of put off a little bit, 16 but I sensed that, in talking to Mr. Collins, 17 after, that there were some minor frustrations 18 on his behalf, and he didn't call me back 19 shortly thereafter, and that was never an issue 20 again. 21 So, other than those two minor 22 issues, no, never really didn't do anything that 23 I asked him to do. 24 Obviously, there was that one 25 instance, regarding disclosure, where we weren't</p>
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<p>1 Mr. Gatlin? 2 A. I was not aware of that. 3 Oh, wait a second, I was aware of 4 that. I'm sorry. I was aware of that. 5 Mr. Gatlin did tell me about that. 6 MR. COLBERT: Agent Novitzky? 7 A. But no, I don't recall specifically 8 asking Whetstine about that. 9 MR. COLBERT: Agent Novitzky, can you 10 hear us? 11 MR. NOVITZKY: Yes. 12 13 EXAMINATION 14 BY MR. CHERIS: 15 Q. Did Mr. Gatlin fail to do anything 16 that you requested of him? 17 A. You know, on an interim basis, you 18 know, I talked about when he didn't have the 19 recorder with him, and we explicitly told him 20 that he needed to keep that thing with him, and 21 understood the call or two where he may not have 22 had it his pocket to get the recording of a 23 call, but that he needed to have it close. 24 That, to me, in terms of the scope of issues, 25 was a relatively minor hiccup, because, again,</p>	<p>1 told about his dealings with this Memo, although 2 that wasn't a specific instruction that he, you 3 know, declined to follow. 4 MR. COLBERT: Mr. Novitzky, this is 5 Edward Colbert. 6 EXAMINATION 7 BY MR. COLBERT: 8 Q. I just wanted -- two things, follow 9 up on the last one: Did I understand your 10 testimony earlier, though, that this failure to 11 tell you about Memo was after he was no longer 12 reporting calls, and generally after this sort 13 of daily give-and-take that you have been having 14 with him for some number of months. 15 A. You are correct. That is correct. 16 Q. The only other question I have is 17 in -- during this whole period of time, was the 18 United States Anti-Doping Agency involved with 19 you or cooperating with you in this 20 investigation as well? 21 A. I have been in contact with the 22 United States Anti-Doping Agency on a regular 23 basis for the last several years. I have used 24 them throughout my investigations, as an expert 25 for me. They have assisted me with learning the</p>

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<p>1 different drugs, learning the drug-testing 2 protocols. So, yeah, I mean, I have been in 3 regular contact with them. 4 And portions of that contact, 5 although not nearly all of them, have been in 6 reference to my investigation with Trevor 7 Graham, and obviously some of that flowing over 8 into this Justin Gatlin's positive test, which 9 for a period of time, you know, we were 10 inquiring about for relativity with Trevor 11 Graham. 12 Q. So during this period of time, was 13 USADA aware that Mr. Gatlin was cooperating with 14 you? 15 A. Yes, they were. 16 Q. And were you -- 17 A. Not in detail, but in general. 18 Q. And did you share information with 19 USADA that you developed through your 20 cooperation with Mr. Gatlin? 21 A. I would share information if it 22 could help my investigation. So for 23 investigative disclosure purposes, where I 24 thought that the sharing of that information 25 could be beneficial in my case, I would do so.</p>	<p>1 Q. Or suggesting to you potentially 2 fruitful avenues of inquiry? 3 A. Again, you trailed off a little bit 4 there. 5 Q. Whether they asked you to do 6 something specific -- if I understand you, you 7 discussed things that you were looking into with 8 USADA for purposes of obtaining information from 9 USADA that would help you. 10 A. Correct. 11 Q. And during that period of time, 12 USADA knew that you were working with 13 Mr. Gatlin. 14 A. Correct. 15 Q. Did they ever suggest to you things 16 that you might ask Mr. Gatlin to help you with? 17 A. Yeah, I mean, I don't -- I can't 18 recall anything specific, but in general, they 19 would have, because I would have been asking 20 them for that information. 21 MR. COLBERT: Okay. I have nothing 22 further. Hang on one moment. We may be 23 finished. 24 (Panelists conferring.) 25 THE REPORTER: Mr. Nedrow, this is</p>
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<p>1 I have never throughout this thing been in the 2 practice of sharing it just to share it for 3 their benefit. It's always been done for a 4 benefit on the criminal side. 5 Q. Did USADA ask you or suggest to you, 6 during this period of cooperation the sorts of 7 things you might ask Mr. Gatlin to look into or 8 to provide you with that information? 9 A. I'm sorry, that one trailed off a 10 little at the end there. Could you ask again? 11 Q. During the period of time this 12 cooperation was going on and you were working 13 with Mr. Gatlin, did USADA ask you to have 14 Mr. Gatlin provide certain information or 15 suggest to you things that they -- that you 16 might ask Mr. Gatlin? 17 A. No, but the other held true, in that 18 I would bounce things off them about certain 19 areas that I might want to get into, again, for 20 help in my case. I was, constantly be using 21 them, you know, as experts, which we do often in 22 criminal investigations to outside parties, 23 outside agencies, so I would say the other was 24 true. But, no, they weren't asking me -- your 25 question was, Were they asking me to do things?</p>	<p>1 Debbie Resling, the reporter. Could you spell 2 your last name for me, please? 3 MR. NEDROW: Yes, thank you. And, 4 again, I'm sorry for not being on time. 5 My last name is spelled N- as in 6 Nancy -E-D- as in David R-O-W. 7 THE REPORTER: And your first name? 8 MR. NEDROW: Jeff, J-e-f-f. 9 THE REPORTER: Okay. Thank you. And 10 then only one other question I had, too, because 11 I couldn't hear it -- you said, Mr. Novitzky, it 12 was a green pill with V as in Victor or B as in 13 boy on it? 14 MR. NOVITZKY: V as in Victor. 15 THE REPORTER: Thank you. 16 MR. COLBERT: Jeff Finnigan and Jeff 17 Nedrow are the two AUSAs. 18 MR. CAMPBELL: Mr. Nedrow and 19 Mr. Finnigan? 20 MR. FINNIGAN: Yes, sir. 21 MR. CAMPBELL: We would like to ask 22 you to consider doing something, if you could. 23 We would like to ask you to consider 24 whether you could disclose any relevant evidence 25 of unknowing administration of a banned</p>

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1 substance on behalf of Mr. Gatlin, and that we  
 2 could treat strictly confidential, because, as  
 3 you understand, this case deals with whether he  
 4 will be able to compete for eight years. So  
 5 it's a serious matter, and to the extent that  
 6 there is some evidence that suggests that he was  
 7 unknowingly administered banned substances, that  
 8 would be important.  
 9 MR. FINNIGAN: I probably need to get  
 10 off the phone and talk with Jeff about that, but  
 11 my gut reaction is that we cannot because of the  
 12 restrictions we put on the testimony earlier,  
 13 and because it was our understanding going into  
 14 this that Agent Novitzky was here to describe  
 15 Mr. Gatlin's cooperation and for you to give  
 16 that whatever weight you will in your ultimate  
 17 decision related to Mr. Gatlin. And we didn't  
 18 expect to go beyond this, and we don't intend to  
 19 speak beyond this. So I'm happy to get off and  
 20 talk with Jeff Nedrow, but that's my gut  
 21 reaction to that request.  
 22 MR. NEDROW: I generally agree, but  
 23 let me suggest this, sir -- I think, that was  
 24 Mr. Campbell.  
 25 We appreciate the situation you are

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1 in, and I agree with Jeff Finnigan. What I  
 2 would like to do is let's determine if there's  
 3 anything else besides that question, and if  
 4 that's it, then perhaps, we can very briefly  
 5 speak amongst ourselves, if you will. We will  
 6 have to hang up to do that obviously. And then  
 7 call right back, like in five minutes or a  
 8 maximum of ten, and then, we will either tell  
 9 you no or we will respond to it in some fashion.  
 10 MR. COLBERT: Okay. And I think  
 11 Mr. Tygart and Mr. Collins have something  
 12 perhaps to answer your question if that's the  
 13 only thing.  
 14 MR. TYGART: This is Travis for  
 15 USADA. We would just jointly submit that same  
 16 question, and would encourage you to provide  
 17 some answer to that question, so that this panel  
 18 can have that in front of them to consider. So,  
 19 we would absolutely have no objection to it, and  
 20 would actually, in fact, ask that you do that,  
 21 if at all possible.  
 22 MR. COLBERT: Mr. Collins?  
 23 MR. COLLINS: I'm fine with that. My  
 24 question was a different question.  
 25 MR. COLBERT: Do you have anything

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1 else for these?  
 2 MR. COLLINS: I have one quick  
 3 question for Jeff Novitzky.  
 4 MR. NOVITZKY: Three Jeffs.  
 5 MR. COLLINS: I realized I had to add  
 6 a last name there.  
 7  
 8 EXAMINATION.  
 9 BY MR. COLLINS:  
 10 Q. Trevor Graham was indicted  
 11 approximately November 1st or 2nd?  
 12 A. Correct.  
 13 Q. And once an individual is indicted,  
 14 you can't keep making undercover calls to him.  
 15 That's generally, the case, correct?  
 16 A. Generally, although, I would  
 17 always --  
 18 MR. FINNIGAN: Let me jump in on  
 19 that, because, I guess that's why -- I'm  
 20 concerned the way it's phrased could be a little  
 21 confusing.  
 22 Are you asking Agent Novitzky as his  
 23 general practice, or what the -- you know, like,  
 24 you know, ethics rules are for lawyers in terms  
 25 of contacting represented persons? That's

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1 all -- the only concern I have on that.  
 2 MR. COLLINS: I understand that. And  
 3 Jeff -- and I won't add a last name, so it's  
 4 generic to all of you -- you may or may not  
 5 know, I used to be an AUSA in Chicago.  
 6 MR. FINNIGAN: Okay, great.  
 7 MR. COLLINS: And so -- and I  
 8 understand that, but I can't be the witness,  
 9 that once a guy is indicted, you certainly can't  
 10 be making calls about the indictment. Maybe  
 11 there's a future thing you could do, and maybe  
 12 that's an exception, I'm not trying to get that  
 13 out. What I was trying to get was some  
 14 explanation as to why the calls ended when they  
 15 did.  
 16 MR. NEDROW: I get it. And maybe  
 17 what you just said is the better objection  
 18 clarification is what you just said about the  
 19 subject matter, about the with -- you know,  
 20 person's been indicted as opposed to new  
 21 violations. But maybe you're just asking him  
 22 the way that -- as the question is now, why the  
 23 calls ceased when they did.  
 24 Q. (By Mr. Collins) Okay. Can you  
 25 answer that question, Jeff Novitzky?



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<p>1 A. Yes, because, the purpose of him 2 making the calls, Number 1, to corroborate what 3 he told us, and measure his credibility; and 4 Number 2, to see if we could gather more 5 evidence of our -- in our investigation of 6 Trevor Graham. 7 Those two purposes of doing that 8 were met, and we didn't feel that any more 9 additional calls were needed, and felt that 10 based upon the 11 calls that he had made, we 11 were able in those two areas to come up to a 12 conclusion, and didn't think it needed to go any 13 further. 14 MR. COLLINS: Okay. 15 MR. COLBERT: All right. Then, if 16 you would please consult amongst yourselves, and 17 then call us back. I'm not sure the number 18 here, or whether you want us -- want to call one 19 of the counsel on the cell phone, and then we 20 can call you back or how you'd want to handle 21 that. 22 MR. NEDROW: Can we still use or is 23 it -- we received a very helpful e-mail -- 24 MR. TYGART: We will just leave it 25 on.</p>	<p>1 Is that basically it? 2 MR. COLBERT: Yes. 3 MR. CHERIS: Yes. 4 MR. NEDROW: Okay. Then, yes, if 5 that's okay, we'll call you back as quickly as 6 we can. 7 MR. COLBERT: Thank you. 8 MR. NEDROW: I will call you right 9 back, Jeff. Thanks. Bye. 10 MR. COLBERT: Okay. This might be an 11 appropriate time to do, if you wanted to -- it's 12 almost 6:00. Do you need a five-minute break or 13 a ten-minute break? 14 MR. COLLINS: Sure. 15 MR. COLBERT: I know you want to 16 finish with Gatlin today. 17 MR. COLLINS: I have a witness that 18 has an 8:00 plane that's maybe a 15-minute 19 witness. Can we take her, and then you can -- 20 MR. TYGART: We're fine with that. 21 MR. COLBERT: And then finish with 22 Mr. Gatlin, and start off fresh in the morning. 23 MR. TYGART: So we'll take 5, and 24 then -- 25 MR. COLBERT: Yeah, let's take 5.</p>
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<p>1 MR. NEDROW -- will that still work? 2 Or when we hang up, do we have to go through a 3 different route? 4 MR. TYGART: Jeff, this is Travis. 5 We will keep it on from our end, and I think you 6 can just call in, but if not, you can call my 7 cell phone. 8 MR. NEDROW: Okay. Then we will try 9 to be as quick as possible, I know it's late 10 there. But I really want to make sure I have 11 got the exact question. The exact question: Is 12 there any other evidence, not restricted 13 basically to the facts that that were discussed 14 today that would show that Mr. Gatlin 15 unknowingly took the substances, which now have 16 been shown to have been taken. Is that 17 basically it? 18 MR. CAMPBELL: I think so. 19 MR. COLBERT: Yeah. 20 MR. BOCK: Or that led to a positive 21 test result, yeah. 22 MR. NEDROW: Yeah, the last part that 23 led to the positive test result, but the issue 24 being, is there any evidence out there to 25 suggest that he unknowingly took the substances?</p>	<p>1 And maybe somebody should wait in the room in 2 case they come back. 3 (Brief recess taken.) 4 Mr. Justin Gatlin, Mr. Gatlin and 5 Visie Simms are still present in the room.) 6 WHEREUPON, 7 TERRI BLANKENSHIP, 8 the witness herein, having been first duly sworn 9 to state the whole truth, testified on her oath 10 as follows: 11 12 EXAMINATION 13 BY MR. COLLINS: 14 Q. Hi, I'm John Collins. We've talked 15 on the phone. I'm Justin Gatlin's attorney. 16 These three men are the arbitrators. These two 17 fine gentlemen are the attorneys for USADA. And 18 Debbie is the court reporter. 19 Could you please state your name for 20 the record, spelling your last name for the 21 record? 22 A. Terri King Blankenship, 23 B-I-A-N-K-E-N-S-H-I-P. 24 Q. Could you give us a little of your 25 personal background, just briefly? How are you</p>

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1 currently employed?  
 2 A. I'm in business. I'm a massage  
 3 therapist licensed for the state of North  
 4 Carolina. I specialize in neuromuscular and  
 5 orthopedic therapy.  
 6 Q. How were you occupied prior to  
 7 becoming a massage therapist?  
 8 A. I have been in law enforcement for  
 9 approximately 20 years as a local police  
 10 officer, and then I worked for the state who  
 11 lends me out to the federal government, and to  
 12 the state and local government.  
 13 Q. And did you have in your course of  
 14 law environment any exposure to steroids --  
 15 steroid trafficking in any way?  
 16 A. Yes, I did.  
 17 Q. And what was that?  
 18 A. We started noticing people working  
 19 out at gyms were having access to anabolic  
 20 steroids, and this was prior to them becoming  
 21 controlled substances.  
 22 But what we got involved with was  
 23 high school football players using anabolic  
 24 steroids, and the bottles and the needles, the  
 25 syringes were being found in locker rooms, so we

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1 investigated that. That was happening in  
 2 Alamance County, North Carolina. So we  
 3 investigated that.  
 4 And subsequently to our  
 5 investigation and the involvement of the Drug  
 6 Enforcement Administration, at some point after  
 7 that, anabolic steroids became a controlled  
 8 substance.  
 9 MR. CAMPBELL: What year are we  
 10 talking about?  
 11 A. It's going to be mid- to late '80s.  
 12 I can't give you an exact year, I'm sorry.  
 13 Q. (By Mr. Collins) Do you know Justin  
 14 Gatlin?  
 15 A. Yes, sir.  
 16 Q. And how do you know Justin Gatlin?  
 17 A. I know Justin as a patient in my  
 18 clinic.  
 19 Q. Approximately how long have you  
 20 known Justin?  
 21 A. Since 2003. My first visit with  
 22 Justin was in July of 2003.  
 23 Q. And he was a client, you said?  
 24 A. Yes, sir, he was referred to our  
 25 office by Dr. Tom Ayres, with a hamstring pull.

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1 And so we started treatment then. That would  
 2 have been July. And then I started seeing  
 3 Justin after that, and I saw him just about  
 4 every week, up through 2006.  
 5 Q. What sort of substances would you  
 6 use to rub on Justin when you were treating him?  
 7 A. The massage therapy lotion that I  
 8 used is called Biotone Advanced Massage Therapy  
 9 Lotion. If I use any type of muscle analgesic,  
 10 it's BIOFREEZE that contains camphor and sulfur.  
 11 And if I use another one, it's called Sombra,  
 12 S-o-m-b-r-a, and that's got camphor, sulfur, and  
 13 cayenne pepper in it.  
 14 I had wanted to bring a sample of  
 15 that with me, but the airport wouldn't let me  
 16 put it on the plane. So, I'm sorry, I couldn't  
 17 bring that with me.  
 18 Q. Have you ever had any discussions  
 19 with Justin Gatlin regarding doping in sport?  
 20 A. Yes, we have.  
 21 Q. Could you please relay those  
 22 conversations?  
 23 A. I specifically asked Justin on one  
 24 occasion about racing with someone that he knew  
 25 was using a performance-enhancing drug, because

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1 he prided himself on racing clean. And I said,  
 2 How would it make you feel if someone who was  
 3 using a performance-enhancing medication beat  
 4 you in an important race?  
 5 And he was very dignified in his  
 6 answer, and he said to me, Who won the race?  
 7 And it was that simple of an answer. He didn't  
 8 put the person down. He didn't say anything  
 9 positive or negative about it. He didn't say  
 10 anything positive or negative about himself. He  
 11 just said "Who won the race?" And I took that  
 12 as meaning that he ran clean, and if he runs  
 13 clean, then he's the winner.  
 14 Q. Now, over this approximately  
 15 three-year period that you were working with  
 16 Justin, did he ever come to your office  
 17 suffering from allergies?  
 18 A. Yes.  
 19 Q. And could you describe that?  
 20 A. Every spring, he would come in  
 21 suffering terribly with allergies. His eyes  
 22 would be running, his nose would be running. He  
 23 was obviously uncomfortable.  
 24 And a number of times, I said,  
 25 Justin, is there nothing you can take to make

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<p>1 you feel better?</p> <p>2 And he said, Terri, I don't take</p> <p>3 anything.</p> <p>4 Q. Now, in working with him on this</p> <p>5 regular basis, did you notice any changes in his</p> <p>6 body?</p> <p>7 A. What type of changes?</p> <p>8 Q. You know, for example, could you</p> <p>9 tell if he was in season or out of season?</p> <p>10 A. Yes, I could.</p> <p>11 Q. And how could you tell?</p> <p>12 A. He would be slimmer out of season.</p> <p>13 In season, you could tell the training was</p> <p>14 starting, and he would get just a little bit</p> <p>15 bigger, not very much, but the muscle tissue</p> <p>16 itself never really changed. He would be a</p> <p>17 little bit more toned, but as far as the way the</p> <p>18 tissues and the muscles felt, it pretty much</p> <p>19 stayed the same all the way through.</p> <p>20 Q. Did you ever while you were treating</p> <p>21 him notice him to have any sudden growth or</p> <p>22 muscle development?</p> <p>23 A. No, sir.</p> <p>24 Q. Did you notice anything that made</p> <p>25 you think he had ever taken any steroids or</p>	<p>1 Mr. Gatlin on April 26th, 2006?</p> <p>2 A. Yes, I did.</p> <p>3 Q. Do you know what treatment you gave</p> <p>4 him?</p> <p>5 A. I worked on his hamstring.</p> <p>6 Q. Did it -- how did he feel at that</p> <p>7 time? Did he feel as if he had taken any</p> <p>8 performance-enhancing substance?</p> <p>9 A. No, sir.</p> <p>10 Q. Do you recall seeing any needle</p> <p>11 marks on Mr. Gatlin?</p> <p>12 A. Never.</p> <p>13 Q. Did you ever have occasion to</p> <p>14 discuss Justin's positive test with him?</p> <p>15 A. Very, very little.</p> <p>16 Q. Can you describe that conversation?</p> <p>17 A. I received a phone call that he had</p> <p>18 a test positive, and he was quite upset about</p> <p>19 it. Of course, I was upset about it.</p> <p>20 From that point on, we really didn't</p> <p>21 talk very much about it. It was almost as if I</p> <p>22 didn't want to know more than what Justin felt</p> <p>23 like he could tell me, because I didn't want to</p> <p>24 put him on the spot by asking him specific</p> <p>25 questions that he could not answer.</p>
<p>Page 342</p> <p>1 steroid precursors?</p> <p>2 A. Never.</p> <p>3 Q. Would you recognize the look of</p> <p>4 someone had taken such a thing?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And why is that?</p> <p>7 A. It's a whole different look, and</p> <p>8 it's a whole different feel. People that I have</p> <p>9 come across who are using anabolic steroids or</p> <p>10 performance-enhancing medication have a very</p> <p>11 chiseled, cut look about them. Their muscles</p> <p>12 are -- they always look as if they've just</p> <p>13 stepped out of the gym and they're still real</p> <p>14 pumped up, and it never really goes down. The</p> <p>15 tone of the muscle is much firmer than a muscle</p> <p>16 who is just in shape, in tone.</p> <p>17 Muscles that are just very well</p> <p>18 taken care of, they're very well hydrated,</p> <p>19 they're taken care of, that are defined are very</p> <p>20 smooth and soft and easy to work through. It's</p> <p>21 not a struggle to work through it.</p> <p>22 People who are on steroids, their</p> <p>23 muscle tone feels completely different to the</p> <p>24 touch.</p> <p>25 Q. Did you have occasion to work on</p>	<p>Page 344</p> <p>1 Q. Did you ever ask him if he had done</p> <p>2 it?</p> <p>3 A. I asked him straight out several</p> <p>4 times if he had done it.</p> <p>5 Q. What did he tell you?</p> <p>6 A. He told me no.</p> <p>7 And I also told Justin, I said,</p> <p>8 Justin, if you did this, tell me. I will still</p> <p>9 love you. You will still be my friend. I will</p> <p>10 tell you, it's not the smartest thing you have</p> <p>11 ever done in your life. Where are we going from</p> <p>12 here? I said, but you have got to be honest</p> <p>13 with me and tell me.</p> <p>14 And he said, I didn't do it, Terri.</p> <p>15 And he's never wavered from that.</p> <p>16 MR. COLLINS: I have nothing</p> <p>17 further.</p> <p>18 MR. BOCK: I just have a couple of</p> <p>19 questions.</p> <p>20</p> <p>21 EXAMINATION</p> <p>22 BY MR. BOCK:</p> <p>23 Q. You mentioned that he had a</p> <p>24 hamstring issue in April of 2006?</p> <p>25 A. Yes, sir.</p>

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1 Q. Do you recall when during the month  
 2 that issue came up?  
 3 MR. COLLINS: I thought she said  
 4 April of 2003.  
 5 MR. CAMPBELL: April 26th, 2006, I  
 6 have written down.  
 7 MR. COLBERT: That's what she said,  
 8 so you asked her.  
 9 MR. COLLINS: I asked her if she  
 10 treated him on that day, just as a massage.  
 11 MR. COLBERT: That's not how the  
 12 testimony came out.  
 13 MR. COLLINS: And she said she  
 14 treated his hamstrings.  
 15 MS. BLANKENSHIP: Right.  
 16 MR. CAMPBELL: April 26th, 2006,  
 17 right.  
 18 MR. TYGART: April 26th, 2006. That  
 19 was the testimony.  
 20 MR. COLLINS: Right. I asked her if  
 21 she gave him treatment. I don't think she  
 22 testified that he had hamstring issues on that  
 23 date.  
 24 MR. CAMPBELL: That was the  
 25 testimony.

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1 MR. TYGART: That was the testimony.  
 2 A. On April the 26th, I worked on his  
 3 hamstrings.  
 4 MR. COLBERT: '06?  
 5 A. '06.  
 6 MR. COLLINS: Okay. Well, I will  
 7 clear it up on redirect. That's okay.  
 8 Q. (By Mr. Bock) Well, could you just  
 9 tell me what the issues were with his  
 10 hamstrings?  
 11 A. They were tight. He -- his  
 12 original -- this might clear some things up --  
 13 his original reason for coming to our office was  
 14 for a pulled hamstring back in 2003. And so his  
 15 hamstrings were always a focal point for us to  
 16 look at and to watch, to make sure -- so where  
 17 they wouldn't be exceptionally tight, I would  
 18 always work the hamstrings to make sure -- and  
 19 if they were just a little bit tight, I would do  
 20 the favorite thing for him, and I would  
 21 cross-fiber them, which is not very pleasant,  
 22 but it's quite effective to relieve a pulled or  
 23 tight hamstring.  
 24 Q. And do you recall this visit on  
 25 April 26th, 2006, or do you need to refer to

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1 your notes to recall?  
 2 A. I can pretty much recall the visit.  
 3 Q. Okay. Then, what was -- were his  
 4 hamstrings worse than usual at that point in  
 5 time?  
 6 A. I would say no. He wouldn't -- his  
 7 hamstrings would go in spurts. There would be  
 8 some times that they were okay, and then -- I  
 9 can go through and tell you what -- the times  
 10 that we worked specifically hamstrings, or if I  
 11 worked on his shoulder or whatever.  
 12 But I would say, no, not really any  
 13 different than what they had been in the past.  
 14 Q. And so, specifically, in the month  
 15 of April 2006, did his -- I'm going to use the  
 16 term, medical term here -- did his hamstrings  
 17 stay quiescent? I mean, the same? Or were they  
 18 at a stage where they were not improving or  
 19 getting worse or better? Or did the conditions  
 20 of his hamstrings change --  
 21 MR. COLLINS: I was going to object.  
 22 MR. BOCK: I hadn't finished the  
 23 question.  
 24 MR. COLLINS: All she's testified is  
 25 one --

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1 MR. COLBERT: My objection was you  
 2 are about eight compound questions.  
 3 MR. BOCK: All right. I'm sorry.  
 4 MR. COLBERT: And I was just going  
 5 to suggest --  
 6 MR. BOCK: I'll withdraw the question  
 7 and --  
 8 MR. COLBERT: Okay.  
 9 MR. TYGART: Don't use medical terms.  
 10 MR. COLLINS: We're telling you --  
 11 Q. (By Mr. Bock) I'm sorry, let's get  
 12 to the point.  
 13 In April of 2006, did the condition  
 14 of his hamstrings change over the course of the  
 15 month?  
 16 MR. COLLINS: Could I ask for  
 17 foundation as to how many times in April she  
 18 worked on him? She testified that he was on the  
 19 road most of that month.  
 20 MR. COLBERT: Why don't you let him  
 21 ask his question, and you can clear up on  
 22 redirect if you like.  
 23 THE WITNESS: All right. Whose  
 24 question am I answering?  
 25 MR. COLBERT: Mr. Bock's.

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<p>1 Q. (By Mr. Bock) I will clear up this 2 point, because on direct, you testified that you 3 worked with him every week, correct? 4 A. Approximately every week, yes, sir. 5 Q. And was that true in April of 2006? 6 A. In April of 2006, I worked on him, 7 April the 5th, and that was a flush on his legs. 8 April the 12th, was a cancellation. April the 9 26th, we worked -- it was a flush and a 10 hamstring work. 11 Q. April the 26th? 12 A. Yes, sir. 13 Q. So, when you say "cancellation," 14 that means he didn't show? 15 A. Well, there was a reason why he 16 didn't come in. 17 Q. That's fine. 18 A. But it wasn't just like he didn't 19 show up. He canceled. 20 Q. I didn't know if the cancellation 21 was a massage term or something? 22 A. No. 23 MR. COLLINS: He's really backing off 24 that side stuff now. 25 Q. Okay. So you saw him April 5th.</p>	<p>1 lower, and then I did a flush. There was a 2 time, and I do not know if it was in March or 3 not, that there was something bothering Justin. 4 And I'm trying to recall where that was, but I 5 knew that it was something that I didn't feel 6 comfortable working with, so I asked him if he 7 wanted to go see a doctor with it. And I don't 8 know if that was in -- I can't say for positive 9 that was in March. 10 Q. And do you recall what part of his 11 body that issue was -- 12 A. It was in his leg. It wasn't a 13 shoulder or an arm or anything like that. It 14 was definitely in his leg. 15 Q. Can you be any more specific 16 regarding part of his leg? 17 A. I would say calf. 18 Q. Okay. So you suggested he go to the 19 doctor about his calf. 20 A. Yes. 21 Q. Did he follow up on that suggestion? 22 A. I don't know. 23 Q. Do you do any other work for any 24 other athletes in the Sprint Capitol group? 25 A. I did.</p>
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<p>1 What was the condition of his hamstrings like at 2 the time? 3 A. They would always feel a little 4 tight. I always worked hamstrings. 5 Q. Was there anything out of the 6 ordinary on April 5th? 7 A. No. 8 Q. Did he complain about any particular 9 pain or issues with his hamstrings on April 5th? 10 A. Not that I recall. 11 Q. And then how about on April 26th? 12 A. No, he still didn't complain. This 13 was just from what I felt. 14 Q. Okay. March of 2006? 15 A. Okay. 16 Q. Did he complain about -- when you 17 massaged, did you massage areas other than his 18 hamstrings? I mean, did you give him a massage 19 on his whole legs? 20 A. Yes, sir. 21 Q. Did he complain about any other 22 issues related to his legs or complain about any 23 issues related to his legs in March of 2006? 24 A. I have got in my notes spring of 25 2006, March the 23rd and March 29th, I did all</p>	<p>1 Q. How many other athletes -- 2 MR. COLLINS: I'm going to object. 3 It's outside the scope. 4 MR. BOCK: This is the only time -- 5 MR. COLBERT: I think it's allowable. 6 A. Is this just -- when you say "Sprint 7 Capitol," is this just the group that Justin ran 8 with? 9 Q. Yeah, Trevor Graham's group? 10 A. Just one. 11 Q. And do you know Trevor? 12 A. I have met Trevor, but I do not know 13 him. I don't know that I would know him if he 14 walked in the door. 15 Q. Other than this other athlete -- I 16 won't ask the name -- and Mr. Gatlin, have you 17 worked with any other track athletes? 18 A. Yes, sir. 19 Q. About how many? 20 A. I worked with the entire team from 21 Qatar when they were here training. And then I 22 have worked with other athletes that are in 23 different training groups. 24 Q. Any of those track athletes that you 25 have worked with, have they been on steroids to</p>

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1 your knowledge?  
 2 A. Not to my knowledge.  
 3 Q. So you have never worked with a  
 4 track athlete, to your knowledge, that was on  
 5 steroids; is that correct?  
 6 A. Not a track athlete, no.  
 7 Q. So the athletes that -- the clients  
 8 that you had that were on steroids, were those  
 9 weightlifters, bodybuilders? What kind of  
 10 athletes --  
 11 A. I have had a bodybuilder, and I have  
 12 had a football player.  
 13 Q. And when you refer to this chiseled  
 14 look, or -- are you referring to what part of  
 15 their body?  
 16 A. Everywhere. That's just it. It's  
 17 every -- every muscle in their body is very  
 18 well-defined, and it looks as if it's just  
 19 finished working out.  
 20 Q. And are you familiar with that --  
 21 the workout routines of the football player and  
 22 the weightlifter that were on steroids?  
 23 A. Am I familiar with their workout  
 24 routine?  
 25 Q. In general? Do you know if they

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1 lifted weights?  
 2 A. Oh, yeah, I know they did lift  
 3 weights.  
 4 Q. Did they lift a lot of upper body  
 5 weights?  
 6 A. Upper and lower.  
 7 Q. Upper and lower. Okay. All right.  
 8 MR. FINNIGAN: This is Jeff Finnigan.  
 9 Are you guys all still there?  
 10 MR. COLBERT: Yes. And Mr. Finnigan,  
 11 if you will just hold on for about a minute,  
 12 we're just wrapping something up, if that's  
 13 okay?  
 14 MR. FINNIGAN: Sure, no problem.  
 15 MR. COLBERT: Then we can excuse the  
 16 other witness in the room.  
 17 MR. FINNIGAN: Let me get the other  
 18 ones back in, so they know that we're all here.  
 19 MR. COLBERT: All right. We will let  
 20 you know when we're ready to.  
 21 Jeff and Jeff, are you there?  
 22 MR. NEDROW: Yes, Jeff Nedrow is  
 23 here.  
 24 And everyone else is still there?  
 25 MR. COLBERT: Yes. Is there a mute

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1 button on that? Just hit it just for a minute.  
 2 MR. TYGART: And we're done with this  
 3 witness.  
 4 MR. COLBERT: Can you hit the mute  
 5 button just for a second?  
 6 MR. CAMPBELL: Wrong machine.  
 7 MR. FINNIGAN: Are you still there?  
 8 MR. BOCK: We just muted you, and I'm  
 9 going to mute you again. Okay.  
 10 MR. NEDROW: You can hear me though?  
 11 MR. COLBERT: Okay. You are done.  
 12 Do you have a question you want to follow up?  
 13 MR. TYGART: Let them know that we  
 14 can hear them.  
 15 MR. BOCK: Hey, guys, we can hear  
 16 you. Just want you to know.  
 17 MR. NEDROW: You guys are giving us  
 18 a timeout to sort something out?  
 19 MR. COLBERT: We're giving you  
 20 timeout for about one minute.  
 21 MR. FINNIGAN: No problem. Thank  
 22 you.  
 23 MR. COLLINS: I have one question.  
 24 (Pause in telephone call to complete  
 25 the testimony of Ms. Blankenship.)

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1 EXAMINATION  
 2 BY MR. COLLINS:  
 3 Q. If Chris Whetstine was in North  
 4 Carolina, would you work on Justin?  
 5 A. I wasn't allowed to work on Justin,  
 6 if he was in town.  
 7 Q. And why was that?  
 8 A. It had something to do with the  
 9 contract with Nike. Justin would have an  
 10 appointment with me, and if Chris was in town, I  
 11 couldn't work on Justin. And so sometimes the  
 12 cancellations would be because Chris was in  
 13 town.  
 14 EXAMINATION  
 15 BY MR. BOCK:  
 16 Q. A follow-up on that question then.  
 17 Do you know if the cancellation on April 12th  
 18 was because Chris Whetstine was in town?  
 19 A. I do believe that it was.  
 20 Q. Okay. Thanks.  
 21 A. That's not a for-sure positive, but  
 22 I do believe that it was, because it wasn't long  
 23 after that, that I didn't work on Justin  
 24 anymore. So -- and I remember that Chris was in

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<p>1 town pretty soon after -- or before I stopped 2 working with Justin. 3 Q. Oh, so you are no longer working 4 with Justin? 5 A. Justin no longer lives in Raleigh. 6 Q. I see. When did that -- when did he 7 move? 8 MR. COLBERT: Go ahead. This is 9 about five questions. 10 A. I don't know. I think he might have 11 moved in June, but that's a guess. 12 MR. BOCK: Sorry. I don't have any 13 others. Sorry. 14 MR. COLLINS: No. 15 MR. COLBERT: Thank you very much. 16 You have been very helpful. And thank you 17 for -- I'm sorry it took so long to get to 18 you -- 19 MS. BLANKENSHIP: That's okay. 20 MR. COLBERT: -- but you are excused. 21 MS. BLANKENSHIP: Thank you for 22 letting me be here. 23 MR. COLLINS: Good luck in catching 24 your plane. 25 MS. BLANKENSHIP: Thank you.</p>	<p>1 if you had one, but I'd take their caution 2 strongly. Nobody has any further questions? 3 MR. TYGART: We don't. 4 MR. COLBERT: Mr. Collins? 5 Mr. Finnigan, Mr. Novitzky, and 6 Mr. -- the other Jeff -- Nedrow, thank you very 7 much. I appreciate your calling back and making 8 the effort. 9 MR. NOVITZKY: You are welcome. 10 MR. COLBERT: I think Mr. Novitzky 11 is excused at this time. Thank you again. 12 MR. FINNIGAN: Thank you. 13 MR. NEDROW: Thanks, guys. 14 MR. NOVITZKY: Thank you. 15 MR. NEDROW: Bye-bye. 16 (This completed the telephone 17 conference call.) 18 MR. COLBERT: All right. So, 19 that -- now, I guess, we were in the middle of 20 crossing Mr. Gatlin. 21 I note for the record, it is 6:20. 22 I don't like to speak for the entire panel. I 23 have no problems staying. I don't know what 24 we're looking at. I would think that -- we've 25 had Mr. Novitzky. We've had Ms. Blankenship. I</p>
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<p>1 MR. COLBERT: Okay. Let's put them 2 back on the box. We'll demute them. 3 MR. COLLINS: I just press the mute 4 button again, I assume? 5 MR. COLBERT: Hello. Hi. Okay. 6 We're back in the room, and we're back on the 7 record. Right? Thanks for calling back, guys. 8 MR. FINNIGAN: Thanks for your 9 patience. 10 This is Jeff Finnigan. 11 Jeff Novitzky can provide an answer 12 to the previous question, but there's -- never 13 say "never," but there's probably not going to 14 be any follow-up to it. 15 But, Jeff, you can go ahead and 16 answer it. 17 MR. NOVITZKY: Okay. So my answer 18 to the question is in the course of my 19 investigation, I obtained no conclusive evidence 20 that Justin Gatlin either took, used, or was 21 administered banned substances, either knowingly 22 or unknowingly. 23 MR. COLBERT: All right. Did you get 24 that? 25 I suppose you could try a follow-up</p>	<p>1 don't know how many more witnesses you have. 2 I'm just thinking planning for tomorrow. 3 You have just one expert, possibly 4 two, tomorrow, that you've got listed. So do 5 you know how long they're going to take? 6 MR. TYGART: They will both be 7 relatively short in comparison. 30 minutes, I 8 would expect, but again -- 9 MR. COLBERT: And, Mr. Collins, what 10 witnesses do you have to call that you haven't 11 yet? 12 MR. COLLINS: We have Mr. Nehemiah, 13 which I expect will be less than Novitzky but 14 more than Blankenship. 15 Dr. Black, I would put in that same 16 category. I don't expect -- I expect him to be 17 similar to what you -- I don't think there's a 18 big dispute on science on this one, so I don't 19 think they're going to be saying a whole lot of 20 different things, so I don't expect him to be 21 any longer than theirs. He will testify, 22 though, about all the different substances he 23 tested, that were submitted, so that would be a 24 little different than what his will do. 25 (Mr. Gatlin and Ms. Blankenship left</p>

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1 the room.)  
 2 MR. TYGART: And you have Jeanette  
 3 Gatlin is the only other person on your list,  
 4 anyway.  
 5 MR. COLLINS: And Chris Whetstine,  
 6 we'll be calling, since they're not calling him.  
 7 And I would imagine that Mr. Whetstine would be  
 8 approaching in time Mr. Novitzky. I don't know  
 9 how much time you would spend with him, but I  
 10 imagine that my direct examination of him would  
 11 probably take in the neighborhood of an hour.  
 12 MR. CAMPBELL: Didn't you say is he  
 13 represented by counsel? Represented by counsel?  
 14 MR. TYGART: Yeah.  
 15 MR. COLBERT: Okay. So longer --  
 16 MR. CAMPBELL: Are we going to get  
 17 him to testify? You know, that's like if you  
 18 are on examination and the guy is not going to  
 19 testify --  
 20 MR. COLBERT: You can ask him -- and  
 21 find out. The reason -- you can go off the  
 22 record.  
 23 (Discussion off the record.)  
 24 WHEREUPON,  
 25 JEANETTE GATLIN,

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1 the witness herein, having been first duly sworn  
 2 to state the whole truth, testified on her oath  
 3 as follows:  
 4 MR. COLLINS: I hate to do this to  
 5 you, but could I talk to Jeanette for one minute  
 6 before she goes on? I didn't know, we just got  
 7 here.  
 8 MR. COLBERT: Do you have any  
 9 objection?  
 10 MR. TYGART: We don't have any  
 11 objection.  
 12 MR. COLBERT: Okay. We'll take a  
 13 couple-minute recess.  
 14 (Recess taken.)  
 15 MR. COLBERT: Mr. Collins?  
 16 MR. CHERIS: Should we go on the  
 17 record and swear the witness?  
 18 MR. COLBERT: She has sworn the  
 19 witness already.  
 20 MR. CHERIS: She's already sworn.  
 21 Okay.  
 22  
 23 EXAMINATION  
 24 BY MR. COLLINS:  
 25 Q. Could you please state your name and

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1 spell your last name for the record?  
 2 A. Jeanette A. Gatlin, G-a-t-l-i-n.  
 3 Q. Ms. Gatlin, are you familiar with  
 4 Justin Gatlin?  
 5 A. Yes, I am.  
 6 Q. How would that be?  
 7 A. February 10th, 1982, I gave birth to  
 8 him.  
 9 Q. As Justin's mother, are you  
 10 familiar -- was there a time when he was growing  
 11 up when he was diagnosed with having attention  
 12 deficit disorder?  
 13 A. Yes, he was.  
 14 Q. Do you know approximately when that  
 15 was?  
 16 A. Yes, he was nine years old in the  
 17 4th grade, and I was called in by his teacher.  
 18 Q. What was that about?  
 19 A. She told me that she thought he  
 20 needed to be evaluated because she saw that he  
 21 would lose focus. And the particular incident  
 22 that made her call me is that they were taking a  
 23 test, and Justin lost focus because there was a  
 24 bird on the ledge of the window at the school.  
 25 And when the test papers were passed forward,

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1 the only thing he had on his paper was a bird  
 2 that he drew, and he just totally lost focus of  
 3 the test and everything else that was going on  
 4 and focused on the bird. And she thought he  
 5 needed to be evaluated.  
 6 Q. Did you take him to get any  
 7 treatment?  
 8 A. Yes.  
 9 Q. What was that?  
 10 A. We took him to -- my husband was  
 11 active-duty military at the time. We took him  
 12 to the military doctor, and he was evaluated.  
 13 They agreed that he had attention deficit  
 14 disorder, and they prescribed Ritalin at the  
 15 time.  
 16 Q. Do you know approximately how long  
 17 he stayed on Ritalin?  
 18 A. He stayed on Ritalin approximately  
 19 about two years.  
 20 Q. Were there any issues with his  
 21 taking Ritalin?  
 22 A. He lost appetite, and he was always  
 23 kind of thin and lanky, and the doctor thought  
 24 that there may be something else that they could  
 25 prescribe to him that wouldn't be as severe with



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<p>1 suppressing his appetite.  2 Q. Do you know what his medicine  3 switched to?  4 A. Adderall.  5 Q. Do you know approximately how long  6 he was on that?  7 A. Well, yeah, if he was diagnosed at  8 nine, he was on Ritalin for maybe two years,  9 about there. And then he was on Adderall for  10 eight years, because he was on medication for a  11 combination of 10 years.  12 Q. I want to fast-forward a little bit.  13 Could you please describe how it was that Justin  14 came to be coached by Trevor Graham?  15 A. We were in our vehicle. We had just  16 come back from vacation. We got a phone call  17 that we had lost a relative in New York. We  18 didn't have the money for all three of us to  19 fly, just coming back from vacation, so my  20 husband said, We'll drive.  21 We got in the car, and we were  22 driving. We were on our way to New York. And  23 Justin received a phone call on his cell phone.  24 And all I could hear was -- in the back seat  25 was, no, huh-uh, that's not true.</p>	<p>1 my home number. We should be back within ten  2 days, and you can call me.  3 Q. Did he call?  4 A. Yes, he did.  5 Q. And approximately how long  6 thereafter did Justin go to be coached by Trevor  7 Graham?  8 A. This was through the summer months.  9 Justin did return back to UT in August. He may  10 have had one or two classes at that time, but he  11 declared. He told his collegiate coach, and we  12 went and got him. So I would say probably by  13 the end of August, at the latest, he had decided  14 to go professional, and John Capriotti came to  15 our home and brought a contract.  16 Q. Who's John Capriotti?  17 A. John Capriotti is the Nike person  18 that's in charge of Nike, I guess, worldwide  19 sprint division.  20 And he came to our house and brought  21 a contract, and we sat down at our dining room  22 table, and we went over the contract, and Justin  23 signed the contract.  24 Q. As a mother for Justin, I imagine  25 you are slightly protective?</p>
<p style="text-align: center;">Page 366</p> <p>1 You know, and I got annoyed, and I  2 said, Hang up the phone. If you don't know who  3 you are talking to, or if they're not telling  4 you the truth, hang up on them.  5 So then he said that, Mommy, this  6 person is saying that they are Trevor Graham.  7 And I'm saying, and so who is Trevor  8 Graham?  9 He said, He's Marion's coach.  10 Why is Marion's coach calling? So,  11 then, he gives me the phone. And Trevor says  12 that he is Trevor Graham -- after him and Justin  13 had the conversation that they had about him and  14 who he was -- he tells me that Nike is  15 interested in giving Justin a contract if he is  16 interested in turning professional.  17 I told him that if Nike wanted to  18 give him a contract, then who are you? Why are  19 you calling?  20 And he told me that Nike did not  21 want to have the appearance of pulling young  22 athletes out of school, you know, before they  23 graduated.  24 So I said to him, If all of this is  25 legit, and you are who you say you are, this is</p>	<p style="text-align: center;">Page 368</p> <p>1 A. Yes.  2 Q. Where was Trevor Graham located?  3 A. Raleigh, North Carolina.  4 Q. And where was Justin going to be  5 training?  6 A. Raleigh, North Carolina.  7 Q. And would this have been the first  8 time, other than going to college, that Justin  9 would be moving out of the house?  10 A. Yes.  11 Q. Did you have any discussions with  12 Trevor Graham as to what you expected of him, if  13 your son was going to go coach with him?  14 A. Yes.  15 Q. What were those conversations?  16 A. That Justin -- for one, we had no  17 family or relatives or anybody in North  18 Carolina, and we were holding him responsible  19 for Justin's welfare.  20 He said that he was going to take  21 care of him. He would treat him like his own  22 son. He also stated that he had a son that was  23 going to be relocating to Raleigh to live with  24 him, and he already had three other children  25 that were there in the house. And that his son</p>

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1 was around the same age as Justin, and that they  
 2 would become good friends, and he would make  
 3 sure that he was okay, nothing would happen to  
 4 him.  
 5 Q. Did that son move in?  
 6 A. Actually, that son got killed in a  
 7 car accident shortly before he was scheduled to  
 8 relocate to live in Raleigh with his father.  
 9 Q. Did you have any discussions with  
 10 Mr. Graham as to whether or not or what sort of  
 11 environment Justin would be training in with  
 12 respect to illegal and banned substances?  
 13 A. At that time, we did not. We knew  
 14 nothing about illegal or banned, or whatever,  
 15 substances. We knew nothing about it. We had  
 16 no knowledge of the drug world out there other  
 17 than the fact that, you know, we kind of hear  
 18 little whispers, you know, by reading the  
 19 Internet.  
 20 And all that was said at that time,  
 21 was, are you sure nothing is going to happen to  
 22 Justin? Are you going to make sure that he  
 23 doesn't get involved in all this other stuff,  
 24 that, you know, my husband was reading about, on  
 25 the Internet, and I was reading about on the

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1 Internet.  
 2 And he said, Absolutely, that has  
 3 nothing to do with us, my camp, and the way I  
 4 train my athletes.  
 5 Q. Okay. Maybe I wasn't clear on my  
 6 question. I wasn't asking with respect to what  
 7 allegations may have been about him. Did you  
 8 say anything about what could or could not be  
 9 done with Justin?  
 10 A. Oh, for sure.  
 11 Q. What did you say there?  
 12 A. You cannot do anything that's going  
 13 to create any kind of a problems for him at all,  
 14 that he's going to get in any kind of trouble,  
 15 because you know that he does have a strike  
 16 against him.  
 17 Q. All right.  
 18 Now, you indicated that Nike -- you  
 19 signed with Nike -- did you -- actually, prior  
 20 to that.  
 21 After Justin turns professional and  
 22 signs with Nike, does he form a corporation or  
 23 anything like that happen?  
 24 A. Yes.  
 25 Q. And can you explain that?

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1 A. We had him incorporated, and we  
 2 named the corporation 100 Percent Pure Juice.  
 3 And we consulted a lawyer and an accountant, and  
 4 they thought financially, that would be the best  
 5 thing for him, being that he was young and he  
 6 didn't have any kind of dependents or tax  
 7 shelters at that time.  
 8 Q. How did you come about with that  
 9 name?  
 10 A. That was a nickname that was given  
 11 to Justin by his high school track buddies,  
 12 because we went to the meets. We participated.  
 13 We followed. And when Justin would go to the  
 14 meets, I would make him a thermos of juice to  
 15 take to the meets with him. And the kids  
 16 started calling him "Juice Boy," because he  
 17 wasn't drinking sodas, so he became the Juicer,  
 18 and the kids started calling him "Juice," so we  
 19 figured, you know, that was a good name.  
 20 Q. Did you have a role with this  
 21 corporation?  
 22 A. Yes, I did.  
 23 Q. And what was that role?  
 24 A. I was -- or I am, still, president  
 25 of the corporation and, slash, manager.

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1 Q. What is sort of your duties for the  
 2 corporation?  
 3 A. My duties for the corporation is to  
 4 make sure that I keep up on the manager end of  
 5 it as to where Justin was running, his track  
 6 meets, the pay and who was paying him.  
 7 And at the same time on the other  
 8 end of it, it was to keep up and to pay all of  
 9 his expense, his living expenses, his bills, to  
 10 take care of his taxes, make sure all of his  
 11 taxes were paid, and to make sure that whatever  
 12 responsibility financially that this corporation  
 13 had, to work with our accountant to make sure  
 14 that those responsibilities were taken care of.  
 15 Q. What about the paperwork? Who would  
 16 receive all that?  
 17 A. I did.  
 18 Q. Now, when did Justin go with Trevor  
 19 Graham?  
 20 A. Justin went with Trevor Graham the  
 21 end of 2002 school year, the end of the school  
 22 year 2002, which would be --  
 23 Q. The spring?  
 24 A. Well, yeah, after his sophomore  
 25 year.

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<p>1 Q. His sophomore year?</p> <p>2 A. He didn't go back to his junior year</p> <p>3 per se.</p> <p>4 Q. What we're talking about is the</p> <p>5 summer of '02?</p> <p>6 A. Yes.</p> <p>7 Q. I want to call your attention to</p> <p>8 April 1st, 2004.</p> <p>9 Do you recall an incident of an</p> <p>10 April Fool's prank involving Justin?</p> <p>11 A. Yes.</p> <p>12 Q. Could you explain what that was?</p> <p>13 A. On the Internet, they had listed:</p> <p>14 Justin Gatlin had tested positive.</p> <p>15 And actually, I was at the dentist's</p> <p>16 office. Justin was home. He had not really</p> <p>17 just located -- I mean, he was home for</p> <p>18 visiting -- and anyway, my husband ran across</p> <p>19 this article on the Internet saying that Justin</p> <p>20 Gatlin had tested positive. And he called me at</p> <p>21 the dentist's office, I went running home, and</p> <p>22 he -- should I say it all?</p> <p>23 Q. Go ahead.</p> <p>24 A. He was packing his gun.</p> <p>25 Q. And where was he headed?</p>	<p>1 like this with people's lives. And then all of</p> <p>2 a sudden, somebody else may read it and believe</p> <p>3 it without going through it, like he didn't go</p> <p>4 through it. And we never did find out who</p> <p>5 posted it, but I think it was on -- if I'm not</p> <p>6 mistaken, on maybe the sub-10, it was either</p> <p>7 sub-10 or letsrun.com. It was one of the two of</p> <p>8 those, because those are the two that he</p> <p>9 watched -- he read.</p> <p>10 Q. Would you attend Justin's meets over</p> <p>11 the years?</p> <p>12 A. Yes.</p> <p>13 Q. After he turned professional?</p> <p>14 A. Most definitely.</p> <p>15 Q. Are you aware of any precautions</p> <p>16 Justin would take to make sure that he was</p> <p>17 drug-free?</p> <p>18 A. Yes. One of the first meets that I</p> <p>19 attended, Justin was already there, and we were</p> <p>20 trying to find out what room he was in, and we</p> <p>21 were all checking in the same hotel, and they</p> <p>22 told me they didn't have any Justin Gatlin in</p> <p>23 that hotel. So, you know, we were a little</p> <p>24 baffled, and then come to find out that Justin</p> <p>25 was checked in the hotel under "John Brown."</p>
<p>Page 374</p> <p>1 A. He was headed to kill Trevor Graham.</p> <p>2 Q. And why was it?</p> <p>3 A. Because it said Justin had tested</p> <p>4 positive, and Trevor had promised that there</p> <p>5 would be nothing like that going on in his camp.</p> <p>6 He was going to take care of Justin. And he</p> <p>7 knew, he knew that he already had that other</p> <p>8 offense hanging over him.</p> <p>9 Q. I trust you stopped him?</p> <p>10 A. We stopped him, because --</p> <p>11 MR. TYGART: Unfortunately. Excuse</p> <p>12 me.</p> <p>13 A. I'm saying -- I'm saying, How can</p> <p>14 you go kill this man? I mean, you are going</p> <p>15 to -- anyway, my husband is crying. Tears are</p> <p>16 coming out of his eyes. He's crying. He's</p> <p>17 ready to kill Trevor. And then Justin goes on</p> <p>18 the Internet, and he sits there, and he looks at</p> <p>19 it, and he says, Dad, Dad, Dad, Dad, read the</p> <p>20 bottom of it. Read the bottom of it. And the</p> <p>21 bottom of it, said April Fool's.</p> <p>22 Q. Do you know who posted that?</p> <p>23 A. I have no idea, but we were very</p> <p>24 angry about it. And my husband was saying</p> <p>25 that -- you know, they can't be playing jokes</p>	<p>Page 376</p> <p>1 My question is: Justin, why are you</p> <p>2 here under John Brown?</p> <p>3 So nobody will know what room I'm</p> <p>4 in, so nobody will try to sneak into my room and</p> <p>5 do anything to my supplies of vitamins and</p> <p>6 nutritional things and anything else that I have</p> <p>7 in here.</p> <p>8 Q. What about when he would drink</p> <p>9 water, would you ever --</p> <p>10 A. His bottles were always marked, and</p> <p>11 once he started to drink out of them, they were</p> <p>12 never left alone. So he never had the same</p> <p>13 bottle that somebody else had.</p> <p>14 Q. Do you know where Justin would eat</p> <p>15 when you traveled?</p> <p>16 A. Justin was deemed the "king of room</p> <p>17 service." Taking care of all of the bills,</p> <p>18 there was nothing unusual for Justin to come,</p> <p>19 for me to get a bill from his credit card where</p> <p>20 he had charged room service. Justin had \$2,000</p> <p>21 in room service bills from eating in his room</p> <p>22 and watching movies in his room, and that was</p> <p>23 pretty much the norm. If he was at a meet for</p> <p>24 three or four days, that was the norm.</p> <p>25 Q. Fast-forwarding a little bit here --</p>

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<p>1 or moving on to June of 2006, did there come a 2 time where you learned that Justin had tested 3 positive for a banned substance? 4 A. Right. 5 Q. When was that? 6 A. That was June 14th, 2006. UPS 7 delivered a USADA packet. 8 Q. And who opened the packet? 9 A. I opened the packet, and I wasn't 10 sure exactly what it was saying, so I called 11 Renaldo. 12 Q. And who is he? 13 A. Renaldo is Justin's agent. And I 14 read to him what the opening page was. And 15 Renaldo said, This does not look good. 16 Q. What did you do next? 17 A. I started crying, and I called my 18 husband. My husband came home. He went through 19 the packet. And then he got on the phone, and 20 he called Justin. 21 Q. How did that go? 22 A. While we were on the phone, all I 23 could hear was him screaming and screaming on 24 the other end, and how, no, no, no, no, I'm 25 dead, I'm dead. And we were afraid that he was</p>	<p>1 up to Raleigh, and then they came back together 2 in Justin's truck the next morning. 3 Q. Did he ever indicate whether he did 4 it? 5 A. He indicated that he -- 6 Q. Did he ever say that he knowingly 7 took a substance? 8 A. Oh, absolutely not. Absolutely not. 9 He kept on saying, I don't know how this 10 happened. I don't know how this happened. I'm 11 careful. I watch everything. I know one thing, 12 I'm dead. That's all my child kept saying was 13 that he was dead. He was dead. 14 Q. Since that experience, have you 15 noticed any toll on your son? 16 A. Most definitely. Most definitely. 17 When Justin came home, before we 18 went back and relocated him, Justin would be 19 sleeping, you could hear him at night. You 20 could hear him, he just uh-huh, ugh-huh, 21 ugh-huh, you go in there, and he is just 22 jumping. He is just jumping. He is cold and 23 sweaty, and he's crying, and breaking down, when 24 you talk to him, in the daytime, baby, think 25 about it, thing about what happened, he just</p>
<p>1 going to do something to himself. He was in 2 North Carolina, and we were in Florida. You 3 know, to -- you can't get there. You can't 4 comfort him. You can't keep him safe from doing 5 whatever. He was just -- he was -- he was -- he 6 was screaming. He was screaming and yelling, 7 and he was driving, and he was in his truck, and 8 he fell out. He stopped, and he fell out, and 9 he fell apart. He just kept on saying, I'm 10 dead, I'm dead, I'm dead. It's over, it's over, 11 it's -- I'm dead, Mommy, I'm dead. 12 Q. Do you need a Kleenex? 13 MR. COLBERT: Would you like to take 14 a short break? 15 MRS. GATLIN: I'm okay. I'm okay. 16 Q. (By Mr. Collins) What did you do 17 next? 18 A. I said, Come home. Come home now. 19 Come home. You can't stay there. Come home. 20 Come home. You have to come home. You know -- 21 and actually, he had his friend -- he didn't 22 want us to come and get him. He didn't want us 23 to come and get him. And I don't know why, to 24 this day, he didn't want us to come and get him, 25 but his best friend from high school track flew</p>	<p>1 breaks down, he starts crying, and he's shaking 2 and falling apart. He's not sleeping at night. 3 He's restless, I'm going through, getting up all 4 time of night, going in there and check on him. 5 Q. As the person who keeps the finances 6 for his company -- 7 (Cell phone rings.) 8 Q. -- sorry about that. 9 Are you aware of any losses his 10 company has suffered because of this positive 11 test? 12 A. Of course. He -- his company have 13 lost, at this point in time, everything. He's 14 not -- he's not earned a dime in a year. He has 15 not received a paycheck in a year. We, thank 16 God -- thank God with God's blessing and the 17 housing market the way it is, we sold his North 18 Carolina house. That's how you are getting 19 paid. 20 Q. Would it be a fair statement to say 21 if he was exonerated here and allowed to run 22 again, that he would have suffered no 23 consequences as a result of this positive test? 24 A. That would not be fair to say at 25 all. Not only has my child, Justin Gatlin,</p>

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<p>1 suffered and still suffering, his name, his 2 reputation. We have all suffered. We have all 3 suffered. I have -- I'm bald, not by choice. 4 This is the haircut that anybody that knows me 5 has never seen on me before. I have long hair. 6 My hair was coming out in clumps. I had to go 7 and have my hair cut off through the stress of 8 this. I have never suffered high blood pressure 9 before until this.</p> <p>10 Justin -- Justin walks tall, and 11 he's strong, and he's strong and he's positive. 12 But he -- I see the hurt in him. I see how he's 13 just well, can -- Momma, can I buy a pair of 14 jeans? Can I buy a pair of jeans? Do we have 15 money? Can I buy a pair of jeans? You know, 16 he's suffering. He doesn't know where he's 17 going to get another paycheck, what's going to 18 happen, and how he's going to continue to live. 19 This is his life.</p> <p>20 Q. In spite of this, is he -- are you 21 aware of him speaking on behalf of staying off 22 drugs?</p> <p>23 A. I received a phone call from the 24 Escambia County Sheriff's Department, and they 25 asked if Justin Gatlin could come and speak to</p>	<p>1 parents, obey the laws, stay away from drugs, 2 keep their body clean. Keep their minds 3 straight, keep them focused.</p> <p>4 And that's what I said, my child is 5 strong, because with all of this that's going on 6 with -- in his life, he can still stand there 7 and talk about staying clean and not getting 8 involved with drugs, knowing what he got hanging 9 over his head.</p> <p>10 MR. COLLINS: I don't have anything 11 further.</p> <p>12</p> <p>13 EXAMINATION</p> <p>14 BY MR. BOCK:</p> <p>15 Q. Mrs. Gatlin, my name is Bill Bock, 16 and I'm one of the attorneys for USADA, and I 17 need to ask you a few questions.</p> <p>18 And certainly, now, or at any time, 19 you are free to ask for a break, or, you know, 20 take a break, so I want you to understand that.</p> <p>21 Would you prefer to take a break 22 right now?</p> <p>23 A. No.</p> <p>24 MR. BOCK: Go ahead, John. 25 MR. COLLINS: It just dawned on me.</p>
<p>Page 382</p> <p>1 their graduating cadets. And I said to this 2 particular person, Are you aware of the charges 3 that are in the newspaper against Justin? 4 And she said, Yes, ma'am.</p> <p>5 I said, I don't want my child to 6 come there and be hurt or embarrassed.</p> <p>7 And she said, We want Justin to 8 come. We believe in him. We have faith in him.</p> <p>9 Justin stood up there and talked to 10 that graduating class of cadets, and told them 11 about staying away from drugs, staying clean, 12 and the only thing that would mess up their life 13 if they got involved with drugs. Justin spoke 14 to the D.A.R.E. program. 4,000 students, high 15 school and college, in Escambia County, on the 16 naval base about staying clean and staying away 17 from drugs. They said it was the biggest 18 turnout they ever had.</p> <p>19 Q. This was after the positive test? 20 A. This was all after the positive 21 test. Justin spoke to church groups. The 22 church asked him -- not our church -- asked him 23 to come and speak to their youth group. And he 24 stood there, and he spoke to them, and he read 25 from the Bible, and he told them to obey the</p>	<p>Page 384</p> <p>1 I'm sorry. I lost my train, when we were doing 2 it, and I forgot to ask her about that medical 3 receipt she doesn't have. You want me to just 4 put it on the record? Because you said you 5 wanted me to put it on the record and have it 6 shown tomorrow.</p> <p>7 MR. COLBERT: You started -- you 8 haven't actually started cross.</p> <p>9 MR. BOCK: No, I don't have an 10 objection.</p> <p>11</p> <p>12 EXAMINATION (cont.)</p> <p>13 BY MR. COLLINS:</p> <p>14 Q. You testified that you receive the 15 bills. Do you recall receiving a medical bill 16 from a Dr. Martini with respect to a shot in 17 March?</p> <p>18 A. I received a bill from Carey 19 Chiropractic, which is where Dr. Martini works. 20 And the bill's date of service from Dr. Martini, 21 a injection on 3-1-2006.</p> <p>22 Q. And do you have that bill with you 23 in Atlanta?</p> <p>24 A. I have the bill with me. I just 25 took it downstairs to the car because I thought</p>

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<p>1 everybody was breaking, and I didn't know I was 2 going to testify, so I put it in the car, and my 3 husband took the other witness to the airport. 4 MR. COLBERT: That's fine. 5 MR. COLLINS: Just lay a foundation. 6 MR. COLBERT: Mr. Bock? 7 MR. BOCK: Sure. 8 9 EXAMINATION 10 BY MR. BOCK: 11 Q. First, Mrs. Gatlin, we want to thank 12 you for coming. Obviously, I think, probably a 13 lot of parents in this room. But I can't tell 14 you that we understand what you have been 15 through, and how you're feeling. But we do 16 empathize, so I'm going to try to make my 17 questions very brief. 18 I want to ask you, though, about 19 Trevor Graham. 20 And it -- from what I understand, 21 you had some concerns about Trevor Graham before 22 2006; is that fair? 23 A. No, it's not fair, because I really 24 didn't have any concerns per se about Trevor 25 Graham. I had concerns about any -- and</p>	<p>1 Q. About the number of athletes that 2 had testified positive. You are aware of those 3 articles? 4 A. After the fact, yes, sir. 5 Q. Okay. And so did those articles 6 cause you concern -- cause you to talk with 7 Justin about who was this Trevor Graham? 8 A. Those articles did cause us concern. 9 We talked about it. We -- as Justin was feeling 10 that, you know, all of this came out after the 11 Olympics, this was the first time, first time 12 that we ever, ever heard of any connection with 13 Trevor Graham and this BALCO and the syringe. 14 The whispers that we heard after 15 that still wasn't Trevor Graham, because people 16 were saying that, oh, it could have been John 17 Smith that turned it in. What we found out when 18 Trevor reported to the newspaper, that's when we 19 knew about Trevor's involvement as to what 20 happened back then. 21 Prior to that, we had no knowledge. 22 We didn't know anything or anything like that at 23 all. 24 Q. And that was in the summer of 2004? 25 A. Yes, it was.</p>
<p>1 anybody, if it wasn't Trevor Graham, anybody 2 else, that I was turning my child over to, to 3 enter into the professional world that we knew 4 nothing about. 5 Q. Okay. 6 A. Didn't matter who the coach was. My 7 concerns would have exactly been the same. 8 Q. And in -- your son has testified 9 earlier today -- and I know you weren't here -- 10 about how he was upset -- 11 (Cell phone rings.) 12 Q. Go ahead. 13 -- he was upset after he won the 14 100-meter championship in the Olympic Games, 15 which is an incredible accomplishment, that that 16 moment was interrupted by reporters focusing on 17 Trevor Graham, and his provision of the syringe 18 as part of the BALCO scandal. 19 A. Mm-hm. 20 Q. Did -- and there, then, were a 21 series of many, many articles in the 22 newspapers -- 23 A. Mm-hm. 24 Q. -- about Trevor Graham. 25 A. Mm-hm.</p>	<p>1 Q. Okay. And did you and Mr. Nehemiah 2 meet and discuss with Justin the process of 3 terminating this relationship with Trevor 4 Graham? 5 A. Everybody kind of talked about, 6 well, Trevor just doesn't look good or whatever. 7 And I distinctly remember in Athens in a 8 conference room with John Capriotti of Nike, 9 with U.S. Track and Field CEO, Craig Masback, 10 Tim Phelan of Nike, Renaldo Nehemiah, Justin and 11 myself was at a roundtable. 12 The only thing that was said at that 13 time about Trevor Graham -- and I believe that 14 it came from Craig Masback -- is that we need to 15 shut Trevor down, not let Trevor talk to the 16 media, and protect Justin. 17 Nobody said anything about, leave 18 him, you got to go. Nobody said anything about 19 that. 20 My question at that time was that if 21 all of you knew about Trevor or suspected about 22 Trevor, we didn't know anything. We didn't know 23 anything about track and field, other than high 24 school and what he had done in college. We 25 didn't know anything about any of these people.</p>

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<p>1 We didn't know them.</p> <p>2 Why were we not informed by somebody</p> <p>3 then, by saying, Well, you know, maybe you-all</p> <p>4 shouldn't go with Trevor Graham. Nobody told us</p> <p>5 anything. No one told us anything.</p> <p>6 The only response that I got to that</p> <p>7 was the fact that Trevor Graham was considered</p> <p>8 to be the hero that turned in the serum to clean</p> <p>9 up the sport, and he was a good guy in</p> <p>10 everybody's eyes. And if he was the good guy in</p> <p>11 their eyes, and they all had a lot more</p> <p>12 experience and knowledge than we did, because he</p> <p>13 was cleaning up the sport, why would we think</p> <p>14 any different. Nobody told us any different.</p> <p>15 Nobody said anything about bad guy, bad move.</p> <p>16 Q. So you never read any of the</p> <p>17 newspaper articles that raised doubts and</p> <p>18 concerns about him?</p> <p>19 A. I read newspaper articles, yes, I</p> <p>20 did. But you know what? Trevor was being paid</p> <p>21 by Nike and sent to us by Nike, just like Justin</p> <p>22 was being paid by Nike. Now, who do you</p> <p>23 believe? Do you believe the newspaper articles?</p> <p>24 Or do you believe the person that's paying you</p> <p>25 and the person that's paying your coach?</p>	<p>1 Q. Why is that?</p> <p>2 A. Because, I feel that -- and I'm</p> <p>3 going to say what I feel. I feel that if Trevor</p> <p>4 was Public Enemy Number 1 and everybody else</p> <p>5 involved did their job, we wouldn't be sitting</p> <p>6 here with Justin now.</p> <p>7 Q. So I take it from that comment that</p> <p>8 you hold Trevor responsible for the situation</p> <p>9 that Justin is in?</p> <p>10 A. No, you took it that way because</p> <p>11 that's the way you want to take it, but that's</p> <p>12 not what I said.</p> <p>13 Q. Do you hold him responsible in any</p> <p>14 way for your -- the situation that Justin is in</p> <p>15 right now?</p> <p>16 A. I hold the whole system responsible.</p> <p>17 Q. Okay. Can you narrow that any more?</p> <p>18 Is there any one individual that you hold</p> <p>19 responsible?</p> <p>20 A. Any one individual?</p> <p>21 Q. Yes.</p> <p>22 A. I have doubts, not only on whatever</p> <p>23 it is that's saying about Trevor, and I have</p> <p>24 doubts or whatever was said about Chris</p> <p>25 Whetstone. I have doubts that anybody has been</p>
<p>Page 390</p> <p>1 I read a newspaper article today</p> <p>2 that was totally wrong, the facts were all</p> <p>3 wrong, and if I wasn't involved in this and</p> <p>4 sitting here, I wouldn't have known that was</p> <p>5 wrong.</p> <p>6 Q. Has Trevor Graham ever in your</p> <p>7 experience and your knowledge, in his statements</p> <p>8 either to you, to your husband or to Justin,</p> <p>9 ever been untruthful or inaccurate regarding the</p> <p>10 issue of doping?</p> <p>11 A. To me?</p> <p>12 Q. Mm-hm.</p> <p>13 A. Absolutely not. Trevor has never</p> <p>14 said anything to me about any of this that has</p> <p>15 come out to be "You lied to me, Trevor."</p> <p>16 Q. And so do you still have the utmost</p> <p>17 faith and confidence in Trevor Graham?</p> <p>18 A. I don't have utmost faith and</p> <p>19 confidence in nothing and nobody.</p> <p>20 Q. Would you allow -- if it were your</p> <p>21 decision -- and I recognize that he's a man and</p> <p>22 can make his own decisions, but as his mother,</p> <p>23 if it were up to you, would you allow Justin to</p> <p>24 train with Trevor Graham anymore?</p> <p>25 A. Absolutely not. Absolutely not.</p>	<p>Page 392</p> <p>1 forthcoming and truthful. So I can't pinpoint</p> <p>2 one person, because I pinpoint everybody.</p> <p>3 Q. I appreciate your answering these</p> <p>4 questions.</p> <p>5 Did you keep in touch with Justin</p> <p>6 about his physical condition?</p> <p>7 A. Of course. I spoke to Justin almost</p> <p>8 on a daily basis.</p> <p>9 Q. Were you aware of his physical</p> <p>10 condition in April of 2006?</p> <p>11 A. April in 2006?</p> <p>12 Q. Yes, ma'am. The positive tests came</p> <p>13 from a urine sample provided on April 22nd,</p> <p>14 2006.</p> <p>15 A. The notification came to me before</p> <p>16 it got to him.</p> <p>17 Q. Yeah, I know. And that came in</p> <p>18 June. But I am just trying to make sure we're</p> <p>19 talking about the same time period.</p> <p>20 A. As far as I know, there was no</p> <p>21 April, when he ran? When he ran in April and</p> <p>22 got the positive test, are you talking about a</p> <p>23 physical condition then?</p> <p>24 Q. Yeah, I'm just wondering if during</p> <p>25 that month, he complained to you about any</p>

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<p>1 physical hardship that he was facing.  2 A. It was before April. It was back in  3 March that he complained about, he had -- he had  4 a hamstring that was -- he didn't say pulled,  5 but he had a hamstring that was irritated,  6 aggravated or whatever, and that that's -- was  7 one of the issues that he had, but that was  8 March. When he got back out there on the track  9 in April, he was fit; otherwise, he wouldn't  10 have been out there.  11 Q. Is it possible that he had hamstring  12 issues in April?  13 A. Anything is possible, but unlikely.  14 I don't know. I don't know. Anything is  15 possible.  16 The thing is, I'm assuming that if  17 my son and any other athlete is hurt, then  18 they're not going to go out there and run.  19 Q. Okay. Were you informed of any  20 injections that Justin received in his legs?  21 A. Yes.  22 Q. Could you describe those, please?  23 A. I know about the one that we  24 testified about, Dr. Martini. And then I was  25 told that Justin received a B12 -- by Justin</p>	<p>1 he was going to take such good care of Justin,  2 and we knew from the first test how rigid USADA  3 is, and how the system, in my mind, failed him  4 the first time around, and we could not take any  5 chances for it to happen Number 2. And that  6 would have -- conversation would have took place  7 with anybody. It wouldn't have mattered if it  8 was Trevor or you that was his coach, you would  9 have got the same conversation.  10 Q. Does that refer to the fact that you  11 realized that the next time there would be a  12 doping issue, it was going to be embarrassing.  13 A. Of course. Of course. That's why  14 all the care was taken.  15 MR. BOCK: Okay.  16 Mrs. Gatlin, thank you for your  17 time.  18 MR. COLLINS: I have got two  19 questions.  20  21 EXAMINATION  22 BY MR. COLLINS:  23 Q. First, with respect to your handling  24 of finances, do you recall an issue with respect  25 to a bonus and Chris Whetstine in December of</p>
<p>Page 394</p> <p>1 that he received a B12 shot from Randall when he  2 and Trevor came over to his house, based on his  3 pulling his hamstring.  4 Q. When did you first find out about  5 that?  6 A. Probably, I don't know, April.  7 Q. April when? Of which year?  8 A. Well, all of this was in '06, so it  9 had to be '06.  10 Q. Okay.  11 A. Has to be '06. March 12th, end of  12 March, first of April, whatever, around there,  13 first week before, because he was complaining  14 that he was hurt.  15 And I said, Well, are you all right?  16 Are you ready to go?  17 And, yeah, I got the shot -- B12  18 shot, and I will be ready.  19 Q. And you made a comment about a  20 statement that you had made to Justin's coach,  21 Trevor Graham. You said, You cannot do anything  22 that creates problems or trouble. He does have  23 a strike against him.  24 What were you referring to --  25 A. We were referring to the fact that</p>	<p>Page 396</p> <p>1 '05?  2 A. Yes.  3 Q. Could you explain that?  4 A. Chris Whetstine asked Justin to give  5 him a \$5,000 bonus in December '05, once it came  6 out, in Track and Field magazine, Number 1  7 athlete in the world.  8 I told Justin that we're not giving  9 Chris anything, because Chris does not work for  10 you. Chris is hired and works for Nike. If he  11 thinks he deserves a bonus, then he needs to get  12 his bonus from his employer.  13 I got on the phone, and I called  14 John Capriotti of Nike, and I said, Chris wants  15 Justin to pay him a \$5,000 bonus. John  16 Capriotti got angry, and I dare he tell -- he  17 call an athlete -- and da-da-da-da-da-da -- and  18 he doesn't have any right asking the athlete for  19 money and this and that, and everything like  20 that.  21 And I said, Well, he did.  22 So Chris did not get the bonus.  23 Q. And my other question was: At any  24 time after the Olympics in 2004 when Trevor  25 Graham indicated that he had turned in the</p>



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1 syringe, did you receive any information from  
 2 USADA that it had information about Trevor  
 3 Graham that would cause pause for one to train  
 4 with him?  
 5 A. We did not get that information from  
 6 USADA. We did not get that information from USA  
 7 Track and Field. We did not get that  
 8 information from Nike. Not one single entity  
 9 involved in the situation ever gave us any  
 10 indication that Justin needs to move.  
 11 MR. COLLINS: I have nothing further.  
 12 MR. BOCK: I don't have any  
 13 questions.  
 14 MR. COLBERT: Mrs. Gatlin, thank you  
 15 very much for your time.  
 16 MR. CAMPBELL: I have a few  
 17 questions.  
 18  
 19 EXAMINATION  
 20 BY MR. CAMPBELL:  
 21 Q. Mrs. Gatlin, you said that the first  
 22 instance when Mr. Gatlin tested positive, the  
 23 system failed him. Could you explain to me what  
 24 those failures were?  
 25 A. To me, the system failed him,

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1 because Justin was diagnosed at nine years old.  
 2 At this particular time, Justin was 19 years  
 3 old. He had been under medication for ten  
 4 years. United States government has programs in  
 5 place to protect people with disability. In  
 6 school, from K through college, his collegiate  
 7 records had all of that information, all of that  
 8 information.  
 9 So my feeling is that the system  
 10 failed him because you have our federal  
 11 government protecting you on your right -- or  
 12 the right side -- right hand, making sure you  
 13 get your education, making sure that programs,  
 14 tutors, and everybody else are involved to give  
 15 you that education; and then we have USADA on  
 16 the other side, which is still part of this same  
 17 United States government, crucifying him for  
 18 something that you recognize as a disability  
 19 here, but use it as a drug offense over here.  
 20 Justin was an athlete second, and a  
 21 student first. He was a student athlete.  
 22 Justin's medication depended on his tests that  
 23 he had to take prior going to the junior  
 24 nationals. He took his medication. And he was  
 25 off his medication for three or four days,

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1 because he knew he was going to Nationals.  
 2 When they said he got a drug test  
 3 and he was charged with drugging for  
 4 amphetamines, we didn't even know what an  
 5 amphetamine was. Had no clue what an  
 6 amphetamine was.  
 7 Q. Isn't it true that USADA actually  
 8 helped you in trying to get Mr. Gatlin  
 9 reinstated?  
 10 A. According to John Collins, yes.  
 11 According to John Collins, yes.  
 12 Q. And are you familiar with any other  
 13 facts of the case with respect to Mr. Gatlin, on  
 14 the first, for his first offense? Were you  
 15 involved with any decision-making going on in  
 16 that case?  
 17 A. John and I talked on the phone.  
 18 Q. I don't want to talk about your  
 19 conversation.  
 20 A. Okay. The only thing I know is that  
 21 they were trying to work out something where  
 22 they reinstated him early, and he got back out  
 23 there on the track -- well, he didn't get back  
 24 out there on the track because he was still in  
 25 school or whatever; and the statement that was

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1 made that they did not believe that Mr. Gatlin  
 2 was a drug cheat or intended to cheat in any way  
 3 whatsoever, nor did the medication gave him an  
 4 edge.  
 5 So, I thought if that was a  
 6 statement that they came out with, that was  
 7 favorable. That was favorable. At least,  
 8 people know that he wasn't drugging.  
 9 Q. And that was the extent of the  
 10 knowledge that you had about the agreement that  
 11 was reached with IAAF?  
 12 A. Yes. Yes.  
 13 MR. COLBERT: Thank you, Mrs. Gatlin.  
 14 I think that's all the questions of the panel or  
 15 the parties have. Thank you very much. I'm  
 16 sorry it's taken so long.  
 17 MRS. GATLIN: That's okay.  
 18 MR. COLBERT: You may be asked  
 19 tomorrow a question about the document to  
 20 identify it, but that will be very short and  
 21 brief.  
 22 MRS. GATLIN: That's okay.  
 23 MR. COLBERT: Is that all right?  
 24 MRS. GATLIN: That is fine.  
 25 MR. COLBERT: All right. Thank you

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<p>1 very much. You are excused.  2 So, we're adjourned here until  3 tomorrow, 8:00?  4 MR. TYGART: Yeah, that's fine.  5 Unless you were going to call Dr. Black.  6 MR. COLLINS: I never got the fax, so  7 I don't want to have the same issue. As soon as  8 I get it, I will send it over to you.  9 (Recessed at 7:20 p.m.)  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>	<p>1 Q. You can't recall?  2 A. I can't recall, no.  3 MR. COLLINS: Just -- I'm sorry.  4 This is after -- this is when? May 28th --  5 MR. BOCK: May 28th, 200- --  6 MR. COLLINS: -- so this is after the  7 test.  8 MR. BOCK: Yes.  9 MR. COLLINS: I just wanted to make  10 sure.  11 Q. (By Mr. Bock) Then where did you  12 stay at the Prefontaine Classic?  13 A. I stayed in the athletes' hotel.  14 Usually, they set up a hotel, that's usually for  15 all the athletes.  16 Q. Where did Mr. Whetstine set up his  17 station?  18 A. As far as I know, he had a hotel  19 room as well.  20 Q. How about at the track, where did he  21 set up his massage table?  22 A. He set up his massage table in the  23 warmup area where all the other tables were set  24 up.  25 Q. In the where?</p>
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<p>1 (Proceedings commenced at 8:00 a.m.  2 on Tuesday, July 31, 2007; all the same parties  3 were present. Also present were Justin Gatlin,  4 Mr. and Ms. Gatlin and Visie Sims.)  5 THE REPORTER: Just remind you of your  6 oath from yesterday.  7 WHEREUPON,  8 JUSTIN GATLIN,  9 the Respondent herein, having been reminded of  10 his oath to state the whole truth, testified as  11 follows:  12 EXAMINATION  13 BY MR. BOCK:  14 Q. Mr. Gatlin, you recognize that you  15 are still under oath; is that correct?  16 A. Yes.  17 Q. I want to talk with you about a  18 doping control test that took place at the Nike  19 Prefontaine Classic on May 28th, 2006.  20 A. Okay.  21 Q. Can you tell me about the  22 Prefontaine, and when did you come into town?  23 A. I'm not sure on that date, when I  24 exactly came in town. Usually, before we come  25 in town, maybe, a day or two earlier.</p>	<p>1 A. Warmup area.  2 Q. Where was that?  3 A. Warmup area, okay. Well, if the  4 track was right here, it was adjacent to it.  5 This would be the competition track, and this  6 would be the warmup area. It's a smaller  7 version of the bigger track.  8 Q. Is that indoors or outdoors?  9 A. It was outdoors.  10 Q. And what do you recall in terms of  11 the rubdowns that you received from  12 Mr. Whetstine in relation to the Prefontaine?  13 A. The rubdowns, meaning after my race  14 or --  15 Q. Meaning, what treatment did you  16 receive from him?  17 A. I remember getting a rubdown  18 afterwards in the same fashion.  19 Q. When you say "in the same fashion,"  20 what do you mean?  21 A. After I finished running, he made an  22 aggressive attempt to rub me down before I went  23 to press conference or drug testing.  24 Q. And your testimony earlier was that  25 when he was coming after you to rub you down, he</p>