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| <p>1 was just doing his job; is that right?</p> <p>2 A. Yes.</p> <p>3 Q. That's what you believed?</p> <p>4 A. Yes.</p> <p>5 Q. And, in fact, he had been chastised</p> <p>6 by Trevor Graham for not coming after you and</p> <p>7 rubbing you down immediately after a race?</p> <p>8 A. Not at that meet, but --</p> <p>9 Q. At Mt. SAC?</p> <p>10 A. Yes. Yes.</p> <p>11 Q. And one time when he came after you,</p> <p>12 rubbed you down, you told Trevor, Hey, let him</p> <p>13 do his job?</p> <p>14 A. I did.</p> <p>15 Q. Do you recall any other treatment</p> <p>16 that you received from Mr. Whetstine at</p> <p>17 Prefontaine?</p> <p>18 A. Rubdown, flush, that's all I can</p> <p>19 remember.</p> <p>20 Q. Do they occur one time, two times,</p> <p>21 three times, four times?</p> <p>22 A. I can't remember how many times.</p> <p>23 Q. You don't remember how many times.</p> <p>24 All right. And were you taking</p> <p>25 Voltaren at the Prefontaine?</p> | <p>1 Q. And did you believe that he was</p> <p>2 using Voltaren cream on you throughout 2006?</p> <p>3 A. Yes.</p> <p>4 Q. How about the Reebok Classic, which</p> <p>5 took place in early June of 2006. Do you recall</p> <p>6 that event?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And that took place in New York?</p> <p>9 A. Yes.</p> <p>10 Q. And your testimony on direct was</p> <p>11 that you were drug-tested about two days after</p> <p>12 that event on 6-5-06?</p> <p>13 A. Yes, I was.</p> <p>14 Q. At the Reebok Classic, what do you</p> <p>15 recall about Mr. Whetstine's activities in</p> <p>16 relation to you?</p> <p>17 A. Actually, getting worked on, and</p> <p>18 using his new procedures, and also trying to get</p> <p>19 to me or work on me before press conference and</p> <p>20 drug testing after the race.</p> <p>21 Q. So you weren't drug-tested at that</p> <p>22 event, were you?</p> <p>23 A. No, sir.</p> <p>24 Q. So there wasn't a drug testing for</p> <p>25 you after that event?</p> |
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| <p>1 MR. COLLINS: Objection. I'm not</p> <p>2 sure what he means and need some clarification</p> <p>3 as to the question. Voltaren could be taken by</p> <p>4 a pill. What does he mean --</p> <p>5 MR. BOCK: Can you allow me to ask</p> <p>6 the questions and clarify? What is the</p> <p>7 objection?</p> <p>8 MR. COLLINS: I asked for --</p> <p>9 MR. COLBERT: You are asking for</p> <p>10 clarification?</p> <p>11 MR. COLLINS: Yeah.</p> <p>12 MR. COLBERT: Can you ask the</p> <p>13 question again, Mr. Bock?</p> <p>14 MR. BOCK: I would like to ask and</p> <p>15 then follow up with questions rather than to</p> <p>16 have to meet Mr. Collins' standard every time I</p> <p>17 ask a question.</p> <p>18 Q. (By Mr. Bock) Did you use Voltaren</p> <p>19 at the Prefontaine clinic?</p> <p>20 A. None that I know of orally. If</p> <p>21 Chris Whetstine used it on my body, that's the</p> <p>22 only way it would have been used.</p> <p>23 Q. Okay. Did you believe that he was</p> <p>24 using Voltaren cream on you at Prefontaine?</p> <p>25 A. Yes, that's what I was told.</p> | <p>1 A. No. I mean, you don't know if you</p> <p>2 are going to get drug-tested or not, and usually</p> <p>3 by being a successful runner, you always think</p> <p>4 you're going to get drug-tested, so I was not</p> <p>5 drug-tested. I was more surprised that I did</p> <p>6 not get drug-tested than if I did get</p> <p>7 drug-tested.</p> <p>8 Q. So, when you said that he made an</p> <p>9 aggressive attempt to get to you before drug</p> <p>10 testing, what does that mean?</p> <p>11 A. Well, like he said, he made the</p> <p>12 attempt to use his technique as using cream on</p> <p>13 my body and my legs before a press conference or</p> <p>14 before a drug testing. Usually, like basically</p> <p>15 I said yesterday, he works on me after my races,</p> <p>16 and after all the things that I go through, that</p> <p>17 comes with the racing.</p> <p>18 Q. How many events did you run at</p> <p>19 Reebok?</p> <p>20 A. I ran one event.</p> <p>21 Q. What event was that?</p> <p>22 A. The 100 meters.</p> <p>23 Q. So, was it your understanding he was</p> <p>24 using Voltaren cream at the Reebok event?</p> <p>25 A. Yes, sir.</p> |

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| <p>1 Q. And was it this peanut-buttery 2 substance that you described yesterday? 3 A. I would say not in the color of 4 peanut butter, but the substance, as it was 5 smeared and gooked, yes. 6 Q. I'm trying to get a better feel for 7 when your attorney referred to it as peanut 8 butter, was it really sticky? 9 A. I would say as in the thickness, as 10 he was smearing peanut butter onto the bread, 11 it's hard to smear it on full all the whole way 12 around the whole bread, so it caked. 13 Q. And that was consistent every time 14 he worked on you in 2006? 15 A. Pretty much so in different 16 fashions, yes. 17 Q. And as far as you know, it was the 18 same substance that was rubbed on you at every 19 time Mr. Whetstine did a massage on you in 2006? 20 A. As far as I know. 21 Q. And the first time he put that 22 substance on you was where? Which event? 23 A. Event? It happened in March. 24 Q. And where was that, at training in 25 North Carolina?</p> | <p>1 sure that here people were sometimes, even in 2 front of me to get worked on, and I didn't want 3 anybody to think that this was my masseuse. He 4 was employed by Nike. 5 Q. The Penn relays were on April 29th, 6 2006, right? 7 A. Yes, sir. 8 Q. At those relays or in the one or two 9 days before, did you get a rubdown with the 10 Voltaren cream from Mr. Whetstine? 11 A. I got a standard work on flush, I 12 would say that it was straight massage cream. 13 Q. Straight massage -- 14 A. I don't recall. 15 Q. You don't recall -- you don't know 16 for sure. 17 A. No. 18 Q. All right. April 29, 2006, the Penn 19 relays, do you recall where Mr. Whetstine set up 20 his table? 21 A. We have a bullpen, it's called a 22 bullpen where professional athletes are 23 corralled into a -- pretty much a circle, and 24 it's bordered by either benches or gates or 25 railings. And usually, that's where all the</p> |
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| <p>1 A. Yes, sir. 2 Q. And did the substance have that 3 tingly feel in March? 4 A. I can't remember. 5 Q. You can't remember. Did it have 6 that tingly feel at the Prefontaine Classic? 7 A. I can't remember. 8 Q. Did it have that tingly feel at the 9 Reebok Classic? 10 A. Not to my recollection. I can't 11 remember that. 12 Q. Did it have that tingly feel at the 13 Penn relays? 14 A. He didn't work on me. He didn't 15 smear it on me at the Penn relays. I was still 16 running more than one event. 17 Q. That's the only event where he 18 didn't use Voltaren cream on you at all? 19 A. No, not afterward, because I was 20 still running more than one event, multi-events, 21 and he had other people to work on as well. I 22 was never -- I was never stingy with his time, 23 and so I didn't put it as in, this is Justin 24 Gatlin's masseuse; it was a Nike masseuse, and I 25 understood that from the beginning. So I made</p> | <p>1 athletes sit inside, and they get their clothes 2 on, and they put their spikes on, so he set up 3 his table inside the bullpen. 4 Q. When you got your post-race rubdowns 5 from Mr. Whetstine, would you be on his table? 6 A. Yes. 7 Q. Were you on his table at the 8 Prefontaine Classic? 9 A. Before or after? 10 Q. After. 11 A. Because I was on his table, when I 12 would get stretched before a race. 13 Q. At the Prefontaine after the 14 competition? 15 A. No, he came up to me. I wasn't on 16 his table. 17 Q. Okay. And did he rub you down on 18 the table at the Prefontaine after your race? 19 A. No, he didn't. 20 Q. So he gave you the rubdown while you 21 were standing up? 22 A. Yes, sir. 23 Q. And at the Penn relays, was the 24 rubdown while you were standing up, after your 25 competition?</p> |

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| <p>1 A. I didn't get a rubdown at the Penn 2 relays. 3 Q. I'm sorry, you are right. 4 And at the Reebok event in New York, 5 was the rubdown standing up? 6 A. It was, sir. 7 Q. Now, you described some events on 8 April the 22nd, 2006, and at the Kansas Relays 9 and have gone through a number of different 10 events and uses of creams, and the only one that 11 you can recall that tingled was at the event in 12 Kansas; is that right? 13 A. Yes, sir. 14 Q. And at which time did the 15 application of the cream tingle when you were in 16 Kansas? 17 A. At what time? 18 Q. I mean, you have testified that he 19 rubbed you down three times while you were in 20 Kansas, right, with the Voltaren cream? 21 A. Yes. 22 Q. And the first one, you testified 23 occurred after midnight, so, it would have been 24 early morning on Friday? 25 A. Yes.</p> | <p>1 feeling. Nothing to alarm you, you know, that 2 something felt odd or weird at that point in 3 time. 4 Q. Did you make any inquiry at the 5 time? This feels different, you know, did you 6 use a different cream on me or something? 7 A. At that point in time, when I felt 8 the sensation, Chris Whetstine was not around, 9 so I couldn't speak to anybody. 10 Q. So you started to feel that way 11 after you had already been rubbed down? 12 A. Yeah, the sensation did not last 13 long. It wasn't like it lasted for hours. 14 Q. Okay. And that's the only time that 15 you can recall that you felt anything different 16 about the cream that was used on you? 17 A. As far as I can remember. 18 Q. Now, your testimony under direct 19 from Mr. Collins was he had new Voltaren creams. 20 When you talked with Mr. Whetstine at the 21 beginning of the 2006 season, he was excited 22 about some of the new things he was going to do; 23 do you recall that? 24 A. Yes, I do. 25 Q. And he testified that he had some</p> |
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| <p>1 Q. And then you testified that -- and 2 then you testified that you were rubbed down 3 with that cream on Friday afternoon; is that 4 right? 5 A. Yes. 6 Q. And then you also testified that 7 immediately following your race on Saturday, you 8 were rubbed down? 9 A. I was. 10 Q. And in which of those instances did 11 the cream tingle? 12 A. To my recollection, it was the one 13 after, immediately after my race. 14 Q. And that's the only one that you can 15 recall, the only time that the cream tingled? 16 A. Yes, sir. 17 Q. And when the cream tingled, what was 18 your response? Tingled, I suppose could mean 19 different things to different people. What does 20 it mean to you? 21 A. Like a Vick's VapoRub or a BenGay 22 sensation. 23 Q. Okay. 24 A. Nothing that hurt my legs maybe to 25 feel like it was working, you know, that kind of</p> | <p>1 new Voltaren creams; is that right? 2 A. Yes, sir. 3 Q. So they were new, meaning they were 4 different than in 2005? 5 A. As far as I'm concerned, that's what 6 he said, yeah. 7 Q. And did you -- what did he tell you 8 about these new Voltaren creams? 9 A. He just said that it helps with the 10 fatigue better than it did with the previous 11 creams, and he also implied that the stiffness 12 on my joints that the acupuncture would help, 13 and also mixed with the Tecar machine that it 14 would help with the lasting ability with my 15 running and able to come back on the track 16 better. 17 Q. Did he tell you anything about what 18 new substances were in the Voltaren cream, if 19 any? 20 A. When he said Voltaren cream, new 21 Voltaren cream, I figured it was Voltaren cream. 22 Q. Did you ask him what was new about 23 the cream? 24 A. No, I didn't. 25 Q. Did you ask him to take a look at</p> |

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| <p>1 the label on the cream?</p> <p>2 A. No, I didn't.</p> <p>3 Q. So at any time, did you ask him to</p> <p>4 take a look at the label on the cream?</p> <p>5 A. No.</p> <p>6 Q. And is it fair to say -- well, never</p> <p>7 mind.</p> <p>8 Is it fair to say that you don't</p> <p>9 know the contents of any cream that was rubbed</p> <p>10 on you by Chris Whetstine?</p> <p>11 A. Other than what he has told me.</p> <p>12 Q. And what has he told you?</p> <p>13 A. That it was a Voltaren cream, and</p> <p>14 all was legal, and was certified to use it.</p> <p>15 Q. Did he tell you about the substances</p> <p>16 in any other creams he used?</p> <p>17 A. No.</p> <p>18 Q. Did he only use Voltaren cream?</p> <p>19 A. He used Voltaren cream, and he used</p> <p>20 massage cream. He wouldn't use Voltaren cream</p> <p>21 to do a flush. He used, like, massage cream to</p> <p>22 do a flush, so, as far as I know, he had like</p> <p>23 two different types of creams.</p> <p>24 Q. In addition to the creams that</p> <p>25 Mr. Whetstine would put on your body, was there</p> | <p>1 A. No.</p> <p>2 Q. Did anybody else use the Tecar</p> <p>3 machine?</p> <p>4 A. Felix Sanchez, who is a 2005 world</p> <p>5 champion.</p> <p>6 Q. I'm sorry, bad question. Did</p> <p>7 anybody else operate it on you?</p> <p>8 A. No.</p> <p>9 Q. Only Mr. Whetstine?</p> <p>10 A. Only Mr. Whetstine.</p> <p>11 Q. And how about ultrasound equipment?</p> <p>12 A. No.</p> <p>13 Q. How about did your coaches, did they</p> <p>14 ever use the ultrasound equipment?</p> <p>15 A. No.</p> <p>16 Q. Maybe the thing to do -- well, let</p> <p>17 me back up. I want to take you now to June the</p> <p>18 15th, 2006. Probably one of the days of your</p> <p>19 life you would probably rather forget, I'm sure,</p> <p>20 and start there. Tell me what your first</p> <p>21 thoughts were about what might have caused this</p> <p>22 positive test result.</p> <p>23 A. At that point in time, I had no idea</p> <p>24 what could have caused the positive result. I</p> <p>25 took it upon myself, as you know, to take action</p> |
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| <p>1 a gel that was used for the Tecar machine?</p> <p>2 A. There was.</p> <p>3 Q. Because that's like an ultrasound</p> <p>4 machine?</p> <p>5 A. Yes.</p> <p>6 Q. What was the content of that gel?</p> <p>7 A. As far as I know, it was -- it's a</p> <p>8 specific gel that comes with the Tecar machine,</p> <p>9 because a certain gel that you can't use, that I</p> <p>10 know, for like ultrasound machines, because, it</p> <p>11 will burn the sound head of the ultrasound</p> <p>12 machine, like definitely harm your skin, harm</p> <p>13 your body, it can give you up to third-degree</p> <p>14 burns.</p> <p>15 Q. I guess my question is what is the</p> <p>16 content of those gels?</p> <p>17 A. I'm not sure.</p> <p>18 Q. Did you ever inquire about what was</p> <p>19 in the gels that were being placed on you to use</p> <p>20 the Tecar machine?</p> <p>21 A. I asked him once, and he gave me --</p> <p>22 it was a combination of massage creams, and</p> <p>23 ultrasound makeup.</p> <p>24 Q. But the specific ingredients, you</p> <p>25 were never told?</p> | <p>1 to find out if any of my supplements were</p> <p>2 tampered with. Later on, find out if anyone had</p> <p>3 any bad blood towards me. I just felt that -- I</p> <p>4 looked at everybody at that point in time, as a</p> <p>5 suspect, even my training partners. I was very</p> <p>6 confused. I was very upset. Very distraught.</p> <p>7 It was very confusing time for me.</p> <p>8 Q. And one of the first things that you</p> <p>9 did was contact an attorney; is that right?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And one of the first things they did</p> <p>12 was hire an investigator?</p> <p>13 A. Yes.</p> <p>14 Q. And you were competing in</p> <p>15 Indianapolis -- when did you get to Indianapolis</p> <p>16 for the national championships in June?</p> <p>17 A. I don't remember the specific date</p> <p>18 when I got there. Usually, you get there, maybe</p> <p>19 three or four days earlier before the meet</p> <p>20 begins, so you have time to stretch your legs,</p> <p>21 basically, and warm up, and get a feel for the</p> <p>22 track.</p> <p>23 Q. And if my recollection is correct,</p> <p>24 you won the national championship on June the</p> <p>25 23rd in the 100 meters, and that was a Sunday;</p> |

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| <p>1 is that right?</p> <p>2 A. Yes, sir.</p> <p>3 Q. So you got there maybe like June</p> <p>4 19th?</p> <p>5 A. I would say probably the 18th.</p> <p>6 Q. 18th. So you got there a few days</p> <p>7 after you found out about the positive test</p> <p>8 result?</p> <p>9 A. I did.</p> <p>10 Q. And you actually hired an</p> <p>11 investigator in Indianapolis?</p> <p>12 A. Yes.</p> <p>13 Q. And did you subsequently find out --</p> <p>14 you said that that investigator actually talked</p> <p>15 with Chris Whetstine; is that right?</p> <p>16 A. Yes.</p> <p>17 Q. And I assume that you took a</p> <p>18 statement from him or wrote down the</p> <p>19 observations of what Mr. Whetstine said?</p> <p>20 A. I'm not sure.</p> <p>21 Q. Did you ask your attorneys about</p> <p>22 that?</p> <p>23 A. I did later on.</p> <p>24 Q. And then you hired a second group of</p> <p>25 investigators from New York?</p> | <p>1 Q. And you recognize that USADA has</p> <p>2 been given no information about any testing on</p> <p>3 those creams by Mr. Whetstine; is that right?</p> <p>4 A. You are the first to tell me that.</p> <p>5 Q. Do you have any information that</p> <p>6 would lead you to believe that those creams were</p> <p>7 tested?</p> <p>8 A. Other than Dr. Black is a very</p> <p>9 respected and well-recognized chemist.</p> <p>10 Q. Did the investigators that you hired</p> <p>11 from New York taken a written statement from</p> <p>12 Mr. Whetstine?</p> <p>13 A. They did.</p> <p>14 Q. And can I ask why that statement</p> <p>15 hasn't been produced in these proceedings or</p> <p>16 given to USADA?</p> <p>17 MR. COLLINS: Objection. He's asking</p> <p>18 attorney/client privilege. There was a report</p> <p>19 made. It's work product.</p> <p>20 MR. CAMPBELL: In anticipation of</p> <p>21 litigation, correct?</p> <p>22 MR. COLLINS: Right, so, I don't have</p> <p>23 to turn it over.</p> <p>24 Q. (By Mr. Bock) Let me ask you this:</p> <p>25 Have you ever asked your attorney to turn that</p> |
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| <p>1 A. Yes, sir.</p> <p>2 Q. And they actually went out and met</p> <p>3 with Mr. Whetstine in Oregon; is that correct?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And Mr. Whetstine gave them the</p> <p>6 creams that he was using; is that correct?</p> <p>7 A. From what I know.</p> <p>8 Q. And to your knowledge, those creams</p> <p>9 were never tested, correct?</p> <p>10 A. Those creams were given to my</p> <p>11 lawyers, and from my lawyers they were given to</p> <p>12 Dr. Black.</p> <p>13 Q. Okay. And do you know if they were</p> <p>14 ever tested?</p> <p>15 A. At that point in time, I did not</p> <p>16 know if they were tested or not, because we had</p> <p>17 a rift with the lawyer at that point in time.</p> <p>18 And I went with John Collins, and a lot of</p> <p>19 information was not handed over.</p> <p>20 Q. And I asked you about it yesterday,</p> <p>21 in your examination, you may recall, so, did you</p> <p>22 have the opportunity to find out whether those</p> <p>23 creams from Mr. Whetstine were ever tested?</p> <p>24 A. Personally, I did not. I don't</p> <p>25 remember.</p> | <p>1 report over?</p> <p>2 A. I don't know the ins and outs of how</p> <p>3 to be a lawyer. As far as I know, the report</p> <p>4 was talked about to my lawyers. From that point</p> <p>5 in time, I don't know any other information</p> <p>6 about that.</p> <p>7 Q. Are there other statements that the</p> <p>8 investigators have taken that have not been</p> <p>9 provided to this panel and sent to USADA, to</p> <p>10 your knowledge?</p> <p>11 MR. COLLINS: Objection. Same one.</p> <p>12 MR. COLBERT: It sounds --</p> <p>13 MR. BOCK: I don't know that the</p> <p>14 content, whether a report exists is not</p> <p>15 privileged. The content of your communications,</p> <p>16 Mr. Gatlin made --</p> <p>17 MR. COLLINS: Work product is more</p> <p>18 than my communication.</p> <p>19 MR. COLBERT: Work product is a</p> <p>20 little different from attorney/client</p> <p>21 communication, to the extent that it's work</p> <p>22 product by counsel makes even the existence of</p> <p>23 it privileged.</p> <p>24 MR. BOCK: They went into it on</p> <p>25 direct examination.</p> |

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| <p>1 MR. COLBERT: Well, I think you asked 2 him, if there's anything other than what was 3 testified to on direct examination, which would 4 take it outside the scope of cross. 5 MR. BOCK: Okay. 6 MR. COLBERT: I think that's the way 7 you phrased it. Is there anything else other 8 than what you have already talked about? 9 MR. BOCK: Other than the -- yes, you 10 are right. That was my question. So your 11 ruling is? 12 MR. COLBERT: My ruling is, to the 13 extent that you are asking for work product, 14 investigative reports, et cetera, prepared by 15 Mr. Collins and not produced in this case and 16 not submitted on direct, then it's privileged. 17 Q. (By Mr. Bock) You did testify about 18 a report that was prepared by Memo. Do you 19 recall that? 20 A. Yes, I do. 21 Q. And my recollection of your 22 testimony is that that was not instigated by 23 your attorney, but was instigated by you and 24 Mr. Nehemiah; is that correct? 25 A. It was brought on by my agent, yes.</p> | <p>1 because we didn't know what the chemical 2 compound of the cream that was put on me was, 3 and we figured that he would know, because 4 just -- because at that point in time, we know 5 that he was cooperating with the government, so 6 ... We figured if he was cooperating, and I was 7 cooperating, we were on the same side at that 8 point in time. 9 Q. But you contacted him because you 10 knew of his association with Trevor Graham. 11 Isn't that what you testified to on direct 12 examination? 13 A. I did not contact him. My agent 14 contacted him. 15 Q. Had your agent contacted him because 16 of his association with Trevor Graham, correct? 17 A. I did not have my agent contact him. 18 I did not order him contacted. My agent 19 contacted him, and brought it through me, and 20 felt at that point in time, it would be a good 21 idea to at least talk to him, and see what he 22 had to offer. 23 Q. Because he was associated in the 24 past with Trevor Graham? 25 A. Him being associated with Trevor</p> |
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| <p>1 Q. And that report also was -- that 2 report was provided directly to you and your 3 agent in written form; is that correct? 4 A. To my agent, yes. 5 Q. And that report has never been 6 provided to this panel or to USADA; is that 7 correct? 8 A. I don't know. 9 Q. What was in Memo's report? 10 A. Just the levels of my positive test, 11 and the T/E ratios, as far as I'm concerned. 12 Q. How about comments about creams that 13 were used by Trevor Graham? 14 A. No, not that I know of. 15 Q. But that was one of the reasons that 16 you went to him, right? Because he had 17 familiarity with what Trevor Graham did? 18 A. He was familiar in that area, that 19 subject, not by -- we didn't ask him anything 20 about Trevor Graham. We asked him about certain 21 creams. 22 Q. But the reason that you contacted 23 him was because the -- in the papers, it was 24 known that he worked with Trevor Graham, right? 25 A. The reason we contacted him was</p> | <p>1 Graham, at that point in time, I felt, had 2 nothing to do with what was going on with me. I 3 was trying to find out what was in my system to 4 exonerate myself. 5 Q. I took notes on your first 6 examination, and do you recall testifying about 7 the newspaper showing you that that he was known 8 to be working with Trevor Graham or to have 9 worked with Trevor Graham? 10 A. I know that he knows Trevor Graham, 11 and he has a history with Trevor Graham. 12 Like I said, my motive to contact 13 with him had nothing to do with Trevor Graham. 14 My motive to contact him was to find out what 15 was in my system, and could he find out what was 16 in my system. Nothing to do with Trevor Graham. 17 Q. And at the time that you contacted 18 him, you were cooperating with the government, 19 correct? 20 A. Yes, I was. 21 Q. And this was November of 2006? 22 A. Yes. 23 Q. And your communications with him 24 took place over a several-month period; is that 25 right?</p> |

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| <p>1 A. Yes.</p> <p>2 Q. So approximately February 2007?</p> <p>3 A. I can't put a pinpoint date on it,</p> <p>4 and with the communication with him, it was</p> <p>5 usually through more than one person. It was</p> <p>6 usually through a conversation that he had with</p> <p>7 my parents, and they were relaying the message</p> <p>8 to me or with my agent. I tried to really stay</p> <p>9 away from having any kind of direct contact with</p> <p>10 this person.</p> <p>11 MR. BOCK: Do you have an extra copy</p> <p>12 or can he use your copy of our exhibits, I'm</p> <p>13 sorry?</p> <p>14 MR. COLLINS: This one here?</p> <p>15 MR. BOCK: Or maybe --</p> <p>16 MR. TYGART: Here's one.</p> <p>17 MR. COLBERT: I have a set right</p> <p>18 here.</p> <p>19 MR. BOCK: That's okay. We will use</p> <p>20 this. Thank you.</p> <p>21 MR. CAMPBELL: Travis, did you get</p> <p>22 that updated spreadsheet?</p> <p>23 MR. TYGART: She's still working on</p> <p>24 it. Actually, I think it was sent overnight to</p> <p>25 here with the colored photos of the text, so</p> | <p>1 U.S. Track and Field worker, employee.</p> <p>2 Q. Do you know him?</p> <p>3 A. Yes.</p> <p>4 Q. At the beginning of USADA 0271 it</p> <p>5 says -- or I'm sorry at the end of that page, it</p> <p>6 says: "Cedric Walker, USA Track and Field's</p> <p>7 former relay program manager, said he observed</p> <p>8 Whetstine working on sprinter Shawn Crawford and</p> <p>9 Gatlin after a training session in Lawrence.</p> <p>10 Walker said he noticed that after Whetstine</p> <p>11 finished with Crawford, he reached in his bag</p> <p>12 for a different cream to rub on Gatlin."</p> <p>13 Have you seen that account before?</p> <p>14 Are you familiar with that?</p> <p>15 MR. COLLINS: I'm not --</p> <p>16 MR. COLBERT: Not objectionable yet.</p> <p>17 A. Am I familiar with this article or</p> <p>18 that event?</p> <p>19 Q. Are you familiar with that</p> <p>20 information. Have you ever heard that?</p> <p>21 A. I have never seen Cedric Walker</p> <p>22 around when that happened, no. I mean, I don't</p> <p>23 know if that answers your question or not.</p> <p>24 Q. So you are not aware of whether</p> <p>25 that's accurate or not?</p> |
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| <p>1 hopefully, we'll have it by 10 or 10:30.</p> <p>2 Q. (By Mr. Bock) I'm going to go over</p> <p>3 with you some accounts of, that have been</p> <p>4 publicly reported about what happened in</p> <p>5 relation to your experience at the Kansas</p> <p>6 Relays. See if I can find it.</p> <p>7 MR. COLLINS: What tab are you going</p> <p>8 to be referring to, just so I can find it.</p> <p>9 MR. BOCK: Tab 25.</p> <p>10 Q. (By Mr. Bock) And if you will notice</p> <p>11 -- I'm going to refer to the document numbers in</p> <p>12 the lower right-hand corner. They say "USADA,"</p> <p>13 and they go from USADA 0257 through the end of</p> <p>14 the exhibit, which is 0285.</p> <p>15 So, the first thing, the first one</p> <p>16 that I will ask you about is USADA 0271 and</p> <p>17 0272, which is part of a Washington Post article</p> <p>18 from December 16th, 2006.</p> <p>19 A. Which one again?</p> <p>20 Q. 0271, Page 0271?</p> <p>21 MR. COLBERT: It starts on Page 0270?</p> <p>22 MR. BOCK: Yes, that's where the</p> <p>23 article starts, yes, sir.</p> <p>24 Q. (By Mr. Bock) Who is Cedric Walker?</p> <p>25 A. Cedric Walker was a USTF, which is</p> | <p>1 A. No, I'm not. I mean, I know that</p> <p>2 there's been times when me and Shawn Crawford</p> <p>3 are in the same area when Chris works on us, and</p> <p>4 it probably happened around our Kansas Relays,</p> <p>5 but was Cedric or anybody else around? I did</p> <p>6 not take any look at it, you know, it was a</p> <p>7 regular routine.</p> <p>8 Q. Was there a point in time where you</p> <p>9 were receiving a rubdown at the same time as</p> <p>10 Shawn Walker?</p> <p>11 A. Crawford.</p> <p>12 Q. Shawn Crawford?</p> <p>13 MR. COLLINS: Objection. Can we have</p> <p>14 a time frame? There were three different</p> <p>15 rubdowns.</p> <p>16 Q. The first one was after midnight in</p> <p>17 your room, correct?</p> <p>18 A. The only time that Shawn was around</p> <p>19 was before, on Friday, at the practice track at</p> <p>20 the high school. That's the only time that</p> <p>21 Shawn Crawford was around.</p> <p>22 MR. CAMPBELL: Who is Shawn Crawford?</p> <p>23 A. Shawn Crawford was my teammate. He</p> <p>24 won the gold medal in the 200 meters, Olympics.</p> <p>25 Q. Do you know if Shawn Crawford paid</p> |

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| <p>1 Chris Whetstine \$5,000?</p> <p>2 A. I have no idea.</p> <p>3 MR. COLLINS: Objection.</p> <p>4 MR. COLBERT: I would like to hear a</p> <p>5 little foundation before you go that far afield.</p> <p>6 MR. BOCK: I just asked whether he</p> <p>7 knew if he had or not.</p> <p>8 Q. (By Mr. Bock) Do you know whether</p> <p>9 Chris Whetstine asked him for \$5,000?</p> <p>10 MR. COLLINS: Objection.</p> <p>11 A. That's with Chris -- what he does</p> <p>12 with Shawn --</p> <p>13 MR. COLBERT: That's a foundation.</p> <p>14 Whether he knows, whether he asked or not. I</p> <p>15 will let you answer the question.</p> <p>16 MR. COLLINS: I was objecting on</p> <p>17 relevance, too, though.</p> <p>18 Q. (By Mr. Bock) Mr. Crawford won a</p> <p>19 gold medal like you did at the Olympic Games?</p> <p>20 A. Yes.</p> <p>21 Q. Yes. And Mr. Whetstine provided</p> <p>22 therapy to Mr. Crawford as well, just like you?</p> <p>23 A. Yes, he did.</p> <p>24 Q. Let's look at that same article --</p> <p>25 let me back up. When was the first time that</p> | <p>1 how you could find out what caused the positive</p> <p>2 test?</p> <p>3 MR. COLLINS: Objection. As to time</p> <p>4 frame. Is this in this first conversation</p> <p>5 still?</p> <p>6 MR. BOCK: Yes.</p> <p>7 A. He wanted to get in touch with Chris</p> <p>8 Whetstine, I mean, who was in the circle, and he</p> <p>9 didn't get in touch with him at that point in</p> <p>10 time, that day.</p> <p>11 Q. So he brought up Chris Whetstine</p> <p>12 immediately?</p> <p>13 A. I wouldn't say right at that point</p> <p>14 in time, but he did bring him up.</p> <p>15 Q. In that first conversation?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And why did he say he wanted to get</p> <p>18 in touch with Chris Whetstine?</p> <p>19 A. Well, he was within that circle that</p> <p>20 pretty much managed me, managed my success.</p> <p>21 Q. Who else was in that circle?</p> <p>22 A. Renaldo Nehemiah, my mother, my</p> <p>23 father, Trevor Graham and Randall Evans.</p> <p>24 Q. And Chris Whetstine?</p> <p>25 A. Chris Whetstine, yes, sir.</p> |
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| <p>1 you told Trevor Graham about the positive drug</p> <p>2 test result?</p> <p>3 A. Immediately after I got off the</p> <p>4 phone with my agent and my family.</p> <p>5 Q. And what did you say to him?</p> <p>6 A. I basically said that I tested</p> <p>7 positive. Do you know any way that I would have</p> <p>8 tested positive? I gave him the rundown,</p> <p>9 basically, like how did this happen to me? How</p> <p>10 could this happen to me?</p> <p>11 Q. And what did he say?</p> <p>12 A. He said he doesn't know. He said</p> <p>13 that he had nothing to do with the situation.</p> <p>14 He said that he's been careful, I have been</p> <p>15 careful, and everything has been legit,</p> <p>16 workouts. He had nothing to do with my</p> <p>17 supplements; I bought my own. At that point in</p> <p>18 time, he was not a factor. I mean, I looked at</p> <p>19 him as a suspect, like I did, like I told you,</p> <p>20 everyone else, but he was not a factor.</p> <p>21 Q. Did he, at that point, suggest any</p> <p>22 possible reason for the positive test?</p> <p>23 A. He was more baffled. He was</p> <p>24 surprised and shocked himself, so, no.</p> <p>25 Q. Did he make any suggestions about</p> | <p>1 Q. What about Terri Blankenship?</p> <p>2 A. She was as well, but she wasn't</p> <p>3 there for the -- when I was there at the events</p> <p>4 to perform. So I consider her more of somebody</p> <p>5 to maintain my body, and maintenance of my body</p> <p>6 when I'm at home and practice.</p> <p>7 Q. Okay. Did Trevor say he wanted to</p> <p>8 get in touch with Randall Evans?</p> <p>9 A. Randall, when I called, Randall was</p> <p>10 there with him.</p> <p>11 Q. So you talked to both of them on the</p> <p>12 phone together?</p> <p>13 A. Yes.</p> <p>14 Q. Was it a speakerphone or they were</p> <p>15 on separate phones, but you were all talking</p> <p>16 together?</p> <p>17 A. Yes.</p> <p>18 Q. Where were they physically at that</p> <p>19 point in time?</p> <p>20 A. As far as I can remember, they were</p> <p>21 at Trevor's house.</p> <p>22 Q. Where were you?</p> <p>23 A. At my house.</p> <p>24 Q. And what did Randall Evans say in</p> <p>25 that conversation?</p> |

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| <p>1 A. He was dumbfounded as well. He said 2 that he had no knowledge of how this could get 3 into my system or how it was done. 4 Q. And what did Randall Evans say, if 5 anything, about how to investigate the 6 situation? 7 A. Randall didn't give any inquiry 8 about how to investigate the situation. 9 Q. Okay. So, did anybody in terms of 10 trying to investigate the situation, did anybody 11 say anything other than, let's get in touch with 12 Chris Whetstine? 13 A. Did they say anything else? 14 Q. Yeah. Was there any other avenue to 15 investigate this? 16 A. Not to my recollection. 17 Q. And that conversation was on June 18 15th? 19 A. Yes. 20 Q. When is the next conversation you 21 have with Trevor about the situation? 22 A. I can't remember. 23 Q. Did you have any other conversations 24 with him before you left for Indianapolis? 25 A. Yeah, I mean, he was my coach.</p> | <p>1 conclusion? 2 A. I don't know the specific day, the 3 time. 4 Q. When did he tell you? 5 A. The same thing, I don't know the 6 specific day or time, he told me. He asked, 7 like, at that point in time, everything was an 8 emotional blur, you know. I couldn't sleep. I 9 couldn't eat. Things just didn't seem right, 10 feel right. I had my mother telling me to come 11 home, and it was all a big ball of confusion at 12 that point in time. 13 Q. Okay. So what is the next thing 14 that you did after calling Trevor to look into 15 this situation? 16 A. I just got together with my circle, 17 my team, and we didn't have our B sample at that 18 point in time, so they felt that it was, it was 19 my best interest to go out there and talk to 20 Craig Masback at nationals, and to get his 21 approval to go out there and run. 22 Q. So you sat down with Trevor and 23 Randall Evans. And when you say your "circle," 24 I don't know who that refers to. 25 A. I just told you my circle.</p> |
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| <p>1 Q. And I assume this topic was of 2 maximum importance at that point in time for 3 you? 4 A. It was. 5 Q. So did you discuss it with him every 6 time you saw him for the next few days? 7 A. I can't remember. 8 Q. You can't remember? Okay. 9 What you recall, did you recall 10 Trevor Graham coming back to you after he had 11 spoken with Chris Whetstine? 12 A. I can't remember that. 13 Q. Do you recall Trevor Graham ever 14 talking with you any further about Chris 15 Whetstine? 16 A. Other than that he felt at the 17 beginning that Chris Whetstine maybe made a 18 mistake, but then towards that part, he felt -- 19 he looked back and saw, recalled the different 20 arguments, recalled the different weird actions 21 that Chris Whetstine was taking that he didn't 22 do within the three-and-a-half-year period that 23 we have known him, and it just didn't add up why 24 he was acting weird. 25 Q. And when did Trevor reach that</p> | <p>1 Q. So Chris Whetstine? 2 A. I did not say that. 3 Q. But your mom, dad, Renaldo, Trevor 4 Graham and Randall Evans? 5 A. We didn't sit like physical and 6 talked. 7 We circulated the conversation, 8 basically. 9 Q. So, at that point in time, in June, 10 did you have concerns about Chris Whetstine? 11 A. June, meaning around nationals? 12 Q. Yes. 13 A. Going -- I was suspicious of 14 everyone at that point in time. 15 Q. You announced that your result was 16 -- okay. Then, the next thing that was supposed 17 to happen was that you were supposed to have the 18 showdown with Asafa Powell in England after the 19 national championships; is that correct? 20 A. Well, my lawyer said that we were 21 going to have a showdown anyway, even if I 22 didn't test positive at that point in time, 23 because they weren't giving the respectful 24 amount of money deserved for that race. 25 Q. But you had committed to go to some</p> |

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| <p>1 races in England; is that right?</p> <p>2 A. I had committed to go to races in</p> <p>3 England.</p> <p>4 Q. And why didn't you go?</p> <p>5 A. Well, I tested positive. It was</p> <p>6 a -- I felt that it was wrong for me to go out</p> <p>7 there and run races knowing that I had this</p> <p>8 hanging over my head, and why would -- me not</p> <p>9 being a cheater, I didn't want to take on the</p> <p>10 responsibility of winning prize money or winning</p> <p>11 appearance fees and then have to give it back.</p> <p>12 I mean, I felt that would be stealing, in a way,</p> <p>13 so I didn't want to do that.</p> <p>14 Q. So you didn't run in the meets in</p> <p>15 England in late June or July, because you wanted</p> <p>16 to protect the other competitors in those</p> <p>17 events?</p> <p>18 A. Yes.</p> <p>19 Q. And you didn't want them to have to</p> <p>20 go through the disappointment, if you were to</p> <p>21 beat them --</p> <p>22 A. I felt it was the honorable thing to</p> <p>23 do.</p> <p>24 Q. Is that the only reason that you</p> <p>25 didn't compete?</p> | <p>1 doesn't stick out in my head at that point in</p> <p>2 time.</p> <p>3 Q. I turn your attention to USADA 0264,</p> <p>4 which is an article dated July the 29th, 2006 --</p> <p>5 Saturday, July 29th, discussing the</p> <p>6 announcement, Saturday's announcement that you</p> <p>7 had tested positive.</p> <p>8 Do you have any reason to believe</p> <p>9 that July the 29th is not the date that your</p> <p>10 attorneys and your agent announced that you had</p> <p>11 a positive test result?</p> <p>12 A. No.</p> <p>13 Q. I want to turn your attention to</p> <p>14 USADA 0271. Do you recall Trevor Graham saying:</p> <p>15 "We know who the person is who actually did</p> <p>16 this. We hope the individual has the guts to</p> <p>17 come forward and say he did it."</p> <p>18 A. Yes.</p> <p>19 Q. Do you recall, as stated in the one,</p> <p>20 two, three, four, the fourth full paragraph,</p> <p>21 that that statement by Trevor Graham took place</p> <p>22 the day after your announcement of the positive</p> <p>23 test result?</p> <p>24 A. I'm sorry, what paragraph?</p> <p>25 Q. The fourth full paragraph. So, it</p> |
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| <p>1 A. At that point in time, I had a calf</p> <p>2 injury as well. It was a minor calf injury, but</p> <p>3 it was something that my agent talked to, to the</p> <p>4 England meet promoters and the European</p> <p>5 promoters about.</p> <p>6 Q. And what -- so you stayed home, and</p> <p>7 what did you do in the period of time between</p> <p>8 June the 23rd and July the 29th?</p> <p>9 A. Other than cry? I worked on -- I</p> <p>10 worked on finding out what happened to me. I</p> <p>11 talked to my parents, make arrangements to come</p> <p>12 home, worked on putting my house on the market.</p> <p>13 Q. And what happened on July the 29th</p> <p>14 of 2006?</p> <p>15 A. I'm not familiar with that date on</p> <p>16 the top of my head, I'm sorry.</p> <p>17 Q. Do you recall that there was a point</p> <p>18 in time in which you made a public announcement</p> <p>19 about the positive drug test, that the B sample</p> <p>20 had been confirmed?</p> <p>21 A. I knew that my agent and Octagon did</p> <p>22 make a public announcement.</p> <p>23 Q. And does July the 29th -- Saturday,</p> <p>24 July 29th sound like the right date?</p> <p>25 A. I don't know. Like I said, it</p> | <p>1 would be the fifth paragraph.</p> <p>2 MR. COLBERT: Is that the one that</p> <p>3 begins: "Graham denied any involvement"?</p> <p>4 MR. BOCK: Yes.</p> <p>5 MR. COLBERT: Thank you.</p> <p>6 MR. COLLINS: What was the question</p> <p>7 again? I just forgot, I'm sorry.</p> <p>8 Q. (By Mr. Bock) Sure.</p> <p>9 Do you recall that he made that</p> <p>10 statement the day after you announced publicly</p> <p>11 the positive test results?</p> <p>12 A. I don't know the date of the</p> <p>13 statement. It's here in the paper, but other</p> <p>14 than that, it was in the paper he made the</p> <p>15 statement.</p> <p>16 Q. And he made that statement closely</p> <p>17 after your announcement, correct?</p> <p>18 A. As I said, I don't know.</p> <p>19 Q. Did you coordinate your announcement</p> <p>20 with Trevor Graham?</p> <p>21 A. No.</p> <p>22 Q. Did you talk with him about his</p> <p>23 conclusions about what had happened?</p> <p>24 A. Any statements that Trevor Graham</p> <p>25 made, he made on his own in the paper. Any</p> |

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| <p>1 statements I made, I took it to my lawyers and 2 to my agency, so it was not conspired together. 3 Q. And were you communicating with 4 Trevor about what happened at that point in 5 time? 6 MR. COLLINS: Could you -- which 7 point in time? 8 MR. BOCK: July the 30th, 2006. 9 MR. COLLINS: Okay. Because you are 10 pointing to a December 16th article, right? 11 MR. BOCK: It references what 12 happened on July 30th, 2006. 13 MR. COLLINS: Okay. 14 A. I can't remember the exact date when 15 I cut ties from Trevor and stopped talking to 16 him. 17 Q. Well, that might be helpful if you 18 could at least try to narrow the range of 19 possible dates. Was it before or after July the 20 30th? 21 A. I'm not sure. 22 Q. You don't recall when you cut ties? 23 MR. COLBERT: Counsel, can I just ask 24 where in July 30th are you reading this article? 25 You keep referring to the July 30th. I haven't</p> | <p>1 happened after the, after the race. 2 And, in fact, he identifies the 3 actual product that was supposed to have been 4 put on you, a cream by Sarati Laboratories. 5 Did you have a conversation with 6 Trevor Graham about him identifying the 7 particular product that he says was put on you? 8 A. Yes. 9 Q. When did that occur? 10 A. I don't know the exact date. 11 Q. What did he say? 12 A. He said that he went and looked at 13 the Internet to find out what the cream was that 14 he thought that Chris Whetstine used, and he 15 came across DHEA. 16 Q. And tell us more specifically how he 17 knew what to look for. 18 MR. COLLINS: I'm going to object as 19 to how -- he's asking him to testify to what to 20 Trevor Graham knew. 21 MR. COLBERT: Can you do that with 22 foundational questions? 23 MR. BOCK: Yes, I will withdraw the 24 question. 25 Q. (By Mr. Bock) Did Trevor tell you</p> |
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| <p>1 seen it. 2 MR. BOCK: "A day after Gatlin 3 announced the positive test result." And the 4 announcement was on July the 29th. 5 MR. COLBERT: Okay. And that is in 6 which paragraph? 7 MR. BOCK: The same paragraph. 8 "Graham denied any involvement doping in Gatlin. 9 A day after Gatlin announced the positive test 10 result, Graham claimed he knew who was 11 responsible " 12 MR. COLLINS: I'm going to object if 13 we're going to keep going by this statement by 14 Graham. Trevor Graham is not here. He said 15 that he saw the statement in the paper. He said 16 he wasn't coordinating statements with him. I 17 don't know what -- 18 MR. COLBERT: I think he should have 19 some latitude to ask some of these questions. 20 Q. (By Mr. Bock) If you would turn to 21 the next page of this article, USADA 0272. 22 This article refers -- Trevor Graham 23 gets fairly specific about what allegedly 24 happened in Kansas in terms of both putting -- 25 Mr. Whetstine putting a product on you and what</p> | <p>1 about this investigation? 2 A. He said that while Chris was 3 applying the cream on me in Kansas that he saw 4 a -- I think he said a pink tube, a white tube 5 and a pink squiggle on it, and he went back and 6 referenced that, and he came up with DHEA. 7 Q. And when did he say this to you? 8 A. I'm not sure of the date. 9 Q. Well, was it before or after he 10 announced it to the world, and it started 11 showing up in his newspaper articles? 12 A. I believe before the article. 13 Q. And this particular article is 14 December of '06? 15 Did your investigators come up with 16 any information that would support Mr. Graham's 17 statement? 18 MR. COLLINS: Objection. 19 MR. BOCK: To your knowledge. 20 MR. COLLINS: Objection. 21 MR. COLBERT: What's the basis of the 22 objection? 23 MR. COLLINS: He's asking about the 24 information from an investigator's work product. 25 MR. COLBERT: Well, not if it was</p> |

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| <p>1 reported to Mr. Gatlin. Then it would be facts 2 in Mr. Gatlin's possession; it would no longer 3 be work product. He can answer the question, if 4 it was reported to Mr. Gatlin, then it's not 5 work product. 6 MR. COLLINS: If it was reported to 7 the attorney, it would be. 8 MR. COLBERT: That would be 9 attorney-client work product -- and facts 10 communicated are not -- 11 MR. COLLINS: He can answer. 12 MR. COLBERT: Okay. Thank you. 13 A. Nothing was reported to me about 14 anything being DHEA. I got no report -- other 15 than -- 16 THE REPORTER: I'm sorry. I didn't 17 hear the last part. 18 A. I didn't get any personal report 19 from any investigators. 20 Q. So you have no reason of knowing 21 whether Mr. Graham's speculation is accurate or 22 not? 23 A. It's a very strong speculation, and 24 I wouldn't say it was a bull's-eye, a 25 bull's-eye, but I think that it -- it's more of</p> | <p>1 A. I don't know anybody that used DHEA, 2 and I wasn't going to volunteer myself to do it. 3 Q. So you didn't ask your investigators 4 or your agent or anybody, to investigate? 5 A. Well, that was information that we 6 were gathering before that -- before my 7 relationship with my lawyer at that point in 8 time became strained. 9 Q. And did you see the tube that 10 Mr. Whetstine had? 11 A. Not to my recollection, no. 12 Q. And you never asked him to see it, 13 correct? 14 A. Where at? When? 15 Q. In Kansas? 16 A. In Kansas, no. 17 Q. And you didn't hear about the tube 18 with the squiggly S on it until after you had 19 been reported positive, correct? 20 A. Yes. 21 Q. And that was the first time you 22 heard it after June the 15th, or after June the 23 15th, 2006, correct? 24 A. Yes. 25 Q. And the only person that you heard</p> |
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| <p>1 an oval-shaped peg than a square peg fitting in 2 a circle. 3 Q. And why do you put so much weight on 4 what Mr. Graham said about the cream? 5 A. Well, to do research on it, 6 especially doing research with my lawyer at that 7 point in time, Cameron Myler, we researched 8 DHEA, and some of the stuff that we learned 9 about it, and kind of went along with the story 10 of what happened. 11 Q. Some of what stuff that you learned 12 about it went along with the story about what 13 happened? 14 A. Well, DHEA, basically, from what I 15 remember, is a fast-acting substance that can be 16 in a cream form, and it is a -- not a 17 testosterone, but it can cause under USADA's 18 code, it can cause a positive or a precursor 19 positive. 20 Q. Does it cause a tingly feeling? 21 A. I don't know. I never used DHEA. 22 Q. Did you inquire about that? 23 A. Inquire if it caused a tingling 24 sensation? 25 Q. Mm-hm.</p> | <p>1 that from was Trevor Graham, correct? 2 A. Yes. 3 Q. And so to believe that that is the 4 case, that there was a tube with a squiggle on 5 it, we have to believe Trevor Graham, right? 6 A. If he was a witness, I would feel -- 7 if he wasn't there, there would be no reason to 8 believe him. If he saw it with his own eyes, 9 if -- the same thing with Cedric. I can't 10 determine what Cedric saw and what Trevor Graham 11 saw, there are two different witnesses. 12 Q. Do you know the name of the company 13 that Trevor told you? 14 A. No, I don't. 15 Q. Did he tell you the name of the 16 company? 17 A. Not that I remember. 18 Q. But you understood that he was on 19 the Internet doing research about steroid 20 creams? 21 A. That's what he told me. 22 Q. And when did he tell you that he was 23 going to research steroid creams or had 24 researched steroid creams? 25 A. This was after my positive test to</p> |

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| <p>1 look up information about how I could test 2 positive, and what Chris was using from his 3 speculation of what he saw. 4 Q. And did he tell you that he was 5 going to do that before he did it, or did he 6 come report to you after he had done this? 7 A. He reported to me after he did it. 8 Q. Do you recall anything else that he 9 reported to you in that conversation? 10 A. Other than he was going to get to 11 the bottom of this, and this was B.S., so 12 nothing else happened there. 13 Q. So it sounds to me like at that 14 point in time, when you said it was B.S., 15 then -- why would somebody say that it's B.S., 16 unless they have an idea of how it occurred? 17 A. Well -- 18 MR. COLLINS: I'm objecting. 19 MR. BOCK: You can object. That was 20 a bad question. I will withdraw it. 21 MR. COLBERT: I was waiting for that. 22 MR. COLLINS: I couldn't understand 23 at what point -- 24 MR. BOCK: I'm just thinking ... 25 Q. (By Mr. Bock) I'm going to ask you</p> | <p>1 worked with Marion Jones and everyone else. And 2 we always had problems, but somehow he does 3 great work. So we had let him go and was not 4 going to work with him anymore." 5 Up to there, is that anything that 6 Trevor Graham had shared with you? 7 A. That we let him go, that we're not 8 going to work with him anymore? 9 Q. Yeah. 10 A. Well, I mean it was my decision not 11 to work with Chris anymore. Other than that, I 12 don't know anything about a conspiracy of any 13 kind. 14 Q. So you don't know anything about a 15 conspiracy with Victor Conte? 16 A. No. 17 Q. "We put on the Sprint Capitol Web 18 site that we were trying to find a new 19 masseuse." 20 Did that occur? 21 A. It did occur. 22 Q. "We invited" -- I'm going to skip a 23 few lines. "We invited him," meaning Chris 24 Whetstine back to the Mt. SAC relays. "He came 25 to the Mt. SAC relays. When he arrived there,</p> |
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| <p>1 if you could turn your attention to an ESPN 2 interview that Trevor gave on August the 4th, 3 2006. 4 MR. COLBERT: Where is that? 5 MR. BOCK: On Page 0276. 6 MR. COLLINS: I guess he could set 7 some foundational questions, but I know you are 8 giving him latitude on this, but -- 9 MR. COLBERT: He hasn't started yet, 10 so let's see what he asks, and then you can 11 object. 12 Q. (By Mr. Bock) I'm going to read you 13 some quotes from Trevor Graham, and you tell me 14 whether or not he told you these things. 15 A. Okay. 16 Q. That the question to him was: "The 17 relays in Lawrence, Kansas -- what happened 18 there, the positive test?" 19 Trevor Graham says: "Well, there's 20 a number of things that happened. Victor Conte 21 got out of prison in March. In April, got 22 doping control. We don't know how many people 23 are actually behind this thing, but leading up 24 to the Kansas Relays, we had trouble with this 25 masseuse. It is the same masseuse that actually</p> | <p>1 his first thing was like that 'motherf-Gatlin', 2 he is this, and he is that. He kept going off 3 about Justin trying to get rid of him. 'He's 4 gonna get his.' 5 "I'm like, 'Look, Justin has nothing 6 to do with you. I'm the one that actually don't 7 want you to work with him. So I made that 8 decision. And I made the decision now to bring 9 you back, but don't come with any B.S.'" 10 "He's like, 'No, it's not you, it's 11 Justin. I know it is him. I heard it is him.'" 12 "I said, 'Who did you hear that 13 from?'" 14 "He couldn't tell me." 15 Did he talk with you about Chris 16 Whetstine being upset with you for trying to get 17 rid of him? 18 A. No, not in depth, not to that deep 19 of detail. I knew that he was upset, because 20 now myself and Nike and him and Trevor Graham 21 did not want to work with him anymore, so ... 22 Q. And the only testimony you provided 23 so far about him being upset with you is over 24 the \$5,000, right? 25 A. Yes.</p> |

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| <p>1 Q. Not that you didn't work with him. 2 You thought he did good work? 3 A. I thought he still did a good job, 4 but I still thought his character, after that 5 point in time, after the \$5,000, it was -- he 6 was, it was strictly business, you know, it was 7 strictly business, but at the same time, we had 8 a rapport. He never came to me and cussed me 9 out, as he's saying in the article. 10 Q. Do you believe Trevor Graham's 11 statement here that he cussed you out to Trevor 12 Graham? 13 A. Do I believe his statement? 14 Q. Yeah. 15 A. Honestly, yes, I do. 16 Q. Okay. I'm going to skip a 17 paragraph. And it goes on and talks about 18 Kansas Relays: 19 "We got up next morning for the 20 relays. We ran the relay. After the relay, 21 they grabbed Justin for doping. But at the 22 relay, there was other groups there too. 23 Somehow, some of these other groups that was 24 there didn't get tested. Just my athletes got 25 tested, and others. But a particular group did</p> | <p>1 And I said, 'No, you ain't got to massage him, 2 man. We're going to doping. He just run a 3 relay. What do you need to rub him for? It's a 4 relay.'" 5 Do you recall that? Did that 6 conversation occur? 7 A. I didn't hear that conversation. 8 Q. You did not? Okay. 9 Then the next statement from Trevor 10 Graham. "We ain't got no meets coming up in the 11 next two weeks. So, he'll be all right." 12 Do you recall that? 13 A. No. 14 Q. And, in fact, you did have a meet 15 coming up in the next week, correct? 16 A. That's Trevor Graham's statement, 17 not mine. 18 MR. COLLINS: I'm going to object. 19 He's trying to impeach a Trevor Graham statement 20 in the newspaper article. 21 MR. COLBERT: I don't think he's 22 trying to impeach him. I think he's trying to 23 find out whether or not this witness would adopt 24 these statements as accurate or not accurate. 25 It doesn't sound like impeachment to me.</p> |
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| <p>1 not get tested in the Kansas Relays." 2 Was there a particular group of 3 athletes -- did Trevor ever tell you that there 4 was a particular group of athletes that didn't 5 get tested at the Kansas Relays? 6 A. He was upset, because SHI, who was 7 quote/unquote on track, our rival group, and it 8 was Maurice Greene's home town of Kansas, it was 9 his quote/unquote stomping grounds, and none of 10 his athletes were tested, even if they came 11 first, and usually, when an athlete wins a race, 12 they're the ones subject to be tested. And 13 there was a number of John Smith athletes that 14 got first in their events, and were not pulled 15 for testing. 16 Q. So he discussed that issue with you? 17 A. He complained to me about it. We 18 didn't go into depth about the situation. 19 Q. And he complained to you about it 20 before he made it public; is that right? 21 A. Yes. 22 Q. And then it goes on: "And we 23 noticed that. Somehow when we are going to 24 doping control, Chris stopped Justin, and is 25 like, 'Let me massage him really quick, Coach.'</p> | <p>1 MR. COLLINS: Well, he already said 2 he didn't hear the statement. And then he asked 3 something, isn't it in fact, true, you had 4 another competition next week? 5 MR. COLBERT: That doesn't sound like 6 impeachment. He's asking a fact, whether or not 7 he had a meet the following week. I think he 8 can answer the question. 9 MR. COLLINS: Okay. 10 A. Put it like this: The accuracy of 11 what Trevor Graham had said and his recollection 12 of a meet, in this report is not of mine. 13 Q. I understand that. I understand 14 that. 15 A. So ... 16 Q. But I want to know how much of it is 17 accurate, how much he told you. 18 A. Okay. 19 Q. And when he told you. 20 A. Okay. 21 Q. And then it goes on: "Then he kept 22 coming at Justin. 'Let me massage it.' And 23 Justin was like, 'Let him do his job, Coach.' I 24 was like, no." 25 Do you recall that part of the</p> |

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| <p>1 conversation?</p> <p>2 A. My recollection was Chris came over</p> <p>3 while I was already being interrupted by another</p> <p>4 group of people being a US Track and Field</p> <p>5 official, and a USADA agent was going to</p> <p>6 drug-test me. Trevor Graham was standing over</p> <p>7 here. And Chris Whetstine came up and</p> <p>8 approached me. And while Chris Whetstine began</p> <p>9 to do his act, that's when Trevor Graham said,</p> <p>10 Hey, man, what are you doing? In that kind of a</p> <p>11 voice. And that's when I interrupted, like, Let</p> <p>12 him do his job. He hasn't been doing his job</p> <p>13 anyway. Let him do what he has to get paid for.</p> <p>14 Q. Okay. Then, it goes on: "Then</p> <p>15 Justin walked over to the massage table, and he</p> <p>16 pulled Justin's pants down. Justin was on the</p> <p>17 phone, I think. He pulled Justin's pants down</p> <p>18 to his ankles. And then he told Justin to lay</p> <p>19 on the table real quick. Justin laid on the</p> <p>20 table."</p> <p>21 Is it accurate that you laid on the</p> <p>22 table?</p> <p>23 A. In detail, working with Chris at</p> <p>24 that point in time, he pretty much did, pretty</p> <p>25 much did all of his work while standing there.</p> | <p>1 Q. And so you would say that that is</p> <p>2 accurate that he pulled the tube out of his</p> <p>3 pocket?</p> <p>4 A. I would say that.</p> <p>5 Q. Did you discuss that aspect of your</p> <p>6 recollection with Trevor Graham?</p> <p>7 A. Not that I know of.</p> <p>8 Q. And then the question from ESPN at</p> <p>9 the end is: "The tube?"</p> <p>10 And Trevor's Graham's response was:</p> <p>11 "Yeah, it was a tube with like an "S" on it,</p> <p>12 like a crooked "S" on it. I said to him, "That</p> <p>13 is not Voltaren."</p> <p>14 Did you hear that statement from</p> <p>15 Trevor Graham?</p> <p>16 A. No, I did not.</p> <p>17 Q. "And he was like, 'Get away. Move</p> <p>18 back.' So I was trying to get around him now,</p> <p>19 but he already squirted it on him, and so then</p> <p>20 he stuck it in his pocket. I tried to reach my</p> <p>21 hand in his pocket."</p> <p>22 Did you hear Trevor Graham try to</p> <p>23 reach his hand into Chris --</p> <p>24 A. I did not see this. At that point</p> <p>25 in time I was already -- I probably was already</p> |
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| <p>1 And he brought me to the table to appease,</p> <p>2 basically, appease Trevor Graham. If you are</p> <p>3 going to do it right, then do it and get him on</p> <p>4 the table, so ...</p> <p>5 Q. So he actually went over to the</p> <p>6 table as well?</p> <p>7 A. For a very brief moment.</p> <p>8 Q. And then the article says: "He</p> <p>9 pulled a tube out of his pocket, not out of his</p> <p>10 bag, and then he just squirted a tube on</p> <p>11 Justin's leg."</p> <p>12 Did you see him pull a tube out of</p> <p>13 his pocket? Can you verify that's accurate?</p> <p>14 A. I remember him reaching for his</p> <p>15 pocket. Other than that, I don't know what the</p> <p>16 tube was.</p> <p>17 Q. Describe where you were when --</p> <p>18 A. I was standing. That's when I</p> <p>19 recognized, I recognized him in a motion of his</p> <p>20 hand, he didn't pull out of the bag. He had it</p> <p>21 in his shorts pocket.</p> <p>22 Q. And was he in front of you when this</p> <p>23 occurred? Was Chris Whetstine in front --</p> <p>24 A. Yes, he was kneeling down in front</p> <p>25 of me.</p> | <p>1 being transported to the press conference and to</p> <p>2 my drug testing after that.</p> <p>3 Q. All right. Did Trevor talk with you</p> <p>4 about these statements that he claimed that they</p> <p>5 asked him --</p> <p>6 A. Yes.</p> <p>7 Q. -- about whether it was Voltaren,</p> <p>8 and that he tried to get the tube from him?</p> <p>9 A. Yes, he did.</p> <p>10 Q. When did he say that?</p> <p>11 A. This was after my positive, after me</p> <p>12 knowing on June 15th.</p> <p>13 Q. And before you cut ties with him?</p> <p>14 A. Yes.</p> <p>15 Q. Do you believe that that actually</p> <p>16 happened?</p> <p>17 A. Well, on the circumstances that he</p> <p>18 was not with me when I went into the press</p> <p>19 conference, and he came in, maybe ten minutes</p> <p>20 later, I can say that something, some kind of</p> <p>21 interaction between them did occur.</p> <p>22 Q. So I take it from what you have told</p> <p>23 me that the first person to cast suspicion on</p> <p>24 Chris Whetstine was Trevor Graham; is that</p> <p>25 right?</p> |

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| <p>1 A. Yeah.</p> <p>2 Q. And other than what you have</p> <p>3 testified to already, is there any other</p> <p>4 information that -- upon which you base a belief</p> <p>5 that your positive test result came from the</p> <p>6 cream that was applied to you by -- by Chris</p> <p>7 Whetstine?</p> <p>8 A. Only from his actions from this</p> <p>9 case. I mean, he -- he neither tried to</p> <p>10 exonerate himself or tried to help find out what</p> <p>11 happened to me in any way, and the only thing he</p> <p>12 did was to deny the situation. He either -- he</p> <p>13 reluctantly gave up creams to the agents that</p> <p>14 came to see him, so he wasn't very helpful in my</p> <p>15 situation at all.</p> <p>16 Q. How do you know he only reluctantly</p> <p>17 gave up the creams?</p> <p>18 A. That's what was reported to me by</p> <p>19 the agents, that he wouldn't even let them in</p> <p>20 the door or they had to sit outside on the</p> <p>21 porch, and at times when they knew he was home,</p> <p>22 he wouldn't open the door.</p> <p>23 Q. Do you know why those agents aren't</p> <p>24 here testifying for you?</p> <p>25 MR. COLLINS: Objection.</p> | <p>1 A. I have heard about it.</p> <p>2 Q. Do you know what that fight was</p> <p>3 over?</p> <p>4 A. All I know is that they had an</p> <p>5 argument in the club when Chris Whetstine said</p> <p>6 he was sick. I don't know how you go to the</p> <p>7 club while you are sick, but -- and then they</p> <p>8 were talking and having a conversation, and it</p> <p>9 got a little heated, and then Llewellyn Starks</p> <p>10 jumps up, and says, I know what you are doing to</p> <p>11 our Nike athletes, and it's F'd up, and then</p> <p>12 from there, it carried on to outside, to outside</p> <p>13 the hotel, in front of the hotel, which they</p> <p>14 caught the fight on camera, and that that's all</p> <p>15 I know.</p> <p>16 Q. Is there a way that Llewellyn Starks</p> <p>17 would have known about your positive tests</p> <p>18 during June the 21st?</p> <p>19 A. Not that I know of.</p> <p>20 Q. And what is the circle that you</p> <p>21 shared those positive test results with, other</p> <p>22 than the inner circle that you have already</p> <p>23 talked described, and Craig Masback, who else</p> <p>24 did you tell about the attorney rules?</p> <p>25 A. No one that I remember.</p> |
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| <p>1 Q. Other than what your attorney has</p> <p>2 told, do you know why those investigators aren't</p> <p>3 here testifying for you about these events,</p> <p>4 these claims that you are making?</p> <p>5 A. I can answer the question?</p> <p>6 MR. COLBERT: He's limited his</p> <p>7 question, to other than what your attorney has</p> <p>8 told you.</p> <p>9 A. As far as I know, that there was --</p> <p>10 I don't know the legal term -- but there was</p> <p>11 malpractice between the Myler firm, where we</p> <p>12 paid the money as documented proof that we paid</p> <p>13 the money, and they were supposed to pay the</p> <p>14 agents. And they did not pay the agents, and</p> <p>15 the agents were upset about that situation.</p> <p>16 And that's what, really, one reason</p> <p>17 why it caused a rift between the lawyer I had</p> <p>18 before, and why I have a lawyer now. There was</p> <p>19 some shady stuff going on, and that was supposed</p> <p>20 to be my lawyer, so ...</p> <p>21 Q. Okay. Are you familiar with the</p> <p>22 fact that a fight apparently occurred on June</p> <p>23 21st or June 22nd in Indianapolis during the</p> <p>24 national championships, between Chris Whetstine</p> <p>25 and Llewellyn Starks?</p> | <p>1 Q. And your attorney and investigator?</p> <p>2 A. Yes.</p> <p>3 Q. Anybody at Nike?</p> <p>4 A. Not that I remember.</p> <p>5 Q. How about John Capriotti?</p> <p>6 A. I did not tell him personally, no.</p> <p>7 Q. When was the first time that you</p> <p>8 told Nike?</p> <p>9 A. I don't remember.</p> <p>10 MR. BOCK: We have been going for, I</p> <p>11 guess, about an hour and a half. Do you mind if</p> <p>12 I take a quick break, while I just go back</p> <p>13 through my notes, and see if there's anything</p> <p>14 else? We're certainly close to the end.</p> <p>15 MR. COLBERT: Okay. Take a</p> <p>16 five-minute break.</p> <p>17 MR. BOCK: Okay. Thank you.</p> <p>18 (Brief recess taken from 9:30 to</p> <p>19 9:45 a.m.)</p> <p>20 (All parties present, including</p> <p>21 Justin Gatlin, Mr. and Mrs. Gatlin and Visie</p> <p>22 Simms.)</p> <p>23 MR. COLBERT: Are we ready?</p> <p>24 MR. BOCK: I kind of would like</p> <p>25 Travis to get back actually.</p> |

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| <p>1 MR. COLBERT: Okay. Well, he thinks 2 you are going to start without him. 3 MR. BOCK: I know he does. I think 4 he will be back in just a second. Let me go 5 tell him that. 6 (Pause in proceedings.) 7 MR. COLBERT: We're back on the 8 record. 9 Mr. Bock, anything further? 10 MR. BOCK: Yes, thank you very much. 11 EXAMINATION (cont.) 12 BY MR. BOCK: 13 Q. Could I ask you, Mr. Gatlin, to turn 14 to Tab 6, which is a better copy of the doping 15 control official record for the Kansas Relays 16 than can be found under Tab 8, which is a little 17 darker. 18 A. Okay. 19 Q. When you filled out the section of a 20 doping control form listing the substances that 21 you were to take -- or that you had taken within 22 the last three days, you understood that you 23 were supposed to put down any medications or 24 other substances, including supplements that you 25 had taken; is that correct?</p> | <p>1 A. I'm telling you what they asked me. 2 Q. When you say "they asked me," what 3 do you mean? Did you have a conversation with a 4 doping control officer that they said "don't put 5 down creams"? 6 A. No, they didn't say that. But they 7 asked me all things that I had taken between the 8 time period orally. 9 Q. They said "orally"? 10 A. Yes, they did. 11 Q. Okay. And who is "they"? 12 A. You just said, the doping control 13 people. 14 Q. Okay. And when did they tell you 15 that? 16 A. In the doping control. 17 Q. Mr. Gatlin, when in the doping 18 control did they tell you? 19 A. They were telling me that when I 20 was -- after I had given my urine sample, that's 21 when they fill out this information. 22 Q. Okay. And was that the first time 23 that you had ever been told not to -- or to put 24 down what you had taken orally? 25 A. Basically, yeah, anything I have</p> |
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| <p>1 A. Yes. 2 Q. And on April 22nd, 2006, you told 3 USADA that you were taking a multivitamin, 4 protein shake, Liquid Amino and Red Bull and 5 Adenergy, correct? 6 A. Yes. 7 Q. And those were all substances that 8 you had taken within the last three days, 9 correct? 10 A. Yes. 11 Q. In fact, you indicated that the last 12 time you had taken each of those substances was 13 on that day of the test, correct? 14 A. Yes. 15 Q. But you did not list Voltaren cream 16 on this doping control form, correct? 17 A. Yes. 18 Q. Why not? 19 A. These are substances that they asked 20 me that I take. 21 Q. Yeah. 22 A. I didn't see any reason for to put 23 down Voltaren cream. These are all oral things 24 that they asked me that I took orally. 25 Q. Does it say "oral" there?</p> | <p>1 taken. 2 I mean, well, this is not my first 3 time. They have asked on different occasions, 4 yes. 5 Q. Okay. So was it your understanding 6 that you were only supposed to put down oral 7 substances? 8 A. It was my understanding that at that 9 point in time, anything that I had took, because 10 they also asked you later, have you -- have you 11 had any injections or anything like that, at 12 that point in time, so ... 13 Q. So if you had -- if you had had an 14 injection, you don't think that you should put 15 it on this form? 16 A. Yeah. 17 Q. If you had an injection within the 18 last three days? 19 A. That was the questions they asked, 20 yeah. 21 Q. We're not communicating, and it may 22 be my fault. 23 A. Anything that they asked me? 24 Q. Yeah. 25 A. That's the answer that I gave them.</p> |

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| <p>1 Q. Okay. So, did you read this form</p> <p>2 before you signed it?</p> <p>3 A. Yes.</p> <p>4 Q. And did you read where it says to</p> <p>5 put down any medications or other substances</p> <p>6 that you have taken during the preceding three</p> <p>7 days?</p> <p>8 A. Yes.</p> <p>9 Q. And would you agree with me that the</p> <p>10 cream, Voltaren cream, is another substance that</p> <p>11 you took, and it's not listed.</p> <p>12 A. It was applied to my -- it was</p> <p>13 applied to my body. I mean, I don't see taking</p> <p>14 it as me ingesting it. I mean, that was the way</p> <p>15 I took it as "taking."</p> <p>16 Q. Well, you were aware, were you not,</p> <p>17 that athletes have used steroid creams and doped</p> <p>18 with them in events for 20 years? Weren't you</p> <p>19 aware of that?</p> <p>20 A. 20 years? No, I wasn't. I mean,</p> <p>21 the only time I have heard of it was other than</p> <p>22 when I found out I tested positive, and then an</p> <p>23 article in BALCO.</p> <p>24 Q. So you knew from the BALCO cases</p> <p>25 that testosterone cream was used, correct?</p> | <p>1 MR. COLLINS: What is it? 0209 or 8</p> <p>2 or what number?</p> <p>3 MR. CHERIS: 0209.</p> <p>4 MR. COLBERT: Looks like this is</p> <p>5 6-26-05.</p> <p>6 Q. (By Mr. Bock) 6-26-05.</p> <p>7 I don't see Voltaren cream or any</p> <p>8 cream listed on that doping control.</p> <p>9 A. Well, like I told you, you know,</p> <p>10 since he started new -- he started his new</p> <p>11 techniques that were '04; I would go to my press</p> <p>12 conferences and drug testing; '05, he would work</p> <p>13 on me after my press conferences and drug</p> <p>14 testing. I remember saying that.</p> <p>15 Q. Yeah, but he also -- he worked on</p> <p>16 you before the meet as well.</p> <p>17 A. He never flushed me up before a</p> <p>18 meet. He only stretched me before the meet.</p> <p>19 Q. Okay. So in the three days before</p> <p>20 meets in '05, you never received any creams?</p> <p>21 MR. COLLINS: I'm going to object as</p> <p>22 to the relevance. I don't understand what -- it</p> <p>23 doesn't say Voltaren on here. It's a</p> <p>24 no-positive test. It's from something in June.</p> <p>25 I don't remember him testifying about what</p> |
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| <p>1 A. Yes.</p> <p>2 Q. And that was in 2004, correct?</p> <p>3 A. Yes.</p> <p>4 Q. So you knew that you could test</p> <p>5 positive for steroid by taking a cream, correct?</p> <p>6 A. Yes.</p> <p>7 Q. And you knew that you had taken a</p> <p>8 cream, but you didn't use it -- or you didn't</p> <p>9 list it, correct?</p> <p>10 A. Voltaren, yes.</p> <p>11 Q. Okay. Now, you've testified that</p> <p>12 you used Voltaren cream basically throughout</p> <p>13 your career, correct?</p> <p>14 A. Yes.</p> <p>15 Q. But, for instance, if you now turn</p> <p>16 to USADA Exhibit 8, and --</p> <p>17 A. It's Tab 8.</p> <p>18 Q. Tab 8. Look at USADA 0209 -- do you</p> <p>19 have 0209? That is the doping control records</p> <p>20 for 6-26-05?</p> <p>21 A. I'm sorry, I'm lost. I see that you</p> <p>22 are looking at a different kind of page.</p> <p>23 Q. That's 7; 8 is right here.</p> <p>24 MR. CAMPBELL: It's not sequential.</p> <p>25 You tricked us.</p> | <p>1 happened in '05.</p> <p>2 MR. CAMPBELL: I think he's trying to</p> <p>3 show lack of care with his testimony about</p> <p>4 writing stuff down on the sheet, for what it's</p> <p>5 worth.</p> <p>6 MR. COLLINS: Okay. But there's no</p> <p>7 testimony at all that he ever got any in '05.</p> <p>8 MR. COLBERT: Let --</p> <p>9 Q. (By Mr. Bock) Let me go back to</p> <p>10 Kansas. What did the doping -- did the doping</p> <p>11 control officer give you any instructions</p> <p>12 regarding filling out the doping control sheet?</p> <p>13 A. He asked me questions, and I filled</p> <p>14 the form out in the usual way.</p> <p>15 Q. Okay. Did you fill out the form and</p> <p>16 write down the substances, or did the doping</p> <p>17 control officer?</p> <p>18 A. The doping control officer did.</p> <p>19 Q. And so you told the doping control</p> <p>20 officer what substances you were using, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And you did not tell the doping</p> <p>23 control officer that you were using Voltaren</p> <p>24 cream, correct?</p> <p>25 A. Yes.</p> |

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| <p>1 Q. I would like to turn your attention 2 to USADA 0214. 3 MR. CAMPBELL: Is it the same -- 4 MR. BOCK: I'm sorry, it's the next 5 page. It's the doping control record for 6 4-29-06, that is the Penn Relays, correct? 7 A. Yes. 8 Q. And on that doping control form, the 9 substances listed that you were taking were 10 Myoplex, creatine, Red Bull, multivitamin, 11 Voltaren cream, correct? 12 A. That's what it says. 13 Q. So one week later, you told the 14 doping control officer that you were using the 15 cream, correct? 16 A. That's what's down there. 17 Q. So, why would you one week later 18 tell the doping control officer that you were 19 using a cream that you did not at the Kansas 20 Relays? 21 A. I don't know. I mean, it's down 22 there right there. 23 Q. Okay. And you certified when you 24 signed these forms that you were accurate, that 25 the information was accurate, correct?</p> | <p>1 Q. I want to turn your attention to 2 USADA Tab 25, and the very first of the news 3 articles underneath that tab. 4 A. This one right here? 5 Q. No -- 6 MR. TYGART: Should be 25. 7 MR. BOCK: 25. 8 MR. GATLIN: After the tab? Okay. 9 MR. COLBERT: It's the March 14th, 10 2003, article, Mr. Bock? 11 MR. BOCK: Yes, in the London Daily 12 Mail. 13 Q. (By Mr. Bock) There's a quote from 14 you towards the bottom, the third-to-the-last 15 paragraph from the bottom: "I accepted the 16 suspension." 17 Do you see that? 18 A. I see that. 19 Q. It says: "I accepted the 20 suspension. I just broke the rules which were 21 the rules. A lot of people wouldn't come back 22 from something like that, but it motivated me to 23 do better." 24 Is that an accurate quote? 25 A. As far as I can remember.</p> |
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| <p>1 A. Yes. 2 Q. And you understood that these forms 3 were important, correct? 4 A. Yes. 5 Q. Because you had had a prior doping 6 offense, you knew it was important to follow the 7 procedures, correct? 8 A. Yes. 9 Q. And so when we compared these two 10 forms, one on the 22nd, and one week later on 11 2006, one that reads them would assume that you 12 didn't receive any creams on the 22nd, but you 13 did on the 29th. 14 Can you understand why somebody 15 might come to that conclusion? 16 A. Yes. 17 Q. And the information that you 18 provided to the doping control officer would 19 indicate that you did not use a cream on April 20 the 22nd, but you did on April the 29th, 21 correct? 22 A. Yes. 23 Q. You understand that you are a member 24 of the IAAF's registered testing pool? 25 A. Yes.</p> | <p>1 Q. Okay. And you remember saying 2 things -- you remember saying things to the 3 effect of you understood that you broke the 4 rules back in 2004? 5 A. Well, I understood that I felt that 6 this situation I was in, me being ADD and the 7 Adderall that was not on the banned list at all, 8 and then I didn't understand that it was a 9 chemical makeup of amphetamines. I understood 10 that. I felt that both sides had arguments that 11 were very valid. And I think that at that point 12 in time, it was something that we came to, and I 13 did not want to fight with USADA. I had no 14 reason to fight with USADA. 15 Q. Okay. 16 A. I didn't want -- I didn't want to 17 slam them. I didn't want to slam them in the 18 press. It was just after me winning a 19 championship, you know. I wanted to be a good 20 role model to kids out there. I didn't want 21 them to see that I'm against the people who are 22 supposed to protect us as athletes. 23 Q. In relation to that first doping 24 offense, you do agree with the general principle 25 that an athlete is responsible for what goes</p> |

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| <p>1 into their body, correct?</p> <p>2 A. I do agree. And I also agree with</p> <p>3 the comment that USADA also made towards the end</p> <p>4 of the arbitration then that I did not cheat nor</p> <p>5 did I intend to cheat.</p> <p>6 Q. Yeah, and I'm not attempting to</p> <p>7 challenge that at all.</p> <p>8 Just briefly back to your</p> <p>9 relationship with Trevor Graham.</p> <p>10 And if you could look, flip forward</p> <p>11 to USADA 261, which is a newspaper article from</p> <p>12 July 22nd, 2005.</p> <p>13 MR. COLLINS: Where? This is the</p> <p>14 same batch?</p> <p>15 MR. BOCK: Yes.</p> <p>16 MR. COLLINS: These are sequential.</p> <p>17 MR. BOCK: Those are sequential as</p> <p>18 opposed to the other ones. We just like to mix</p> <p>19 things up a little bit.</p> <p>20 MR. TYGART: Keep it entertaining.</p> <p>21 Q. (By Mr. Bock) Do you see the</p> <p>22 sentence that begins: "Gatlin is open about the</p> <p>23 question of doping"? It's one, two, three, four</p> <p>24 from the bottom?</p> <p>25 A. Yes.</p> | <p>1 A. That was in the sense of prohibited</p> <p>2 substances.</p> <p>3 Q. So you were not referring to Trevor</p> <p>4 Graham?</p> <p>5 A. No.</p> <p>6 Q. Why is Trevor no longer your coach?</p> <p>7 A. For the simple fact, because, at</p> <p>8 this point in time, it wouldn't be allowable. I</p> <p>9 mean, that's not the right thing to do. And to</p> <p>10 show, I guess, USADA -- I mean, he's under</p> <p>11 indictment right now, you know, and he has a lot</p> <p>12 of legal things that are going on with him. And</p> <p>13 it doesn't look good on my part to be with</p> <p>14 someone like that, who is -- who has had a</p> <p>15 chance of being arrested or put in jail or those</p> <p>16 kind of conducts.</p> <p>17 Q. Okay. Well -- and I understand</p> <p>18 that, and I appreciate that, and I would give</p> <p>19 that some weight.</p> <p>20 But at the same time a lot of people</p> <p>21 are accused and they're not guilty, right? And</p> <p>22 I assume that if you felt that he was wrongfully</p> <p>23 accused, you would stick with him?</p> <p>24 A. Well, he was being accused</p> <p>25 throughout '04 and '05 of different things. Up</p> |
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| <p>1 Q. Okay. And the question comes after</p> <p>2 a statement about the BALCO scandal, and the</p> <p>3 paragraph before talks about your Coach Trevor</p> <p>4 Graham.</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And here's the quote from you</p> <p>8 which is in that fourth paragraph from the</p> <p>9 bottom.</p> <p>10 "There is a cloud, but we can take</p> <p>11 away that cloud" -- I'm sorry -- "there is a</p> <p>12 cloud, but we can take that cloud away," you</p> <p>13 said, quote: "I know what to say 'no' to, and</p> <p>14 what to say 'yes' to."</p> <p>15 Did you make that statement?</p> <p>16 A. Yes, in referring to track and field</p> <p>17 as a whole. I can't determine what, how a</p> <p>18 reporter splices and uses information the way</p> <p>19 they want to use it, but that was referring to</p> <p>20 track and field as a whole, and campaigning</p> <p>21 together as athletes to take this cloud away</p> <p>22 from our sport.</p> <p>23 Q. And when you said, "I know what to</p> <p>24 say 'no' to, and what to say 'yes' to," what</p> <p>25 were you referring to?</p> | <p>1 to this date, he has been indicted; you know.</p> <p>2 Those are facts.</p> <p>3 Q. Okay.</p> <p>4 A. So I mean, it was -- that was the</p> <p>5 factual statement.</p> <p>6 Q. So was it the indictment that caused</p> <p>7 you to end your relationship with him?</p> <p>8 A. Partially.</p> <p>9 Q. What were the other factors?</p> <p>10 A. It's just that I needed a clear</p> <p>11 slate. I just needed to step away from that</p> <p>12 situation. And I strongly felt that at one</p> <p>13 point in time, if it was sabotage, it could have</p> <p>14 been -- I could have been used as a pawn in the</p> <p>15 situation.</p> <p>16 Q. Explain that statement.</p> <p>17 MR. COLBERT: Counsel, I notice it's</p> <p>18 just a minute or so after ten. We were told</p> <p>19 that there was a hard stop because you need to</p> <p>20 get Mr. Whetstone, and, you know --</p> <p>21 MR. BOCK: I got one more question,</p> <p>22 okay.</p> <p>23 I will withdraw that question.</p> <p>24 Q. (By Mr. Bock) Have you had a</p> <p>25 falling-out with Randall Evans?</p> |

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| <p>1 A. "Falling-out" meaning --</p> <p>2 Q. Meaning that you no longer associate</p> <p>3 with him.</p> <p>4 A. I do not associate with him. There</p> <p>5 was no cussing or arguing of any kind, but I do</p> <p>6 not talk to him.</p> <p>7 Q. And why don't you associate with</p> <p>8 Randall Evans?</p> <p>9 A. Because he's not my coach anymore.</p> <p>10 He's not the assistant coach. I'm here in</p> <p>11 Florida.</p> <p>12 Q. All right. But you are on friendly</p> <p>13 terms with him?</p> <p>14 A. If I saw him walking down the</p> <p>15 street, I would say "Hello, Randall." I mean, I</p> <p>16 wouldn't call him on a daily basis, and check on</p> <p>17 him and see how he's doing, if that's what you</p> <p>18 are asking.</p> <p>19 Q. Do you know why he's not here to</p> <p>20 testify?</p> <p>21 MR. COLLINS: Objection.</p> <p>22 A. No, I don't know. I didn't even</p> <p>23 know if he was supposed to come. I'm sorry.</p> <p>24 MR. BOCK: That's my last question.</p> <p>25 MR. COLBERT: Okay. I think -- I</p> | <p>1 And Rick, Chris is there with you as</p> <p>2 well?</p> <p>3 MR. ROSETA: Yes, sir, that's right.</p> <p>4 MR. TYGART: All right. I'm going</p> <p>5 to turn you over to the chair of the panel.</p> <p>6 MR. ROSETA: All right.</p> <p>7 MR. COLBERT: Mr. Roseta, can you</p> <p>8 hear me?</p> <p>9 MR. ROSETA: I can.</p> <p>10 MR. COLBERT: Okay. You understand</p> <p>11 that Mr. Whetstine is being called to testify in</p> <p>12 this case, and to be examined by Mr. John</p> <p>13 Collins to begin with, who is counsel for Justin</p> <p>14 Gatlin.</p> <p>15 But before we commence, I want you</p> <p>16 to know we have a court reporter here, who will</p> <p>17 take down everything that's asked and answered,</p> <p>18 and she will also administer the oath before we</p> <p>19 commence. Is that all right?</p> <p>20 MR. ROSETA: Yes, sir.</p> <p>21 MR. COLBERT: Madam Reporter, would</p> <p>22 you administer the oath?</p> <p>23</p> <p>24 WHEREUPON,</p> <p>25 CHRIS WHETSTINE,</p> |
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| <p>1 don't know if you have any redirect, but I</p> <p>2 understand Mr. Whetstine can only do it right</p> <p>3 now, so I think it would be important that we at</p> <p>4 least take a break now, and get Mr. Whetstine on</p> <p>5 the phone.</p> <p>6 MR. COLLINS: Sure.</p> <p>7 MR. COLBERT: All right.</p> <p>8 (Pause in proceedings, phone call</p> <p>9 placed to Chris Whetstine and his lawyer, Mr.</p> <p>10 Roseta.)</p> <p>11 MR. TYGART: I have got you on a</p> <p>12 speakerphone in front of a USADA panel here in</p> <p>13 the Justin Gatlin case.</p> <p>14 MR. ROSETA: I have Chris Whetstine</p> <p>15 here with me. I'm going to put you on the</p> <p>16 speakerphone here at my end. If I lose you, why</p> <p>17 don't you give me a call back.</p> <p>18 MR. CAMPBELL: Who is that? It's his</p> <p>19 lawyer?</p> <p>20 MR. ROSETA: Travis, can you hear me?</p> <p>21 MR. TYGART: I can hear you. Can you</p> <p>22 hear -- okay. I'm going to turn you over to the</p> <p>23 chairman of the panel, Chairman Colbert. This</p> <p>24 is Rick Roseta, who I understand is Mr. Chris</p> <p>25 Whetstine's attorney.</p> | <p>1 the witness herein, having been first duly sworn</p> <p>2 to state the whole truth telephonically,</p> <p>3 testified on his oath as follows:</p> <p>4</p> <p>5 MR. COLBERT: All right. Mr.</p> <p>6 Collins?</p> <p>7 MR. COLLINS: I just have -- before</p> <p>8 we get to questioning -- I have a housekeeping</p> <p>9 issue I'd like to discuss with the panel, but I</p> <p>10 need the people on the phone to hear. I was --</p> <p>11 MR. COLBERT: Well, first, can you</p> <p>12 hear Mr. Collins?</p> <p>13 MR. WHETSTINE: Yes.</p> <p>14 MR. COLLINS: Mr. Whetstine, who is</p> <p>15 not present, is in a room with his lawyer, and I</p> <p>16 can't see what communications, if any, are</p> <p>17 occurring, between Mr. Whetstine and his</p> <p>18 attorney.</p> <p>19 Yesterday, we had a witness testify,</p> <p>20 but none of them were in the same room, and so</p> <p>21 if a lawyer tried to communicate to the other</p> <p>22 one, presumably, they would have done it on the</p> <p>23 phone or something there, so, could we -- I</p> <p>24 mean, if Mr. -- normally, a witness doesn't have</p> <p>25 a right to have a lawyer object anyhow.</p> |

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| <p>1 Yesterday was a little bit of a special 2 circumstance, because it was the government. 3 But, maybe if he's going to advise 4 him to take the Fifth Amendment on something, 5 that would be appropriate, but short of that, I 6 don't think that there should be a whole lot of 7 communication between the witness and his lawyer 8 when it's not present and we don't see what's 9 happening. 10 And I'd ask that there be at least a 11 cautionary instruction. Obviously, that's the 12 best I can do under the situation. But it 13 certainly puts me at a distinct disadvantage. 14 MR. COLBERT: Well, let me -- let me 15 ask this, Mr. Roseta: If you have an issue with 16 any of the questions or you wish to instruct 17 him, would you please announce yourself on the 18 phone and state your objection to the question, 19 rather than just communicating to Mr. Whetstine 20 sort of off camera? Could you do that, 21 Mr. Roseta? 22 MR. ROSETA: Yes, I would be happy to 23 do that. 24 MR. COLBERT: All right. 25 Mr. Collins?</p> | <p>1 A. Yes, sir. 2 Q. And why was the meeting in Portland? 3 A. I had received a phone call by the 4 director of global athletics, Mr. John 5 Capriotti, who asked my presence there in order 6 to solicit my cooperation in assisting Justin in 7 recovering from a significant injury that he had 8 sustained to his hamstring, and which 9 subsequently resulted in bringing me on board in 10 order to assist him in getting his career back 11 on track. 12 Q. So you were called by Nike? 13 A. Yes, sir. 14 Q. Had you worked with Nike prior to 15 2003? 16 A. No. 17 Q. Had you worked with Nike athletes 18 prior to 2003? 19 A. Yes, sir. 20 Q. Who were some of the Nike athletes 21 you worked on? 22 A. Oh gosh, I've worked with plenty. 23 Let's start with a list of probably the most 24 famous, beginning with my association at the 25 Prefontaine Classic, where I served as -- well,</p> |
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| <p>1 2 EXAMINATION 3 BY MR. COLLINS: 4 Q. Mr. Whetstine, this is John Collins. 5 I think you and I spoke briefly on July 10th, 6 you may recall? 7 A. Yes, sir, good morning. 8 Q. Good morning. 9 I would like to start, if you could 10 state your name and spell your last name for the 11 record. 12 A. My name is Christopher Whetstine. 13 My last name is spelled W-h-e-t-s -- as in 14 Sam -- t-i-n-e. 15 Q. Mr. Whetstine, have you ever met 16 Justin Gatlin? 17 A. Yes, sir. 18 Q. When did you first meet Justin 19 Gatlin? 20 A. I first met Justin Gatlin after he 21 was injured in Mexico City in May of 2003. 22 Q. Where did you meet him? 23 A. In Portland, Oregon. 24 Q. And you live in Eugene, though, 25 right?</p> | <p>1 I did serve, up until recently -- as Director of 2 Athlete Support Services, which is an exclusive 3 Nike showcase event, a position I've held since 4 1995. 5 So, in '98, I was hired by Vector 6 Sports Management to work with their athletes, 7 which was predominantly Nike athletes, including 8 Marion Jones, C.J. Hunter, Michelle Collins, 9 LaTasha Colander, who is LaTasha 10 Colander-Richardson, at the time. Gosh, Jeff 11 Hartwig, the pole vaulter. Bob Kennedy. And I 12 have worked with Haile Gebrselassie, though he's 13 actually an Adidas athlete. I mean, the list of 14 elite superstars kind of goes on and on. Dennis 15 Mitchell, Christie Gaines, Kelli White. 16 Let's see, you need more names than 17 that? 18 Q. No, that's fine. 19 A. Okay. 20 Q. You rattled off a number of names. 21 I don't know that I got them all. 22 A. Would you like me to go through the 23 list again for you? 24 Q. No. I was just going to draw your 25 attention to a few of these. You said C.J.</p> |

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| <p>1 Hunter?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Michelle Collins?</p> <p>4 A. Yes.</p> <p>5 Q. LaTasha Colander. Kelli White. Was</p> <p>6 it Christie Gaines?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Marion Jones. Was -- Marion Jones</p> <p>9 was on there, right?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Other than Marion Jones, do you know</p> <p>12 if all of those athletes tested positive or were</p> <p>13 subject to the BALCO investigation?</p> <p>14 MR. BOCK: I'm going to object.</p> <p>15 Okay. Go ahead.</p> <p>16 MR. TYGART: I just -- I mean, I'll</p> <p>17 lodge it as totally irrelevant to this</p> <p>18 proceeding. But, you know, I'm going to defer</p> <p>19 to the panel. He's not our witness, so we're</p> <p>20 not really going to run interference for any</p> <p>21 questions, but it seems these other athletes</p> <p>22 have some -- should have somebody here to stop</p> <p>23 that sort of questioning when it's not relevant.</p> <p>24 MR. COLLINS: I think all of them</p> <p>25 were subject to USADA discipline, which is</p> | <p>1 escapes me. But is that a Nike event, or does</p> <p>2 that -- have its own entity; do you know?</p> <p>3 A. It's run by Northwest Events</p> <p>4 Management. The coordinator of the event, the</p> <p>5 meeting director, his name is Tom Jordan. He's</p> <p>6 been the event director for 22 years, but it</p> <p>7 is -- it's a Nike-sponsored showcase event as</p> <p>8 the primary sponsor.</p> <p>9 Q. Okay. So after 2003, did you</p> <p>10 continue to work for Nike?</p> <p>11 A. Yes, sir.</p> <p>12 Q. For how long?</p> <p>13 A. Up until the date of my injury, July</p> <p>14 22nd, 2006, but my contract expired December</p> <p>15 31st, 2006.</p> <p>16 Q. It was June 25th, or -6th? I'm</p> <p>17 sorry. I missed --</p> <p>18 A. The date that I was assaulted in</p> <p>19 Indianapolis was June 22nd, 2006.</p> <p>20 Q. Okay. But your contract ran through</p> <p>21 the rest of --</p> <p>22 A. Yes, I was never -- yes.</p> <p>23 Q. When did you sign that contract?</p> <p>24 A. The contract was signed in June of</p> <p>25 2005, retroactive to January 1st, 2005.</p> |
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| <p>1 public record.</p> <p>2 MR. COLBERT: Ask the question and</p> <p>3 see what --</p> <p>4 Q. (By Mr. Collins) Okay. You can</p> <p>5 answer the question.</p> <p>6 A. Could you restate the question,</p> <p>7 please?</p> <p>8 Q. I was asking if you're aware -- I</p> <p>9 believe Marion Jones has never had a USADA case</p> <p>10 actually brought against her, but I think all</p> <p>11 the other athletes have had, like, a USADA or --</p> <p>12 back when USA Track and Field were doing it,</p> <p>13 some sort of doping issue; is that correct?</p> <p>14 A. Bob Kennedy?</p> <p>15 Q. No, no, no. The names I read.</p> <p>16 A. Oh, yeah, a lot of them. The</p> <p>17 preeminent athletes in the industry have had</p> <p>18 accusations lodged against them over the years.</p> <p>19 Q. So when you, in 2003, when John</p> <p>20 Capriotti brings you up, that's the first time</p> <p>21 you get employed by Nike?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Prefontaine is sometimes called the</p> <p>24 Nike race, because Prefontaine was near and dear</p> <p>25 to the founder of that Nike -- his name suddenly</p> | <p>1 Q. Did anyone help you negotiate that</p> <p>2 contract with Nike?</p> <p>3 A. I performed the contract</p> <p>4 negotiations on my own with the assistance of</p> <p>5 Renaldo Nehemiah. Renaldo Nehemiah, yeah, that</p> <p>6 was then the person I went to.</p> <p>7 Q. Prior to signing the contract which</p> <p>8 became effective January of '05, what was your</p> <p>9 relationship with Nike? Did you have a contract</p> <p>10 or some other arrangement?</p> <p>11 A. We had a verbal agreement. I worked</p> <p>12 on a daily fee basis.</p> <p>13 Q. Do you recall what the daily fee</p> <p>14 was?</p> <p>15 A. Yes, sir.</p> <p>16 Q. What was that?</p> <p>17 A. \$350 a day, plus customary expenses.</p> <p>18 Q. How was the day part of that</p> <p>19 calculated? Was that -- did you have to travel?</p> <p>20 Did you have to see an athlete? Did you see one</p> <p>21 athlete? I just don't -- I'm just trying to</p> <p>22 figure that -- actually, let me strike that</p> <p>23 question. I will try to be a little more</p> <p>24 articulate.</p> <p>25 When you were working with Nike, you</p> |

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| <p>1 worked with Justin Gatlin, correct?</p> <p>2 A. Yes, sir.</p> <p>3 Q. You also saw other athletes?</p> <p>4 A. Yes, sir.</p> <p>5 Q. What constituted a "day" to kick in</p> <p>6 the 350?</p> <p>7 A. Well, a day could include -- you</p> <p>8 know, it could run the gamut from driving to</p> <p>9 Portland to work on Daniel Kipngetich Komen and</p> <p>10 Eliud Kipchoge, who are preeminent and middle-</p> <p>11 and long-distance athletes, as I did in 2006,</p> <p>12 to -- I also worked with Alberto Salazar in the</p> <p>13 Oregon Project -- to hopping on a plane and</p> <p>14 flying 5,000 miles and getting off the plane and</p> <p>15 promptly beginning a ten-hour day.</p> <p>16 Q. You refer to something known as the</p> <p>17 Oregon Project?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Could you explain what that is?</p> <p>20 A. Alberto Salazar, who is -- I guess</p> <p>21 we would call him a legend in the industry --</p> <p>22 came up with an innovative project, where he</p> <p>23 brought preeminent -- well, developmental or --</p> <p>24 and it was also open to higher-level athletes</p> <p>25 where they were developing them for the</p> | <p>1 Q. (By Mr. Collins) Since meeting</p> <p>2 Justin Gatlin.</p> <p>3 A. Since meeting Justin Gatlin, what</p> <p>4 was the parameters of my job description?</p> <p>5 Q. What services did you provide to</p> <p>6 athletes?</p> <p>7 A. Massage therapy services.</p> <p>8 Q. What would that entail?</p> <p>9 A. Well, typically for me, it would</p> <p>10 begin with evaluation of the video. I would</p> <p>11 collect all video that I could find to evaluate</p> <p>12 the form and style of the athlete; discuss</p> <p>13 certain postural and biomechanical issues with</p> <p>14 the coach; evaluate the athlete on the track</p> <p>15 from multiple angles, making sure to attend</p> <p>16 every single practice; preparing the athlete</p> <p>17 prior to practice, with various techniques,</p> <p>18 generally, with a handful of athletes at that</p> <p>19 point. And then typically working on them after</p> <p>20 or during, even, the session, and then following</p> <p>21 up with therapy services, generally in the hotel</p> <p>22 room or whatever venue we were at, after the --</p> <p>23 and I would be speaking specifically of a day at</p> <p>24 practice after the -- after the session was</p> <p>25 over.</p> |
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| <p>1 marathon. They would take 5,000-meter and</p> <p>2 10,000-meter guys and kind of like a marathon</p> <p>3 training school of sorts. There's been much</p> <p>4 written about --</p> <p>5 Q. That's the one that involves the</p> <p>6 house where they seal it and suck the air</p> <p>7 pressure out to 10,000 feet so it's like you are</p> <p>8 living in altitude?</p> <p>9 A. Yeah, they did that to me once.</p> <p>10 Q. But that's part of the Oregon</p> <p>11 Project?</p> <p>12 A. Yeah.</p> <p>13 Q. Now, what was your relationship,</p> <p>14 what services would you perform for the</p> <p>15 athletes?</p> <p>16 A. Are you speaking specifically of my</p> <p>17 relationship with Alberto Salazar?</p> <p>18 Q. No, not an Oregon Project. I'm</p> <p>19 sorry. Just generally, when you would treat an</p> <p>20 athlete, what sort of services would you</p> <p>21 provide? I'm assuming it wasn't legal services</p> <p>22 like I provide?</p> <p>23 MR. TYGART: Do you want to give some</p> <p>24 sort of time frame? I mean, just to try to get</p> <p>25 this to the relevant issues.</p> | <p>1 Q. Now, you talked about looking at</p> <p>2 video and analysis and style and form. You</p> <p>3 weren't coaching these athletes, were you? You</p> <p>4 were looking for a different purpose?</p> <p>5 A. I'm not a coach, no.</p> <p>6 Q. Okay. So what were you looking for</p> <p>7 in the videos? I'm just --</p> <p>8 A. Just problems, structural problems.</p> <p>9 Q. What kind of structural problem?</p> <p>10 A. Problems with heel-strike push-off,</p> <p>11 mid-stance, drive-space-through-acceleration</p> <p>12 problems; anything that pertains to the</p> <p>13 discipline involved, any moments that pertains</p> <p>14 to the discipline involved.</p> <p>15 Q. Okay, then, what would be the</p> <p>16 problem? I'm not sure I understand.</p> <p>17 A. I think maybe this is beyond your</p> <p>18 scope, but I will try to answer it for you in</p> <p>19 layman's terms.</p> <p>20 When someone runs, they will --</p> <p>21 generally, they will break it down into a series</p> <p>22 of what you'd say events within the discipline,</p> <p>23 like block-clearance-to-drive phase, drive phase</p> <p>24 to acceleration, you know. And so then they</p> <p>25 would practice these things over and over again.</p> |

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| <p>1 Quite a fascinating process, because</p> <p>2 you are dealing with, you know, obviously, let's</p> <p>3 say the top .01 percent of humanity. And so you</p> <p>4 will watch these people, and you will gauge them</p> <p>5 at the moment of fatigue. And you have to have</p> <p>6 a keen eye to be able to discern what is going</p> <p>7 wrong, attempt to correct it, convey that to the</p> <p>8 coach so that he can assist the athlete in</p> <p>9 providing him with training cues that can help</p> <p>10 him to overcome that barrier once the</p> <p>11 physiological obstruction is removed.</p> <p>12 Q. Okay. I think I understand now.</p> <p>13 What you are saying is you would look and see if</p> <p>14 there was a certain movement he was doing, he</p> <p>15 was doing it in some way that caused the stress</p> <p>16 on his body as opposed to whether it was slowing</p> <p>17 him down? Is that an accurate summary of what</p> <p>18 you are saying?</p> <p>19 A. I guess so.</p> <p>20 Q. Okay. You said you would work on</p> <p>21 after and during practice. What sort of work</p> <p>22 would you perform?</p> <p>23 A. Well, whatever was required or</p> <p>24 requested by the athlete.</p> <p>25 Q. Can you be a little more specific?</p> | <p>1 Q. Did you do things more than just</p> <p>2 stretching?</p> <p>3 A. Massage, if required.</p> <p>4 Q. And what would the massage entail?</p> <p>5 A. Generally kneading, pétrissage,</p> <p>6 effleurage, cupping, active-isolated stretching,</p> <p>7 most of it generally with -- you know, they will</p> <p>8 have their warmup gear on, so they are trying to</p> <p>9 get their muscles as hot as possible, so they</p> <p>10 don't generally expose it to the open air, so</p> <p>11 most of it's -- most of that's done with their,</p> <p>12 you know, with their tights on and stuff like</p> <p>13 that, so you are a little bit limited in your</p> <p>14 techniques.</p> <p>15 Q. That's when you are at the practice,</p> <p>16 right?</p> <p>17 A. Yeah.</p> <p>18 Q. That's not the case when you are</p> <p>19 giving them in your room?</p> <p>20 A. Oh, no.</p> <p>21 Q. Would you -- did you use anything to</p> <p>22 assist you in your massages?</p> <p>23 A. A table.</p> <p>24 Q. That's it?</p> <p>25 A. A rope.</p> |
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| <p>1 A. Oh, I'm sorry.</p> <p>2 It would typically begin with the</p> <p>3 athletes stretching or doing some light drills.</p> <p>4 And then they would come over to the table for</p> <p>5 what's a -- a series of movements that I perform</p> <p>6 that are -- fall loosely under the title of</p> <p>7 "active-isolated stretching," to -- well, they</p> <p>8 would run, that would take, from active-isolated</p> <p>9 stretching if we didn't have any -- if there</p> <p>10 were no problems to confront, to addressing the</p> <p>11 particular problem; let's say, if an athlete</p> <p>12 came to me, and he said, you know, my right</p> <p>13 hamstring is really tight, and maybe we need to</p> <p>14 take an extra look at this today to see what's</p> <p>15 going on.</p> <p>16 Q. And if someone said their hamstring</p> <p>17 is tight, what would you do?</p> <p>18 A. Once again -- well, let's see. I'm</p> <p>19 going to try to just keep this as simple as</p> <p>20 possible. I would perform an evaluation on the</p> <p>21 client, and then use the techniques, from -- it</p> <p>22 would generally be a very quick session from,</p> <p>23 you know, various types of stretching techniques</p> <p>24 to palpation techniques to help relieve the</p> <p>25 stress on whatever structure was affected.</p> | <p>1 Q. A table and rope. Anything else?</p> <p>2 A. No.</p> <p>3 Q. What about when you are in the room?</p> <p>4 A. Table, rope, gel, lotion, cream.</p> <p>5 Q. Any machines?</p> <p>6 A. Yes, sir.</p> <p>7 Q. What machines would you use?</p> <p>8 A. I was trained by Nike in the Tecar</p> <p>9 machine, which is an RFI machine that we were</p> <p>10 exposed to in Rome in 2005. They had a trainer</p> <p>11 work with me on the road through the remainder</p> <p>12 of 2005. A trainer from the company accompanied</p> <p>13 me to various meets, worked with me, trained me</p> <p>14 to -- on how to use the machine properly.</p> <p>15 And then I followed up with an</p> <p>16 extensive two-week training session in October</p> <p>17 of 2005, where I was given a one-on-one -- well,</p> <p>18 not a one-on-one. There was two instructors --</p> <p>19 well, three instructors, actually, working with</p> <p>20 me eight hours a day, in order to give me an</p> <p>21 advanced certification for the application of</p> <p>22 techniques using this technology.</p> <p>23 Q. What is a Tecar machine? Explain it</p> <p>24 to somebody like myself.</p> <p>25 A. I'm going to have a little bit of a</p> |

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| <p>1 hard time doing that right now, because it's a 2 little complicated. I would have to direct you 3 to their Web site, Tecar.com. 4 As you know, I received a head 5 injury, and it's really hard to -- it's kind of 6 hard to explain. So I don't think I'm going to 7 be able to adequately explain that even to a lay 8 person. 9 Q. In just 40,000-foot description, you 10 know. I'm not asking for the fine engineering 11 of it. 12 A. Oh, it would get warm. 13 Q. So it just gets warm? 14 A. Yeah. 15 Q. So it's kind of like a hot rock? 16 A. No, it's not a hot rock, sir. 17 Q. Well, does -- it must do something 18 more than just get warm. 19 A. No, it doesn't. It gets warm. That 20 is a 40,000-foot description of what you are 21 asking for. 22 Q. Maybe I had you a little too far 23 away. Maybe we need to zoom a little closer. 24 What is it doing that they -- you 25 know, I find it hard to believe that Nike had</p> | <p>1 A. I mean, if you are doing your 2 40,000-foot leap, I guess so, but, no, it's not 3 anywhere close to an ultrasound machine. 4 Q. Do you know how expensive this 5 machine was? 6 A. Nike said it was a 25,000 Euros 7 machine. 8 Q. Now, you said you used gels, 9 lotions, and creams. Can you describe those? 10 Let's start with the gels. 11 MR. TYGART: And again, just for 12 efficiency purposes, can we set some foundation 13 of when he used different creams and lotions? 14 MR. COLLINS: We already set the 15 foundation since Justin Gatlin. 16 MR. COLBERT: I think that's correct, 17 and the witness able to identify gels, liquids, 18 and creams, and identify any ones he uses, and 19 if you want to follow up about if they've 20 changed over time, you can do that. But why 21 don't we just get a list of them first. 22 MR. TYGART: Just so I'm clear, you 23 are talking about any gels, lotions, or creams 24 that were used on Justin Gatlin after he started 25 working with him in May of 2003?</p> |
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| <p>1 someone accompany you for the season, sent you 2 to two weeks' extensive training where you met 3 for hours a day with three instructors to get 4 training for something that just gets warm? 5 MR. TYGART: But, John, I mean, just 6 to try to move this along; in fairness, you 7 asked him how the machine works. It sounds like 8 a complex machine. Why don't you ask him how he 9 operates the machine on an athlete when he's 10 using it? Isn't that what you really are after? 11 MR. COLLINS: I want some idea of 12 what it's delivering to the athlete. He said 13 it's warm. I assume it's something more than 14 warm. 15 A. In layman, what you feel is warm, 16 and it helps loosen up tissues. 17 MR. COLBERT: This is Edward Colbert. 18 Can I ask a question: You used the expression an 19 RFI machine. Can you tell us what you mean by 20 RFI? 21 A. Radio frequency. 22 MR. COLBERT: So it uses radio waves? 23 A. Yeah. 24 Q. (By Mr. Collins) So it would be 25 somewhat similar to an ultrasound machine?</p> | <p>1 MR. COLLINS: No, just that he was 2 working with generally. I'm trying to get some 3 general idea of what he does, and I think I 4 narrowed it to gels the first time. 5 MR. COLBERT: Why don't we just get a 6 listing of them, and follow up. 7 Q. (By Mr. Collins) Could you list the 8 gels you've used since 2003? 9 A. Do you want me to tell you 10 everything I used? 11 Q. Sure. 12 A. Okay. I used a product called 13 Graston Technique. It's a mineral, 14 beeswax-based emollient. I began to use this 15 after 2003, because as I traveled 16 internationally, the problem that I found is 17 that when you are working on the 18 African-American population, the tendency of the 19 body to absorb lotion or oil is greatly 20 increased. And it just became a weight problem. 21 And so when you put a beeswax mineral oil -- not 22 a beeswax mineral oil, but basically -- you can 23 look up Graston Tech on-line, and you use that 24 as like a nonpermeable sort of base. 25 And then I would use Biotone</p> |

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| <p>1 Advanced Therapy Massage Gel -- it's called 2 massage gel -- and it's basically a massage oil. 3 And that's the product I settled on after using 4 various Biotone products, a company by whom I'm 5 sponsored. And I settled on the Advanced 6 Therapy Massage Gel because you could use a 7 lighter application, and once again, that would 8 diminish the amount that I would have to carry 9 on these extensive trips that I would have to 10 take.</p> <p>11 As well, dating back to 1998, under 12 the express direction of Trevor Graham, I was 13 instructed to use Voltaren cream, and that was 14 to be used immediately -- this started with 15 Marion Jones -- immediately on the athlete 16 post-competition. It's an anti-inflammatory 17 product that is sold over the counter in Europe, 18 and later, I found in Mexico as well.</p> <p>19 And let's see. I used the Tecar 20 products, two of the Tecar products from the 21 Italian: the Tecar gel; and then there's a -- 22 kind of like a -- I don't know if you would call 23 it a balm. I gave out -- I gave samples of all 24 of this stuff from -- actually, it was from the 25 bags that I was using, to Justin Gatlin's</p> | <p>1 know if a nonpermeable, but a less permeable 2 surface; then apply the oil, so that you could 3 get the proper viscosity required to complete 4 the job without having to go over to the pump 5 over and over and over again.</p> <p>6 And, you know, then you are going to 7 be searching around for, you know -- you know, 8 new lotion, and then you are going to be buying 9 stuff that's off-the-shelf. And, you know, you 10 don't want to be doing that, because you don't 11 know what the product is, you don't know its 12 viscosity, you don't know ultimately its 13 content, you know, because we have -- we're 14 very, very cautious and very careful about 15 things like that.</p> <p>16 I mean, I'm not only very particular 17 about the products I use. I started out just 18 using olive oil, if you want to know the truth 19 -- of course, extra virgin. But I would use 20 just olive oil. And of course, when we're at a 21 hotel, you can get that out of the kitchen when 22 you run out, but -- of course, that stains your 23 clothing, so -- I'm kind of just running far 24 afield here.</p> <p>25 Q. Okay. So it's safe to say you would</p> |
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| <p>1 investigators straight from my bags that I was 2 using at nationals, when they visited my house 3 in July of 2006, yeah, last year, 2006.</p> <p>4 Hold on a second. Biotone, Graston 5 Tech, Voltaren cream, the Tecar gel plus the 6 balm. That's it.</p> <p>7 Q. Okay. Now, you indicated you tried 8 to use some that absorbed a little less because 9 African-Americans absorb more frequently because 10 of the weight? I'm not sure -- then later you 11 said it had to do with how much you had to 12 carry.</p> <p>13 Are you indicating that you would 14 bring a big volume of this stuff? Is that what 15 I was to understand?</p> <p>16 A. Of the Graston Tech? No, I would 17 bring a very small amount of that. It would 18 take maybe, you know, a dab of it, and you could 19 basically cover the whole, you know, whatever 20 you are working on. If the person is face up, 21 it's the anterior portion of the thigh and lower 22 extremity, or the reverse being true if they're 23 flipped over.</p> <p>24 And you can use a very small amount 25 of it, and it would provide a non -- I don't</p> | <p>1 run out of this stuff fairly often?</p> <p>2 A. No, not at all. That's my point, is 3 I used the Graston Tech a base so I wouldn't.</p> <p>4 Q. But you would still, over the course 5 of a year, you would have to refill several 6 times?</p> <p>7 A. Oh, over the course of the year?</p> <p>8 Q. Yeah.</p> <p>9 A. Between my practice and my trips on 10 the road?</p> <p>11 Q. Yeah.</p> <p>12 A. Oh, yeah.</p> <p>13 Q. About how often?</p> <p>14 A. Well, running out is relative. I 15 mean, Biotone sends it to me by the gallon. 16 Graston Tech, we buy it by the case. You don't 17 run out. You buy it a year's worth, or, you 18 know, in the case of Biotone, gosh, I have got 19 products I have had to give away to the sports 20 clubs that I managed the therapy staff for 21 because we were worried that the product was 22 going to get out of date.</p> <p>23 Excuse me. I now want to add two 24 more products to the list of products that I 25 used. I did not include Biofreeze products,</p> |

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| <p>1 which is both the PROSSAGE heat product, and the 2 Biofreeze, whether it be in the Biofreeze spray, 3 roll-on or gel. Typically, we preferred the 4 spray or the roll-on because it's also, once 5 again, a product that you can stain your 6 clothing with. And when we're on the road, you 7 are sensitive to that, because of how much 8 clothing you can carry and when you can get to 9 the laundry and issues like that.</p> <p>10 Q. When you say you wouldn't buy off 11 the shelf, were you mixing your own stuff?</p> <p>12 A. No. It was sent to me by the 13 company. You order direct.</p> <p>14 Q. Now, you said you were sponsored by 15 a company. Other than Nike, what company 16 sponsored you?</p> <p>17 A. I was sponsored by a number of 18 companies. Impact, which is the maker of 19 vibrocusser, which is, you know, vibrocusser, 20 it's an impact tool, it's a massage tool, kind 21 of like a vibrating tool.</p> <p>22 Biotone, Biofreeze, Nike, PowerBar. 23 I'm on PowerBar Team Elite, where I advise the 24 staff on athlete -- their athlete roster, 25 distribute products at events. I made sure that</p> | <p>1 would typically -- I mean, that would, of 2 course -- as you can imagine, that would last 3 forever.</p> <p>4 And then they also sent me lots of 5 products for distribution, as I was the director 6 of athlete support services for the Nike 7 Prefontaine Classic, as I mentioned earlier, as 8 well as distributing their product on the road 9 to other, to other -- well, athletes and massage 10 therapists along with product information.</p> <p>11 Oh, and I was also sponsored by 12 StrongLite, who made a special table for me, 13 that would be less of an encumbrance in airport, 14 you know, weight and baggage, with a specially 15 built table for me.</p> <p>16 Q. Your regular practice, your non-Nike 17 practice, you were making \$350 a day with Nike. 18 What would you make in your normal practice?</p> <p>19 MR. CAMPBELL: I think it was 850, he 20 said, a day.</p> <p>21 MR. COLLINS: 350.</p> <p>22 MR. CAMPBELL: It was 3?</p> <p>23 A. At which point in time?</p> <p>24 Q. Say 2003.</p> <p>25 A. Oh, I would work, you know, anywhere</p> |
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| <p>1 I would take pictures of athletes that were 2 sponsored by them, so that they could get 3 their -- you know, get the pictures to the 4 athlete, so they could send them in to PowerBar, 5 so they could get their -- you know, there's 6 contracts -- there's little bonuses that they 7 use, stuff like that. So those are the 8 companies.</p> <p>9 Q. When you say you are sponsored by 10 them, you receive compensation from those 11 companies?</p> <p>12 A. I receive -- most of it is product 13 in-kind, except for my relationship with Nike, 14 of course, which was financial.</p> <p>15 Q. And then the product in-kind you 16 received, you used on the athletes in different 17 places and used in your regular business?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And you would get it in large 20 volume?</p> <p>21 A. Well, they would send it to me in 22 large volumes for particular sporting events. 23 And so that's what I would refer to as, you 24 know, like, what I use in my practice, I would 25 have a one-gallon pump bottle, you know, that</p> | <p>1 from three to six sessions a day, which could 2 include anywhere from 5 to 8-plus hours' worth 3 of work.</p> <p>4 Q. What would your compensation be for 5 a day, then?</p> <p>6 A. I think in 2003, my rate was \$70 per 7 session. It's since gone to 80.</p> <p>8 Q. Do you know when it went to 80?</p> <p>9 A. I can't tell you specifically, no.</p> <p>10 Q. So the 350, you gave me an estimate 11 of three to six sessions a day and \$70 a day, so 12 the 350 a day you are getting from Nike roughly 13 would equal what you are making in your 14 practice?</p> <p>15 A. Roughly.</p> <p>16 Q. And do you have a pretty busy 17 practice?</p> <p>18 A. Yes, sir.</p> <p>19 Q. In 2003, 2004, generally, working 20 five days a week?</p> <p>21 A. Well, with the travel schedule, 22 during the season of travel, it was difficult. 23 I mean, you're kind of in a -- it places a 24 therapist with a private practice in a difficult 25 situation, because you're attempting to maintain</p> |

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| <p>1 contact with your client base, but nonetheless, 2 how can you do that when you are traveling 3 internationally? 4 That's what finally precipitated the 5 contract negotiations between myself and Nike, 6 because I had found when I was doing the numbers 7 that I was just losing way too much money by 8 having this job. The numbers weren't working 9 out. I would generally end up with some slow 10 time that just wasn't commensurate for a person 11 of my skill level. 12 Q. Approximately how many days a year 13 in 2003 -- how many days a year in 2003 were you 14 on the road? Do you know? 15 A. No, I don't know. I don't know. 16 Every -- I don't know. 17 Q. How about 2004? 18 A. Whew, probably 110. 19 Q. And in 2004, you were getting the 20 350 a day from Nike? 21 A. Yes. 22 Q. And you also had -- other than 110 23 when you were back, you had some income. I 24 understand you had some slow times, but you had 25 some income too at home?</p> | <p>1 Q. Did you ever provide acupuncture? 2 A. Yes. 3 Q. When did you start doing that? 4 A. Just a couple of times in 2006. 5 Q. Who did you practice that with? 6 A. Justin had a hamstring problem, and 7 we sought relief from that from some -- I 8 think -- I can't remember where it was, but it 9 was -- I think it -- maybe it was Osaka. And he 10 found that that worked very well for him. And a 11 couple of other times, they showed me something 12 very specific to do that would work with him. 13 Q. Who showed you? 14 A. The professionals, the 15 acupuncturist. 16 Q. Are you a licensed acupuncturist? 17 A. No, sir. 18 Q. Are you a licensed massage 19 therapist? 20 A. Yes, sir. 21 Q. Is a licensed massage therapist 22 authorized to do acupuncture? 23 A. No, sir. 24 Q. But you did it anyhow? 25 A. Yes, sir.</p> |
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| <p>1 A. Yes. 2 Q. And any idea of approximately how 3 much you were working back in your practice? 4 A. Well, according to my family, too 5 much. I was supposed to take some downtime. I 6 don't know. I'm just editorializing. I don't 7 know. I can't tell you truthfully. 8 Q. Approximately the same amount as you 9 did with the days on the road? 10 A. Oh, no, my days on the road were 11 typically 10-, 12-hour days. 12 Q. No, I mean out of the 365 days in 13 the year, you spent 110 of them on the road in 14 2004, you are estimating. Do you think you 15 worked another 110 at home in your private 16 practice? 17 A. I don't know. I'm not going to 18 guess. 19 Q. Okay. How about 2005? How many 20 days on the road? 21 A. Probably a hundred -- more than 100. 22 It's my estimation. 23 Q. Okay. Did you ever provide any 24 chiropractic treatment to athletes? 25 A. No.</p> | <p>1 Q. Now, did different treatments that 2 you would give athletes change over time? 3 A. Yes, sir. 4 Q. Do you recall a change in your 5 protocol from 2005 to 2006? 6 A. No. 7 Q. Do you recall using a new machine in 8 2006? 9 A. The machine was introduced in 2005. 10 Q. And that's the Tecar machine? 11 A. Yes. 12 Q. You talked about different gels and 13 creams and stuff. Did you start using any new 14 gels or creams in 2006? 15 MR. COLBERT: Mr. Whetstine, did you 16 hear the question? 17 MR. WHETSTINE: I didn't. No, I 18 didn't. 19 MR. COLBERT: Ask your question 20 again. 21 Q. (By Mr. Collins) In 2006, did you 22 use any new or different gels, creams, or 23 lotions? 24 A. I answered that. I said no. 25 Q. So the creams and lotions you used</p> |

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| <p>1 in 2006 are the same ones you used in 2005?</p> <p>2 A. Yes, sir.</p> <p>3 Q. You indicated a number of your</p> <p>4 substances you buy directly from the</p> <p>5 manufacturer; is that correct?</p> <p>6 A. Yes, sir.</p> <p>7 Q. What about Voltaren cream, do you</p> <p>8 buy that directly from the manufacturer?</p> <p>9 A. No.</p> <p>10 Q. Where do you buy Voltaren cream?</p> <p>11 A. Over the counter in Europe, and it's</p> <p>12 also, as I found out, available in Mexico.</p> <p>13 Q. You speak Spanish, correct?</p> <p>14 A. "Sí."</p> <p>15 Q. Bueno.</p> <p>16 (Laughter.)</p> <p>17 Q. Have you purchased Voltaren in</p> <p>18 Mexico?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Do you know when?</p> <p>21 A. Yes. Specifically, I went to the</p> <p>22 pharmacy with Randall Evans in our trip to</p> <p>23 Monterrey, Mexico, in May of 2004. And I would</p> <p>24 like to note at that time, I watched the witness</p> <p>25 Randall Evans buy pure testosterone.</p> | <p>1 associate, Mr. Graham and billed directly to</p> <p>2 Nike, I was purchasing Voltaren regularly at</p> <p>3 many places in Europe.</p> <p>4 Q. So how would you bill it directly to</p> <p>5 Nike when you were buying it?</p> <p>6 A. Under the terms of my contract.</p> <p>7 Under reasonable expenses.</p> <p>8 Q. Okay. So it wasn't like there was a</p> <p>9 bill for Voltaren being sent from the store to</p> <p>10 Nike. You were paying for it at the store.</p> <p>11 A. Yes.</p> <p>12 Q. You were just getting reimbursed by</p> <p>13 Nike?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And would you buy this in similar</p> <p>16 quantity, or would you have to buy this multiple</p> <p>17 times?</p> <p>18 A. Well, you know, it's not real cheap,</p> <p>19 and I was paying for it myself prior to</p> <p>20 reimbursement, so, you know, I would buy as much</p> <p>21 as I could afford, I mean, 10 tubes, 15 tubes,</p> <p>22 if I could get it.</p> <p>23 Q. How long would a tube last?</p> <p>24 A. Post race, you could use up a tube</p> <p>25 on three athletes.</p> |
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| <p>1 Q. So you bought Voltaren cream in</p> <p>2 Mexico in 2004. Is that the only time you</p> <p>3 bought Voltaren cream in Mexico?</p> <p>4 A. Yes.</p> <p>5 Q. Where in Europe would you buy it?</p> <p>6 A. You try to get it in Switzerland</p> <p>7 because -- I have spoken to a doctor there, and</p> <p>8 he said that there's two different types of</p> <p>9 Voltaren. One of them is -- it's called</p> <p>10 Emulgel. And if you are familiar as I'm certain</p> <p>11 you probably have done research on this since</p> <p>12 taking this case, that's more of a -- well, to</p> <p>13 differentiate the Emulgel, from a Lipigel, which</p> <p>14 the doctor explained to me that the absorption</p> <p>15 rate of the Lipigel is much higher, and so in a</p> <p>16 situation like where we're at, where you want to</p> <p>17 apply the Voltaren on the athlete and have a</p> <p>18 high absorption rate, you'd use the Lipigel.</p> <p>19 But you try to get it -- you try to</p> <p>20 get it in Switzerland. And we -- you know,</p> <p>21 there's meets in Switzerland, from a -- you</p> <p>22 know, Lausanne and Zurich, and so, typically,</p> <p>23 that would be the preferable place.</p> <p>24 But, you know, anywhere you go, you</p> <p>25 want to -- on instruction from, you know, my</p> | <p>1 Q. So, what about in practice? Would</p> <p>2 you use Voltaren ever other than just after a</p> <p>3 race?</p> <p>4 A. You know, if the athlete's</p> <p>5 experiencing, you know, like tightness,</p> <p>6 inflammation, we would use it. Typically, when</p> <p>7 you have your -- you know, sadly enough, we have</p> <p>8 to stratify our clientele, and you will have</p> <p>9 your top-tier athletes, and then your -- I hate</p> <p>10 to say that, but second-tier athletes. You want</p> <p>11 to treat them all fairly, but in all reality, if</p> <p>12 you have two tubes of Lipigel and two tubes of</p> <p>13 Emulgel, you are not going to put your Lipigel</p> <p>14 on your second-tier athletes.</p> <p>15 I don't know if that addressed your</p> <p>16 question, but, you know, those are just the</p> <p>17 problems of life on the road.</p> <p>18 But, you know, we would -- if Justin</p> <p>19 requested, if Justin was saying that he felt</p> <p>20 tightness and soreness and because of his</p> <p>21 stride-length pattern, and lower-extremity</p> <p>22 extension during his acceleration phase, which</p> <p>23 is, you know, something that is absolutely</p> <p>24 incredible to watch. He put himself at a lot of</p> <p>25 risk for injuries to his hamstring, and quite</p> |

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| <p>1 often complained of, you know, problems in those 2 associated areas.</p> <p>3 Q. So if you could run out of a tube 4 on, say, three athletes after a race, if you 5 gave three athletes treatment before a race, you 6 could presumably again run out of a tube?</p> <p>7 A. Well, you wouldn't have as generous 8 of an application, if you are in the treatment 9 room. When you are dealing with it in a 10 post-event setting, you know, you are typically 11 contending with more fabric. You know, the 12 athlete is going to pull up their tights, let's 13 say, and then you apply the cream while they're 14 standing, and then, you know, they'll like --</p> <p>15 Let's give a typical example. I 16 mean, I have done this probably 100 times, where 17 the athletes would just have their tights on, 18 and typically, you want to get to the athlete -- 19 and it's my instruction to get to the athlete as 20 quickly as possible and apply the substance to 21 them. They would typically have their tights 22 on, but, you know -- like, say, in Helsinki or 23 something where it's 58 degrees and raining out. 24 Of course, the athlete is going to get their 25 tights back on immediately after running.</p> | <p>1 Q. And that was always your practice? 2 Did you hear me?</p> <p>3 A. Yes, sir.</p> <p>4 MR. COLBERT: Could you answer the 5 question, again? I'm sorry, we had an 6 interruption here.</p> <p>7 A. Yes, sir.</p> <p>8 Q. So your answer is yes, that that was 9 always your practice from 1998 on?</p> <p>10 A. Absolutely.</p> <p>11 Q. Now, if you are buying 10 to 15 12 tubes at a time, and you could use a tube on 13 three athletes, you had to be buying Voltaren 14 cream fairly frequently, correct?</p> <p>15 A. As much as I could afford, as often 16 as I needed to, yes.</p> <p>17 MR. ROSETA: Counsel, this is Rick 18 Roseta. Mr. Whetstine just indicated to me that 19 he would like to go ahead and go use the 20 restroom. Would that be permissible, if I just 21 leave the line open, and we take a couple of 22 minutes?</p> <p>23 MR. COLBERT: It's fine. How much 24 does Mr. Whetstine -- time does he need? Five, 25 ten minutes? What does he need? We will take a</p> |
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| <p>1 But as you can see, what would be 2 inherent -- an inherent problem with that 3 situation is that when the athlete then pulls 4 their tights back down over their legs, there's 5 going to be some absorption of the Lipigel into 6 the fabric of their clothing, and so you need to 7 accommodate for that.</p> <p>8 And, you know, so that is the only 9 difference there. So that would affect the 10 amount of distribution. I can't tell you by 11 what percentage, but certainly you could see how 12 that would affect the distribution of the 13 product.</p> <p>14 Q. You have indicated a couple of times 15 now, your pattern and you're saying since 1988, 16 since learning it from Trevor Graham was that 17 you would greet an athlete, or try to get an 18 athlete as soon as possible after a race?</p> <p>19 A. Yes, sir.</p> <p>20 Q. So you wouldn't -- say that athlete 21 was being sent to doping or had a press 22 conference, you wouldn't wait till after the 23 press conference, you would get to them right 24 after the race?</p> <p>25 A. Yes, sir.</p> | <p>1 similar break here.</p> <p>2 MR. ROSETA: Whatever you would like 3 to do. I just wanted to let you know --</p> <p>4 MR. COLBERT: It's actually certainly 5 permissible, Mr. Whetstine. Shall we say we'll 6 be back -- is five minutes sufficient?</p> <p>7 MR. ROSETA: Sure. Do you want to 8 recall me, or do you want me to just leave --</p> <p>9 MR. COLBERT: Let's leave the line 10 open.</p> <p>11 MR. TYGART: Can you see if they have 12 any time concerns on their end?</p> <p>13 MR. COLBERT: I guess the next 14 question I'd have is: Do you have any time 15 concerns with regard to -- I know it's about 16 8:00 in the morning your time?</p> <p>17 MR. ROSETA: Yes. Yes, it is.</p> <p>18 MR. COLBERT: Is there any particular 19 time concern you would have over the next hour 20 or so?</p> <p>21 MR. ROSETA: Only if Mr. Whetstine 22 gets too tired. He is --</p> <p>23 MR. COLBERT: That's fine. If 24 Mr. Whetstine is tired at some point and wants 25 to take a short break, just let us know.</p> |

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| <p>1 MR. ROSETA: Okay. We'll do that. 2 Why don't we take a break, then, for him to 3 relieve himself, and we can come back. I will 4 let you know when we're ready to go. 5 MR. COLBERT: That's fine. Thank you 6 very much. 7 (Brief recess taken.) 8 MR. ROSETA: Mr. Whetstine is back 9 and ready to go, if you'd like. 10 MR. COLBERT: I will call the other 11 parties in. Thank you. 12 (Brief recess taken.) 13 MR. COLBERT: We're back on the 14 record, Mr. Whetstine. Is it Whet-stene 15 (phonetic) or Whet-stine (phonetic)? 16 MR. WHETSTINE: Whet-stine 17 (phonetic). Thank you. 18 MR. COLBERT: Thank you. 19 Q. (By Mr. Collins) Now, I think we 20 left off where you indicated that you would run 21 out of these tubes fairly often, and you'd have 22 to -- you would purchase as many as you could, 23 when you could, what you could afford, and it 24 was fairly often. 25 To follow up on that, what would</p> | <p>1 travel, we would not only be responsible for our 2 own stuff, but when the athlete goes to compete, 3 you have to safeguard their bag, and you know, 4 you'll have, let's say, five athletes and three 5 people. Of course, Trevor can't carry all of 6 the bags, so, you know, they would be -- that's 7 it. 8 Q. So you worked with Trevor Graham for 9 a long time? 10 A. Off and on for ten years. 11 Q. And you are friends with him? 12 A. Well, golly, I thought I was. 13 Q. "I thought I was," is that referring 14 to some of the allegations he's made since 15 Justin has tested positive? 16 A. Yeah. I mean, in 2006, I would have 17 to say it was probably the best year in our 18 relationship that we had ever had. We would go 19 on long walks together, talked about politics, 20 religion, he showed an immense amount of concern 21 for Justin Gatlin in trying to keep him on 22 focused and on track, so that we could attain 23 our goal. 24 And, finally, you know, having come 25 from a situation where I had terminated my</p> |
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| <p>1 happen when you ran out of Voltaren cream in the 2 U.S.? Where would you purchase it? 3 A. Well, I try -- you don't. You try 4 and make sure and have enough. 5 Q. So there's never a time where you 6 ran out while you were in the U.S.? 7 A. Possibly, but not that I recall. 8 Q. Did you ever buy any over the 9 Internet? 10 A. No, sir. 11 Q. Have you ever bought any substances 12 from a company called BioMart? 13 A. No, sir. Until today, I have never 14 even heard of this company. 15 Q. When you were at a meet, you would 16 carry your materials in a bag? 17 A. Yes. 18 Q. Would you have all your materials in 19 a bag, or would some be in the room, some be in 20 a bag? How would that work? 21 A. Well, I was taught very early on by 22 Trevor Graham to keep all of my materials under 23 very close observation -- this was in the late 24 '90s -- and as well, to help safeguard, you 25 know, the athletes' stuff as well, because as we</p> | <p>1 relationship with Marion Jones twice, I really 2 felt that we had hit our stride, that we were a 3 solid team, and that everything was going 4 fantastically, and especially when we were 5 rewarded with the world record. Just we were on 6 top of the world. 7 Q. Oh, in 2006, the world record? 8 A. Yeah, in Doha? 9 Q. So you don't recall a time in late 10 2005, early 2006 where Sprint Capitol was 11 advertising on its Web site for a new massage 12 therapist? 13 A. Well, I never checked their Web site 14 for the posting, of course. I had a job. 15 But, as I understand, it was later 16 claimed by Trevor Graham that he had run some 17 posting, although in all fairness, he had told 18 me that it was all Renaldo Nehemiah was 19 conspiring and attempting to influence Justin to 20 replace me. And it was quite a seed of 21 animosity that had developed between Renaldo and 22 Trevor, after Renaldo had counseled Trevor -- or 23 excuse me, counseled Justin and commented 24 publicly about his association with a known drug 25 coach.</p> |

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| <p>1 Q. Now, you, in your last statement, 2 you said something to the effect that Trevor 3 Graham says -- well known Renaldo Nehemiah is 4 trying to replace me. 5 When you used the word "me," were 6 you referring to what Trevor Graham was saying 7 about Trevor Graham, or was that "me," Chris 8 Whetstine? I wasn't sure I understood that 9 quote. 10 A. Well, it has always been, as I -- 11 you know, it was paramount in my contract with 12 Nike to make that a very distinct separation. 13 And I guess I'm alluding to the confusion that 14 Trevor Graham suffered from in thinking that I 15 worked for him. And in my reassociation with 16 the sport of track and field -- I came back from 17 working on the PGA tour after I had left Marion 18 for the second time prior to World Championships 19 in 2001 -- that I would never work for an 20 athlete directly. I mean, I worked for Ben 21 Crane, but when it came down to a group setting 22 such as this, I would never work for an athlete. 23 I would definitely never work for Trevor Graham. 24 And sometimes things became a bit contentious in 25 reinforcing that point to Mr. Graham. And I</p> | <p>1 looking for a massage therapist, correct? 2 A. Yeah. I had phone calls -- 3 conversations with Trevor Graham, and he 4 explained to me how he was fiercely attempting 5 to protect my job against the vicious attempts 6 by Renaldo Nehemiah to usurp his power over 7 Justin and influence Justin to no longer work 8 with me. 9 Q. Okay. When you said "me" there, you 10 are saying -- 11 A. I'm talking about a fellow named 12 Chris Whetstine, the guy you're talking to. 13 Q. Okay. That was what I -- 14 A. I'm sorry if I'm not being clear 15 enough. It seems to make perfect sense to me. 16 But I'm sorry, I will be more clear. 17 Q. Thank you. So Renaldo was trying to 18 replace you? 19 A. That's not what Renaldo said. 20 Q. Okay. What did Renaldo say? 21 A. I don't know that he actually 22 commented. He -- I don't think that he actually 23 specifically commented on the issue. 24 Q. Renaldo is a friend of yours, 25 though, right?</p> |
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| <p>1 believe that is the episode that you are 2 referring to here. 3 Q. Well, actually, I'd asked a 4 different question than that. 5 A. Oh, I'm sorry. What was that? 6 Q. You had just given a statement 7 saying that Trevor Graham had said it was all 8 Renaldo Nehemiah trying to replace me, and when 9 you used the word "me," I didn't know if you 10 were using that as what Trevor Graham had said, 11 so Trevor Graham said it was all about Renaldo 12 trying to replace Trevor, or if Renaldo 13 Nehemiah, when the Web -- because we were 14 talking about the Web posting on Sprint Capitol. 15 So is it your testimony that Renaldo Nehemiah 16 was trying to replace you, Chris Whetstine, or 17 was Renaldo Nehemiah trying to replace Trevor 18 Graham? 19 A. You are being very confusing. 20 You're trying to say Trevor is advertising for a 21 replacement of Trevor on his Web site? 22 Q. No, I'm trying to understand a 23 statement you made. I will try it again. Okay. 24 You learned about -- you didn't look at the Web 25 site, but you learned that Sprint Capitol was</p> | <p>1 A. Yes. 2 Q. Because he had negotiated your 3 contract with Nike? 4 A. Well, he helped me. Like I said, 5 again, I would have to say, I thought Renaldo 6 was my friend as well. I recognized both him 7 and Don Quarry as, you know, greats. 8 When I came into the business in 9 '98 -- I mean, you have to understand my 10 history. I was born and raised here in Eugene, 11 Oregon. And I was raised as a little kid who 12 would stand outside the fence at Hayward Field 13 and, you know, watch the Prefontaine on the 14 track. And I wasn't reading the baseball 15 scores. I was reading Edwin Moses and Renaldo 16 Nehemiah, completely in awe of the sport, 17 complete with my own tube of Shoe Goo, and 18 repairing my old Adidas over and over again, you 19 know, just a typical running kid from Eugene. 20 And so I found very few people that 21 I enjoyed more than speaking with Renaldo 22 Nehemiah, and attempted to develop a 23 relationship with him, wherein if an athlete, 24 you know, ever asked me for advice about what 25 agent, you know, they might consider, I would</p> |

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| <p>1 always make sure and let them know that I felt 2 that Renaldo Nehemiah was a person who I felt 3 was fair, credible, and a person of good 4 integrity. 5 Q. Okay. 6 A. Unfortunately, however, 7 Mr. Nehemiah -- 8 Q. I think you have answered my 9 question. 10 A. You don't want to hear the end of 11 it? 12 MR. COLBERT: I would like to hear 13 the end of it. This is Edward Colbert. 14 A. Oh, at the last conversation that I 15 had with Mr. Nehemiah seemed to echo the tone of 16 when I was -- I will use the word "threatened" 17 by both Trevor Graham and Justin Gatlin -- or 18 working together, in August of 200- -- yeah, in 19 August of 2006, he made a similar comment to me 20 as Justin and Trevor had done. And I think it 21 was in December. 22 And when he said, Well, what are you 23 going to -- what are you going to do to help out 24 Justin Gatlin? As if he was also asking me to 25 become the fall guy for whatever has happened</p> | <p>1 Q. Now -- 2 A. I've made no further contact with 3 Renaldo Nehemiah since that time, because of the 4 nature of his comments. 5 Q. Now, you claim that -- you just 6 claimed in that answer that Justin Gatlin and 7 Trevor Graham threatened you and tried to buy 8 you off. 9 As I understand, you have also 10 produced to the federal government and USADA 11 copies of text messages from Justin Gatlin. 12 A. Yes, sir. I have produced copies of 13 text messages, the phone calls from Trevor 14 Graham of the same day, as well as a phone call 15 of September 21st, 2006, wherein Justin Gatlin 16 claimed that he knew exactly what this 17 conspiracy was all about, that he knew why 18 Llewellyn Starks had beaten me up, and claimed 19 that I had colluded with John Smith, Emanuel 20 Hudson, Llewellyn Starks, and a couple of other 21 guys -- and I'm now quoting verbatim from his 22 communication to me -- and that the truth would 23 soon be told. 24 Q. All right. Those text messages were 25 not sent in September, were they?</p> |
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| <p>1 here in this unfortunate circumstance. 2 Q. Do you know if that was done by 3 e-mail or by phone? 4 A. It was done by phone. 5 Q. Okay. You don't recall an e-mail in 6 December of 2006 from Renaldo Nehemiah telling 7 you he wanted you to just tell the truth, 8 whether it was good or bad for Justin, whatever 9 came out, just tell the truth? 10 A. I don't recall, but I believe that's 11 what I'm doing right now. 12 Q. But you said you felt that you were 13 threatened by Renaldo Nehemiah? 14 A. It felt threatening. It felt like 15 after, you know -- you have to understand, sir, 16 I was beaten severely as a result of this. And 17 subsequent to that, I was contacted by both 18 Mr. Graham and Mr. Gatlin on the same day in an 19 attempt to -- they were colluding in an attempt 20 to get me to sign an affidavit with the promise 21 of paying me off in order to take the fall for 22 this. 23 And when I heard Mr. Nehemiah speak 24 words echoing that same sentiment and tone, 25 well, it -- that stuff scares me.</p> | <p>1 A. They were sent August 6th or 7th, 2 the same day that -- hours after Trevor had 3 contacted me on -- it would be August 6th or 7th 4 of 2006. 5 Q. Are you aware that prior to Justin 6 Gatlin sending those text messages, Trevor 7 Graham had informed him that you were willing to 8 come clean and say what you had done, but you 9 were worried that you might get sued by Justin? 10 A. No. 11 Q. Does Justin in those text messages 12 use -- you know, when you ask him what he wants 13 you to do, he says to tell the truth, is that in 14 those text messages? 15 A. After he said he won't hurt me or my 16 family. 17 Q. Well, a lawsuit which would hurt 18 your finances would hurt you, wouldn't it? 19 A. Excuse me? 20 Q. Would a lawsuit against you hurt 21 your finances and put you in jeopardy, that 22 would hurt you, wouldn't it? 23 A. I guess so. I'm under no threat of 24 any lawsuits. 25 Q. I want to go back a little bit. You</p> |

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| <p>1 talked about how you would be protective -- or</p> <p>2 that Trevor Graham had told you to watch over</p> <p>3 your stuff closely --</p> <p>4 A. Yes, sir.</p> <p>5 Q. -- at a meet.</p> <p>6 Is it possible that anybody ever got</p> <p>7 access to your bag?</p> <p>8 A. No.</p> <p>9 Q. So it was never out of your sight?</p> <p>10 A. Oh, it's been out of my sight, yes.</p> <p>11 Q. But no one could get access to it?</p> <p>12 A. Anything is possible, but I would</p> <p>13 say if you were to take a cross-section of</p> <p>14 people, I would say that I'm extremely</p> <p>15 professional. When I leave my room, I make sure</p> <p>16 all of my stuff is secured. When I'm in an</p> <p>17 environment where other athletes and spectators</p> <p>18 are, I keep a very close watch over my stuff.</p> <p>19 And I'm -- so was I being careful as I possibly</p> <p>20 could be? Yes.</p> <p>21 Q. Now, you indicated that your routine</p> <p>22 didn't change much with respect to cheating</p> <p>23 athletes -- or didn't change at all, I believe</p> <p>24 was your testimony, from 2005 to 2006, correct?</p> <p>25 MR. ROSETA: Would you restate that?</p> | <p>1 it, would he have not had that opportunity to do</p> <p>2 that?</p> <p>3 A. That would also be a complete</p> <p>4 fabrication.</p> <p>5 Q. So if he said he looked in your bag</p> <p>6 in Indianapolis with another person in the room,</p> <p>7 that would be a complete fabrication?</p> <p>8 A. Randall Evans came into my room</p> <p>9 after I had been beaten.</p> <p>10 Q. I was asking about Justin Gatlin.</p> <p>11 I'm sorry.</p> <p>12 A. Oh, about Justin Gatlin? Oh, I</p> <p>13 mean, sir, there's no BioMart. All this</p> <p>14 BioMart, I don't know what you are talking</p> <p>15 about. It does not exist.</p> <p>16 Q. You're not aware that there's a</p> <p>17 BioMart company in China, in Shanghai, China,</p> <p>18 that makes a number of substances including</p> <p>19 testosterone, human growth hormone, and other</p> <p>20 substances?</p> <p>21 A. No, I have no knowledge.</p> <p>22 Q. You have been to Shanghai?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Now, do you recall asking Justin</p> <p>25 Gatlin for a bonus at the end of the 2005</p> |
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| <p>1 It didn't come through.</p> <p>2 Q. You previously indicated that his</p> <p>3 routine of working with the athletes did not</p> <p>4 change at all between 2005, 2006 -- or be more</p> <p>5 specific, that he would come up to the athletes</p> <p>6 immediately after the race. That's what Trevor</p> <p>7 Graham had instructed him in '98, and that</p> <p>8 remained his procedure through 2006?</p> <p>9 A. Up to the very last time I worked on</p> <p>10 Justin Gatlin.</p> <p>11 Q. Okay. Was it always part of your</p> <p>12 procedure that you would then rub stuff on the</p> <p>13 back of their knees and then on their inner</p> <p>14 thighs?</p> <p>15 A. To include the back of the knee and</p> <p>16 the inner thigh, the front of the thigh, and the</p> <p>17 anterior and posterior, lower extremity as well.</p> <p>18 Q. Now, you indicated that you kept</p> <p>19 tight controls over your materials, so if</p> <p>20 Randall Evans were to have said that he looked</p> <p>21 in your bag and saw a bottle that said "BioMart"</p> <p>22 on it, he would not have had that opportunity?</p> <p>23 A. Randall Evans would be lying.</p> <p>24 Q. If Justin Gatlin said he looked in</p> <p>25 your bag and saw a bottle that said "BioMart" on</p> | <p>1 season?</p> <p>2 A. No, I asked Renaldo Nehemiah.</p> <p>3 Q. But you were being paid by Nike at</p> <p>4 the time?</p> <p>5 A. Yes.</p> <p>6 Q. Are you aware that based on your</p> <p>7 asking for this bonus, it caused friction with</p> <p>8 the Gatlins and Nike?</p> <p>9 A. No, I have no knowledge of that.</p> <p>10 My -- my employer never brought it</p> <p>11 up to me. And there is a clause in my contract</p> <p>12 that if I ever engage in any unprofessional</p> <p>13 behavior, that my contract is subject to</p> <p>14 immediate termination.</p> <p>15 Q. So if someone -- if someone was to</p> <p>16 testify that when they notified John Capriotti</p> <p>17 that you had asked for a bonus and John</p> <p>18 Capriotti got all upset, that person would be</p> <p>19 making it up?</p> <p>20 A. I'm not saying that. I was saying I</p> <p>21 would be surprised if John Capriotti hadn't</p> <p>22 immediately called me and said -- and made his</p> <p>23 concerns known to me.</p> <p>24 Q. And you are saying that John</p> <p>25 Capriotti never called you to say there was a</p> |

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| <p>1 concern about you asking for a bonus?</p> <p>2 A. None.</p> <p>3 Q. So based on that, you believe that</p> <p>4 John Capriotti was never notified of you</p> <p>5 requesting that bonus?</p> <p>6 A. I can't comment on that.</p> <p>7 Q. Now, you have had some prior legal</p> <p>8 issues, haven't you?</p> <p>9 A. Yes, sir.</p> <p>10 Q. You have got a marijuana conviction?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And it was not just for use, it was</p> <p>13 for unlawful manufacture of a controlled</p> <p>14 substance?</p> <p>15 A. Yes, sir.</p> <p>16 Q. It was unlawful delivery of a</p> <p>17 controlled substance.</p> <p>18 A. Yes, sir.</p> <p>19 Q. That was a while ago, like, '93?</p> <p>20 A. Yeah, I was like 27 years old. I'm</p> <p>21 43 now.</p> <p>22 Q. Now, you have also been disciplined</p> <p>23 by the sanctioning or servicing -- the state</p> <p>24 agency that oversees massage therapists for</p> <p>25 engaging in conduct that would endanger the</p> | <p>1 A. Yes, sir.</p> <p>2 Q. Do you recall filing an affidavit on</p> <p>3 or about March 3rd of 2006, in the state of</p> <p>4 Oregon, Circuit Court of State of Oregon for</p> <p>5 Lane County in the matter of Christopher Thomas</p> <p>6 Whetstine and Theresa Marie Keene in which you</p> <p>7 stated that you, in this affidavit, that you</p> <p>8 limit your international travel to 60 days per</p> <p>9 year?</p> <p>10 A. I don't recall.</p> <p>11 Q. So if you put that in an affidavit,</p> <p>12 that would be a false statement under oath,</p> <p>13 correct?</p> <p>14 A. Let's -- you know, if you need me to</p> <p>15 go back and look at my overall travel dates, we</p> <p>16 may find that on -- in those years, specifically</p> <p>17 the dates when that happened, when that</p> <p>18 affidavit was written, that that was the case.</p> <p>19 I know that as my -- as my work</p> <p>20 increased for Nike, and I'm now including --</p> <p>21 well, if we could parse it out and separate the</p> <p>22 trips that I would take to the Oregon Project</p> <p>23 wherein I would take my son with me and he would</p> <p>24 spend the night with me in the Oregon Project,</p> <p>25 you can probably account for about 20 days a</p> |
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| <p>1 health, safety of a client or the public,</p> <p>2 correct?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Now, you are aware that you are</p> <p>5 under oath today, correct?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And you are aware that you have to</p> <p>8 tell the truth, right?</p> <p>9 A. Yes.</p> <p>10 Q. And anytime you are under oath, you</p> <p>11 have to tell the truth, correct?</p> <p>12 A. Yes.</p> <p>13 Q. You haven't always told the truth</p> <p>14 when you are under oath, have you?</p> <p>15 A. Excuse me?</p> <p>16 Q. You have not always told the truth</p> <p>17 when you are under oath, have you?</p> <p>18 A. I don't know what you are referring</p> <p>19 to, sir.</p> <p>20 Q. So, you have been involved in a</p> <p>21 custody battle for a number of years, correct?</p> <p>22 A. Two years.</p> <p>23 Q. So earlier today you testified under</p> <p>24 oath that in 2005 and 2004, you were well over</p> <p>25 100 days on the road?</p> | <p>1 year there, so I guess let's subtract that from</p> <p>2 the affidavit, we can begin the math there.</p> <p>3 And beyond that, I think this is a</p> <p>4 game of semantics, but I want to assure you that</p> <p>5 I in no manner, shape, or form am attempting to</p> <p>6 not tell the truth here or at that time.</p> <p>7 Q. Okay. Now, in that same affidavit,</p> <p>8 you indicated that you only earn \$10,000 from</p> <p>9 your private practice; is that correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. But didn't you indicate here that</p> <p>12 you make approximately \$350 a day, and you</p> <p>13 worked approximately 100 days in your private</p> <p>14 practice?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Doesn't that add up to a number much</p> <p>17 bigger than \$10,000?</p> <p>18 A. Yes, sir. You would have to discuss</p> <p>19 my tax accounting with my tax accountant and the</p> <p>20 strategies that they use to reduce a single</p> <p>21 employee. But, you know, I'm a -- I'm starting</p> <p>22 to get tired here -- a single -- whatever you</p> <p>23 call me, you know? A guy that works with his</p> <p>24 Social Security number.</p> <p>25 Q. Okay. Well, let's --</p> |

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1 A. When it all works out --
 2 Q. Well, in 2005 you made over a
 3 hundred --
 4 A. -- the net and the gross are
 5 different, you know, and -- as well as expenses.
 6 Q. Now, you indicated in 2004, you were
 7 on the road, that was the year of the Olympics,
 8 and I think when I asked how many days you were
 9 traveling, went, whew, well more than 100 was
 10 something like your answer, correct?
 11 A. I would -- you know, it seems in
 12 retrospect, yes, that it was more than 100.
 13 Q. Now, at the end of 200- -- and you
 14 were making \$350 a day when you traveling in
 15 2004, correct?
 16 A. Yeah. Yes.
 17 Q. And that was just with Nike,
 18 correct?
 19 A. Yes.
 20 Q. And you had a business in 2004 at
 21 home that you were also making and generating a
 22 lot of revenues by seeing patients,
 23 approximately \$350 a day when you saw clients
 24 there too, correct?
 25 A. Not generating a lot of revenue.

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1 Quite typically, I would come home, fall down,
 2 and get back up when it was time to go on the
 3 road again. You have no idea how exhausting
 4 this job is; typically, fly halfway across the
 5 world, anywhere from, you know, 4 days to 12
 6 days, and then turn around and fly home, have a
 7 five-day, six-day, ten-day layover and turn
 8 around and fly back.
 9 Q. So you are wanting to change your
 10 testimony earlier today where you said you were
 11 working regularly at home. Now, you weren't
 12 regularly at home; is that the change you want
 13 to make to your testimony?
 14 A. Working regularly, but not as much.
 15 Q. Okay. Well, you previously
 16 indicated you were working approximately the
 17 same.
 18 Regardless, you filed for bankruptcy
 19 at the end of 2004, correct?
 20 A. Yes, sir.
 21 Q. And in 2005, you filed your
 22 statement of financial affairs with the
 23 bankruptcy court, correct?
 24 A. Yes, sir.
 25 Q. And you were to be honest and

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1 truthful in that, correct?
 2 A. Yes, sir.
 3 Q. And you reported income of only
 4 \$24,000 on that statement. That's not a true
 5 statement, is it?
 6 A. I don't have the form in front of
 7 me, sir.
 8 Q. But if you represented on that form
 9 that you filed \$24,000, would that be a true
 10 statement?
 11 A. I did not attempt to lie in the
 12 bankruptcy proceeding.
 13 Q. You just intended to underrepresent
 14 what you were making.
 15 Correct?
 16 I -- I will withdraw the question.
 17 A. I do not want to respond to
 18 inflammatory questions.
 19 THE REPORTER: I didn't hear that.
 20 I'm sorry.
 21 Q. You need to repeat your answer.
 22 A. I said, I do not want to respond to
 23 inflammatory questions.
 24 THE REPORTER: Thank you.
 25 Q. So you are refusing to answer that

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1 question?
 2 MR. COLBERT: You have withdrawn your
 3 question.
 4 MR. COLLINS: I withdraw it.
 5 MR. COLBERT: You've withdrawn it.
 6 Q. (By Mr. Collins) All right.
 7 Now, you indicated Trevor Graham was
 8 a good friend of you, and you were getting along
 9 as well as you had ever gotten along in 2006.
 10 You enjoyed talking politics and going on long
 11 walks, correct?
 12 A. Yes, sir.
 13 Q. So why would you represent to
 14 somebody that working with Trevor Graham was
 15 like being the white man walking into the cotton
 16 field?
 17 A. To whom did I say that?
 18 Q. It's been represented to me -- are
 19 you saying you never made that statement?
 20 A. I do not recall making that
 21 statement.
 22 Q. Okay. Do you recall making the
 23 statement that when this talk of a conspiracy
 24 that you were involved in was all about a black
 25 man's conspiracy. Do you remember making that

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| <p>1 statement?</p> <p>2 A. I don't recall.</p> <p>3 Q. Do you recall making a statement</p> <p>4 that there's this emerging middle class of</p> <p>5 blacks. They get their piece of the pie and all</p> <p>6 they can see is where they came from.</p> <p>7 Do you remember making that</p> <p>8 statement?</p> <p>9 A. Yes. This came from my association</p> <p>10 and reading about the emerging Mexican middle</p> <p>11 class culture that's been widely documented, and</p> <p>12 the fears that have been represented in that</p> <p>13 culture through their -- well, through the</p> <p>14 eradication of the Mexican middle class through</p> <p>15 the inflation of the '80s and early '90s, which</p> <p>16 eradicated that class, and just trying to -- you</p> <p>17 know, as I worked with this group, I tried to</p> <p>18 read and try to come up with some sort of</p> <p>19 historical perspective in order to understand</p> <p>20 what it was that I was really involved in,</p> <p>21 because, after a few years, I began to</p> <p>22 understand that a little white kid from the</p> <p>23 Pacific Northwest was quite a bit different than</p> <p>24 a person who has been raised in the South under</p> <p>25 circumstances which I could in no way</p> | <p>1 as possible, but I would just like to take</p> <p>2 about, maybe a three- to five-minute break in</p> <p>3 order to just --</p> <p>4 MR. COLBERT: Mr. Whetstine, this is</p> <p>5 Edward Colbert. You are certainly entitled to</p> <p>6 take a break.</p> <p>7 MR. WHETSTINE: Thank you, sir.</p> <p>8 MR. COLBERT: And I think the time to</p> <p>9 take it would be now before the cross commences.</p> <p>10 Do you want to take five minutes, is that</p> <p>11 enough? Or do you need more?</p> <p>12 MR. WHETSTINE: I really don't want</p> <p>13 to delay these proceedings any more. I want to</p> <p>14 get this over with.</p> <p>15 MR. COLBERT: Why don't we say we'll</p> <p>16 take about five minutes, and as we did before,</p> <p>17 we'll wait for your attorney to tell us on the</p> <p>18 phone when you are ready to go.</p> <p>19 MR. WHETSTINE: Okay. That would be</p> <p>20 great. I appreciate that.</p> <p>21 MR. COLBERT: Surely, Mr. Whetstine.</p> <p>22 MR. WHETSTINE: Thank you, sir.</p> <p>23 MR. COLBERT: Meanwhile, we will</p> <p>24 leave the line open.</p> <p>25 (Brief recess taken.)</p> |
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| <p>1 comprehend.</p> <p>2 Q. Now, we started this with you</p> <p>3 recalling talking to me briefly on the phone on</p> <p>4 July 10th, 2007, three weeks ago today, correct?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Do you remember at the end of that</p> <p>7 conversation saying to me, "John, you sound</p> <p>8 white like me, you are probably a good guy"?</p> <p>9 A. I think I said -- yeah, yeah, I said</p> <p>10 that.</p> <p>11 MR. COLLINS: I have nothing further.</p> <p>12 MR. COLBERT: Mr. Bock or</p> <p>13 Mr. Tygart?</p> <p>14</p> <p>15 EXAMINATION</p> <p>16 BY MR. TYGART:</p> <p>17 Q. Mr. Whetstine, this is Travis Tygart</p> <p>18 with the U.S. Anti-Doping Agency. I'm going to</p> <p>19 ask you a few questions. Can you hear me okay?</p> <p>20 A. Yes, I can.</p> <p>21 If you guys don't mind, I have been</p> <p>22 up since 3:00 this morning with a severe</p> <p>23 migraine headache, and I would like to take just</p> <p>24 a very short break. I don't want to delay your</p> <p>25 proceedings. I want to make this as expedient</p> | <p>1 MR. ROSETA: Counsel?</p> <p>2 MR. COLBERT: Hang on. Yes, hold it,</p> <p>3 hold it. Hello, Counsel?</p> <p>4 MR. ROSETA: Mr. Whetstine is ready</p> <p>5 to go, if you would like to continue.</p> <p>6 MR. COLBERT: All right. I will get</p> <p>7 everybody in the room. Thank you. I just had</p> <p>8 to run over to the microphone there.</p> <p>9 (Brief pause in proceedings.)</p> <p>10 MR. COLBERT: We'll begin in about</p> <p>11 30 seconds, gentlemen. We're gathering</p> <p>12 everybody back into the room.</p> <p>13 All right. Mr. Bock or Mr. Tygart?</p> <p>14 Mr. Tygart.</p> <p>15</p> <p>16 EXAMINATION</p> <p>17 BY MR. TYGART:</p> <p>18 Q. Thank you.</p> <p>19 Mr. Whetstine, this is Travis Tygart</p> <p>20 from USADA. I'm going to ask you a few</p> <p>21 questions. Can you hear me okay?</p> <p>22 A. Yes, sir, I can.</p> <p>23 Q. And I just have a few. You</p> <p>24 testified earlier after the world record was set</p> <p>25 that you all were on top of the world. Is that</p> |

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| <p>1 accurate?</p> <p>2 A. Yes, sir.</p> <p>3 Q. And what do you mean by you all were</p> <p>4 on top of the world?</p> <p>5 A. Well, it is the realization of any</p> <p>6 athlete's dream to break a world record, and of</p> <p>7 course, the marquee event being the 100 meter,</p> <p>8 when you consider how far we've come, we've</p> <p>9 taken a guy who has fallen down on the track and</p> <p>10 had a very serious hamstring injury. We've</p> <p>11 worked very hard in rehabilitation with him</p> <p>12 trying to develop -- not only rehabilitate his</p> <p>13 injury, but help develop his focus, you know,</p> <p>14 the sense of community and everything that we</p> <p>15 had, it just kind of felt like, you know, it was</p> <p>16 kismet at that moment.</p> <p>17 We were -- what can I say? We were</p> <p>18 so happy on that trip. I mean, Trevor and I</p> <p>19 probably spent a total of eight to ten hours,</p> <p>20 you know, out walking, you know, every morning,</p> <p>21 before daybreak. We went fishing in the Persian</p> <p>22 Gulf together. We -- it was fantastic. And of</p> <p>23 course to culminate with the world record after</p> <p>24 all of our hard work, it just felt that we had</p> <p>25 done everything right. And after my painful</p> | <p>1 events that had happened, and I had a -- it just</p> <p>2 so happened -- a connection to the Wheaties</p> <p>3 corporation --</p> <p>4 MR. COLLINS: Is there a question</p> <p>5 pending?</p> <p>6 A. -- and the people who designed their</p> <p>7 boxes. And I designed a special box wherein I</p> <p>8 took a picture of the world record and placed it</p> <p>9 on the box with a generous amount of copy on the</p> <p>10 back describing the 9.85 and what was then was</p> <p>11 the 9.76, and luckily, right before we went to</p> <p>12 print, we got to amend it and change it to 9.77,</p> <p>13 but with, you know, I guess, a generous copy on</p> <p>14 the back.</p> <p>15 And I presented this commemorative</p> <p>16 box, which was a miniature Wheaties box that was</p> <p>17 encased in Plexiglas, and I presented it to Tim</p> <p>18 Phelan, Llewellyn Starks, John Capriotti, those</p> <p>19 three being the team that I worked with from</p> <p>20 Nike; Renaldo Nehemiah, Justin Gatlin, and then,</p> <p>21 of course Trevor and Randall.</p> <p>22 It was -- it was very special, you</p> <p>23 know.</p> <p>24 Q. What was the time frame when you had</p> <p>25 that Wheaties box commemorated?</p> |
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| <p>1 experiences with Marion Jones, and having the</p> <p>2 opportunity to come back and work for the</p> <p>3 company and have all the ducks placed in a row</p> <p>4 and stay in a row, it was a great feeling,</p> <p>5 Mr. Tygart.</p> <p>6 Q. And when you say "we all" were on</p> <p>7 top of the world, who were you referring to,</p> <p>8 when you say "we all"?</p> <p>9 A. Well, you know, when I say "we all,"</p> <p>10 I consider everybody involved in this project.</p> <p>11 You know, of course, Justin Gatlin, who is, in</p> <p>12 my opinion, an incredible athlete, a very nice</p> <p>13 person.</p> <p>14 I would like to interject, I'm very</p> <p>15 saddened -- I was crushed when I heard of this</p> <p>16 positive test.</p> <p>17 Let me just collect myself here for</p> <p>18 a second.</p> <p>19 When I say that, I'm referring to</p> <p>20 everyone, beginning with Justin Gatlin and</p> <p>21 ending with Justin Gatlin, but including Trevor</p> <p>22 Graham, Randall Evans, Renaldo Nehemiah, the</p> <p>23 generous support that we received from Nike, and</p> <p>24 I guess, me. And exactly -- you know, there's a</p> <p>25 little story. I was pretty inspired by the</p> | <p>1 A. Well, we began work on the project,</p> <p>2 of course, after the world record. What was the</p> <p>3 date after the world record, May?</p> <p>4 Q. May 12th?</p> <p>5 A. So we had to get it done between --</p> <p>6 well, of course, May 12th, I'm in Doha, so it's</p> <p>7 kind of hard to work from there, but between --</p> <p>8 from May 12th to probably June 7th, we had to,</p> <p>9 you know, overcome the obstacles of the -- well,</p> <p>10 that's the time frame when it happened, and, of</p> <p>11 course, there were some glitches along the</p> <p>12 way --</p> <p>13 Q. And were there --</p> <p>14 A. -- because we decided to change the</p> <p>15 world record to 9.77 from --</p> <p>16 Q. Were there -- Mr. Whetstine, were</p> <p>17 there costs for that, to produce that Wheaties</p> <p>18 box?</p> <p>19 A. What is that?</p> <p>20 Q. Were there costs to produce that</p> <p>21 Wheaties box?</p> <p>22 A. Yes, sir.</p> <p>23 Q. And who paid for those?</p> <p>24 A. I did.</p> <p>25 Q. You yourself?</p> |

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| <p>1 A. Yes.</p> <p>2 Q. Did you get reimbursed for doing</p> <p>3 that?</p> <p>4 A. Oh, no, this is something I did to</p> <p>5 commemorate the event for my team.</p> <p>6 Q. Okay. You spoke with the federal</p> <p>7 government about this case as well; is that</p> <p>8 right?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Did you tell them anything</p> <p>11 inconsistent with what you have said here today?</p> <p>12 A. No.</p> <p>13 Q. And you also spoke with</p> <p>14 investigators from Mr. Gatlin's team; is that</p> <p>15 right?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Did you provide any products to</p> <p>18 Mr. Gatlin's investigative team?</p> <p>19 A. Yes. I provided them with every</p> <p>20 single product that I've described to you here</p> <p>21 today.</p> <p>22 I have to have, you know, the caveat</p> <p>23 here that I have a head injury, and at the time,</p> <p>24 when they showed up unannounced, I was suffering</p> <p>25 terribly and descending into this -- sort of</p> | <p>1 MR. COLLINS: I don't have anything.</p> <p>2 MR. COLBERT: Do you have any?</p> <p>3 MR. CAMPBELL: Mr. Whetstine, yeah,</p> <p>4 you had a -- this is Chris Campbell. I'm one of</p> <p>5 the arbitrators.</p> <p>6 MR. WHETSTINE: Hello.</p> <p>7 MR. CAMPBELL: Can you hear me okay?</p> <p>8 MR. WHETSTINE: Yes, I can hear you</p> <p>9 fine, sir.</p> <p>10</p> <p>11 EXAMINATION</p> <p>12 BY MR. CAMPBELL:</p> <p>13 Q. All right. I think you had</p> <p>14 testified earlier that there was offers of</p> <p>15 bribes made to you, is that correct, to testify</p> <p>16 about giving Mr. Gatlin the drug?</p> <p>17 A. Well, what had happened was on</p> <p>18 August 7th, I was in a physical therapy</p> <p>19 appointment. I have had surgery on my right</p> <p>20 hand, and the list of injuries that I sustained</p> <p>21 to my body, not just the head injury, but my</p> <p>22 body here, are extensive. And I had surgery on</p> <p>23 my right hand.</p> <p>24 So anyway, I was in my physical</p> <p>25 therapist's office, and Trevor Graham began to</p> |
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| <p>1 this -- whatever we're going to call it, this</p> <p>2 post-concussive -- you know, I was really hurt.</p> <p>3 So when I say I gave them everything, I know</p> <p>4 that I gave them the Voltaren. I gave them the</p> <p>5 products from the Italians. I gave them the</p> <p>6 Graston Tech. I gave them the Biotone, and I</p> <p>7 would imagine I offered them the Biofreeze and</p> <p>8 the Biotone as well.</p> <p>9 But I'm having some recollections as</p> <p>10 to their saying, well, we don't need those. But</p> <p>11 I don't know if they actually took those two</p> <p>12 products, but to my recollection, that that</p> <p>13 stuff came right out of the bag that I used at</p> <p>14 Nationals.</p> <p>15 Q. Okay. Do you have any knowledge of</p> <p>16 how Justin Gatlin tested positive?</p> <p>17 A. None, sir.</p> <p>18 Q. Did you apply any prohibited</p> <p>19 substances to Mr. Gatlin?</p> <p>20 A. No, sir.</p> <p>21 Q. Did you apply testosterone cream to</p> <p>22 Mr. Gatlin?</p> <p>23 A. No, sir.</p> <p>24 MR. TYGART: I don't have any further</p> <p>25 questions.</p> | <p>1 phone me and phoned me several times. And in</p> <p>2 that conversation, he began to engage me and</p> <p>3 threaten me with a lawsuit, telling me that they</p> <p>4 had evidence on me. They knew what I had done.</p> <p>5 It was time for me to come clean, that Justin</p> <p>6 Gatlin had an affidavit ready for me to sign,</p> <p>7 and that if I were to do so, that they would</p> <p>8 then take care of me.</p> <p>9 While Mr. Graham was attempting to</p> <p>10 be careful in the conversation, also, including</p> <p>11 indicating to me that he was not recording that</p> <p>12 phone conversation, it was very clear to me what</p> <p>13 he was saying. He was telling me that if I were</p> <p>14 to take the fall for this unfortunate</p> <p>15 circumstance, that I would be paid off in return</p> <p>16 for providing that cooperation.</p> <p>17 Later on that evening, I began</p> <p>18 receiving text messages from Mr. Gatlin that I</p> <p>19 did provide to the federal government and USADA,</p> <p>20 trying to continue this conversation, and</p> <p>21 soliciting me, using -- he was saying, you know,</p> <p>22 I know how much you love your son, and I want</p> <p>23 that too, and all I love to do is run, and do</p> <p>24 the right thing, and only you can set it right,</p> <p>25 and keep it between you and me and Trev for now,</p> |

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| <p>1 and these sort of things, I won't hurt you and 2 your family. 3 That was clearly indicating that I 4 was being threatened by these guys and being 5 solicited to collude with them to engage in an 6 attempt to take the fall in exchange for some 7 monetary gain. 8 Now, what I did with that 9 information was I immediately contacted the 10 federal government to ask them, you know, what 11 it is that I'm supposed to do in response to 12 that. And they immediately wanted to come up, 13 and I guess we'll use the word -- you know, I 14 grew up in Watergate days -- "wire tap," but, 15 you know, surveil and be in my home for a period 16 of like three days; and they would be up 17 tomorrow, which would have been -- whenever -- I 18 think it was a Tuesday, that would have been 19 Wednesday. 20 The Gatlin camp was in New York. I 21 am led to believe that that was the first 22 physical contact that Trevor and Justin had been 23 able to make with each other, and that's when 24 the plan was hatched, because they were supposed 25 to provide some sort of documentation that</p> | <p>1 and truthful in my answer, and that pretty much 2 covers what happened. 3 Q. Other than what you have just 4 testified to, is there any other evidence that 5 would suggest that they were -- that either 6 Trevor Graham or Justin Gatlin were trying to 7 bribe you? 8 A. No, that was the extent of the 9 contact. 10 The only other thing that worried me 11 was finally, after so much cooperation that I 12 had given them, Renaldo Nehemiah flat-out asked 13 me: So what are you going to do to help Justin 14 Gatlin? 15 And the echo of that inflection and 16 tone reflecting back to the incidents I have 17 just described, made me suspicious, and I 18 terminated all contacts with Renaldo, 19 understanding that we weren't a team anymore. 20 Q. And I don't know if you are free to 21 testify to this, but what caused your fight with 22 Llewellyn Starks? 23 A. I have no idea. What happened 24 directly preceding the fight, my girlfriend and 25 I had gone out -- I worked a ten-hour day, and</p> |
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| <p>1 Friday -- maybe it was to you guys, which I 2 guess would put us on the 10th -- maybe it was 3 to you guys, I guess you would have to look at 4 your calendar, but the federal government 5 certainly knew what I was talking about, and 6 they wanted to surveil for three days. 7 My doctor said absolutely not. And 8 so quite truthfully, out of my concern for 9 Justin Gatlin in that he may have been being 10 unduly influenced by Mr. Graham, we contacted -- 11 and I say "we," through my counsel -- contacted 12 his attorneys and let them know what Justin was 13 doing, and to save Justin from what I figured 14 was being indicted by the federal government for 15 whatever rubric this sort of activity would fall 16 under. 17 I also made a second phone call to 18 Justin Gatlin's attorney, in an attempt to help 19 quiet him, after the September 21st phone call, 20 wherein he indicated to me that there was a 21 conspiracy that I was involved in, that he knew 22 why Llewellyn Starks had beaten me up, that I 23 was acting in concert with Emanuel Hudson, John 24 Smith, and a couple of other guys. And that's 25 kind of running on, but I want to be complete</p> | <p>1 we had gone out and encountered him at a 2 location. And he was extremely intoxicated, and 3 my girlfriend witnessed him receive a phone call 4 where he -- you know, we were in a bar, and she 5 could -- she was at the opposite end -- you 6 know, he took the call at the opposite end of 7 the bar. This was the same day that USATF -- we 8 later find out that USATF and Nike and the 9 Gatlin people met together, and he yelled 10 "what?" I mean, really loud. 11 I was speaking with Mark Wetmore at 12 the time, and Debbie -- I mean, we have all 13 been, you know, pretty close. We have worked 14 together for quite awhile. And Debbie was 15 visibly concerned about Llew and interjected in 16 my conversation with Mr. Wetmore, "What's wrong 17 with Llew?" To which I commented flippantly, 18 "Honey, Llew is drunk." 19 After that, she decided it would be 20 the best course of action due to his behavior, 21 that we walk him home. 22 And along the way, he became 23 agitated and further agitated, and I wasn't 24 engaged in conversation with him, Debbie was. 25 She was quite disturbed by his</p> |

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| <p>1 behavior. And he had -- he finally turned to me 2 and said: I know what you have done. I know 3 what you -- 4 I'm going to paraphrase: I know 5 what you did to the athletes. I know what 6 you've done. You are fucking the Nike athletes. 7 You are fucking -- I'm sorry for the language -- 8 is that okay to drop the F-bomb here? 9 MR. COLBERT: That's -- you are 10 giving quotes, that's fine. 11 A. Okay. 12 He said: You are -- I know what you 13 did. You are fucking Nike athletes. You are 14 fucking Nike. We're sick of you from the top 15 down. You are being fired. And I'm in charge 16 of finding your replacement. 17 I didn't respond to him. He 18 repeated that same diatribe verbatim. You have 19 to understand the man was extremely intoxicated, 20 and he repeated it again. 21 I voiced my disapproval of his 22 comment, and he attacked me. 23 Q. What was he referring to, "I know 24 what you have done"; do you have any ideas? 25 A. Well, I didn't at the time.</p> | <p>1 you know, the name of the person, et cetera. 2 But I can characterize it. 3 It was a frivolous lawsuit that was 4 brought by me that required some investigation 5 by our board, and I was advised by my counsel 6 that instead of spending thousands and thousands 7 and thousands of dollars to fight this, that 8 they would be willing to settle for the most 9 minimal of sanctions against me in order to step 10 away. And so we went with that course of 11 action. 12 Q. Okay. Not very helpful. Okay. 13 A. I'm sorry. I'm prohibited by the 14 rules of the agreement we entered into with the 15 State from describing any of the particularities 16 of the case, and I'm reticent to violate that. 17 I would like to be more helpful. 18 Q. Did the case have anything to do 19 with the utilization of any substances with 20 regard to a client? 21 A. No. 22 It more has to do with a client who 23 showed up distressed and didn't get better, and 24 since they didn't get better and they'd always 25 gotten better before, that it must be my fault.</p> |
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| <p>1 After the investigators showed up in 2 late July and then the news broke, Debbie and I 3 looked at each other, and it was kind of an 4 "aha" moment, and we put two and two together. 5 And then after we read Jeanette Gatlin's quote 6 in the paper referring to the meeting that took 7 place within hours of the assault that took 8 place upon me, it seemed to make -- it seemed 9 more than coincidental. 10 Does that fully answer your 11 question? 12 Q. Yeah, I think it does. 13 MR. COLBERT: All right. 14 Sam? 15 16 EXAMINATION 17 BY MR. CHERIS: 18 Q. Okay. My name is Sam Cheris. I'm 19 one of the other arbitrators. Could you please 20 give me the background on what the issue was 21 with regard to the sanction that you received 22 from the State of Oregon? 23 A. Well, I'm prohibited by the terms of 24 the settlement to speak about the particulars of 25 the case, you know, involving what happened and,</p> | <p>1 I will go out on a limb. It 2 correlated very closely to a death in the 3 person's family. And other professionals 4 examined the individual and determined them -- 5 that it was -- that I was foolish to continue to 6 help them, and that I had damaged myself by 7 continuing to help this person who probably 8 needed to see a counselor more than they needed 9 to see me. And I really am going out on a limb 10 there. But I will provide that information. 11 Q. You were asked to give a bonus -- 12 you asked to get a bonus from Renaldo Nehemiah? 13 A. Yes. When we were in Yokohama in 14 2006, I had a professional meeting with Renaldo 15 wherein I discussed the possibility of a 16 consideration -- I offered up for consideration 17 the idea of having his client consider bonusing 18 me. 19 I mean, we had experienced a great 20 deal of success, as well published in the papers 21 and seen on television, and, you know, we had 22 the world -- I mean, we were, the world 23 championships, gold medals in the Olympics. I 24 mean, I just offered up the idea. I put it in 25 his hands.</p> |

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| <p>1 Q. Were you an employee of Mr. Gatlin?</p> <p>2 A. Was Mr. Nehemiah an employee of</p> <p>3 Mr. Gatlin?</p> <p>4 Q. No, were you?</p> <p>5 A. Oh, no. I'm a sole contractor for</p> <p>6 Nike.</p> <p>7 Q. For Nike.</p> <p>8 You were in need of money at that</p> <p>9 time? Your finances weren't very good?</p> <p>10 A. That was not what prompted the</p> <p>11 solicitation of the idea to Mr. Nehemiah. It</p> <p>12 just seemed reasonable, given the degree of</p> <p>13 success that we had. He bonused another member</p> <p>14 of the camp.</p> <p>15 It's not uncommon for people of the</p> <p>16 caliber of Michael Johnson, Marion Jones, people</p> <p>17 like that, to show appreciation to their staff,</p> <p>18 and one of the ways to do that is to bonus the</p> <p>19 athletes, you know, much like you receive a</p> <p>20 Christmas bonus. And Renaldo had been bonused,</p> <p>21 Randall had been bonused.</p> <p>22 And I asked Renaldo if he would</p> <p>23 engage Mr. Gatlin professionally to ask about</p> <p>24 the consideration of a bonus. It was by no</p> <p>25 means a demand. It was done very</p> | <p>1 Mr. Nehemiah or Mr. Graham and say, Let's</p> <p>2 brainstorm as a team and try to figure out what</p> <p>3 this is?</p> <p>4 A. Absolutely. I worked together with</p> <p>5 Justin Gatlin's investigators to begin with. I</p> <p>6 gave them a -- well, after I -- when they showed</p> <p>7 up, I called Justin to make sure that they</p> <p>8 weren't posing as someone else. They had</p> <p>9 indicated to me that they were working with the</p> <p>10 federal government, which did not turn out to be</p> <p>11 true. But, aside from that mistruth, they were</p> <p>12 working with Justin, and that was good enough</p> <p>13 for me.</p> <p>14 And I was not well at the time, but</p> <p>15 I gave them a five- to six-hour interview at my</p> <p>16 home, wherein I provided them a full history of</p> <p>17 what I had done, a description of all of my</p> <p>18 techniques, provided them with samples straight</p> <p>19 out of my materials, my -- you know, the</p> <p>20 recent -- the most recent stuff that I had used</p> <p>21 on him; and followed up with them with requests</p> <p>22 for them to give me a fair and independent</p> <p>23 polygraph examination. I probably asked them</p> <p>24 three times. I asked Justin to help clear me,</p> <p>25 so that they could move on to discover what had</p> |
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| <p>1 professionally. It was not discussed with</p> <p>2 Mr. Gatlin. I do not consider that</p> <p>3 professional. It was only discussed with</p> <p>4 Mr. Nehemiah.</p> <p>5 Q. How did you feel about the fact that</p> <p>6 you were rebuffed and not given any bonus?</p> <p>7 A. I don't think that "rebuffed" is the</p> <p>8 correct term. I mean, I was employed by Nike.</p> <p>9 It was an idea that was floated across the</p> <p>10 table.</p> <p>11 And of course, I was -- would I be</p> <p>12 happier if someone bonused me? Yes. But did it</p> <p>13 change the course of my behavior? In no way did</p> <p>14 it change that.</p> <p>15 Q. When you heard of Justin Gatlin's</p> <p>16 positive tests, what came to your mind as the</p> <p>17 possibility of how this occurred?</p> <p>18 A. I had no idea. I had no idea how it</p> <p>19 could have occurred.</p> <p>20 Q. Did you do any introspection as to</p> <p>21 whether anything you did might have</p> <p>22 inadvertently caused this?</p> <p>23 A. Well, I knew that nothing that I did</p> <p>24 would have inadvertently caused it.</p> <p>25 Q. Did you sit down with Mr. Gatlin or</p> | <p>1 happened, by polygraphing me.</p> <p>2 I also asked Mr. Nehemiah to</p> <p>3 polygraph me, as well as the federal government,</p> <p>4 in my first encounter with Mr. Tygart, and even</p> <p>5 went as far as Amy Shipley of the Washington</p> <p>6 Post. I suggested that she get all of these</p> <p>7 people together and try to establish some fair</p> <p>8 and determined effort to sit me down and do</p> <p>9 whatever it is they do in order so that the</p> <p>10 investigation could move forward in the right-</p> <p>11 direction, because as long as they were going to</p> <p>12 be pointing the finger at me, they were going in</p> <p>13 the wrong direction.</p> <p>14 And I mean, I don't know what more I</p> <p>15 could have done. I cooperated fully.</p> <p>16 Q. The product Voltaren that you used,</p> <p>17 is this the Emulgel, E-m-u-l-g-e-l from</p> <p>18 Novartis? Or is it a different product?</p> <p>19 A. Yeah, Novartis, that's -- I</p> <p>20 recognize that. I mean, I haven't looked at a</p> <p>21 bottle of Voltaren probably since I gave it to</p> <p>22 them.</p> <p>23 There's two types. There's the</p> <p>24 Emulgel, and then there's Lipigel.</p> <p>25 Q. Right.</p> |

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| <p>1 A. And I was told by a doctor in</p> <p>2 Switzerland that when you have a lipid-based</p> <p>3 formula that the absorption rate is higher. And</p> <p>4 so, you know, he was quite adamant with me. He</p> <p>5 just said, you know, you are going to lose a lot</p> <p>6 of the effect of the Emulgel. You need to use</p> <p>7 the Lipigel, and it's only available in certain</p> <p>8 places. And he let me know -- I was in Zurich.</p> <p>9 And he said, you know, Zurich is where you can</p> <p>10 get it.</p> <p>11 Q. And that would be spelled l-i-p-i-d</p> <p>12 g-e-l?</p> <p>13 A. I can't hear you, but I will spell</p> <p>14 it. You know how to spell Voltaren,</p> <p>15 V-o-l-t-a-r-e-n.</p> <p>16 Q. Right.</p> <p>17 A. And it's L-i-p-i-g-e-l.</p> <p>18 Q. Thank you.</p> <p>19 A. You are welcome.</p> <p>20 MR. COLBERT: Mr. Whetstine, this is</p> <p>21 Edward Colbert. I just have one question,</p> <p>22 myself, and then I think we're going to be</p> <p>23 probably done.</p> <p>24 MR. WHETSTINE: Okay.</p> <p>25 MR. CAMPBELL: I have got a couple</p> | <p>1 Q. Have you heard of Sarati</p> <p>2 Laboratories?</p> <p>3 A. No, sir.</p> <p>4 Q. Have you heard of a cream, Deep</p> <p>5 Hydrating Essential Aloe Cream?</p> <p>6 A. Only after this investigation.</p> <p>7 Q. Did you ever have any tubes that</p> <p>8 were white tubes with pink squiggles or stylized</p> <p>9 letters Ss on them?</p> <p>10 A. No. I can provide you a little</p> <p>11 insight into -- I'm going to step out on a limb</p> <p>12 here, and call it Mr. Graham's alibi. And let</p> <p>13 you know -- I want to be careful, because I</p> <p>14 don't want to be inflammatory.</p> <p>15 I'm a pretty firm supporter of</p> <p>16 Justin Gatlin, and I don't want to believe that</p> <p>17 Justin did anything wrong, okay?</p> <p>18 But in the light of the truth and</p> <p>19 fairness, where they're concocting this story</p> <p>20 from is that my sponsor Biotone, okay? There's</p> <p>21 a -- I am given a product to distribute from</p> <p>22 Biotone, Biofreeze, to athletes and therapists;</p> <p>23 not only therapists that are under my direction,</p> <p>24 but other therapists, who would be, you know,</p> <p>25 ostensibly of some notoriety, if they were to be</p> |
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| <p>1 more.</p> <p>2 MR. COLBERT: Oh, well, then maybe</p> <p>3 not. Let me just ask you my question.</p> <p>4</p> <p>5 EXAMINATION</p> <p>6 BY MR. COLBERT:</p> <p>7 Q. There was a good deal of discussion,</p> <p>8 at one point, and some articles in the paper</p> <p>9 that apparently described a time at the April</p> <p>10 22nd Kansas Relays when you were applying a gel</p> <p>11 or other cream to Mr. Gatlin's legs after the</p> <p>12 competition and before he went to drug testing.</p> <p>13 Did you read any of those articles?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Do you remember reading an article</p> <p>16 in which Trevor Graham was interviewed and said</p> <p>17 that he had observed you taking a tube from your</p> <p>18 pocket instead of from your bag, and that it was</p> <p>19 a white tube with a letter S on it, or a pink</p> <p>20 squiggle. Do you remember reading that?</p> <p>21 A. Yeah, that was one of the three or</p> <p>22 four different accounts, I think, that he</p> <p>23 provided of exactly what happened, wasn't it?</p> <p>24 Q. Well --</p> <p>25 A. I recall that, yes.</p> | <p>1 making a plane trip from one place to another.</p> <p>2 And one of the bottles that Biotone</p> <p>3 has -- I think it's called the Dual Purpose</p> <p>4 Massage Cream, a product that I don't use. I</p> <p>5 use an oil, which I have already described to</p> <p>6 you earlier in my testimony. And this Biotone</p> <p>7 Dual Purpose Massage Cream has a pink band on</p> <p>8 it.</p> <p>9 And so, somehow they have leapt from</p> <p>10 the Prefontaine Classic, which is probably, I</p> <p>11 think, June 7th -- some time in early June when</p> <p>12 that product first showed up for distribution to</p> <p>13 my staff, courtesy of Biotone, and something</p> <p>14 that they claim that happened months prior.</p> <p>15 It's a product I don't even use.</p> <p>16 It's solely for distribution to my staff.</p> <p>17 Q. What's in that cream, do you know?</p> <p>18 The Dual Purpose Massage Cream?</p> <p>19 A. What's -- sorry?</p> <p>20 Q. How does it differ from the Biotone</p> <p>21 product you do use?</p> <p>22 A. Oh, I use an oil. It's just a</p> <p>23 cream. Some people prefer one. Some people</p> <p>24 prefer the other. I like the higher degree of</p> <p>25 viscosity. I'm a bit more aggressive in my</p> |

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| <p>1 techniques, and I also have more people to work 2 on, quite a bit more thorough than the average 3 person. 4 Q. Do you know if the ingredients in 5 the Dual Purpose Massage Cream are different 6 than the one that you use? 7 A. I can't tell you specifically. I'm 8 not a, you know, a massage therapy product 9 chemist, but I know that, you know, like if you 10 were to open up your wife's cabinet and look at 11 the face cream and then look at a jar of olive 12 oil, you know, one would look quite -- the one 13 with the pink band on it would look like the -- 14 your wife's -- your wife's, you know, face 15 cream, and the other one would look like a jar 16 of olive oil. 17 Q. But you don't know that the Dual 18 Purpose Massage Cream that you have described 19 contains any prohibited substance? 20 A. If that were the case, every athlete 21 at the Prefontaine Classic that year would have 22 tested positive. 23 Q. Why is that so? Because you said 24 you don't use it. 25 A. Because I distribute it to 17 other</p> | <p>1 Evans purchasing testosterone in Mexico. 2 A. Yes. 3 Q. Do you know what he was using that 4 testosterone for? 5 A. Well, he told me it was for sexual 6 performance. I don't care what he was using it 7 for. I was furious. 8 He -- I was livid. 9 Q. This was in 1998? 10 A. No. This was in 2004, yeah, 11 because, he was in Mexico in 2003, and we went 12 back in 2004. And as he was purchasing two 13 packages that had 8 vials apiece. I mean, he 14 was saying it was for topical application for 15 sexual enhancement. And these were bottles -- 16 you know, like they have the -- like a skinny 17 neck, like a tight neck with a -- like an 18 aluminum cap? And that to me means that -- 19 that's like what you see in the hospital. I 20 mean, that's something that you can inject in 21 somebody. 22 And I was furious. And, as he was 23 paying for it, I left. I wanted nothing to do 24 with that and told him so. Made sure that I was 25 not in the airport with him, that we left on --</p> |
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| <p>1 therapists. I give out a goodie bag that has 2 all Biotone and Biofreeze products, PowerBar, 3 and literature from StrongLite. Part of the 4 goodie bag that we give, you know, and we give 5 them Nike shoes and shirts and PowerBar shirts, 6 and so they have all of these different products 7 that they can use and choose from as they are 8 performing services, most of it gratis. And 9 it's a way for us to demonstrate our 10 appreciation, as well as providing them -- 11 products for them to use. 12 MR. COLBERT: Thank you, 13 Mr. Whetstine. 14 Mr. Campbell? 15 MR. CAMPBELL: Yeah, I just wanted -- 16 this is Chris Campbell again. I just wanted to 17 follow up. I hope you don't mind if I call you 18 Chris. 19 MR. WHETSTINE: That's fine, sir. 20 21 EXAMINATION 22 BY MR. CAMPBELL: 23 Q. It's easy for me to pronounce, since 24 I'm used to doing it. My name is Chris. 25 You made a reference to Randall</p> | <p>1 you know, did not arrive at the same time for 2 our departures, called my girlfriend -- 3 actually, on Justin Gatlin's phone, called my 4 girlfriend, expressed that I was furious. 5 And she inquired about it, and, you 6 know, I get -- it does have some levity to it. 7 She said, Well, if that's what he's saying, 8 honey, you don't need any of that stuff. I 9 mean, she was joking with me. 10 Q. So why were you furious? 11 A. I was extremely furious at why -- 12 you know, I was furious. 13 Q. Why were you furious? 14 A. He's buying testosterone, sir. 15 That's a prohibited substance. I don't want any 16 exposure or knowledge of anything. 17 Q. So I mean, were you -- did you 18 consider that he was buying it for other 19 athletes? 20 A. I didn't care what he was doing. I 21 didn't want him doing it in front of me. 22 Q. When you say it's a prohibited 23 substance, I'm a little bit -- it was legal for 24 him to buy that in Mexico, correct? 25 A. I don't know. You know, the story</p> |

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| <p>1 is you can get whatever you want in Mexico, and 2 his wife is Spanish. He actually says his wife 3 works for the FBI, was his claim, and she was an 4 FBI agent and was bilingual, and so, I guess he 5 had some lingo, but -- what's the question? 6 Q. Well, I guess I'm just trying to 7 figure out -- I'm trying to figure out why were 8 you furious? It seems to me if he was buying it 9 for himself, it would be okay. If he was in 10 Mexico, obviously, he shouldn't be transporting 11 it across the border. 12 But if he was buying it for other 13 people, it seems to me -- especially for 14 athletes -- that would be a valid reason for 15 being furious. 16 A. Sir? My integrity, hard work, and 17 my word are all that I have to go on in this 18 business. I do not want to be exposed to, have 19 knowledge of any illegal activity, okay? And I 20 don't care what he's buying it for. I don't 21 care what he's buying it for. Okay? 22 Q. Now, it's my understanding that this 23 Voltaren, this stuff that you purchased in 24 Switzerland and Mexico, you have to have a 25 prescription in the United States, for that; is</p> | <p>1 A. Yes, sir. 2 Q. And you also talked about being 3 careful about selecting the products that you 4 used for the athletes? 5 A. Yes. 6 Q. And I'm trying to figure out: What 7 caused you to be that careful? 8 A. Well, it was the way they taught us, 9 you know? It wasn't atypical to have other 10 coaches trying to get close to you and stare 11 inside your bag, or whatever, and there was 12 always rumors of drug talks on the circuit and 13 all of this innuendo. 14 And I certainly -- you know -- well, 15 Trevor, you know, C.J., Marion, everybody was 16 very -- you know, when they -- when it first 17 began -- I was the greenhorn on the circuit, 18 and, you know, one of the first things was you 19 keep strict control of all of your material, and 20 you don't talk to the press. 21 Q. And when you say "they" taught us, 22 who is "they"? 23 A. C.J. Hunter, Trevor Graham, Charlie 24 Wells, and I guess, by some extension Marion 25 Jones, because, you know, we had a good rapport.</p> |
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| <p>1 that correct? 2 A. I'm not aware that it's available in 3 the United States. It's only available in 4 Europe and Mexico, and it's purchased over the 5 counter. 6 Q. Have you ever come across anything 7 else that caused you concern about illegal 8 substances or prohibited substances while you 9 were working with -- during this period with 10 Nike? 11 A. No, not at all. That includes my 12 involvement all the way back to 1998 -- well, 13 the only thing. No, no. I mean, I was -- I was 14 suspicious and voiced my concerns to Nike when I 15 performed services on a couple of athletes who 16 later became involved in the BALCO 17 investigation. But I quickly learned that my 18 employer was not concerned about these issues, 19 and it was probably best if I just didn't bring 20 it up. 21 Q. Now, you talked also about being 22 careful with your bags while you were traveling 23 to events; is that correct? 24 A. Yes, sir. 25 Q. Is that correct?</p> | <p>1 Q. And did you ever communicate the 2 fact that you took such care to any athletes? 3 A. Well, it was well known, because 4 they were also -- every athlete is instructed to 5 never accept an open water bottle. Always 6 secure your bags. Never leave anything out in 7 the open when you are not able to keep it in 8 eyesight or attend to it. And it's just -- you 9 know, those are just kind of the rules of the 10 road. 11 Q. But how would they know you were 12 careful? 13 A. My degree of professionalism, I 14 would assume. 15 Q. So nobody would have told them? 16 A. I'm sorry. I don't understand. 17 Told them -- it was -- 18 Q. I'm trying to figure out -- 19 A. I mean, when Trevor is screaming at 20 Shawn Crawford for leaving his water bottle out 21 and leaving his bag out, just sitting there, and 22 walks away to a competition, other athletes kind 23 of learn by extension, you know. 24 Q. But how would other athletes learn 25 to have faith and trust in what you were doing?</p> |

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| <p>1 A. I can only imagine that through, 2 like I said, my hard work, integrity, my 3 reputation, you come to expect that I'm looking 4 out for your best interests.</p> <p>5 Q. And do you feel that all the 6 athletes felt that you were looking out for 7 their best interests until this event occurred?</p> <p>8 A. Well, I certainly had no shortage of 9 people trying to get on my list. I worked with, 10 you know, the elite of the elite. And I have 11 had many people, you know, contact me and 12 demonstrate, you know, their sadness over what's 13 happened to me, and, you know, that I got hurt, 14 and, you know, that it will all -- assuring me 15 that it will all go away, and I will be back out 16 there some day soon, and, you know, get well 17 soon, and that kind of stuff.</p> <p>18 So, you know, I haven't really heard 19 anyone voice, you know, any open criticism of my 20 techniques or my history or anything, you know.</p> <p>21 Q. How would -- I mean, would -- how 22 would your clients come to you, these other 23 track athletes, or these world-class athletes? 24 Would it be by word of mouth? Would it be by -- 25 I mean, what's the process?</p> | <p>1 the only therapist that you will find, you know, 2 out on the track every day during practice in 3 order to study the biomechanics. I, typically, 4 was the first guy to have the races, you know, 5 and sit down with the athlete and show the race 6 to them. And you know, my passion for the sport 7 is -- I mean, like I said, I have grown up with 8 this.</p> <p>9 Q. And are you aware of any programs 10 that Nike has with its athletes talking to them 11 about how to be careful about not taking 12 prohibited substances?</p> <p>13 A. No, I'm not.</p> <p>14 MR. CAMPBELL: Okay. That's it.</p> <p>15 MR. COLBERT: Mr. Collins?</p> <p>16 Mr. Whetstine, thank you very much. 17 We appreciate all the time you have given us, 18 you and your counsel. And you are excused at 19 this time. Thank you.</p> <p>20 MR. WHETSTINE: Thank you, sir.</p> <p>21 MR. COLBERT: Okay. Let's look at 22 what we have.</p> <p>23 MR. COLLINS: I have Renaldo 24 Nehemiah, needs to leave -- he's got a 3:00 25 flight.</p> |
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| <p>1 A. Well, I think probably that by my 2 association and endorsement from their parent 3 sponsor, Nike, you know, whether it be through 4 an introduction by John Capriotti, who is, you 5 know, one of the preeminent influences in the 6 sport. I think if he were to come to you and 7 say, I would like you to meet this man, he's the 8 best in the business, or -- you know, I'm not 9 trying to blow up my balloon here but --</p> <p>10 Q. Right.</p> <p>11 A. You know, whatever technique that he 12 would use to encourage the person to meet with 13 me and work with me and get an evaluation, you 14 know, whether it be Felix Sanchez, Sanya 15 Richards, Eliud Kipchoge, Kenenisa Bekele, all 16 over the map. And you know, I have, I have -- I 17 still believe I have a very good reputation, and 18 that nobody believes this.</p> <p>19 And, you know, that's really all I 20 have to say on this. I have done nothing wrong, 21 sir. I would never compromise the health of an 22 athlete, and have always done everything 23 possible to ensure the best performances 24 possible.</p> <p>25 That's why I study videotape. I'm</p> | <p>1 MR. COLBERT: And you have -- let's 2 just take a second. You have got Renaldo 3 Nehemiah. You've got --</p> <p>4 MR. COLLINS: Dr. Black.</p> <p>5 MR. COLBERT: You've got Dr. Black. 6 You have Renaldo Nehemiah and Dr. Black, I 7 think, are the only witnesses you have left on 8 your case, right?</p> <p>9 MR. COLLINS: Right. And I might 10 have a very few questions on redirect for --</p> <p>11 MR. COLBERT: But you want to take 12 Dr. -- Renaldo now, rather than -- do you have 13 any problem?</p> <p>14 MR. TYGART: We're fine with that.</p> <p>15 MR. COLBERT: Okay. That's fine. 16 Do you want -- do any of you guys 17 want to work through lunch, you want to order 18 lunch, pick it up?</p> <p>19 MR. CAMPBELL: We got to leave at 20 4:00.</p> <p>21 MR. COLBERT: We have to motor on.</p> <p>22 MR. COLLINS: I can work through 23 lunch, but I can't work through a bathroom 24 break.</p> <p>25 (Brief recess taken.)</p> |

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| <p>1 MR. COLBERT: Okay. Is everybody 2 ready? 3 Mr. Nehemiah? 4 MR. NEHEMIAH: Yes, sir. 5 MR. COLBERT: It's a pleasure to 6 have a Terrapin here with us today. Go Terps; 7 you're the turtle. 8 If you would like to swear the 9 witness, please. 10 11 WHEREUPON, 12 RENALDO NEHEMIAH, 13 the witness herein, having been first duly sworn 14 to state the whole truth, testified on his oath 15 as follows: 16 17 EXAMINATION 18 BY MR. COLLINS: 19 Q. Could you please state your name and 20 spell your last name for the record. 21 A. Renaldo Nehemiah. N like in Nancy, 22 e-h-e-m -- as in Mary -- i-a-h, like Harry. 23 Q. Let me ask you a few background 24 questions. 25 Are you familiar with the sport of</p> | <p>1 Q. How are you currently employed? 2 A. I'm a director of track and field 3 worldwide with Octagon, Incorporated. 4 Q. Do you know Justin Gatlin? 5 A. I do. 6 Q. How do you know Justin Gatlin? 7 A. I first became aware of him as a 8 freshman -- when he was a freshman at the 9 University of Tennessee, and he was a high 10 school phenom and a collegiate phenom. And I 11 don't know if it was 2001 or 2002; I believe, at 12 the NCAA championships at LSU, Baton Rouge, is 13 when I first met his family, formally, and had 14 my first chance to personally witness his 15 accomplishments on the track. 16 Q. When you say he was a "phenom," what 17 does that mean? 18 A. Well, Justin and I have similar 19 backgrounds, because I consider myself a high 20 school freak, and what he did was pretty 21 phenomenal as well. So I also gave up my NCAA 22 eligibility after my junior year, and Justin did 23 the same in his -- after his sophomore year. So 24 I had unique experience to impart on him, 25 because I had walked the walk before he did.</p> |
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| <p>1 track and field? 2 A. Pretty -- yes. Yes, I am. 3 Q. I believe you ran at one point? 4 A. Yes. I ran awhile ago, but, yeah, 5 quite extensively. 6 Q. Could you just very briefly give a 7 history of your -- 8 A. I was a national high school record 9 holder, and I was a world record holder for ten 10 years, and the first man to break the 13-second 11 barrier in the hurdles, and still the record 12 holder, two indoor world records today. NCAA 13 champion, so ... 14 Q. So you were -- when did you start 15 your track record? 16 A. 19- -- 17 Q. How old -- what grade? 18 A. -- '73. 19 Q. What grade? 20 A. 9th grade. 21 Q. 9th grade? 22 A. Yes. 23 Well, before that, in some Boy Scout 24 and, you know, Junior Olympic kind of things, 25 Cub Scout, Junior Olympic races, yeah.</p> | <p>1 So he had that type of athletic 2 prowess that he was a professional at a very 3 early age. And so was I; I was the best in the 4 world at 18. 5 Q. And in your approximately 25-year 6 experience now in track have you seen other 7 phenoms? 8 A. Not at his early stage of 9 progression. 10 Justin won the 100 meters and 200 11 meters in consecutive years as a NCAA 12 freshman-sophomore, which hadn't been done, and 13 we haven't seen the likes of that in years. So, 14 he was clearly a cut above the rest. 15 Q. Do you -- when did you begin 16 representing him? 17 A. It was the -- I believe it was the 18 fall, it was November of 2003. He had just won 19 the indoor world championships. And then he was 20 hurt at our outdoor national championships, and 21 he decided that he wanted to go in a different 22 management direction at the end of that summer, 23 early fall. And he and his family visited 24 Octagon, and we discussed representation at that 25 point.</p> |

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| <p>1 Q. So had you talked with him about 2 representation prior to that? 3 A. I initially back in his sophomore 4 season at the NCAA at Baton Rouge -- I don't 5 typically ever recruit underclassmen. I play by 6 the rules, so -- but I also want to be 7 considered in case they do turn pro, I at least 8 want people to know that I'm interested. 9 So I had never met with Justin 10 personally. I met with his family, mother and 11 father, at a hotel in Baton Rouge, and let them 12 know if their son was contemplating turning 13 professional, I did want to be considered, yes. 14 Q. You gave a sales pitch? 15 A. Yes, I did. 16 Q. Could you have given them a better 17 one? 18 A. Well, it wasn't good enough, because 19 he signed with another agent for the first seven 20 months, so I lost that one, but they knew who I 21 was. 22 Q. I was just teasing you. 23 A. Yeah, I know. 24 Q. So you have been with Justin since 25 2003?</p> | <p>1 this, if you are not going to look at it? 2 One prime example was in September, 3 we were in New York City, and he had a track 4 meet in Asia that he was leaving about two or 5 three days after this promotional event, and he 6 had some running flats on that weren't -- they 7 were a little tight on him. He just didn't like 8 the feel of them. So he took them off and left 9 them in the hotel. And then he got to Japan, 10 and he didn't have any training flats, so, you 11 know, we're scrambling to find training flats. 12 But for me, I'm thinking flats, 13 track and field event, they go hand in hand, 14 but, you know, he just didn't focus on it. 15 So it's those types of things, where 16 you could -- you could tell him something and 17 maybe an hour later ask, and he may not remember 18 that you even said it. So you have to kind of 19 implore on him, I did tell you this, and walk 20 him through it, and he might remember it. 21 Q. Did you find because of this that he 22 became very reliant on his -- what I think you 23 said -- support circle or something? 24 A. Yeah. Well -- and to put it in 25 context, it's one thing to have ADD. It's</p> |
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| <p>1 A. The fall of 2003. 2 Q. The fall? 3 A. Yes. 4 Q. Are you aware that Justin has ADD? 5 A. I am. 6 Q. And how are you aware of that? 7 A. I work with him on a regular basis, 8 so I could see it in all forms. 9 Q. Could you just briefly explain some 10 of what that is? 11 A. Well, some of the basic things. 12 Fortunately, he has a wide net of a support 13 cast, including our complete staff at Octagon, 14 his parents. 15 But, for instance, we could provide 16 him with an itinerary in an e-mail -- I think 17 one time he had what was similar to a 18 BlackBerry, and we'd e-mail it, but sometimes he 19 didn't even read the e-mail. Or we could make 20 sure that he had the itinerary, and he may not 21 retain what was on it, and so he would fall back 22 and ask us, What time is my flight, or when am I 23 doing this, or when I am doing that? And I used 24 to tease him about it, because I said, well, why 25 do we go through the effort of doing all of</p> | <p>1 another thing to be crowned the world's fastest 2 man in 2004, the Olympic Games, because he's not 3 your typical athlete anymore. 4 Justin Gatlin, we had to have a 5 whole staff. I work with a staff of eight 6 people just in my Track and Field division. And 7 all of us, collectively, had a part in the 8 management of Justin Gatlin. And I had ten 9 other clients that I had to address, but Justin 10 needed -- not because of anything that he was 11 doing, as far as his ADD -- but just in all the 12 demands, personal appearances, photo shoots, 13 magazines, multiple sponsorship commitments. We 14 had to regulate and delegate that. So we all 15 had to be on the same page. 16 So the best of a person -- myself 17 that doesn't have ADD -- had to have a staff of 18 people I needed to rely on to help me just keep 19 on top of what he was doing. So there's no way 20 that he was going to be able to do it, and 21 including his parents helping us out in any way 22 that they could. 23 Q. Are his parents pretty involved? 24 A. Oh, yeah. Definitely. 25 Q. Would you say Jeanette is fairly</p> |

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| <p>1 involved?</p> <p>2 A. She's my right hand, yeah. We talk</p> <p>3 on a regular basis, and they have local</p> <p>4 opportunities that she bounces off with me. I</p> <p>5 mean, I'm the quarterback, so no matter what</p> <p>6 happens, everything goes through me. Lines are</p> <p>7 drawn in the sand. Coach is coach. We manage.</p> <p>8 And ultimately, she's the CEO of everybody.</p> <p>9 Q. Now, as his agent, you oversee, and</p> <p>10 you seek -- well, you help get him marketing</p> <p>11 deals?</p> <p>12 A. Correct.</p> <p>13 Q. And --</p> <p>14 A. I work with our marketing people in</p> <p>15 securing deals for him.</p> <p>16 Q. Right. What about appearance fees?</p> <p>17 A. I negotiate pretty much 99 percent</p> <p>18 of what he earns, yes.</p> <p>19 Q. And so --</p> <p>20 A. I put him in position to earn it.</p> <p>21 He obviously earns it.</p> <p>22 Q. Right. So you have an idea of what</p> <p>23 he's made?</p> <p>24 A. I do.</p> <p>25 Q. Do you know approximately how much</p> | <p>1 A. 2006, gross was 280,235.</p> <p>2 Q. So why was it not the 2.5 million?</p> <p>3 A. Well, Number 1, his entire</p> <p>4 reputation, his name. Justin Gatlin was not</p> <p>5 just the face of the United States track and</p> <p>6 field. He was globally the face, the</p> <p>7 international federation, everyone, so when it</p> <p>8 was publicized that through his own words that</p> <p>9 he tested positive back in July of '06, the</p> <p>10 repercussions were widespread. It knocked the</p> <p>11 entire track and field community globally on its</p> <p>12 heels.</p> <p>13 Q. Could you estimate how much money</p> <p>14 he's lost as a result of that positive test</p> <p>15 between then and now?</p> <p>16 A. 5, 6 million dollars.</p> <p>17 Q. If he were to be reinstated today,</p> <p>18 would he be able to recover that 5 million</p> <p>19 dollars he's lost?</p> <p>20 A. Never. Never.</p> <p>21 I mean, he still has to -- there're</p> <p>22 going to be some naysayers out there with his,</p> <p>23 you know -- once you are branded, it takes a</p> <p>24 whole lot for people to, you know, not look at</p> <p>25 you sideways. And the anti-American sentiment,</p> |
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| <p>1 he made in 2005?</p> <p>2 A. In 2005, I have it right here, his</p> <p>3 gross was 1. -- 1,549,000.</p> <p>4 Q. He got the double gold at Worlds in</p> <p>5 2005?</p> <p>6 A. Mm-hm.</p> <p>7 Q. Do you have any projections of what</p> <p>8 you thought he was going to make in 2006 based</p> <p>9 on his deals he had signed?</p> <p>10 MR. BOCK: I just want to make it</p> <p>11 clear that while we're not objecting, we are not</p> <p>12 conceding the relevance.</p> <p>13 A. Anywhere from 2.5 to \$3 million.</p> <p>14 Q. And did you have any projections as</p> <p>15 to what he would make in 2007 with another World</p> <p>16 Championships?</p> <p>17 A. Well, if he got close to repeating,</p> <p>18 probably double that, yeah, because that would</p> <p>19 have been unprecedented. The double in 2005</p> <p>20 hadn't been done in almost 20 years, so for him</p> <p>21 to do it again, which would have been something</p> <p>22 inconceivable, financially would have been</p> <p>23 tremendous.</p> <p>24 Q. How much did he actually end up</p> <p>25 making in 2006?</p> | <p>1 globally -- and since our sport is predominantly</p> <p>2 global, that's where Justin made the bulk of his</p> <p>3 money.</p> <p>4 Q. Would you say irrespective of what</p> <p>5 the decision is by this panel, as he sits here</p> <p>6 today, has he suffered any consequences as a</p> <p>7 result of it?</p> <p>8 A. He lives with it every day. I live</p> <p>9 it every day. I'm faced with it every day.</p> <p>10 It's been traumatic, obviously, mostly,</p> <p>11 importantly for Justin, but for me too, because,</p> <p>12 you know, I did it clean, and we had so many</p> <p>13 things in common.</p> <p>14 I'm very close to his family. I was</p> <p>15 attacked globally, you know, because of everyone</p> <p>16 thinks that, I must know. I don't live in the</p> <p>17 same town, cities that any of my clients, but</p> <p>18 it's a character assassination on me, because</p> <p>19 I'm out there publicly. You know, people know</p> <p>20 that I walk the walk, and know I'm a no-nonsense</p> <p>21 kind of guy, so -- and the Gatlins know that</p> <p>22 too.</p> <p>23 And my reputation has been</p> <p>24 challenged by this, and I take that personally,</p> <p>25 and Justin knows that. Every one of my clients</p> |