

September 12, 2019

Joe Drape
The New York Times

Re: September 11, 2019 article concerning JUSTIFY

Dear Joe:

Please be advised that I represent Bob Baffert with regard to all matters concerning JUSTIFY and the California Horse Racing Board ("CHRB"). This letter is in response to your article dated September 11, 2019 in The New York Times. Your article is long on sensationalism, short on facts, and does a great disservice to Mr. Baffert, JUSTIFY, and the entire horse industry. As a result, I am compelled to set the record straight.

First, Mr. Baffert has competed at the highest level in thoroughbred racing and has been a great ambassador for the sport. His excellent reputation is both well-earned and deserved.

Second, there was never any intentional administration of Scopolamine to JUSTIFY and any insinuation in your article otherwise is not only defamatory, but it also defies logic and common sense. No trainer would ever intentionally administer Scopolamine to a horse. It has a depressant effect and would do anything but enhance the performance of a horse. There is zero scientific evidence to suggest that Scopolamine has any performance enhancing properties.

Third, Scopolamine is a known environmental contaminant. It is contained within Jimson Weed, which is a naturally growing substance in areas where hay and straw are produced in California. As a result, hay and straw frequently become contaminated with Scopolamine in California. There is a long history of environmental contamination cases involving Scopolamine in the state of California. In the past, the CHRB has even issued official advisories concerning contaminated feed to horseman. There is no doubt that, with regard to JUSTIFY, the alleged positive was the result of environmental contamination from hay or straw.

Fourth, your article neglects to mention the minuscule levels at issue with JUSTIFY. You report an alleged finding of 300 nanograms. What you fail to inform the reader is that one nanogram is a billionth of a gram. This is one of the problems with modern day testing. It has become so sensitive that we can now detect trace amounts of substances that are only consistent with environmental contamination – not intentional administration – and clearly have no pharmacological effect on a thousand pound animal.

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Fifth, following the Santa Anita Derby, JUSTIFY raced in three different jurisdictions during his Triple Crown run – Kentucky, Maryland and New York. He passed any and all drug tests in those jurisdictions – further evidencing the fact that the California situation was clearly one of environmental contamination that had no impact on the horse.

Lastly, the decision not to pursue this matter was made solely by the CHRB. Mr. Baffert was not involved in that process in any way. I sent a letter of representation to the CHRB following notification of the alleged positive and instructed the CHRB not to have any further communication with Mr. Baffert. Instead, as lawyers always do, I instructed the CHRB to only communicate with me. I also made it clear to the CHRB that I would vigorously defend Mr. Baffert should the CHRB pursue an action to either disqualify JUSTIFY or suspend Mr. Baffert. Given all of the foregoing facts, I was confident that Mr. Baffert would ultimately prevail if the CHRB pursued the matter. This left the CHRB with two choices – either pursue a frivolous case that had no merit at great taxpayer expense - or exercise reason and common sense and decide to take no further action. The CHRB made the wise decision and should be commended, instead of attacked, for doing so. The CHRB did right by all parties, including the industry, in this case.

I find your article extremely disappointing. Horse racing is a tremendous sport and Mr. Baffert conducts himself with honesty, class and character. They both deserve better.

Sincerely,



W. Craig Robertson III

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