

## New York Supreme Court Stays Enforcement of Out-Of-Competition Testing Rule

Yonkers, New York: This afternoon, after hearing argument from counsel for the Standardbred Owners Association of New York (SOA) and various farm owners in New York State; counsel for the New York State Racing and Wagering Board, and the Office of the New York State Attorney General, New York State Supreme Court Justice Eileen Rakower granted the SOA's emergency application for a Temporary Restraining Order of the enforcement of the Racing Board's Out-of-Competition Testing regulations.

Joe Faraldo, SOA President, stated, "While everyone wants a level playing field, it seems that the NYSR&WB's new rule missed an opportunity to do that fairly and honestly. The new regulations, now stayed by the court, sought to allow the Racing Board to enter private New York farms without probable cause and without a search warrant to test horses for certain substances that are detectable on race day, simply because the horse may be entered at a New York track within the next six months, and that the Racing Board might have "information" about a certain trainer or owner. The rule additionally required owners and trainers with out-of-state horses stabled within 100 miles of a New York racetrack to ship horses to the New York track at their own cost and expense simply because the Racing Board, without having any reason, desires to test the horses; animals that are not in to go, and might never even race. That cost and expense can be a form of harassment to owners and trainers who are having some modicum of success. Moreover, the regulations do not provide for split sampling; something that lead to the full exoneration of four veteran horsemen who were wrongfully accused of EPO violations at The Red Mile last year."

Faraldo continued, "Nobody in this sport should be permitted to engage in blood-doping. Still, the regulations put forth provide absolutely no safeguards to protect innocent trainers, owners and farm owners from being subjected to the arbitrary targeting of the Racing Board. Recent advances in EPO testing permit the detection of blood-doping agents, not simply antibodies, on race night; exactly where EPO testing belongs. We laud Justice Rakower's insight regarding the serious issues raised, and are hopeful that we can permanently enjoin the enforcement of these dangerous, expensive and unnecessary regulations. We also hope that in the future the NYSR&WB will not cavalierly discount the industry opposition similar to that which it received last year from the harness and thoroughbred industry in NY regarding these rules and work with us all for an honest and effective means of addressing what we all agree is a serious problem..

The SOA of New York is represented by Andrew Turro, Esq. of Meyer, Suozzi, English and Klein. Board director Chris Wittstruck and SOA Executive Director George Casale worked very hard to bring all your concerns before the Court.