

STATEMENTS OF KEITH KIZER

The statements are taken from local, regional and national media outlets, and are presented in chronological order.

October 2 & 3, 2007

Reno Gazette Journal **Gilbert tests positive for handful of illegal substances**

The fighter voluntarily submitted to a urinalysis before and immediately after he defended his U.S. middleweight title against Charles Howe at the Grand Sierra Resort, Kizer said. The local fighter knocked out Howe in the first round of their scheduled 10-rounder — in two minutes, 16 seconds — but Kizer said he will ask the commission to change the result of the fight to a no-decision.

Kizer said the **Gilbert** camp hasn't asked to have the urine sample from Sept. 21 re-tested, but it can request another test if there is enough sample remaining. The initial tests were conducted by Quest Diagnostics, a national lab with more than 150 rapid response centers. The re-test could be performed at Quest or a lab of **Gilbert's** choosing.

"They already tested and verified it," Kizer said. "I couldn't imagine it being different. I've never heard of it being different again. I'm not going to ask for (retesting) because I'm very confident the Quest reports are 100 percent accurate."

Kizer identified the amphetamine as Adderall, which is a drug used to treat attention deficit disorder, narcolepsy and severe depression. In June, **Gilbert** received a letter from the commission advising against taking the drug before a bout, because he had tested positive for Adderall — and nordizepam, oxazepam and temazepam — following his 10th-round technical knockout win over Juan Astorga at the Reno Events Center on May 12.

"Our physicians will not medically clear you to compete if this medication...is ingested before a bout," wrote Dr. Tony Alamo, chairman of the commission. "Please be advised that any further positive test result for amphetamine or similar stimulants may result in a disciplinary action by the Commission."

Before the Howe fight, **Gilbert** gave the commission a list of the drugs, including the Adderall, nordizepam, oxazepam and temazepam that had been prescribed to him by a Reno physician. But Kizer said the boxer was aware they were illegal substances, and added that none of the four drugs could have caused the positive tests for a steroid or methamphetamine.

"I checked with our chemist," Kizer said. "He said you don't test positive for a methamphetamine unless you took methamphetamine and you don't test positive for steroids unless you took steroids."

Kizer said the fact that **Gilbert** tested positive for a steroid and methamphetamine could lead to a severe penalty, including revocation of his license. If the license was revoked, he could seek to be licensed at a later date. **Gilbert's** purse for the fight against Howe was \$25,000.

"I just think about poor Mr. Howe getting knocked down twice in the first round," Kizer said, "It's very disturbing."

WWW.ESPN.COM

<http://sports.espn.go.com/sports/boxing/news/story?id=3046838>

Gilbert suspended by NSAC after positive tests

Middleweight Joey Gilbert, who was a participant on the first season of "The Contender" reality series in 2004, was suspended Tuesday by the Nevada State Athletic Commission after testing positive for six banned substances, executive director Keith Kizer said.

According to the commission complaint against Gilbert, who provided pre-fight and post-fight urine samples, he tested positive for stanozolol metabolite (an anabolic steroid), methamphetamine (**better known as the recreational drug crystal meth**), amphetamine, nordiazepam, oxazepam and temazepam.

"I don't think we've ever had anyone test positive for that many things," Kizer told ESPN.com. "Six things? I don't remember anyone who had more than, say, three in their system in my 10 years [of being involved with the commission]. This is one of the least fun parts of the job."

Kizer said Gilbert had been notified of the positive test.

USA TODAY

Reno boxer Gilbert suspended for steroids, meth test

http://www.usatoday.com/sports/boxing/2007-10-02-3297228781_x.htm

NEVADA APPEAL

Reno boxer Gilbert is suspended

Kizer said Gilbert also tested positive for the adderall, nordiazepam, oxazepam and temazepam - the latter three depressants are benzodiazepines in the Valium and Xanax family - after his 10th-round TKO of Juan Astorga May 12 at Reno Events Center.

"Before the May fight, Gilbert had to fill out a form listing what drugs he'd taken over the counter over the last 10 days," Kizer said. "He didn't list any. After we found out the results, he wrote a letter which said he had a prescription and why. (NSAC member) Tony Alamo wrote back and told him he couldn't take those drugs anymore. This is his second offense on those drugs."

Kizer said that Gilbert could've suffered a heart attack from the adderall, a cardiovascular restrictor, and that the stimulant would give him an unfair advantage over an opponent.

Kizer also said the commission checked with a chemist to see if taking a combination of these or other drugs could account for a positive on the stanozolol metabolite and methamphetamine.

"The only way you test positive for steroids or methamphetamine is by taking them," Kizer said.

October 4, 2007

Reno Gazette Journal
Gilbert confident that positive drug test can be explained

"If (Voy) is involved, that's a good thing because we're just looking to get at the truth," Kizer said.

Kizer said an amphetamine can be considered a performance enhancer. Gilbert was warned in a June letter by commission chairman Tony Alamo that further positive tests for amphetamine or similar stimulants could result in disciplinary action.

"We have a rule that says if you're suspended you cannot be involved at all," Kizer said. "You can't be a corner man. You can't be in the dressing rooms. You can't even sit in the front row at fights and you definitely can't promote fights."

October 5, 2007

NEVADA APPEAL
Tale of the tape on case vs. Gilbert

But prior to his Sept. 21 fight with Charles Howe, whom he subsequently stopped in one round, Gilbert signed a document stating that in the month before the fight he had been taking Ambien, the muscle relaxer Soma, Valium, Xanax and, once again, Adderall.

In his post-fight urinalysis, Gilbert once again tested positive for Adderall, nordiazepam, temazepam and oxazepam - a second offense - but he also tested positive for the street drug methamphetamine and the anabolic steroid Stanozolol metabolite (formerly Winstrol) as well.

October 7, 2007

Las Vegas Review-Journal
Ex-'Contender' star faces reality of failed drug test
Gilbert suspended, to meet with Nevada Athletic Commission

And this isn't the first time Gilbert has failed a post-fight test, Nevada Athletic Commission chairman Keith Kizer said.

"He tested positive before for medications which he claimed were doctor's prescriptions," Kizer said.

"They're still on the banned list, and this is the second time he tested positive for those substances in addition to the meth and the steroids."

October 9, 2007

Reno Gazette Journal
Gilbert's next fight is against science

Keith Kizer, the athletic commission's executive director, said **Gilbert** can either have the B sample tested at Quest Diagnostics, which conducted the original tests, or at another lab.

"The B sample, I think, is only there if someone orders a retest done. We don't (need a retest)," Kizer said. "We're pleased with (Quest's) track record so far so we're not asking for any kind of retest to be done. My understanding is whatever the protocol is, Quest follows it."

Kizer said light flyweight Omar Nino had asked for and received a retest after he tested positive for methamphetamine last October. Kizer said the retest confirmed the initial test and Nino was suspended nine months and fined \$18,750.

"Right now, the evidence is pretty overwhelming," Kizer said. "Basically, (**Gilbert**) has already admitted to four of the six substances he took purposefully after he was told not to.

"You've got the meth and you've got the steroids, too. Unfortunately, they seem to go hand in hand. You've got steroids to add a little bulk and you do the meth to cut the weight to get back to where you should have been."

Kizer said **Gilbert** tested for the three metabolites required for a positive test for the steroid.

"There's no other way those three metabolites showed up unless you took Stanazolol," Kizer said.

On the methamphetamine, the cutoff for a positive test is 500 nanograms per milliliter. "(Gilbert's test) was somewhere in the 900s. That's almost double the cutoff," Kizer said.

Kizer said the commission typically sees three kinds of responses to positive drugs tests, "We've had a lot of people say they were innocent. Very few people stick to that story,"

Kizer said. "I can only remember two guys. They were both penalized. They got nine-month suspensions. A 'somebody must have put something in my drink' type of story. Then we ask, 'Do you have any proof of that?'

Most people come in and say 'I don't know what it could be.' Later, they say, 'I took some supplements and didn't realize (it could lead to a positive test).'

"Finally you have some guys who are man enough and they come back and say, 'You know what, I screwed up.' They act like Jason Giambi. They don't act like Marion Jones. It's somewhat refreshing to see. It doesn't let them off because, of course, they weren't man enough until they got caught. But it's better than doing steroids and lying about it."

October 17, 2007

NEVADA APPEAL Gilbert temporary suspension upheld

Kizer said last week that the NSAC had not received any samples from Gilbert, but he said that he had received a phone call from chief inspector and University of Nevada club boxing coach Mike Martino, who told him that Gilbert had contacted him.

"Martino) said he got a call from Gilbert on Friday (Oct. 5) around 5 p.m.," Kizer said.

"He said Gilbert had a prescription from (toxicologist) Dr. Robert Voy (of Las Vegas) and that (Quest Diagnostics) wouldn't let him give a drug test. I don't know why he'd wait until after 5 on a Friday to take a test. And a week-plus after the fight doesn't mean much, unless it's a positive. That has been our only communication."

Kizer said there is no requirement for Quest to test a second sample - a sample B - if the first sample tested positive, as there is an automatic re-test involved in the initial test if it is a positive.

Kizer also said the cutoff for a positive test on methamphetamine is 500 nanograms per milliliter. Gilbert's reading was in the 900 range.

Kizer said the 500-ng cutoff for a positive test is actually a high reading and is designed

to eliminate false-positive tests, such as when a person inhales second-hand methamphetamine smoke. Kizer said the only way to test positive for steroids or methamphetamine is to do the drugs and that a person who hasn't done the drugs or been exposed to them should test for 0 ng.

Before Quest tests a urinalysis, a commission inspector splits the sample into two vials - if there is enough urine - and applies a seal, which is signed by the inspector and athlete, Kizer said. If the seal is broken, there is not enough urine or the sample appears to have been tampered with, Quest would automatically rule it a negative.

"We don't require a B sample to come back in order to issue a complaint," Kizer said. "Four of the six things he took he admitted to twice now. On the other two - the steroids and the meth - on the validation sample he tested positive for them as well."

Kizer said Gilbert's pre-fight UA revealed the presence of steroids and his post-fight UA tested positive for the other five drugs.

November 3, 2007

NEVADA APPEAL Gilbert hearing November 14

Kizer said the commission still has not seen the results of an independent test Gilbert said he would provide after finding out he had tested positive for banned substances in pre- and post-fight urinalyses.

Kizer said he had received a call around 5 p.m. on Friday, Oct. 5 from NSAC chief inspector and University of Nevada club boxing coach Mike Martino, who said that Gilbert had called him because Quest Diagnostics wouldn't give a test to the boxer.

"It wouldn't matter if we got the second test," Kizer said. "Two weeks later, all but the steroids would be out of his system. And if he was cycling the steroids, they should be out of his system by then."

Kizer said neither Voy nor Kelly would confirm or deny Gilbert had taken a voluntary test. But Kizer did say a B sample of Gilbert's urine had been sent to the University of Utah to be re-tested.

"It hasn't been (re-) tested yet. It's on the way there," Kizer said. "I will get the test results when they come back."

In an earlier interview, Kizer said there is no requirement to test a B sample if the first sample comes back positive. In the event of a positive, there is an automatic re-test.

Prior to fighting Howe, Gilbert signed a pre-fight document that he had been taking Addarall, the muscle relaxer and controlled substance Soma, Valium and Xanax in the month leading up to the fight.

Kizer said he had never seen a boxer test positive for six drugs before.

"As much as quantity, quality counts," Kizer said. "One (positive) test for steroids is equal to everything else in your system. On the four he tested positive before, I barely decided not to file a complaint."

November 14, 2007

Reno Gazette Journal Gilbert to ask for more info

Keith Kizer, the commission's executive director, said **Gilbert** only asked for the B sample to be tested for the steroid, methamphetamine and amphetamine.

Kizer said he didn't know **Gilbert** wanted a continuance until Tuesday.

"He needs to show up in person and ask the commissioners face-to-face (for the continuance)," Kizer said. "He needs to show up in person because it's a last-minute deal. I don't object to it.

"He's on temporary suspension so if he wants to take one or two months that's fine with me. If he told us last week we wouldn't have rented out the Reno Council Chambers."

November 15, 2007

NEVADA APPEAL Gilbert hearing is today

Keith Kizer, executive director for the NSAC, said **Gilbert**, currently under temporary suspension, tested positive for amphetamine and negative for methamphetamine in a recent test of the B sample of his post-fight urinalysis conducted by the Center for Human Toxicology at the University of Utah.

Kizer said he couldn't account for the inconsistencies in the results.

"If we can't figure out why the results are different, any discrepancy goes in favor of the fighter," he said. "If it's a tie, it goes to the fighter. We like to be a fighter-friendly commission. But we still have a positive for amphetamine.

"As far as boxing goes, our concern is for the health and safety of the fighters.

(Amphetamine) can lead to a cardiovascular problem. It's an unfair advantage, it gives the fighter added energy and it helps him cut weight."

"A positive for amphetamine or methamphetamine is the same to us. Gilbert tested positive for six drugs - in the best case five, including amphetamine. I'm not sure if it (the negative test) changes anything."

Kizer said Gilbert admitted to taking Xanax - which breaks down to noriazepam, oxazepam and temazepam - three days before his bout with Howe and therefore would not contest the results on those three drugs.

Gilbert has also admitted to taking the stimulant Addarall, which Kizer said could possibly account for the positive result on the amphetamine.

Kizer said the commission would likely grant the continuance and would hold a hearing in December. He also said the nature of the request was a bit strange in light of a previous request.

"He needs to show up in Reno, where the fight happened," Kizer said. "If the nature of the charges are true, it hurts Reno boxing. It's only fair to the community, the media and the citizens that want to go and watch the hearing or support their idol."

November 15, 2007

NEVADA APPEAL Gilbert's battle to clear his name continues

"You have kept the results hidden for more than a month," an aggravated Kizer said. "Why are we hearing about this for the first time today? Were you ever going to tell us?"

Kizer said he was unaware of any such document and to his understanding and according to Quest, Gilbert tested and re-tested positive for meth.

"I hope the negative test is the right test," Kizer said. "Why hope otherwise? I hope the reading gave a false positive. The odds of that are one in a million. It's more likely to have a false negative - that's much more common. If they can figure it out (the discrepancy) - great. I haven't talked to Joey. I have nothing against him."

"They are not fans of Keith Kizer either," he said. "It's very sad to get a (positive) drug result. He helped revive Reno boxing. We don't play favorites when it comes to drug tests. This commission never has and never will play favorites. Just because he's Mr. Reno doesn't mean we'll sweep it under the rug."

That said, Kizer added that he's not taking Gilbert's rancor personally.

"It's not the first time. I don't hold it against them (suspended fighters)," Kizer said. "If he didn't do the drugs, it's too bad he tested positive."

November 16, 2007

NEVADA APPEAL Gilbert's other fight continues

"You have kept the results hidden for more than a month," an aggravated Kizer said. "Why are we hearing about this for the first time today? Were you ever going to tell us?"

Kizer said he had no problem with Gilbert's continuance and the only reason he brought up the Oct. 5 test is because of a conversation he had had with deputy commissioner and Nevada club boxing coach Mike Martino, who said that Gilbert had told him he was unable to get a urine sample tested at a Quest in Reno.

"It was around 5 (p.m. on Oct 5) and I told Mike that maybe the people were gone home or had to go somewhere else," Kizer said. "We didn't know. Later I talked to Dr. Voy about the second test and that I'd like the results now. He said he'd have to talk to Joey. Today I asked the question. I just didn't want to play games with this case. I've been waiting and waiting and waiting.

"My purpose was to get everything out in the open now- was there another test? What was the result of that test? Let's get it in the open now."

Kizer said he was unaware of any such document and to his understanding and according to Quest, Gilbert tested and re-tested positive for meth.

"I hope the negative test is the right test," Kizer said. "Why hope otherwise? I hope the reading gave a false positive. The odds of that are one in a million. It's more likely to have a false negative - that's much more common. If they can figure it out (the discrepancy) - great.

"Just because he's Mr. Reno doesn't mean we'll sweep it under the rug." "If he didn't do the drugs, it's too bad he tested positive."

December 14, 2007

Reno Gazette Journal Methamphetamine charge dropped against Gilbert

"The labs had disagreed," Kizer said. "As I mentioned before, the tie goes to the fighter. I'm waiting to get the steroid test back from Utah. I figure there's no need to wait for dropping the meth with the two labs in disagreement."

December 14, 2007

**NEVADA APPEAL
Gilbert cleared of meth charge**

Kizer defended the testing procedure performed by Quest and said there was no negligence, saying the information was a public record that he - as a non-expert - was merely passing on after told by Quest's experts that Gilbert had tested positive for six banned substances.

The commission's threshold for a positive test for methamphetamine is 500 nanograms per liter. In the GS/MS test - which Kizer said looked for a "peak" - the threshold was 1,000 ng. Gilbert tested "in the 900s," Kizer said, thus testing positive for both stimulants on the first test and negative for both on the second.

"Because he tested negative doesn't mean anything," Kizer said, pointing out the different thresholds. "In fact, Gilbert's (other) toxicologist - Dr. (Raymond V.) Kelly - reviewed the positive sample - the A sample - and told Quest that he didn't find an error with this. Kelly found no problem with the test. In fact, Mr. Gilbert knew about it before we did.

"It's how it's been done with every athlete we've tested. It's the same procedure that has been recognized as an appropriate one."

Kizer also denied ever possessing the results of any other stimulant test, saying that he didn't find out the result of the panel until after the complaint had already been issued.

"We didn't know about it until after the November hearing," Kizer said. "And we still haven't received the Oct. 5 test or the hair test. I haven't got that. I don't think the attorney general would mind having that or the Oct. 5 test. One month later and we still don't have it."

"He still faces the same serious charges for five other drugs or substances. He'll have a full and fair hearing before the commission. The meth test came back in two weeks. We're now sitting at six weeks (waiting for the steroid test).

"(The Center for Human Toxicology) received the urine sample on Oct. 31. We're all at the mercy of the Utah lab. It's unfortunate for both parties. It's out of the control of both parties."

December 20, 2007

**NEVADA APPEAL
Gilbert: Polygraph proves he's been honest**

Keith Kizer, executive director of the Nevada State Athletic Commission, said he received the documents Wednesday, but said he couldn't comment on them because he "wasn't a polygraph expert."

January 8, 2008

Reno Gazette Journal Independent lab confirms Gilbert test

On Tuesday, the commission revealed that the results, from the University of Utah's toxicology lab, matched its initial test, which was conducted by Quest Diagnostics in Las Vegas.

The results also matched a private test, solicited by Gilbert and conducted by Quest on Oct. 5. "There's no surprise there," said the commission's executive director, Keith Kizer.

"He can be on the agenda if he wants to be," said Kizer, who added that Gilbert would likely have to explain to Chairman John R. Bailey why he did not want to be at that meeting, if that indeed was the case.

January 9, 2008

Reno Gazette Journal Gilbert lawyer disputes test results

"We've been waiting for the "B" sample test results for several weeks now," Keith Kizer, executive director of the Nevada Athletic Commission, said Wednesday. "They show the presence of a stanozolol metabolite on Mr. Gilbert's pre-fight urine sample."

Kizer said the metabolite indicates steroid use. An "A" sample tested earlier found 2 of 3 metabolites, while the "B" sample found one, he said.

Kizer said the second steroid results also matched a private test, solicited by Gilbert and conducted by Quest on Oct. 5.

January 9, 2008

NEVADA APPEAL Gilbert's B sample positive for steroid

Nevada State Athletic Commission executive director Keith Kizer said Tuesday that Reno middleweight Joey Gilbert's B sample tested positive for the steroid Stanozolol metabolite and that the commission would seek a Jan. 24 agenda hearing on the matter.

On one hand, Kizer said, the commission is only concerning itself with the presence of the five banned substances in Gilbert's system, not with how they got in his system, whether it was knowingly or unknowingly.

Kizer said the commission is also concerned that this was the second time that Gilbert tested positive for amphetamine, noriazepam, oxazepam and temazepam.

In addition to taking over 70 over-the-counter supplements, Gilbert admitted to taking the prescription drug Valium for sleep and a stimulant to treat Attention Deficit Disorder/Hyperactivity Disorder.

Kizer has said that the Valium would account for positive tests for noriazepam, oxazepam and temazepam, but that wouldn't excuse Gilbert taking the drug before a fight after being warned by the commission not to.

Kizer said the five-member commission could decide on a wide spectrum of responses during the forthcoming hearing, all the way from no further suspension or fine all the way to an indefinite revocation of Gilbert's boxing license.

January 10, 2008

Reno Gazette Journal Gilbert's attorney is critical of commission

Kizer said the commission has protocols for the collection of urine samples following fights, which are tested by Quest Diagnostics. Kizer said the Nevada Attorney General's Office explained those protocols in a letter to Schopper.

"I don't tell Quest how to do the drug test," Kizer said. "I don't try to influence their results. They use certain cut-off levels."

Kizer released a document from the Utah lab Tuesday to media outlets after its test on Gilbert's urine sample and said it confirmed the original results from Quest.

"I'm not sure a positive/negative test is relevant," Kizer said. "The question is, 'Is their proof of use?' One, two or three Stanozolol metabolites in the urine is proof of use."

In the Matter of Joey Gilbert

Drug testing must be done in accordance to published protocols officially adopted by the testing organization. The protocol steps must be followed and meet every requirement as stated therein. Otherwise the drug testing is considered by some to be a human rights challenge, and is certainly a violation of a licensee's due process rights.

Unfortunately, the Nevada State Athletic Commission (NSAC) does not have any protocols in place. Despite the fact that this is not the first time an athlete has had substantial problems and concerns due to lack of protocol, the NSAC has neglected to approve one of the dozens of approved protocols used in professional sports worldwide.

Virtually every known organization or professional sports body (and most amateur) has a protocol (explained in detail below) in place to protect the athlete and strictly forbid the releasing of private information including test results to the media until they have been confirmed. There are far too many organizations, sanctioning bodies or regulatory agencies (state or national) with testing protocols in place to list here, but some notables are: International Olympic Committee, NCAA, PGA, LPGA, FIFA, NFL, NBA, WNBA, MLB, WADA, USADA and many more.

If the Nevada Athletic Commission had had protocols in place, many if not all of the allegations against Mr. Gilbert would have properly dealt with and never been disclosed publicly. Additionally, the remaining allegations against Mr. Gilbert would have been shown false before his career was severely damaged in the media and he had to spend tens of thousands of dollars to clear his name and salvage his career (an open question).

Beyond the lack of protocols, there is a second problem with the way this matter has been dealt with by the Commission. More specifically, the Commission's Executive Director's attacks on athletes, before due process has been carried out, fall far short of the standards you would expect from the head of a Nevada Commission aiming to uphold the reputation of the State. As you are aware, Mr. Kizer sits at the head of state agency that is in charge of sanctioning entertainment that brings in hundreds of millions of dollars to Nevada.

The below information and attached documents show that the Executive Director of the Nevada State Athletic Commission, Keith Kizer acted with malicious intent in the defamation of an athlete and ignored standard policies of confidentiality, privacy and any professional ethical code. In addition, Mr. Kizer ignored even the most basic drug testing protocol and failed to use fair or reasonable judgment in addressing a situation that severely damaged the reputation of a professional athlete. Mr. Kizer has repeatedly engaged in negligent reporting of facts and distorted test results to support his position.

After the results of Gilbert's original "A" sample were made public, Gilbert asked that NSAC send him a copy of their protocol for testing and for the reporting of tests performed at the request of the NSAC. At that time, the Executive Director Keith Kizer

stated that no such protocol existed and that Gilbert was free to send his B sample (same urine collected on the same night) to a lab of his choosing. Gilbert requested that his B samples be sent to the University of Utah's Center for Human Toxicology (CHT) a certified International Olympic Committee (IOC) laboratory, and that a protocol similar to that of the World Anti Doping Agency or United States Anti Doping Agency (WADA or USADA) be used in conjunction with the "thresholds" set by the NSAC. Unfortunately, the NSAC does not have a protocol. Kizer stated in the media that whatever the protocol was, Quest followed it. Nevertheless, the NSAC has still not provided Gilbert with its protocols as supposedly defined by Quest.

Gilbert's B samples were then sent to CHT for further testing. It is important to note that as a result of these additional tests of the same urine collected at the same time as the A samples, that: 1. CHT's reporting limit was 100 times more sensitive than the Quest test and Methamphetamine was not detected in any of the samples; 2. the Amphetamine detected was at a level below (under) the Quest limit of 500ng/ml; and 3. The required amount of steroid metabolites for a positive test was not confirmed, i.e., a negative test.

In fact, Gilbert's toxicologist, Dr. Kelly, PhD called and confirmed for a second time with Quest that it required two metabolites to report a positive finding for steroids. Quest further confirmed that it has never reported a positive test for the steroid Stanozolol based on one metabolite.

Nevertheless, Keith Kizer reported that the test was positive, and released this false information to the media again on January 8-9, 2008.

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Each heading below provides a brief description of what has transpired with the NSAC as a result of the Executive Director's comments.

Quest Lab Test results on original "A" samples released to media prematurely.

On October 2, 2007 the results of Gilbert's urinalysis test were released to the media before Gilbert was informed of the allegations against him. Mr. Kizer called into local Reno TV and radio stations and made speculative and damaging comments. These comments were made prior to Gilbert being provided any notice of the complaint. In fact, the complaint did not arrive by certified mail until Oct 4, 2007, two days after the complaint was taken public. "Kizer said Gilbert had been notified of the positive test", (October 2, 2007, ESPN.COM). This was not true as Gilbert was in southern California and first learned of the allegations when a reporter from the Reno Gazette Journal called his cell phone and asked if he would care to comment on the complaint filed against him.

A steroid test was done and metabolites were found in "pre-fight" A sample. "Kizer said Gilbert tested for the three metabolites required for a positive test for the steroid." There's no other way those three metabolites showed up unless you took Stanozolol," Kizer said.

This was not true. In fact, the Quest lab had only found 2 metabolites and why Mr. Kizer stated that 3 had been found still remains a mystery. Nevertheless, subsequent testing of the B sample at the University of Utah as mentioned above resulted in only 1 metabolite being confirmed and thus no positive test.

Methamphetamine, Amphetamine & additional drugs were detected in "post-fight" A sample using an immunoassay screening test. This test was performed twice for accuracy, but it is unclear whether or not the immunoassay test was confirmed by a Gas Chromatography/mass spectrometry (GCMS) test, which is even standard protocol for a regulated workplace.

****NOTE**** If a non-regulated workplace drug testing program uses only an immunoassay screening test, there may be other substances that could cause a presumptive positive response on the immunoassay test. Thus, they don't do it.

A Stimulant Panel (more sensitive and definitive test for stimulants) was performed on the "post fight" A sample. The results of the Stimulant Panel were **NEGATIVE** for any stimulants including both Amphetamine and Methamphetamine. Nonetheless, a positive report of Methamphetamine and Amphetamine was reported to the media by the Executive Director.

In addition, the post fight urine was 5-6 times more concentrated (due to dehydration) than Pre fight urine. Highly concentrated urine equals high concentration of substances found in urine. The lab should have taken this into account, which did not happen. The reason is because the NSAC does not have any protocols in place.

Release of Private Medical Information.

Gilbert's personal and private medical history and file was made available to the public. Gilbert asked the NSAC to keep his personal medical issues confidential because releasing information pertaining to his having ADD/ADHD and treatment using Adderall would embarrass him. Long before the alleged positive test results, the athlete also asked the NSAC to not share correspondence relating to his conditions and medications between himself and the NSAC with any third parties, especially the media.

Mr. Kizer went out of his way to detail and divulge Gilbert's personal medical issues, medical records, medications and confidential correspondence between Gilbert, his doctor and the NSAC. In fact, in his very first interview, "Kizer identified the amphetamine as Adderall, which is a drug used to treat attention deficit disorder, narcolepsy and severe depression."

"Before the Howe fight, Gilbert gave the commission a list of the drugs, including the Adderall, nordizepam, oxazepam and temazepam that had been prescribed to him by a Reno physician". (RGJ, Oct 3, 2007). Again, there are pages of comments similar to the one above, and reporters friendly to Gilbert informed him that Mr. Kizer divulged and then forwarded confidential correspondence between Gilbert and the NSAC to local

newspapers. See the attached documents and corresponding headings as further evidence of what was stated in local and national newspapers.

Defamatory Statements Made to Media.

Comments presupposing guilt should have not been made by the head of a state agency, especially regarding something as serious as methamphetamine usage. Mr. Kizer is the head of the NSAC and as such he has a duty to not make assumptions that imply deliberate use of an illegal drug as part of an athlete's training regimen. Mr. Kizer had been put on notice by both Gilbert and Gilbert's doctor regarding the use of a prescribed medication that contained amphetamine. Therefore, Mr. Kizer breached his duty to protect personal information when he did not properly identify that a prescription such as the one reported by Gilbert could and often times does result in a "false positive". Mr. Kizer made defamatory and speculative statements concerning the charges levied against Gilbert in numerous media outlets.

"Right now, the evidence is pretty overwhelming," Kizer said. "Basically, (Gilbert) has already admitted to four of the six substances he took purposefully after he was told not to".

This is NOT true. Gilbert never admitted to anything and he was never told that he could not take his prescription medications. In fact, he was told the exact opposite by NSAC doctors on more than one occasion. Dr. Tony Alamo of the Commission only told Mr. Gilbert that he could not take his adderall medication "before or during a bout", which he never did (he went off five days before the fight). He was told by the Commission to speak to his private physician because the NSAC would not dictate how he took his medication. Joey did this, and his physician confirmed in writing to the Commission that he was continually monitored and in no danger, which was the Commission's concern.

"You've got the meth and you've got the steroids, too. Unfortunately, they seem to go hand in hand. You've got steroids to add a little bulk and you do the meth to cut the weight to get back to where you should have been"(October 9, 2007). This comment by Mr. Kizer is absolutely uncalled for and again, with testing of the B sample, the Methamphetamine and Steroid could not be confirmed, but damage to Gilbert's reputation will last a lifetime.

What really makes this situation abhorrent is that Mr. Kizer had in his possession a stimulant panel, which was specially ordered by the Commission, and said panel clearly showed that Gilbert was negative for Methamphetamine. Nonetheless, Mr. Kizer released this false information to the media.

Beyond being unprofessional, Mr. Kizer's remarks regarding Joey Gilbert and Methamphetamine in the media were arguably defamatory, i.e., accusing Mr. Gilbert of meth use, which is a crime.

False Statements

Mr. Kizer has made dozens of false statements regarding testing procedures, testing protocol, chemical compositions, statements made by Gilbert, and even falsely reported information or distorted facts from individuals within his own organization.

"They already tested and verified it," Kizer said. "I couldn't imagine it being different. I've never heard of it being different again. I'm not going to ask for (retesting) because I'm very confident the Quest reports are 100 percent accurate."

There is no such thing as a 100% accurate test, even Quest has confirmed this.

"I checked with our chemist," Kizer said. "He said you don't test positive for a methamphetamine unless you took methamphetamine and you don't test positive for steroids unless you took steroids."

This has been proven completely wrong and the NSAC amended the complaint and dropped the Meth charge.

"Kizer said Gilbert tested for the three metabolites required for a positive test for the steroid." "There's no other way those three metabolites showed up unless you took Stanozolol," Kizer said.

This has also been proven false and in fact, there never were three confirmed metabolites.

It was absolutely unnecessary to make any of these statements. This is an example of publicly humiliating a professional athlete and shows how this case was tried in the media from day one. The Executive Director purposely used inflammatory language such as "drugs" when referring to prescribed medications that were on file with the NSAC, which is clearly unprofessional and unacceptable. Moreover, it is potentially actionable.

The below statements are taken from local and national newspapers.

"Before the May fight, Gilbert had to fill out a form listing what drugs he'd taken over the counter over the last 10 days," Kizer said. "He didn't list any. After we found out the results, he wrote a letter which said he had a prescription and why. (NSAC member) Tony Alamo wrote back and told him he couldn't take those drugs anymore. This is his second offense on those drugs."

In fact, Dr. Alamo wrote a letter in which he stated, "In this regard, our physicians will not medically clear you to compete if this medication or other amphetamine derivative is ingested before or during a bout".

No where in Dr. Alamo's letter does it say "drugs" and no where in Dr. Alamo's letter was Gilbert told he could not continue to use his prescription for the sleep aid Valium (Nordizepam, Oxazepam and Temazepam) and no where in the letter were any of these three "drugs" mentioned or listed.

"Before the Howe fight, Gilbert gave the commission a list of the drugs, including the Adderall, nordizepam, oxazepam and temazepam that had been prescribed to him by a Reno physician," Kizer said.

A list containing all four of the above prescription medications, once again referred to by Kizer as drugs was never given to the NSAC by Gilbert.

Release of Private Information.

Gilbert's personal information was released to the media. The complaint and information that was made available to the media had Gilbert's personal (home) address, his social security number and his home telephone number. As you are aware, the release of an individual's social security number is strictly prohibited.

Case Publicly Tried in Media from Day One.

From the release of the complaint against Gilbert, Executive Director waged a public media blitz aimed at embarrassing Gilbert and was a "first strike" tactic. Since the initial statements were made and dozens of opinions were formed and assumptions made, Gilbert has had to work tirelessly to rescue his reputation. Most, if not all of the accusations that were made have since been proven false by the subsequent testing of Gilbert's B sample.

An athlete should never be subjected to such underhanded and negative attacks by a state agency, let alone the NSAC or its Executive Director.

"On the methamphetamine, the cutoff for a positive test is 500 nanograms per milliliter."(Gilbert's test) was somewhere in the 900s. That's almost double the cutoff," Kizer said.

A quick study of past athletes that have had a complaint filed against them reveals that never have so many comments been made at all, let alone so prematurely or before Gilbert appeared at a hearing before the NSAC.

Here is an example of how Mr. Kizer handled a positive test for two Mexican fighters. This was all that could be found pertaining to these two positive tests. There was no speculating, no additional commentary and no release of any personal information or private medical information. The name of the steroid was not released or how many metabolites were found, nor was the amount of amphetamines released. I might add that these fighters were fighting in World Title bouts and are very well known.

Two Mexican boxers under suspicion following drug tests

Keith Kizer, executive director for the NSAC, said the two Mexican fighters will face a hearing some time in January 2007.

“Salido tested positive for steroids. We’re waiting for his response,” Kizer said on Wednesday by telephone. “Omar Nino tested positive for amphetamines. He has 20 days to respond.”

No Protocol in Place by NSAC

It is the job of the Executive Director to know what the B sample is to be used for, especially when an athlete’s livelihood and reputation are at stake. Mr. Kizer is the Executive Director and he consistently in interviews references World Anti Doping Association (WADA), which outlines strict protocol for drug testing and exactly what a B sample is used for, which is to confirm the result of a testing of the A sample. If a B sample is negative, the overall results are normally found to be negative.

“The B sample, I think, is only there if someone orders a retest done. We don’t (need a retest),” Kizer said. “We’re pleased with (Quest’s) track record so far so we’re not asking for any kind of retest to be done. My understanding is whatever the protocol is, Quest follows it.”

The above statement pertaining to “what” a B sample is used for as well as Mr. Kizer’s “understanding” of “whatever the protocol is, Quest follows it” is an unacceptable answer for the Executive Director of a state agency to make, and once again shows that without protocol put in place by the NSAC athletes will continue to be damaged by a Commission that is a decade behind the times in regards to drug testing. Every testing organization in the world uses the B sample to confirm a positive test—that is except for the NSAC.

In this instance, had the NSAC had protocol in place, Gilbert’s prescribed medications would have been requested by the testing laboratory and closely cross-checked to make certain no “presumptive positive” (false positive) resulted, as was the case with the methamphetamine. In addition, the B sample would have been tested long before results were made public to the media, and even then presumptions or assumptions as to what happened would have never been made publicly. Only after a hearing on the facts of the complaint would additional information have been disclosed to the media, but never would an athlete’s personal medical file, health issues, medications, private information and private and confidential correspondence between the athlete’s doctors, himself and the regulator body been made public.

Moreover, had protocols been in place the Commission would have had a medical waiver protocol for athletes taking prescribed substances. Currently, even someone taking prescribed acne medication is in violation of the commission rules. Additionally, the Commission doesn’t even know what constitutes a positive test.

In other words, the Commission has let a private company decide what the cut-offs are for various drugs. When the attorney for Gilbert involved in this matter wrote to the commission and requested its protocols and cut-offs, the reply was simply that they didn’t have any, and to ask Quest (the private laboratory). This is simply an embarrassment to

the state. It also means that numerous athletes who didn't have the resources to challenge the commission have probably had their careers damaged by false tests.

In closing, the most important thing that can come of all of this is that the Commission put protocols in place to protect athletes and the State's reputation in the future. One would expect that some states are behind the times. But, the state regarded as the Fight Capital of the World should not be one of them.

Below is a short example of testing protocol used by United States Anti Doping Agency (USADA) to protect athletes and the legitimacy of the sport:

UNITED STATES ANTI-DOPING AGENCY PROTOCOL FOR OLYMPIC MOVEMENT TESTING

1. USADA's Relationship with the United States Olympic Committee ("USOC")

USADA is an independent legal entity not subject to the control of the USOC. The USOC has contracted with USADA to conduct drug testing and results management for participants in the Olympic movement within the United States and to provide educational information to those participants. For purposes of transmittal of information by USADA, the USOC is USADA's client. However, the USOC has authorized USADA to transmit information simultaneously to the relevant National Governing Body ("NGB"), International Federation ("IF") the World Anti-Doping Agency ("WADA") and involved athlete.

2. Athletes Subject to Testing by USADA

The USOC and NGBs have authorized USADA to test the following athletes:

- a. Any athlete who is a member of a NGB;
- b. Any athlete participating at a competition sanctioned by the USOC or a NGB;
- c. Any foreign athlete who would otherwise be subject to testing by USADA, the USOC or NGB; or
- d. Any other athlete who has given his/her consent to testing by USADA.
- e. Any athlete who has been named by the USOC or an NGB or is competing in a qualifying event to represent the USOC or NGB in international competition.

USADA will not allow the testing process to be used to harass any athlete. In selecting athletes for testing, USADA will focus primarily on athletes who are participating or have the potential to participate, in international competition.

Ray Kelly, PhD, Toxicologist
(702) 435-1900 (office) (702) 408-2968 (cell)

Response to Keith Kizer statement of 01/09/08

On January 9, 2008, Mr. Keith Kizer said that the retests of Joey Gilbert's urine samples at the IOC lab (Center for Human Toxicology, CHT) in Utah matched those obtained at Quest Diagnostics laboratory (QDL) in Las Vegas. This is not true. There were several discrepancies between the tests, including the following:

1. ***QDL reported a false positive for methamphetamine in Joey Gilbert's post-fight urine sample.***

In the post-fight sample, QDL reported a positive result for the street drug methamphetamine, which CHT did not confirm. The Utah lab's reporting limit was 100 times more sensitive than the QDL test. This means that methamphetamine was not present in the sample. A subsequent test of the pre-fight sample verified that confirmed when the Utah lab also tested the pre-fight sample this false positive result. No methamphetamine was detected on that test either. Lastly, QDL's original testing on Gilbert's post-fight sample featured two separate drug screen profiles, both of which included methamphetamine. One of those was negative as well. These facts add up to conclusive evidence that QDL's positive result for methamphetamine clearly was an incorrect, or false positive, result.

2. ***QDL obtained a different quantitative result for amphetamine in Joey Gilbert's post-fight urine sample.***

QDL reported an amount of Joey Gilbert's prescribed drug amphetamine differing by over 25% from the value determined at CHT (747 ng/mL vs. 595 ng/mL). The Utah result is much closer to the QDL cutoff of 500 ng/mL. Furthermore, Mr. Gilbert's post-fight sample, on which the drug determinations were conducted, was 4 times more concentrated than his pre-fight urine sample. This leads to the expectation that, had the pre-fight sample been tested for drugs, amphetamine would not have been reported above the QDL cutoff of 500 ng/mL. This expectation was confirmed when the CHT test on the pre-fight sample only revealed 27 ng/mL of amphetamine, far below the 500 ng/mL cutoff.

3. ***QDL detected a different number of stanozolol metabolites than CHT.***

QDL detected two metabolites of stanozolol in Joey Gilbert's pre-fight urine sample. This is at variance with the claims of Mr. Kizer, (Reno Gazette Journal, October 9, 2007) that he tested positive for the three "required" metabolites. That is, the detection of two metabolites would not equate to a positive result if the Nevada State Athletic Commission required three, as stated by Mr. Kizer. Furthermore, retesting of the urine sample at the Utah lab only detected one

metabolite. The detection of a single metabolite did not fulfill either Mr. Kizer's stated criteria or QDL's criteria.

Statement

From: Mark Schopper, Esq. (Joey Gilbert's Attorney)

Date: January 9, 2008

RE: Joey Gilbert Test results from the Center for Human Toxicology at the University Utah

The statement made in the media by the Nevada State Athletic Commission executive director, Keith Kizer, that the Center for Human Toxicology at the University Utah confirmed a positive result for Joey Gilbert's steroids test—is factually incorrect and reflects the carelessness with which the executive director has handled statements to the media throughout this matter. It also reflects a serious problem in that the Nevada Athletic Commission has no testing protocols in place.

We've requested in writing from the Commission it's testing procedures and protocols, and we were informed that the Commission doesn't have any. It is absolutely unbelievable in these times that a body overseeing a professional sport does not have testing standards and protocols in place for drugs. Every major sport and most of the minor sports in this country and world-wide have protocols in place—accept the Nevada Athletic Commission, which oversees the fight capital of the world. Even the LPGA has protocols in place to provide fairness and protection for its sport and the respective athletes. We asked the Nevada Athletic Commission in writing to verify whether or not it had protocols in place, and if so to provide us with a copy. We received a letter back from the Attorney Generals Office stating that the commission collects the athletes' samples, puts them in a brown paper bag, and lets a private company decide whether the athlete took drugs, i.e., no protocols.

The test results from the Center for Human Toxicology at the University Utah (an International Olympic Committee laboratory) did not come back positive for steroids as the executive director has stated in the media. The results came back showing only one metabolite for the steroid Stanozolol, which is a negative test. Quest laboratory in Las Vegas (laboratory that performs the Nevada Athletic Commission's testing) confirmed to our toxicologist, Dr. Ray Kelly, this week that Quest requires at least two metabolites to report a positive test. The reason that at least two metabolites are required is because one metabolite could have easily come from an adulterant in a supplement taken by an athlete.

The Center for Human Toxicology at the University Utah only confirmed one metabolite, i.e., a negative result under the standards used by the Athletic Commission's testing company. The Commission itself does not have standards or protocols, and has confirmed to us in writing that it defers to Quest.

In regards to the prescription medications taken by Mr. Gilbert that the executive director keeps referring to as drugs, not only was the commission on notice that Mr. Gilbert was taking them, he did not take them before or during the fight as instructed in writing by the Athletic Commission. Moreover, these medications are permissible through medical

waivers in other sports. Unfortunately, the Nevada Athletic Commission doesn't have a medical waiver procedure, because it does not have any protocols or procedures whatsoever. Thus, Mr. Gilbert could only follow the instructions of the Commission, which he did. He stopped taking his prescription medications at least five days before the fight. The fact that trace amounts could still be detected in his system is irrelevant.

Additionally, Mr. Gilbert's pre fight sample for Amphetamine (a derivative of his prescription medication) came back at 27 nanograms from the Center for Human Toxicology at the University Utah, which is also a negative result by Quest's standards (reportedly requires 500 nanograms).

In the past, Mr. Kizer also stated that Mr. Gilbert had tested positive for methamphetamine. However, subsequent testing at the IOC laboratory confirmed that he tested negative for methamphetamine. The Commission dropped this allegation against Mr. Gilbert as a result. At this point, we would hope that the executive director would stop trying to convict Mr. Gilbert in the media, and recognize that he has a serious problem with his testing company, Quest, and the lack of protocols in place. If the Nevada Athletic Commission wants to protect fighters as it so often states, it will start by putting protocols in place.

Joey Gilbert steadfastly denies ever knowingly taking any illegal substances, including steroids. He has consistently denied taking any illegal drugs and has submitted a hair sample and a polygraph examination (unheard of in the sports world) to the commission in support of his contentions.

We look forward to addressing all of these issues before the Nevada Athletic Commission. Unfortunately, we are still having trouble tracking down all of the necessary information from Quest. We have been informed that Quest laboratories in Las Vegas where Mr. Gilbert's tests were performed has suddenly decided to stop steroid testing, and the director of the laboratory has resigned.

Subj: **FW: CORRECTION: In the Matter of Nevada's Joey Gilbert, Professional Boxer**
Date: 1/10/2008 3:54:41 PM Pacific Standard Time
From: kkizer@boxing.nv.gov
To: VOYROBT@aol.com

Exhibit - E

I take it that like Mr. Schopper, you had nothing to do with this or the potshot at Dr. John Hyatt.

From: chulyim@gmail.com [mailto:chulyim@gmail.com] **On Behalf Of** Chul Yim
Sent: Thursday, January 10, 2008 1:45 PM
Subject: CORRECTION: In the Matter of Nevada's Joey Gilbert, Professional Boxer

CORRECTION: The press releases, and documents you received was solely done by Joey Gilbert and not his representative Mark Schopper. The decision to release information to the media was Mr. Gilbert's decision without consultation of Mr. Schopper. If you have any questions, please contact Mr. Gilbert directly at joeygilbert@msn.com. Thank you for your time.

----- Forwarded message -----

From: Chul Yim <chul@jgpromotions.com>
Date: Jan 10, 2008 12:49 PM
Subject: In the Matter of Nevada's Joey Gilbert, Professional Boxer
To: chul@jgpromotions.com

For Immediate Release:

Contact: Mark Schopper, 775.848.8203

In the Matter of Joey Gilbert, Professional Boxer

Reno, NV, January 10, 2008 - Drug testing must be done in accordance to published protocols officially adopted by the testing organization. The protocol steps must be followed and meet every requirement as stated therein. Otherwise the drug testing is considered by some to be a human rights challenge, and is certainly a violation of a licensee's due process rights.

Unfortunately, the Nevada State Athletic Commission (NSAC) does not have any protocols in place. Despite the fact that this is not the first time an athlete has had substantial problems and concerns due to lack of protocol, the NSAC has neglected to approve one of the dozens of approved protocols used in professional sports worldwide.

Virtually every known organization or professional sports body (and most amateur) has a protocol (explained in detail below) in place to protect the athletes and strictly forbid the releasing of private information including test results to the media until they have been confirmed. There are far too many organizations, sanctioning bodies or regulatory agencies (state or national) with testing protocols in place to list here, but some notables are: International Olympic Committee, NCAA, PGA, LPGA, FIFA, NFL, NBA, WNBA, MLB, WADA, USADA and many more.

If the Nevada Athletic Commission had had protocols in place, many if not all of the allegations against Mr. Gilbert would have properly dealt with and never been disclosed publicly. Additionally, the remaining allegations against Mr. Gilbert would have been shown false before his career was severely damaged in the media and he had to spend tens of thousands of dollars to clear his name and salvage his career (an open question).

Thursday, January 10, 2008 America Online: VOYROBT

Beyond the lack of protocols, there is a second problem with the way this matter has been dealt with by the Commission. More specifically, the Commission's Executive Director's attacks on athletes, before due process has been carried out, fall far short of the standards you would expect from the head of a Nevada Commission aiming to uphold the reputation of the State. As you are aware, Mr. Kizer sits at the head of state agency that is in charge of sanctioning entertainment that brings in hundreds of millions of dollars to Nevada.

The below information and attached documents show that the Executive Director of the Nevada State Athletic Commission, Keith Kizer acted with malicious intent in the defamation of an athlete and ignored standard policies of confidentiality, privacy and any professional ethical code. In addition, Mr. Kizer ignored even the most basic drug testing protocol and failed to use fair or reasonable judgment in addressing a situation that severely damaged the reputation of a professional athlete. Mr. Kizer has repeatedly engaged in negligent reporting of facts and distorted test results to support his position.

After the results of Gilbert's original "A" sample were made public, Gilbert asked that NSAC send him a copy of their protocol for testing and for the reporting of tests performed at the request of the NSAC. At that time, the Executive Director Keith Kizer stated that no such protocol existed and that Gilbert was free to send his B sample (same urine collected on the same night) to a lab of his choosing. Gilbert requested that his B samples be sent to the University of Utah's Center for Human Toxicology (CHT) a certified International Olympic Committee (IOC) laboratory, and that a protocol similar to that of the World Anti Doping Agency or United States Anti Doping Agency (WADA or USADA) be used in conjunction with the "thresholds" set by the NSAC. Unfortunately, the NSAC does not have a protocol. Kizer stated in the media that whatever the protocol was, Quest followed it. Nevertheless, the NSAC has still not provided Gilbert with its protocols as supposedly defined by Quest.

Gilbert's B samples were then sent to CHT for further testing. It is important to note that as a result of these additional tests of the same urine collected at the same time as the A samples, that: 1. CHT's reporting limit was 100 times more sensitive than the Quest test and Methamphetamine was not detected in any of the samples; 2. the Amphetamine detected was at a level below (under) the Quest limit of 500ng/ml; and 3. The required amount of steroid metabolites for a positive test was not confirmed, i.e., a negative test.

In fact, Gilbert's toxicologist, Dr. Kelly, PhD called and confirmed for a second time with Quest that it required two metabolites to report a positive finding for steroids. Quest further confirmed that it has never reported a positive test for the steroid Stanozolol based on one metabolite.

Nevertheless, Keith Kizer reported that the test was positive, and released this false information to the media again on January 8-9, 2008.

* * *

Each heading below provides a brief description of what has transpired with the NSAC as a result of the Executive Director's comments.

Quest Lab Test results on original "A" samples released to media prematurely.

On October 2, 2007 the results of Gilbert's urinalysis test were released to the media before Gilbert was informed of the allegations against him. Mr. Kizer called into local Reno TV and radio stations and made speculative and damaging comments. These comments were made prior to Gilbert being provided any notice of the complaint. In fact, the complaint did not arrive by certified mail until Oct 4, 2007, two

days after the complaint was taken public. "Kizer said Gilbert had been notified of the positive test", (October 2, 2007, ESPN.COM). This was not true as Gilbert was in southern California and first learned of the allegations when a reporter from the Reno Gazette Journal called his cell phone and asked if he would care to comment on the complaint filed against him.

A steroid test was done and metabolites were found in "pre-fight" A sample. "Kizer said Gilbert tested for the three metabolites required for a positive test for the steroid." There's no other way those three metabolites showed up unless you took Stanozolol," Kizer said.

This was not true. In fact, the Quest lab had only found 2 metabolites and why Mr. Kizer stated that 3 had been found still remains a mystery. Nevertheless, subsequent testing of the B sample at the University of Utah as mentioned above resulted in only 1 metabolite being confirmed and thus no positive test.

Methamphetamine, Amphetamine & additional drugs were detected in "post-fight" A sample using an immunoassay screening test. This test was performed twice for accuracy, but it is unclear whether or not the immunoassay test was confirmed by a Gas Chromatography/mass spectrometry (GCMS) test, which is even standard protocol for a regulated workplace.

****NOTE**** If a non-regulated workplace drug testing program uses only an immunoassay screening test, there may be other substances that could cause a presumptive positive response on the immunoassay test. Thus, they don't do it.

A Stimulant Panel (more sensitive and definitive test for stimulants) was performed on the "post fight" A sample. The results of the Stimulant Panel were **NEGATIVE** for any stimulants including both Amphetamine and Methamphetamine. Nonetheless, a positive report of Methamphetamine and Amphetamine was reported to the media by the Executive Director.

In addition, the post fight urine was 5-6 times more concentrated (due to dehydration) than Pre fight urine. Highly concentrated urine equals high concentration of substances found in urine. The lab should have taken this into account, which did not happen. The reason is because the NSAC does not have any protocols in place.

Release of Private Medical Information.

Gilbert's personal and private medical history and file was made available to the public. Gilbert asked the NSAC to keep his personal medical issues confidential because releasing information pertaining to his having ADD/ADHD and treatment using Adderall would embarrass him. Long before the alleged positive test results, the athlete also asked the NSAC to not share correspondence relating to his conditions and medications between himself and the NSAC with any third parties, especially the media.

Mr. Kizer went out of his way to detail and divulge Gilbert's personal medical issues, medical records, medications and confidential correspondence between Gilbert, his doctor and the NSAC. In fact, in his very first interview, "Kizer identified the amphetamine as Adderall, which is a drug used to treat attention deficit disorder, narcolepsy and severe depression."

"Before the Howe fight, Gilbert gave the commission a list of the drugs, including the Adderall, nordizepam, oxazepam and temazepam that had been prescribed to him by a Reno physician". (RGJ, Oct 3, 2007). Again, there are pages of comments similar to the one above, and reporters friendly to Gilbert informed him that Mr. Kizer divulged and then forwarded confidential correspondence between Gilbert and the NSAC to local newspapers. See the attached documents and corresponding headings as further evidence of what was stated in local and national newspapers.

Defamatory Statements Made to Media.

Comments presupposing guilt should have not been made by the head of a state agency, especially regarding something as serious as methamphetamine usage. Mr. Kizer is the head of the NSAC and as such he has a duty to not make assumptions that imply deliberate use of an illegal drug as part of an athlete's training regimen. Mr. Kizer had been put on notice by both Gilbert and Gilbert's doctor regarding the use of a prescribed medication that contained amphetamine. Therefore, Mr. Kizer breached his duty to protect personal information when he did not properly identify that a prescription such as the one reported by Gilbert could and often times does result in a "false positive". Mr. Kizer made defamatory and speculative statements concerning the charges levied against Gilbert in numerous media outlets.

"Right now, the evidence is pretty overwhelming," Kizer said. "Basically, (Gilbert) has already admitted to four of the six substances he took purposefully after he was told not to".

This is NOT true. Gilbert never admitted to anything and he was never told that he could not take his prescription medications. In fact, he was told the exact opposite by NSAC doctors on more than one occasion. Dr. Tony Alamo of the Commission only told Mr. Gilbert that he could not take his adderall medication "before or during a bout", which he never did (he went off five days before the fight). He was told by the Commission to speak to his private physician because the NSAC would not dictate how he took his medication. Joey did this, and his physician confirmed in writing to the Commission that he was continually monitored and in no danger, which was the Commission's concern.

"You've got the meth and you've got the steroids, too. Unfortunately, they seem to go hand in hand. You've got steroids to add a little bulk and you do the meth to cut the weight to get back to where you should have been"(October 9, 2007). This comment by Mr. Kizer is absolutely uncalled for and again, with testing of the B sample, the Methamphetamine and Steroid could not be confirmed, but damage to Gilbert's reputation will last a lifetime.

What really makes this situation abhorrent is that Mr. Kizer had in his possession a stimulant panel, which was specially ordered by the Commission, and said panel clearly showed that Gilbert was negative for Methamphetamine. Nonetheless, Mr. Kizer released this false information to the media.

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There is no such thing as a 100% accurate test, even Quest has confirmed this.

"I checked with our chemist," Kizer said. "He said you don't test positive for a methamphetamine unless you took methamphetamine and you don't test positive for steroids unless you took steroids."

This has been proven completely wrong and the NSAC amended the complaint and dropped the Meth charge.

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In fact, Dr. Alamo wrote a letter in which he stated, "In this regard, our physicians will not medically clear you to compete if this medication or other amphetamines derivative is ingested before or during a bout".

No where in Dr. Alamo's letter does it say "drugs" and no where in Dr. Alamo's letter was Gilbert told he could not continue to use his prescription for the sleep aid Valium (Nordizepam, Oxazepam and Temazepam) and no where in the letter were any of these three "drugs" mentioned or listed.

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A list containing all four of the above prescription medications, once again referred to by Kizer as drugs was never given to the NSAC by Gilbert.

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An athlete should never be subjected to such underhanded and negative attacks by a state agency, let alone the NSAC or its Executive Director.

"On the methamphetamine, the cutoff for a positive test is 500 nanograms per milliliter." (Gilbert's test) was somewhere in the 900s. That's almost double the cutoff," Kizer said.

A quick study of past athletes that have had a complaint filed against them reveals that never have so many comments been made at all, let alone so prematurely or before Gilbert appeared at a hearing before the NSAC.

Here is an example of how Mr. Kizer handled a positive test for two Mexican fighters. This was all that could be found pertaining to these two positive tests. There was no speculating, no additional commentary and no release of any personal information or private medical information. The name of the steroid was not released or how many metabolites were found, nor was the amount of amphetamines released. I might add that these fighters were fighting in World Title bouts and are very well known.

Two Mexican boxers under suspicion following drug tests

Keith Kizer, executive director for the NSAC, said the two Mexican fighters will face a hearing some time in January 2007.

"Salido tested positive for steroids. We're waiting for his response," Kizer said on Wednesday by telephone. "Omar Nino tested positive for amphetamines. He has 20 days to respond."

No Protocol in Place by NSAC

It is the job of the Executive Director to know what the B sample is to be used for, especially when an athlete's livelihood and reputation are at stake. Mr. Kizer is the Executive Director and he consistently in interviews references World Anti Doping Association (WADA), which outlines strict protocol for drug testing and exactly what a B sample is used for, which is to confirm the result of a testing of the A sample. If a B sample is negative, the overall results are normally found to be negative.

"The B sample, I think, is only there if someone orders a retest done. We don't (need a retest)," Kizer said. "We're pleased with (Quest's) track record so far so we're not asking for any kind of retest to be done. My understanding is whatever the protocol is, Quest follows it."

The above statement pertaining to "what" a B sample is used for as well as Mr. Kizer's "understanding" of "whatever the protocol is, Quest follows it" is an unacceptable answer for the Executive Director of a state agency to make, and once again shows that without protocol put in place by the NSAC athletes will continue to be damaged by a Commission that is a decade behind the times in regards to drug testing. Every testing organization in the world uses the B sample to confirm a positive test—that is except for the NSAC.

In this instance, had the NSAC had protocol in place, Gilbert's prescribed medications would have been requested by the testing laboratory and closely cross-checked to make certain no "presumptive positive" (false positive) resulted, as was the case with the methamphetamine. In addition, the B sample would have been tested long before results were made public to the media, and even then presumptions or assumptions as to what happened would have never been made publicly. Only after a hearing on the facts of the complaint would additional information have been disclosed to the media, but never would an athlete's personal medical file, health issues, medications, private information and private and confidential correspondence between the athlete's doctors, himself and the regulator body been made

public.

Moreover, had protocols been in place the Commission would have had a medical waiver protocol for athletes taking prescribed substances. Currently, even someone taking prescribed acne medication is in violation of the commission rules. Additionally, the Commission doesn't even know what constitutes a positive test.

In other words, the Commission has let a private company decide what the cut-offs are for various drugs. When the attorney for Gilbert involved in this matter wrote to the commission and requested its protocols and cut-offs, the reply was simply that they didn't have any, and to ask Quest (the private laboratory). This is simply an embarrassment to the state. It also means that numerous athletes who didn't have the resources to challenge the commission have probably had their careers damaged by false tests.

In closing, the most important thing that can come of all of this is that the Commission put protocols in place to protect athletes and the State's reputation in the future. One would expect that some states are behind the times. But, the state regarded as the Fight Capital of the World should not be one of them.

Chul Yim
Cell: 775.843.3057



Exhibit - F

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

555 East Washington Ave., Suite 3900
Las Vegas, Nevada 89101

CATHERINE CORTEZ MASTO
Attorney General

RANDAL R. MUNN
Assistant Attorney General

January 4, 2008

Mark Schopper, Esq.
MARK SCHOPPER LAW, LLC
330 E. Liberty, Ste. 205
Reno, NV 89501

VIA FACSIMILE: (775) 327-4826

Re: Matter of Joey Gilbert

This correspondence is intended to respond to your letter dated December 28, 2007, in which you raise several questions regarding procedures and protocols for the gathering, analyzing, recording, confirming and reporting the findings of any drug tests conducted by or on behalf of the Commission. Below are the answers to those questions:

- 1) Procedures used to collect the specimens—the Commission inspectors collect pre-fight and post-fight samples from the contestants and give those samples to the Chief Inspector or a ringside physician in brown paper bags labeled with each individual contestant's name.
- 2) Criteria or methods used to decide which athletes will be tested and for what—all contestants in main event title fights such as Gilbert-Howe are tested both pre-fight and post-fight. The pre-fight sample is tested for evidence of certain substances, including but not limited to steroids and diuretics and their metabolites. The post-fight sample is tested for stimulants and drugs of abuse.

Undercard contestants (non-title fight or main event) are tested pre-fight in a random fashion, depending on the size of the card. Post-fight tests of undercard contestants are normally reserved for those with past positive tests.

- 3) How the specimens will be handled between collection and being received by the testing laboratory—the bags containing the pre-fight and post-fight samples are placed in a container and transported to Quest Laboratories at the conclusion of the fight card.
- 4) The reporting process—Quest faxes the results of the test to the Commission for each individual tested.

January 4, 2008

Page 2

- 5) Any evidentiary presumptions—a positive test is a presumption of use in terms of the filing of a complaint against the contestant who tested positive.
- 6) The review process for confirming any positive tests—this process is controlled by Quest Laboratories.
- 7) What information and specimens will be stored as a record, and for how long—this process is controlled by Quest Laboratories.
- 8) Medical waiver procedures—it is unclear what information is being requested.
- 9) Necessary thresholds for a positive test (e.g. number of nanograms, metabolites, etc.)—these thresholds are set by Quest Laboratories.

The correspondence also stated that it was your understanding that the Commission specifically ordered a stimulant panel to be performed on Mr. Gilbert's specimens by Quest, and that the test was not ordered on the other fighters on the same card as Mr. Gilbert. This is incorrect, as Quest conducted the same stimulant panel on both fighters (Gilbert and Howe) involved in the main event on the card in question, and conducted that panel as part of the standard testing for each main event and/or title contest of unarmed combat conducted in Nevada.

Cordially,

Catherine Cortez Masto
ATTORNEY GENERAL

By: 

Christopher Eccles
Deputy Attorney General
(702) 486-3105

Quest Diagnostics Incorporated

4230 Burnham Avenue
Las Vegas, Nevada 89119-5410
702.733.7866
800.433.2750

DEC 04 2007



Quest
Diagnostics

Exhibit - G

November 30, 2007

Keith Kizer, Executive Director
Nevada Athletic Commission
555 E. Washington, Suite 3200
Las Vegas, NV 89101
FAX 486-2577

RE: Joseph Gilbert

Dear Mr. Kizer,

In the following narrative, I will outline the sequence of events and related laboratory findings related to testing of urine samples collected from Mr. Gilbert on September 21, 2007 in connection with a boxing match on that date.

Two collections were made; a pre-fight collection at 1910 hours and a post-fight collection at 2210 hours. Each sample was divided into two vials labeled A and B.

The pre-fight sample was for the purpose of steroid testing while the post-fight sample was intended for testing for the presence of performance enhancing or illicit drugs.

The pre-fight sample (accession # 584887I) (vial A) was tested by the Employer Solutions division of Quest Diagnostics and found to be positive for metabolites of stanozolol, an anabolic steroid.

The post-fight sample (accession # 070029210)(vial A) was screened by the technique of immunoassay for a standard list of abused and/or illicit drugs. The screening test was positive for amphetamines and benzodiazepines. The sample was then subjected to further confirmatory testing by a very specific method using an instrument known as a gas chromatograph/mass spectrometer (GC/MS). The results from this test are as follows:

Amphetamine = 747 ng/mL

Methamphetamine = 973 ng/mL

Nordiazepam = 37 ng/mL

Temazepam = 99 ng/mL

Oxazepam = 664 ng/mL

Nordiazepam, temazepam and oxazepam are drugs in their own right but are commonly encountered as metabolites of diazepam (Valium).

November 30, 2007

● Page 2

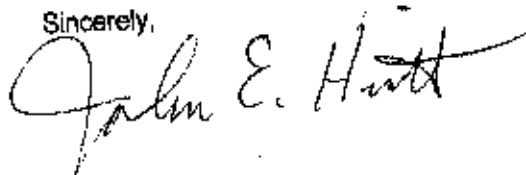
Unbeknownst to me at the time this sample was also tested for stimulants by the Employer Solutions division of Quest (accession # 5848831). The testing methodology in that procedure consists of a screening test using a gas chromatograph/mass spectrometer (GC/MS). The result of that test was negative for stimulants. Amphetamines are considered to be stimulants; diazepam and its metabolites are not stimulants. The cut-off levels for amphetamines and methamphetamine in this test are nominally set at 1000 ng/mL whereas in the immunoassay test referred to earlier the cut-off is set at 500 ng/mL. A retrospective examination of this GC/MS screening data shows a peak for amphetamine but not for methamphetamine.

The GC/MS confirmatory test for amphetamines (accession # 070029210) demonstrated the presence of both amphetamine and methamphetamine. Re-examining that data, I don't see a problem with it, nor did Dr. Raymond Kelly, Mr. Gilbert's expert toxicology consultant.

At this point in time, with the availability of the re-test data on the B sample from the Center for Human Toxicology in Salt Lake City, which confirms the presence of amphetamine but not methamphetamine I must conclude that it is very doubtful that Mr. Gilbert's post-fight sample contains methamphetamine.

We are currently investigating to try to find the source of the discrepancy in the data. The only thing we see so far is that the amphetamine confirmatory test was performed using only 1/5 of the normal sample volume because of the small sample volume submitted.

Sincerely,



John E. Hiatt, Ph.D.

June 11, 2007

Re: May 12, 2007 Bout; Reno, Nevada

Dear Mr. Kiser and members of the Nevada State Athletic Commission,

After spending some time looking up the names of the substances found in my urinalysis I can assure you that I have a prescription for two medications that have been identified in the urinalysis as "drugs". Even more, after one of my prescribed medications is broken down chemically it results in two additional substances that can be and have been found in my urinalysis. On balance, I used these medications as they were prescribed and only to treat the medical conditions outlined below.

1. Valium: Diazepam

I have had a prescription for this medication for 4-5 years and use Valium for insomnia and from time to time to relieve stress and to fall asleep. I do not take this medication regularly and did not think of it when I was asked to put down everything I took the 15 days prior to my fight. This is not something I did intentionally, I had a lot on my mind with the promotion of the fight and making weight and I just simply forgot. I have always brought any medications I am on to the immediate attention of the Nevada State Athletic Commission ("NVSAC"). Toward that end, I informed the NVSAC in Lake Tahoe on March 1, 2007 (the day of the official weigh ins) that I had a prescription for and did use Valium from time to time before the March 2 fight because I was concerned it might show up in a urine test. This is that same prescription I mentioned in March and I can refill it every 30 days. Although I do not recall having taken a Valium, certainly the day before or even week before my fight, I may have used it for sleep or to calm down at the end of the day in order to get some rest earlier in the week on 5-7 or 5-8. However, I am absolutely POSITIVE that I did not take a Valium the night prior to my fight. This medication is used primarily as an aid for me to fall asleep, but I have taken it in the early evening to wind down. This medication makes me groggy and therefore, I do not take it 36-48 hours before fighting or before doing anything that requires I be at the top of my game physically and mentally. I have had serious cases of insomnia and my neurologist, Dr. William Torch and I have tried just about every sleep aid available; however, sometimes the only thing that seems to work for me is taking a half of Xanax and a half of Valium about 30 minutes before going to bed. I will also add that at the suggestion of NVSAC doctors in Lake Tahoe on March 1, I asked Dr. Torch if we could try something with a much "shorter" half life than Valium because the NVSAC Dr's told me that there was a "strong" chance it could show up no matter how many days, even up to a week in between the last time I took the medication and when I would be providing a urinary sample. It appears that the NVSAC Dr's were right and I have included the information from my research and the reason why there was Nordiazepam, Temazepam and

Oxazepam found in my system. As you will read below, Valium, or Diazepam is metabolized to Nordiazepam and Temazepam and Oxazepam are minor active metabolites of Diazepam. Diazepam is excreted in urine mainly as Oxazepam conjugate and Temazepam conjugate, with only traces of Diazepam and Nordiazepam. I certainly hope this makes sense and you will see that I had no intention and absolutely no reason to not state or list a prescription medication that I had previously (on March 1, 2007) informed the NVSAC on regarding my prior usage and current prescription. This was my error completely and I have now learned a very valuable lesson concerning thinking very carefully of every single prescription I have and listing it with the NVSAC.

.....

Pharmacokinetics: Diazepam is rapidly absorbed. Oral bioavailability is approximately 100%, and close to 99% is bound in plasma. The half-life of diazepam is 43±13 hours, but ranges from 40-100 hours if the contribution from active metabolites is included. Diazepam is metabolized to nordiazepam which is an active metabolite with a half-life of 40-99 hours. Temazepam and oxazepam are minor active metabolites of diazepam. Diazepam is excreted in urine mainly as oxazepam conjugate (~33 %), and temazepam conjugate, with only traces of diazepam and nordiazepam.

Drug Class: Tranquilizer, sedative, CNS depressant.

Medical and Recreational Uses: Used medicinally in the management of anxiety disorders, as an adjunct for the relief of skeletal muscle spasm and for convulsive disorders/status epilepticus, and as a minor tranquilizer or sedative. Also used to suppress or dampen acute alcohol withdrawal, and anxiety-related gastrointestinal disorders such as stress ulcers. Diazepam is used recreationally as a sedative or to enhance the effects of alcohol or opioids. For example, administration of diazepam 30 minutes after a dose of oral methadone reportedly produces an augmented high. Diazepam is used by cocaine users to increase seizure threshold and by heroin users to enhance the effects of heroin, and by both of these users to reduce the impact of withdrawal symptoms between doses.

Potency, Purity and Dose: Commonly prescribed doses of Valium® are 5-40 mg daily. For anxiety, 2-10 mg is taken twice to four times daily; for alcohol withdrawal symptoms 10 mg is taken three to four times daily. For the injectable form, 2-20 mg is administered intramuscularly or intravenously. Street doses may consist of several tablets administered at once.

Interpretation of Urine Test Results: Urine concentrations of metabolites are detectable for several days to weeks after last use. Urinary excretion of unchanged drug is less than 1%.

.....

2. ADDERALL: Amphetamine

In addition to my prescription for Valium I also have a prescription for Adderall, which is an Amphetamine. Prior to starting law school in 2000, I was found to have a combination of ADD & ADHD and Dr. Torch prescribed Adderall to help keep me focused and "slow me down". At any rate, I am not really sure how to explain the effects

of Adderall on other people, but for me Adderall helps me to concentrate and move at a more "normal" (slower) pace. Sometimes, Adderall can slow me down too much and I will become quite exhausted and very tired. This is not something I am particularly proud of having and I do not like to tell anyone or have anyone know that I take Adderall from time to time when I need to focus. I do not want anyone knowing I have ADD & ADHD because sometimes it is referred to as a disability and considered a sign of weakness. Nevertheless, if an Amphetamine was found in my system then it is because I took Adderall a few times during the first week of May and I am almost positive I took a half of Adderall on Monday, May 7, which was the last day I spent a considerable amount of time plugging numbers into my Proforma and proofing the programs for Saturday's fight. I have used Adderall 2-5 times a month for the past 4 years and depending on my workload, I have used it up to a few times a week when I am having a hard time focusing. This past boxing show that I promoted and fought on would qualify as one of those times and I did take my medication a few times to help me stay on task and remain calm in the weeks leading up to the promotion. I never take this medication before my fights and normally would not have taken it even 5 days before the fight because it can affect my energy levels and make me very complacent and/or sleepy if I am running around. I did not list this prescription because it was not something I take daily or nightly as is the case with Xanax; I had not taken the Ultracet in over a week, but I remembered to put it down; however, I forgot to list the Valium, but listed the Ambien, which was another mistake. I definitely use the Valium more than the Ambien, but use the Adderall the least out of all my prescriptions. I have also included additional information on Adderall below. Regardless, this was a case of not thinking clearly regarding everything I had "taken" in the 15 days before the fight and I can promise you that I have learned my lesson and will be attaching a page to my "prefight" physical that clearly states EVERYTHING I have taken 15 days before the fight along with a list of all my YEARLY prescriptions.

In closing, I am very sorry for not following the instructions more carefully. Moreover, I take my health and what I put in my body very seriously and spent the last week in LA having my blood and urine tested in order to find out why I have such restlessness and cannot sleep even after hours and hours of training. I do not drink, smoke, eat fast food, or even drink caffeinated products and I feel that I am doing all I can to be in the best shape of my life. I will continue to take the advice of my doctors in order to get the rest I need and I will follow any recommendations or suggestions from the NVSAC with regards to my prescription medication. Most importantly, I do not consider any of my prescriptions to be an advantage for me as a professional athlete, but rather a disadvantage because of the side effects and grogginess that my two prescriptions cause to me personally. I only take them because they have helped me deal with my ADD & ADHD condition, which is directly related to also not being able to sleep and being restless at night. I hope that my explanation is acceptable considering the circumstances and that the accompanying note from my doctor assures the NVSAC that there was no intentional wrong doing on my part and that I will NEVER allow this to happen again. My apologies once more and please feel free to contact me personally if more information is needed and I will gladly also appear in person with my doctor or doctors to substantiate anything I have stated in this letter.

Very truly yours,

Joey S. Gilbert, Esq.

Adderall CII
Clinical Pharmacology
FONT SIZE

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Pharmacodynamics

Amphetamines are non-catecholamine sympathomimetic amines with CNS stimulant activity. The mode of therapeutic action in Attention Deficit Hyperactivity Disorder (ADHD) is not known. Amphetamines are thought to block the reuptake of norepinephrine and dopamine into the presynaptic neuron and increase the release of these monoamines into the extraneuronal space.

Pharmacokinetics

ADDERALL® tablets contain d-amphetamine and l-amphetamine salts in the ratio of 3:1. Following administration of a single dose 10 or 30 mg of ADDERALL® to healthy volunteers under fasted conditions, peak plasma concentrations occurred approximately 3 hours post-dose for both d-amphetamine and l-amphetamine. The mean elimination half-life ($t_{1/2}$) for d-amphetamine was shorter than the $t_{1/2}$ of the l-isomer (9.77-11 hours vs. 11.5-13.8 hours). The PK parameters (C_{max} , AUC_{0-10}) of d- and l-amphetamine increased approximately three-fold from 10 mg to 30 mg indicating dose-proportional pharmacokinetics.

The effect of food on the bioavailability of ADDERALL® has not been studied.

Metabolism and Excretion

Amphetamine is reported to be oxidized at the 4 position of the benzene ring to form 4-hydroxyamphetamine; or on the side chain α or β carbons to form alpha-hydroxy-amphetamine or norephedrine, respectively. Norephedrine and 4-hydroxy-amphetamine are both active and each is subsequently oxidized to form 4-hydroxy-norephedrine. Alpha-hydroxy-amphetamine undergoes deamination to form phenylacetone, which ultimately forms benzoic acid and its glucuronide and the glycine conjugate hippuric acid. Although the enzymes involved in amphetamine metabolism have not been clearly defined, CYP2D6 is known to be involved with formation of 4-hydroxy-amphetamine. Since CYP2D6 is genetically polymorphic, population variations in amphetamine metabolism are a possibility.

Amphetamine is known to inhibit monoamine oxidase, whereas the ability of amphetamine and its metabolites to inhibit various P450 isozymes and other enzymes has not been adequately elucidated. In vitro experiments with human microsomes indicate minor inhibition of CYP2D6 by amphetamine and minor inhibition of CYP1A2, 2D6, and 3A4 by one or more metabolites. However, due to the probability of auto-inhibition and the lack of information on the concentration of these metabolites relative to in vivo concentrations, no predications regarding

the potential for amphetamine or its metabolites to inhibit the metabolism of other drugs by CYP isozymes in vivo can be made.

With normal urine pHs approximately half of an administered dose of amphetamine is recoverable in urine as derivatives of alpha-hydroxy-amphetamine and approximately another 30%-40% of the dose is recoverable in urine as amphetamine itself. Since amphetamine has a pKa of 9.9, urinary recovery of amphetamine is highly dependent on pH and urine flow rates. Alkaline urine pHs result in less ionization and reduced renal elimination, and acidic pHs and high flow rates result in increased renal elimination with clearances greater than glomerular filtration rates, indicating the involvement of active secretion. Urinary recovery of amphetamine has been reported to range from 1% to 75%, depending on urinary pH, with the remaining fraction of the dose hepatically metabolized. Consequently, both hepatic and renal dysfunction have the potential to inhibit the elimination of amphetamine and result in prolonged exposures. In addition, drugs that effect urinary pH are known to alter the elimination of amphetamine, and any decrease in amphetamine's metabolism that might occur due to drug interactions or genetic polymorphisms is more likely to be clinically significant when renal elimination is decreased. (See PRECAUTIONS).



Sport

Exhibit - I

VOLLGEPUMPT

Der dümmste Doper der Welt

Boxer Joey Gilbert (31) war gleich sechsfach positiv

Reno - Die Athleten-Kommission des US-Bundesstaats Nevada hat den wohl dümmsten Doper der Welt aus dem Verkehr gezogen. Boxer Joey Gilbert (31) wurde gleich auf sechs verbotene Substanzen positiv getestet!

Stanozolol, Amphetamin, Methamphetamin, Oxazepam, Nordiazepam und Temazepam! All das entdeckten die Fahnder in der Probe des 31-jährigen Mittelgewichtlers, die ihm am 21. September in Reno nach seinem Sieg gegen Charles Howe (den 16. im 17. Kampf) entnommen wurde.

"Einen sechsfach positiven Test hatten wir noch nie", ist selbst Kommissions-Direktor Keith Kizer baff, "drei verbotene Substanzen – okay, das habe ich schon mal erlebt. Aber sechs?"

Gilbert schweigt zu den Vorwürfen. Er wurde sofort suspendiert, soll aber noch vernommen werden. Alles andere als der Entzug seiner Box-Lizenz und die Rückgabe der Kampfboxe (25 000 Dollar) wäre jedoch überraschend.



Berliner Kurier, 06.10.2007

Hat nicht mehr so viel zu lachen in Zukunft: Joey Gilbert.



Exhibit - J

JIM GIBBONS
Governor

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
ATHLETIC COMMISSION

KEITH KIZER
Executive Director

Chairman: Tony Alamo, M.D.
Members: Raymond "Skip" Avansino Jr., John R. Bailey, Joe W. Brown, T. J. Day

June 21, 2007

Mr. Joey S. Gilbert, Esq.
4890 Turning Leaf Way
Reno, NV 89519

Re: May 12, 2007 Bout; Reno, Nevada

Dear Mr. Gilbert:

Thank you for your June 11, 2007 correspondence regarding your May 12, 2007 boxing bout in Nevada. The Commission is not going to hold a formal hearing on this matter this time, but wishes to make it clear that the Commission expects you to conform to all our rules in the future.

Of special concern is your use of Adderall before a bout. Adderall, as an amphetamine, is well known to act as a vasoconstrictor and can precipitate untoward cardiovascular complications. In this regard, our physicians will not medically clear you to compete if this medication or other amphetamine derivative is ingested ~~before or during a bout~~. You may wish to discuss this issue with your private physician as we do not dictate what forms of treatments are indicated for your underlying medical conditions. Please be advised that any further positive test result for Amphetamine or similar stimulants may result in a disciplinary action by the Commission.

Regards,

Tony Alamo, M.D.
Chairman

cc: Commissioner Raymond "Skip" Avansino, Jr., Esq.
Commissioner John R. Bailey, Esq.
Commissioner Joe W. Brown, Esq.
Commissioner T.J. Day
Executive Director Keith Kizer

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