



Gaming Commission

Staff Report in Regard to Allegations Advanced by the People for the Ethical Treatment of Animals in Regard to the Practices of KDE Equine, LLC et al.

November 23, 2015

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I. Introduction

This Report sets forth a summary of evidence received and the issues examined during an investigation by the New York State Gaming Commission (Commission) of complaints and assertions by People for the Ethical Treatment of Animals (PETA) that Commission rules were violated and race horses were mistreated while under the care and control of Thoroughbred trainer Steven M. Asmussen and his assistant trainer Scott A. Blasi and others during the 2013 Saratoga Race Meet.

PETA submitted the complaints and assertions directly to the Commission and widely disseminated the materials to the public. The nature of the allegations required a thorough and comprehensive investigation and written report.

II. PETA Allegations

On March 18, 2014, the Commission received a written request from the People for the Ethical Treatment of Animals (“PETA”) to investigate Thoroughbred horse trainer Steven M. Asmussen, his top assistant, Scott A. Blasi and the veterinarians who performed services for KDE Equine, LLC, (collectively, the “Asmussen Stable”) for falsely and improperly racing their horses with race-day injections of the diuretic furosemide, commonly known as Lasix (a former trade name), and to investigate a statement of Blasi that one of the jockeys used by the Asmussen Stable rode with an electrical shocking device.

PETA also alleged that the Asmussen Stable’s horses at the 2013 Saratoga Race Meet were sore and injured all the time; that it was a standard practice of the Asmussen Stable to train and race its horses through injuries, exhaustion and pain; that the horses were subjected to cycles of performance-enhancing medications and pain-masking drugs; that the horses were overmedicated; that the horses were subjected to an array of painful treatments; and that the Asmussen Stable engaged in other illegal and abusive practices.

On March 19, 2014, PETA publicly released its allegations, including video that lodged serious concerns against the Asmussen Stable.

The Commission publicly announced it had opened an investigation on March 20, 2014.

On May 2, 2014, the Commission received a supplemental written request for investigation from PETA to investigate its allegations that the horse ‘Inaflash’ was raced within 10 days of an incident in which its lungs bled internally, a condition known in racing as exercise induced pulmonary hemorrhage (“EIPH”), in violation of a Commission rule. In the correspondence, PETA alleged that furosemide was used excessively and to enhance race performance by the Asmussen Stable, and that the Asmussen Stable pushed its horses, especially ‘Inaflash,’ too hard to race, thus causing the bleeding in the lungs.

Later that month, on May 23, 2014, the Commission received a third written request from PETA. In this correspondence, PETA alleged that the Asmussen Stable used a medically unnecessary thyroid hormone supplement called thyroxine, creating a danger of heart attacks and other health problems in the horses, to improve the race performance of its horses, and the Asmussen Stable administered the thyroxine in violation of a Commission rule restricting the administration of any hormone within 48 hours before racing.

A. Letter of March 18, 2014

The PETA letter of March 18, 2014 set forth five major allegations:

1. Attending veterinarians at Saratoga Race Course may have administered furosemide as a performance-enhancing drug.
2. Attending veterinarians at Saratoga Race Course may have administered furosemide to horses that did not qualify for administration.
3. Assistant Trainer Scott A. Blasi was aware that jockey Ricardo Santana, Jr. possessed an unlawful electrical shocking device while riding a Steven M. Asmussen-trained horse.
4. Jockey Ricardo Santana Jr. possessed an unlawful electrical shocking device while riding a Steven M. Asmussen-trained horse.
5. Joseph F. Migliacci, D.V.M. allowed partially completed furosemide eligibility forms to be completed by third parties.

Each of these allegations is addressed individually or collectively below.

Allegation 1. Attending veterinarians at Saratoga Race Course may have administered furosemide as a performance-enhancing drug.

Law. In general, the statutory authority of the Commission to develop and impose rules and regulations concerning medications for Thoroughbred horses is found at N.Y. Racing, Pari-Mutuel Wagering and Breeding Law §§ 103, 104, 205 and 902.

Regulation. There are two main applicable regulations. Commission rule § 4043.2(b) concerns eligibility for the administration of furosemide; Commission rule § 4042.1(f) concerns improper, corrupt or fraudulent practice in relation to racing.

Records Reviewed. Commission staff reviewed PETA's notes, photographs and video recordings and the veterinary and training records of each Asmussen Stable horse at Saratoga Race Course during the 2013 meet. The Commission also reviewed published research and extensive industry debate concerning the use of furosemide.

Interviews Conducted. In addition to Asmussen and Blasi, Commission staff interviewed the three veterinarians who performed work for the Asmussen Stable during the 2013 Saratoga Race Meet: Joseph F. Migliacci, D.V.M., Marcus W. Cheney, D.V.M. and James C. Hunt, D.V.M. The Commission also consulted with George A. Maylin, D.V.M., Ph.D., Director of the New York Equine Drug Testing and Research Program, with regard to scientific issues.

Concern. According to the PETA letter of March 18, 2014, Dr. Hunt informed the PETA investigator that furosemide was given to "basically all" the Asmussen Stable horses because it is a "performance enhancer."

Analysis. In video provided by PETA, James C. Hunt, D.V.M. is heard in the following exchange referring to Lasix as a "performance enhancer:"

PETA Investigator: Does Asmussen have all the horses he works on Lasix, do you know? Or are there some that don't need it?
Hunt: They basically all run on it. It makes them lighter.
PETA Investigator: I just didn't know if there were some that didn't need it.
Hunt: Probably. But it's a performance enhancer.

When interviewed by Commission staff, Dr. Hunt was apologetic for what he claimed was a misuse of the terminology. Dr. Hunt hastened to say that he had not been engaging in a serious, academic discussion with the PETA investigator, who he believed to be a hot walker. Dr. Hunt advised that he meant that an incidental effect of a horse losing about 15 or 20 pounds of water weight is a reason to place every horse on race-day furosemide without regard to whether the particular horse necessarily benefits from the prophylactic effects of furosemide. Dr. Hunt informed Commission staff "if I were to sit down with a group of veterinarians and trainers and talk about it, I would not be calling [furosemide] a performance enhancer."

All of the Asmussen Stable horses that raced during the 2013 Saratoga Race Meet did so following race-day administration of furosemide.

As discussed in Allegation 2, below, Commission staff examined the furosemide qualifications of all Asmussen Stable horses administered the drug and found corresponding veterinary records.

1. Use of Furosemide

Furosemide is the name of a regulated, permissible race-day medication that significantly prevents or mitigates pulmonary bleeding that may be caused by strenuous exercise in racehorses. Furosemide also significantly reduces the weight of a racehorse when administered on race-day by virtue of its diuretic effect. Better known by its former trade name Lasix (e.g., Salix®), the drug is administered widely prior to training in almost all racing jurisdictions around the world, even in international racing jurisdictions that do not permit race-day treatment such as in Europe, Australia, and the United Arab Emirates. Race-day use of this drug was first approved in New York in 1995 (9 NYCRR § 4043.2(b)).

Pursuant to Commission Regulations, the use of furosemide is acceptable only following a diagnosis of EIPH. Eligibility for use may be proven in one of four manners:

- a. The horse must have bled visibly during a race or a workout, as determined by the association veterinarian; or
- b. The horse must have bled during a race or workout, as determined by an attending veterinarian based upon such veterinarian's clinical assessment of the horse, which may or may not include an endoscopic examination after the race or workout; or
- c. The horse must have been qualified by the State veterinarian or a veterinarian employed by the racetrack for the administration of furosemide in another racing jurisdiction; or
- d. The horse must have raced on furosemide in such horse's last race in a jurisdiction with rules requiring that a veterinarian had observed prior bleeding (substantially similar to New York State).

See 9 NYCRR § 4043.2(b)(i-iv).

PETA mistakenly alleges that furosemide, used prophylactically to mitigate a diagnosed condition of EIPH, is a performance-enhancing drug. A major characteristic of furosemide's effectiveness is as a diuretic, thus reducing a horse's water weight. This incidental effect may assist a horse when it races as the reduction in water weight may improve race performance. Although there are other means to reduce a horse's water weight, none is as effective to mitigate EIPH as an administration of furosemide.

This incidental effect, however, is not the reason that all American jurisdictions permit the race-day use of furosemide. The premier research study clearly demonstrated the effectiveness of furosemide treatment to mitigate the occurrence and severity of episodes of EIPH on raceday. None of the horses in the study treated with furosemide experienced the more severe grades of EIPH, while horses not treated with furosemide did experience such.

A performance-enhancing drug is commonly known as a substance that makes it possible for a horse to compete at a level that exceeds its natural limits. These substances are typified by blood doping agents that increase the oxygen-carrying red blood cells to abnormal levels, and more exotic gene doping substances that may fundamentally alter a horse's genetic characteristics. These substances not only permit the manipulation of race results, particularly detrimental in a sport that relies on the wagering public for its existence, but also endanger the health and safety of the racehorse.

A loss of water weight will not permit a horse to race at a level beyond its natural abilities. It is possible through natural means to reduce water weight, including through the simple expedient of not drinking water for several hours before racing. The loss of water weight does not mean furosemide is a performance-enhancing drug.

2. Controversy

Notwithstanding the beneficial effects of furosemide treatment, race-day furosemide use is a controversial topic in American Thoroughbred racing. Many Thoroughbred breeders oppose administration of race-day furosemide because of documented concerns that EIPH is an inherited condition and because it causes American horses to be less valuable internationally.

There may be variable susceptibility to EIPH among horses. There is sentiment among some Thoroughbred breeders that the administration of race-day furosemide may enable horses to perform well despite a susceptibility to experience EIPH. Because of their success, these horses are not culled from the breeding stock, as might be horses that race without furosemide in foreign jurisdictions. This genetic selection factor would theoretically result in greater transmission of genetic susceptibility to EIPH to future generations of racehorses. This concern reportedly has a major effect on the value of top American horses as bloodstock in the international Thoroughbred breeding markets.¹

The Association of Racing Commissioners International, Inc. ("ARCI") model rules recommend that a horse be permitted to race on furosemide simply on request of the trainer and veterinarian, because of a wide consensus among regulators that race-day furosemide is an appropriate prophylactic. Thus, the majority of racing in the United States occurs in a jurisdiction that does not require a previous episode of bleeding before a horse qualifies for race-day furosemide.²

Conclusion. The Asmussen Stable used furosemide as an appropriate and legal means to mitigate EIPH.

¹ However, a recent comprehensive review of the world-wide scientific literature has concluded that there is no published evidence regarding the heritability of EIPH and that there is very low quality evidence of an association of pedigree with occurrence of epistaxis, or bleeding from the nostril. K.W. Hinchcliff, L.L. Couetil, P.K. Knight, P.S. Morley, N.E. Robinson, C.R. Sweeney, and E. van Erck , Exercise Induced Pulmonary Hemorrhage in Horses: American College of Veterinary Internal Medicine Consensus Statement, *J Vet Intern Med* 2015; 29:743–758 (hereafter "Hinchcliff, et al.").

² See: Arkansas, 006 06 CARR 003.1232(1)(a); California, 4 CCR 1845(a); Florida, 61D-6.008(3)(a)(3), F.A.C.; Illinois, 11 Ill. Adm. Code 603.70(b)(1) and (c)(1-2); Indiana, 71 IAC 8-1-5(1); Kentucky, 810 KAR 1:018(7)(1)(a); Louisiana, LAC 35:I.1507(G)(1); Maryland, COMAR 09.10.03.08(A)(1-2); New Jersey, N.J.A.C. 13:70-14A.9(a)(1)(i-ii); Ohio, OAC Ann. 3769-8-01(B)(1)(b); Oklahoma, O.A.C. § 325:45-1-12(2)(A-B); Texas, 16 TAC § 319.111(b)(1); Washington, WAC § 260-12-660(1)(a); and West Virginia, W. Va. CSR § 178-1-49.7.a.; but see: Delaware, CDR 3-1000-1001.15.2.1; New York, 9 NYCRR § 4043.2 (a); Pennsylvania, 58 Pa. Code § 163.305(b)(1-2)

Allegation 2. Attending veterinarians at Saratoga Race Course may have administered furosemide to horses that did not qualify for administration.

Law. In general, the statutory authority of the Commission to develop and impose rules and regulations concerning to medications for Thoroughbred horses is found at N.Y. Racing, Pari-Mutuel Wagering and Breeding Law §§ 103, 104, 205 and 902.

Regulation. In relevant part, furosemide use is regulated by 9 NYCRR § 4043.2(b).

Records Reviewed. Commission staff examined each furosemide certificate filed with the New York Racing Association, Inc. (NYRA) by the Asmussen Stable during the 2013 Saratoga Race Meet. The Commission also examined the racing, training and veterinary records of all 56 Asmussen-trained horses stabled at Saratoga during the 2013 meet.

Interviews Conducted. Commission staff interviewed Steven M. Asmussen, Scott A. Blasi, Marcus W. Cheney, D.V.M., James C. Hunt, Jr., D.V.M. and Joseph F. Migliacci, D.V.M. Staff also interviewed the PETA investigator.

Concern. PETA notes that every Asmussen-trained horse that competed at the 2013 Saratoga Meet was administered furosemide. PETA infers that because not every horse is predisposed to experiencing EIPH, horses that did not qualify for administration were administered furosemide without regard to veterinary propriety.

Analysis. Under New York rules, there are four methods for a horse to become eligible for the administration of furosemide. A horse shall have:

1. Bleed visibly during a race or a workout, as determined by the association veterinarian;
2. Bleed during a race or workout, as determined by an attending veterinarian based upon such veterinarian's clinical assessment of the horse, which may or may not include an endoscopic examination after the race or workout;
3. Been qualified by the State veterinarian or a veterinarian employed by the racetrack for the administration of furosemide in another racing jurisdiction; or
4. Have raced on furosemide in such horse's last race in a jurisdiction with rules substantially similar to New York State.

Overall, the Asmussen Stable raced 45 of its 56 horses during the 2013 Saratoga Meet. All 45 horses were treated with race-day furosemide.

Twenty of the 45 horses were already on the New York furosemide list, having otherwise qualified for entry. Pursuant to regulation 9 NYCRR § 4043.2(b)(4), a horse that has been determined eligible for the administration of furosemide may be removed from the eligibility list only upon authorization of the stewards. None of the 20 horses had been removed following placement on the list. Commission staff confirmed the eligibility of these horses to receive race-day furosemide.

Twelve of the 45 horses were placed on the furosemide list by the racetrack operator based on qualification in another jurisdiction, as authorized by 9 NYCRR § 4043.2(b)(1)(iv). Commission staff confirmed such information had been provided to the Asmussen Stable.

Blasi placed 10 of the 45 on the furosemide list. Commission staff reviewed the veterinary and training records of these 10 horses and found evidence of post-workout EIPH following endoscopic examinations performed by Dr. Migliacci. This satisfies the regulatory requirement of 9 NYCRR § 4043.2(b)(1)(ii), wherein the administration of furosemide is permissible to a horse that bleeds during a race or workout, as determined by an attending veterinarian based on his or her clinical assessment of the horse after the race or workout.

Of the three remaining horses, two were associated with furosemide forms that were consistent with the Asmussen Stable's training and veterinary records, e.g., illustrating furosemide qualification. The furosemide form for the remaining horse, 'Coal and Ice', was not corroborated by veterinary records. In fact, records of Dr. Cheney indicated the horse had an endoscopic examination on August 12, 2013 and the horse's lungs were found clean. Dr. Migliacci, however, advised Commission staff that he also had examined the horse in the morning of August 12, 2013 and found it had experienced grade 1 EIPH. His veterinary records failed to document that event.³

The records available at Saratoga during 2013 failed to illustrate that 'Coal and Ice' qualified for furosemide administration. Despite that, the horse was treated with furosemide before every workout. Commission review, however, found 'Coal and Ice' qualified for furosemide administration given a post-workout EIPH incident occurring in South Carolina on June 21, 2013.

Conclusion. Veterinary records for 'Coal and Ice' failed to substantiate an EIPH-confirming endoscopic examination. Commission rule § 4043.2(b)(1)(ii), however, does not require such an examination. Specifically, the rule allows the administration of furosemide to a horse that has qualified for such use by the horse having bled during a race or workout, as determined by an attending veterinarian based upon such veterinarian's clinical assessment of the horse, which may or may not include an endoscopic examination after the race or workout. Dr. Migliacci attested to such when he signed 'Coal and Ice' furosemide form.

The lack of veterinary record documentation, however, serves to undermine public confidence that only those horses that meet the criteria for furosemide administration are eligible to receive the medication. This deficit in equine veterinary recordkeeping is the subject of ongoing review by the State Equine Medical Director.

Regardless, Commission staff found no evidence that attending veterinarians at Saratoga Race Course administered furosemide to horses that did not qualify for administration.

³ Staff finds it is not uncommon for a horse examined twice after a workout to present with slightly different EIPH grades. According to Dr. Migliacci, he was requested to perform an *ad hoc* endoscopic examination of the horse for the purposes of determining whether it qualified for race-day furosemide after the horse worked out on August 12, 2013. This examination apparently occurred before Dr. Cheney's independent, routine examination of the twelve horses that had worked out that morning for Asmussen.

Allegation 3. Assistant Trainer Scott A. Blasi was aware that jockey Ricardo Santana, Jr. possessed an unlawful electrical shocking device while riding a Steven M. Asmussen-trained horse.⁴

Allegation 4. Jockey Ricardo Santana, Jr. possessed an unlawful electrical shocking device while riding a Steven M. Asmussen-trained horse.

Law. Under the N.Y. Penal Law, the use of an electrical device in a pari-mutuel horse race constitutes a criminal offense. Specifically, section 180.50 of the Penal Law proscribes “tampering ..., with intent to influence the outcome of a sports contest, ... with any animal ... involved in the conduct ... of a sports contest in a manner contrary to the rules and usages ... [that] govern such ... contest.” Such an offense is a class A misdemeanor punishable by a possible fine and a term of imprisonment not to exceed one year.

Other statutes could also be implicated by such a practice, including:

N.Y. Agriculture and Markets Law § 353 (Overdriving, torturing and injuring animals; failure to provide proper sustenance). This law provides that a “person who overdrives, overloads, tortures or cruelly beats or unjustifiably injures, maims, mutilates or kills any animal, whether wild or tame, and whether belonging to himself or to another, or deprives any animal of necessary sustenance, food or drink, or neglects or refuses to furnish it such sustenance or drink, or causes, procures or permits any animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed, or to be deprived of necessary food or drink, or who willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to produce such cruelty, is guilty of a class A misdemeanor.”

In addition, due to pari-mutuel wagering being transacted across state lines, several federal offenses involving use of the mails or wire fraud may be implicated.

Regulations. The primary applicable Commission rule provides that no person shall “use or possess any electrical device, ‘joint,’ ‘battery,’ electric prod, or any other electrical equipment that can be used to stimulate, depress, goad, spur, retard or condition a horse during a race or during training.” 9 NYCRR § 4043.13(a). A variant of this rule has been in effect for more than a century.

In addition, Commission rules also specifically prohibit illegal appliances. The relevant rule provides the stewards shall take such action in the manner as they deem proper if a person has “in his or her possession in or about any race track or [uses] any appliances-electrical, mechanical or otherwise-other than the ordinary equipment, of such nature as could affect the speed or racing condition of a horse.” 9 NYCRR § 4042.1(e).

Records Reviewed. Commission staff reviewed PETA investigator-recorded clips in regard to electrical devices. Commission staff reviewed video of all races Santana rode in New York State during his entire career, including his riding of Asmussen-trained horses at Saratoga Race Course between July 26 and July 28, 2013.

⁴ Addressed collectively with Allegation 4

Interviews Conducted. Commission staff interviewed Blasi, Santana, jockey John R. Velazquez and retired jockey Angel Cordero, Jr. The Commission also contacted racing officials in jurisdictions where Santana frequently races. In addition, staff also interviewed the PETA investigator.

Concern. PETA suggests Blasi's knowledge of Santana's possession of such an electronic shocking device while riding Asmussen Stable horses would be in contravention of Commission rules.

Analysis. PETA noted that its investigator heard Blasi refer to jockey Ricardo Santana, Jr. as "a good machine rider," which was interpreted as meaning Santana employed a shocking device, or buzzer, on horses. The investigator also heard Blasi recount a conversation Blasi allegedly had with Santana referencing such devices. These indications were contained on video recorded by the PETA investigator during a dinner conducted on August 13, 2013 at the home of Hall-of-Fame jockey Angel Cordero, Jr.

Santana rode five mounts at Saratoga Race Course during the 2013 meeting, finishing in the money once and earning \$48,024 in purses. For Asmussen, Santana rode 'Proud Strike' to a fourth-place finish in the \$100,000 Curlin Stakes (8th race) on July 26th for owner Mike McCarty; 'Z Dager' to a fifth-place finish in a \$90,000 allowance optional claiming race (8th race) on July 27th for owner Zayat Stables, LLC, and 'Mico Margarita' to a second-place finish in the \$200,000 Amsterdam Stakes (10th race) on July 28th for owner J. Kirk and Judy Robison. Santana also rode 'Wise Choice' to a ninth-place (last) finish in a \$40,000 claiming race (7th race) on July 26th for trainer Gary Sciacca and owner John R. Michelotti and 'Purple Pico' to a tenth-place finish in a \$37,000 claiming race (11th race) on July 28th for trainer Leo O'Brien and owner Suzann Bobley.

Commission staff and the state steward reviewed all five races from the 2013 Saratoga meeting in which Santana participated. There was no indication that Santana used a buzzer in any of the races reviewed. In addition, Commission staff reviewed all races in New York in which Santana participated throughout his career. There was no indication that Santana used a buzzer in any of these races.

With respect to comments made by Blasi in regard to buzzers, the PETA investigator alleged that at the home of Angel Cordero, Jr. on August 13, 2013, Blasi stated that Santana "is a good machine rider." The comment, recorded by the PETA investigator, was made in the presence of Cordero.

Later in the conversation, Blasi recounted an alleged conversation he had with Santana:

*Blasi: "You got the máquina?"
Santana: "Boss, I got the máquina."*

The PETA investigator asked Blasi, "Do [regulators] check for them?" In response, Blasi answered, "No."

In an interview with Commission staff, Blasi confirmed that the aforementioned conversation was in regard to electronic devices. Blasi, however, claimed that he was being facetious. Blasi stated: "I can't imagine any jockey walking out the jock's room in Churchill Downs or Saratoga or Hot Springs, Arkansas ... I mean, I've heard all the stories. ... That's before my time that [the others were] joking about, but I just couldn't imagine at the level that I get to ... compete at."

Commission staff also interviewed Cordero, who claimed that Blasi was fabricating the stories concerning Santana in an attempt to impress his other guests. Cordero stated that he had never

previously heard Blasi boast of involvement with electrical devices.

Santana, during an interview with Commission staff, denied ever possessing or using an electrical device and denied having any conversation concerning “máquinas” as recounted by Blasi.

In an effort to determine the possibility of device use, Commission staff interviewed John R. Velazquez, a Hall-of-Fame jockey and chairman of the Jockeys’ Guild Board of Directors. Velazquez stated that jockeys racing at Saratoga are cognizant and appreciative of the opportunity to race at the historic track and are unlikely to jeopardize the opportunity by using electronic devices on horses. Velazquez said that members of the Saratoga jockey community would report anyone whom they suspect of doing so.

Commission staff also interviewed racing officials in jurisdictions where Santana frequently races. All officials interviewed stated that Santana had never been suspected of carrying a buzzer.

It is important to note the three stewards on duty at New York racetracks are trained to note any unusual motion or movement by the rider or reaction of a horse. The clerks of scales and their assistants observe jockeys as they prepare for the race and leave the jockeys’ quarters. The riders are observed by the stewards, outriders, starting gate crew, veterinarians and security from the time the riders enter the racetrack for the post parade until the riders return to the jockeys’ quarters following the race. Additionally, each race is observed by racetrack patrons and other interested parties. For the three days in question in which Santana rode at Saratoga Race Course in 2013, announced paid on-track attendance varied between 16,862 and 47,132.

Conclusion. The Commission found no evidence jockey Ricardo Santana, Jr. possessed an unlawful electrical shocking device while riding a Steven A. Asmussen-trained horse at the 2013 Saratoga Meet.

Allegation 5. Veterinarian Joseph F. Migliacci allowed partially completed furosemide eligibility forms to be completed by third parties.

Law. In general, the statutory authority of the Commission to develop and impose rules and regulations concerning medications for Thoroughbred horses is found at N.Y. Racing, Pari-Mutuel Wagering and Breeding Law §§ 103, 104, 205 and 902.

Regulations. In relevant part, furosemide use is regulated by Commission rule § 4043.2(b). Under New York rules, the trainer of a furosemide-eligible horse must file satisfactory documentation of eligibility with the NYRA veterinarian on or before time of entry.

Additionally, Commission rule § 4042.1 provides that any person found by the stewards to have violated its subdivisions shall have such punishment imposed upon him or her, and the stewards shall take such other action in the manner as the stewards may deem proper. Included in the various subdivisions is a provision that a person could be penalized if found guilty of any improper, corrupt or fraudulent act or practice in relation to racing, or shall conspire with any other person to commit or shall assist in the commission of any such act or practice. See 9 NYCRR § 4042.1(f).

Records Reviewed. Commission staff examined each furosemide certificate filed with NYRA by the Asmussen stable during the 2013 Saratoga Race Meet. The Commission also examined the racing, training and veterinary records of all 56 Asmussen horses stabled at Saratoga during the 2013 meet.

Interviews Conducted. Commission staff interviewed Scott Blasi, and Joseph F. Migliacci, D.V.M. Staff also interviewed the PETA investigator.

Concern. On July 13, 2013, the PETA investigator found in assistant trainer Blasi's office in the Asmussen Stable at Saratoga Race Course several partly completed copies of the form that a trainer would submit to the racetrack to document that a horse is qualified for the New York furosemide list. In general, the form verifies that a veterinarian had determined that a particular horse had experienced pulmonary bleeding after a training workout by clinical assessment and/or endoscopic examination of the horse. The forms in question bore the signature of Dr. Migliacci, but were blank as to the name of the horse and the date of the EIPH observation.

Overall, the PETA investigator located 16 forms, one on July 13, 2013 and others on July 17, 2013. These latter forms were not incomplete. Rather, the latter copies were now fully complete with the name of a horse, the date of its EIPH episode and the signature of Blasi indicating he was electing to place the horse on the NYRA furosemide list. The new information appeared to be on photocopies of the initial signed, but blank form.

The implication is Dr. Migliacci allowed the assistant trainer to make a determination as to placing a horse on the furosemide list, without regard to medical condition.

Analysis. Commission staff was informed by Blasi that Dr. Migliacci's practice had been to provide a partially completed form from which photocopies would be made. Blasi and Dr. Migliacci would then discuss the horses that the veterinarian had detected an episode of EIPH. Blasi would subsequently complete a copy of the form, adding the name of the horse and the date of its EIPH episode. Dr. Migliacci confirmed Blasi's account.

As to the specific concerns during the 2013 Saratoga Meet, Dr. Migliacci recollected while discussing horses eligible for the furosemide list he and Blasi were interrupted by an emergency requiring attention. The forms, left unsecure, were not completed until the passage of a few days.

Commission staff requested NYRA provide copies of other furosemide forms filed during the 2013 Saratoga Race Meet on which Dr. Migliacci was the attending veterinarian. These forms were consistent both with the blank form found by the PETA investigator and subsequent 15 forms submitted by Blasi. Dr. Migliacci confirmed that he possessed copies of this same partly completed form, using it to certify other trainers' horses as qualified for the furosemide list.

Overall, Blasi submitted 15 completed forms, electing to have the horses placed on the NYRA furosemide list. Asmussen Stable's training and veterinary records corroborate all information on the 15 forms, excepting that on three of the forms the date of the EIPH episode is one day later than the workout and scope dates in the Asmussen stable's training and veterinary records. The training and veterinary records eliminate the possibility that Commission rule 4042.1 - which refers to actions that are "improper, corrupt or fraudulent" and not paperwork mistakes - was violated.

Conclusion. The allegation is sustained. Commission rule § 4043.2(b)(3) requires the trainer, when electing to place a horse on the furosemide list that is qualified because of a previous episode of EIPH, file satisfactory documentation of the horse's eligibility. The rule requires that the form be satisfactory at the time it is filed with the racetrack operator.

Veterinary and training records show that the information on the submitted forms is materially accurate. All 15 of the horses had received endoscopic examinations by Dr. Migliacci following exercise and confirm that each horse experienced an EIPH episode. Although the dates of the episodes were incorrect on three of the forms Blasi submitted, the errors disadvantaged the trainer by adding one day to each horse's waiting period before it could race after its EIPH-qualifying episode.

Commission staff further finds the lack of control over the pre-signed furosemide forms ill-advised, but failed to violate any existing rule.

B. Letter of May 2, 2014

The PETA letter of May 2, 2014 set forth five major allegations:

1. Racing horses in a manner that causes bleeding in the lungs is a violation of animal cruelty laws.
2. Horses that experience EIPH are, by definition, overdriven. Overdriving horses is a violation of animal cruelty laws.
3. The horse 'Inaflash' may have been trained and raced in violation of rules for horses experiencing EIPH.
4. Owners and trainers of the horse 'Inaflash' violated rules in that she raced her entire career while using furosemide.
5. Owners and trainers circumvent regulations designed to protect horses by racing them in different jurisdictions.

Each of these allegations is addressed either collectively or individually below the general discussion concerning EIPH.

Exercise Induced Pulmonary Hemorrhage

In general, the allegations set forth within the PETA letter of May 2, 2014 all concern exercise induced pulmonary hemorrhage or the use of furosemide as a treatment for EIPH. Given the technical nature of the concerns, this section begins with discussion of EIPH. Commission staff acknowledges the overview is based, in large measure, on the recent Consensus Statement of the American College of Veterinary Internal Medicine (ACVIM) regarding Exercise Induced Pulmonary Hemorrhage in Horses published in the Journal of Veterinary Internal Medicine, Volume 29, Issue 3, May/June 2015, pp. 743-758.

At the conclusion of this discussion, the May 2, 2014 allegations are addressed either collectively or individually.

Overview

Exercise induced pulmonary hemorrhage, better known as EIPH, is bleeding that occurs from the lungs of horses during exercise. It occurs in the majority of Thoroughbred and Standardbred racehorses and in many other horses subjected to strenuous exercise.⁵

EIPH is generally defined as the presence of blood detected on tracheobronchoscopic examination after exercise, the presence of red blood cells in bronchoalveolar lavage fluid or both. Interventions to prevent or decrease the severity of EIPH are prophylactic as most interventions are applied before the horse exercises.

Diagnosis. The clinical signs of EIPH include blood in the airways detected by either tracheobronchoscopy or examination of tracheal aspirates or bronchoalveolar lavage fluid, poor performance, epistaxis, abnormalities detected on ultrasonographic or radiographic examination of the thorax, coughing, increased respiratory rate, respiratory distress or changes in behavior. Presence of blood in the airways of a horse after exercise is considered the gold standard for diagnosis of EIPH. Tracheobronchoscopic detection and grading of blood in the trachea or bronchi has been validated as a means of assessing the severity of EIPH.⁶

Endoscopy involves passing a small camera through the nostril and into the trachea of the horse. In some horses, endoscopy alone is not enough to definitively diagnose the disease and a tracheal wash is used. A tracheal wash collects cells from the trachea. The presence of white blood cells containing pigment from engulfed red blood cells indicates that recent hemorrhage has occurred. This technique is used if an endoscopy cannot be timely performed. The final diagnostic tool is the bronchoalveolar lavage. This technique involves passing a tube through the horse's nostril, down the trachea, and into the smaller air passages deep within the lung to obtain a sample of cells. A bronchoalveolar lavage can also be used to determine the degree of hemorrhage in the lungs by examining the number of red blood cells in a sample.

EIPH Causes. There is no definitive cause of EIPH. The most accepted theory is that exercise induced pulmonary hypertension results in alveolar capillary wall stress failure. Exchange of respiratory gases (oxygen and carbon dioxide) occurs across the very thin interface between the small air sacs (alveoli) and the smallest blood vessels (capillaries). The capillaries are subjected to high pulmonary arterial

⁵ Hinchcliff, et al., 743–758.

⁶ Hinchcliff, et al., 743–758.

pressure, when the horse is under maximal exertion. When galloping, racehorses have a high cardiac output that pushes blood through the pulmonary circulation. This creates very high pressure in the pulmonary capillaries whereby they may rupture, releasing blood into the alveoli of the lung. There is negative pressure on the airways as the horse breathes in. This is required to achieve high volumes of airflow. Thus there is a pressure difference across this interface causing massive tension on the fragile capillary walls.⁷ It is important to recognize that pulmonary bleeding may be caused by other conditions with or without exercise. For example, a horse that has a lung infection may experience pulmonary hemorrhage that might or might not occur during exercise. Such conditions can often be successfully treated with antibiotics.

Prevalence. Bleeding in horses following strenuous exercise has been noted since at least the early 18th century. The source of the bleeding was unknown until W. Robert Cook, a scientific officer at the Equine Research Station of the Animal Health Trust in Newmarket, United Kingdom published his seminal paper, Epistaxis in the Racehorse.⁸ Cook, who noted that there had been little literature on the incidence of epistaxis, was an early pioneer in the development of endoscopy for the diagnosis of equine respiratory disease. Specifically, Cook initially sought to identify the origin of epistaxis using a rigid endoscopy. When his initial research failed to find the source of the blood in the nose, he hypothesized that the nasal bleeding originated from the lungs.⁹ The first study using the newly available fiberoptic endoscope found blood present in the tracheas of 44 percent of Thoroughbreds examined following racing. This study concluded that the bleeding originated in the lungs and named the malady exercise induced pulmonary hemorrhage.¹⁰ Subsequent studies have confirmed the prevalence of EIPH in Thoroughbreds after racing to be between 47 percent and 75 percent.¹¹ Subsequent research has found that between 90 and 100 percent of racehorses that perform intense exercise will experience episodes of pulmonary hemorrhage.¹²

EIPH Quantification. In 1981, Pascoe et al. developed the first grading system for estimating EIPH severity.¹³ This system has been used widely since, with modifications.¹⁴ The system now commonly uses the following criteria to grade EIPH:

7 Hinchcliff KW, Exercise Induced Pulmonary Hemorrhage, Proceedings for the 2004 Equine Nutrition Conference for Feed Manufacturers: The New Horse NRC: Perspective from the Feed Industry & Equine Nutrition: A Clinical Focus, Kentucky Equine Research, Lexington (2005) pp. 95-104.

8 Cook WR, Epistaxis in the Racehorse. Equine Vet J 1974; 6: 45-58.

9 Derksen FD, Williams KJ, Stack A. Exercised-Induced Pulmonary Hemorrhage in Horses: The Role of Pulmonary Veins. Compendium: Continuing Education for Veterinarians, April 2011, pp. E1-E6.

10 Pascoe JR, Ferraro GL, Cannon JH, et al. Exercise-Induced Pulmonary Hemorrhage in Racing Thoroughbreds: A Preliminary Study. Am J Vet Res 1981; 42:703-707 (hereafter Pascoe, et al.).

11 Mason DK, Collins EA, Watkins KL. Effect of bedding on the incidence of exercise induced pulmonary hemorrhage in racehorses in Hong Kong. Vet Rec. 1984 Sep 15;115(11):268-9; Raphel CF, Soma LR. Exercise-induced pulmonary hemorrhage in Thoroughbreds after racing and breezing. Am J Vet Res 1982; 43: 1123-1127.

12 Birks EK, Shuler KM, Soma LR et al. EIPH: post-race endoscopic evaluation of Standardbreds and Thoroughbreds. Equine Vet J. Suppl 2002; 34: 375-378; McKane SA, Canfield PJ, Rose RJ. Equine bronchoalveolar lavage cytology; survey of Thoroughbred racehorses in training. Aust Vet J 1993; 70:401-404.

13 Pascoe JR, McCabe AE, Franti CE, et al. Efficacy of furosemide in the treatment of exercise-induced pulmonary hemorrhage in Thoroughbred racehorses. Am J Vet Res 1985; 46:2000-2003.

14 Hinchcliff KW, Jackson MA, Brown JA et al. Quantification of exercise-induced pulmonary hemorrhage in Thoroughbred horses. J Am Vet Med Assoc 2005; 6:596-598.

Grade 0	No blood detected in the pharynx, larynx, trachea or mainstem bronchi.
Grade 1	Presence of one or more flecks of blood or two or fewer short (less than one-quarter the length of the trachea) and narrow (less than 10 percent of the tracheal surface area) streams of blood in the trachea or mainstem bronchi (the two airways the trachea splits into; these carry air to and from the right and left lungs) visible from the tracheal bifurcation.
Grade 2	One long stream of blood (more than one-half the length of the trachea) or more than two short streams of blood occupying less than one-third of the tracheal circumference.
Grade 3	Multiple, distinct streams of blood, covering more than one-third of the tracheal circumference, with no blood pooling at the thoracic inlet.
Grade 4	Multiple, coalescing streams of blood covering more than 90 percent of the tracheal surface with blood pooling at the thoracic inlet.

While the prevalence of EIPH is quite high in Thoroughbred racehorses, a vast majority of the episodes are in the lower grades (one to three) and would go completely undetected in the absence of an endoscopic examination. Such episodes are generally managed with little or no long-term consequence to the health of these horses and cannot be considered to be a result of pushing a horse beyond its normal athletic capabilities. According to the findings of the recent ACVIM Consensus Statement, there is moderate quality evidence that EIPH Grade one to three is not associated with a shorter racing career of Thoroughbred horses.

Progressive Nature. The ACVIM found that there are no studies that report on the incidence of EIPH in a group of horses followed over the course of their career, but that there was some evidence that EIPH detected by endoscopic examination is associated with age when confounding factors, including the number of starts, are not accounted for in the statistical analysis.¹⁵ The ACVIM noted that when the number of starts is included, age does not appear to be an EIPH risk factor.¹⁶ Similarly, the ACVIM noted that there is some evidence that age is a risk factor for epistaxis when confounding factors are not taken into account¹⁷ but that when career duration was included in analyses, years spent racing was a significant risk factor although with considerable imprecision.

Horses with chronic EIPH develop long-standing lesions in their lungs with long-term effects. These lesions are generally bilateral and often occur in the dorsocaudal lobes, an unusual location. Other research supports the conclusion that the unusual location of the lesions was based upon the ailment's pathogenesis.¹⁸

Prophylactic Interventions. The recent consensus statement of the ACVIM noted that all investigations of the effect of drugs and non-pharmacological management of EIPH have focused on prevention. The statements found no reports of the efficacy of treatments to decrease severity or progression

¹⁵ Pascoe, et al. at 703-707; Hillidge CJ, Lane TJ, Johnson EL, et al. Preliminary investigations of exercise-induced pulmonary hemorrhage in racing Quarter Horses. J Equine Vet Sci 1984; 4:21–23; Raphel CF, Soma LR. "Exercise-induced pulmonary hemorrhage in Thoroughbred after racing and breezing." Am J Vet Res 1982; 43:1123–1127; Costa MFM, Thomassian A. "Evaluation of race distance in flat racing Thoroughbreds in Brazil." Equine Vet J Suppl 2006;Suppl 36:87–89.

¹⁶ Hinchcliff KW, Morley PS, Jackson MA, et al. "Risk factors for exercise-induced pulmonary haemorrhage in Thoroughbred racehorses." Equine Vet J 2010; 42 (Suppl. 38):228–234.

¹⁷ Newton JR, Rogers K, Marlin DJ, et al. "Risk factors for epistaxis on British racecourses: Evidence for locomotory impact induced trauma contributing to the etiology of exercise-induced pulmonary hemorrhage." Equine Vet J 2005;37:402–411; Takahashi T, Hiraga A, Ohmura H, et al. "Frequency of and risk factors for epistaxis associated with exercise-induced pulmonary hemorrhage in horses: 251,609 race starts." (1992–1997). J Am Vet Med Assoc 2001;218:1462–1464; Weideman H, Schoeman SJ, Jordaan GF, et al. "Epistaxis related to exercise-induced pulmonary hemorrhage in south African Thoroughbreds." J S Afr Vet Assoc 2003;74:127–131.

¹⁸ Tobin, Seminar: Furosemide and EIPH: Efficacy and Controversy: The American Horsemen's Story. Gluck Equine Research Center , Lexington, Ky. October 2, 2012.

of lung lesions of EIPH-affected horses. Additionally, the statements found no reports of efficacy of interventions applied during training to prevent EIPH during racing.¹⁹

The ACVIM found that there is evidence that furosemide is effective in the prophylaxis of EIPH and efficacious in decreasing the incidence and severity of EIPH.²⁰

The ACVIM noted that several treadmill investigations have demonstrated consistently that furosemide decreases pulmonary arterial and pulmonary wedge (left atrial) pressures and hence (calculated) pulmonary capillary and transmural pressure during intense exercise.²¹ Research has indicated that such decreases in pressure may decrease the likelihood of capillary stress failure.²²

Other Possible Treatment Regimens. While use of furosemide is the most common approach to treatment of EIPH, the ACVIM noted a large number of other, studied approaches. Clenbuterol, dexamethasone, phenylbutazone, flunixin meglumine, pentoxifylline, carbazochrome, equine serum concentrate, conjugated estrogens, endothelin-1A antagonist, nedocromil, nitric oxide, and sildenafil have all been investigated as a prophylaxis of EIPH. The ACVIM found none as efficacious in decreasing the incidence and severity of EIPH as furosemide.

The ACVIM panel made no recommendation in regard to other pharmacological interventions for the prophylaxis of EIPH due of the absence of studies or the very low to low quality of evidence. Finally, the ACVIM noted that rest and water restriction before strenuous exercise has been recommended, but the ACVIM found no scientific evidence that those practices decrease the incidence or severity of EIPH.

Performance Enhancement through Furosemide. There has been great speculation that EIPH is an important cause of impaired performance in Thoroughbred racehorses. Although this belief is strongly held by many horsemen and veterinarians, others have suggested that EIPH may be associated with improved performance. Evaluating the association of EIPH with performance requires establishing outcomes or measurements of performance during racing or on a treadmill.

The ACVIM noted seven studies reported on the association of EIPH with finishing position in the race. Two studies determined that EIPH detected by tracheobronchoscopic examination was associated with the likelihood of having inferior finishing position races.²³ One study examined 744 Thoroughbreds

19 Hinchcliff, et al. at 743–758.

20 *Id.*

21 Manohar M, Goetz TE, Rothenbaum P, et al. "Clenbuterol administration does not enhance the efficacy of furosemide in attenuating the exercise-induced pulmonary capillary hypertension in Thoroughbred horses." *J Vet Pharmacol Ther* 2000;23:389–395; Manohar M, Goetz TE, Sullivan E, et al. "Pulmonary vascular pressures of strenuously exercising Thoroughbreds after administration of varying doses of frusemide." *Equine Vet J* 1997; 29:298–304; Manohar M. "Furosemide attenuates the exercise-induced increase in pulmonary artery wedge pressure in horses." *Am J Vet Res* 1993; 54:952–958; Manohar M, Goetz TE, Rothenbaum P, et al. "Intravenous pentoxifylline does not enhance the pulmonary haemodynamic efficacy of furosemide in strenuously exercising Thoroughbred horses." *Equine Vet J* 2001;33:354–359; Magid JH, Manohar M, Goetz TE, et al. "Pulmonary vascular pressures of Thoroughbred horses exercised 1, 2, 3 and 4 h after furosemide administration." *J Vet Pharmacol Ther* 2000;23:81–89; Gleed FD, Ducharme NG, Hackett RP, et al. "Effects of furosemide on pulmonary capillary pressure in horses exercising on a treadmill." *Equine Vet J Suppl* 1999; 31:102–106; Manohar M. "Pulmonary vascular pressures of strenuously exercising Thoroughbreds after administration of flunixin meglumine and furosemide." *Am J Vet Res* 1994; 55: 1308–1312; Manohar M, Hutchens E, Coney E. "Furosemide attenuates the exercise-induced rise in pulmonary capillary blood pressure in horses." *Equine Vet J* 1994;26:51–54; Olsen SC, Coyne CP, Lowe BS, et al. "Influence of furosemide on hemodynamic responses during exercise in horses." *Am J Vet Res* 1992; 53:742–747; Gleed FD, Ducharme NG, Hackett RP, et al. "Effects of furosemide on pulmonary capillary pressure in horses exercising on a treadmill." *Equine Vet J Suppl* 1999; 30:102–106.

22 West JB, Mathieu-Costello O, Jones JH, et al. "Stress failure of pulmonary capillaries in racehorses with exercise-induced pulmonary hemorrhage." *J Appl Physiol* 1993; 75:1097–1109.

23 de Mello Costa MF, Thomassian A, Gomes TS, et al. "Study of exercise induced pulmonary haemorrhage (EIPH) in flat racing Thoroughbred horses through 1889 respiratory endoscopies after races." *Revista Brasileira de Ciencia Veterinaria* 2005;12:89–91; Hinchcliff KW, Jackson MA, Morley PS, et al. "Association between exercise-induced pulmonary hemorrhage and performance in Thoroughbred racehorses." *J Am Vet Med Assoc* 2005;227:768–774.

racing in Australia where race-day use of furosemide and nasal strips are prohibited.²⁴ The other examined 1,003 individual Thoroughbred racehorses (2,118 tracheobronchoscopic examinations) that all received furosemide and had been diagnosed previously with EIPH.²⁵ The study with the strongest evidence showed that horses that were EIPH negative or had EIPH grade one were more likely to win or finish in the first three positions.²⁶ In the five studies showing no effect of EIPH on finishing position, pre-race furosemide prophylaxis status for horses was unknown in four and unreported in the fifth.²⁷

A single study examined 29 EIPH positive Standardbred horses that had at least one EIPH negative race.²⁸ Their average racing times were compared between EIPH positive and EIPH negative horses and no statistical significant difference was detected. The report was of very low quality because of apparent low statistical power, nonrandom selection of horses, and racing time that was recorded only for winners.

Another single study evaluated the effects of EIPH on the distance a horse finishes behind the winning horse in a race.²⁹ Horses with EIPH severity Grade one and higher finished significantly further behind the winner than did horses with no evidence of EIPH. For horses with EIPH distance finished behind the winner was associated with grade of EIPH with higher grades finishing further behind the winner. Post hoc testing indicated a significant difference in distance finished behind the winner in horses with grade two EIPH compared with those with no evidence of EIPH.

The ACVIM also noted that a variety of outcome measures have been used in an attempt to assess performance in horses racing on a track. However, standardization of measurements is difficult because numerous intrinsic factors (e.g., sex, age, horse quality, fitness level) and extrinsic factors (e.g., jockey, distance, track conditions, environmental conditions) that vary among races and can create confounding bias in results. Control of extrinsic and intrinsic factors is more feasible when horses model race experiences by running on high-speed treadmill, but this simulation inherently limits the generalizability of results. Additionally, most treadmill studies suffer from small sample size and consequently have low statistical power. The ability to extrapolate performance data obtained during treadmill studies to actual performance during racing has not been established.

Most studies conducted on racetracks have used adjusted race time to cover a standardized distance as an outcome measure of performance³⁰ whereas others have used finish position,³¹ racing speed or

24 Hinchcliff KW, Jackson MA, Morley PS, et al. "Association between exercise-induced pulmonary hemorrhage and performance in Thoroughbred racehorses." *J Am Vet Med Assoc* 2005;227:768–774.

25 Costa MFM, Thomassian A. "Evaluation of race distance, track surface and season of the year on exercise-induced pulmonary haemorrhage in flat racing Thoroughbreds in Brazil." *Equine Vet J Suppl* 2006; Suppl 36:87–89.

26 Hinchcliff KW, Jackson MA, Morley PS, et al. "Association between exercise-induced pulmonary hemorrhage and performance in Thoroughbred racehorses." *J Am Vet Med Assoc* 2005;227:768–774.

27 Pascoe JR, Ferraro GL, Cannon JH, et al. "Exercise-induced pulmonary hemorrhage in racing Thoroughbreds: a preliminary study." *Am J Vet Res* 1981;42:703–707; Raphel CF, Soma LR. "Exercise-induced pulmonary hemorrhage in Thoroughbred after racing and breezing." *Am J Vet Res* 1982;43:1123–1127.

28 Lapointe JM, Vrins A, McCarvill E. "A survey of exercise-induced pulmonary haemorrhage in Quebec standardbred racehorses." *Equine Vet J* 1994;26:482–485.

29 Hinchcliff KW, Jackson MA, Morley PS, et al. "Association between exercise-induced pulmonary hemorrhage and performance in Thoroughbred racehorses." *J Am Vet Med Assoc* 2005;227:768–774.

30 Gross DK, Morley PS, Hinchcliff KW, et al. "Effect of furosemide on performance of Thoroughbreds racing in the United States and Canada." *J Am Vet Med Assoc* 1999;215:670–675 (hereafter "Gross et al."); Lester G, Clark C, Rice B, et al. "Effect of timing and route of administration of furosemide on pulmonary hemorrhage and pulmonary arterial pressure in exercising Thoroughbred racehorses." *Am J Vet Res* 1999;60:22–28; Milne DW, Gabel AA, Muir WW, et al. "Effects of furosemide on cardiovascular function and performance when given prior to simulated races: A double-blind study." *Am J Vet Res* 1980;41:1183–1189; Soma LR, Birks EK, Uboh CE, et al. "The effects of furosemide on racing times of Standardbred pacers." *Equine Vet J* 2000;32:334–340; Soma LR, Laster L, Oppenlander F, et al. "Effects of furosemide on the racing times of horses with exercise-induced pulmonary hemorrhage." *Am J Vet Res* 1985;46:763–768. 90; Sweeney CR, Soma LR, Maxson AD, et al. "Effects of furosemide on the racing times of Thoroughbreds." *Am J Vet Res* 1990;51:772–778.

31 Gross et al. at 670–675; Soma LR, Laster L, Oppenlander F, et al. "Effects of furosemide on the racing times of horses with exercise-induced pulmonary hemorrhage." *Am J Vet Res* 1985; 46:763–768.

earnings.³² Treadmill studies have evaluated performance as distance covered or time that horses run until the onset of fatigue.³³ Alternatively, or in addition, some treadmill studies have reported the effect of furosemide on the energetic cost of locomotion.³⁴

Studies in Thoroughbred and Standardbred racehorses have been performed under natural racing conditions³⁵ and under simulated racing conditions on a track.³⁶ The study with the highest sample size ($n = 22,589$) found that mean estimated mile-equivalent race times were 0.56 to 1.09 seconds faster for horses receiving furosemide prophylaxis compared to horses not receiving furosemide³⁷. All four studies conducted during normal racing conditions were rated as providing moderate quality of evidence because design and analyses helped to minimize risk of bias, used relevant outcome measures (e.g., racing time adjusted for distance), were adequately powered and showed consistent results. Two studies performed under simulated race conditions did not detect an effect of furosemide on performance as compared to placebo.³⁸ However, both studies provided very low quality evidence because of outcome measure imprecision (risk of bias), small sample size (six to 10 horses), and slow running speed achieved during race simulation.

Studies that investigated other performance measures, such as finish position, average racing speed, and race earnings also identified a consistent benefit for horses receiving furosemide before racing compared to untreated horses.³⁹ The largest study evaluated sex differences, and found that the benefits of furosemide administration on performance were more marked in males and in horses six years old and younger.⁴⁰ These studies were considered to have moderate quality of evidence for these outcomes. No studies investigated the mechanism for superior performance.

Overall, the ACVIM panel found that there is moderate quality evidence that moderate to severe EIPH is associated with decreased athletic capacity by Thoroughbred racehorses. The panel also found that there is high quality evidence that furosemide administration is associated with improved performance by Thoroughbred and Standardbred racehorses, but did not indicate whether the drug was “performance-enhancing,” facilitating a horse to race faster than it would naturally, or was “performance-enabling,” allowing a horse to race as it would naturally without being inhibited by EIPH.

32 Gross et al. at 670–675.

33 Perez-Moreno CI, Couetil LL, Pratt SM, et al. “Effect of furosemide and furosemide-carbazochrome combination on exercise-induced pulmonary hemorrhage in Standardbred racehorses.” Can Vet J 2009;50:821–827. Bayly WM, Slocombe RF, Schott HC 2nd, et al. “Effect of intravenous administration of furosemide on mass-specific maximal oxygen consumption and breathing mechanics in exercising horses.” Am J Vet Res 1999;60:1415–1422; McDonough P, Kindig CA, Hildreth TS, et al. “Effect of furosemide and the equine nasal strip on exercise-induced pulmonary haemorrhage and time-to-fatigue in maximally exercising horses.” Equine Comp Exer Physiol 2004;1:177–184.

34 Bayly WM, Slocombe RF, Schott HC 2nd, et al. “Effect of intravenous administration of furosemide on mass-specific maximal oxygen consumption and breathing mechanics in exercising horses.” Am J Vet Res 1999;60:1415–1422; Hinchcliff KW, McKeever KH, Muir WW 3rd, et al. “Effect of furosemide and weight carriage on energetic responses of horses to incremental exertion.” Am J Vet Res 1993;54:1500–1504; Hinchcliff KW, McKeever KH, Muir WW, et al. “Furosemide reduces accumulated oxygen deficit in horses during brief intense exertion.” J Appl Physiol 1996;81:1550–1554.

35 Gross et al. at 670–675; Soma LR, Birks EK, Uboh CE, et al. “The effects of furosemide on racing times of Standardbred pacers.” Equine Vet J 2000;32:334–340; Soma LR, Laster L, Oppenlander F, et al. “Effects of furosemide on the racing times of horses with exercise-induced pulmonary hemorrhage.” Am J Vet Res 1985;46:763–768; Sweeney CR, Soma LR, Maxson AD, et al. “Effects of furosemide on the racing times of Thoroughbreds.” Am J Vet Res 1990;51:772–778.

36 Lester G, Clark C, Rice B, et al. “Effect of timing and route of administration of furosemide on pulmonary hemorrhage and pulmonary arterial pressure in exercising Thoroughbred racehorses.” Am J Vet Res 1999;60:22–28; Milne DW, Gabel AA, Muir WW, et al. “Effects of furosemide on cardiovascular function and performance when given prior to simulated races: A double-blind study.” Am J Vet Res 1980;41:1183–1189.

37 Gross et al. at 670–675.

38 Soma LR, Birks EK, Uboh CE, et al. “The effects of frusemide on racing times of Standardbred pacers.” Equine Vet J 2000;32:334–340; Soma LR, Laster L, Oppenlander F, et al. “Effects of furosemide on the racing times of horses with exercise-induced pulmonary hemorrhage.” Am J Vet Res 1985;46:763–768.

39 Gross et al. at 670–675; Soma LR, Laster L, Oppenlander F, et al. “Effects of furosemide on the racing times of horses with exercise-induced pulmonary hemorrhage.” Am J Vet Res 1985; 46:763–768.

40 Gross et al. at 670–675.

Allegation 1. Racing horses in a manner that causes bleeding in the lungs is a violation of animal cruelty laws.⁴¹

Allegation 2. Horses that experience exercise induced pulmonary hemorrhage are, by definition, overdriven. Overdriving horses is a violation of animal cruelty laws.

Law. In general, the statutory authority of the Commission to develop and impose rules and regulations concerning medications for Thoroughbred horses is found at N.Y. Racing, Pari-Mutuel Wagering and Breeding Law §§ 103, 104, 205 and 902.

N.Y. Agriculture and Markets Law § 353 is potentially applicable. Such section, titled, “Overdriving, torturing and injuring animals; failure to provide proper sustenance” provides, in relevant part:

A person who overdrives, overloads, tortures or cruelly beats or unjustifiably injures, maims, mutilates or kills any animal, whether wild or tame, and whether belonging to himself or to another, or deprives any animal of necessary sustenance, food or drink, or neglects or refuses to furnish it such sustenance or drink, or causes, procures or permits any animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed, or to be deprived of necessary food or drink, or who willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to produce such cruelty, is guilty of a class A misdemeanor and for purposes of paragraph (b) of subdivision one of section 160.10 of the criminal procedure law, shall be treated as a misdemeanor defined in the penal law.

N.Y. Agriculture and Markets Law § 353-a, better known as “Buster’s Law,” is also potentially applicable. This section, entitled “Aggravated cruelty to animals,” reads, in relevant part:

1. *A person is guilty of aggravated cruelty to animals when, with no justifiable purpose, he or she intentionally kills or intentionally causes serious physical injury to a companion animal with aggravated cruelty. For purposes of this section, “aggravated cruelty” shall mean conduct which:*

- (i) *is intended to cause extreme physical pain; or*
- (ii) *is done or carried out in an especially depraved or sadistic manner.*

Aggravated cruelty to animals is a felony.

Regulation. The primary applicable Commission rule in regard to the use of furosemide to prevent exercised induced pulmonary hemorrhage and the eligibility for the use of furosemide is 9 NYCRR § 4043.2(b)(1).

Records Reviewed. Commission staff reviewed multiple academic and peer-reviewed studies detailing the physiology of EIPH, its causes and lasting effects on Thoroughbred horses. Commission staff also reviewed various veterinary and training records of horses under the control of the Asmussen Stable.

⁴¹ Addressed collectively with Allegation 2.

Interviews Conducted. Commission staff consulted with Equine Medical Director Scott E. Palmer, V.M.D. and George A. Maylin, D.V.M., Ph.D., Director of the New York Equine Drug Testing and Research Program.

Concern. PETA infers that owners and trainers force horses to race in a manner that causes bleeding in the lungs, in violation of New York's animal cruelty laws. They allege "a horse who is run in a manner and under circumstances resulting in bleeding in the lungs would have been overdriven within the meaning of the [Agriculture& Markets] law."

Analysis. Commission staff read the allegations as implying that exercise induced pulmonary hemorrhage is not a naturally occurring affliction, but the result of actions taken by the trainer. The causes and prevalence of this condition are fully discussed *supra* at pages 19-20.

In short, Commission staff recognize that while bleeding in horses following strenuous exercise has been noted for hundreds of years, the relatively recent advance of using a fiberoptic endoscope has greatly increased the detection of EIPH. Recent research has established that between 90 and 100 percent of racehorses that perform intense exercise experience episodes of pulmonary hemorrhage.

This widespread, naturally occurring condition underscores that horses are naturally susceptible to the condition and do not require being overdriven to exhibit evidence of EIPH.

A single episode of EIPH at a grade below four is not reported to cause subjective distress to a horse, and the incidence among racehorses of long-term or permanent disability from EIPH is negligible.

Conclusion. Following review of academic literature and consultation with leading academics, veterinarians and horsemen, Commission staff find that EIPH is a naturally occurring ailment that afflicts a large percentage of Thoroughbred racehorses. We found no evidence to support claims that EIPH occurrence is the result of particular training regimes or evidence of animal cruelty.

Allegation 3. The horse ‘Inaflash’ may have been trained and raced in violation of rules for horses experiencing an exercise induced pulmonary hemorrhage incident.⁴²

Allegation 4. Owners and trainers of the horse ‘Inaflash’ violated rules in that she raced her entire career while using furosemide.

Law. In general, the statutory authority of the Commission to develop and impose rules and regulations relative to medications for Thoroughbred horses is found at N.Y. Racing, Pari-Mutuel Wagering and Breeding Law §§ 103, 104, 205 and 902.

Regulation. PETA specifically cites the Commission rule § 4043.2(b)(1-2), which establishes eligibility for the use of furosemide and required rest periods following incidence. The rule § 4043.2(b)(2) states:

If it is determined that a horse has qualified [for furosemide] and the owner or trainer elects to make the horse eligible for the administration of furosemide, the horse shall be placed on a list, to be maintained by the association veterinarian, of horses that have bled and shall not be permitted to race for the following periods of time:

- (i) 1st time - 10 days after such episode of bleeding;
- (ii) 2nd time - 30 days after such episode of bleeding;
- (iii) 3rd time - 90 days after such episode of bleeding; and
- (iv) 4th time - one year after such episode of bleeding.

Such list shall be made available to the public for inspection.

Records Reviewed. Commission staff compiled a record of ‘Inaflash’s’ timed workouts, races and endoscopic examinations. Staff also reviewed forms submitted to various racetrack operators by those trainers with authority over ‘Inaflash’.

Interviews Conducted. In addition to Asmussen and Blasi, Commission staff interviewed the three veterinarians who performed work for the Asmussen Stable during the 2013 Saratoga Race Meet: Joseph F. Migliacci, D.V.M., Marcus W. Cheney, D.V.M. and James C. Hunt, D.V.M. The Commission also consulted with Equine Medical Director Scott E. Palmer, V.M.D. and George A. Maylin, D.V.M., Ph.D., Director of the New York Equine Drug Testing and Research Program, with regard to scientific issues.

The Commission also interviewed all other trainers involved with ‘Inaflash’s’ racing and training career. The Commission also sought and obtained assistance from the Pennsylvania Horse Racing Commission.

Concern. According to the PETA letter of May 2, 2014, Asmussen violated New York’s EIPH restrictions by racing ‘Inaflash’ too soon after episodes of EIPH. The letter stated ‘Inaflash’ raced on furosemide “just 10 days after what was at least her second bleeding episode, which appears to run afoul these regulations.” In that same letter, PETA inferred that all of ‘Inaflash’s’ owners and trainers were in violation of Commission rules “since she was raced on Lasix in all twenty-one of her races of her career—including nineteen races in New York....”

⁴² Addressed collectively with Allegation 4.

Analysis. Pursuant to Commission rule § 4043.2(b)(1), a qualifying episode of EIPH is required before any horse may be eligible to receive race-day furosemide in New York.

1. Eligibility. To be eligible for the race-day administration of furosemide in New York, the horse must have bled visibly during a race or a workout, as determined by the racing association veterinarian; bled during a race or workout, as determined by an attending veterinarian based upon such veterinarian's clinical assessment of the horse, which may or may not include an endoscopic examination after the race or workout; or been qualified by the State veterinarian or a veterinarian employed by the racetrack for the administration of furosemide in another racing jurisdiction; or have raced on furosemide in such horse's last race in a jurisdiction with rules substantially similar to New York State.
2. Qualification. The Pennsylvania Horse Racing Commission reported that 'Inaflash' was eligible for race-day furosemide in the horse's first start, which was made on August 18, 2012 at PARX Racing. Pennsylvania, like New York, requires evidence of a prior episode of EIPH before a horse may receive race-day furosemide.

According to Pennsylvania records, Inaflash's prior bleeding episode occurred during a workout on July 8, 2012 at Saratoga Race Course. Commission staff contacted 'Inaflash's' original trainer and owner who advised that the veterinary record to confirm this prior EIPH episode was no longer available. The trainer did, however, recollect a trace of pulmonary bleeding had been detected in 'Inaflash' after the July 8, 2012 workout.

3. History. 'Inaflash' raced four times in 2012 and twice in 2013, each without reported incident. Following qualification on July 8, 2012, 'Inaflash' was always administered a prophylactic dose of furosemide to minimize EIPH.

While in the Asmussen Stable, 'Inaflash' exhibited no episodes of EIPH between arrival on May 26, 2013 until a race at Saratoga Race Course on July 24, 2013. Following that race, the horse was scoped by Dr. Hunt, who found internal bleeding at a grade two in severity and diagnosed 'Inaflash' as having EIPH. The following day, Dr. Hunt treated the horse with antibiotics and immune stimulants to up-regulate the natural healing processes of the lung tissue. This course of treatment suggests that the horse had a lung infection or was sick.

On August 2, 2013 'Inaflash' worked a half-mile, after an administration of furosemide. Following the workout, Dr. Cheney performed an endoscopic examination and found bleeding that he rated as a grade two in severity.

'Inaflash' was galloped August 8, 2013 after which Dr. Cheney again performed an endoscopic examination. This examination showed 'Inaflash's' lungs were "clean."

On September 2, 2013 'Inaflash' was claimed by Robert Barbara for Vincent Scalcione. Dr. Hunt performed a post-race endoscopic examination and found that 'Inaflash' exhibited trace amount of blood. Dr. Hunt again diagnosed EIPH.

Commission also interviewed each trainer who had care of 'Inaflash' following her departure from the Asmussen Stable on September 2, 2013. While all reported that

'Inaflash' did not appear to have any EIPH issues⁴³, the horse was prophylactically administered furosemide before each start. Such practice is consistent with State regulations.

4. Timing of Entry. New York Rules require that if a trainer or owner elects to place a horse on race-day furosemide, the horse cannot race for 10 days after its qualifying episode of EIPH. The days are counted with the day of the EIPH as the first day of ineligibility to race. The horse would eligible to race on the tenth subsequent calendar day.

PETA suggests that Commission rule § 4043.2(b)(2)(i) means that a horse receiving race-day furosemide should not race for 10 days after a first episode of EIPH and that 'Inaflash' must have had more than one episode because it previously qualified to receive race-day furosemide.

The suggestion is inaccurate. The day of EIPH-experience is counted as the first day, and the rule applies only when a horse is first treated with race-day furosemide. The rule does not apply to mild episodes of EIPH experienced by horses already qualified for race-day furosemide.

Conclusion. 'Inaflash' was not trained or raced in violation of State rules for horses having experienced an EIPH incident. Records conclusively indicate 'Inaflash' was eligible to receive race-day furosemide at every race in her career. Neither the owners nor trainers of 'Inaflash' were in violation of State rules simply because the horse raced her entire career while being administered race-day furosemide.

⁴³ Veterinary records indicate on one subsequent occasion a post-workout endoscopic examination found a lung infection, which was treated with antibiotics.

Allegation 5. Owners and trainers circumvent regulations designed to protect horses by racing them in different jurisdictions.

Law. In general, the statutory authority of the Commission to develop and impose rules and regulations concerning medications for Thoroughbred horses is found at N.Y. Racing, Pari-Mutuel Wagering and Breeding Law §§ 103, 104, 205 and 902.

Regulation. PETA referred to Commission rule § 4236.2, which applies to restricted use of drugs, medication and other substances in quarter horse racing. A similar rule, however, exists for Thoroughbred racing. This rule, §4043.2, applies to restricted use of drugs, medication and other substances in Thoroughbred racing.

Records Reviewed. None, as the allegation was not horse or incident specific.

Interviews Conducted. None, as the allegation was not horse or incident specific.

Concern. According to the letter,

[Owners and trainers] should not be able to circumvent regulations designed to protect the welfare of horses simply because a bleeding episode happens in a different jurisdiction. This is contrary to the plain text of N.Y. Comp. Codes R. & Regs. Tit. 9, § 4236.2, which does not distinguish between bleeding that occurs in New York or in another state. This would also be at odds with the undeniable purpose and spirit of the regulation: to protect racehorses that have bled from racing too soon afterwards. In fact, little meaningful protection would be given to racehorses if the law only counted bleeding episodes that happen in New York for the purposes of determining when a horse could race again. The location certainly does not matter to the horse, as his or her wellbeing is threatened regardless of where the horse bleeds. Also, racehorses routinely travel to various states to race and train, often staying in one location for just a short amount of time, even skipping in and out of a state race to race.

Given the subject matter of the letter, Commission staff interpret the concern as related to furosemide administration and exercise induced pulmonary hemorrhage in general.

Analysis. A qualifying episode of EIPH is required by the Commission before any horse may be eligible to receive furosemide on race-day in New York. Commission rule § 4043.2(b)(1) requires that for a horse to be eligible for the race-day administration of furosemide in New York, the horse must have bled visibly during a race or a workout, as determined by the racing association veterinarian; bled during a race or workout, as determined by an attending veterinarian based upon such veterinarian's clinical assessment of the horse, which may or may not include an endoscopic examination after the race or workout; or been qualified by the State veterinarian or a veterinarian employed by the racetrack for the administration of furosemide in another racing jurisdiction; or have raced on furosemide in such horse's last race in a jurisdiction with rules substantially similar to New York State.

The letter suggests that the Commission rule "does not distinguish between bleeding that occurs in New York or in another state" which they argue is "at odds with the undeniable purpose and spirit of the regulation: to protect racehorses who have bled from racing too soon afterwards."

The concern seems to start with an incorrect premise: trainers and owners would conceal episodic bleeding for the purpose of running their charges. Commission staff is unaware of any occurrence in which an exercise induced pulmonary hemorrhage incident was concealed for the purposes of running the animal. It has long been a tenet of the American Association of Equine Practitioners that race-day use of furosemide should be permitted to control the negative effects of EIPH in racehorses diagnosed with the affliction.

Under New York rules, it is immaterial where the horse is located if it experiences EIPH. If a horse has a documented episode of EIPH in one jurisdiction, it is permissible for it to receive furosemide on race-day in New York in accordance with established timeframes as put forth by Commission rules.

Conclusion. There is no evidence presented to support the allegation that owners and trainers circumvent regulations designed to protect horses by racing them in different jurisdictions.

C. Letter of May 23, 2014

The PETA letter of May 23, 2014 set forth four major allegations:

1. Trainer Steve Asmussen used synthetic thyroxine on animals under his care and such use was medically improper and dangerous to animal health.
2. Thyroxine was administered unlawfully, within 48 hours of racing.
3. Drugs were administered without evidence of medical necessity.
4. Thyroxine was administered without monitoring of hormone levels.

These allegations are addressed collectively, below.

Allegation 1. Trainer Steve Asmussen used synthetic thyroxine on animals under his care and such use was medically improper and dangerous to animal health.⁴⁴

Allegation 2. Thyroxine was administered unlawfully, within 48 hours of racing.⁴⁵

Allegation 3. Drugs were administered without evidence of medical necessity.⁴⁶

Allegation 4. Thyroxine was administered without monitoring of hormone levels.

Law. In general, the statutory authority of the Commission to develop and impose rules and regulations concerning medications for Thoroughbred horses is found at N.Y. Racing, Pari-Mutuel Wagering and Breeding Law §§ 103, 104, 205 and 902.

Regulation. Commission's rules restrict the use of drugs generally within one week of racing and permit certain drugs to be used closer to racing. 9 NYCRR § 4043.2. Such rule permits the administration of hormones only until 48 hours before a horse's next scheduled race. 9 NYCRR § 4043.2 (e)(9). The Commission does not permit the administration of any drug within 24 hours of racing except topical antibiotics and furosemide, which use is tightly regulated. 9 NYCRR § 4043.2 (a-c).

Records Reviewed. The Commission examined the racing, training, and veterinary records of all 56 Asmussen horses stabled at Saratoga during the 2013 Meet.

Interviews Conducted. Commission staff interviewed Steve Asmussen, Scott Blasi, Marcus W. Cheney, D.V.M., James C. Hunt, Jr., D.V.M., Joseph F. Migliacci, D.V.M. and Kenneth Reed, D.V.M.. Staff also interviewed the PETA investigator.

Concerns. PETA's correspondence of May 23, 2014 suggests four major concerns in regard to thyroxine:

1. Trainer Steve Asmussen used synthetic thyroxine on animals under his care;
2. Thyroxine was administered unlawfully, within 48 hours of racing;
3. Drugs were administered without evidence of medical necessity; and
4. Thyroxine was administered without monitoring of hormone levels.

In large measure, PETA suggests thyroxine was used as a performance enhancer and synthetic thyroid hormones have deleterious effects on horses' health.

⁴⁴ Addressed collectively with Allegation 4.

⁴⁵ Addressed collectively with Allegation 4.

⁴⁶ Addressed collectively with Allegation 4.

Analysis. Thyroxine is a synthetic hormone that can be used to manipulate energy metabolism and to treat thyroid problems. Administrations of this drug ordinarily cannot be detected by laboratory tests in the absence of baseline data for a horse.

1. Veterinarian Protocol

Thyroxine was prescribed for the horses in the Asmussen Stable by an attending veterinarian. Specifically, Dr. Kenneth Reed, a Louisville, Kentucky-based veterinarian, and other members of his group practice had prescribed thyroxine for routine feeding to most of the horses in the Asmussen Stable before such horses had arrived at Saratoga Race Course in 2013. Dr. Reed, who has practiced as a Thoroughbred race horse veterinarian for more than 30 years, believes race horses have chronically low thyroid levels due to stall confinement and stress.

Dr. Reed stated that his protocol is when a horse under his care is noted to have a poor coat, dull attitude, and is not in full flesh, he orders an immediate blood test to determine the horse's thyroid hormone, or T4 level. He estimated that 65 to 70 percent of tested horses evidence low T4 blood levels. If a blood test reveals a particularly low (0.8 or 0.9) T4 level, Dr. Reed prescribes a double dose of two scoops of thyroxine (10 cc or 24 mg) twice daily. When the horse's blood profile returns to the normal range of T4, he prescribes a standard maintenance dose of one scoop (5 cc or 12 mg) twice a day. Dr. Reed stated that based on his blood testing and clinical experience, he believes such treatment will restore normal thyroid hormone levels and result in the treated horses having a better coat condition and fuller flesh.

2. Thyroxine Administration

The manufacturer of Thyrozine Powder, the trade name of the synthetic thyroid hormone used by the Asmussen Stable, provides a suggested initial dose of 1.0 to 10.0 mg levothyroxine sodium (T4) per 100 pounds body weight (2 mg to 20 mg per 100 kg) once per day or in divided doses. They further recommend a daily maintenance dose of 1 to 3 tablespoons for most horses (35 mg to 100 mg total daily dose). Manufacturer's instructions provide that the administration of Thyrozine Powder should be evaluated clinically until an adequate maintenance dose is established. Additionally, the manufacturer states that administration should be individualized and animals should be monitored daily for clinical signs of hyperthyroidism or hypersensitivity.

Commission staff confirmed that the Asmussen Stable horses were not given individualized doses, and that it is questionable whether each horse was evaluated clinically until an adequate maintenance dose was established. Rather, most of the horses were given a dose (24 mg) that was below this manufacturer's label maintenance recommendation of 35 mg to 100 mg daily and well within the label recommendation of other manufacturers (e.g., Thyro-L lists a maintenance dose of 5 mg to 30 mg daily). While the horses in the Asmussen Stable reportedly were routinely blood tested, the horses were almost all receiving a standard maintenance dose. Such a dose was consistent, however, with the prescription of the drug by Dr. Kenneth Reed, the horses' treating veterinarian in Kentucky who conducted the horses' blood tests.

Materials provided by PETA assert that feeding thyroxine to a horse will suppress the production of T4 by the horse's thyroid gland, creating a state of dependency on the supplements. Research indicates that within weeks after the start of a daily regimen of thyroxine, a horse's thyroid gland does atrophy and cannot produce normal amounts of this hormone. A horse that is administered significant doses of thyroxine for a sustained period (i.e., 48 weeks) can take two weeks to recover when the thyroxine supplement is discontinued.⁴⁷ This withdrawal concern can be addressed by gradually reducing and phasing out the daily dose of thyroxine.⁴⁸ The two attending veterinarians at Saratoga renewed prescriptions of thyroxine for the Asmussen Stable precisely due to the withdrawal issue.⁴⁹

3. Racing while using Thyroxine

While Dr. Reed had discarded all 2013 blood reports by the time the PETA complaint was issued, existing veterinary and racing records indicate that several Asmussen horses that raced at Saratoga were not prescribed thyroxine. Commission staff confirmed through veterinary records that horses in 58 of the 66 races run by the Asmussen Stable at the 2013 Saratoga Race Meet were governed by thyroxine prescription renewals. While other horses that shipped into Saratoga for brief periods may have been treated with thyroxine available at the Stable, staff did not confirm underlying prescriptions. The veterinary records, however, are not definitive because thyroxine is dispensed by a veterinarian to a trainer, who administers the dispensed medication without maintaining a trainer's log of the administration of dispensed medications. Commission staff interview with Blasi found he stated the general stable practice was to feed thyroxine to every horse until the day before racing.

Conclusions. A portion of Allegation 1 and Allegations 2 and 3 are sustained. Review of records and interviews finds that Asmussen did administer synthetic thyroxine to horses under his care, but he did so pursuant to veterinary prescription. The prescribing veterinarian stated that no horse was treated with thyroxine unless a diagnosis of hypothyroidism confirmed by blood testing had been made, but the Commission staff was unable to confirm this due to a lack of records. The prescribing veterinarian also stated that each horse administered thyroxine had continuing blood testing while under his care every four to six weeks to monitor thyroid hormone levels.

Finally, Commission staff finds evidence that the Asmussen Stable started no less than 45 horses that were administered thyroxine within 48 hours of racing, in contravention of Commission rules.

Thyroxine was legally dispensed and administered according to label instructions. Commission staff finds that the thyroxine protocol used by the Asmussen Stable did not result in over-dosage of the horses or cause them to suffer from hyperthyroidism.

⁴⁷ Frank N, Buchanan BR, Elliott SB. Effects of long-term oral administration of levothyroxine sodium on serum thyroid hormone concentrations, clinicopathologic variables, and echocardiographic measurements in healthy adult horses. Am J Vet Res 2008; 69:68-75.

⁴⁸ Plumb's Veterinary Drug Handbook, Wiley-Blackwell, 7th edition (2011).

⁴⁹ Commission staff note that the two New York-based veterinarians would likely not have generally prescribed thyroxine. One, Dr. Migliacci, stated that it was uncommon for him to prescribe the hormone, while Dr. Hunt advised it was rare that he prescribed such. When the renewal prescriptions were written to avoid medication withdrawal issues, the veterinarians dispensed the drug to the Asmussen Stable without knowledge of when the previously prescribed supply of thyroxine would be exhausted and when the newly prescribed thyroxine would be used.

III. Summary, Conclusions & Recommendations

Commission staff fully reviewed and considered the serious allegations leveled in writing by the People for the Ethical Treatment of Animals against trainer Steven Asmussen, assistant trainer Scott Blasi and their veterinarians.

1. Summary of Allegations. In three letters, PETA alleged that:
 - a. Attending veterinarians at Saratoga Race Course may have administered furosemide as a performance enhancing drug.
 - b. Attending veterinarians at Saratoga Race Course may have administered furosemide to horses that did not qualify for administration.
 - c. Assistant Trainer Scott Blasi was aware that jockey Ricardo Santana possessed an unlawful electrical shocking device while riding a Steve Asmussen-trained horse.
 - d. Jockey Ricardo Santana possessed an unlawful electrical shocking device while riding a Steve Asmussen-trained horse.
 - e. Veterinarian Joseph F. Migliacci allowed partially completed furosemide eligibility forms to be completed by third-parties.
 - f. Racing horses in a manner that causes bleeding in the lungs is a violation of animal cruelty laws.
 - g. Horses that experience exercise induced pulmonary hemorrhage are, by definition, overdriven. Overdriving horses is a violation of animal cruelty laws.
 - h. The horse ‘Inaflash’ may have been trained and raced in violation of rules for horses experiencing an exercise induced pulmonary hemorrhage incident.
 - i. Owners and trainers of the horse ‘Inaflash’ violated rules in that she raced her entire career while using furosemide.
 - j. Trainers circumvent regulations designed to protect horses by racing them in different jurisdictions.
 - k. Trainer Steve Asmussen used synthetic thyroxine on animals under his care and such use was not medically improper and dangerous to animal health.
 - l. Thyroxine was administered unlawfully, within 48 hours of racing.
 - m. Drugs were administered without evidence of medical necessity.
 - n. Thyroxine was administered without monitoring of hormone levels.

A. Conclusions

Commission staff found 10 of the 14 allegations to be unfounded or not otherwise sustained by evidence; four allegations were sustained. The four allegations sustained are discussed below.

Veterinarian Joseph F. Migliacci allowed partially completed furosemide eligibility forms to be completed by third-parties.

Commission staff was informed by Scott Blasi that veterinarian Joseph F. Migliacci's practice had been to provide a partially completed form from which photocopies would be made. Blasi and Dr. Migliacci would then discuss the horses that the veterinarian had detected an episode of EIPH. Blasi would complete a copy of the form, adding the name of the horse and the date of its EIPH episode. Dr. Migliacci confirmed Blasi's account.

Finding. Commission staff found the use of pre-signed furosemide form failed to violate any existing rule.⁵⁰ This underscored a deficiency in the regulatory process.

While the use of a photocopier to help prepare these forms is not a violation of Commission rules, sufficient care must be exercised to ensure that the completed forms are accurate when submitted to the racetrack. It is unacceptable for signed, incomplete forms to leave the dominion and control of the attending veterinarian.

Trainer Steve Asmussen used synthetic thyroxine on animals under his care.⁵¹

Commission staff interview with assistant trainer Scott Blasi found he stated the general Asmussen Stable practice was to feed thyroxine to every horse.

Finding. Thyroxine was legally dispensed and administered according to label directions.

Commission staff confirmed that the Asmussen Stable horses were not given individualized doses and that it is questionable whether each horse was evaluated clinically until an adequate maintenance dose was established. Rather, most of the horses were given a dose that was actually below the minimum label recommendation of 35 mg daily for Thyroxine Powder. The administered dose was also within the range of label recommendation of other thyroxine products (e.g., Thyro-L). While the horses in the Asmussen Stable reportedly were routinely blood tested, the horses were almost all receiving a routine maintenance dose. Such a dose was consistent with the prescription of the drug by Dr. Kenneth Reed, the horses' treating veterinarian in Kentucky who conducted the horses' blood tests.

⁵⁰ As an interim measure, the New York State Equine Medical Director has issued a directive addressing the appropriate manner of completion of furosemide eligibility forms. The Commission's recently proposed mandatory trainer education program will further redress such practices.

⁵¹ PETA also alleged that such use of thyroxine was medically improper and dangerous to animal health. Commission staff review did not sustain this portion of the allegation.

Thyroxine was administered unlawfully, within 48 hours of racing.

Commission's rules restrict the use of drugs generally within one week of racing and permit certain drugs to be used closer to racing. 9 NYCRR § 4043.2. Such rule permits the administration of hormones only until 48 hours before a horse's next scheduled race. 9 NYCRR § 4043.2(e)(9). The Commission does not permit the administration of any drug within 24 hours of racing except topical antibiotics and furosemide, the use of which is tightly regulated. 9 NYCRR § 4043.2(a-c).

Findings. Veterinary records examined by the Commission indicate horses prescribed thyroxine ran in 58 of the 66 races run by the Asmussen Stable at the 2013 Saratoga Race Meet. Commission staff interview with Blasi found he stated the general stable practice was to feed thyroxine to every horse.

Recommended Penalty. Staff recommends that Asmussen be fined for starting horses within 48 hours of having been administered thyroxine in contravention of Commission rule § 4043.2(e) (9). The Commission has imposed previously a minimum fine of \$500 for similar administrations within time limitations of a non-prohibited hormone. Although a large number of violations occurred, this took place in a single ongoing practice that was very unlikely to have affected the health or racing ability of the horses. A veterinarian, who explained his diagnoses, prescribed the drug. The Asmussen Stable did not administer the drug on race-day, and openly admitted that they mistakenly thought this complied with Commission rules.

Although the effect of removing the horse from thyroxine for 48 hours would be negligible for a healthy horse that receives daily administrations of thyroxine, the number of violations is large. Accordingly, staff is issuing an order to show cause why a fine of \$10,000 should not be imposed.

Drugs were administered without evidence of medical necessity.

The allegation is in context of thyroxine administration.

Findings. Review of records and conduct of interviews finds that Asmussen used synthetic thyroxine on animals under his care pursuant to veterinary prescription. While Commission staff was unable to confirm due to a lack of existing records, the prescribing veterinarian stated that no horse was treated with thyroxine unless a diagnosis of hypothyroidism confirmed by blood testing had been made. According to the prescribing veterinarian, each horse administered thyroxine had continuing blood testing every four to six weeks to monitor thyroid hormone levels.

B. Recommendations

The review of the allegations led Staff to identify measures for consideration by the Commission. Horseracing by its very nature is a competitive sport with considerable economic pressures brought to bear upon the individuals who care for horses. The horse is fundamental to the sport of horseracing. Therefore, it is the clear responsibility of the owners, trainers and veterinarians to make the health and welfare of the horse a top priority and make responsible decisions regarding medication use accordingly. It is the responsibility of regulators to ensure that medication is used to treat medical conditions of the horse or to prevent illness or injury rather than to treat a healthy horse simply in the hope to gain a competitive advantage. The objective is to keep the horse in good health and top physical condition, and therefore most likely to be successful at the racetrack. The specialty of equine sports medicine has evolved over the years to provide the means to accomplish these goals, but it is only with focus on welfare of the horse that we can determine right from wrong when it comes to the use of medication. In the final analysis, what is good for the horse will be good for the industry.

Staff recommends the restriction and documentation of the use of medication to treat well-documented medical conditions in the context of a valid veterinarian-client-patient relationship and to discourage the administration of medications, particularly those that would make it more difficult for trainers or veterinarians to recognize lameness, simply to gain a perceived competitive advantage. In that regard, the advocacy of horse breeders, owners, trainers and veterinarians and others are important voices in the public debate about good stewardship of race horses and the future of horse racing.

To address concerns raised by this Report staff recommends that the Commission propose rules that will address the following:

Furosemide.

1. A horse that visibly bleeds from its nostrils (epistaxis) should be removed from racing and placed on the veterinarian's list by explicit rule.
2. Serious EIPH episodes should be disclosed to subsequent owners.
3. Periodic endoscopic examinations should be required for horses with significant EIPH.

Metabolism.

4. Drugs that regulate metabolism (e.g. Thyroxine, among others) should not be permitted within 30 days of racing.
5. Possession of drugs to regulate metabolism (e.g. Thyroxine, among others) should be restricted at the racetrack.

Overmedication.

6. No drug or other substance that could abnormally affect a horse should be administered unless in the course of reasonable, good-faith care of the horse.
7. Trainers should be required to keep an administration log of dispensed medicines.
8. Veterinarians should renew prescriptions based only on their own medical judgment.
9. No drug may be administered except to treat a diagnosed medical disorder or as a generally accepted preventative medical practice.

IV. Acknowledgements

PETA officials have been very cooperative with the Commission. The Commission thanks, in particular, Lori Kettler, for facilitating access to PETA's investigatory materials. PETA gave full access to its internal report, largely its investigator's daily notes and seven hours of video recorded by its investigator, and provided summaries of evidence and legal analyses prepared by senior officers.

The Asmussen stable has been open and candid with the Commission. Every request for an interview or record has been complied with voluntarily, answers have been given to questions asked by the Commission and relevant existing records have been provided promptly.

The racing commissions and officials from the states of Arkansas, California, Florida, Kentucky, Louisiana, Maryland, New Jersey, Ohio, Oklahoma and Pennsylvania have generously answered inquiries and provided information to the Commission, as has the Association of Racing Commissioners International, Inc., Equibase Company LLC, The Jockey Club and The New York Racing Association, Inc.

The Commission interviewed Steven M. Asmussen; assistant trainers Scott A. Blasi, Darren Flemming and Jamie Hernandez; farriers David Hinton and Thomas Wildey; jockeys Angel Cordero, Jr., Ricardo Santana, Jr., and John R. Velazquez; later trainers of some horses that the Asmussen stable had trained; veterinary surgeons; private veterinarians Dr. Jay Addison, Dr. Marcus W. Cheney, Dr. James C. Hunt, Dr. J. Milton McClure, Dr. Joseph F. Migliacci and Dr. Kenneth Reed; and examining veterinarians in Arkansas, Louisiana, Maryland and New York.

All were cooperative.

V. Disclaimer

Commission Equine Medical Director Scott E. Palmer, V.M.D., had a personal familial relationship with an employee of the Asmussen stable. When the PETA allegations of wrongdoing surfaced, Dr. Palmer contacted the individual to express concern regarding the allegations. At the time he spoke to the individual, Dr. Palmer had access only to information that was publicly disseminated. The individual, not named in any of the allegations, then left the employ of the stable.

VI. Appendices

- A. Regulatory Recommendations
- B. PETA Video Transcription
- C. PETA Video Analysis
- D. ‘Inaflash’ Timeline
- E. PETA Correspondence
- F. Perez v. KDE Equine, LLC et al, No. 3:15-cv-00562-CRS (W.D. Ky filed June 25, 2015).

A. Regulatory Recommendations

A. Furosemide.

1. Staff Recommendation. Staff recommends the Commission propose rules to require the following:
 - a. A horse that visibly bleeds from its nostrils (epistaxis) should be removed from racing and placed on the veterinarian's list by explicit rule.
 - b. Serious EIPH episodes should be disclosed to subsequent owners.
 - c. Periodic endoscopic examinations should be required for horses with significant EIPH.

2. Justification. These proposals derive from the agency's review of Thoroughbred training practices during an investigation of complaints from the People for the Ethical Treatment of Animals and from recent national meetings of state regulators.

These proposals would strengthen the regulatory oversight of exercise induced pulmonary hemorrhage, a condition that impacts race performance and integrity by its immediate and potentially long-lasting effects on a horse's health and ability to race. A horse that experiences pulmonary hemorrhage during a race generally performs less well. Repeated significant episodes of EIPH have a cumulative adverse effect on a horse's health and performance.

The proposed regulations would require that every racehorse that visibly bleeds from its nostrils from pulmonary hemorrhage cannot race for fixed periods of time and until cleared to race by the state or other designated veterinarian, that the owner and trainer of a racehorse disclose significant EIPH episodes to subsequent owners of a racehorse, and that endoscopic examinations be performed to determine a horse's condition when a horse works out or races after a significant episode of EIPH.

3. Draft Rule Language. The text of proposed revisions to the Commission's horse racing rules in relation to exercise induced pulmonary hemorrhage follows.

§ 4043.2. Restricted use of drugs, medications and other substances.

(d) Exercise Induced Pulmonary Hemorrhage ("EIPH").

(1) Ineligibility to race after epistaxis. A horse that has bled visibly from its nostrils because of pulmonary hemorrhage shall be placed on the State veterinarian's list of horses that are ineligible to race. Such a horse may not race until cleared to race by such veterinarian, or other veterinarian designated by the commission, and for the following minimum fixed periods of time:

- (i) 1st epistaxis—30 days after such episode of bleeding;
- (ii) 2nd epistaxis—90 days after such episode of bleeding;
- (iii) 3rd epistaxis—one year after such episode of bleeding;
- (iv) 4th epistaxis—permanent exclusion from racing.

(2) Disclosure to subsequent owners. Trainers shall maintain accurate records of every EIPH episode that is serious (rated four on a scale of severity of pulmonary hemorrhage set forth in paragraph three of this subdivision or more severe), whether observed as visible bleeding in the nostrils (epistaxis) or by endoscopic examination of the upper airways. The trainer may delegate this responsibility to the treating veterinarian. Such information shall be disclosed within 48 hours of transfer of the horse to the next owner of the horse until the horse retires from racing. It shall be the responsibility of the immediate past owner and trainer to provide such information to the next owner.

(3) Required endoscopic examinations. Every horse that experiences a serious or more severe episode of EIPH must have, at the conclusion of the horse's next workout or race,

an endoscopic examination performed by a qualified veterinarian, who shall make a record of findings including a rating of the degree of pulmonary hemorrhage, as observed on the surface of the trachea or in the nostrils of the horse, on a scale of zero (no blood) to five, as follows:

- (i) one (1/5)—a trace or thin line of blood on the floor of the trachea;
- (ii) two (2/5)—a wide stripe of blood on the floor of the trachea or multiple streams of blood covering less than one third of the trachea;
- (iii) three (3/5)—multiple distinct streams of blood covering more than one third of the trachea;
- (iv) four (4/5)—multiple streams of blood covering 90% or more of the trachea with pooling at the thoracic inlet; and
- (v) five (5/5)—blood is evident in the nostrils of the horse (epistaxis).

§ 4120.2. Restricted use of drugs, medications and other substances.

(d) *Exercise Induced Pulmonary Hemorrhage (“EIPH”).*

(1) Ineligibility to race after epistaxis. A horse that has bled visibly from its nostrils because of pulmonary hemorrhage shall be placed on the State veterinarian's list of horses that are ineligible to race. Such a horse may not race until cleared to race by such veterinarian, or other veterinarian designated by the commission, and for the following minimum fixed periods of time:

- (i) 1st epistaxis—30 days after such episode of bleeding;
- (ii) 2nd epistaxis—90 days after such episode of bleeding;
- (iii) 3rd epistaxis—one year after such episode of bleeding;
- (iv) 4th epistaxis—permanent exclusion from racing.

(2) Disclosure to subsequent owners. Trainers shall maintain accurate records of every EIPH episode that is serious (rated four on a scale of severity of pulmonary hemorrhage set forth in paragraph three of this subdivision or more severe), whether observed as visible bleeding in the nostrils (epistaxis) or by endoscopic examination of the upper airways. The trainer may delegate this responsibility to the treating veterinarian. Such information shall be disclosed within 48 hours of the transfer of the horse to the next owner of the horse until the horse retires from racing. It shall be the responsibility of the immediate past owner and trainer to provide such information to the next owner.

(3) Required endoscopic examinations. Every horse that experiences a serious or more severe episode of EIPH must have, at the conclusion of the horse's next workout or race, an endoscopic examination performed by a qualified veterinarian, who shall make a record of findings including a rating of the degree of pulmonary hemorrhage, as observed on the surface of the trachea or in the nostrils of the horse, on a scale of zero (no blood) to five, as follows:

- (i) one (1/5)—a trace or thin line of blood on the floor of the trachea;
- (ii) two (2/5)—a wide stripe of blood on the floor of the trachea or multiple streams of blood covering less than one third of the trachea;
- (iii) three (3/5)—multiple distinct streams of blood covering more than one third of the trachea;

(iv) four (4/5)—multiple streams of blood covering 90% or more of the trachea with pooling at the thoracic inlet; and

(v) five (5/5)—blood is evident in the nostrils of the horse (epistaxis).

B. Metabolism.

1. Staff Recommendation. Staff recommends that the Commission propose rules to require the following:
 - a. Drugs to regulate metabolism should not be permitted within 30 days of racing.
 - b. Possession of drugs to regulate metabolism should be restricted at the racetrack.
2. Justification. These proposals derive from the agency's review of Thoroughbred training practices during an investigation of complaints from the People for the Ethical Treatment of Animals.

These proposals would strengthen the regulatory oversight of hormone therapies and other drugs whose primary purpose or effect is to modify the metabolism of a horse. Such substances are generally unnecessary for a horse that is actively participating in horse racing and they potentially affect race performance and integrity. The proposals would distance the use of such substances from horse racing by requiring that they not be used for 30 days before racing, limit the possession and use of such substances on the racetrack to only veterinarians, and require specific diagnosis and prescription for each use. Special exceptions would be permitted for rare medical anomalies.

3. Draft Rule Language. The text of a proposed Commission horse metabolism rule follows.

§ 4043.16. Metabolism-modifying drugs.

(a) Hormone therapies and other drugs whose primary purpose or effect is to modify the metabolism of a horse are restricted as follows:

- (1) A horse may not race for at least 30 days following an administration of such drugs;
- (2) No person other than a commission veterinarian, track veterinarian, or practicing veterinarian licensed by the commission shall have or use any such drug on the grounds of a pari-mutuel racetrack that is licensed by the commission; and
- (3) No such drug shall be administered to a horse except based on a specific diagnosis and prescription for such use by a treating veterinarian.

(b) It shall be an affirmative defense to a violation of this section that the person possessed or used such drugs only in a time, place and manner specifically permitted in writing by the commission, for a recognized therapeutic use for a specific horse, subject to such appropriate limitations as the commission shall place on such possession and use.

§ 4120.16. Metabolism-modifying drugs.

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(2) No person other than a commission veterinarian, track veterinarian, or practicing veterinarian licensed by the commission shall have or use any such drug on the grounds of a pari-mutuel racetrack that is licensed by the commission; and

(3) No such drug shall be administered to a horse except based on a specific diagnosis and prescription for such use by a treating veterinarian.

(b) It shall be an affirmative defense to a violation of this section that the person possessed or used such drugs only in a time, place and manner specifically permitted in writing by the commission, for a recognized therapeutic use for a specific horse, subject to such appropriate limitations as the commission shall place on such possession and use.

C. Overmedication.

1. Staff Recommendation. Staff recommends the Commission propose rules to require the following:
 - a. Veterinarians should not renew prescriptions contrary to their own medical judgment.
 - b. Trainers should be required to keep an administration log of dispensed medicines.
 - c. No drug or other substance that could abnormally affect a horse should be administered unless in the course of reasonable, good faith care of the horse.
 - d. No drug should be permitted to be administered to a race horse except as either a recognized preventative or as an accepted clinical treatment that would be administered in non-racing circumstances for an existing medical disorder or condition.
2. Justification. These proposals derive from the agency's review of Thoroughbred training practices during an investigation of complaints from the People for the Ethical Treatment of Animals.

These proposals would address the entrenched culture of overmedication of racehorses for the purpose of affecting their training and racing condition or performance without a valid therapeutic indication for use of the drug or other substance, as follows:

- a. No drug may be administered except to treat a diagnosed medical disorder or as a generally accepted preventative medical practice.
- b. A veterinarian may renew another veterinarian's prescription based on only his or her own veterinary judgment, and when renewing a prescription to avoid withdrawal symptoms, a veterinarian must prescribe an administration regime that eliminates dependence on the drug.
- c. Trainers must maintain an administration log of all drugs and substances with drug-like properties that are administered by the trainer rather than a veterinarian.
- d. No drug or other substance that could abnormally affect a horse should be administered unless in the course of reasonable, good faith care of the horse. Within these restrictions, these proposals would not second-guess the documented, professional judgment of treating veterinarians.

3. Draft Rule Language. The text of proposed rules follow.

§ 4043.17. Restrictions on medication of horses.

- (a) No drug may be administered to a thoroughbred horse that is engaged in activities related to pari-mutuel racing in New York State except to treat a diagnosed medical disorder or as a generally accepted preventative medical procedure.
- (1) It shall be an affirmative defense that a drug treatment or preventative measure was administered by a treating veterinarian, or as instructed by a treating veterinarian, based on such veterinarian's clinical examination of the horse and good faith professional opinion, whose diagnosis and prescription of such treatment or preventative measure is documented in the contemporaneous records of such veterinarian.
- (2) The equine medical director of the commission is authorized to publish advisory information concerning whether or not certain drug administrations are valid treatments or preventative measures. Trainers and veterinarians are required to be familiar with such information as may be published on the commission's official website.
- (b) A veterinarian may renew another veterinarian's prescription for a horse that is engaged in activities related to pari-mutuel racing in New York State based on only his or her own veterinary judgment, and when renewing a prescription solely to avoid withdrawal symptoms, a veterinarian shall prescribe an administration regime that shall withdraw the horse from its dependence on the drug.
- (c) No drug or substance with drug-like properties having a potential to cause a significant abnormal effect on a horse may be administered to a thoroughbred horse that is engaged in activities related to pari-mutuel racing in New York State, except when such administration is consistent with generally accepted veterinary and animal husbandry practices for horses or is otherwise reasonable and appropriate. An abnormal effect means that a substance through its pharmacologic effects alters a horse's normal physiologic processes. In addition, no person shall have or possess or attempt to obtain any such substance (including a drug) with the intent to administer such substance in violation of this section.
- (1) It shall be an affirmative defense that such drugs or other substances were administered in good faith and had no abnormal effect on the condition, training or race performance of the horse.
- (2) The equine medical director of the commission is authorized to publish advisory information concerning whether or not certain uses of such substances are generally accepted, reasonable and appropriate. Trainers and veterinarians are required to be familiar with such information as may be published on the commission's official website.
- (d) The restrictions of this section apply without regard to whether a horse is entered to race.

§ 4043.4. Trainer's responsibility.

* * *

- (c) Each trainer shall keep a treatment log, including the time, dose, and route of

administration of all drugs and substances with drug-like properties that are administered to horses under the care or at the direction of such trainer. Such treatment log shall be available to the commission on request for a minimum of one year after each entry. The commission shall ensure that such information is not disclosed to competitors of such trainer.

§ 4120.20. Restrictions on medication of horses.

- (a) No drug may be administered to a standardbred horse that is engaged in activities related to pari-mutuel racing in New York State except to treat a diagnosed medical disorder or as a generally accepted preventative medical procedure.
 - (1) It shall be an affirmative defense that a drug treatment or preventative measure was administered by a treating veterinarian, or as instructed by a treating veterinarian, based on such veterinarian's clinical examination of the horse and good faith professional opinion, whose diagnosis and prescription of such treatment or preventative measure is documented in the contemporaneous records of such veterinarian.
 - (2) The equine medical director of the commission is authorized to publish advisory information concerning whether or not certain drug administrations are valid treatments or preventative measures. Trainers and veterinarians are required to be familiar with such information as may be published on the commission's official website.
- (b) A veterinarian may renew another veterinarian's prescription for a horse that is engaged in activities related to pari-mutuel racing in New York State based on only his or her own veterinary judgment, and when renewing a prescription solely to avoid withdrawal symptoms, a veterinarian shall prescribe an administration regime that shall withdraw the horse from its dependence on the drug.
- (c) No drug or substance with drug-like properties having a potential to cause a significant abnormal effect on a horse may be administered to a standardbred horse that is engaged in activities related to pari-mutuel racing in New York State, except when such administration is consistent with generally accepted veterinary and animal husbandry practices for horses or is otherwise reasonable and appropriate. An abnormal effect means that a substance through its pharmacologic effects alters a horse's normal physiologic processes. In addition, no person shall have or possess or attempt to obtain any such substance (including a drug) with the intent to administer such substance in violation of this section.
 - (1) It shall be an affirmative defense that such drugs or other substances were administered in good faith and had no abnormal effect on the condition, training or race performance of the horse.
 - (2) The equine medical director of the commission is authorized to publish advisory information concerning whether or not certain uses of such substances are generally accepted, reasonable and appropriate. Trainers and veterinarians are required to be familiar with such information as may be published on the commission's official website.
- (d) The restrictions of this section apply without regard to whether a horse is entered to race.

§ 4120.4. Trainer's responsibility.

* * *

- (c) Each trainer shall keep a treatment log, including the time, dose, and route of administration of all drugs and substances with drug-like properties that are administered to horses under the care or at the direction of such trainer. Such treatment log shall be available to the commission on request for a minimum of one year after each entry. The commission shall ensure that such information is not disclosed to competitors of such trainer.

B. PETA Video Transcription

Contemporaneous with the release of the March 18, 2014 letter to the N.Y.S. Gaming Commission, PETA posted online a nine-minute, 30-second video.⁵² Using a hidden camera, the video depicted purported mistreatment of Asmussen's horses to be widespread and cavalier. Video clips also depict the Asmussen Stable and the backsides of Churchill Downs and Saratoga Race Course as places where horses were treated as commodities and given numerous joint injections as well as tranquilizers, painkillers and supplements.

Overall, Commission staff was provided access to seven cumulative hours of raw footage shot by the PETA investigator. Below is a transcript of the public video.⁵³

Horse Racing's Daily Double: Drugs and Death: A PETA Undercover Investigation

Narrator: Steve Asmussen is one of the most successful Thoroughbred racehorse trainers of all time.

Asmussen also has the most extensive record of rule and drug violations of all major trainers in U.S. horse racing.

PETA conducted a four month investigation of Steve Asmussen's operations at the famous Churchill Downs and Saratoga racetracks in order to expose what it takes to get to the top in horseracing and the price that the horses pay.

On average, 24 horses per week die on racetracks in the U.S.

During the course of the investigation, PETA's undercover agent documented standard practices in this industry in which death and injuries are business as usual.

PETA Investigator: The horses were sore and injured all the time and constantly getting injections and treatments of all kinds.

Blasi: F--- these horses. These motherf---ers. They'll f---ing break your f---ing heart every f---ing day, these c---suckers. There's always something wrong with 'em.

Narrator: To train and race through all the injuries, exhaustion and pain, horses are subjected to an endless cycle of performance-enhancing medications and pain-masking drugs. This regimen takes its toll on fragile young horses whose bones aren't fully developed.

Blasi: [Saratoga Race Course] is hard on horses, man. Everyone wants their horses here. It's the hardest place in the world on 'em.

You ought to see these limping motherf---ers I see this son [of] a b---- here jogging every day. It's f---ing horrible.

Veterinarian: Now that's amazing – to see that much fluid shooting out of those joints.

52 The video may be accessed at (last accessed 10/20/15): <https://www.youtube.com/watch?v=9TJVA2lwW4A>
53 Commission staff redacted language that may be considered offensive by some readers.

Blasi: Well f---, look at the fluid in there.

Narrator: Even Asmussen's prized horse 'Nehro' who finished second in the 2011 Kentucky Derby was forced to continue training and racing on painful chronically damaged feet.

Announcer: Animal Kingdom wins the Derby. 'Nehro' in second.

PETA Investigator: Have 'Nehro's' feet always been this bad?

Blasi: Yes. They're horrible.

Farrier: That's all missing. His foot is a little bitty nub. It's all broke off. He lost – listen to me – he lost Z-bars on both feet multiple times until he had bloody holes in the bottom of his feet.

Unknown: The problem is this horse who don't have any foot at all.

Blasi: Quit being such an a--hole. He's got contracted heels. Aggravating son of a b----. And it's just, he's got no foot. There's no wall, there's no wall.

Farrier: He doesn't even have a pulse in this one, and he's barely got one in the - Stick your thumb in there. Right there in that frog. Oh, right there. Don't touch it again. Oops, he can't take a brush. No, it's been like that for three months – right there, from putting a Z-bar over top of it, it rotted. Put your thumb in that hole right there.

Blasi: I – listen – I know the f---er hurts. This hurts him.

Farrier: Let me show you this hole. This is treacherous. We've tried super glue in that hole.

Blasi: Super glue? That's the stupidest thing I've ever heard.

Narrator: Just a few days later, on Kentucky Derby Day 2013, 'Nehro' died after severe bout with colic at Churchill Downs.

Blasi: I have seen a lot of s---. That is the most violent f---ing death I have ever seen.

Exercise Rider: We almost died just trying to get that motherf---er down. [Owner Ahmed Zayat] should have retired the horse a year ago. They should have retired him from racing last year. Yeah, that's when he was done. He was finished then.

Blasi: After that, he should have been retired.

PETA Investigator: Why didn't they? For the money?

Blasi: F-----g c-nt.

Narrator: From birth to death, most horses used for racing are treated like disposable commodities.

Blasi: You cannot believe how many [horses] they hurt and kill before they ever even get to the

racetrack. It's mind-boggling.

Narrator: While gamblers at the Kentucky Derby sip mint juleps, the horses are served a steady diet of drug cocktails.

PETA Investigator: With all the medications the horses were being given, even in their feed, I felt more like working in a pharmacy than a stable.

Narrator: One of Asmussen's drugs of choice was Thyroxine. The drug was being given to every horse in Asmussen's barns apparently without testing or evidence of any thyroid condition. This drug was recklessly administered, seemingly just to speed up metabolism. Not for any therapeutic purpose.

Blasi: It [thyroxine] keeps the thyro level up. Makes 'em feel good.

Narrator: Similarly, Lasix, a controversial drug banned in Europe on race-days, was injected into all of Asmussen's horses that were being raced or timed. PETA's investigator recorded New York's top horse racing veterinarian admit that the primary reason why Lasix is given to most of the horses is for performance enhancement.

PETA Investigator: Does Asmussen have all the horses he works on Lasix, do you know? Or are there some that don't need it?

Hunt: They basically all run on it. It makes them lighter.

PETA Investigator: I just didn't know if there were some that didn't need it.

Hunt: Probably, but it's a performance enhancer.

Narrator: PETA's investigator also documented an array of painful treatments performed on horses.

PETA Investigator: Are those marks on his legs from blisters?

Blasi: Right there, that's from freeze firing. You take liquid nitrogen ... although that job right there is the worst f---ing freeze fire job I've ever seen in my life.

Shockwave therapy is, like, it dead[ens] – it kills pain. That's why you can't do it close to it [race-day]. 'Cause people used to do it like two or three days out, and then these motherf---ers go out there and snap their f---ing leg off.

PETA Investigator: You have to have, like, a specialist come in and do it?

Blasi: No, anybody can do it. A f---ing retard can do it. It f---ing hurts like hell. I can't believe them f---ing sons of b----es can take it.

PETA Investigator: I would see bettors in the stands reading statistics in the Daily Racing Form and I would think 'They don't know how sore and injured these horses are and how many medications they're on. They're being duped.'

Narrator: Here, Asmussen's Chief Assistant Trainer Scott Blasi, angry that his horse got scratched by stewards before a race tells the investigator how he will fool the stewards next time.

Blasi: But you know what? I'll f---'em next time. I'll put a gel cast on that motherf---er, and I'll make it look as good as it f---ing can. I ain't got no problem scratching the horse. Horse is a little f---ing off.

Narrator: Trainers will do just about anything to gain an advantage regardless of the consequences to the horses.

Here, Scott Blasi jokes about how one of his leading jockeys Ricardo Santana Jr. used a concealed shocking device on the horses.

Blasi: I'd tell [jockey Ricardo Santana Jr.], "You got the máquina [battery shocking device]? Boss, I got the máquina.

Narrator: The investigator also recorded Hall of Fame jockey Gary Stevens and Hall of Fame trainer D. Wayne Lukas laughing about the use of these painful and dangerous shocking devices.

Stevens: So, long story short, I win the race and hit the finish line, and I reach over to pull this off, and I, I shock the s--- out of myself.

Lukas: Well, we used to go behind the gate at Ruidoso. And it was just like it was a full-blown orchestra. Zzz. Zzz. Zzz. Everybody had one. Everybody had one.

Narrator: Although during nationally televised races, owners and trainers will wax on about how much they love their horses, here's what they say when they think the cameras aren't rolling.

Here, Scott Blasi celebrates losing one of his poorly performing horses in a claiming race to a new owner.

PETA Investigator: Did they claim 'Valediction?'

Blasi: I could just do a f---ing cartwheel right now.

Narrator: The horse, 'Valediction,' later had to have emergency surgery but Blasi was overjoyed that he had unloaded the horse.

Blasi: If they ask you how he is, say he's my favorite horse.

Narrator: Then Blasi and the new trainer for 'Valediction,' Rudy Rodriguez, joked about 'Valediction,' saying that he was a rat – horse racing vernacular for a horse who doesn't win money.

Blasi: You take my horse?

Rodriguez: Yeah.

Blasi: You'll do good with him, Rudy.

Rodriguez: Nah, he's a rat, man.

Blasi: Rudy, we've traded a rat for a rat. We traded a rat for a rat.

Narrator: PETA's investigator also documented the terrible conditions for the exploited workers in Asmussen's barns. Many undocumented laborers were required to work long hard hours for little pay.

PETA Investigator: It was awful to see them getting exploited like this. Many couldn't even live in the staff dorms at the track because they were undocumented workers. They had to sleep in the barns and tack rooms.

Narrator: Here, Asmussen is explaining how to manufacture paperwork illegally.

Asmussen: If you use that number, they're gonna f---ing know.

Blasi: So I presented it to them like this, "It's real simple. If you guys want the job, you're not gonna work for me under that name."

They'll come in and f---ing raid you, and as far as they know, you don't exist anymore.

PETA Investigator: Did you help them get the Social Security cards, too, and all that sort of -

Blasi: Yeah, it's like, 60, 70 dollars a person.

Narrator: The horse racing industry tries to project the image of rolling bluegrass hills and family farms, but these are factory farms where syringes are the most important tools of the trade.

[end]

C. PETA Video Analysis

In general, the PETA video can be characterized as presenting four major topical areas: representation of treatment of two specific horses ('Nehro' and 'Valediction'); treatments applied to horses in general (e.g., use of thyroxine, freeze firing, furosemide administration, shockwave therapy); issues relative to a shocking device used by a jockey on Asmussen-trained horses; mistreatment of the horses and excessive use of drugs; and general labor issues relative to Asmussen Stable employees.

Several of these topics were referenced specifically within one of the three PETA letters sent to the Commission and discussed in depth supra. Other items, such as the representation of treatment of two specific horses, use of freeze firing and shockwave therapy, a general practice of mistreating and improperly drugging the horses, and general labor issues in regard to Asmussen Stable employees were not previously addressed and thus are addressed in this section.

'Nehro'

The public video released by PETA detailed the chronic foot problems of 'Nehro,' the 2011 Kentucky Derby runner-up. The video implied that 'Nehro' had hole-ridden hooves that were held together with filler and glue. Additionally, the video illustrates the farrier pointing to 'Nehro's' right leg and saying it did not have a pulse and that a pulse barely registered in 'Nehro's' left leg. The video implies that 'Nehro' was trained without appropriate consideration of its chronic foot lameness, which led to a fatal case of colic for which 'Nehro' was euthanized.

While 'Nehro' trained outside of New York and died before the start of the 2013 Saratoga Race Meet, Commission staff inquired into the horse's health and foot condition because the horse was prominently featured in PETA public video concerning Asmussen's character and fitness.

Records and Interviews. The Commission staff interviewed the PETA investigator, Asmussen, Blasi, other assistant trainers who handled the horse after he resumed racing and training activities in October 2012, and the horse's attending veterinarians and farriers from October 2012 to his death in May 2013. Commission staff also examined 'Nehro's' veterinary and training records and the horse's necropsy report.

PETA Video. The video shows a horse that does not appear to be in distress, despite the inferences PETA draws from a conversation between Blasi and farrier about 'Nehro's' feet.

Narrator: Even Asmussen's prized horse 'Nehro' who finished second in the 2011 Kentucky Derby was forced to continue training and racing on painful chronically damaged feet.

Announcer: Animal Kingdom wins the Derby. 'Nehro' in second.

PETA Investigator: Have 'Nehro's' feet always been this bad?

Blasi: Yes. They're horrible.

Farrier: That's all missing. His foot is a little bitty nub. It's all broke off. He lost – listen to me – he lost Z-bars on both feet multiple times until he had bloody holes in the bottom of his feet.

Unknown: The problem is this horse who don't have any foot at all.

Blasi: Quit being such an a--hole. He's got contracted heels. Aggravating son of a b----. And it's just, he's got no foot. There's no wall, there's no wall.

Farrier: He doesn't even have a pulse in this one, and he's barely got one in the ... Stick your thumb in there. Right there in that frog. Oh, right there. Don't touch it again. Ooh, he can't take a brush. No, it's been like that for three months – right there, from putting a Z-bar over top of it, it rotted. Put your thumb in that hole right there.

Blasi: I – listen – I know the f---er hurts. This hurts him.

Farrier: Let me show you this hole. This is treacherous. We've tried super glue in that hole.

Blasi: Super glue? That's the stupidest thing I've ever heard.

Narrator: Just a few days later, on Kentucky Derby Day 2013, 'Nehro' died after severe bout with colic at Churchill Downs.

History. 'Nehro,' a son of Mineshaft – The Administrator by Afleet, was foaled on February 25, 2008. Consigned by Mt. Brilliant Farm, he was purchased for \$170,000 at the Keeneland Association September 2009 Yearling Sale by the Zayat Stable.

'Nehro' was first entered in a race on December 12, 2010, where he finished fourth in a \$45,000 Maiden Special Weight race at Fair Grounds Race Course in Louisiana for trainer Steve Asmussen, who handled 'Nehro' for his entire racing career. 'Nehro's' three-year old season was solid, with second-place finishes registered in the Grade II Louisiana Derby, Grade I Arkansas Derby and Grade I Kentucky Derby before a fourth-place finish in the Grade I Belmont Stakes. Following the Belmont in June 2011, 'Nehro' was not raced again until a late February 2012 Allowance Optional Claiming race at Fair Grounds. Reports indicate the horse was simply rested following the Triple Crown campaign and could have returned earlier.

'Nehro' raced four times in 2012, concluding the season with a sixth-place finish in the Grade I Stephen Foster Handicap at Churchill Downs. 'Nehro' came out of the Stephen Foster with small chip fractures in the left and right front fetlocks that necessitated surgery. The horse was referred to Dr. Larry Bramlage, D.A.C.V.S., at the Rood & Riddle Equine Hospital in Lexington, Kentucky for removal of the chip fractures by arthroscopic surgery. Dr. Bramlage's records indicate that 'Nehro' was not lame at the time of his presentation to the hospital for surgery. The surgery was routine and 'Nehro' was provided rest following the procedure.

'Nehro' returned to training at Fair Grounds in Louisiana in October 2012. Dr. Jay Addison provided veterinary care to 'Nehro' at Fair Grounds from October 2012 to April 2013. According to Dr. Addison, 'Nehro' was walked in the shed row for the first 30 to 45 days at the Fair Grounds track. Dr. Addison administered intra-articular treatment with platelet-rich-plasma. Dr. Addison recalled that 'Nehro' had small feet, but he never was called upon to examine its feet during the time that 'Nehro' was rehabilitating at Fair Grounds.

'Nehro' had workouts on December 28, 2012, January 4, 2013, January 12, 2013 and January 18, 2013. All documentation indicates the horse was healthy and not sore.

On January 20, 2013, ‘Nehro’ was fitted with special shoes called Z-bars to provide extra support that shifted weight off its heels to facilitate a spreading of ‘Nehro’s’ small hooves.

During workouts on January 24, 2013, February 2, 2013, February 10, 2013 and February 17, 2013 ‘Nehro’s’ rear feet would tuck up under his body, strike his front feet and pull off his Z-bar shoes. Records indicate that ‘Nehro’s’ front hoof walls became damaged from the nails pulling out. A small fragment from the margin (bottom) of one hoof wall was detached. The Z-bar shoes also had a tendency to inhibit proper cleaning, leading to the development of “thrush,” a common fungal infection.

Thus, after breezing on February 17, 2013, ‘Nehro’ was given a three week break in training and later fitted with different shoes on his front feet. On February 24, 2013, flexible glue-on shoes (modified to avoid pressure where the fragment was detached) were applied and a slight arthritis was treated with corticosteroid stifle injections.

The horse next worked out on March 8 and March 13, 2013, after which time ‘Nehro’ was treated with a systemic non-steroidal anti-inflammatory medication. He was also treated with joint injections of the ankles on March 14, 2013. A final workout in Louisiana was conducted on March 23, 2013.

During this training period, ‘Nehro’s’ veterinarian, assistant trainer and farrier recalled that the horse was generally not sore or lame.

‘Nehro’ was next fitted with metal shoes and was shipped to Oaklawn Park in Hot Springs, Arkansas for a \$55,000 One Mile Allowance Optional Claiming race on April 13, 2013. Records indicate the horse was found fit to race during an independent pre-race examination. Race charts indicate the horse settled off the pace and lacked a response in the drive. He placed fifth of 10 starters. He was then shipped to Churchill Downs, where Scott Blasi was located.

At Churchill Downs, the unedited video recorded by the PETA investigator illustrates the farrier discussing problems with ‘Nehro’s’ feet. Blasi is heard questioning why and what measures had been used to prevent thrush, the fungal infection. Blasi indicated that he was not pleased the infection had recurred and that there were sore spots (“holes”) on the horse’s feet. The video indicated that the sole of one of ‘Nehro’s’ front feet was sore when probed where a fragment was missing on the margin of the hoof. The farrier stated the problem occurred in Louisiana, happening when Z-bar shoes were pulled off.

Discussion with ‘Nehro’ Farrier David Hinton. Commission staff spoke at length with David Hinton, the farrier in the PETA public video. After refreshing his recollection with the video, Hinton stated that the conversation depicted in PETA public was in regard to three conditions.

First, ‘Nehro’ had received routine treatment for a quarter crack. Hinton explained that the hoof wall will occasionally crack, a condition that can be effectively managed by applying an acrylic patch which will prevent discomfort by solidifying the hoof wall. This prevents the hoof wall from opening and closing at the crack and pinching nearby sensitive tissue. A quarter crack can be effectively managed even though the hoof does not regrow for several weeks.

Second, ‘Nehro’ had incurred other defects to his front hooves and feet when the rear feet caught on the edge of his front shoes and pulled them off. This pulled out the nails from the hoof wall where the shoes were attached, causing holes in the hoof wall and, in particular, a chip or missing wedge-shaped

piece at the bottom of one hoof. After this mishap, which occurred while training in Louisiana, ‘Nehro’ was given a three-week hiatus from training. Hinton stopped using a Z-bar shoe, which is specially designed to prevent any pressure on heels, and instead used glue to attach flexible shoes, after filing off a portion of the new shoe that would otherwise press on the sole near the defect at the bottom of the hoof.

Third, while wearing the Z-bar shoes in Louisiana, Hinton explained that ‘Nehro’ had developed a common fungal infection called thrush. While Z-bar shoes are used as a preventative to heel soreness, their unique shape can interfere with keeping a horse’s feet clean and dry. The fungal infection may recur, as it later did in Kentucky, after seemingly having been controlled.

These conditions resulted in ‘Nehro’ having tender areas in the crevasses and sole at the bottom of his feet that were sore when probed and that presented shoeing and foot management issues.

According to the farrier, ‘Nehro’ had been born with small, imperfectly formed feet and relatively thin hoof walls. Such feet are not difficult or painful to work out or race on, but require special care in shoeing to protect the feet from wear and tear. In general, a race horse is shod to protect its feet. A constant challenge for trainers is to ensure the feet stay healthy and the horse’s hoof walls are sound enough to hold the nails that attach horse shoes. With smallish, imperfectly formed feet, the rigors of training and racing might result in enough stress to compromise the soundness of the hoof wall and cause sore feet. A sore foot may also result from an unbalanced or too slight distribution of the weight of the horse around the circumference of each foot as it runs. A sore foot is indicated when a horse stands with one foot slightly off the ground or favors the foot while walking or jogging on a hard surface.

‘Nehro’ did not generally evidence either of these problems.

Other Video Recordings. While Blasi is portrayed in the PETA video as resentful and insensitive to ‘Nehro’s’ pains, the unedited video of his conversation with the farrier suggests otherwise.

Blasi: [at ‘Nehro’] Come here.

Farrier: Can’t get mad at this horse.

Blasi: Hey – I’m not gonna get mad at him.

[The farrier then shows Blasi a sore spot caused by thrush on the other front foot]

Farrier: From putting a Z-bar over top of it. It rotted. Put your thumb in that hole right there.

Blasi: Listen, I know the f--er hurts. Get away from it.

The Blasi admonition to “get away from it” is not included in the PETA video.⁵⁴

⁵⁴ Additionally, Hinton informed the Commission that the conversation in the video was mischaracterized by PETA. Hinton stated the Asmussen Stable and he had a longstanding disagreement about the amount of glue that Hinton used to attach horseshoes. In this instance, the concern was in regard to Nehro’s hooves. During unedited portions of the video, Hinton advises that glue might have adhered to Nehro’s sole, resulting in tugging on tissue when he attached the flexible shoes in Louisiana. Hinton advised he was stressing the small size of the hoof wall in order to persuade Blasi that a lot of acrylic was necessary for the job of attaching the shoe. Blasi, according to Hinton, agreed that the horse had issues with its feet but was making a familiar point that the Asmussen Stable did not like much acrylic to be used.

Review. In the opinion of the N.Y.S. Gaming Commission's State Equine Medical Director, the PETA video narrative does not accurately reflect the clinical condition of 'Nehro's' feet, nor did the editing of the tape reflect an appropriate linkage of the dialogue with the actual clinical condition of 'Nehro's' feet. In fact, there was indication that 'Nehro' did have a common condition – contracted heels – that requires the use of therapeutic shoes and acrylic support of the heels and walls of the foot. However, these therapeutic efforts are both appropriate and indicated for the condition (contracted heels) present in 'Nehro's' front feet. Further, the presence of contracted heels in a Thoroughbred racehorse does not equate with chronic pain or necessarily mean that the horse is sore or lame.

In general, the State Equine Medical Director suggests the presentation of 'Nehro' in his stall is suggestive of no significant discomfort; rather, the horse appears to be in good spirits and, except when probed, evinced no distress. The absence of a pulse in one foot, and a barely detectable pulse in another, are classic indications of good foot health, not of injury or pain.

Digital photographs taken by the PETA investigator of the solar surface of 'Nehro's' left and right front feet and submitted as to the Commission as exhibits depict 'Nehro's' front feet as healthy, well shod and in good condition. It should be noted that the feet appear red from the bulb of an overhead heat lamp and not from blood.

Further, a review of the clinical circumstances leading up to 'Nehro's' death and a review of the findings of the University of Kentucky necropsy report did not support the implication by PETA that the condition of 'Nehro's' feet could be connected to its colic incident. The colic was ultimately determined to be infectious in cause.

Conclusion. 'Nehro' was afflicted with common foot conditions (contracted heels, a hoof wall quarter crack, thrush) at different times during his career and hoof wall damage caused by its back feet dislodging the front Z-bar shoes during workouts in January and February 2013 that required therapeutic shoeing and farrier treatments (acrylic patches, glue-on shoes). These treatments were appropriate and successful in that 'Nehro' was able to race successfully as a three-year-old and pass thorough pre-race inspections in multiple racing jurisdictions.

Following its race in the Pimlico Special, small chip fractures were removed from the left and right front fetlocks by arthroscopic surgery. It appears likely that the fetlock chip fractures would have been a more likely cause of potential soreness in this horse than the condition of its feet.

'Nehro' would be called "tender footed" because of its "contracted heels" and thin hoof walls. These, however, are management issues for a trainer and not a source of continuous pain. 'Nehro,' according to its veterinarians and farriers, did not experience pain in its feet except when prodded with a metal pick or brush to clean or examine its feet. The horse evidenced no difficulty when it walked or ran.

The Commission found no evidence that the horse 'Nehro' regularly experienced pain or was trained or raced while in pain or injured. The horse was prone to mild soreness because of the shape and size of its feet. The horse also had thrush, on occasion, which is a common fungal infection of the foot, and minor traumatic injuries to its feet. There was no evidence that the horse's foot issues were not properly treated and managed.

'Valediction'

'Valediction' was in residence in the Asmussen Stable at Saratoga Race Course between July 30, 2013 and August 1, 2013. The horse was entered in a \$40,000 claiming race on August 1, 2013 and was claimed from Asmussen by trainer Rudy Rodriguez.

The PETA video contains a segment regarding Blasi discussing 'Valediction' following Rodriguez's claim:

Narrator: Although during nationally televised races, owners and trainers will wax on about how much they love their horses, here's what they say when they think the cameras aren't rolling.

Here, Scott Blasi celebrates losing one of his poorly performing horses in a claiming race to a new owner.

PETA Investigator: Did they claim 'Valediction?'

Blasi: I could just do a f---ing cartwheel right now.

Narrator: The horse, 'Valediction,' later had to have emergency surgery but Blasi was overjoyed that he had unloaded the horse.

Blasi: If they ask you how he is, say he's my favorite horse.

Narrator: Then Blasi and the new trainer for 'Valediction,' Rudy Rodriguez, joked about 'Valediction,' saying that he was a rat – horse racing vernacular for a horse who doesn't win money.

Blasi: You take my horse?

Rodriguez: Yeah.

Blasi: You'll do good with him, Rudy.

Rodriguez: Nah, he's a rat, man.

Blasi: Rudy, we've traded a rat for a rat. We traded a rat for a rat.

Implicit in the narrative is that Blasi knew he was losing an injured horse.

Due to the claim, 'Valediction' was removed from the racetrack to the State test barn. While in route to the barn, 'Valediction' did not indicate any injury. After the horse cooled out post-race, the colt experienced an initial severe soreness/pain and lameness. Blasi's expression of satisfaction that the horse had been claimed occurred before the horse indicated any lameness concerns.

Subsequent Health. After being determined to be lame, 'Valediction' was believed to have sustained a fracture of its left front leg. Rodriguez had 'Valediction' vanned from the test barn to his stable,

where the horse was examined by Dr. Louis Castro. Following a radiographic examination, Dr. Castro diagnosed that ‘Valediction’ had experienced an incomplete slab fracture of the left carpus. ‘Valediction’s’ new owner had the horse sent to the Rhinebeck Equine Clinic where Dr. James Nutt successfully removed chip fracture fragments from the left carpus and recommended that ‘Valediction’ be given time to heal the incomplete slab fracture. ‘Valediction’ was subsequently rehabilitated. Before Rodriguez could resume training, ‘Valediction’ was purchased in a private sale and retired from racing.

Review. Commission staff interviewed both Asmussen and Blasi in regard to ‘Valediction.’ Asmussen described ‘Valediction’ as a beautiful horse that simply lacked the necessary competitive spirit to excel. Blasi recollects that he was pleased that ‘Valediction’ had been claimed because he believed the horse to possess limited athletic ability and unlikely to win money for its owner and trainer. Review of the PETA investigator’s notes indicates that Blasi had never mentioned that ‘Valediction’ was unsound.

The context of the conversation between Blasi and Rodriguez that appears in the PETA video is that the Asmussen Stable was disappointed with a horse, ‘Charlie’s Quest,’ that they claimed from the Rodriguez stable the day before. Following the Asmussen claim, a veterinary examination of ‘Charlie’s Quest’ detected forelimb stiffness as well as effusion and soreness to flexion of the right front coffin joint.⁵⁵

Conclusion. Given Blasi’s belief that ‘Valediction’ was unlikely to win money and knowing, by that time, that ‘Charlie’s Quest’ was lame, it is unsurprising that Blasi states that two have traded “a rat⁵⁶ [‘Charlie’s Quest’] for a rat [‘Valediction’],” or in other words, neither stable got an advantage from the two transactions.

‘Charlie’s Quest’

In the PETA video, Blasi is shown suggesting that the Asmussen Stable intended to race a sore and injured horse by concealing its condition. Specifically, after the horse ‘Charlie’s Quest’ was scratched from running on August 12, 2013, Blasi is depicted as indicating how he would run the injured horse:

Narrator: Here, Asmussen’s Chief Assistant Trainer Scott Blasi, angry that his horse got scratched by stewards before a race tells the [PETA] investigator how he will fool the stewards next time.

Blasi: But you know what? I’ll f---’em next time. I’ll put a gel cast on that motherf---er, and I’ll make it look as good as it f---ing can. I ain’t got no problem scratching the horse. Horse is a little f---ing off.

Background. The horse ‘Charlie’s Quest’ was claimed by Asmussen personally after starting in a \$40,000 claiming race on July 31, 2013 at Saratoga Race Course. The gelding finished sixth in the

⁵⁵ ‘Charlie’s Quest’ was treated with an injection on August 6, 2013 of hyaluronic acid and a systemic anti-inflammatory medication. Three days later, another systemic corticosteroid was administered. The Asmussen Stable entered this horse to race after only light work, but the horse was scratched by a NYRA examining veterinarian on August 12, 2013. Later that day, ‘Charlie’s Quest’ was examined by one of Asmussen’s veterinarians who opined that the horse was sound. The PETA investigator’s notes indicate she noticed the horse jogging for the pre-race examination, but observed nothing out of the ordinary. ‘Charlie’s Quest’ received no other lameness or other veterinary treatments before being shipped to Churchill Downs on August 20, 2013. The horse was then given an extended period of rest by Asmussen before resuming training. It next raced, without incident, on March 29, 2014. As of June 2015, this horse remains as a Thoroughbred racing participant.

⁵⁶ In racing parlance, a rat is a horse that is unlikely to earn money.

race. Veterinary and training records indicate that following the claim, the Asmussen Stable walked the horse for three days and jogged it for three more.

History and Treatment. During an examination conducted at the trainer's request on August 6, 2013, a veterinarian detected forelimb stiffness as well as effusion and soreness following flexion of 'Charlie's Quest's' right front coffin joint. The veterinarian, Dr. Cheney, injected the joint with hyaluronic acid and administered a systemic anti-inflammatory medication. According to veterinary records, the horse presented as stiff in front but not lame following this treatment. Dr. Cheney recollects he observed that the horse's distal sesamoidian ligaments were inflamed after the claim, but that "the horse was sound going." On August 9, 2013, a systemic corticosteroid injection was administered for "hives." Other than small doses of acepromazine on August 4, 2013 and August 5, 2013, no other drugs were given to this horse.

The Scratch and Subsequent Presentation. 'Charlie's Quest' was entered in the first race on August 12, 2013, a \$25,000 claiming race. The gelding was scratched on race-day by a NYRA examining veterinarian based on her pre-race examination of the horse.

Blasi and Dr. Cheney advised the examining veterinarian that the horse was sound and jogged 'Charlie's Quest' in the veterinarian's presence. The PETA investigator, who was present during this examination, noted that she "could not discern anything remarkable about his gait." Dr. Cheney and Blasi agreed that the horse had mild effusion and "was a little off," but were unable to convince the NYRA veterinarian to change her mind, resulting in the horse's scratch.

Records indicate that the following day, August 13, 2013, 'Charlie's Quest' was galloped and breezed without incident.

'Charlie's Quest,' who received no other lameness or other veterinary treatments while residing at Saratoga, was shipped to Churchill Downs on August 20, 2013. The horse was then given an extended period of rest on a farm before he resumed training. He next raced, without incident, on March 29, 2014 at Oaklawn Park in a \$27,000 waiver claiming race. The horse was trained and owned by Asmussen for another nine additional starts until being claimed on November 13, 2014 following a \$19,000 claiming race at Churchill Downs.

Blasi Comments. Placed in context, Blasi had made no attempt before the pre-race examination to treat 'Charlie's Quest' with a gelcast or in any other way to conceal the horse's condition from the NYRA examining veterinarian so as to ensure the horse would race. He believed he was seeking to enter a sound horse.

Blasi's boast that he would use a "gel cast" to conceal signs of inflammation from an examining veterinarian indicates his understanding of the therapeutic value of this treatment, not only his awareness that examining veterinarians use the clinical signs of inflammation (redness, heat, pain and swelling) as indicators of the presence of a condition that may put the racehorse at increased risk of injury if allowed to race.

In discussion with Commission staff, Blasi explained that he was blowing off steam, as he had to inform his boss that his personally owned horse was being scratching despite Blasi and the Stable veterinarian believing he was fine to run.

Additionally, Blasi was venting anxiety that the NYRA examining veterinarian perhaps noticed something that Blasi should have noticed. Regardless, the fact that no more veterinary treatment was required for the horse coupled with the cautious handling of ‘Charlie’s Quest’ for several months after the scratch indicate that Blasi was not expressing a serious or actual intent to train or race this horse through its injuries.

Conclusion. The Commission finds no support for the inference that the Asmussen Stable expressed no regard for the health and safety of the horse and jockey was planning to deliberately expose a lame horse to the risk of injury or death by interfering with its pre-race examination.

Cryotherapy (Freeze Firing) and Blistering

Cryotherapy (Freeze Firing). In the narration of the PETA video there are references to cutaneous ulcers or blisters on the dorsal surface of some horses’ legs in the Asmussen Stable. A review of the public and unedited portions of the video, the daily notes of the PETA investigator and an interview with Blasi indicate the cutaneous lesions were, in fact, healed lesions resulting from application of a cryotherapy probe to the skin surface.

Cryotherapy is the controlled application of liquid nitrogen to the skin surface and is one palliative therapeutic option for treatment of “bucked shins” in racehorses. Cryotherapy destroys melanocytes in the skin surface and hair regrowth is limited. When hair does regrow at treatment sites, it will be white. This creates the cosmetic defect observed and misinterpreted by the PETA investigator as a disease condition of the skin.

The use of cryotherapy for treatment of bucked shins is not a common treatment, but is considered to be a one of a number of legitimate therapeutic options for this condition.

Counterirritation (Blistering). Counterirritation is the therapeutic modality in which a topical medication is applied to the skin in order to stimulate increased circulation of the body part and therefore stimulate healing. Counterirritant therapeutic agents most commonly include iodine-based leg paints and blisters. This treatment modality has been used in equine practice for many years, but has been supplanted for the most part by more modern technology such as extracorporeal shock wave therapy. Given the convenience and inexpensive nature of counterirritative agents, this treatment modality is still in use, particularly for treatment of chronic conditions such tendon and ligament injuries, bucked shins, splints and curbs.

Counterirritant therapy typically involves clipping the area to be treated, followed by daily application of the preparation to the clipped skin once daily until a scurf (scale) forms on the skin surface. The PETA investigator reported an abnormal skin appearance and misinterpreted such to be a skin disease. Horses undertaking this treatment are typically rested or lightly worked, depending upon the degree of injury. Application of counterirritants may cause some degree of acute inflammation of the skin where the medication is applied.

The therapeutic rationale behind counterirritant therapy is that irritation of the skin can promote healing and relieve pain by stimulation of circulation at the site of application. In humans, application of counterirritant cream has been shown to reduce pain and provide for increased range of motion

in injured joints. Healing of injury or disease of equine tissue requires adequate circulation in order that a normal healing process may occur. The blood flow to the region of interest provides for delivery of oxygen, proteins (growth factors and other cytokines) and cells that remove damaged tissue, fight infection, reduce inflammation and provide the “building blocks” for healing and remodeling of tissue. The degree of natural circulation to the distal extremities of horses, particularly the dorsal surface of the third metacarpal (cannon bone) where “bucked shins” occur, is relatively scant when compared to that of the proximal portion of the limbs.

Conclusion. Cryotherapy is a humane veterinary procedure when performed with appropriate pain management and protection from infection. The use of cryotherapy by the Asmussen Stable to treat bucked shins should be anticipated given two of the authors in the original report of use of cryotherapy for the treatment of bucked shins are Dr. McClure and Dr. Reed, partners in Equine Medicine and Surgery who care for Asmussen’s horses in Kentucky and Arkansas.

Additionally, for reasons discussed above, counterirritation is often applied to the skin surface of the distal extremities of horses in order to improve the healing process for conditions such as “bucked shins.” Staff review of the PETA public and non-public video suggests that no horses experienced pain as a result of counterirritation by or were inappropriately administered counterirritation.

Extracorporeal Shock Wave Therapy

Background. Extracorporeal Shock Wave Therapy (“ESWT”) uses sound waves to deliver an acoustical, not electrical, shock to the body. It is a therapeutic treatment used in humans and horses to treat injury to bone and soft tissue (muscle, tendons and ligaments). ESWT was developed in human medicine to break up bladder and kidney stones. Physicians discovered that ESWT was also an effective treatment for insertional desmopathies (ligament and tendon injuries) in human athletes.

Subsequent research and clinical experience in horses has demonstrated that it can be helpful to treat similar injuries in horses as well as to promote bone remodeling in the third metacarpal (cannon bone) as a treatment for bucked shins. ESWT may also be used appropriately as an adjunct treatment for some more advanced stages of dorsal metacarpal disease in horses. Additionally, ESWT is also used to treat muscle soreness in the back and to reduce inflammation in joints of athletic horses.

Research into the use of ESWT in horses has produced conflicting information regarding the degree of analgesia (loss of pain sensation) incidentally caused by ESWT treatment. One study found that the area of treatment may be slightly desensitized for as long as three days following treatment. In other studies, no significant analgesic effect was demonstrated. Due to concerns regarding this effect, treatments are regulated by racing jurisdictions. The Commission, with the support of horsepersons and consistent with a proposed national model rule, adopted a rule making horses ineligible to train at high speed or race for 10 days following ESWT treatments.

Pain management by veterinarians is a very important part of many of the procedures that are performed on horses. Pain control is not only of vital importance from an animal welfare standpoint, it is also important to minimize the risk of injury to the veterinarian who is applying the therapy. The impact of acoustical shock waves to the body are painful to varying degrees, depending upon the type of machine being used for treatment, the amount of energy delivered to the tissue and the location of the treatment (e.g., direct application to bone is more painful than application to the large muscle

groups on the back of a horse). Veterinarians routinely address this concern by administering analgesic and sedative medication to the horse immediately prior to treatment. In some cases, particularly with excitable horses, local anesthesia may be administered to the treatment site prior to therapy. These therapy protocols result in routine treatment of horses with ESWT without causing the horse to experience any conscious pain or suffering.

Used in conjunction with appropriate pain management protocols, and properly regulated by racing authorities, ESWT is a humane and beneficial therapeutic treatment for horses with musculoskeletal injury that are not actively training or racing.

PETA Video. The narrative of the public PETA video alleges that treatment of horses with ESWT constitutes animal abuse because the treatments are painful. Specifically, Blasi is heard saying:

Blasi: Shockwave therapy is, like, it dead[ens] – it kills pain. That's why you can't do it close to it [race-day]. 'Cause people used to do it like two or three days out, and then these motherf---ers go out there and snap their f---ing leg off.

PETA Investigator: You have to have, like, a specialist come in and do it?

Blasi: No, anybody can do it. A f---ing retard can do it. It f---ing hurts like hell. I can't believe them f---ing sons of b----es can take it.

Review. Commission staff questioned Blasi in regard to the Asmussen Stable ESWT practice, Blasi acknowledged that he had never seen ESWT administered to a horse. When interviewed by Commission staff, Asmussen stated that he too was not familiar with ESWT and it is not used as a treatment with horses under his care.

Conclusion. Commission staff review of veterinary records confirm that no horses in the Asmussen Stable were treated with ESWT.

Training and Veterinary Practices

The public video released by PETA alleged that the Asmussen Stable routinely mistreated its horses by training and racing sore, lame and exhausted horses and subjecting their horses to excessive drug administrations, pain masking drugs, and performance enhancing substances.

Commission staff inquired into these alleged practices because they were prominently featured in the PETA public video.

Records and Interviews. The Commission staff interviewed the PETA investigator, Steven A. Asmussen, Scott A. Blasi, and veterinarians Marcus W. Cheney, D.V.M., James C. Hunt, D.V.M., and Joseph F. Migliacci, D.V.M. who treated the Asmussen horses at Saratoga Race Course in 2013. Commission staff also reviewed the PETA investigator's notes, photographs and video recordings and the veterinary, racing and training records of the Asmussen Stable horses. The PETA investigation included, in addition to observations of the PETA investigator, photographs of the daily administrations for one month of drugs that had been dispensed to the trainer.

Concern. According to PETA, the horses in the Asmussen Stable were inhumanely overworked and overmedicated.

Analysis.

1. **Animal Abuse.** Commission staff evaluated the Asmussen stable's care of its horses by examining the manner in which the Stable attended to its horses, the veterinary care, and the training and racing regimens of every horse, including a review of what occurred when a horse was reportedly sore or injured. To avoid undercounting bias, the Commission staff adopted three conventions to supplement witness observations:
 - (a) when a horse's reported soreness or injury was preceded by a breeze or race, either in the near past or separated by an interval of unusually light training, the soreness or injury arose at the time of the breeze or race;
 - (b) a horse continued to be sore or injured until resuming its usual training activities, despite the absence of any further veterinary care or reported disability; and
 - (c) a horse was healthy when it was normally training and racing and had no reported physical issues.

Equine Medical Director Scott E. Palmer, V.M.D., medically assessed the reported soreness or injury of each horse and investigated the subsequent off-track veterinary care, training, and racing of each horse that was sore or injured when transported from Saratoga Race Course.

Commission staff found no evidence that horses in the Asmussen Stable were generally sore or injured. It was rare for a horse to have been lame (less than two percent) or sore (less than 10 percent) during its days at the racetrack. The horses that required special treatments were promptly shipped for appropriate care and resumed normal activities after an appropriate recovery period. The Asmussen stable evinced appropriate procedures for caring for and training their horses and did not appear to train or race sore, exhausted, lame, or injured horses.

2. **Medication Misuse.** Commission staff found no evidence that the Asmussen stable administered any pain masking or performance enhancing drugs or other substances. Dr. Palmer also examined and medically assessed each of the reported administrations of drugs to a horse, compared such records to the training and racing records of the horses, and evaluated the use of drugs by the Asmussen Stable. Other than as noted supra, Dr. Palmer found that the medications used by the Asmussen Stable were beneficial and humane.

Conclusion. Other than as noted supra, Commission staff found no evidence of any misuse of drugs. There was no evidence that the Asmussen Stable did not act in accordance with acceptable standards of animal care and veterinary practices.

Labor Issues

Referral. Commission staff did not investigate publicly portrayed immigration and wage violations referred to by PETA in the video release. Rather, staff referred the matter to appropriate state and federal agencies with specific jurisdiction over labor matters. Staff did, however, in 2014 examine and found acceptable the living conditions for Asmussen backstretch workers at Saratoga Race Course.

Federal Lawsuit. We note that on June 25, 2015, the U.S. Department of Labor filed a civil lawsuit against KDE Equine, LLC d/b/a/ Steve Asmussen Stables and Steve Asmussen alleging that his stable broke federal labor law by not paying proper overtime to workers at Churchill Downs. The suit was filed in U.S. District Court in Louisville, Kentucky.

The lawsuit noted that since January 24, 2013, KDE Equine, LLC, d/b/a Steve Asmussen Stables, and Steve Asmussen, have been under a permanent injunction issued by the United States District Court for the Eastern District of New York to ensure their compliance with the federal Fair Labor Standards Act of 1938, including but not limited to the payment of minimum wages, overtime wages, and the requirement to make, keep and preserve adequate records of their employees, as prescribed by the regulations issued pursuant to Section 11(c) of the Act and found at 29 CFR Part 516. According to the lawsuit, Asmussen had also agreed to pay back wages and liquidated damages in the total amount of \$29,095.97 to employees performing services for defendants prior to July 21, 2012 in New York State.

In general, the new lawsuit claims that Asmussen and KDE Equine LLC “willfully and repeatedly” had hot walkers and grooms work more than 40 hours per week without paying appropriate wages in violation of the federal Fair Labor Standards Act of 1938. The lawsuit also alleged that Asmussen failed to keep accurate records of workers and how long they worked, and that two workers were erroneously treated as exempt from overtime.

A copy of the complaint and answer in the case, *Perez v. KDE Equine, LLC et al.*, No. 3:15-cv-00562-CRS (W.D. Ky. filed June 25, 2015), has been included in the Appendices to this Report. A scheduling conference is set by the U.S. District Court Western District of Kentucky for Decmeber 2, 2015 in Louisville, Kentucky.

Conclusion. Commission staff reserves the right to examine occupational character and fitness of Steven M. Asmussen and Scott A. Blasi, dependent upon the outcome of an investigation or litigation outcome in regard to the aforementioned labor issues.

D. ‘Inaflash’ Timeline

May 4, 2010	‘Inaflash’ is foaled by One Fell Swoop, by Vicar. She was sired by Flashy Bull in Kentucky by breeders Joe Mulholland, Jr., John Mulholland and Karen Mulholland.
January 2011	Consigned by Mulholland Farm to the Keeneland Association All Age Sale for \$9,000. Reserve was not met.
August 2011	Consigned by Dapple Stud to the Ocala Breeders’ Select and Open Sale of Yearlings, sold to David Scanlon for \$70,000.
March 2012	Consigned by Scanlon Training Center to the Ocala Breeders’ Selected Sale of Two-Year-Olds in Training for \$125,000. Reserve was not met.
Trainer: Chad Brown	
July 8, 2012	‘Inaflash’ was found to have a “trace” of pulmonary bleeding after a workout.
August 18, 2012	‘Inaflash’ makes its first start in the first race, a \$45,000 Maiden Special Weight race at PARX Racing in Pennsylvania. She finished second. Robert V. LaPenta is the owner of record.
October 11, 2012	‘Inaflash’ races in the third race, a \$50,000 Maiden Claiming race at Belmont Park. She finishes second. Claimed for \$50,000 by Linda Rice for MAT Stables, LLC.
Trainer: Linda Rice	
November 25, 2012	‘Inaflash’ is raced in the third race at Aqueduct Racetrack, a \$40,000 Maiden Claiming race. She finishes third.
December 15, 2012	‘Inaflash’ is raced in the fourth race at PARX Racing, a \$45,000 Maiden Special Weight race. She finishes fifth.
May 12, 2013	‘Inaflash’ is raced in the eighth race at Belmont Park, a \$38,400 Maiden Claiming race. She finishes third.
May 26, 2013	‘Inaflash’ is raced in the seventh race at Belmont Park, a \$34,800 Maiden Claiming race. She finishes fourth. Claimed for \$20,000 by Steven Asmussen Stable for Clark O. Brewster. Veterinary records illustrate a post-race endoscopic examination finds ‘Inaflash’s’ airways to be “clean.”

Trainer: Steve Asmussen

June 4, 2013	'Inaflash' runs a scheduled workout without incident. Veterinary records illustrate a post-workout endoscopic examination finds 'Inaflash's' airways to be "clean."
June 8, 2013	'Inaflash' suffers a cut on a leg and is treated with antibiotics for several days
June 16, 2013	'Inaflash' runs a scheduled workout without incident. Veterinary records illustrate a post-workout endoscopic examination finds 'Inaflash's' airways to be "clean."
July 11, 2013	'Inaflash' runs a scheduled workout without incident. Veterinary records illustrate a post-workout endoscopic examination finds 'Inaflash's' airways to be "clean."
July 12, 2013	'Inaflash' is shipped from Belmont Park to Saratoga Race Course
July 14, 2013	Veterinary, training and racing records show that 'Inaflash' is treated with cortico-steroid joint injections for "mild effusion" of its front legs.
July 16, 2013	'Inaflash' resumes normal training activities and has respiratory issues
July 18, 2013	'Inaflash' runs a scheduled workout without incident. Veterinary records illustrate a post-workout endoscopic examination finds 'Inaflash's' airways to be "clean."
July 24, 2013	'Inaflash' is raced in the fifth race at Saratoga Race Course, a \$37,000 Maiden Claiming race. She finishes second. After the race, 'Inaflash' is scoped by Dr. James Hunt who finds internal bleeding that he graded as two in severity. Dr. Hunt diagnoses EIPH and treats the horse with immune stimulants that up-regulate the natural healing processes of the lung tissue and antibiotics.
August 2, 2013	'Inaflash' runs a scheduled workout without incident. Veterinary records illustrate a post-workout endoscopic examination finds bleeding graded at two in severity.
August 8, 2013	'Inaflash' runs a scheduled workout without incident. Veterinary records illustrate a post-workout endoscopic examination finds 'Inaflash's' airways to be "clean."
August 9, 2013	'Inaflash' was walked without incident.
August 12, 2013	'Inaflash' races in the sixth race at Saratoga Race Course, a \$37,000 Maiden Claiming. She finishes first. A post-race endoscopic examination finds 'Inaflash's' airways "clean" and had "no pathology."
August 21, 2013	'Inaflash' runs a scheduled workout without incident. Veterinary records illustrate a post-workout endoscopic examination finds 'Inaflash's' airways to be "clean."
August 28, 2013	'Inaflash' runs a scheduled workout. No veterinary records of an endoscopic examination are found.
September 2, 2013	'Inaflash' races in the first race at Saratoga Race Course, a \$44,400 Claiming race. She finishes second. Claimed for \$20,000 by Robert Barbara for Vincent Scalcione. A post-race endoscopic examination finds a trace of blood. A diagnosis of EIPH is made.

Trainer: Robert Barbara	
September 19, 2013	'Inaflash' races in the fourth race at Belmont Park, a \$39,000 Claiming race. She finishes ninth.
October 3, 2013	'Inaflash' races in the fourth race at Belmont Park, a \$30,000 Claiming race. She finishes second.
October 18, 2013	'Inaflash' races in the fourth race at Belmont Park, a \$28,000 Claiming race. She finishes third. Claimed for \$15,000 by Jeremiah C. Englehart for Neal M. Allred.
Trainer: Jeremiah Englehart	
November 1, 2013	'Inaflash' races in the seventh race at Finger Lakes Race Track, a \$21,000 Allowance race. She finishes third.
November 29, 2013	'Inaflash' races in the eighth race at Finger Lakes Race Track, a \$21,000 Allowance race. She finishes first.
December 21, 2013	'Inaflash' races in the ninth race at Aqueduct Racetrack, a \$25,000 Claiming race. She finishes first. Claimed for \$12,500 by Yvon Belsoeur for Bruno Schickedanz.
Trainer: Yvon Belsoeur	
January 19, 2014	'Inaflash' runs a scheduled workout without incident. Veterinary records illustrate a post-workout endoscopic examination finds a lung infection which is treated with antibiotics.
January 23, 2014	'Inaflash' races in the third race at Aqueduct Racetrack, a \$47,000 Starter Allowance race. She finishes second.
February 17, 2014	'Inaflash' races in the eighth race at Aqueduct Racetrack, a \$50,000 Starter Allowance race. She finishes sixth.
March 13, 2014	'Inaflash' races in the fifth race at Aqueduct Racetrack, a \$50,000 Starter Allowance race. She finishes fifth.
March 24, 2014	'Inaflash' races in the seventh race at Aqueduct Racetrack, a \$25,000 Claiming race. She finishes fifth. Claimed for \$12,500 by Juan Ortiz for Lil Red Rooster Racing.

Trainer: Juan Ortiz

March 30, 2014	'Inaflash' races in the second race at Aqueduct Racetrack, a \$29,000 Claiming race. She finishes fourth.
April 16, 2014	'Inaflash' races in the second race at Aqueduct Racetrack, a \$29,000 Claiming race. She finishes fifth.
May 6, 2014	An endoscopic examination results in 'Inaflash' being treated with anti-inflammatory medication and given an immune booster.
May 7, 2014	'Inaflash' runs a scheduled workout without incident. Veterinary records illustrate a post-workout endoscopic examination finds 'Inaflash's' airways to be "clean."
May 15, 2014	'Inaflash' races in the first race at Belmont Park, a \$25,000 Claiming race. She finishes second.
September 7, 2014	'Inaflash' races in the first race at Belmont Park, a \$25,000 Claiming race. She finishes first.
October 23, 2014	'Inaflash' races in the fifth race at Belmont Park, a \$32,000 Claiming race. She finishes fourth.
October 29, 2014	'Inaflash' races in the fourth race at Aqueduct Racetrack, a \$25,000 Claiming race. She finishes third.
November 19, 2014	'Inaflash' races in the sixth race at Aqueduct Racetrack, a \$20,000 Claiming race. She finishes first.
December 5, 2014	'Inaflash' races in the seventh race at Aqueduct Racetrack, a \$25,000 Claiming race. She finishes first. Claimed for \$12,500 by Danny Gargan for The Players Group

Trainer: Danny Gargan

January 4, 2015	'Inaflash' races in the sixth race at Aqueduct Racetrack, a \$30,000 Claiming race. She finished third.
January 25, 2015	'Inaflash' races in the ninth race at Aqueduct Racetrack, a \$20,000 Claiming race. She finishes first.
February 21, 2015	'Inaflash' races in the fourth race at Aqueduct Racetrack, a \$25,000 Claiming race. She finished first. Claimed for \$12,500 by Gary P. Gullo for Prestine Racing.

Trainer: Gary P. Gullo

April 3, 2015	'Inaflash' raced in the sixth race at Aqueduct Racetrack, a \$20,000 Claiming race. She finished first. Claimed for \$10,000 by Gary C. Contessa for Robert Photos.
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Trainer: Gary C. Contessa

April 24, 2015	<p>'Inaflash' raced in the first race at Aqueduct Racetrack, a \$25,000 Claiming race. She finished third.</p> <p>During the race, 'Inaflash' suffered a sesamoid fracture.</p> <p>Claimed for \$12,500 by Linda Rice for Knights of the Round Stable.</p>
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Trainer: Linda Rice

April 28, 2015	'Inaflash' has sesamoid surgery at Hogan Equine at Fair Winds Farm in New Jersey to have a bone chip removed.
May 6, 2015	'Inaflash' is retired to New Vocations Horse Adoption.
Summer 2015	The horse is adopted. Renamed 'Fiona,' she is expected to have a second career such as jumping or dressage.

Career Statistics

Year	Starts	Firsts	Seconds	Thirds	Earnings
2015	5	3	0	2	\$ 44,500
2014	12	3	2	1	\$ 65,270
2013	11	3	3	3	\$ 82,755
2012	4	0	2	1	\$ 22,750
Total	32	9	7	7	\$ 215,275

E. PETA Correspondence

May 2, 2014

John A. Crotty, Board Member
 John J. Poklemba, Board Member
 Barry Sample, Board Member
 Todd R. Snyder, Board Member
 New York State Gaming Commission
 P.O. Box 7500
 Schenectady, NY 12301-7500

Via First-Class Mail and Email (info@gaming.ny.gov)

Re: Supplement to PETA's March 18 request for an investigation

Dear Messrs. Crotty, Poklemba, Sample, and Snyder:

I am writing to supplement PETA's March 18, 2014, request for an investigation into Steve Asmussen and KDE Equine, LLC, doing business as Steve Asmussen Racing Stables (Asmussen). PETA respectfully requests that your agency also investigate Asmussen's racing and training at Saratoga racetrack of a young filly named Inaflash to determine whether New York's restrictions on racing horses after episodes of exercise-induced pulmonary hemorrhages (EIPH) were violated during August 2013, when Inaflash was owned by Clark O. Brewster, Steve Asmussen's attorney. We further request that you investigate the conduct of Inaflash's other owners and trainers to determine whether they violated the EIPH regulations since she was raced on Lasix in all twenty-one of her races of her career—including nineteen races in New York—as described below. We also ask that you work in cooperation with relevant New York authorities to investigate and prosecute owners and trainers who repeatedly force horses to race in a manner that causes bleeding in the lungs as a violation of New York's law prohibiting cruelty to animals.

I. New York's Restrictions on Racing Horses After a Bleeding Episode

A. N.Y. COMP. CODES R. & REGS. tit. 9, § 4043.2. Restricted use of drugs, medication and other substances

With the intent of protecting the safety and wellbeing of horses, New York law restricts when a horse is eligible for the administration of Lasix and prohibits horses from being raced for certain periods of time after suffering from bleeding episodes. Specifically, N.Y. COMP. CODES R. & REGS. tit. 9, § 4043.2 provides "Drugs and medications are permitted to be used only in accordance with the following provisions.

...
 (b) *Eligibility for the administration of furosemide.*

(1) The administration of furosemide is permissible to a horse that has qualified for such use by any of the following means:

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PEOPLE FOR
 THE ETHICAL
 TREATMENT
 OF ANIMALS
 FOUNDATION

Washington, D.C.
 1536 16th St. NW
 Washington, DC 20036
 202-483-PETA

Los Angeles
 2154 W. Sunset Blvd
 Los Angeles, CA 90026
 323-644-PETA

Norfolk
 501 Front St
 Norfolk, VA 23510
 757-622-PETA

Oakland
 554 Grand Ave
 Oakland, CA 94610
 510-763-PETA

- [New Legislation](#)
- [Animal Cruelty](#)
- [Consumer Safety](#)
- [Healthcare](#)
- [Housing](#)
- [Humane Law Enforcement](#)
- [Industrial Agriculture](#)
- [Pet Protection](#)
- [Seafood](#)
- [Transportation](#)
- [Wildlife](#)

- (i) the horse has bled visibly during a race or a workout, as determined by the association veterinarian; or
 - (ii) the horse has bled during a race or workout, as determined by an attending veterinarian based upon such veterinarian's clinical assessment of the horse, which may or may not include an endoscopic examination after the race or workout; or
 - (iii) the horse has been qualified by the State veterinarian or a veterinarian employed by the racetrack for the administration of furosemide in another racing jurisdiction; or
 - (iv) the horse has raced on furosemide in such horse's last race in a jurisdiction with rules substantially similar to New York State.
- (2) If it is determined that a horse has qualified...[for Lasix], and the owner or trainer elects to make the horse eligible for the administration of furosemide, the horse shall be placed on a list of horses that have bled, to be maintained by the association veterinarian and shall not be permitted to race for the following periods of time:
- (i) 1st time - 10 days after such episode of bleeding;
 - (ii) 2nd time - 30 days after such episode of bleeding;
 - (iii) 3rd time - 90 days after such episode of bleeding; and
 - (iv) 4th time - one year after such episode of bleeding."

Unquestionably, the plain text of the above EIPH regulations do not impose a geographical or time limitation on bleeding episodes to be taken into account when determining whether there is a violation. However, as described below, Inaflash raced on Lasix in New York just *10 days* after what was *at least* her *second* bleeding episode, which appears to run afoul these regulations.

B. Inaflash Has Suffered at Least Two Bleeding Episodes

According to the Equibase track record, in Inaflash's first official race on August 18, 2012, at Parx Racing in Pennsylvania, she raced while on Lasix.¹ Since Pennsylvania Horse Racing rules only allow the administration of Lasix in circumstances similar to New York (i.e. when a horse has bled),² it is clear that before the August 18 race Inaflash suffered a bleeding episode that made her eligible to race on Lasix for this event. In fact, since this first official race, Equibase reports that Inaflash has run every

¹ Equibase Report dated August 18, 2012, indicates that Inaflash was raced on "L." (Ex. 1); Equibase Medication Definitions/Key shows that "L" means "Lasix." (Ex. 2). Although this was Inaflash's first race according to Equibase, it may not have been her first time on Lasix as the Equibase Medication Definitions/Key shows that "M" means a horse's "1st Time Lasix," and this designation does not appear in Inaflash's entry for her first race. At this time Inaflash was not trained by Asmussen or owned by Mr. Brewster.

² 58 Pa. Code § 163.305 says "(a) In order to obtain approval for the administration of furosemide, the bleeder horse shall be placed on the bleeder list. (b) Only the following horses shall be placed on the bleeder list: (1) A horse, which during the race or within the first hour immediately following a race, is observed by the Commission veterinarian to be shedding blood from one or both nostrils or is found to have bled internally. The Commission veterinarian may require an endoscopic examination of the horse in order to confirm inclusion on the bleeder list. (2) A horse which bled during exercise on the race track or within the first hour following the exercise is subject to the same conditions as in paragraph (1). (3) A horse may be placed on the bleeder list when the Commission veterinarian, prior to the implementation of this subsection, determined that the horse qualified for bleeder medication in accordance with paragraphs (1) and (2)."

official race—over twenty races spanning almost two years—on Lasix, including many times in New York, two of which are described below.³

Inaflash was raced by Asmussen at the Saratoga racetrack on July 24, 2013, and according to Equibase, she was raced on Lasix.⁴ This demonstrates that Inaflash was legally eligible for the administration of Lasix and that either “the owner⁵ or trainer elect[ed] to make” her eligible for the administration of the drug, thereby requiring that Inaflash be “placed on a list of horses that have bled” and subject to restrictions on when her owner or trainer could race her again pursuant to N.Y. COMP. CODES R. & REGS. tit. 9, § 4043.2.

On August 2, 2013, Inaflash was given Lasix before running a timed breeze workout at the Saratoga racetrack⁶ and apparently bled, based upon information obtained by PETA’s investigator.⁷ Therefore, this was *at least* Inaflash’s second bleeding episode, based upon her eligibility for racing on Lasix in Pennsylvania in 2012. Pursuant to the New York EIPH regulations, she was prohibited from racing for 30 days. However, just 10 days after this second bleeding episode, on August 12, 2013, Equibase reports that Inaflash was raced by Asmussen in Saratoga while on Lasix and owned by Mr. Brewster.⁸

A thorough examination of Asmussen’s veterinary records concerning Inaflash is critical to determine the number of times that Inaflash may have bled in New York and elsewhere. Indeed, Inaflash was a “known bleeder” as related to PETA’s investigator by Asmussen workers, and PETA’s investigator recalls a veterinarian examining Inaflash after a workout and being pleased that she was not bleeding because of her history of bleeding.

Owners and trainers have a responsibility, regardless of when and where a bleeding event takes place, to ensure that they are in compliance with New York law. They should not be able to circumvent regulations designed to protect the welfare of horses simply because a bleeding episode happens in a different jurisdiction. This is contrary to the plain text of N.Y. Comp. Codes R. & Regs. tit. 9, § 4236.2, which does not distinguish between bleeding that occurs in New York or in another state. This would also be at odds with the undeniable purpose and spirit of the regulation: to protect racehorses who have bled from racing too soon afterwards. In fact, little meaningful protection would be given to racehorses if the law only counted bleeding episodes that happen in New York for the purposes of determining when a horse could race again. The location certainly does not matter to the horse, as his or her wellbeing is threatened regardless of *where* the horse bleeds. Also, racehorses routinely travel to various states to race and train, often staying in one location for just a short amount of time, even skipping in and out of a state race to race.

³ Equibase Reports for Inaflash indicate that in all twenty-one races—from August 18, 2012 to April 16, 2014—she was raced on “L”. (Ex. 3) Inaflash was not trained by Asmussen or owned by Mr. Brewster during the majority of these races.

⁴ Equibase Report for Inaflash dated July 24 indicates that Inaflash was raced on “L” (Ex. 4).

⁵ According to Equibase, Mr. Brewster owed Inaflash at this time. (Ex. 4).

⁶ Photograph 2013-08-09_08_Drug list for August 2_IMG_0214 (List labeled Friday, August 2, 2013, reads, in part, “In A Flash – 3ccLx, 5 DAN”) (Ex. 5). The drug list indicating that Lasix was given to Inaflash is also supported by the fact that on August 2, the investigator held seven horses who were scheduled to workout that day while a veterinarian administered Lasix to the horses.

⁷ Photograph 2013-08-03_3_Endoscope results_IMG_0206 (reading, in part “Date 8/2,” “Daily Worksheet” “In A Flash...Blood”.) (Ex. 6).

⁸ Equibase Report for Inaflash dated August 12, 2013, indicates that Inaflash was raced on “L” and owned by Mr. Brewster. (Ex. 7)

Inaflash has reportedly run every single official race since her career began on Lasix.⁹ Also, the effectiveness of Lasix as a bleeding preventative is questionable by looking at Inaflash's history: although she has apparently been running in all official races on Lasix since 2012, she is still considered a "known bleeder" and, although she was given Lasix prior to running on August 2, 2013, she still reportedly bled.

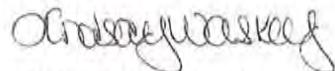
The Commission has made laudable efforts to protect horses, including making "New York's equine drug rules and protective measures...among the strictest and most comprehensive in the nation" and making the Commission's mission to "set the standard for promoting equine health and safety."¹⁰ PETA simply urges the Commission to strictly enforce *all* laws designed to protect horses and to take meaningful enforcement against violators.

II. Racing Horses in a Manner That Causes Them to be "Overdrive[n]" Violates New York Law

Forcing a horse to run at speeds, distances, frequency, or in any other manner that causes bleeding in the lungs falls within the prohibitions of New York's anti-cruelty statute which states that a "A person who overdrives, or ... unjustifiably injures...any animal... or causes, procures or permits any animal to be overdriven,... or who wilfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to produce such cruelty" is guilty of cruelty to animals. N.Y. AGRIC. & MKTS. LAW § 353. By any reasonable interpretation, a horse who is run in a manner and under circumstances resulting in bleeding in the lungs would have been overdriven within the meaning of the law.

PETA respectfully requests that your agency investigate Asmussen's racing and training of Inaflash for possible violations of the Commission's regulations or cruelty to animals by either the trainers or owners, and strongly urges the Commission to enforce the letter and spirit of New York's prohibitions on when a horse may be raced after bleeding. Thank you for your attention to this matter.

Very truly yours,



Lindsay Waskey, Esq.
LindsayW@PETA.org
303-895-8613

cc: Rick Goodell, Assistant Counsel (rick.goodell@gaming.ny.gov)
Scott E. Palmer, VMD, Equine Medical Director (Scott.Palmer@gaming.ny.gov)
Joel Leveson, Racing Investigator (joel.Leveson@gaming.ny.gov)

⁹ Ex. 3.

¹⁰ New York Gaming Commission's website, available at <http://www.gaming.ny.gov/horseracing/>.
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EXHIBIT 1

PARK RACING - August 18, 2012 - Race 1

MAIDEN SPECIAL WEIGHT - For Thoroughbred Two Year Old Fillies

Five And One Half Furlongs On The Dirt Track Record: (Show Me the Way - 1:01.76 - July 30, 2012)

Purse: \$45,000

Available Money: \$45,500

Value of Race: \$45,500 1st \$27,000, 2nd \$9,000, 3rd \$4,950, 4th \$2,700, 5th \$1,350, 6th \$500

EQUIBASE
COMPANY[Video Race Replay](#)

Weather: Cloudy Track: Muddy (Sealed)

Off at: 12:26 Start: Good for all except 1a

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	3/8	Str	Fin	Odds	Comments
24Jul12	7	PRX ⁴	4	Amethyst (Bisono, John)	--	4 1	1 1/2	1 1/2	1 ²	1 3 3/4	0.90*	vied early, drew away
---	3	Inaflash (Arroyo, Angel)	118	L	2 3	3 1/2	2 Head	2 1 1/2	2 1 1/4	4.70	rail trip, outfinished	
---	1A	Disco Barbie (Elliott, Stewart)	118	--	3 6	6	5 1 1/2	4 ⁴	3 Neck	4.00	poor start, wide rally	
24Jul12	7	PRX ³	5	Zwieback (Montañez, Rosario)	L!	5 4	4 ⁶	3 ¹	3 1 1/2	4 ⁸	3.90	wide bid, flattened
---	6	Rockin Babe (Tunon, Jordano)	118	L	6 2	2 1/2	4 ²	5 ² 1/2	5 ³ 1/2	12.40	forced pace, gave way	
---	2	Makeawishgirl (Castillo, Angel)	118	L	1 5	5 Head	6	6	6	19.20	always outrun	

Fractional Times: 22.68 46.60 59.09

Final Time: 1:05.71

Split Times: (23:92) (12:49) (6:62)

Run-Up: 48 feet

Winner: Amethyst, Dark Bay or Brown Filly, by Bernardini out of The One, by Giant's Causeway. Foaled Feb 16, 2010 in Kentucky.

Breeder: Extern Developments & Darley. Winning Owner: Fox Hill Farms, Inc. and The Six Horsemen LLC

Scratched Horse(s): Runaway Dame (Trainer)

Total WPS Pool: \$38,928

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
4	Amethyst	3.80	2.80	2.10	\$2.00 Exacta	4-3	21.80	33,171
3	Inaflash	5.00		3.00	\$2.00 Trifecta	4-3-1	51.40	23,434
1A	Disco Barbie			2.60				

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	3/8	Str	Fin
4	Amethyst	1	1 1/2	1 1/2	1 ²	1 3 3/4
3	Inaflash	3	3 ¹	2 1/2	2 ²	2 3 3/4
1A	Disco Barbie	6	6 7 1/2	5 3 1/2	4 ⁵	3 ⁵
5	Zwieback	4	4 1 1/2	3 1/2	3 3 1/2	4 5 1/4
6	Rockin Babe	2	2 1/2	4 1 1/2	5 ⁹	5 13 1/4
2	Makeawishgirl	5	5 7 1/2	6 ⁵	6 11 1/2	6 16 3/4

Trainers: 4 - Servis, John; 3 - Brown, Chad; 1A - Dutrow, Anthony; 5 - Lynch, Cathal; 6 - Crane, Clovis; 2 - Aristone, Philip

Owners: 4 - Fox Hill Farms, Inc. and The Six Horsemen LLC; 3 - Robert V. LaPenta; 1a-Dianne Manning; 5 - GoldMark Farm, LLC; 6 - D A S L Stable; 2 - Glenview Farm and Indian Mills Stock Farm;

Footnotes

AMETHYST set a pressured pace off the inside then pulled away through the stretch under steady handling. INAFLASH saved ground throughout, moved closer at the quarter pole but was outfinished. DISCO BARBIE broke awkwardly and dropped back early then advanced well outside without threatening winner. ZWIEBACK close up from the start, made a menacing three wide bid on the turn then flattened out. ROCKIN BABE forced the pace outside to the quarter pole then gave way. MAKEAWISHGIRL saved ground and was always outrun.

 Winner sold through Keeneland Association, Inc.

EXHIBIT 2

See more information about:

- [Equipment](#)
- [Medication](#)
- [Race Restrictions](#)
- [Race Types](#)
- [Workout Codes](#)

Codes & Definitions

Equipment

No equipment	N	No Whip.
2 Screens	O	Blinkers Off
3 Shields	Q	Nasal Strip Off
A Aluminum Pads	R	Bar Shoe
B Blinkers	S	Nasal Strip
C Mud Calks	V	Cheek Piece
F Front Bandages	Y	No Shoes
G Goggles	X	Cheek Piece Off
K Flipping Halter	Z	Tongue Tie

Medication Definitions

- B Bute
- L Lasix
- A Adjunct Medication
- C 1st Time Bute
- M 1st Time Lasix

Race Restrictions

R Restricted S Stalebred Restriction A Auction Restriction

Race Types (Thoroughbred and Arabian)

SHP

Starter Handicap

This category is reserved for horses that have been running in inferior claiming company, but have improved to the point that they would not be risked being sold in a claiming race. In effect this race is an allowance race restricted to horses that have previously run in a claiming race at a specific level (e.g. starters for a claiming price of \$5,000). In a starter handicap race, horses are weighted similar to a handicap race.

STK

Stakes

Races are classified as STAKES races when they meet two basic criteria, 1) They have money added to the base purse of the race in the form of nomination, entry and or starter fees paid by owners; 2) Nominations for a STAKES race must close at least 72 hours prior to its running.

Stakes races can be under allowance conditions (weight off allowed based upon number of wins or money won); handicap conditions (Racing Secretary or Handicapper assigns weight based upon past performances with the goal of giving each horse an equal chance to win the race) or weight for age conditions, (each horse carries equal weights based upon their age and sex).

STR

Starter Allowance

Starter allowance races are identical to starter handicap races with the only difference that horses competing in this race are weighted through allowance conditions (i.e. number of races or money won).

HCP

Handicap

This race type refers to a race where the weights are assigned by the track's Racing Secretary or Handicapper based upon past performances. Their goal is to assign weight to each horse so that all entrants have an equal chance of winning the race. THERE IS NO ADDED MONEY IN A HANDICAP RACE.

MSW

Maiden Special Weight

These races are reserved for horses that have never won a race. They are not eligible to be claimed. The term special weight is derived from the fact that arbitrary weights are assigned to horses by age. (e.g. 3 year olds 118 pounds, older 122 pounds.)

CLM

Claiming

Claiming races are the most commonly run races in the country. Horses competing in claiming races are offered for sale for a specified price to eligible buyers.

OCL

Optional Claiming

This race type is quite involved and incorporates features of starter allowance and claiming races. Horses competing in this type of race can either compete as a claimer, or as a starter allowance horse, with no claiming price.

Those competing in this race that are not eligible to be claimed must have competed at or below the claiming level specified, and have not won a race at the specified claiming or higher since last competing at the specified claiming level or a lower claiming price.

MCL

Maiden Claiming

Maiden claiming races are for horses that have never won a race and are eligible to be claimed.

OCH

Optional Claiming Handicap

This type race is an OPTIONAL CLAIMING race that is run under HANDICAP conditions. See both race types listed for a further explanation

MOC

Maiden Optional Claiming

This type race is restricted to maidens (non-winners lifetime) that run under the conditions exactly as those for optional claiming races (see Optional Claiming above).

CLH

Claiming Handicap

A race for horses entered to be claimed, with weight assignments similar to those of a handicap race (see Handicap listed above).

CST

Claiming Stakes

EXHIBIT 3

PARX RACING - August 18, 2012 - Race 1

MAIDEN SPECIAL WEIGHT - For Thoroughbred Two Year Old Fillies

Five And One Half Furlongs On The Dirt Track Record: (Show Me the Way - 1:01.76 - July 30, 2012)

Purse: \$45,000

Available Money: \$45,500

Value of Race: \$45,500 1st \$27,000, 2nd \$9,000, 3rd \$4,950, 4th \$2,700, 5th \$1,350, 6th \$500

EQUIBASE
COMPANY

Video Race Replay

Weather: Cloudy Track: Muddy (Sealed)

Off at: 12:26 Start: Good for all except 1a

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	3/8	Str	Fin	Odds	Comments
24Jul12	7	PRX ⁴	4	Amethyst (Bisono, John)	118	--	4 1	1 1/2	1 ²	1 ^{3 3/4}	0.90*	vied early, drew away
---	3	Inaflash (Arroyo, Angel)	118	L	2 3	3 1/2	2 Head	2 1 1/2	2 ^{1 1/4}	4.70	rail trip, outfinished	
---	1A	Disco Barbie (Elliott, Stewart)	118	--	3 6	6	5 ^{1 1/2}	4 ⁴	3 Neck	4.00	poor start, wide rally	
24Jul12	7	PRX ³	5	Zwieback (Montanez, Rosario)	118	L	5 4	4 ⁶	3 ¹	3 1 1/2	4 ⁸	wide bid, flattened
---	6	Rockin Babe (Tunion, Jordano)	118	L	6 2	2 1/2	4 ²	5 ^{2 1/2}	5 ^{3 1/2}	12.40	forced pace, gave way	
---	2	Makeawishgirl (Castillo, Angel)	118	L	1 5	5 Head	6	6	6	19.20	always outrun	

Fractional Times: 22.68 46.60 59.09

Final Time: 1:05.71

Split Times: (23:92) (12:49) (6:62)

Run-Up: 48 feet

Winner: Amethyst, Dark Bay or Brown Filly, by Bernardini out of The One, by Giant's Causeway. Foaled Feb 16, 2010 in Kentucky.

Breeder: Extern Developments & Darley. Winning Owner: Fox Hill Farms, Inc. and The Six Horsemen LLC

Scratched Horse(s): Runaway Dame (Trainer)

Total WPS Pool: \$38,928

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
4	Amethyst	3.80	2.80	2.10	\$2.00 Exacta	4-3	21.80	33,171
3	Inaflash	5.00		3.00	\$2.00 Trifecta	4-3-1	51.40	23,434
1A	Disco Barbie			2.60				

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	3/8	Str	Fin
4	Amethyst	1	1 1/2	1 1/2	1 ²	1 ^{3 3/4}
3	Inaflash	3	3 ¹	2 1/2	2 ²	2 ^{3 3/4}
1A	Disco Barbie	6	6 7 1/2	5 ^{3 1/2}	4 ⁵	3 ⁵
5	Zwieback	4	4 1 1/2	3 1/2	3 ^{3 1/2}	4 ^{5 1/4}
6	Rockin Babe	2	2 1/2	4 1 1/2	5 ⁹	5 ^{13 1/4}
2	Makeawishgirl	5	5 7 1/2	6 ⁵	6 1 1/2	6 ^{16 3/4}

Trainers: 4 - Servis, John; 3 - Brown, Chad; 1A - Dutrow, Anthony; 5 - Lynch, Cathal; 6 - Crane, Clovis; 2 - Aristone, Philip

Owners: 4 - Fox Hill Farms, Inc. and The Six Horsemen LLC; 3 - Robert V. LaPenta; 1a-Dianne Manning; 5 - GoldMark Farm, LLC; 6 - D A S L Stable; 2 - Glenview Farm and Indian Mills Stock Farm;

Footnotes

AMETHYST set a pressured pace off the inside then pulled away through the stretch under steady handling. INAFLASH saved ground throughout, moved closer at the quarter pole but was outfinished. DISCO BARBIE broke awkwardly and dropped back early then advanced well outside without threatening winner. ZWIEBACK close up from the start, made a menacing three wide bid on the turn then flattened out. ROCKIN BABE forced the pace outside to the quarter pole then gave way. MAKEAWISHGIRL saved ground and was always outrun.

 Winner sold through Keeneland Association, Inc.

BELMONT PARK - October 11, 2012 - Race 3

MAIDEN CLAIMING - For Thoroughbred Two Year Old Fillies Claiming Price: \$50,000

Six Furlongs On The Dirt Track Record: (Artax - 1:07.66 - October 16, 1999)

Purse: \$42,000

Available Money: \$42,000

Value of Race: \$42,000 1st \$25,200, 2nd \$8,400, 3rd \$4,200, 4th \$2,100, 5th \$1,260, 6th \$840

Weather: Clear Track: Fast

Off at: 1:54 Start: Good for all except 4

EQUIBASE
COMPANY



[Video Race Replay](#)

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	1/2	Str	Fin	Odds	Comments
30Aug12	6	SAR ^B Agualinda (Rosario, Joel)	120	L b	5 2	2 ¹ /2	2 ³ 1/2	1 Head	1 ³ 1/4	4.30	dueled ins, inched clr	
18Aug12	5	PRX ² Inaflash (Dominguez, Ramon)	120	L	4 5	3 ¹	1 ⁷	2 ⁶	2 ⁶ 1/4	0.70*	dueled 2-3w, 2nd best	
31Aug12	3	AP ^B Casket Model (Alvarado, Junior)	120	L b	2 3	51 1/2	6	4 Head	3 ⁴	17.50	3w 1/4, mild kick	
29Aug12	4	SAR ^B Everything Sweet (Garcia, Alan)	120	L	3 6	6	5 Head	6	4 ³ / ₄	3.55	rough st, 4w upper	
14Sep12	1	BEL ^B Passionforsongs (Garcia, Wilmer)	115	L	1 1	1 Head	4 ¹ 1/2	3 ¹ / ₂	5 ³ / ₄	23.30	keen early, weakened	
19Sep12	7	BEL ^C Colorme Kitten (Maragh, Rajiv)	120	L	6 4	4 ¹	3 ¹ / ₂	5 ²	6	7.50	chased 2p, tired	

Fractional Times: 23.64 46.89 59.08

Final Time: 1:11.65

Split Times: (23:25) (12:19) (12:57)

Run-Up: 60 feet

Winner: Aguinalda, Gray or Roan Filly, by Flashy Bull out of Predictress, by Vicar. Foaled Mar 23, 2010 in Kentucky.

Breeder: Brereton C. Jones. Winning Owner: Drawing Away Stable and Jacobson, David

1 Claimed Horse(s): Inaflash

New Trainer: Linda Rice

New Owner: MAT Stables, LLC

Claiming Prices: 6 - Aguinalda: \$50,000; 5 - Inaflash: \$50,000; 3 - Casket Model: \$50,000; 4 - Everything Sweet: \$50,000; 1 - Passionforsongs: \$50,000; 7 - Colorme Kitten: \$50,000;

Scratched Horse(s): Black Heir (Veterinarian)

Total WPS Pool: \$139,813

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
6	Aguinalda	10.60	3.90	3.00	\$2.00 Exacta	6-5	28.60	151,695
5	Inaflash		2.50	2.10	\$2.00 Trifecta	6-5-3	179.50	88,961
3	Casket Model			4.80	\$2.00 Pick 3	6-2-6 (3 correct)	300.00	48,270
					\$2.00 Daily Double	2-6	42.20	29,328
					\$2.00 Superfecta	6-5-3-4	396.50	41,650

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	1/2	Str	Fin
6	Aguinalda	2	2 Head	2 ¹	1 Head	1 ³ 1/4
5	Inaflash	5	3 ¹ /2	1 ¹	2 Head	2 ³ 1/4
3	Casket Model	3	52 1/2	6 ⁶ 1/2	4 ⁶ 1/2	3 ⁹ 1/2
4	Everything Sweet	6	6 ⁴	5 ⁶ 1/2	6 ⁸ 3/4	4 ¹³ 1/2
1	Passionforsongs	1	1 Head	4 ⁵	3 ⁶	5 ¹⁴ 1/4
7	Colorme Kitten	4	41 1/2	3 ⁴ 1/2	5 ⁶ 3/4	6 ¹⁵

Trainers: 6 - Jacobson, David; 5 - Brown, Chad; 3 - Reed, Eric; 4 - Violette, Jr., Richard; 1 - Persaud, Randi; 7 - Pompay, Teresa

Owners: 6 - Drawing Away Stable and Jacobson, David; 5 - Robert V. LaPenta; 3 - Kay Reed; 4 - Violette, Jr., R., Grosse Pointe Farm, Lenihan, R. and P.; 1 - Avi's Racing Stable; 7 - My Purple Haze Stables;

Footnotes

AGUALINDA dueled inside with INAFLASH from the seven-sixteenths as the initial leader PASSIONFORSONGS remained well off the inside a bit keen early on, came under a drive at the quarter pole in tandem with her main foe, took command the eighth pole, inched away through the latter portion of the stretch kept to task to the wire. INAFLASH broke in at the start bumping and squeezing EVERYTHING SWEET back in tandem with CASKET MODEL, dueled from the seven-sixteenths while two to three wide, came under urging at the quarter pole, fought on getting displaced with an eighth to go, kept on mildly while well clear for the place and second best. CASKET MODEL broke out at the start bumping and squeezing back EVERYTHING SWEET, saved ground towards the rear until swinging three wide at the quarter pole, offered up a mild kick for the show honors while never threatening the top. EVERYTHING SWEET had a rough beginning when she lost her footing the got bumped both sides and squeezed back at the start, raced three wide towards the rear, came under urging at the five-sixteenths, spun four wide in upper stretch and passed tired rivals in the lane. PASSIONFORSONGS away alertly, appeared a bit keen early on racing wide into the turn fighting the bit some, came under urging just past the three-eighths, offered up a mild bid in the initial portion of the stretch before weakening through the late stages. COLORME KITTEN just off the pace chasing from just off the inside, was coaxed along from the midway point on the turn, cut the corner into the stretch and tired.

AQUEDUCT - November 25, 2012 - Race 1

MAIDEN CLAIMING - For Thoroughbred Two Year Old Fillies Claiming Price: \$50,000 - \$40,000

Six Furlongs On The Dirt Track Record: (Kelly Kip - 1:07.54 - April 10, 1999)

Purse: \$40,000

Available Money: \$40,000

Value of Race: \$40,000 1st \$24,000, 2nd \$8,000, 3rd \$4,000, 4th \$2,000, 5th \$1,200, 6th \$200, 7th \$200, 8th \$200, 9th \$200

Weather: Cloudy Track: Fast

Off at: 12:21 Start: Good for all

EQUIBASE
COMPANY



[Video Race Replay](#)

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	1/2	Str	Fin	Odds	Comments
19Oct12	9BEL ³	3 Cry Holy (Alvarado, Junior)	120	-	2 1	21	2 ²	1 ^{1/2}	1	Nose	5.70	vied 2p, wire in time
25Oct12	9BEL ²	1 Blue Ballerina (DeCarlo, Christopher)	120	L	4 7	41/2	3 ¹ 1/2	3 ¹ 1/2	2 ³	2 ³	2.90	angled 3w 5/16pl
11Oct12	9BEL ²	4 Inaflash (Rosario, Joel)	120	L	3 6	71	5 ¹ 1/2	4 ¹	3 ¹	2.05*	outside, no solid bid	
---	2 Exclusive Bull (Prado, Edgar)	120	L	1 2	11	1 ^{1/2}	2 ¹	4 ¹ 1/4	17.40	argued inside, tired		
19Oct12	9BEL ⁵	8 Nodebtanny (Silvera, Ruben)	120	L bf	9 5	61	4 ^{1/2}	5 ⁴	5 ¹³ 1/2	6.10	3w & set down 5/16pl	
19Oct12	9BEL ⁶	5 Pink Traffic (Velasquez, Cornelio)	118	L	5 3	31/2	6 ⁴	6 ⁴	6 ¹ 1/2	3.90	off ins, urged on turn	
4Nov12	2AQU ²	6 Guyana Star (Lezcano, Abel)	118	L	7 9	9	8 ^{1/2}	7 ¹ 1/2	7 ² 3/4	25.75	urged cutting corner	
19Oct12	9BEL ⁷	7 Lemon Song (Coa, Keiber)	113	L b	8 8	81/2	7 ^{1/2}	8 ¹	8 ^{Neck}	35.75	3w upper, no kick	
---	1A Time On My Hands (Garcia, Wilmer)	115	L	6 4	51	9	9	9	9	2.90	4w 1/2pl, gave way	

Fractional Times: 22.95 46.84 59.36

Final Time: 1:12.90

Split Times: (23:89) (12:52) (13:54)

Run-Up: 36 feet

Winner: Cry Holy, Chestnut Filly, by Pure Prize out of Trisha Runs, by Sharkey. Foaled Mar 03, 2010 in Florida.

Breeder: Woodsfield Farm. Winning Owner: Hayden, Dan and Dutrow, Jr., Richard E.

2 Claimed Horse(s): Blue Ballerina
Exclusive Bull

New Trainer: Rudy R. Rodriguez
New Trainer: Richard E. Dutrow, Jr.
New Owner: Michael Dubb
New Owner: Treblanna Stable

Claiming Prices: 3 - Cry Holy: \$50,000; 1 - Blue Ballerina: \$50,000; 4 - Inaflash: \$50,000; 2 - Exclusive Bull: \$50,000; 8 - Nodebtanny: \$50,000; 5 - Pink Traffic: \$40,000; 6 - Guyana Star: \$40,000; 7 - Lemon Song: \$50,000; 1A - Time On My Hands: \$50,000;

Total WPS Pool: \$148,627

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
3	Cry Holy	13.40	5.70	3.30	\$2.00 Exacta	3-1	52.00	141,230
1	Blue Ballerina		4.00	2.40	\$2.00 Trifecta	3-1-4	154.50	95,825
4	Inaflash			2.60				

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	1/2	Str	Fin
3	Cry Holy	1	2 ¹	2 ^{1/2}	1 ^{1/2}	1 ^{Nose}
1	Blue Ballerina	7	42 1/2	3 ² 1/2	3 ¹ 1/2	2 ^{Nose}
4	Inaflash	6	75	5 ⁴ 1/2	4 ³	3 ³
2	Exclusive Bull	2	11	1 ^{1/2}	2 ^{1/2}	4 ⁴
8	Nodebtanny	5	6 ⁴	4 ⁴	5 ⁴	5 ⁵ 1/4
5	Pink Traffic	3	3 ²	6 ⁶	6 ⁸	6 ¹⁸ 3/4
6	Guyana Star	9	96 1/2	8 ¹⁰ 1/2	7 ¹²	7 ²⁰ 1/4
7	Lemon Song	8	8 ⁶	7 ¹⁰	8 ¹³ 1/2	8 ²³
1A	Time On My Hands	4	5 ³	9 ¹¹	9 ¹⁴ 1/2	9 ²³ 1/4

Trainers: 3 - Dutrow, Jr., Richard; 1 - Contessa, Gary; 4 - Rice, Linda; 2 - Ryerson, James; 8 - Rodriguez, Rudy; 5 - McLaughlin, Kieran; 6 - Persaud, Randi; 7 - O'Brien, Leo; 1A - Contessa, Gary

Owners: 3 - Hayden, Dan and Dutrow, Jr., Richard E.; 1 - Leonard C. Green; 4 - MAT Stables, LLC; 2 - Patricia A. Generazio; 8 - Michael Dubb; 5 - Mrs. Fitriani Hay; 6 - Guyana Rocky LLC; 7 - Leroy Jolley, Jr.; 1A - Leonard C. Green;

Footnotes

CRY HOLY disputed the pace from the outside, latched on to her fellow nemesis turning for home, forged her way to the front during the grueling ensuing furlong, had the runner up cut into her margin steadily leaving the eighth pole, reached the wire in time to hold on. BLUE BALLERINA rode the rail until the five-sixteenths pole, had been put to some urging before angling outward three wide from that station into the stretch, gained gradually but missed. INAFLASH took the inside route down the backstretch, chose the two path though for the run around the bend, lacked a solid closing punch. EXCLUSIVE BULL argued for command from the inside until midstretch before backing away. NODEBTANNY was hustled from the starting gate to take up position in midpack, was three wide and set down by the five-sixteenths pole, made no headway on the front runners. PINK TRAFFIC off the inside, was urged while giving chase on the turn, folded. GUYANA STAR under encouragement cutting the corner into the stretch, was never involved. LEMON SONG placed three wide at the head of the stretch, had no rally. TIME ON MY HANDS in the four path departing the backstretch, remained well off the inside throughout and gave way.

PARK RACING - December 15, 2012 - Race 4

MAIDEN SPECIAL WEIGHT - For Thoroughbred Two Year Old Fillies

Six Furlongs On The Dirt Track Record: (Royal Currier - 1:07.51 - September 24, 2011)

Purse: \$45,000

Plus: \$12,780 PABF - Pennsylvania Bonus Program

Available Money: \$59,280

Value of Race: \$59,280 1st \$37,800, 2nd \$9,000, 3rd \$6,930, 4th \$2,700, 5th \$1,350, 6th \$500, 7th \$500, 8th \$500

Weather: Clear Track: Fast

Off at: 1:46 Start: Good for all

EQUIBASE
COMPANY



[Video Race Replay](#)

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	1/2	Str	Fin	Odds	Comments
18Nov12	5	PRX ³	3	Deighan (Carmouche, Kendrick)	120	L b	3 1	1 1/2	1 Head	1 Head	1 ¹	2.90 inside, edged away
...	9	I'm Mom's Favorite (Pennington, Frankie)	120	L	8 5	6 ²	2 ¹	2 ⁶	2 ^{6 3/4}	1.00*	ducked out, wide, hung	
...	6	Baetykaly (Chiappe, Ricardo)	120	-	5 4	3 1/2	4 Head	3 1/2	3 1/2	3 1/2	102.60	vied, tired
8Sep12	2	PRX ⁵	8	Priscilla Marie (Bisonio, John)	120	L	7 3	4 Head	6 ^{2 1/2}	5 1/2	4 ^{1 3/4}	14.50 between, tired
25Nov12	1	AQU ³	1	Inaflash (Arroyo, Angel)	120	L	1 6	5 1/2	5 1/2	5 Nose	3.80	inside, tired
17Nov12	2	LRL ⁶	2	Pea Ridge (Rosado, Roberto)	120	L	2 8	8	8	7 ^{1/2}	6 Neck	19.70 off slow
...	5	Bonnie Lass (Rose, Jeremy)	120	L	4 2	2 1/2	3 1/2	4 Head	7 Nose	8.60	vied, tired	
...	7	Alternative Meds (Mawing, Leslie)	120	L f	6 7	7 Head	7 Head	8	8	20.70	wide, no factor	

Fractional Times: 22.54 46.11 58.83

Final Time: 1:12.36

Split Times: (23:57) (12:72) (13:53)

Run-Up: 40 feet

Winner: Deighan, Bay Filly, by Dance With Ravens out of Code Variance, by Awesome Again. Foaled Apr 13, 2010 in Pennsylvania.

Breeder: SMD, Ltd.. Winning Owner: S. M. D., Ltd.

Scratched Horse(s): Amor Imposible (Stewards)

Total WPS Pool: \$49,527

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
3	Deighan	7.80	2.80	2.80	\$2.00 Daily Double	3-3	12.80	8,024
9	I'm Mom's Favorite		2.40	2.20	\$2.00 Exacta	3-9	25.60	46,714
6	Baetykaly			13.60	\$2.00 Trifecta	3-9-6	331.00	35,065
					\$1.00 Pick 3	4-3/B-3 (3 correct)	22.10	5,163

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	1/2	Str	Fin
3	Deighan	1	1 1/2	1 Head	1 Head	1 ¹
9	I'm Mom's Favorite	5	6 ²	2 Head	2 Head	2 ¹
6	Baetykaly	4	3 ¹	4 1 1/2	3 ⁶	3 ^{7 3/4}
8	Priscilla Marie	3	4 1 1/2	6 ^{2 1/4}	5 ^{6 3/4}	4 ^{8 1/4}
1	Inaflash	6	5 1 1/2	5 1 3/4	6 ^{7 1/4}	5 ¹⁰
2	Pea Ridge	8	8 ^{4 1/4}	8 ^{4 3/4}	7 ^{7 3/4}	6 ¹⁰
5	Bonnie Lass	2	2 1/2	3 ¹	4 ^{6 1/2}	7 ^{10 1/4}
7	Alternative Meds	7	7 ⁴	7 ^{4 3/4}	8 ^{8 1/4}	8 ^{10 1/4}

Trainers: 3 - Servis, John; 9 - Dutrow, Anthony; 6 - McNeely, Frances; 8 - Servis, John; 1 - Rice, Linda; 2 - Lake, Scott; 5 - Ritchey, Timothy; 7 - Petro, Michael

Owners: 3 - S. M. D., Ltd.; 9 - CJZ Racing Stable; 6 - Equviline Farm; 8 - Vaccarezza, Priscilla and J and J Stables (Williams, Jr.); 1 - MAT Stables, LLC; 2 - Tigertail Ranch; 5 - Timothy F. Ritchey Racing Stables, Inc; 7 - J A G Racing and JetTany Thoroughbred Corp.;

Footnotes

DEIGHAN set the pace inside, repulsed strong challenges and edged away. I'M MOM'S FAVORITE ducked out after the start, raced and rallied wide, loomed boldly but then hung. BAETYKALY vied for command between foes and tired. PRISCILLA MARIE was never far back between foes, tired. INAFLASH saved ground and faded. PEA RIDGE broke slowly and failed to menace. BONNIE LASS vied for command two wide and tired. ALTERNATIVE MEDS raced wide and failed to menace.

BELMONT PARK - May 12, 2013 - Race 8

MAIDEN CLAIMING - For Thoroughbred Three Year Old and Upward Fillies and Mares Claiming Price: \$25,000
Six Furlongs On The Dirt - Originally Scheduled For 6 Furlongs On Inner turf Track Record: (Artax - 1:07.66 - October 16, 1999)

Purse: \$38,400

Available Money: \$38,400

Value of Race: \$38,400 1st \$23,040, 2nd \$7,680, 3rd \$3,840, 4th \$1,920, 5th \$1,152, 6th \$154, 7th \$154, 8th \$154, 9th \$154, 10th \$152

EQUIBASE
COMPANY



[Video Race Replay](#)

Weather: Clear Track: Fast
Off at: 4:45 Start: Good for all

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	1/2	Str	Fin	Odds	Comments
10Apr13	2	AQU ⁵	3	Yankeeindixieland (Rosario, Joel)	118	L	2 6	7 ¹	4 ³	3 ^{2 1/2}	1 ^{3/4}	5.80 bump st,alt crse 3/16
11Apr13	3	AQU ⁶	1	My Cousin Zinny (Castellano, Javier)	118	L b	1 2	1 ³	1 ^{1 1/2}	1 ¹	2 ¹	15.30 bump st,yield ps1/16
15Dec12	4	PRX ⁵	6	Inaflash (Velasquez, Cornelio)	118	L	5 4	2 ³	2 ³	3 ^{3 1/4}	4.30 chased 2p, flattened	
5May13	5	BEL ⁸	16	Kaitlyns Cat (Ortiz, Jr., Irad)	124	L bf	10 3	10	9 ¹	6 ⁴	4 ^{2 1/4}	2.40* 3w 1/2,bw upp,gained
19Feb13	6	PRX ⁸	15	Spicy Spirit (Ortiz, Jose)	118	L b	9 5	3 ^{Head}	3 ¹	4 ^{2 1/2}	5 ^{Neck}	7.00 bobbed brk,3w pursuit
1May13	7	BEL ⁴	9	Bargaining Table (Chamali, Juliver)	118	L b	7 7	6 ^{Head}	5 ^{1/2}	5 ^{1/2}	6 ^{8 1/2}	8.00 3w 3/8pl, had no rally
10Apr13	8	AQU ⁵	5	Little Miss Hughes (Lezcano, Abel)	124	L b	4 10	8 ^{1 1/2}	6 ^{1/2}	7 ^{Head}	7 ^{1 3/4}	47.00 bump hard,steadied brk
28Apr13	9	BEL ⁸	8	Princes On Thelake (Laredo, Julissa)	118	L f	6 1	4 ^{1/2}	7 ^{1/2}	8 ⁴	8 ^{6 3/4}	47.50 off inside, gave way
14Apr13	10	PIM ¹¹	4	Mighty Reward (Castro, Eddie)	124	L b	3 9	9 ¹	10	g ^{Head}	9 ^{1/2}	37.00 bump hard blwn start
5Oct12	11	BEL ⁴	11	Charming Becky (Lezcano, Jose)	118	L	8 8	5 ²	8 ²	10	10	3.90 saved ground turn,tire

Fractional Times: 22.82 46.33 59.05

Final Time: 1:12.34

Split Times: (23:51) (12:72) (13:29)

Run-Up: 42 feet

Winner: Yankeeindixieland, Bay Filly, by Dixie Union out of Banyan Street, by Gone West. Foaled Apr 22, 2010 in Kentucky.

Breeder: W. S. Farish. Winning Owner: Crossed Sabres Farm

1 Claimed Horse(s): Charming Becky

New Trainer: Jamie Ness

New Owner: Midwest Thoroughbreds, Inc.

Claiming Prices: 3 - Yankeeindixieland: \$25,000; 1 - My Cousin Zinny: \$25,000; 6 - Inaflash: \$25,000; 16 - Kaitlyns Cat: \$25,000; 15 - Spicy Spirit: \$25,000; 9 - Bargaining Table: \$25,000; 5 - Little Miss Hughes: \$25,000; 8 - Princes On Thelake: \$25,000;
4 - Mighty Reward: \$25,000; 11 - Charming Becky: \$25,000;

Scratched Horse(s): Believe In Betty (Off-Turf), Jennys Creek (Veterinarian), Kate Is A Ten (Stewards), Lady Gaby (Stewards), Smiltenwithkitten (Off-Turf), So Royal (Off-Turf)

Total WPS Pool: \$297,905

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
3	Yankeeindixieland	13.60	8.00	3.90	\$2.00 Exacta	3-1	154.50	235,087
1	My Cousin Zinny		15.20	8.50	\$2.00 Trifecta	3-1-6	485.00	122,007
6	Inaflash			3.80	\$2.00 Pick 3	4-4-3 (3 correct)	175.50	45,376
					\$2.00 Daily Double	4-3	80.50	40,758
					\$2.00 Superfecta	3-1-6-16	2,980.00	67,983

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	1/2	Str	Fin
3	Yankeeindixieland	6	7 ^{8 3/4}	4 ^{5 1/2}	3 ³	1 ^{3/4}
1	My Cousin Zinny	2	1 ³	1 ^{1 1/2}	1 ¹	2 ^{1 3/4}
6	Inaflash	4	2 ³	2 ^{1 1/2}	2 ¹	3 ^{2 3/4}
16	Kaitlyns Cat	3	10 ^{12 1/4}	9 ¹²	6 ^{8 1/2}	4 ⁶
15	Spicy Spirit	5	3 ⁶	3 ^{4 1/2}	4 ^{5 1/2}	5 ^{8 1/4}
9	Bargaining Table	7	6 ^{8 1/2}	5 ^{8 1/2}	5 ⁸	6 ^{8 1/2}
5	Little Miss Hughes	10	8 ^{9 3/4}	6 ⁹	7 ^{12 1/2}	7 ¹⁷
8	Princes On Thelake	1	4 ⁶	7 ^{9 1/2}	8 ^{12 1/2}	8 ^{18 3/4}
4	Mighty Reward	9	9 ^{11 1/4}	10 ¹³	9 ^{16 1/2}	9 ^{25 1/2}
11	Charming Becky	8	5 ^{6 1/2}	8 ¹⁰	10 ^{16 3/4}	10 ²⁶

Trainers: 3 - Romans, Dale; 1 - Gargan, Danny; 6 - Rice, Linda; 16 - Martin, Carlos; 15 - Rodriguez, Rudy; 9 - Toscano, Jr., John; 5 - Scott, Phillip; 8 - Jones, Eduardo; 4 - Domino, Carl; 11 - Kenneally, Eddie

Owners: 3 - Crossed Sabres Farm; 1 - Hit The Board Stables; 6 - MAT Stables, LLC; 16 - Sperando Racing Stable, Brick House Racing, Smith, W., Caputo, J. and Riker, J; 15 - James A. Riccio; 9 - Bran Jam Stable; 5 - Candlin Family Trust; 8 - Asuncion Rivera; 4 - Pressman, Hayward R. and Rubell, Steve; 11 - Joseph Bucci;

Footnotes

YANKEEINDIXIELAND had to undergo a couple of bumps at the start, chased the pacesetter from near the rail, began to pick up the pace late on the turn, maintained the momentum spinning into the lane to gain ground readily during the ensuing furlong, altered course to be outside the fighting frontrunners in the vicinity of the three-sixteenths pole, surged by late and drew clear. MY COUSIN ZINNY came out at the start, bumping into the winner and knocking that foe into MIGHTY REWARD who in turn got knocked into LITTLE MISS HUGHES, kicked away from the others soon afterwards, showed the way from the inside, got let out entering the stretch and felt real pressure for the first time while doing so, was still locked in battle when the top one surged by in the final seventy yards, held well thereafter for the place. INAFLASH chased the pacesetter being two wide, under some light urging for a very substantial portion of the effort, got asked for more challenging in earnest coming to the quarter pole, stayed in contention for another furlong and a bit beyond before flattening out. KAITLENS CAT was taken hold and pulled away from an errant opponent shortly after the start, started the run around the bend from the three path, got angled outward six wide (widest of all) into upper stretch, gained ground readily down the lane en route for the final major slice of the pot. SPICY SPIRIT came out slightly after bobbling at the start, was mostly three wide while pursuing the front runners on the turn, backed away. BARGAINING TABLE three wide at the midway point on the bend, had no rally. LITTLE MISS HUGHES tried to pull away in time but wound up making very solid contact with MIGHTY REWARD anyway, from pressure originated by the second place finisher, had the rider steady momentarily and failed to menace while racing along the outside. PRINCES ON THELAKE left the post parade early, raced from off the inside, came about four wide into the lane, had little left to offer and gave

way. MIGHTY REWARD bumped soundly between rivals just of the starting gate, angled out after saving ground for a good portion of the initial half, was outrun. CHARMING BECKY saved ground on the turn and tired.

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BELMONT PARK - May 26, 2013 - Race 7

MAIDEN CLAIMING - For Thoroughbred Three Year Old and Upward Fillies and Mares Claiming Price: \$20,000
One Mile On The Dirt - Originally Scheduled For 1 Mile On Turf Track Record: (Najran - 1:32.24 - May 7, 2003)

Purse: \$34,800

Available Money: \$34,800

Value of Race: \$34,800 1st \$20,880, 2nd \$6,960, 3rd \$3,480, 4th \$1,740, 5th \$1,044, 6th \$174, 7th \$174, 8th \$174, 9th \$174

Weather: Clear Track: Fast

Off at: 4:14 Start: Good for all

EQUIBASE
COMPANY



[Video Race Replay](#)

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	1/2	3/4	Str	Fin	Odds	Comments
28Apr13	6	BEL ⁴	10	Rock Show (Espinoza, Jose)	118	L	5 8	7 ¹	5 ^{1/2}	3 ¹	1 ¹	17 1/2	6.10 traffic 1/4,steadied
12Apr13	4	AQU ⁵	6	You Take the Cake (Orliz, Jose)	118	L	3 1	8 ²	8 ⁵	1 ¹	2 ⁵	22.20 bold 4w run 5/16p	
8May13	7	BEL ³	4	Vinhication Spot (Maragh, Rajiv)	118	L f	1 7	3 ^{Head}	4 ^{1/2}	5 ³	4 ¹	3 1 1/4	5.10 traffic,steadied 1/4pl
12May13	8	BEL ³	13	Inaflash (Velasquez, Cornelio)	118	L	8 3	4 ^{1/2}	3 ^{1/2}	4 ²	3 ¹	4 6 1/2	1.25* 3w 1/2pl, tired
1May13	9	BEL ¹⁰	11	Little Gabby Girl (Castellano, Javier)	118	L b	6 2	2 ¹	2 ¹	2 ^{Head}	5 ³	5 Head	5.60 broke thru bale,blwn
5May13	8	BEL ⁵	8	Baal Perazim (Rodriguez, Guillermo)	119	L	4 6	6 1 1/2	7 ¹	6 1 1/2	6 ¹	6 3/4	21.30 outside, urged on turn
19May13	2	BEL ⁶	14	High Inflation (Orliz, Jr., Irad)	118	L bf	9 4	5 ¹	6 ¹	7 ²	7 ⁵	7 19	9.10 4w 1/2, 5w upper,lired
8May13	2	BEL ⁵	12	Bacheliere (Lezcano, Abel)	118	L b	7 9	9	9	8 ³	8 ¹⁰	8 27 1/4	41.75 4w into lane, little
16Feb13	10	TAM ⁹	5	Freud's Mistress (Prado, Edgar)	118	L bf	2 5	1 ¹	1 1/2	9	9	9	10.30 near inside, stopped

Fractional Times: 23.82 47.76 1:13.78

Final Time: 1:39.24

Split Times: (23:94) (26:02) (25:46)

Run-Up: 32 feet

Winner: Rock Show, Dark Bay or Brown Filly, by Rock Hard Ten out of Amicus, by Atticus. Foaled Apr 15, 2010 in Florida.

Breeder: Farnsworth Stables LLC. Winning Owner: Curragh Stables

2 Claimed Horse(s): Inaflash
Vinhication Spot New Trainer: Steven M. Asmussen New Owner: Clark O. Brewster
New Trainer: James W. Ferraro New Owner: Jane Sessier

Claiming Prices: 10 - Rock Show: \$20,000; 6 - You Take the Cake: \$20,000; 4 - Vinhication Spot: \$20,000; 13 - Inaflash: \$20,000; 11 - Little Gabby Girl: \$20,000; 8 - Baal Perazim: \$20,000; 14 - High Inflation: \$20,000; 12 - Bacheliere: \$20,000; 5 - Freud's Mistress: \$20,000;

Scratched Horse(s): Bunhead (Off-Turf), Ivanovna (Off-Turf), Leland's Dawn (Off-Turf), Lucky Vida (Off-Turf), Sheedbawon (Off-Turf)

Total WPS Pool: \$274,093

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
10	Rock Show	14.20	8.50	5.00	\$2.00 Exacta	10-6	251.00	251,990
6	You Take the Cake		19.00	10.60	\$2.00 Trifecta	10-6-4	1,095.00	121,311
4	Vinhication Spot			3.80	\$2.00 Daily Double	3-10	77.50	48,189
					\$2.00 Pick 3	10-3-10 (3 correct)	125.00	49,003
					\$2.00 Superfecta	10-6-4-13	7,963.00	73,957

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	1/2	3/4	Str	Fin
10	Rock Show	8	7 ⁵	5 ^{2 1/2}	3 ¹	1 ¹	17 1/2
6	You Take the Cake	1	8 ⁶	8 ⁵	1 ¹	2 ¹	2 7 1/2
4	Vinhication Spot	7	3 ²	4 ²	5 ⁴	4 ⁷	3 12 1/2
13	Inaflash	3	4 ²	3 ^{1 1/2}	4 ²	3 ⁶	4 13 3/4
11	Little Gabby Girl	2	2 ¹	2 ^{1/2}	2 ¹	5 ⁸	5 20 1/4
8	Baal Perazim	6	6 ^{3 1/2}	7 ⁴	6 ⁷	6 ¹¹	6 20 1/4
14	High Inflation	4	5 ^{2 1/2}	6 ³	7 ^{8 1/2}	7 ¹²	7 21
12	Bacheliere	9	9 ⁸	9 ¹⁰	8 ^{10 1/2}	8 ¹⁷	8 ⁴⁰
5	Freud's Mistress	5	1 ¹	1 ^{1/2}	9 ^{13 1/2}	9 ²⁷	9 67 1/4

Trainers: 10 - Terranova, II, John; 6 - Lostritto, Joseph; 4 - Antonucci, Jena; 13 - Rice, Linda; 11 - Brown, Bruce; 8 - Goodwin, Gabriel; 14 - Antonucci, Jena; 12 - Persaud, Randi; 5 - Englehart, Chris

Owners: 10 - Curragh Stables; 6 - Team Tristar Stable; 4 - Philippe Vinh; 13 - MAT Stables, LLC; 11 - La Marca Stable; 8 - Goodwin Farms, Farrell, M., Armstrong, R. and N. and Kelly, M.; 14 - G and O Farms and Tsilios, Paul N.; 12 - Randi Persaud; 5 - Panther Gap Stables and Manion, Dan;

Footnotes

ROCK SHOW unhurried in the early stages, ranged up into midpack, sat wedged between rivals in the three path at the three-eighths pole, steadied when caught in traffic a furlong down the road, turned for home and found enough of a seam between rivals to split them, responded positively when given her cue, sailing past the runner up to take over, then drew well clear, under confident handling during the final sixteenth. YOU TAKE THE CAKE unleashed a bold four wide run from the five-sixteenths pole to lead the field into the stretch, got overhauled by the winner shortly afterwards, continued onward to be second best. VINHDICATION SPOT rode the rail down the backstretch, slipped into the two path near the top of the turn, was under a firm hold snugly placed between rivals at the halfway point around it, was forced to check when caught behind rivals approaching the quarter pole, swung outward after entering the stretch eventually altering course into the four path by the three-sixteenths marker, mustered up a mild response to best the rest. INAFLASH forwardly placed while three wide, tired. LITTLE GABBY GIRL broke through the starting gate, galloped off a short distance, proceeded to come away with no apparent mishap, disputed the pace from between rivals for a good portion of the run around the bend, tired. BAAL PERAZIM raced along the outside under encouragement on the turn, folded. HIGH INFLATION four wide entering the turn, was in the five path exiting it, tired. BACHELIERE swung four wide into the stretch to no avail. FREUD'S MISTRESS showed the way for the opening half at or near the inside, stopped.

SARATOGA - July 24, 2013 - Race 5

MAIDEN CLAIMING - For Thoroughbred Three Year Old and Upward Fillies and Mares Claiming Price: \$20,000

Six Furlongs On The Dirt Track Record: (Speightstown - 1:08.00 - August 14, 2004)

Purse: \$37,000

Available Money: \$37,000

Value of Race: \$37,000 1st \$22,200, 2nd \$7,400, 3rd \$3,700, 4th \$1,850, 5th \$1,110, 6th \$185, 7th \$185, 8th \$185, 9th \$185

Weather: Clear Track: Fast

Off at: 3:09 Start: Good for all

EQUIBASE
COMPANY[Video Race Replay](#)

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	1/2	Str	Fin	Odds	Comments	
3Jul13	5	BEL	7	4	Mama Zee (Velasquez, Cornelio)	119	L b	3 8	9	6 ^{1/2}	4 Head	1 3/4	4.80 squeeze brk, 6w upper
26May13	6	BEL	4	6	Inaflash (Rosario, Joel)	119	L	6 3	2 ¹	1 ²	1 ² 1/2	2 1/2	4.10 2p, caught past 1/16
27Jun13	8	BEL	3	8	Rettalfa (Maragh, Rajiv)	119	L bf	9 9	7 ⁵	4 ¹	3 ¹	3 2 3/4	13.70 urged 4w into stretch
23May13	1A	BEL	7	1A	Malibu Queen (Ortiz, Jr., Ira)	119	L bf	8 1	6 ¹ 1/2	5 ¹ 1/2	6 ¹⁰	4 ⁴	0.95* broke open gate, 5w upr
19Jun13	1	BEL	6	1	Work N Flirt (Castellano, Javier)	119	L bf	5 4	4 ⁴	2 ¹	2 Head	5 Neck	0.95* solid bump start, 2p
22Jun13	7	BEL	5	7	Lady Halite (Lezcano, Jose)	124	L	7 5	3 ¹ 1/2	3 ¹ 1/2	5 ^{1/2}	6 ²³ 1/4	5.70 3w pursuit turn, folded
---	2			2	Insane Speed (Saez, Luis)	119	L	1 2	1 ^{1/2}	7 ⁵	7 ³	7 ³ 3/4	26.00 inside, faltered
4Nov12	3	AQU	4	3	Passionforsongs (Franco, Manuel)	114	L f	2 6	5 Head	8 ⁴	8 ⁵	8 ¹⁵ 1/4	36.00 bump brk, ask 5/16
19Jun13	5	BEL	7	5	Charming Becky (Espinoza, Jose)	119	L b	4 7	8 ¹	9	9	9	21.50 bump solid btwn start

Fractional Times: 22.12 45.63 58.79

Final Time: 1:12.81

Split Times: (23:51) (13:16) (14:02)

Run-Up: 40 feet

Winner: Mama Zee, Dark Bay or Brown Filly, by J Be K out of Acqualina, by Pulpit. Foaled Apr 20, 2010 in Kentucky.

Breeder: Zayat Stables. Winning Owner: Zayat Stables, LLC

1 Claimed Horse(s): Work N Flirt

New Trainer: Steven M. Asmussen New Owner: J. Kirk Robison

Claiming Prices: 4 - Mama Zee: \$20,000; 6 - Inaflash: \$20,000; 8 - Rettalfa: \$20,000; 1A - Malibu Queen: \$20,000; 1 - Work N Flirt: \$20,000; 7 - Lady Halite: \$20,000; 2 - Insane Speed: \$20,000; 3 - Passionforsongs: \$20,000; 5 - Charming Becky: \$20,000;

Scratched Horse(s): Diamond Maker (Veterinarian)

Total WPS Pool: \$314,548

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
4	Mama Zee	11.60	5.40	4.10	\$2.00 Exacta	4-6	41.80	304,495
6	Inaflash		5.00	3.60	\$2.00 Trifecta	4-6-8	215.50	214,297
8	Rettalfa			5.00	\$2.00 Pick 3	2-5-4 (3 correct)	772.00	87,267
					\$2.00 Pick 4	2-2-5-4 (4 correct)	1,905.00	261,715
					\$2.00 Daily Double	5-4	67.00	66,336

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	1/2	Str	Fin
4	Mama Zee	8	9 ¹⁴ 1/2	6 ⁷	4 ³ 1/2	1 ¹ 3/4
6	Inaflash	3	2 ¹ /2	1 ²	1 ² 1/2	2 ¹ 3/4
8	Rettalfa	9	7 ⁸ 1/2	4 ⁴ 1/2	3 ² 1/2	3 ² 1/4
1A	Malibu Queen	1	6 ⁷	5 ⁵ 1/2	6 ⁴ 1/4	4 ⁵
1	Work N Flirt	4	4 ³	2 ²	2 ² 1/2	5 ⁹
7	Lady Halite	5	3 ¹ 1/2	3 ³	5 ³ 3/4	6 ⁹ 1/4
2	Insane Speed	2	1 ¹ /2	7 ⁷ 1/2	7 ¹⁴ 1/4	7 ³² 1/2
3	Passionforsongs	6	5 ⁷	8 ¹² 1/2	8 ¹⁷ 1/4	8 ³⁸ 1/4
5	Charming Becky	7	8 ¹³ 1/2	9 ¹⁶ 1/2	9 ²² 1/4	9 ⁵¹ 1/2

Trainers: 4 - Rodriguez, Rudy; 6 - Asmussen, Steven; 8 - Gullo, Gary; 1A - Mareina, Michael; 1 - Mareina, Michael; 7 - Kenneally, Eddie; 2 - Contessa, Gary; 3 - Persaud, Randi; 5 - Ness, Jamie

Owners: 4 - Zayat Stables, LLC; 6 - Clark O. Brewster; 8 - Donald H. Piser; 1a - Kuehne Racing; 1 - Kuehne Racing; 7 - Joseph Bucci; 2 - McConnell Racing Stable, Pines Stables, Green, L. and Magis Thoroughbreds; 3 - Jum-Bo-Jet Racing Stable; 5 - Midwest Thoroughbreds, Inc.;

Footnotes

MAMA ZEE was squeezed back after getting bumped with solid impact from both sides at the break, was unhurried for nearly a half while racing from off the inside, picked up interest and spun with a good touch of momentum into the stretch until six wide, the widest of all, by the end of the maneuver, was kept clear of others, with an occasional pull on the right rein by the pilot proceeding down the stretch, rolled by the leader in the final seventy yards, crossing the finish under hand urging. INAFLASH gained command shortly after departing the backstretch, cut the pace, coaxed along from the two path, arrived at the quarter pole, with none latched on and with the closest pursuers having been asked for a response, was asked for one herself shortly afterwards, got reeled in leaving the sixteenth pole, but held on well to secure second. RETTALFA off a half beat slowly, was under encouragement turning for home four wide, held on well for the show award. MALIBU QUEEN broke through the gate prior to the initial attempt to send the field on its way, was expertly kept grasped of by the assistant starter and thus didn't run off, proceeded to break on top but was outsprinted by several others in short order, departed the backstretch three wide, fanned five wide into the stretch, with a slight loss of ground and momentum, displayed some late interest to improve position and snatch up the last major check. WORK N FLIRT came inward, bumping with the nearest opponent hard enough to get turned slightly sideways, took up the chase from the two path on the turn, at times loosely drafting behind the runner up, was under a drive prior to the quarter pole, failed to cut into the margin once in the stretch then steadily backed away. LADY HALITE underwent a three wide pursuit on the turn, folded. INSANE SPEED forwardly placed along the inside for the opening half, faltered. PASSIONFORSONGS broke inward and was bumped at the start, rode the rail down the backstretch but raced along the outside on the turn, was under encouragement by the five-sixteenths pole, gave way. CHARMING BECKY bumped soundly from between rivals at the start, was no factor.

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SARATOGA - August 12, 2013 - Race 6

MAIDEN CLAIMING - For Thoroughbred Three Year Old and Upward Fillies and Mares Claiming Price: \$20,000
 Six Furlongs On The Dirt Track Record: (Speightstown - 1:08.00 - August 14, 2004)

Purse: \$37,000

Available Money: \$37,000

Value of Race: \$37,000 1st \$22,200, 2nd \$7,400, 3rd \$3,700, 4th \$1,850, 5th \$1,110, 6th \$370, 7th \$370

Weather: Clear Track: Fast

Off at: 3:47 Start: Good for all

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[Video Race Replay](#)

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	1/2	Str	Fin	Odds	Comments	
24Jul13	5	SAR ²	3	Inaflash (Rosario, Joel)	119	L	2 2	1 ¹	1 ^{2 1/2}	1 ⁷	1 ^{6 3/4}	0.60*	inside, much the best
3Aug12	3	SAR ⁶	7	Darnley Bay (Castellano, Javier)	123	L	6 4	5 ¹	3 ¹	2 ^{Head}	2 ^{3 1/2}	12.30	3w upper,unasked late
28Jun13	4	MTH ⁷	4	Toast to Ashley (Franco, Manuel)	114	L b	3 3	3 ³	2 ²	3 ²	3 ²	4.60	3w on turn, tired
24Jul13	5	SAR ³	8	Rettalfa (Rocco, Jr., Joseph)	119	L bf	7 6	6 ^{2 1/2}	5 ⁵	4 ²	4 ^{9 1/4}	4.50	3w 3/8,4w upr,outrun
24Jul13	5	SAR ⁸	6	Passionforsongs (Maragh, Rajiv)	119	L	5 1	2 ^{1 1/2}	4 ¹	5 ⁶	5 ⁹	24.75	2p, tiring before half
12Jul13	5	BEL ⁷	1	Simple Sinister (Jimenez, Samuel)	123	L b	1 7	7	7	7	6 ^{1 3/4}	50.50	duck in brk, rail trip
2Aug13	5	SAR ⁹	5	Saratoga Sunrise (Saez, Luis)	119	L bf	4 5	4 ¹	6 ¹	6 ^{1/2}	7	9.90	rail 7/16-1/4,gave way

Fractional Times: 22.37 45.64 57.83

Final Time: 1:10.69

Split Times: (23:27) (12:19) (12:86)

Run-Up: 36 feet

Winner: Inaflash, Gray or Roan Filly, by Flashy Bull out of One Fell Swoop, by Vicar. Foaled May 04, 2010 in Kentucky.

Breeder: Joe Mulholland Jr., John Mulholland & Karen Mulholland. Winning Owner: Clark O. Brewster

Claiming Prices: 3 - Inaflash: \$20,000; 7 - Darnley Bay: \$20,000; 4 - Toast to Ashley: \$20,000; 8 - Rettalfa: \$20,000; 6 - Passionforsongs: \$20,000; 1 - Simple Sinister: \$20,000; 5 - Saratoga Sunrise: \$20,000;

Scratched Horse(s): Estrange (Veterinarian)

Total WPS Pool: \$302,177

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
3	Inaflash	3.20	2.40	2.20	\$2.00 Exacta	3-7	24.80	309,548
7	Darnley Bay		6.00	4.30	\$2.00 Trifecta	3-7-4	88.50	179,496
4	Toast to Ashley			3.10	\$2.00 Pick 3	2-8-3 (3 correct)	56.50	91,009
					\$2.00 Daily Double	8-3	5.50	68,110
					\$2.00 Superfecta	3-7-4-8	152.00	85,917

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	1/2	Str	Fin
3	Inaflash	2	1 ¹	1 ^{2 1/2}	1 ⁷	1 ^{6 3/4}
7	Darnley Bay	4	5 ^{6 1/2}	3 ^{4 1/2}	2 ⁷	2 ^{6 3/4}
4	Toast to Ashley	3	3 ^{2 1/2}	2 ^{2 1/2}	3 ⁷	3 ^{10 1/4}
8	Rettalfa	6	6 ^{7 1/2}	5 ^{6 1/2}	4 ⁹	4 ^{12 1/4}
6	Passionforsongs	1	2 ¹	4 ^{5 1/2}	5 ¹¹	5 ^{21 1/2}
1	Simple Sinister	7	7 ¹⁰	7 ^{12 1/2}	7 ^{17 1/2}	6 ^{30 1/2}
5	Saratoga Sunrise	5	4 ^{5 1/2}	6 ^{11 1/2}	6 ¹⁷	7 ^{32 1/4}

Trainers: 3 - Asmussen, Steven; 7 - Lerman, Roy; 4 - Rodriguez, Rudy; 8 - Gullo, Gary; 6 - Persaud, Randi; 1 - Reiff, Eugene; 5 - Farrell, Desmond

Owners: 3 - Clark O. Brewster; 7 - Roy S. Lerman; 4 - Zayat Stables, LLC; 8 - Donald H. Piser; 6 - Jum-Bo-Jet Racing Stable; 1 - Lil Red Rooster Racing; 5 - Anthony J. DePaula;

Footnotes

INAFLASH along the inside, vied for the lead with PASSIONFORSONGS, disposed of that opponent for good by the five-sixteenths pole, was put to light urging, drew off and won as much the best. DARNLEY BAY chased the winner from the two path on the turn, was already under encouragement turning for home three wide, proved no match for the top one, completing the final stages not asked for her best. TOAST TO ASHLEY three wide departing the backstretch, got roused during the later stages of the run around the bend, tired. RETTALFA three wide midway on the turn, commenced the stretch one path wider, failed to menace. PASSIONFORSONGS pressed the issue from the two path during the initial stages, was backing away before going a half. SIMPLE SINISTER ducked in leaving the starting gate, was given some light stick work in the area of the right shoulder, failed to get motivated, was always outrun off a ground-saving journey. SARATOGA SUNRISE along the inside route from the seven-sixteenths marker to the quarter pole, gave way.

SARATOGA - September 2, 2013 - Race 1

CLAIMING - For Thoroughbred Three Year Old and Upward Fillies and Mares (C) Claiming Price: \$20,000

Five And One Half Furlongs On The Dirt - Originally Scheduled For 5 1/2 Furlongs On Turf Track Record: (Fastus Cactus - 1:02.51

- July 25, 2010)

Purse: \$44,400

Available Money: \$44,400

Value of Race: \$44,400 1st \$26,640, 2nd \$8,880, 3rd \$4,440, 4th \$2,220, 5th \$1,332, 6th \$296, 7th \$296, 8th \$296

Weather: Cloudy Track: Sloppy (Sealed)

Off at: 12:30 Start: Good for all

EQUIBASE
COMPANY



[Video Race Replay](#)

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	3/8	Str	Fin	Odds	Comments
11Aug13 ⁵ SAR ⁷	7	Tina's Note (Teator, Phil)	121	L bf	5 1	1 ¹	1 ¹	1 ¹	1 Head	1 ¹	38.25	4w 7/16,3w 1/4,game
12Aug13 ⁶ SAR ¹	1A	Inaflash (Saez, Luis)	117	L	7 5	2 ¹	2 ² 1/2	2 ¹	2 ¹	2 ¹ 1/2	1.60*	3-5w,drftd out bad1/16
28Jul13 ⁸ SAR ⁷	6	Sharon Spagetti (Ortiz, Jr., Irad)	117	L	4 2	3 ¹	3 ²	3 ¹	3 ¹	3 ¹ 1/2	7.00	3w7/16,rail3/8,outkcd
9Aug13 ⁹ SAR ²	9	Ascended Fever (Prado, Edgar)	117	L b	6 7	7 ³	5 ²	4 ⁴ 1/2	4 ⁴	4 ⁴	4.50	3-4w turn,5w into lane
17Aug13 ⁴ SAR ⁸	4	Guyana Star (Luzzi, Michael)	117	L	3 6	8	8	6 ¹	5 ³ 1/4	23.80	4w5/16,floated 6w3/16	
2Aug13 ³ SAR ⁷	3	Polan (Lezcano, Abel)	117	L	2 3	4 ¹ 1/2	4 Head	5 ¹	6 ²	10.20	pressed btwn,chsd,wknd	
28Jul13 ² SAR ²	2	Top Tier Lass (Castellano, Javier)	117	L b	1 4	6 ¹ 1/2	6 ¹	7 ² 1/2	7 ⁵ 1/4	2.55	lost position bad 7/16	
25Aug13 ¹² SAR ⁵	12	Blue Sixty Four (Rodriguez, Guillermo)	121	L b	8 8	5 ¹ 1/2	7 ²	8	8	13.00	5-6w3/8,8w1/4,10w3/16	

Fractional Times: 22.32 45.87 58.63

Final Time: 1:05.44

Split Times: (23.55) (12.76) (6.81)

Run-Up: 48 feet

Winner: Tina's Note, Dark Bay or Brown Filly, by Smooth Jazz out of Aristie, by Lustrous Bid. Foaled Feb 22, 2009 in New York.

Breeder: Estate of Athena C. Kouray. Winning Owner: Ingrid Cabrera

2 Claimed Horse(s): Inaflash
Top Tier Lass

New Trainer: Robert Barbara
New Trainer: Michael J. Maher

New Owner: Vincent Scalcione
New Owner: Ramsey, Kenneth L. and Sarah K.

Claiming Prices: 7 - Tina's Note: \$20,000; 1A - Inaflash: \$20,000; 6 - Sharon Spagetti: \$20,000; 9 - Ascended Fever: \$20,000; 4 - Guyana Star: \$20,000; 3 - Polan: \$20,000; 2 - Top Tier Lass: \$20,000; 12 - Blue Sixty Four: \$20,000;

Scratched Horse(s): Crescent Shore (Veterinarian), Dixie Sparkle (Off-Turf), Lady Utopia (Off-Turf), Mo Didn't Know (Off-Turf), Typhoon Teri (Stewards)

Total WPS Pool: \$215,198

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
7	Tina's Note	78.50	26.40	9.00	\$2.00 Exacta	7-1	387.50	256,678
1A	Inaflash		3.90	2.70	\$2.00 Trifecta	7-1-6	2,311.00	144,394
6	Sharon Spagetti			4.20	\$2.00 Superfecta	7-1-6-9	9,815.00	56,851

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	3/8	Str	Fin
7	Tina's Note	1	1 ¹	1 ¹	1 Head	1 ¹
1A	Inaflash	5	2 ¹	2 ¹	2 Head	2 ¹
6	Sharon Spagetti	2	3 ²	3 ³ 1/2	3 ¹	3 ² 1/2
9	Ascended Fever	7	7 ⁵ 1/2	5 ⁵ 1/2	4 ²	4 ³
4	Guyana Star	6	8 ⁸ 1/2	8 ¹⁰ 1/2	6 ⁷ 1/2	5 ⁷
3	Polan	3	4 ³	4 ⁵ 1/2	5 ⁶ 1/2	6 ⁷ 3/4
2	Top Tier Lass	4	6 ⁵	6 ⁷ 1/2	7 ⁸ 1/2	7 ⁹ 3/4
12	Blue Sixty Four	8	5 ⁴ 1/2	7 ⁸ 1/2	8 ¹¹	8 ¹⁵

Trainers: 7 - Rojas, Osvaldo; 1A - Asmussen, Steven; 6 - Rodriguez, Rudy; 9 - Galluscio, Dominic; 4 - Persaud, Randi; 3 - Coronel, Juan; 2 - Servis, Jason; 12 - O'Brien, Leo

Owners: 7 - Ingrid Cabrera; 1a-Clark O. Brewster; 6 - Gabrielle Farm; 9 -Ronald M. Marshall; 4 - Guyana Rocky LLC; 3 - Bortolazzo Stable LLC; 2 - Take Two Stable, LLC; 12 -Walter Shook;

Footnotes

TINA'S NOTE came away in good order, set the pace under pressure while well out in the track, moved clear with a half-mile to run, entered the turn in the four path, dropped close to the two path shortly thereafter, was asked outside the quarter-pole, came three wide into the stretch while being challenged by the runner-up, was put to a right-handed whip, switched to a left-handed whip and was given one crack coming to the eighth-pole, immediately went back to the right-hand, drifted out a bit late and held determinedly. INAFLASH was hard ridden on the outside, advanced five wide into the turn, dropped to near the three path before the three-eighths while chasing the leader, made a bid while four wide into the stretch, came under a right-handed whip, raced on even terms with the winner into the final furlong, drifted out badly when switched to a left-handed whip approaching the sixteenth-pole and was outfinished while able to get the place. SHARON SPAGETTI chased the pace between horses, raced three wide early on the turn, dropped to the rail near the three-eighths pole, pursued the winner under a drive into the final furlong and lacked the needed kick while able to secure the show. ASCENDED FEVER was ridden along while off the pace, went three then four wide on the turn, came five wide into the stretch, advanced into a good striking position while under a drive but flattened out. GUYANA STAR was urged along towards the rear, dropped back near the half-mile pole, raced off the rail on the turn, shifted four wide late on the bend, floated six wide into upper stretch and failed to threaten. POLAN was sent hard from the start, pressed the pace between horses, dropped back while off the rail on the turn, came three wide into the stretch and tired. TOP TIER LASS chased the pace on the inside, shuffled herself back along the rail near the half-mile pole, lost position badly in the process, raced inside on the turn and came up empty. BLUE SIXTY FOUR was ridden along on the outside, luggered out a bit while five then six wide early on the turn, floated eight wide late on the bend, drifted nine to ten wide into upper stretch and faltered.

BELMONT PARK - September 19, 2013 - Race 4

CLAIMING - For Thoroughbred Three Year Old and Upward Fillies and Mares (C) Claiming Price: \$35,000

Six Furlongs On The Dirt Track Record: (Artax - 1:07.66 - October 16, 1999)

Purse: \$39,000

Available Money: \$39,000

Value of Race: \$39,000 1st \$23,400, 2nd \$7,800, 3rd \$3,900, 4th \$1,950, 5th \$1,170, 6th \$195, 7th \$195, 8th \$195, 9th \$195

Weather: Clear Track: Fast

Off at: 2:40 Start: Good for all

EQUIBASE
COMPANY



[Video Race Replay](#)

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	1/2	Str	Fin	Odds	Comments
28Aug13	2	SAR ²	3	Talent N Passion (Castellano, Javier)	117	L	3 1	1 ²	1 ²	1 ² 1/2	1 ¹	3.35 drift out, hand urged
11Aug13	3	SAR ²	7	Evasive Cat (Velasquez, Cornelio)	120	L	7 2	2 1/2	2 ²	2 ²	2 ³	6.40 2p,ltg gain errant foe
27Aug13	9	IND ¹	2	Trail Walker (Velazquez, John)	120	L	2 4	5 ²	4 ¹ 1/2	3 Head	3 ⁴ 3/4	2,10* 3w 3/8, 5w upper
26Jul13	2	SAR ⁸	1	Unbroken Dream (Castillo, Jr., Angel)	115	L	1 3	3 ¹	3 ¹	4 ²	4 ¹ 3/4	28.75 bobble after st,pocket
29Jul13	10	SAR ¹	5	Typhoon Teri (Vargas, Jr., Jorge)	115	L b	5 9	9	5 ²	5 ²	5 ¹ 1/4	35.25 bobble st,quick to ins
8Sep13	4	BEL ¹	9	Revealing Moment (Franco, Manuel)	112	L f	9 8	7 1/2	8 ²	8 ³ 1/2	6 Neck	6.50 overland route,outrun
21Aug13	3	SAR ³	8	Sweet Sway (Alvarado, Junior)	117	L b	8 7	8 1/2	7 ¹	7 1/2	7 ³ 4/	11.90 3w 1/2,5w uppr,no bids
26Aug13	3	SAR ⁵	6	Garmentos Girl (Ortiz, Jose)	117	L f	6 6	8 Head	6 Head	6 Head	8 ⁸ 1/4	4.80 btwn foes turn, tired
2Sep13	1	SAR ²	4	Inaflash (Ortiz, Jr., Irad)	117	L	4 5	4 Head	9	9	9	14.40 4w turn, folded

Fractional Times: 22.27 45.81 58.02

Final Time: 1:11.28

Split Times: (23:54) (12:21) (13:26)

Run-Up: 56 feet

Winner: Talent N Passion, Dark Bay or Brown Filly, by City Place out of Anythingispossible, by Songandaprayer. Foaled Jan 12, 2010 in Florida.

Breeder: Hartley/De Renzo Thoroughbreds, CharlieDobbs & Frank Berris. Winning Owner: Winning Move Stable, Bob Petersons Stables, LLC and Class Personified

3 Claimed Horse(s): Garmentos Girl	New Trainer: Thomas Morley	New Owner: Robert Murray
Talent N Passion	New Trainer: John T. Toscano, Jr.	New Owner: Bran Jam Stable
Trail Walker	New Trainer: Linda Rice	New Owner: Bruce Golden Racing

Claiming Prices: 3 - Talent N Passion: \$35,000; 7 - Evasive Cat: \$35,000; 2 - Trail Walker: \$35,000; 1 - Unbroken Dream: \$35,000; 5 - Typhoon Teri: \$35,000; 9 - Revealing Moment: \$35,000; 8 - Sweet Sway: \$35,000; 6 - Garmentos Girl: \$35,000; 4 - Inaflash: \$35,000;

Total WPS Pool: \$209,000

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
3	Talent N Passion	8.70	4.90	3.10	\$2.00 Exacta	3-7	82.00	234,908
7	Evasive Cat		8.00	4.60	\$2.00 Trifecta	3-7-2	215.00	124,633
2	Trail Walker			2.90	\$2.00 Superfecta	3-7-2-1	2,337.00	70,926
					\$2.00 Daily Double	1-3	191.50	48,010
					\$2.00 Pick 3	4-1-3 (3 correct)	1,007.00	43,011
					\$2.00 Quinella	3-7	41.40	12,441

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	1/2	Str	Fin
3	Talent N Passion	1	1 ²	1 ²	1 ² 1/2	1 ¹
7	Evasive Cat	2	2 ²	2 ²	2 ² 1/2	2 ¹
2	Trail Walker	4	5 ³ 1/2	4 ³ 1/2	3 ⁴ 1/2	3 ⁴
1	Unbroken Dream	3	3 ² 1/2	3 ² 1/2	4 ⁴ 1/2	4 ⁸ 3/4
5	Typhoon Teri	9	6 ⁷ 3/4	5 ⁵	5 ⁶ 1/2	5 ¹⁰ 1/2
9	Revealing Moment	8	7 ⁵ 3/4	8 ⁸	8 ⁹ 1/4	6 ¹¹ 3/4
8	Sweet Sway	7	6 ⁶ 1/4	7 ⁷	7 ⁸ 3/4	7 ¹²
6	Garmentos Girl	6	6 ⁵ 1/2	6 ⁷	6 ⁸ 1/2	8 ¹² 3/4
4	Inaflash	5	4 ³ 1/2	9 ¹⁰	9 ¹² 3/4	9 ²¹

Trainers: 3 - Galluscio, Dominic; 7 - Jacobson, David; 2 - Asmussen, Steven; 1 - Rodriguez, Rudy; 5 - Galluscio, Dominic; 9 - Rojas, Osvaldo; 8 - Rodriguez, Rudy; 6 - McGaughey III, Claude; 4 - Barbara, Robert

Owners: 3 - Winning Move Stable, Bob Petersons Stables, LLC and Class Personified Stable; 7 - Drawing Away Stable; 2 - Millennium Farms and Littlebrother Farm LLC; 1 - Andrew Gurdon; 5 - William J. Buller; 9 - Osvaldo Rojas; 8 - Winter Park Partners; 6 - Rosen, Andrew and Schwartz, Barry K.; 4 - Vincent Scalcione;

Footnotes

TALENT N PASSION shot out of the starting gate to take command under a snug hold by the pilot while doing so, carved the pace from the inside, being rated and with the closest pursuers applying only traces of pressure, spun into the stretch with still having latched on and got asked for a response, that being in the form of hand encouragement, began to drift towards the middle of the strip yet left the eighth hole holding her biggest advantage, had it chopped down steadily by the runner up thereafter but reached the wire in plenty of time to preserve the decision. EVASIVE CAT chased the winner from the two path, gained ground on that errant foe in the final furlong en route to place honors. TRAIL WALKER raced from off the inside, was three wide at the three-eighths pole and five wide a furlong later, lacked the needed late energy to threaten either of the top twosome. UNBROKEN DREAM bobbed few strides after coming out of the starting gate, tracked the winner from the pocket and came up empty. TYPHOON TERI bobbed at the start, darted over to the inside, faltered. REVEALING MOMENT took the overland route on the bend and failed to menace. SWEET SWAY three wide and between rivals at the top of the turn, commenced the stretch from the five path, had no offering. GARMENTOS GIRL raced between foes on the turn and tired. INAFLASH four wide on the turn, was through before completing the opening half.

BELMONT PARK - October 3, 2013 - Race 4

CLAIMING - For Thoroughbred Three Year Old and Upward Fillies and Mares (C) Claiming Price: \$20,000

Six And One Half Furlongs On The Dirt Track Record: (Super Shape (ARG) - 1:14.46 - October 21, 2009)

Purse: \$30,000

Available Money: \$30,000

Value of Race: \$30,000 1st \$18,000, 2nd \$6,000, 3rd \$3,000, 4th \$1,500, 5th \$900, 6th \$200, 7th \$200, 8th \$200

Weather: Clear Track: Fast

Off at: 2:26 Start: Good for all

[Video Race Replay](#)

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	1/2	Str	Fin	Odds	Comments
22Sep13	4	BEL ⁴	8	Seven Dreams (Franco, Manuel)	113	L b	8 7	8	7 ³	1 ¹	17.90	4w into lane,by a pair
19Sep13	4	BEL ⁹	3	Inaflash (Vargas, Jr., Jorge)	115	L	3 5	5 1 1/2	5 ² 1/2	2 1/2	16.10	4w into lane, willing
19Sep13	4	BEL ²	2	Evasive Cat (Velasquez, Cornelio)	121	L	2 3	1 1/2	1 ¹	1 ¹	3 ² 3/4	0.55* near Inside, held well
19Sep13	4	BEL ⁴	7	Unbroken Dream (Maragh, Rajiv)	121	L b	7 4	4 ¹	4 ¹	4 ¹	6.30	3w & driving by 5/16pl
18Sep13	6	BEL ¹⁰	1	Stellerite (Ortiz, Jr., Irad)	118	L b	1 1	3 1/2	3 Head	3 ¹	5 ³ /4	17.30 ins.all off heels 3/16
22Sep13	4	BEL ³	5	Lavalette Gold (Lezcano, Abel)	118	L f	5 8	7 2 1/2	6 ¹	6 1/2	6 ³ /4	8.90 fell past wire, van'd
8Sep13	4	BEL ⁸	6	Blue Sixty Four (Castillo, Jr., Angel)	114	L b	6 6	6 ²	7 ²	8	7 ¹ /2	51.75 bump brk, check 1/4
1Sep13	6	SAR ⁴	4	Time On My Hands (Ortiz, Jose)	118	L bf	4 2	2 1 1/2	2 ¹	5 Head	8	6.30 2p, squeezed 1/8pl

Fractional Times: 22.65 46.09 1:12.11

Final Time: 1:18.86

Split Times: (23:44) (26:02) (6:75)

Run-Up: 48 feet

Winner: Seven Dreams, Bay Filly, by Majestic Warrior out of Seventh Choice, by El Prado (IRE). Foaled Feb 22, 2010 in Kentucky.

Breeder: Eico Stable. Winning Owner: Post Position Stables, LLC

1 Claimed Horse(s): Evasive Cat

New Trainer: Laura Perillo

New Owner: Midwest Thoroughbreds, Inc.

Claiming Prices: 8 - Seven Dreams: \$20,000; 3 - Inaflash: \$20,000; 2 - Evasive Cat: \$20,000; 7 - Unbroken Dream: \$20,000; 1 - Stellerite: \$20,000; 5 - Lavalette Gold: \$20,000; 6 - Blue Sixty Four: \$20,000; 4 - Time On My Hands: \$20,000;

Total WPS Pool: \$209,533

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
8	Seven Dreams	37.80	14.40	4.80	\$2.00 Exacta	8-3	584.00	221,720
3	Inaflash		13.00	4.50	\$2.00 Quinella	3-8	221.50	15,782
2	Evasive Cat			2.10	\$2.00 Trifecta	8-3-2	1,747.00	143,318
					\$2.00 Pick 3	6-6-8 (3 correct)	445.50	26,074
					\$2.00 Daily Double	6-8	49.60	47,047
					\$2.00 Superfecta	8-3-2-7	7,881.00	87,271

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	1/2	Str	Fin
8	Seven Dreams	7	8 ⁹ 1/2	8 ⁸ 1/2	7 ³ 1/2	1 ¹
3	Inaflash	5	5 ³ 1/2	5 ³	2 ¹	2 ¹
2	Evasive Cat	3	1 1/2	1 ¹	1 ¹	3 ¹
7	Unbroken Dream	4	4 2 1/2	4 ²	4 ² 1/2	4 ³ 3/4
1	Stellerite	1	3 ²	3 ²	3 ¹ 1/2	5 ⁴ 3/4
5	Lavalette Gold	8	7 ⁷	6 ⁵ 1/2	6 ³	6 ⁵ 1/2
6	Blue Sixty Four	6	6 ⁵	7 ⁶ 1/2	8 ⁶ 1/2	7 ⁶ 1/4
4	Time On My Hands	2	2 1/2	2 ¹	5 ³	8 ⁶ 3/4

Trainers: 8 - Araya, Rene; 3 - Barbara, Robert; 2 - Jacobson, David; 7 - Rodriguez, Rudy; 1 - Donk, David; 5 - Persaud, Randi; 6 - O'Brien, Leo; 4 - Levine, Bruce

Owners: 8 - Post Position Stables, LLC; 3 - Vincent Scalcione; 2 - Drawing Away Stable; 7 - Andrew Gurdon; 1 - Punk, Jr., William J. and DiLeo, Philip; 5 - Guyana Rocky LLC; 6 - Walter Shook; 4 - James A. Riccio;

Footnotes

SEVEN DREAMS reserved while kept at a slight distance from off the inside, swung four wide into the stretch, drifted a bit wider while travelling through the furlong grounds, closed in readily during the final furlong and outkicked a pair in the late stages to prove best. INAFLASH off the inside, got tipped into the three path coming to the five-sixteenths marker, commenced the stretch one wider and already under solid encouragement, vied with vigor for command with EVASIVE CAT leaving the eighth pole, got blown past by the winner by gamely procured place honors. EVASIVE CAT vied for the lead from a slight distance from off the rail, got reeled in past the sixteenth pole, held on well to take the show. UNBROKEN DREAM three wide and under a full drive leaving midpoint on the turn, lacked the needed late response. STELLERITE tracked the front runner from the pocket, altered course off the leader's heels in the area of the three-sixteenths marker, flattened out. LAVALETTE GOLD bumped at the break, gave chase from the outside, was fanned into the five path by the end of the furlong grounds, took bad steps and fell heavily a short distance after crossing the wire and was subsequently vanned off. BLUE SIXTY FOUR bumped lightly with LAVALETTE GOLD at the start, quickly tucked along the inside, checked off another's heels while attempting to angle outward for the drive home, fanned very wide thereafter and came up empty. TIME ON MY HANDS contested the pace from the two path, was between rivals and still prominently placed between rivals nearing the eighth pole when squeezed back, backed away steadily.

BELMONT PARK - October 18, 2013 - Race 4

CLAIMING - For Thoroughbred Three Year Old and Upward Fillies and Mares (NW2 L) Claiming Price: \$15,000

Six Furlongs On The Dirt Track Record: (Artax - 1:07.66 - October 16, 1999)

Purse: \$28,000

Available Money: \$28,000

Value of Race: \$28,000 1st \$16,800, 2nd \$5,600, 3rd \$2,800, 4th \$1,400, 5th \$840, 6th \$112, 7th \$112, 8th \$112, 9th \$112, 10th

\$112

EQUIBASE
COMPANY

Video Race Replay

Weather: Clear Track: Fast

Off at: 2:26 Start: Good for all

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	1/2	Str	Fin	Odds	Comments
6Oct13 ⁴ BEL ⁷	11	Crafty Push (Velasquez, Cornelio)	121	L b	10	6	2 ¹	2 ¹	1 ^{Head}	1 ^{Neck}	21.60	2p, dueled lane, game
3Oct13 ⁴ BEL ⁵	3	Stellerite (Orliz, Jr., Irad)	118	L b	3	1	3 ¹	3 ²	2 ^{Neck}	6.20	inside, slip by 1/4pl	
3Oct13 ⁴ BEL ²	8	Inaflash (Vargas, Jr., Jorge)	113	L	7	4	4 ³	1 ^{Head}	2 ^{1 1/2}	3 ³	3.35*	3w bid 1/4, willingly
1Jul13 ⁷ GP ⁶	5	Jewel in the Sky (Esquivel, Emmanuel)	113	L b	5	7	5 ^{Head}	5 ^{1 1/2}	4 ¹	4 ²	3.55	off inside, outkicked
6Oct13 ⁴ BEL ⁶	6	Pop Pop's Smyle (Lezcano, Abel)	121	L f	6	5	8 ²	7 ¹	6 ¹	5 ^{Nose}	18.40	2p & felt whip 3/8
6Oct13 ⁴ BEL ⁸	1	Tatoo Me (Castillo, Jr., Angel)	114	L f	1	8	9 ^{1/2}	8 ²	8 ⁴	6 ^{2 1/2}	73.25	ins early, fan to 5p
6Oct13 ⁴ BEL ⁵	2	Sharpandwitty (Franco, Manuel)	116	L b	2	2	6 ²	6 ^{1/2}	7 ¹	7 ^{1 1/4}	8.40	left ins 5/16, empty
26Sep13 ⁴ BEL ⁶	4	Dixie Sparkle (Rosario, Joel)	119	L b	4	3	11	4 ^{1 1/2}	5 ^{Head}	8 ^{6 1/4}	3.80	pace ins, overhauled 1/4p
27Sep13 ⁶ BEL ⁹	9	Brickhouse Baby (Saez, Luis)	118	L b	8	9	7 ^{1 1/2}	9 ³	9 ^{5 1/2}	9 ^{13 1/4}	8.80	3w top turn, brief foot
15Sep13 ⁵ BEL ¹	10	Tracy's Belle (Orliz, Jose)	120	L	9	10	10	10	10	10	10.90	3w 3/8, trailed

Fractional Times: 22.91 46.39 58.54

Final Time: 1:11.43

Split Times: (23:48) (12:15) (12:89)

Run-Up: 48 feet

Winner: Crafty Push, Bay Filly, by Dixie Union out of Lemon Blossom, by Lemon Drop Kid. Foaled May 14, 2009 in Kentucky.

Breeder: Kinsman Farm. Winning Owner: Henry Oak

2 Claimed Horse(s): Inaflash

New Trainer: Jeremiah C. Englehart New Owner: Neal M. Allread

Jewel in the Sky

New Trainer: Dominic G. Galluscio

New Owner: Bob Petersons Stables, LLC

Claiming Prices: 11 - Crafty Push: \$15,000; 3 - Stellerite: \$15,000; 8 - Inaflash: \$15,000; 5 - Jewel in the Sky: \$15,000; 6 - Pop Pop's Smyle: \$15,000; 1 - Tatoo Me: \$15,000; 2 - Sharpandwitty: \$15,000; 4 - Dixie Sparkle: \$15,000; 9 - Brickhouse Baby: \$15,000; 10 - Tracy's Belle: \$15,000;

Scratched Horse(s): Madame Prosecutor (Veterinarian)

Total WPS Pool: \$221,681

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
11	Crafty Push	45.20	20.20	9.90	\$2.00 Exacta	11-3	279.00	209,251
3	Stellerite		7.40	4.40	\$2.00 Quinella	3-11	108.50	13,850
8	Inaflash			3.00	\$2.00 Trifecta	11-3-8	876.00	113,556
					\$2.00 Pick 3	1-1-11 (3 correct)	105.00	21,986
					\$2.00 Daily Double	1-11	69.00	33,751
					\$2.00 Superfecta	11-3-8-5	5,289.00	60,246

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	1/2	Str	Fin
11	Crafty Push	6	2 ¹	2 ^{Head}	1 ^{Head}	1 ^{Neck}
3	Stellerite	1	3 ²	3 ¹	3 ^{1 1/2}	2 ^{Neck}
8	Inaflash	4	4 ³	1 ^{Head}	2 ^{Head}	3 ^{1/2}
5	Jewel in the Sky	7	5 ⁶	5 ^{3 1/2}	4 ^{3 1/2}	4 ^{3 1/2}
6	Pop Pop's Smyle	5	8 ^{9 1/2}	7 ^{5 1/2}	6 ^{4 3/4}	5 ^{5 1/2}
1	Tatoo Me	8	9 ^{11 1/2}	8 ^{6 1/2}	8 ^{6 3/4}	6 ^{5 1/2}
2	Sharpandwitty	2	6 ⁶	6 ⁵	7 ^{5 3/4}	7 ⁸
4	Dixie Sparkle	3	11	4 ²	5 ^{4 1/2}	8 ^{9 1/4}
9	Brickhouse Baby	9	7 ⁸	9 ^{8 1/2}	9 ^{10 3/4}	9 ^{15 1/2}
10	Tracy's Belle	10	10 ¹²	10 ^{11 1/2}	10 ^{16 1/4}	10 ^{28 3/4}

Trainers: 11 - Domino, Carl; 3 - Donk, David; 8 - Barbara, Robert; 5 - Jacobson, David; 6 - Persaud, Randi; 1 - Shivmangal, Doodnauth; 2 - Morrison, John; 4 - Sciacca, Gary; 9 - Violette, Jr., Richard; 10 - Kimmel, John

Owners: 11 - Henry Oak; 3 - Punk, Jr., William J. and DiLeo, Philip; 8 - Vincent Scalcione; 5 - Farnsworth Stables LLC; 6 - Randi Persaud; 1 - Sooklal Jadoo; 2 - John Morrison; 4 - Sweet Briar Stable; 9 - Murphy, Jr., Charles J., Nolan, James D., and Kinney, Peter; 10 - CFC Stables;

Footnotes

CRAFTY PUSH patiently stalked the pacesetter from the two path, issued a successful takeover of the lead heading for the quarter pole, got let out as a spirited tussle with INAFLASH commenced, gained a narrow advantage near the eighth pole then clung to it with good determination to preserve the decision. STELLERITE placed along the inside in short order, slipped by the former pacesetter cutting the corner into the lane while lacking the clearest of sailing, altered course to be outside the fighting front runners with a furlong remaining, and after coming up with some belated foot, rallied well enough to grab the place. INAFLASH issued a three wide challenge as the field turned for home, got engaged in a stretch-long duel with the winner right afterwards, continued onward in a willingly manner for the show. JEWEL IN THE SKY raced along the outside and got unfinished. POP POP'S SMYLE two wide and under the whip by the midway point on the turn, lacked the needed late closing punch. TATOО ME saved ground for nearly a half, got fanned into the five path by the three-sixteenths pole, mustered up only a mild response. SHARPANDWITTY vacated the inside route at the five-sixteenths pole, had no response. DIXIE SPARKLE showed the way from the inside, got overhauled approaching the quarter pole and backed away. BRICKHOUSE BABY put to brisk urging leaving the gate, departed the backstretch three wide, displayed only brief foot. TRACY'S BELLE three wide at the three-eighths pole, trailed throughout.

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FINGER LAKES - November 1, 2013 - Race 7

ALLOWANCE - For Thoroughbred Three Year Old and Upward Fillies and Mares (NW2 L)

Six Furlongs On The Dirt Track Record: (Kelly Kip - 1:08.20 - June 20, 1998)

Purse: \$21,000

Available Money: \$21,000

Value of Race: \$21,000 1st \$12,600, 2nd \$4,200, 3rd \$2,100, 4th \$1,050, 5th \$420, 6th \$315, 7th \$315

EQUIBASE
COMPANY[Video Race Replay](#)

Weather: Clear Track: Good (Sealed)

Off at: 3:24 Start: Good for all

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	1/2	Str	Fin	Odds	Comments
29Sep13	9MTH ⁶	6 Debbie's Limit (Baez, Jose)	120	L	6	3	3Head	3 ²	3 ³	1 1/4	11.30	bore out throughout
21Oct13	7FL ¹	5 Jupiter Moon (Husbands, Simon)	124	L b	5	2	1Head	1Head	1Head	2 3/4	2.65	trn bck bid, held plc
18Oct13	4BEL ³	3 Inaflash (Rohena, Wilfredo)	118	L b	3	5	2 ¹	2 ²	2 ¹	3 6 1/2	0.55*	stalk,bid,duel,wknd
10Oct13	4FL ¹¹	1 Alexis Road (Gomez, Oscar)	118	L b	1	1	4 1/2	4 1/2	4 ²	4Head	30.00	ran evenly, inside
14Oct13	9FL ⁴	7 Celestial Haze (Rohena, J.)	118	L bf	7	4	7	6 1/2	5 1/2	5 3 1/4	8.90	improved position
11Oct13	5FL ¹	4 Alpha Galpha Amber (Suarez, Gabriel)	122	L	4	6	5 1/2	5 ²	7	6 2 1/4	12.70	bolted turn
18Feb13	9AQU ⁹	2 Hall of Flame (Rohena, Jr., Rafael)	120	L bf	2	7	6 ²	7	6 ¹	7	29.25	no factor

Fractional Times: 22.17 45.28 58.75

Final Time: 1:13.39

Split Times: (23:11) (13:47) (14:64)

Run-Up: 50 feet

Winner: Debbie's Limit, Dark Bay or Brown Filly, by Don Six out of Beyond the Limit, by Unbridled. Foaled Apr 27, 2009 in New Jersey.

Breeder: Patricia Generazio. Winning Owner: Patricia A. Generazio

Total WPS Pool: \$33,635

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
6	Debbie's Limit	24.60	16.40	3.70	\$2.00 Exacta	6-5	117.50	38,231
5	Jupiter Moon		6.70	2.30	\$2.00 Trifecta	6-5-3	195.50	31,150
3	Inaflash			2.10	\$1.00 Superfecta	6-5-3-1	651.50	16,694

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	1/2	Str	Fin
6	Debbie's Limit	3	3 ¹	3 ²	3 ¹	1 1/4
5	Jupiter Moon	2	1Head	1Head	1Head	2 3/4
3	Inaflash	5	2Head	2Head	2Head	3 2 1/2
1	Alexis Road	1	4 1/4	4 ⁴	4 ⁴	4 ⁹
7	Celestial Haze	4	7 ⁵ 1/4	6 ⁶ 1/2	5 ⁶	5 ⁹
4	Alpha Galpha Amber	6	5 ² 3/4	5 ⁴ 1/2	7 ⁸ 1/2	6 12 1/4
2	Hall of Flame	7	6 ³ 1/4	7 ⁷	6 ⁷ 1/2	7 14 1/2

Trainers: 6 - Miller-Saul, Beth; 5 - Baker, Charlton; 3 - Englehart, Jeremiah; 1 - Beech, Eskei; 7 - Progno, Christopher; 4 - Buckley, Jonathan; 2 - Rohena, Rafael

Owners: 6 - Patricia A. Generazio; 5 - Charlton Baker; 3 - Neal M. Allread; 1 - Jack Cannon; 7 - Christopher Progno; 4 - Walter Downey; 2 - Rafael Jose Rohena;

Footnotes

DEBBIE'S LIMIT well placed outside, bearing out, drifted out through the turn, then drifted out in the lane and drove clear. JUPITER MOON set the pace off the rail, dueled inside the furlong marker, turned back the challenge, edged ahead and was outfinished by the winner. INAFLASH stalked the pace on the outside, moved up to bid outside that one into the stretch, then dueled inside the furlong marker and weakened late. ALEXIS ROAD ran evenly, inside. CELESTIAL HAZE improved her position. ALPHA GALPHA AMBER well placed, bolted through the turn and could not gain. HALL OF FLAME was no factor. ALEXIS ROAD RAN WITH NO HIND SHOES.

FINGER LAKES - November 29, 2013 - Race 8

ALLOWANCE - For Thoroughbred Three Year Old and Upward Fillies and Mares (NW2 L)

Six Furlongs On The Dirt Track Record: (Kelly Kip - 1:08.20 - June 20, 1998)

Purse: \$21,000

Available Money: \$21,000

Value of Race: \$21,000 1st \$12,600, 2nd \$4,200, 3rd \$2,100, 4th \$1,050, 5th \$630, 6th \$420

Weather: Clear Track: Frozen

Off at: 3:30 Start: Good for all

EQUIBASE
COMPANY[Video Race Replay](#)

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	1/2	Str	Fin	Odds	Comments
1Nov13	7FL ³	5 Inaflash (Rohena, Wilfredo)	119	L b	4	3	2 Head	2 ³ 1/2	1 ¹	1 Neck	1.10*	driving
13Nov13	8FL ³	4 Message of Love (Lopez, David)	118	L	3	1	4 1/2	4 ¹	3 1/2	2 ³ 1/4	1.65	3p 3/8, rallied
14Oct13	9FL ³	3 Lady Halite (Husbands, Simon)	120	L f	2	2	1 ¹	1 Head	2 ³	3 ³ 3/4	5.80	weakened inside
1Nov13	7FL ⁶	2 Alpha Galpha Amber (Baez, Jose)	120	L b	1	5	3 ³ 1/2	3 ¹	4 ¹	4 ¹	13.20	rail, weakened
12Nov13	5FL ¹	9 Hillbilly Hula Gal (Flores, Jeremias)	124	L b	6	4	5 ⁸	5 ⁸	5 ⁶	5 ¹ 1/2	9.70	4w turn, weakened
24Jul12	1FL ¹	7 Diamonds Preferred (Davila, Jr., Michael)	120	L f	5	6	6	6	6	6	14.70	2p turn, outrun

Fractional Times: 22.48 45.88 59.40

Final Time: 1:12.52

Split Times: (23:40) (13:52) (13:12)

Run-Up: 50 feet

Winner: Inaflash, Gray or Roan Filly, by Flashy Bull out of One Fell Swoop, by Vicar. Foaled May 04, 2010 in Kentucky.

Breeder: Joe Mulholland Jr., John Mulholland & Karen Mulholland. Winning Owner: Neal M. Allread

Scratched Horse(s): Alexis Road (Veterinarian), Celestial Haze (Veterinarian), Pegasus Blue (Stewards)

Total WPS Pool: \$21,107

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
5	Inaflash	4.20	2.60	2.10	\$2.00 Exacta	5-4	6.50	24,345
4	Message of Love		2.70	2.10	\$2.00 Trifecta	5-4-3	11.80	20,181
3	Lady Halite			2.80	\$1.00 Superfecta	5-4-3-2	15.20	11,543

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	1/2	Str	Fin
5	Inaflash	3	2 ¹	2 Head	1 ¹	1 Neck
4	Message of Love	1	4 ⁴ 1/2	4 ⁴ 1/2	3 ⁴	2 Neck
3	Lady Halite	2	1 ¹	1 Head	2 ¹	3 ³ 1/2
2	Alpha Galpha Amber	5	3 ¹	3 ³ 1/2	4 ⁴ 1/2	4 ⁷ 1/4
9	Hillbilly Hula Gal	4	5 ⁵	5 ⁵ 1/2	5 ⁵ 1/2	5 ⁸ 1/4
7	Diamonds Preferred	6	6 ¹³	6 ¹³ 1/2	6 ¹¹ 1/2	6 ⁹ 3/4

Trainers: 5 - Englehart, Jeremiah; 4 - Ferraro, Michael; 3 - Bunker, James; 2 - Buckley, Jonathan; 9 - Brown, Jr., Curtis; 7 - Kovar, Neil

Owners: 5 - Neal M. Allread; 4 - Blue Star Stable; 3 -Joseph Bucci; 2 -Walter Downey; 9 -Curtis F. Brown, Jr.; 7 - Peck, Elaine F. and Kovar, Neil;

Footnotes

INAFLASH tracked, moved to challenge midway on the turn, cleared some in the lane and under the whip narrowly outran MESSAGE OF LOVE to the line. MESSAGE OF LOVE was unhurried along the three path into the turn, two path entering the lane, responded outside and was getting to the winner. LADY HALITE broke well, set the pace off the rail, was hooked on the turn and then weakened inside. ALPHA GALPHA AMBER was well placed early along the rail and weakened. HILLBILLY HULA GAL four wide on the turn and weakened. DIAMONDS PREFERRED lagged back along the two path, was outrun.

 Winner consigned at Keeneland Association, Inc.

AQUEDUCT - December 21, 2013 - Race 9

CLAIMING - For Thoroughbred Three Year Old and Upward Fillies and Mares (C) Claiming Price: \$12,500

Six Furlongs On The Inner track Track Record: (Captain Red - 1:07.93 - February 26, 2003)

Purse: \$25,000

Available Money: \$25,000

Value of Race: \$25,000 1st \$15,000, 2nd \$5,000, 3rd \$1,875, 3rd \$1,875, 5th \$750, 6th \$100, 7th \$100, 8th \$100, 9th \$100, 10th \$100

Weather: Clear Track: Good
Off at: 4:12 Start: Good for all

EQUIBASE
COMPANY



[Video Race Replay](#)

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	1/2	Str	Fin	Odds	Comments
29Nov13 ⁸ FL ¹	12	Inaflash (Ortiz, Jose)	119	L b	10	3	3 ¹	2 ¹	2 ^{2 1/2}	1 ¹	2.90*	stalked, bid, driving
1Dec13 ¹ AQU ¹	6	Start It Up (Cohen, David)	119	L b	6	7	5 ¹	5 ²	3 ^{2 1/2}	2 ^{Nose}	3.40	3 wide trip, got 2nd
7Dec13 ⁵ AQU ²	5	She's Gospel (Garcia, Wilmer)	115	L bf	5	1	2 ²	1 ^{1/2}	1 ^{Head}	3 ^{1/2}	3.70	bobbled break, dueled
4Dec13 ² AQU ⁸	11	Heidi's Holiday (Franco, Manuel)	114	L	9	8	10	10	6 ¹	3 ^{1/2}	14.20	3 wide turn, belatedly
21Oct13 ² FL ¹	2	Run for Riches (Arroyo, Angel)	120	L	2	5	7 ³	7 ¹	4 ^{1/2}	5 ^{3/4}	44.00	belatedly outside
7Dec13 ⁵ AQU ⁶	3	World Premier (Carson, Laura)	113	L bf	3	10	9 ^{1/2}	8 ^{Head}	7 ^{Head}	6 ^{Neck}	12.30	Inside, no rally
9Nov13 ¹ LRL ¹	9	Vaid (Esquivel, Emmanuel)	114	L	8	4	4 ^{1 1/2}	4 ^{1/2}	5 ^{1/2}	7 ^{1 1/4}	8.00	chased inside, tired
23Nov13 ⁹ AQU ⁸	8	Giving Me Fitz (Coa, Keiber)	120	L f	7	9	8 ^{Head}	9 ^{Head}	8 ^{Head}	8 ³	46.25	between turn, no threat
7Dec13 ⁴ AQU ⁵	4	Rain Forest (Velasquez, Cornelio)	120	L b	4	6	6 ^{Head}	6 ^{1 1/2}	9 ⁴	9 ^{12 1/2}	8.90	between foes, faded
7Dec13 ⁵ AQU ⁹	1	Rice to Riches (Maragh, Rajiv)	119	L b	1	2	1 ^{Head}	3 ^{1/2}	10	10	11.80	dueled inside, faded

Fractional Times: 22.86 46.77 59.76

Final Time: 1:13.62

Split Times: (23:91) (12:99) (13:86)

Run-Up: 18 feet

Winner: Inaflash, Gray or Roan Filly, by Flashy Bull out of One Fell Swoop, by Vicar. Foaled May 04, 2010 in Kentucky.

Breeder: Joe Mulholland Jr., John Mulholland & Karen Mulholland. Winning Owner: Neal M. Allread

2 Claimed Horse(s): Inaflash
Start It Up

New Trainer: Yvon Belsoeur
New Trainer: Luis A. Miranda

New Owner: Bruno Schickedanz
New Owner: F and F Stable

Claiming Prices: 12 - Inaflash: \$12,500; 6 - Start It Up: \$12,500; 5 - She's Gospel: \$12,500; 11 - Heidi's Holiday: \$12,500; 2 - Run for Riches: \$12,500; 3 - World Premier: \$12,500; 9 - Vaid: \$12,500; 8 - Giving Me Fitz: \$12,500; 4 - Rain Forest: \$12,500; 1 - Rice to Riches: \$12,500;

Dead Heats: 3rd place - # 5 She's Gospel
3rd place - #11 Heidi's Holiday

Scratched Horse(s): Castles Burning (Also-Eligible), Finders Key (Also-Eligible), L B's Expression (Veterinarian), Wildcat Thunder (Veterinarian)

Total WPS Pool: \$308,654

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
12	Inaflash	7.80	4.00	2.80	\$2.00 Exacta	12-6	30.80	289,169
6	Start It Up		4.20	2.80	\$2.00 Trifecta	12-6-11	165.50	187,972
5	She's Gospel			2.40	\$2.00 Trifecta	12-6-5	52.00	0
11	Heidi's Holiday			3.80	\$2.00 Superfecta	12-6-11-5	630.00	120,675
					\$2.00 Superfecta	12-6-5-11	437.00	0
					\$2.00 Daily Double	4-12	31.20	126,990
					\$2.00 Pick 3	4-4-12 (3 correct)	133.00	96,382
					\$2.00 Pick 4	3-4-4-12 (4 correct)	598.00	321,068
					\$2.00 Pick 6	1-10-3-4-4-12 (5 correct)	60.50	0
					\$2.00 Pick 6	1-10-3-4-4-12 (6 correct)	3,605.00	95,807

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	1/2	Str	Fin
12	Inaflash	3	3 ²	2 ^{1/2}	2 ^{Head}	1 ¹
6	Start It Up	7	5 ^{4 1/2}	5 ^{2 1/2}	3 ^{2 1/2}	2 ¹
5	She's Gospel	1	2 ^{Head}	1 ^{1/2}	1 ^{Head}	3 ¹
11	Heidi's Holiday	8	10 ^{9 1/4}	10 ^{7 1/4}	6 ⁶	3 ¹
2	Run for Riches	5	5 ^{3/4}	7 ⁶	4 ⁵	5 ^{1 1/2}
3	World Premier	10	9 ^{8 3/4}	8 ⁷	7 ⁷	6 ^{2 1/4}
9	Vaid	4	4 ³	4 ²	5 ^{5 1/2}	7 ^{2 1/2}
8	Giving Me Fitz	9	8 ^{6 3/4}	9 ⁷	8 ^{7 1/4}	8 ^{3 3/4}
4	Rain Forest	6	6 ^{5 1/2}	6 ^{4 1/2}	9 ^{7 1/4}	9 ^{6 3/4}
1	Rice to Riches	2	1 ^{Head}	3 ^{1 1/2}	10 ^{11 1/4}	10 ^{19 1/4}

Trainers: 12 - Englehart, Jeremiah; 6 - Jacobson, David; 5 - Gullo, Gary; 11 - DiPrima, Gregory; 2 - Bond, H.; 3 - Contessa, Gary; 9 - Nevin, Michelle; 8 - Vazquez, Juan; 4 - Jacobson, David; 1 - Duggan, David

Owners: 12 -Neal M. Allread; 6 - Abrams, Richard and Jacobson, David; 5 - Mic Duff Stables LLC; 11 -Marc Keller; 2 -Tina Marie Bond; 3 - Wealcatch, Wayne and Jay, and Nehoc Stables; 9 -James A. Riccio; 8 -Joseph Canosa; 4 - Drawing Away Stable; 1 - The Claim Gang;

Footnotes

INAFLASH stalked outside, bid passing the quarter pole, wore down SHE'S GOSPEL after a long drive and edged away. START IT UP had a three wide trip, raced evenly in the stretch and got the nod for second. SHE'S GOSPEL bobbed at the break, dueled two wide, gained a short lead and dug in gamely inside to the finish. HEIDI'S HOLIDAY raced off the pace, three wide on the turn and closed belatedly outside. RUN FOR RICHES raced off the pace inside, came three wide into the lane and closed belatedly outside. WORLD PREMIER raced off the pace inside and had no rally. VAID chased inside and tired. GIVING ME FITZ raced between rivals on the turn and failed to threaten. RAIN FOREST raced between foes and faded. RICE TO RICHES dueled inside and faded.

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AQUEDUCT - January 23, 2014 - Race 3

STARTER ALLOWANCE - For Thoroughbred Four Year Old and Upward Fillies and Mares Claiming Price: \$12,500 - \$0
Five And One Half Furlongs On The Inner track Track Record: (Head Heart Hoof - 1:03.50 - January 22, 2011)

Purse: \$47,000

Available Money: \$47,000

Value of Race: \$47,000 1st \$28,200, 2nd \$9,400, 3rd \$4,700, 4th \$2,350, 5th \$1,410, 6th \$940

Weather: Clear Track: Fast

Off at: 1:25 Start: Good for all

EQUIBASE
COMPANY



[Video Race Replay](#)

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	3/8	Str	Fin	Odds	Comments
10Jan14	5	AQU ⁷	4	Matching Skies (Garcia, Wilmer)	120	L f	4 3	2 ²	2 ² 1/2	1 Head	1 1/4	4.00 3w in aim, inched away
21Dec13	9	AQU ¹	5	Inaflash (Maragh, Rajiv)	123	L bf	5 4	3 ¹	3 ⁴	3 Neck	5.60 angled 1/8p, mild kick	
26Dec13	7	AQU ¹	1	Insolvent (Esquivel, Emmanuel)	115	L bf	1 2	1 ²	1 ¹	2 ³	312 0.35* in hand 2p, outfinished	
11Jan14	1	AQU ⁵	2	Porvoo (Davis, Kalié)	109	L bf	2 5	4 ⁶	4 ⁴	4 ¹ 1/2	4 ² 17.20 2-3w trip, no response	
16Jan14	5	AQU ⁵	6	Stately Cat (Beato, Inoel)	118	L b	6 1	5 ¹	5 ¹ 1/2	5 ⁵ 1/2	22.00 broke out st,no impact	
16Jan14	6	AQU ⁷	3	Wildcat Thunder (Chen, Men)	120	L bf	3 6	6	6	6	67.50 trailed throughout	

Fractional Times: 22.20 45.80 58.42

Final Time: 1:05.14

Split Times: (23:60) (12:62) (6:72)

Run-Up: 40 feet

Winner: Matching Skies, Dark Bay or Brown Mare, by Henny Hughes out of Miss Matched, by Formal Gold. Foaled Mar 18, 2009 in Kentucky.

Breeder: John C. Oxley. Winning Owner: MAT Stables, LLC

Total WPS Pool: \$217,184

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
4	Matching Skies	10.00	4.50	2.20	\$2.00 Exacta	4-5	47.60	131,446
5	Inaflash		4.90	2.10	\$2.00 Trifecta	4-5-1	58.50	95,771
1	Insolvent			2.10	\$2.00 Pick 3	1-5-4 (3 correct)	457.50	35,801
					\$2.00 Daily Double	5-4	158.50	19,646
					\$2.00 Superfecta	4-5-1-2	244.50	46,790

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	3/8	Str	Fin
4	Matching Skies	3	2 ²	2 ¹	1 Head	1 1/4
5	Inaflash	4	3 ⁴	3 ³ 1/2	3 ³	2 1/4
1	Insolvent	2	1 ²	1 ¹	2 Head	3 1/2
2	Porvoo	5	4 ⁵	4 ⁷ 1/2	4 ¹¹	4 13 1/2
6	Stately Cat	1	5 ¹¹	5 ¹¹ 1/2	5 ¹⁵ 1/2	5 ¹⁵ 1/2
3	Wildcat Thunder	6	6 ¹²	6 ¹²	6 ¹⁷	6 ²¹

Trainers: 4 - Mazza, Joseph; 5 - Belsoeur, Yvon; 1 - Toscano, Jr., John; 2 - DeMola, Joseph; 6 - Persaud, Randi; 3 - Granville, Pedro

Owners: 4 - MAT Stables, LLC; 5 - Bruno Schickedanz; 1 - Wayne Widmer; 2 -Joseph DeMola; 6 - Fifty Five Village Racing; 3 - Granville Stable (Sugeily Pena);

Footnotes

MATCHING SKIES three wide in aim of the pace, got set down at the quarter pole, rallied to poke a head in front a furlong from home, inched away in the late stages kept to task. INAFLASH just off the pace four wide early on, shifted to the rail three furlongs out, came under urging at the five-sixteenths, angled out three paths nearing the eighth pole, offered up a mild kick and just got up for the place. INSOLVENT cut the pace from just off the inside in hand through solid fractions, got set down under challenge straightened for home, was headed a furlong out, dug in the inner most of a trio through the final sixteenth and was outfinished while well clear of the rest. PORVOO reluctant to load, settled just off the inside in mid pack, came under urging three furlongs out and offered no response. STATELY CAT broke out at the start, was outrun in the early going, chased three to four wide from towards the rear, made no impact. WILDCAT THUNDER outrun early on, saved ground and trailed throughout.

AQUEDUCT - February 17, 2014 - Race 8

STARTER ALLOWANCE - For Thoroughbred Four Year Old and Upward Fillies and Mares (\$1 Y+) Claiming Price: \$16,000 - \$0 Six Furlongs On The Inner track Track Record: (Captain Red - 1:07.93 - February 26, 2003)

Purse: \$50,000

Available Money: \$50,000

Value of Race: \$50,000 1st \$30,000, 2nd \$10,000, 3rd \$5,000, 4th \$2,500, 5th \$1,500, 6th \$200, 7th \$200, 8th \$200, 9th \$200, 10th \$200

Weather: Clear Track: Good
Off at: 3:48 Start: Good for all

EQUIBASE
COMPANY



[Video Race Replay](#)

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	1/2	Str	Fin	Odds	Comments
10Jan14	8	AQU ^B	6	Nuffsaid Nuffsaid (Ortiz, Jose)	118	L bf	6 8	8 ¹	7 ³	5 ¹	1 Nose	2.60 6p 3/16, by tired loe
7Feb14	5	AQU ¹	5	The Royal Boot (Ricé, Taylor)	115	L b	5 2	21 1/2	1 ¹ 1/2	1 ²	2 ⁴ 3/4	8.80 shortened stride 1/16p
10Jan14	5	AQU ³	8	Rosie My Way (Maragh, Rajiv)	120	L b	7 3	5Head	3 ¹ 1/2	3 ¹ 1/2	3 ¹ 1/2	21.30 brush after st, 2p 1/2
23Jan14	3	AQU ¹	2	Matching Skies (Garcia, Wilmer)	120	L f	1 10	41/2	2Head	2 ¹	4 Head	26.25 bump brk, Inside trip
1Feb14	8	AQU ¹	10	Lion D N A (López, Charles)	123	L bf	10 4	31/2	5 ¹	4 Head	51 3/4	0.85* 3-w turn, tired
23Jan14	3	AQU ²	9	Inaflash (Franco, Manuel)	118	L bf	9 7	7 ³	6 ¹ 1/2	7 ³	6 ³ 1/4	35.75 3w upper, no bids
7Feb14	5	AQU ²	4	E Z Passer (Mejias, Larry)	111	L f	4 6	9 ¹ 1/2	8 ³	8 ⁵ 1/2	71 3/4	12.70 saved ground turn
23Jan14	3	AQU ³	3	Insolvent (Esquivel, Emmanuel)	115	L bf	3 1	1 ¹	4 ¹	6 ¹ 1/2	814 1/4	12.20 drift 2p upper, tired
13Jan14	1	AQU ¹	1A	Magma (GB) (Arroyo, Angel)	120	L b	8 5	6 ¹ 1/2	9 ² 1/2	9 ²	9 ³ 1/4	33.50 brush after st, 3w 1/2
25Jan14	7	AQU ¹	1	Concealed (Beato, Inoel)	120	L b	2 9	10	10	10	33.50	came out, bumped start

Fractional Times: 23.27 47.23 59.56

Final Time: 1:12.99

Split Times: (23:96) (12:33) (13:43)

Run-Up: 18 feet

Winner: Nuffsaid Nuffsaid, Chestnut Mare, by Mutakddim out of Beautiful East, by Wolf Power (SAF). Foaled Mar 21, 2009 in Kentucky.

Breeder: Mark Grier. Winning Owner: James A. Riccio

Scratched Horse(s): Lady Gracenote (Trainer)

Total WPS Pool: \$221,747

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
6	Nuffsaid Nuffsaid	7.20	3.90	3.70	\$2.00 Exacta	6-5	58.50	207,425
5	The Royal Boot		6.70	5.40	\$2.00 Triecta	6-5-8	539.00	150,393
8	Rosie My Way			8.10	\$2.00 Daily Double	7-6	44.20	42,338
					\$2.00 Pick 3	2-7-6 (3 correct)	777.00	38,310

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	1/2	Str	Fin
6	Nuffsaid Nuffsaid	8	8 ⁸	7 ⁵ 1/2	5 ³ 1/2	1 Nose
5	The Royal Boot	2	2 ¹	1 ¹ 1/2	1 ²	2 Nose
8	Rosie My Way	3	5 ³ 1/2	3 ¹ 1/2	3 ³	3 ⁴ 3/4
2	Matching Skies	10	4 ³	2 ¹ 1/2	2 ²	4 ⁵ 1/4
10	Lion D N A	4	3 ² 1/2	5 ³	4 ³ 1/2	5 ⁵ 1/2
9	Inaflash	7	7 ⁵	6 ⁴	7 ⁵	6 ⁷ 1/4
4	E Z Passer	6	9 ⁹	8 ⁸ 1/2	8 ⁸	7 ⁸
3	Insolvent	1	1 ¹	4 ²	6 ⁴ 1/2	8 ⁹ 3/4
1A	Magma (GB)	5	6 ³ 1/2	9 ¹¹ 1/2	9 ¹³ 1/2	9 ²⁴
1	Concealed	9	10 ¹⁰ 1/2	10 ¹⁴	10 ¹⁵ 1/2	10 ²⁷ 1/4

Trainers: 6 - Nevin, Michelle; 5 - Jacobson, David; 8 - Orseno, Joseph; 2 - Mazza, Joseph; 10 - Rodriguez, Rudy; 9 - Belsoeur, Yvon; 4 - Rojas, Osvaldo; 3 - Toscano, Jr., John; 1A - Miranda, Luis; 1 - Miranda, Luis

Owners: 6 -James A. Riccio; 5 - Drawing Away Stable and Jacobson, David; 8 - Mel Paikoff Stables; 2 - MAT Stables, LLC; 10 - Dubb, Michael, Bethlehem Stables LLC and Aisquith, Gary; 9 -Bruno Schickedanz; 4 -Osvaldo Rojas; 3 -Wayne Widmer; 1a- F and F Stable (F. Garcia); 1 - F and F Stable (F. Garcia);

Footnotes

NUFFSAID NUFFSAID unhurried, picked up the pace as the half was being completed, got fanned five to six wide racing through the furlong grounds, mustered up a belated burst of speed to catch a tiring THE ROYAL BOOT at the finish line. THE ROYAL BOOT contended for the lead towards the two path, took over prior to the second fraction being recorded, commenced the stretch three wide, emerged from the furlong grounds holding his biggest advantage, began to shorten stride noticeably a sixteenth down the road, drifted out late and got nailed in the last jump. ROSIE MY WAY made light contact with MAGMA a few strides after the start, was in the two path wedged between rivals at the top of the turn, continued to chase the front runners from off the rail the rest of the way around it, failed to muster up the needed stretch response, but held on well enough to secure the show. MATCHING SKIES got bumped soundly by an errant CONCEALED at the start, underwent a ground-saving journey, tracked the front runners put to some light urging in the pocket, cut the corner under much stronger handling, flattened out in the last eighth. LION D N A three to four wide on the turn, swung slightly wider in upper stretch, tired. INAFLASH mostly two wide on the turn, was one path wider at the head of the stretch, had no offering. E Z PASSER saved ground on the turn and had no rally. INSOLVENT near the inside while arguing for control, was more in the two path than the inside at the top of the lane, gave way. MAGMA (GB) brushed after the start, departed the backstretch three wide, was through before going a half. CONCEALED bumped with MATCHING SKIES after veering outward leaving the gate, raced from off the inside and was never in the hunt.

AQUEDUCT - March 13, 2014 - Race 5

STARTER ALLOWANCE - For Thoroughbred Four Year Old and Upward Fillies and Mares (C) Claiming Price: \$16,000 - \$0

Six Furlongs On The Inner track Track Record: (Captain Red - 1:07.93 - February 26, 2003)

Purse: \$50,000

Available Money: \$50,000

Value of Race: \$50,000 1st \$30,000, 2nd \$10,000, 3rd \$5,000, 4th \$2,500, 5th \$1,500, 6th \$500, 7th \$500

Weather: Clear Track: Fast

Off at: 3:16 Start: Good for all

EQUIBASE
COMPANY



[Video Race Replay](#)

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	1/2	Str	Fin	Odds	Comments
6Mar14	7	My Donna Jean (Ortiz, Jr., Irad)	123	L f	6	5	6 ⁵	5 ¹ 1/2	2 ¹ 1/2	1 ¹ 1/4	2.15*	rail to 5/16, 4w upper
28Feb14	5	AQU ³ Haldane (Garcia, Wilmer)	120	L b	5	4	5 1/2	4 ¹ 1/2	3 ² 1/2	2 ^{Head}	4.10	traffic, checked 1/4pl
17Feb14	8	AQU ⁴ Matching Skies (Ortiz, Jose)	120	L f	7	2	3 ¹	2 ^{Head}	1 ^{Head}	3 ⁷ 3/4	6.40	3 wide, lost whip 1/Bp
7Feb14	2	AQU ⁵ Vinda (Velasquez, Cornelio)	118	L	2	5	4 ¹ 1/2	6 ⁴	5 ¹ 1/2	4 ¹ 1/4	3.80	fanned 5p upper, empty
17Feb14	1	AQU ⁶ Inaflash (Lopez, Charles)	118	L bf	1	3	2 ²	3 ¹ 1/2	4 ¹ 1/2	5 ^{Neck}	12.80	between foes 1/4, tired
3Mar14	3	AQU ⁷ Mess in a Dress (Camacho, Jr., Samuel)	118	L bf	3	7	7	7	7	6 ² 1/2	8.10	saved ground no avail
17Feb14	5	AQU ⁸ Insolvent (Esquivel, Emmanuel)	113	L bf	4	1	1 ¹	1 ^{Head}	6 ¹ 1/2	7	5.10	inside, stern test 1/4

Fractional Times: 23.44 47.76 1:00.10

Final Time: 1:12.62

Split Times: (24.32) (12.34) (12.52)

Run-Up: 18 feet

Winner: My Donna Jean, Dark Bay or Brown Mare, by E Dubai out of Don't Ruffle Me, by Pine Bluff. Foaled Apr 07, 2008 in Kentucky.

Breeder: B. P. Walden & L. Jones. Winning Owner: J and M Racing Stables

Scratched Horse(s): Absolute Paradise (Trainer)

Total WPS Pool: \$176,472

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
7	My Donna Jean	6.30	3.30	2.60	\$2.00 Exacta	7-6	24.00	159,922
6	Haldane		4.20	3.10	\$2.00 Trifecta	7-6-8	116.00	92,856
8	Matching Skies			4.90	\$2.00 Daily Double	7-7	15.20	30,103
					\$2.00 Pick 3	4-7-7 (3 correct)	30.00	34,561
					\$2.00 Pick 4	3-4-7-4/7 (4 correct)	83.00	103,940
					\$2.00 Pick 5	6-3-4-7-4/7 (5 correct)	1,844.00	134,554
					\$2.00 Superfecta	7-6-8-2	416.00	47,335

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	1/2	Str	Fin	Pool
7	My Donna Jean	6	6 ⁶	5 ² 1/4	2 ^{Head}	1 ¹ 1/4	
6	Haldane	4	5 ⁵ 1/2	4 ³ 1/4	3 ¹ 1/2	2 ¹ 1/4	
8	Matching Skies	2	3 ³	2 ^{Head}	1 ^{Head}	3 ¹ 1/4	
2	Vinda	5	4 ⁴	6 ³ 3/4	5 ⁴ 1/2	4 ⁹	
1	Inaflash	3	2 ¹	3 ^{Head}	4 ⁴	5 ¹⁰ 1/4	
3	Mess in a Dress	7	7 ¹¹	7 ⁷ 3/4	7 ⁷ 1/2	6 ¹⁰ 1/2	
5	Insolvent	1	1 ¹	1 ^{Head}	6 ⁶	7 ¹³	

Trainers: 7 - Barker, Edward; 6 - Contessa, Gary; 8 - Mazza, Joseph; 2 - Rodriguez, Rudy; 1 - Belsoeur, Yvon; 3 - Rojas, Osvaldo; 5 - Toscano, Jr., John

Owners: 7 - J and M Racing Stables; 6 -Mark Valentine; 8 - MAT Stables, LLC; 2 - Scuderi, Vincent S. and Gabrielle Farm; 1 -Bruno Schickedanz; 3 - San Andres Stables LLC; 5 -Wayne Widmer;

Footnotes

MY DONNA JEAN was placed along the rail shortly after the start, rode it until eased to the outside nearing the five-sixteenths pole, swung four wide into the stretch and was took off in earnest after the front runners, arrived at the eighth pole on even terms with MATCHING SKIES, gradually forged her way to the lead, remained safely in the clear, completing the final seventy yards basically under her own power. HALDANE took up the chase from the two path on the bend, had scurried into a strong contending position when forced to check stuck behind traffic as the half was being completed, found enough space to wiggle herself slightly wider, squeezed her way between rivals in the vicinity of the three-sixteenths pole, resulting in yet another slight loss of momentum, the first occurring a sixteenth up the road, altered course towards the middle of the strip with a sixteenth remaining and came home with belated energy to secure second against a whip-less rival. MATCHING SKIES departed the backstretch from the three path, cruised up to issue a challenge nearing the quarter pole, got set down spinning into the lane, took over by a slim margin, had the pilot lose the whip at the eighth pole with the eventual winner bearing down at that juncture, yielded, continued onward willingly but had to settle for the show. VINDA raced along the outside, got fanned into the five path traveling through the furlong grounds, lacked the needed response. INAFLASH was hand urged while pressing the issue from off the inside, turned for home two wide and wedged between rivals, backed away. MESS IN A DRESS saved ground to no avail. INSOLVENT darted over to the inside, succumbed when put to a stern test heading for the quarter pole.

AQUEDUCT - March 24, 2014 - Race 7

CLAIMING - For Thoroughbred Four Year Old and Upward Fillies and Mares Claiming Price: \$12,500
Six Furlongs On The Inner track Track Record: (Captain Red - 1:07.93 - February 26, 2003)

Purse: \$25,000

Available Money: \$25,000

Value of Race: \$25,000 1st \$15,000, 2nd \$5,000, 3rd \$2,500, 4th \$1,250, 5th \$750, 6th \$125, 7th \$125, 8th \$125, 9th \$125

Weather: Clear Track: Fast

Off at: 4:14 Start: Good for all

EQUIBASE
COMPANY



[Video Race Replay](#)

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	1/2	Str	Fin	Odds	Comments
10Mar14	5	Guyana Star (Camacho, Jr., Samuel)	120	L	5	2	2 ^{1/2}	2 ¹	1 Head	1 ^{3/4}	6.00	bump start, press 2p
10Mar14	6	First Penny (Ortiz, Jose)	118	Lb	6	1	5 ^{1/2}	3 ^{1/2}	3 ¹	2 ^{3/4}	3.70	between rivals on turn
23Feb14	7	AQU ³	1	Crystal Market (Luzzi, Michael)	118	L b	1	5	1 ¹	2 ²	3 ²	22.90 coaxed inside,weakened
27Jan14	4	AQU ¹	9	Jewel in the Sky (Rice, Taylor)	115	L b	9	4	7 ¹	6 ^{1 1/2}	4 ^{1/2}	5.30 put 6w upper, no kick
13Mar14	5	AQU ⁵	4	Inaflash (Maragh, Rajiv)	118	L bf	4	8	6 ^{1/2}	5 ¹	5 ^{1/2}	1.15* bump biwn start,3wide
3Mar14	2	AQU ⁸	2	Philippis (Velasquez, Cornelio)	118	L bf	2	6	9	9	7 ¹	6 ^{1/2}
9Mar14	8	AQU ¹	8	Midnightinpositano (Esquivel, Emmanuel)	115	L f	8	3	3 ¹	4 Head	6 ¹	7 ^{3/4}
10Mar14	3	AQU ⁷	3	Exclusive Sarah (Garcia, Wilmer)	118	L b	3	7	4 Head	7 ¹	8 ^{Neck}	13.10 stacked 4w 1/2, tired
24Feb14	7	AQU ⁶	7	Tidal Slam (Beato, Inoel)	118	L b	7	9	8 ³	8 ^{1/2}	9	63.50 bump start,ins to 1/4p
											78.25	overland turn, outrun

Fractional Times: 23.48 47.87 1:00.20

Final Time: 1:14.20

Split Times: (24:39) (12:33) (14:00)

Run-Up: 18 feet

Winner: Guyana Star, Dark Bay or Brown Filly, by A. P. Warrior out of Bries Golden Girl, by Geiger Counter. Foaled Mar 15, 2010 in Alabama.

Breeder: Gus H. King. Winning Owner: Guyana Rocky LLC

2 Claimed Horse(s): Guyana Star
Inaflash

New Trainer: Eugene Reiff
New Trainer: Juan Ortiz

New Owner: Lil Red Rooster Racing
New Owner: FooDo Stables

Claiming Prices: 5 - Guyana Star: \$12,500; 6 - First Penny: \$12,500; 1 - Crystal Market: \$12,500; 9 - Jewel in the Sky: \$12,500; 4 - Inaflash: \$12,500; 2 - Philippis: \$12,500; 8 - Midnightinpositano: \$12,500; 3 - Exclusive Sarah: \$12,500; 7 - Tidal Slam: \$12,500;

Total WPS Pool: \$164,147

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
5	Guyana Star	14.00	5.70	4.10	\$2.00 Exacta	5-6	55.50	145,143
6	First Penny		5.00	3.70	\$2.00 Trifecta	5-6-1	960.00	83,234
1	Crystal Market			8.30	\$2.00 Daily Double	3-5	126.50	30,922
					\$2.00 Pick 3	6-3-5 (3 correct)	1,723.00	31,630
					\$2.00 Superfecta	5-6-1-9	3,948.00	54,176

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	1/2	Str	Fin
5	Guyana Star	2	2 ^{1 1/2}	2 ¹	1 Head	1 ^{3/4}
6	First Penny	1	5 ³	3 ²	3 ²	2 ^{3/4}
1	Crystal Market	5	11 ^{1/2}	1 ¹	2 Head	3 ^{1 1/2}
9	Jewel in the Sky	4	7 ⁴	6 ^{3 1/2}	4 ³	4 ^{3 1/2}
4	Inaflash	8	6 ^{3 1/2}	5 ^{2 1/2}	5 ^{3 1/2}	5 ⁵
2	Philippis	6	9 ^{8 1/2}	9 ^{5 1/2}	7 ⁵	6 ^{5 1/4}
8	Midnightinpositano	3	3 ²	4 ^{2 1/2}	6 ⁴	7 ^{5 3/4}
3	Exclusive Sarah	7	4 ³	7 ⁵	8 ⁶	8 ^{6 1/2}
7	Tidal Slam	9	8 ^{5 1/2}	8 ⁶	9 ⁷	9 ^{6 3/4}

Trainers: 5 - Persaud, Randi; 6 - Sciacca, Gary; 1 - Sciacca, Gary; 9 - Gullo, Gary; 4 - Belsoeur, Yvon; 2 - Gullo, Gary; 8 - Barrera, III, Oscar; 3 - Figueroa, Jr., Carlos; 7 - Frisco, Diane

Owners: 5 - Guyana Rocky LLC; 6 - Amanda Laderer; 1 - Nat Krohn; 9 - Bob Petersons Stables, LLC; 4 - Bruno Schickedanz; 2 - Canzone, Sr., Peter J. and Eloise; 8 - Blooming Graciously Stable and Ourbestpal Stable, LLC; 3 - Three Kings Stable; 7 - Lianna Stables, Inc.;

Footnotes

GUYANA STAR bumped at the start, went to to gain a prominent position nonetheless, pressed the issue from the two path, closed the gap approaching the quarter pole, was soon let out, appeared to poke a head in front at the beginning of the final furlong, dug in well to preserve a narrow advantage. FIRST PENNY raced between rivals on the turn, got turned loose for the drive home, gained ground gradually en route for the place. CRYSTAL MARKET coaxed along the inside, was asked for run prior to the quarter pole, yielded before completing the next furlong, weakened into the show slot. JEWEL IN THE SKY mostly three wide on the turn, was placed in the six path at the head of the stretch, lacked the needed late response. INAFLASH bumped from both sides at the start, was momentarily between opponents departing the backstretch from the three path, had no rally. PHILIPPIS made contact with EXCLUSIVE SEARCH after coming out of the gate, was quickly tucked along the rail, fought the bit with noticeable force proceeding down the backstretch, felt the whip by the midway point on the turn, spun four wide into the stretch, came up empty. MIDNIGHTINPOSITANO stacked four wide at the half mile pole, tired. EXCLUSIVE SARAH bumped from between rivals at the start, saved ground until the quarter pole, doing so while having been put to encouragement on the turn, had no rally. TIDAL SLAM took the overland route on the bend and was outrun.

AQUEDUCT - March 30, 2014 - Race 2

CLAIMING - For Thoroughbred Four Year Old and Upward Fillies and Mares Claiming Price: \$16,000
Six And One Half Furlongs On The Dirt Track Record: (Coronado's Quest - 1:14.35 - October 26, 1997)

Purse: \$29,000

Available Money: \$29,000

Value of Race: \$28,420 1st \$17,400, 2nd \$5,800, 3rd \$2,900, 4th \$1,450, 5th \$870

Weather: Showery Track: Sloppy (Sealed)

Off at: 1:49 Start: Good for all

EQUIBASE
COMPANY



[Video Race Replay](#)

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	1/2	Str	Fin	Odds	Comments
24Mar14	2	AQU ⁴	3	E Z Passer (McCarthy, Trevor)	113	L f	3 3	5	5	1 ¹	1 ^{3 1/4}	1.85 3w uppr,by traffic jam
24Mar14	2	AQU ⁵	1	Taylor Jagger (Rice, Taylor)	113	L	1 5	4 ¹	4 ¹	4 ^{4 1/2}	2 ^{3 1/4}	1.85* bottled up 5/16-1/16pl
24Mar14	7	AQU ²	5	First Penny (Ortiz, Jr., Irad)	118	L b	5 1	3 ^{1/2}	3 ^{1/2}	2 ^{Head}	3 ^{3/4}	3.20 3w,loom 1/8,flatten
24Mar14	7	AQU ⁵	2	Inaflash (Maragh, Rajiv)	118	L bf	2 4	1 ^{Head}	1 ¹	3 ^{1/2}	4 ⁹	4.60 ins. bumps 1/8-1/16
24Mar14	7	AQU ⁷	4	Midnightinpositano (Esquivel, Emmanuel)	118	L f	4 2	2 ^{1 1/2}	2 ^{1/2}	5	5	11.30 duel 2p, tired

Fractional Times: 24.11 48.88 1:15.29

Final Time: 1:21.94

Split Times: (24:77) (26:41) (6:65)

Run-Up: 20 feet

Winner: E Z Passer, Bay Mare, by Southern Image out of Affirmed Halo, by Affirmed. Foaled Mar 03, 2007 in Kentucky.

Breeder: Yoshio Fujita Winning Owner: Diane Balsamo

Claiming Prices: 3 - E Z Passer: \$16,000; 1 - Taylor Jagger: \$16,000; 5 - First Penny: \$16,000; 2 - Inaflash: \$16,000; 4 - Midnightinpositano: \$16,000;

Scratched Horse(s): C C's Pride (Veterinarian)

Total WPS Pool: \$150,079

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
3	E Z Passer	5.70	3.10	2.40	\$2.00 Exacta	3-1	15.80	119,308
1	Taylor Jagger		2.90	2.40	\$2.00 Quinella	1-3	6.80	7,898
5	First Penny			2.70	\$2.00 Trifecta	3-1-5	26.60	74,890
					\$2.00 Daily Double	5-3	10.80	88,844

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	1/2	Str	Fin
3	E Z Passer	3	5 ³	5 ³	1 ¹	1 ^{3 1/4}
1	Taylor Jagger	5	4 ²	4 ²	4 ^{1 1/2}	2 ^{3 1/4}
5	First Penny	1	3 ^{1 1/2}	3 ^{1 1/2}	2 ¹	3 ^{6 1/2}
2	Inaflash	4	1 ^{Head}	1 ¹	3 ¹	4 ^{7 1/4}
4	Midnightinpositano	2	2 ^{Head}	2 ¹	5 ⁶	5 ^{16 1/4}

Trainers: 3 - Balsamo, Diane; 1 - Jacobson, David; 5 - Sciacca, Gary; 2 - Ortiz, Juan; 4 - Barrera, III, Oscar

Owners: 3 -Diane Balsamo; 1 - Drawing Away Stable and Jacobson, David; 5 -Amanda Laderer; 2 - FooDo Stables; 4 - Blooming Graciously Stable and Ourbestpal Stable, LLC;

Footnotes

E Z PASSER took up the chase from the two path on the turn, swung wider into the stretch and took off in earnest after the front runners, went by coming to midstretch, with the eventual runner up bottled up in a traffic jam, wedged between rivals, kicked well clear before TAYLOR JAGGER could get clear. TAYLOR JAGGER sat patiently pocketed for nearly a half, was forced to be kept on hold lacking suitable options, starting from the five-sixteenths marker, turned for home without gaining any relief from the previously-described predicament, raced wedged between rivals from upper stretch to the sixteenth pole, bumping lightly but repeatedly with INAFLASH, finally squeezed her way to freedom and flashed belated interest. FIRST PENNY underwent a three wide pursuit, closed enough ground from upper to midstretch to loom a threat with an eighth to go, flattened out. INAFLASH was hustled into a prominent position, argued for command while saving ground, had the runner up shoehorn herself into a tight fit between her and FIRST PENNY during the run through the furlong grounds, bumped several times with TAYLOR JAGGER as that one sought to force her way through a less than optimal path, gave way the final sixteenth. MIDNIGHTINPOSITANO disputed the pace from the two path, was through after going a half.

AQUEDUCT - April 16, 2014 - Race 2

CLAIMING - For Thoroughbred Four Year Old and Upward Fillies and Mares Claiming Price: \$16,000

Six Furlongs On The Dirt Track Record: (Kelly Kip - 1:07.54 - April 10, 1999)

Purse: \$29,000

Available Money: \$29,000

Value of Race: \$29,000 1st \$17,400, 2nd \$5,800, 3rd \$2,900, 4th \$1,450, 5th \$870, 6th \$580

EQUIBASE
COMPANY



[Video Race Replay](#)

Weather: Clear Track: Good

Off at: 1:51 Start: Good for all

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	1/2	Str	Fin	Odds	Comments		
10Apr14	2	AQU ¹	4	Quiet Sunshine (Ortiz, Jr., Irad)	118	L bf	4	5	3 Head	3 ¹ / ₂	2 Head	1 ¹	1.10*	3w, up final 70 yds
23Mar14	8	AQU ⁹	5	Talent N Passion (Esquivel, Emmanuel)	120	L	5	1	13	1 ² 1/ ₂	1 ²	2 Neck	3.55	inside,yield past 1/16
30Mar14	2	AQU ³	6	First Penny (Ortiz, Jose)	118	L b	6	2	2 ²	2 ¹	3 ²	3 ² 1/ ₄	13.50	stalked 2p, outkicked
2April14	2	AQU ³	2	Guyana Princess (Garcia, Wilmer)	118	L f	2	6	6	6	6	4 Nose	5.00	ins for half, 4w upper
30Mar14	2	AQU ⁴	1	Inaflash (Rice, Taylor)	113	L b	1	3	4 ¹	4 ¹	4 ¹	5 ²	14.50	angled off rail 1/4pl
21Mar14	8	AQU ⁷	3	Pegasus Diamond (Luzzi, Michael)	118	L f	3	4	5 ⁷	5 ⁵ 1/ ₂	5 ²	6	3.90	chased 2p,ask by 5/16

Fractional Times: 22.51 45.87 58.03

Final Time: 1:11.51

Split Times: (23:36) (12:16) (13:48)

Run-Up: 40 feet

Winner: Quiet Sunshine, Bay Mare, by Real Quiet out of Rain Or Shine, by Smoke Glacken. Foaled Mar 19, 2009 in New York.

Breeder: Marshall Boschetti. Winning Owner: Drawing Away Stable

2 Claimed Horse(s): Quiet Sunshine
Talent N Passion

New Trainer: Bruce N. Levine
New Trainer: Leo O'Brien

New Owner: Repole Stable
New Owner: Leo O'Brien

Claiming Prices: 4 - Quiet Sunshine: \$16,000; 5 - Talent N Passion: \$16,000; 6 - First Penny: \$16,000; 2 - Guyana Princess: \$16,000; 1 - Inaflash: \$16,000; 3 - Pegasus Diamond: \$16,000;

Total WPS Pool: \$139,573

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
4	Quiet Sunshine	4.20	3.20	2.40	\$2.00 Exacta	4-5	21.60	102,479
5	Talent N Passion		3.90	2.60	\$2.00 Quinella	4-5	9.90	9,625
6	First Penny			3.60	\$2.00 Trifecta	4-5-6	86.50	53,340
					\$2.00 Daily Double	6-4	111.00	74,034
					\$2.00 Superfecta	4-5-6-2	246.50	21,444

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	1/2	Str	Fin
4	Quiet Sunshine	5	3 ⁵	3 ³ 1/ ₂	2 ²	1 ¹
5	Talent N Passion	1	1 ³	1 ² 1/ ₂	1 ²	2 ¹
6	First Penny	2	2 ³	2 ² 1/ ₂	3 ²	3 ¹ 1/ ₄
2	Guyana Princess	6	613	611 1/ ₂	6 ⁷	4 ³ 1/ ₂
1	Inaflash	3	4 ⁵	4 ⁵	4 ⁴	5 ³ 1/ ₂
3	Pegasus Diamond	4	5 ⁶	5 ⁶	5 ⁵	6 ⁵ 1/ ₂

Trainers: 4 - Jacobson, David; 5 - Barrera, III, Oscar; 6 - Sciacca, Gary; 2 - Contessa, Gary; 1 - Ortiz, Juan; 3 - Englehart, Chris

Owners: 4 - Drawing Away Stable; 5 - Blooming Graciously Stable and Ourbestpal Stable, LLC; 6 -Amanda Laderer; 2 -Mark Valentine; 1 - FooDo Stables; 3 -Thomas Dushas;

Footnotes

QUIET SUNSHINE underwent a three wide pursuit, had already been put to encouragement prior to the quarter pole, drove past the runner up in the final seventy yards to prove best. TALENT N PASSION initially hustled to the front, got switched over to being rated after having secured it, dashed over to the inside and showed the way from there on an open lead, got called upon after the half had been completed, offered some resistance before relinquishing past the sixteenth pole. FIRST PENNY stalked without making her presence felt from the two path, got outfinished by the top twosome. GUYANA PRINCESS got away a beat slowly, arrived at the half mile pole taking the inside route and having been put to a drive, spun four wide into upper stretch, mustered up a mild response to grab the last major award. INAFLASH angled off the rail approaching the quarter pole, made no headway. PEGASUS DIAMOND gave chase from the two path, left the five-sixteenths pole being encouraged, was taken in hand in close proximity of INAFLASH as that opponent was being maneuver towards the outside with about a furlong remaining, made no impact.

EXHIBIT 4

SARATOGA - July 24, 2013 - Race 5

MAIDEN CLAIMING - For Thoroughbred Three Year Old and Upward Fillies and Mares Claiming Price: \$20,000

Six Furlongs On The Dirt Track Record: (Speightstown - 1:08.00 - August 14, 2004)

Purse: \$37,000

Available Money: \$37,000

Value of Race: \$37,000 1st \$22,200, 2nd \$7,400, 3rd \$3,700, 4th \$1,850, 5th \$1,110, 6th \$185, 7th \$185, 8th \$185, 9th \$185

Weather: Clear Track: Fast

Off at: 3:09 Start: Good for all

EQUIBASE
COMPANY



[Video Race Replay](#)

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	1/2	Str	Fin	Odds	Comments
3Jul13 ⁵ BEL ⁷	4	Mama Zee (Velasquez, Cornelio)	119	L b	3 8	9	6 ^{1/2}	4 Head	1 ^{1 3/4}		4.80	squeeze brk, 6w upper
26May13 ⁷ BEL ⁴	6	Inaflash (Rosario, Joel)	119	L	6 3	2 ¹	1 ²	1 ^{2 1/2}	2 ^{1/2}		4.10	2p, caught past 1/16
27Jun13 ³ BEL ³	8	Rettalfa (Maragh, Rajiv)	119	L bf	9 9	7 ⁵	4 ¹	3 ¹	3 ^{2 3/4}	13.70	urged 4w into stretch	
23May13 ⁷ BEL ⁷	1A	Malibu Queen (Ortiz, Jr., Irad)	119	L bf	8 1	6 ^{1 1/2}	5 ^{1 1/2}	6 ¹⁰	4 ⁴	0.95*	broke open gate, 5w upr	
19Jun13 ² BEL ⁶	1	Work N Flirt (Castellano, Javier)	119	L bf	5 4	4 ⁴	2 ¹	2 Head	5 Neck	0.95*	solid bump start, 2p	
22Jun13 ⁷ BEL ⁵	7	Lady Halite (Lezcano, Jose)	124	L	7 5	3 ^{1 1/2}	3 ^{1 1/2}	5 ^{1/2}	6 ^{23 1/4}	5.70	3w pursuall turn, folded	
~	2	Insane Speed (Saez, Luis)	119	L	1 2	1 ^{1/2}	7 ⁵	7 ³	7 ^{3 3/4}	26.00	inside, faltered	
4Nov12 ³ AQU ⁴	3	Passionforsongs (Franco, Manuel)	114	L f	2 6	5 Head	8 ⁴	8 ⁵	8 ^{15 1/4}	36.00	bump brk, ask 5/16	
19Jun13 ⁹ BEL ⁷	5	Charming Becky (Espinoza, Jose)	119	L b	4 7	8 ¹	9	9	9	21.50	bump solid btwn start	

Fractional Times: 22.12 45.63 58.79

Final Time: 1:12.81

Split Times: (23:51) (13:16) (14:02)

Run-Up: 40 feet

Winner: Mama Zee, Dark Bay or Brown Filly, by J Be K out of Acqualina, by Pulpit. Foaled Apr 20, 2010 in Kentucky.

Breeder: Zayat Stables. Winning Owner: Zayat Stables, LLC

1 Claimed Horse(s): Work N Flirt

New Trainer: Steven M. Asmussen New Owner: J. Kirk Robison

Claiming Prices: 4 - Mama Zee: \$20,000; 6 - Inaflash: \$20,000; 8 - Rettalfa: \$20,000; 1A - Malibu Queen: \$20,000; 1 - Work N Flirt: \$20,000; 7 - Lady Halite: \$20,000; 2 - Insane Speed: \$20,000; 3 - Passionforsongs: \$20,000; 5 - Charming Becky: \$20,000;

Scratched Horse(s): Diamond Maker (Veterinarian)

Total WPS Pool: \$314,548

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
4	Mama Zee	11.80	5.40	4.10	\$2.00 Exacta	4-6	41.80	304,495
6	Inaflash		5.00	3.60	\$2.00 Trifecta	4-6-8	215.50	214,297
8	Rettalfa			5.00	\$2.00 Pick 3	2-5-4 (3 correct)	772.00	87,267
					\$2.00 Pick 4	2-2-5-4 (4 correct)	1,905.00	261,715
					\$2.00 Daily Double	5-4	67.00	66,336

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	1/2	Str	Fin
4	Mama Zee	8	9 ^{14 1/2}	6 ⁷	4 ^{3 1/2}	1 ^{1 3/4}
6	Inaflash	3	2 ^{1/2}	1 ²	1 ^{2 1/2}	2 ^{1 3/4}
8	Rettalfa	9	7 ^{8 1/2}	4 ^{4 1/2}	3 ^{2 1/2}	3 ^{2 1/4}
1A	Malibu Queen	1	6 ⁷	5 ^{5 1/2}	6 ^{4 1/4}	4 ⁵
1	Work N Flirt	4	4 ³	2 ²	2 ^{2 1/2}	5 ⁹
7	Lady Halite	5	3 ^{1 1/2}	3 ³	5 ^{3 3/4}	6 ^{9 1/4}
2	Insane Speed	2	1 ^{1/2}	7 ^{7 1/2}	7 ^{14 1/4}	7 ^{32 1/2}
3	Passionforsongs	6	5 ⁷	8 ^{12 1/2}	8 ^{17 1/4}	8 ^{36 1/4}
5	Charming Becky	7	8 ^{13 1/2}	9 ^{16 1/2}	9 ^{22 1/4}	9 ^{51 1/2}

Trainers: 4 - Rodriguez, Rudy; 6 - Asmussen, Steven; 8 - Gullo, Gary; 1A - Mareina, Michael; 1 - Mareina, Michael; 7 - Kenneally, Eddie; 2 - Contessa, Gary; 3 - Persaud, Randi; 5 - Ness, Jamie

Owners: 4 - Zayat Stables, LLC; 6 - Clark O. Brewster; 8 - Donald H. Piser; 1a - Kuehne Racing; 1 - Kuehne Racing; 7 - Joseph Bucci; 2 - McConnell Racing Stable, Pines Stables, Green, L. and Magis Thoroughbreds; 3 - Jum-Bo-Jet Racing Stable; 5 - Midwest Thoroughbreds, Inc.;

Footnotes

MAMA ZEE was squeezed back after getting bumped with solid impact from both sides at the break, was unhurried for nearly a half while racing from off the inside, picked up interest and spun with a good touch of momentum into the stretch until six wide, the widest of all, by the end of the maneuver, was kept clear of others, with an occasional pull on the right rein by the pilot proceeding down the stretch, rolled by the leader in the final seventy yards, crossing the finish under hand urging. INAFLASH gained command shortly after departing the backstretch, cut the pace, coaxed along from the two path, arrived at the quarter pole, with none latched on and with the closest pursuers having been asked for a response, was asked for one herself shortly afterwards, got reeled in leaving the sixteenth pole, but held on well to secure second. RETTALFA off a half beat slowly, was under encouragement turning for home four wide, held on well for the show award. MALIBU QUEEN broke through the gate prior to the initial attempt to send the field on its way, was expertly kept grasped of by the assistant starter and thus didn't run off, proceeded to break on top but was outsprinted by several others in short order, departed the backstretch three wide, fanned five wide into the stretch, with a slight loss of ground and momentum, displayed some late interest to improve position and snatch up the last major check. WORK N FLIRT came inward, bumping with the nearest opponent hard enough to get turned slightly sideways, took up the chase from the two path on the turn, at times loosely drafting behind the runner up, was under a drive prior to the quarter pole, failed to cut into the margin once in the stretch then steadily backed away. LADY HALITE underwent a three wide pursuit on the turn, folded. INSANE SPEED forwardly placed along the inside for the opening half, faltered. PASSIONFORSONGS broke inward and was bumped at the start, rode the rail down the backstretch but raced along the outside on the turn, was under encouragement by the five-sixteenths pole, gave way. CHARMING BECKY bumped soundly from between rivals at the start, was no factor.

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EXHIBIT 5

Friday Aug 2 2013

Barn 65

Gerardo

- 2 Big Sugar Soda - $\frac{1}{2}$ Acre 30AN
- 3 Motormartime - 3 Acre Brn
- 4 Saturday Claim - 1 Acre
- 5 Justin Phillips - 3 Acre

Yori

- 6 Charles Quest -
- 7 Aaron's Quest - 30AN
- 8 Brazen Persuasion - 1 Acre 30AN
- 9 Finesse

Elmar

- 10 Posse Attack -
- 11 Unstoppable - 2 $\frac{1}{2}$ Acre
- 12 Speed Authority
- 13 Promise Me More - $\frac{1}{2}$ Acre

Rene

- 14 Southern Blessing - $\frac{1}{2}$ Acre 30AN
- 15 Unbridleds Note - 50AN
- 16 ~~Redoubtable~~
- 17 Double Gold - 1 Acre 30AN

Scout

- 18 Troilus - $\frac{1}{2}$ Acre
- 19 Candy Candy - 3 Acre Brn - 30AN

Barn 66

Scout

- 1. Insighting - 2 Acre
- 2 Dunkin Band -

Chiba

- 3 Bernata - $\frac{1}{2}$ Acre
- 4 Richmond County - 1 Acre
- 5 Aire of Oklahoma - $\frac{1}{2}$ Acre 30AN
- 6 Great Mills - 3 Acre Brn

Phillye

- 7 Tapiture - 2 $\frac{1}{2}$ Acre
- 8 Valediction -
- 9 Ketshawusone -
- 10 Wind of Bosphorus -

Roberto

- 12 SKy Drama - $\frac{1}{2}$ Acre 30AN
- 13 War Hawk - 3 Acre - 30AN

Pony Barn

- 1. Corinthiana - 1 Acre
- 2 Pleasure of Exchange - 1 Acre
- 3 Upton - $\frac{1}{2}$ Acre
- 4 In A Flash - 3 Acre Brn 50AN
- 5 Fox Bean - 3 Acre
- 6 Work N Flint - 3 Acre
- 7 Z Dager -

Barn 72

- 1. Black Jack
- 2. Black Red

08/09/2013

EXHIBIT 6

MARK W. CHENEY, D.V.M.

08/03/2013

Date 8/2

Location

Client

Daily Worksheet

Patient

Service

Steve

WORK N FLAT

Light marks &
OK Anat

A Smusen

In A Flash

OK Anat
Blood 2/5 -

length of track

War Hawk

OK Clean

Candy Dandy

OK Clean

Justin Phillip

OK Clean

Not My First Time clean

the back dropped
slightly

Gret Mill

OK Clean

Hemorrhage inflammation
front of Pharynx

Flush & Azium

EXHIBIT 7

SARATOGA - August 12, 2013 - Race 6

MAIDEN CLAIMING - For Thoroughbred Three Year Old and Upward Fillies and Mares Claiming Price: \$20,000
Six Furlongs On The Dirt Track Record: (Speightstown - 1:08.00 - August 14, 2004)

Purse: \$37,000

Available Money: \$37,000

Value of Race: \$37,000 1st \$22,200, 2nd \$7,400, 3rd \$3,700, 4th \$1,850, 5th \$1,110, 6th \$370, 7th \$370

Weather: Clear Track: Fast

Off at: 3:47 Start: Good for all

EQUIBASE
COMPANY



[Video Race Replay](#)

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	1/2	Str	Fin	Odds	Comments
24Jul13	5	SAR ²	3	Inaflash (Rosario, Joel)	119	L	2 2	1 ¹	1 ^{2 1/2}	1 ⁷	1 ^{6 3/4}	0.60* inside, much the best
3Aug12	3	SAR ⁶	7	Darnley Bay (Castellano, Javier)	123	L	6 4	5 ¹	3 ¹	2 ^{Head}	2 ^{3 1/2}	12.30 3w upper,unasked late
28Jun13	4	MTH ⁷	4	Toast to Ashley (Franco, Manuel)	114	L b	3 3	3 ³	2 ²	3 ²	3 ²	4.60 3w on turn, tired
24Jul13	5	SAR ³	8	Rettalfa (Rocco, Jr., Joseph)	119	L bf	7 6	6 ^{2 1/2}	5 ⁵	4 ²	4 ^{9 1/4}	4.50 3w 3/8,4w upr,outrun
24Jul13	5	SAR ⁵	6	Passionforsongs (Maragh, Rajiv)	119	L	5 1	2 ^{1 1/2}	4 ¹	5 ⁶	5 ⁹	24.75 2p, tiring before half
12Jul13	5	BEL ⁷	1	Simple Sinister (Jimenez, Samuel)	123	L b	1 7	7	7	7	6 ^{1 3/4}	50.50 duck in brk, rail trip
2Aug13	5	SAR ⁹	5	Saratoga Sunrise (Saez, Luis)	119	L bf	4 5	4 ¹	6 ¹	6 ^{1/2}	7	9.90 rail 7/16-1/4,gave way

Fractional Times: 22.37 45.64 57.83

Final Time: 1:10.69

Split Times: (23:27) (12:19) (12:86)

Run-Up: 36 feet

Winner: Inaflash, Gray or Roan Filly, by Flashy Bull out of One Fell Swoop, by Vicar. Foaled May 04, 2010 in Kentucky.

Breeder: Joe Mulholland Jr., John Mulholland & Karen Mulholland. Winning Owner: Clark O. Brewster

Claiming Prices: 3 - Inaflash: \$20,000; 7 - Darnley Bay: \$20,000; 4 - Toast to Ashley: \$20,000; 8 - Rettalfa: \$20,000; 6 - Passionforsongs: \$20,000; 1 - Simple Sinister: \$20,000; 5 - Saratoga Sunrise: \$20,000;

Scratched Horse(s): Estrange (Veterinarian)

Total WPS Pool: \$302,177

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
3	Inaflash	3.20	2.40	2.20	\$2.00 Exacta	3-7	24.80	309,548
7	Darnley Bay		6.00	4.30	\$2.00 Trifecta	3-7-4	88.50	179,496
4	Toast to Ashley			3.10	\$2.00 Pick 3	2-8-3 (3 correct)	56.50	91,009
					\$2.00 Daily Double	8-3	5.50	68,110
					\$2.00 Superfecta	3-7-4-8	152.00	85,917

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	1/2	Str	Fin
3	Inaflash	2	1 ¹	1 ^{2 1/2}	1 ⁷	1 ^{6 3/4}
7	Darnley Bay	4	5 ^{8 1/2}	3 ^{4 1/2}	2 ⁷	2 ^{6 3/4}
4	Toast to Ashley	3	3 ^{2 1/2}	2 ^{2 1/2}	3 ⁷	3 ^{10 1/4}
8	Rettalfa	6	6 ^{7 1/2}	5 ^{6 1/2}	4 ⁹	4 ^{12 1/4}
6	Passionforsongs	1	2 ¹	4 ^{5 1/2}	5 ¹¹	5 ^{21 1/2}
1	Simple Sinister	7	7 ¹⁰	7 ^{12 1/2}	7 ^{17 1/2}	6 ^{30 1/2}
5	Saratoga Sunrise	5	4 ^{5 1/2}	6 ^{11 1/2}	6 ¹⁷	7 ^{32 1/4}

Trainers: 3 - Asmussen, Steven; 7 - Lerman, Roy; 4 - Rodriguez, Rudy; 8 - Gullo, Gary; 6 - Persaud, Randi; 1 - Reiff, Eugene; 5 - Farrell, Desmond

Owners: 3 -Clark O. Brewster; 7 -Roy S. Lerman; 4 - Zayat Stables, LLC; 8 -Donald H. Piser; 6 - Jum-Bo-Jet Racing Stable; 1 - Lil Red Rooster Racing; 5 -Anthony J. DePaula;

Footnotes

INAFLASH along the inside, vied for the lead with PASSIONFORSONGS, disposed of that opponent for good by the five-sixteenths pole, was put to light urging, drew off and won as much the best. DARNLEY BAY chased the winner from the two path on the turn, was already under encouragement turning for home three wide, proved no match for the top one, completing the final stages not asked for her best. TOAST TO ASHLEY three wide departing the backstretch, got roused during the later stages of the run around the bend, tired. RETTALFA three wide midway on the turn, commenced the stretch one path wider, failed to menace. PASSIONFORSONGS pressed the issue from the two path during the initial stages, was backing away before going a half. SIMPLE SINISTER ducked in leaving the starting gate, was given some light stick work in the area of the right shoulder, failed to get motivated, was always outrun off a ground-saving journey. SARATOGA SUNRISE along the inside route from the seven-sixteenths marker to the quarter pole, gave way.

March 18, 2014

Mark D. Gearan, Chairman
 John A. Crotty, Board Member
 John J. Poklemba, Board Member
 Barry Sample, Board Member
 Todd R. Snyder, Board Member
 New York State Gaming Commission
 P.O. Box 7500
 Schenectady, NY 12301-7500

Re: Suspected Violations of New York Racing Regulations at Saratoga Race Course; Request for Investigation

Dear Messrs. Gearan, Crotty, Poklemba, Sample, and Snyder:

This is to request that your agency investigate Steve Asmussen ("Asmussen"); his assistant trainer Scott Blasi ("Blasi"); KDE Equine, LLC, doing business as Steve Asmussen Racing Stables ("KDE Equine"), a horse training and racing business of which Asmussen is president; attending veterinarians Dr. Joseph F. Migliacci and Dr. Hunt;¹ jockey Ricardo Santana Jr. ("Santana"); and events that occurred at Saratoga Race Course, a horse racetrack located at 267 Union Ave., Saratoga Springs, NY 12866, and take appropriate actions. Between July and August 2013,² an undercover investigator for People for the Ethical Treatment of Animals ("PETA") documented, including on video, that attending veterinarians at Saratoga Race Course may have administered furosemide as a performance enhancer to horses who did not qualify for this drug and that Blasi knew that, while riding an Asmussen-trained horse, jockey Santana possessed an electric shock device. (See "KDE Equine: Investigative Footage for NYS Gaming Commission" DVD, at Exhibit 1, and "KDE Equine: Investigative Photographs for NYS Gaming Commission" CD, at Exhibit 2.)

All this may violate New York's thoroughbred racing regulations, N.Y. COMP. CODES R. & REGS. tit. 9, §§ 4000.1 *et seq.* PETA's investigator is available at your request and will attest to the accuracy of the facts set out below.

I. Attending Veterinarians at Saratoga Race Course May Have Administered Furosemide to Ineligible Asmussen-Trained Horses in Violation of N.Y. COMP. CODES R. & REGS. tit. 9, § 4043.2

A. N.Y. COMP. CODES R. & REGS. tit. 9, § 4043.2. Restricted use of drugs, medication and other substances

¹We suspect that the veterinarian referred to as Dr. Hunt is Dr. James Hunt, D.V.M. (license number: 004553).

²All dates herein, unless otherwise noted, are in 2013.

PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS

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- Affiliates:
- PETA Foundation (U.S.)
 - PETA Asia-Pacific
 - PETA India
 - PETA Germany
 - PETA Netherlands

N.Y. COMP. CODES R. & REGS. tit. 9, § 4043.2 provides:

Drugs and medications are permitted to be used only in accordance with the following provisions.

...
(b) Eligibility for the administration of furosemide.

(1) The administration of furosemide is permissible to a horse that has qualified for such use by any of the following means:

- (i) the horse has bled visibly during a race or a workout, as determined by the association veterinarian; or
- (ii) the horse has bled during a race or workout, as determined by an attending veterinarian based upon such veterinarian's clinical assessment of the horse, which may or may not include an endoscopic examination after the race or workout; or
- (iii) the horse has been qualified by the State veterinarian or a veterinarian employed by the racetrack for the administration of furosemide in another racing jurisdiction; or
- (iv) the horse has raced on furosemide in such horse's last race in a jurisdiction with rules substantially similar to New York State.

B. Joseph F. Migliacci, D.V.M, and Dr. Hunt, Attending Veterinarians at Saratoga Race Course, May Have Administered Furosemide to Asmussen-Trained Horses Who Did Not Qualify for the Use of This Drug

While at Saratoga Race Course, PETA's investigator found furosemide eligibility forms pre-signed by Dr. Migliacci yet not filled out for any particular horse, suggesting that Dr. Migliacci may have supplied the incomplete forms to Blasi or Asmussen so that furosemide could be administered to any horses of their choosing, rather than to horses whom Dr. Migliacci had determined to be suffering from exercise-induced pulmonary hemorrhages and bleeding from the lungs, as required by racing regulations.

Indeed, it appeared that every Asmussen-trained horse who "worked," i.e., engaged in particularly strenuous and timed workouts, was given Lasix, a brand name for furosemide, on the mornings of such workouts by Dr. Hunt, who told PETA's investigator that Lasix was given to "basically all" the Asmussen-trained horses because it is a "performance enhancer." However, racing regulations prohibit veterinarians from giving racehorses furosemide unless the horses qualify for the drug in one of the four ways listed in N.Y. COMP. CODES R. & REGS. tit. 9, § 4043.2(b)(1).

Details of these events are as follows:

- On July 13, PETA's investigator found several sheets of paper labeled "NEW YORK STATE RACING AND WAGERING BOARD ELIGIBILITY FOR THE ADMINISTRATION OF FUROSEMIDE," which appeared to be photocopies of the same form. The papers had a place for a horse's name and identifying information as well as a blank space where one could note the date the horse "was observed bleeding"—these fields had not been completed. There was a place to mark whether the bleeding occurred during a race or during a training workout, and "training workout" was already circled on the papers. There was also a place to mark the method by which the horse's bleeding had been observed, and the option reading "by clinical observation and/or endoscopic examination" was already marked as being the method of observation on each sheet. Saratoga Race Course was filled in as the place where the bleeding occurred. The forms had already been signed by Dr. Migliacci, listed as an "attending veterinarian (NYSRWB licensed)." (See Inc. 1, at Ex. 1.) On July 14, PETA's investigator photographed one of these furosemide eligibility forms. (See Photograph 2013-07-14_3_Lasix eligibility form_IMG_0183, at Ex. 2.)
- On July 17, PETA's investigator found several "NEW YORK STATE RACING AND WAGERING BOARD ELIGIBILITY FOR THE ADMINISTRATION OF FUROSEMIDE" forms, like those described above, but saw that these papers were filled out completely for various horses and signed by both Dr. Migliacci and Blasi. PETA's investigator suspected that the sections of the papers detailing Blasi's name and signature, the date the horse bled, and the specific name, sex, and color of the horse were filled in by hand because the markings were noticeably dimpled, as if a pen had been pressed into the paper. However, the investigator suspected that the sections bearing Dr. Migliacci's name and signature and indicating that Dr. Migliacci observed the specific horse bleeding by clinical observation and/or endoscopic examination were photocopied because these markings were smooth to the touch. The papers indicated that the following horses bled on the following dates: Finesse on July 7, Southern Blessing on July 8, Fox Beau on July 10, Double Gold on July 9, Red Solid Perfect on July 10, Tapiture on July 10, Untapable on July 8, Montana Cowboy on July 6, D'cajun Cat on July 8, Crazy 'bout Elvis on July 8, War Hawk on July 6, Dunkin Bend on July 9, Big Sugar Soda on July 7, Candy Dandy on July 9, and Brazen Persuasion on July 8. (See Photographs 2013-07-17_01_Lasix application for Finesse_IMG_0188 to 2013-07-17_15_Lasix application for Brazen Persuasion_IMG_0202, at Ex. 2.)
- On August 1, Blasi told PETA's investigator that, the following morning, Dr. Hunt would be giving Lasix to all the horses who were "working," or doing timed breezes, that day. Blasi neither said nor indicated in any way that any of these horses, to whom Lasix would be administered, had been observed bleeding or otherwise met § 4043.2(b)'s eligibility requirements, and PETA's investigator did not see any indication that any of these horses bled that day.
- Daily between August 2 and August 14, inclusive, and on August 16, PETA's investigator saw Dr. Hunt administer Lasix to all the Asmussen-trained horses who were scheduled to work each day, prior to when they worked. On each of these days, PETA's investigator also saw that, prior to when Dr. Hunt administered Lasix to the Asmussen-trained horses each day, Blasi created a list that specified which horses were to receive Lasix and how much Lasix each horse was to receive and that the horses on this list were always the horses who were scheduled to work later on the same day. To PETA's investigator's knowledge, the horses on the list, which changed daily, were the only ones who would receive Lasix each day and the only ones who would work each day.

- On August 7, PETA's investigator asked Dr. Hunt, in reference to giving horses Lasix, "I know when you give Lasix for races ... they have to be a confirmed bleeder but is it the same for workouts?" Dr. Hunt told PETA's investigator, "Not really. I mean a lot of this is preventative, you know." (See Inc. 2, at Ex. 1.)
- On August 8, PETA's investigator asked Dr. Hunt, "Does Asmussen have all the horses he works on on Lasix, do you know? Or are there some that don't need it?" Dr. Hunt told PETA's investigator, "[T]hey basically all run on it. It makes them, it makes them lighter." PETA's investigator then said, "I just didn't know if there were some that didn't need it." Dr. Hunt replied to PETA's investigator, "Probably, but it's a ... performance enhancer. It makes them lighter." (See Inc. 3, at Ex. 1.)
- On August 12, PETA's investigator asked Blasi if all the Asmussen-trained horses race on Lasix. Blasi told PETA's investigator that they do.

N.Y. COMP. CODES R. & REGS. tit. 9, § 4043.4(a) makes trainers responsible for the presence of any restricted substances in the horses they are training.

II. Assistant Trainer Blasi Admitted That He Knew That a Jockey Possessed an Electric Shock Device While Riding an Asmussen-Trained Horse in Apparent Violation of N.Y. COMP. CODES R. & REGS. tit. 9, § 4043.3

A. N.Y. COMP. CODES R. & REGS. tit. 9, § 4043.3. Other prohibitions

N.Y. COMP. CODES R. & REGS. tit. 9, § 4043.3 provides:

No person shall, attempt to, or cause, solicit, request, or conspire with another or others to:

(a) use or possess any electrical device, 'joint,' 'battery,' electric prod, or any other electrical equipment or any mechanical or other appliance not generally accepted as regular racing equipment that can be used to stimulate, depress, goad, spur, retard or condition a horse during a race or during training. The use of ultrasonic, diathermy or other electro/medical equipment is permissible until 24 hours before the start of a racing program, and whirlpool until racetime. However, the stewards may bar the possession or use of any specific equipment

B. Assistant Trainer Blasi Confirmed That Jockey Ricardo Santana Jr. Possessed an Electric Shock Device While Riding an Asmussen-Trained Horse

On August 13, PETA's investigator heard Blasi tell former jockey Angel Cordero Jr. that jockey Santana "is a good machine rider." PETA's investigator had previously heard electric shock devices referred to as machines and understood this to mean that Santana used a shocking device on some or all the Asmussen-trained horses he rode. PETA's investigator then heard Blasi say, in reference to Santana, "I'd tell him, 'You got the máquina?'" "Máquina" is Spanish for "machine" and was an apparent reference to an electric shock device. PETA's investigator heard Blasi state that Santana would respond, "Boss, I got the máquina. ..." PETA's investigator asked Blasi, "Do they check for those at – ever?" Blasi told PETA's investigator, "No." (See Inc. 4, at

Ex. 1.) While PETA does not know where or when such alleged possession of this device occurred, just this year, Santana has jockeyed for Asmussen at Saratoga Race Course on July 26, 27, and 28. (See Race Records at Exhibits 3–5.)

III. Conclusion

PETA's investigator documented, including on video, that Dr. Hunt and possibly Dr. Migliacci may have administered furosemide as a performance enhancer to horses who did not qualify for use of this drug and that Blasi knew that, while riding an Asmussen-trained horse, jockey Santana possessed an electric shock device. All this appears to violate New York's thoroughbred racing regulations, N.Y. COMP. CODES R. & REGS. tit. 9, §§ 4000.1 *et seq.*

We respectfully request that your agency immediately investigate Asmussen, Blasi, and KDE Equine. PETA's investigator is available for an interview at your request and will testify to these facts. We are available to assist you in your investigation. I can be contacted at 828-734-3851 or ElizabethOvercash@peta.org. Thank you for your time and consideration.

Sincerely,



Elizabeth Overcash
Evidence Analyst
Cruelty Investigations Department

Exhibit 1 KDE Equine: Investigative Footage for NYS Gaming Commission

DVD (not attached)

Exhibit 2 KDE Equine: Investigative Photographs for NYS Gaming Commission

CD (photographs printed)



**NEW YORK STATE RACING AND WAGERING BOARD
ELIGIBILITY FOR THE ADMINISTRATION OF FUROSEMIDE**

NAME OF HORSE		TATTOO / FREEZE BRAND	SEX	COLOR
<p>ON _____ THE ABOVE NAMED HORSE WAS OBSERVED BLEEDING</p> <p><input checked="" type="checkbox"/> BY CLINICAL OBSERVATION AND/OR ENDOSCOPIC EXAMINATION</p> <p><input type="checkbox"/> FROM THE NOSTRILS</p> <p><input type="checkbox"/> BOTH BY VISUAL OBSERVATION AND BY CLINICAL AND/OR ENDOSCOPIC EXAMINATION</p>				
<p>OBSERVED BLEEDING OCCURRED AT <u>SALADINA Farmhouse</u> NAME OF TRACK OR TRAINING CENTER</p>				
<p>OBSERVED BLEEDING OCCURRED DURING - FOLLOWING</p> <p>THE _____ RACE "CIRCLE ONE"</p> <p>A TRAINING WORKOUT</p>				
<p>WITHIN NEW YORK STATE <input checked="" type="checkbox"/></p> <p><u>DR. J.F. MIGLIORI</u> VETERINARIAN (PRINT)</p>		<p>OUTSIDE NEW YORK STATE AT "CIRCLE ONE"</p> <p><u>Dr. J.F. Migliorini</u> VETERINARIAN (Signature)</p>		
<p><input type="checkbox"/> ATTENDING VETERINARIAN (NYSRWB LICENSED) ASSOCIATION VETERINARIAN OFFICIAL STATE VETERINARIAN</p>				
<p>AS PER RULE 400.2 [b], I HEREBY ELECT TO PLACE THE ABOVE NAMED HORSE ON THE FUROSEMIDE LIST. I UNDERSTAND THAT WHILE MY HORSE RACES ON FUROSEMIDE, I MUST HAVE A LICENSED VETERINARIAN ADMINISTER FUROSEMIDE FOUR (4) TO FOUR AND ONE HALF (4 1/2) HOURS PRIOR TO THE RACE ON THE GROUNDS OF A LICENSED RACE TRACK. FURTHERMORE, I WILL NOT DISCONTINUE THE USE OF FUROSEMIDE WITHOUT PRIOR APPROVAL OF THE STATE ASSOCIATION OR ATTENDING VETERINARIAN AND THE STEWARD.</p>				
TRAINER (print)	DATE	TRAINER (Signature)		
<i>[For Administrative Use Only]</i>				
PRIOR BLEEDER: <u>YES</u> <u>NO</u>				
LAST RACE DATE FUROSEMIDE ADMINISTERED:	TRACK _____			
DATE ELIGIBLE TO RACE IN NEW YORK ON FUROSEMIDE:				
STEWARD (print)	DATE	STEWARD (Signature)		

07/14/2013



NEW YORK STATE RACING AND WAGERING BOARD
ELIGIBILITY FOR THE ADMINISTRATION OF FUROSEMIDE

NAME OF HORSE <i>Finesse</i>	TATTOO / BREEDER BRAND	SEX <i>F</i>	COLOR <i>Bay</i>
ON <u>17-7-2013</u>	THE ABOVE NAMED HORSE WAS OBSERVED BLEEDING		
<input checked="" type="checkbox"/> BY CLINICAL OBSERVATION AND/OR ENDOSCOPIC EXAMINATION <input type="checkbox"/> FROM THE NOSTRILS <input type="checkbox"/> BOTH BY VISUAL OBSERVATION AND BY CLINICAL AND/OR ENDOSCOPIC EXAMINATION			
OBSERVED BLEEDING OCCURRED AT <u>SALADAA PARCOURSE</u> NAME OF TRACK OR TRAINING CENTER			
OBSERVED BLEEDING OCCURRED DURING - FOLLOWING THE <u>RACE</u> RACE NUMBER		"IRCLE ONE" A TRAINING WORKOUT	
WITHIN NEW YORK STATE <u>DR J F MIGLIARCI</u> VETERINARIAN (signature)	"IRCLE ONE"	OUTSIDE NEW YORK STATE AT <u>Dr J F Migliarci</u> VETERINARIAN (signature)	"IRCLE ONE"
<input type="checkbox"/> ATTENDING VETERINARIAN (NYSWMB LICENSED) <input type="checkbox"/> ASSOCIATION VETERINARIAN <input type="checkbox"/> OFFICIAL STATE VETERINARIAN			
AS PER RULE 490.2 (b), I HEREBY AGREE TO PLACE THE ABOVE NAMED HORSE ON THE FUROSEMIDE LIST. I UNDERSTAND THAT WHILE MY HORSE RACES ON FUROSEMIDE, I MUST HAVE A LICENSED VETERINARIAN ADMINISTER FUROSEMIDE FOUR (4) TO FOUR AND ONE HALF (4 1/2) HOURS PRIOR TO THE RACE ON THE GROUNDS OF A HORSE RACE TRACK. FURTHERMORE, I WILL NOT DISCONTINUE THE USE OF FUROSEMIDE WITHOUT PRIOR APPROVAL OF THE STATE ASSOCIATION OR ATTENDING VETERINARIAN AND THE STEWARD.			
<i>Scott A. Blas</i> TRAINER (signature)		DATE <u>17-7-2013</u> <i>Scott A. Blas</i> TRAINER (signature)	
PAST 12 MONTHS ONLY PAST 12 MONTHS YES <u>NO</u>		LAST IMMEDIATE FUROSEMIDE ADMINISTERED: _____ TRACK: _____	
DATE <u>07-17-2013</u> STEWARD (signature)		DATE <u>07-17-2013</u> STEWARD (signature)	

2013-07-17_01_Lasix application for Finesse_IMG_0188

NEW YORK STATE RACING AND WAGERING BOARD			
ELIGIBILITY FOR THE ADMINISTRATION OF FUROSEMIDE			
NAME OF HORSE	TATTOO / FREEZERBAND	SEX	COLOR
<i>Southern Blessing</i>		<i>M</i>	<i>Bay</i>
ON <u>7-8-2013</u>	THE ABOVE NAMED HORSE WAS OBSERVED BLEEDING		
<input checked="" type="checkbox"/> BY CLINICAL OBSERVATION AND/OR ENDOSCOPIC EXAMINATION <input type="checkbox"/> FROM THE NOSTRILS <input type="checkbox"/> BOTH BY VISUAL OBSERVATION AND BY CLINICAL AND/OR ENDOSCOPIC EXAMINATION			
OBSERVED BLEEDING OCCURRED AT <u>SALATINA Racetrack</u>	NAME OF TRACK OR TRAINING CENTER		
OBSERVED BLEEDING OCCURRED DURING - FOLLOWING			
THE <u>RACE</u> RACE NUMBER	<input type="checkbox"/> "CIRCLE ONE" <input checked="" type="checkbox"/> A TRAINING WORKOUT		
WITHIN NEW YORK STATE	OUTSIDE NEW YORK STATE AT <u>DR. J.J. Niglurci</u>		
<u>DR. J.F. Migliarri</u>	<small>NAME OF VET</small> <input type="checkbox"/> VETERINARIAN (initials)		
<input checked="" type="checkbox"/> ATTENDING VETERINARIAN (NYSWB LICENSED) <input type="checkbox"/> ASSOCIATION VETERINARIAN <input type="checkbox"/> OFFICIAL STATE VETERINARIAN			
IS PER RULE 403G.2 (b), I HEREBY AGREE TO PLACE THE ABOVE NAMED HORSE ON THE FUROSEMIDE LIST. I UNDERSTAND THAT WHILE MY HORSE RACES ON FUROSEMIDE, I MUST HAVE A LICENSED VETERINARIAN ADMINISTER FUROSEMIDE FOUR (4) TO FOUR AND ONE HALF (4 1/2) HOURS PRIOR TO THE RACE ON THE GROUNDS OF A CREDITED RACETRACK. FURTHERMORE, I WILL NOT DISCONTINUE THE USE OF FUROSEMIDE WITHOUT PRIOR APPROVAL OF THE STATE VETERINARIAN OR ATTENDING VETERINARIAN AND THE STEWARD.			
<i>Scott A Blas</i>	<u>7-8-2013</u>	<input type="checkbox"/> STEWARD (initials) <small>NAME OF STEWARD</small>	
<input checked="" type="checkbox"/> Administered <input type="checkbox"/> <small>ONE ONLY</small> HORSE BLEEDER <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		1ST RACE DATE FUROSEMIDE ADMINISTERED: <u>07/17/2013</u> TRACK <u>None</u> DATE ELIGIBLE FOR RACE IN NEW YORK ON FUROSEMIDE: <u>07/17/2013</u>	
<u>REWARD SIGNATURE</u>		DATE	STEWARD (initials)

2013-07-17_02_Lasix application for Southern Blessing_IMG_0189

NEW YORK STATE RACING AND WAGERING BOARD
ELIGIBILITY FOR THE ADMINISTRATION OF FUROSEMIDE

NAME OF HORSE	TATTOO / FREEZE BRAND	SEX	COLOR
Fox Beau		F	CH
ON <u>7-10-2013</u>	THE ABOVE NAMED HORSE WAS OBSERVED BLEEDING		
<input checked="" type="checkbox"/> BY CLINICAL OBSERVATION AND/OR ENDOSCOPIC EXAMINATION <input type="checkbox"/> FROM THE NOSTRILS <input type="checkbox"/> BOTH BY VISUAL OBSERVATION AND BY CLINICAL AND/OR ENDOSCOPIC EXAMINATION			
OBSERVED BLEEDING OCCURRED AT <u>Saratoga Racecourse</u> <small>NAME OF TRACK OR TRAINING CENTER</small>			
OBSERVED BLEEDING OCCURRED DURING - FOLLOWING			
THE <u>RACE</u> <small>RACE NUMBER</small>	<small>"CIRCLE ONE"</small> A TRAINING WORKOUT		
WITHIN NEW YORK STATE	<small>CIRCLE ONE</small>	OUTSIDE NEW YORK STATE AT <small>NAME OF PLACE</small>	
<u>DR JF MIGLIACCI</u> <small>VETERINARIAN (signature)</small>		<u>Dr. J F Migliacci</u> <small>VETERINARIAN (signature)</small>	
<input checked="" type="checkbox"/> <small>ATTENDING VETERINARIAN (NYSWB LICENSED) ASSOCIATION VETERINARIAN OFFICIAL STATE VETERINARIAN</small>			
<small>AS PER RULE 405L.2 (b), I HEREBY ELECT TO PLACE THE ABOVE NAMED HORSE ON THE FUROSEMIDE LIST. I UNDERSTAND THAT WHILE MY HORSE RACES ON FUROSEMIDE, I MUST HAVE A LICENSED VETERINARIAN ADMINISTER FUROSEMIDE FOUR (4) TO FOUR AND ONE HALF (4 1/2) HOURS PRIOR TO THE RACE ON THE GROUNDS OF A LICENSED RACETRACK. FURTHERMORE, I WILL NOT DISCONTINUE THE USE OF FUROSEMIDE WITHOUT PRIOR APPROVAL OF THE STATE/ASSOCIATION OR ATTENDING VETERINARIAN AND THE STEWARD.</small>			
<u>Scott A Blas.</u> <small>TRAINER (signature)</small>	<u>7-10-2013</u> <small>DATE</small>	<u>Scott A Blas.</u> <small>TRAINER (signature)</small>	
<small>For Administration Use Only</small> <small>PRIOR BLEEDING: YES NO</small> <small>LAST RACE DATE FUROSEMIDE ADMINISTERED: _____ TRACK: _____</small> <small>DATE ELECTED TO RACE IN NEW YORK ON FUROSEMIDE: _____</small>			
<u>STEWARD (signature)</u> <small>DATE</small>	<u>STEWARD (signature)</u>		

2013-07-17_03_Lasix application for Fox Beau_IMG_0190



NEW YORK STATE RACING AND WAGERING BOARD
ELIGIBILITY FOR THE ADMINISTRATION OF FUROSEMIDE

NAME OF HORSE	TATTOO / FREEZERBOARD	SEX	COLOR
Double Gold		M	Bay
ON 7-9-2013	THE ABOVE NAMED HORSE WAS OBSERVED BLEEDING		
<input checked="" type="checkbox"/> BY CLINICAL OBSERVATION AND/OR ENDOSCOPIC EXAMINATION			
<input type="checkbox"/> FROM THE NOSE/HIPS			
<input type="checkbox"/> BOTH BY VISUAL OBSERVATION AND BY CLINICAL AND/OR ENDOSCOPIC EXAMINATION			
OBSERVED BLEEDING OCCURRED AT		SARATOGA RACE COURSE NAME OF TRACK OR TRAINING CENTER	
OBSERVED BLEEDING OCCURRED DURING - FOLLOWING			
THE	RACE	"CIRCLE ONE"	
RACE NUMBER		A TRAINING WORKOUT	
WITHIN NEW YORK STATE	<input checked="" type="checkbox"/>	OUTSIDE NEW YORK STATE AT	<input type="checkbox"/>
DR. J. MIGLIORI		DR. J. MIGLIORI	
VETERINARIAN (Print)		VETERINARIAN (Signature)	
ATTENDING VETERINARIAN (NYSVMB LICENSED) ASSOCIATION VETERINARIAN OFFICIAL STATE VETERINARIAN			
I PER SWL 45GL2 (B), I HEREBY AGREE TO PLACE THE ABOVE NAMED HORSE ON THE FUROSEMIDE LIST. I UNDERSTAND THAT WHILE MY HORSE RACES OR FUROSEMIDE, I MUST HAVE A LICENSED VETERINARIAN ADMINISTER FUROSEMIDE FOUR (4) TO FOUR AND ONE HALF (4 1/2) HOURS PRIOR TO THE RACE ON THE GROUNDS OF A REGISTERED RACETRACK. FURTHERMORE, I WILL NOT DISCONTINUE THE USE OF FUROSEMIDE WITHOUT PRIOR APPROVAL OF THE STATE ASSOCIATION OR ATTENDING VETERINARIAN AND THE STEWARD.			
Sgt. M. A. Blas	7-9-2013	STEWARD (Signature)	
DATE			
APPROVED BY STEWARD ONLY			
DR. BLEEDING YES — NO			
BY RACE DATE FUROSEMIDE ADMINISTERED:		TRACK	
ELIGIBLE TO RACE IN NEW YORK ON FUROSEMIDE			
OWNER (Signature)	DATE	STEWARD (Signature)	

2013-07-17_04_Lasix application for Double Gold_IMG_0191

15183471250

07/17/2013

NEW YORK STATE RACING AND WAGEMING BOARD

ELIGIBILITY FOR THE ADMINISTRATION OF FUROSIMIDE

NAME OF HORSE	TATTOO / FREEZEBRAND	SEX	COLOR
<u>Red Solid Perfect</u>		M	CH
ON <u>7-10-2013</u>	THE ABOVE NAMED HORSE WAS OBSERVED BLEEDING		
<input checked="" type="checkbox"/> BY CLINICAL OBSERVATION AND/OR ENDOSCOPIC EXAMINATION <input type="checkbox"/> FROM THE NOSTRILS <input type="checkbox"/> BOTH BY VISUAL OBSERVATION AND BY CLINICAL AND/OR ENDOSCOPIC EXAMINATION			
OBSERVED BLEEDING OCCURRED AT <u>SALADINA Racetrack</u> <small>NAME OF TRACK OR TRAINING CENTER</small>			
OBSERVED BLEEDING OCCURRED DURING - FOLLOWING			
THE <u>RACE</u> <small>RACE NUMBER</small>	<input type="checkbox"/> "CIRCLE ONE" <input type="checkbox"/> A TRAINING WORKOUT		
WITHIN NEW YORK STATE <u>DR J F MIGLIACCI</u> <small>VETERINARIAN (print)</small>	<input type="checkbox"/> OUTSIDE NEW YORK STATE AT <u>DR J F Migliacci</u> <small>VETERINARIAN (signature)</small>		
<input type="checkbox"/> ATTENDING VETERINARIAN (NYSDVS LICENSED) <input type="checkbox"/> ASSOCIATION VETERINARIAN <input type="checkbox"/> OFFICIAL STATE VETERINARIAN			
<small>AS PER RULE 46G-2 (b), I HEREBY ELECT TO PLACE THE ABOVE NAMED HORSE ON THE FUROSIMIDE LIST. I UNDERSTAND THAT WHILE MY HORSE RACES ON FUROSIMIDE, I MAY NOT HAVE A LICENSED VETERINARIAN ADMINISTER FUROSIMIDE FOUR (4) TO FOUR AND ONE HALF (4 1/2) HOURS PRIOR TO THE HORSE ON THE GROUNDS OF A LICENSED VETERINARIAN. FURTHERMORE, I WILL NOT DISCONTINUE THE USE OF FUROSIMIDE WITHOUT PRIOR APPROVAL OF THE STATE ASSOCIATION OR ATTENDING VETERINARIAN AND THE ATTENDING VETERINARIAN.</small>			
<u>Scott A Blas</u> <small>TRAINER (print)</small>	<u>7-10-2013</u> <small>DATE</small>	<u>Scott A Blas</u> <small>TRAINER (signature)</small>	
<small>For Administrative Use Only</small> PRIOR BLEEDER: <u>YES</u> <u>NO</u> LAST RACE DATE FUROSIMIDE ADMINISTERED: _____ TRACK: _____ DATE ELIGIBLE TO RACE IN NEW YORK ON FUROSIMIDE: _____			
<u>STEWARD (print)</u>	<u>DATE</u>	<u>STEWARD (signature)</u>	

2013-07-17_05_Lasix application for Red Solid Perfect_IMG_0192

NEW YORK STATE RACING AND WAGERING BOARD
ELIGIBILITY FOR THE ADMINISTRATION OF FUROSEMIDE

NAME OF HORSE	TATTOO / BREEDER BRAND	SEX	COLOR
Tapiture		M	CH

ON 7-10-2013 THE ABOVE NAMED HORSE WAS OBSERVED BLEEDING

- BY CLINICAL OBSERVATION AND/OR ENDOSCOPIC EXAMINATION
 FROM THE NOSTRILS
 BOTH BY VISUAL OBSERVATION AND BY CLINICAL AND/OR ENDOSCOPIC EXAMINATION

OBSERVED BLEEDING OCCURRED AT Saratoga Racecourse
NAME OF TRACK OR TRAINING CENTER

OBSERVED BLEEDING OCCURRED DURING - FOLLOWING

THE RACE "CIRCLE ONE"
RACE NUMBER

A TRAINING WORKOUT

WITHIN NEW YORK STATE

"CIRCLE ONE"

OUTSIDE NEW YORK STATE AT

"CIRCLE ONE"

DR J F Migliacci
VETERINARIAN (signature)

Dr. J F Migliacci
VETERINARIAN (signature)

ATTENDING VETERINARIAN (NYSRAWS LICENSED)
 ASSOCIATION VETERINARIAN
 OFFICIAL STATE VETERINARIAN

AS PER RULE 49GL-2 (P), I HEREBY AGREE TO PLACE THE ABOVE NAMED HORSE ON THE FUROSEMIDE LIST. I UNDERSTAND THAT WHILE MY HORSE RACES ON FUROSEMIDE, I MUST HAVE A LICENSED VETERINARIAN ADMINISTER FUROSEMIDE FOUR (4) TO FOUR AND ONE HALF (4 1/2) HOURS PRIOR TO THE RACE ON THE GROUNDS OF A REGISTERED RACETRACK. FURTHERMORE, I WILL NOT DISCONTINUE THE USE OF FUROSEMIDE WITHOUT PRIOR APPROVAL OF THE STATE/ASSOCIATION OR ATTENDING VETERINARIAN AND THE STEWARD.

Scott A. Blair
TRAINER (signature)

7-10-2013
DATE

Scott A. Blair
TRAINER (signature)

ADMINISTERED Only
OR BLEEDER YES NO

BY RACE DATE FUROSEMIDE ADMINISTERED: _____ TRACK: _____
 IF ELIGIBLE TO RACE IN NEW YORK ON FUROSEMIDE: _____

07/17/2013
DATE

STEWARD
Signature

NEW YORK STATE RACING AND WAGERING BOARD ELIGIBILITY FOR THE ADMINISTRATION OF FUROSEMIDE			
NAME OF HORSE <i>Untapable</i>	TATTOO / FREEZERBOARD	SEX <i>F</i>	COLOR <i>Berry</i>
ON <i>7-8-2013</i>	THE ABOVE NAMED HORSE WAS OBSERVED BLEEDING		
<input checked="" type="checkbox"/> BY CLINICAL OBSERVATION AND/OR ENDOSCOPIC EXAMINATION <input type="checkbox"/> FROM THE NOSTRILS <input type="checkbox"/> BOTH BY VISUAL OBSERVATION AND BY CLINICAL AND/OR ENDOSCOPIC EXAMINATION			
OBSERVED BLEEDING OCCURRED AT <i>Saratoga Racecourse</i>	NAME OF TRACK OR TRAINING CENTER		
OBSERVED BLEEDING OCCURRED DURING - FOLLOWING			
THE <i>RACE</i>	<input type="checkbox"/> "CIRCLE ONE" <i>A TRAINING WORKOUT</i>		
WITHIN NEW YORK STATE <i>DR. J.F. MIGLIACCI</i>	OUTSIDE NEW YORK STATE AT <i>Dr. J.F. Migliacci</i> VETERINARIAN (signature)		
<input checked="" type="checkbox"/> ATTENDING VETERINARIAN (NYSRAWB LICENSED) ASSOCIATION VETERINARIAN OFFICIAL STATE VETERINARIAN			
I, STATE #406L2 (W), I HEREBY AGREE TO PLACE THE ABOVE NAMED HORSE ON THE FUROSEMIDE LIST. I AGREE THAT WHILE MY HORSE RACES ON FUROSEMIDE, I MUST HAVE A LICENSED VETERINARIAN ADMINIS- TERATE FOUR (4) TO FOUR AND ONE HALF (4 1/2) HOURS PRIOR TO THE RACE ON THE GROUNDS OF THE RACETRACK. FURTHERMORE, I WILL NOT DISCONTINUE THE USE OF FUROSEMIDE WITHOUT PRI- ORAL OF THE STATE VETERINARIAN OR ATTENDING VETERINARIAN AND THE STEWARD. <i>Lott Blas</i>			
DATE <i>07/17/2013</i>	<i>7-8-2013</i>		
<input type="checkbox"/> "CIRCLE ONE" DATE <i>07-17-2013</i> NUMBER OF RACES <i>000</i> DATE FUROSEMIDE ADMINISTERED: PERMIT TO RACE IN NEW YORK ON FUROSEMIDE: <i>TRACK</i>			

2013-07-17_07_Lasix application for Untapable_IMG_0194

NEW YORK STATE RACING AND WAGERING BOARD
ELIGIBILITY FOR THE ADMINISTRATION OF FUROSEMIDE

NAME OF HORSE <i>Mustang Candy</i>	TATTOO / FREEZERBAND <i>800-2013</i>	SEX <i>M</i>	COLOR <i>Chestnut</i>
ON <u>7-6-2013</u> THE ABOVE NAMED HORSE WAS OBSERVED BLEEDING			
<input checked="" type="checkbox"/> BY CLINICAL OBSERVATION AND/OR ENDOSCOPIC EXAMINATION <input type="checkbox"/> FROM THE NOSTRILS <input type="checkbox"/> BOTH BY VISUAL OBSERVATION AND BY CLINICAL AND/OR ENDOSCOPIC EXAMINATION			
OBSERVED BLEEDING OCCURRED AT <u>Saratoga Racecourse</u> NAME OF TRACK OR TRAINING CENTER			
BLEEDING OCCURRED DURING - FOLLOWING			
THE <u>RACE</u> RACE NUMBER	<small>"CIRCLE ONE"</small> <u>A TRAINING WORKOUT</u>		
IN NEW YORK STATE		OUTSIDE NEW YORK STATE AT	
<u>J F Migliucci</u> VETERINARIAN (Signature)		<small>"CIRCLE ONE"</small> <u>D. J. Migliucci</u> <small>VETERINARIAN (Signature)</small>	
<input checked="" type="checkbox"/> <small>ATTENDING VETERINARIAN (NYSAWB LICENSED) ASSOCIATION VETERINARIAN OFFICIAL STATE VETERINARIAN</small>			
<small>REG. 2 (b). I HEREBY AGREE TO PLACE THE ABOVE NAMED HORSE ON THE FUROSEMIDE LIST. I UNDERSTAND MY HORSE RACES ON FUROSEMIDE, I MUST HAVE A LICENSED VETERINARIAN ADMINISTER ONE (1) TO FOUR AND ONE HALF (4 1/2) HOURS PRIOR TO THE RACE ON THE GROUNDS OF A RACE. FURTHERMORE, I WILL NOT DISCONTINUE THE USE OF FUROSEMIDE WITHOUT PRIOR CONSULTATION WITH MY STATE PROFESSIONAL ATTENDING VETERINARIAN AND THE STEWARD.</small>			
<u>7-6-2013</u>		<u>Scott Allen</u> <small>TRAINER (Signature)</small>	
<small>"Use Only"</small> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			
FUROSEMIDE ADMINISTERED: _____ TRACK: _____			
RACE IN NEW YORK ON FUROSEMIDE: _____			
DATE		<small>STEWARD (Signature)</small> <u>07/17/2013</u>	

2013-07-17_08_Lasix application for Montana Cowboy_IMG_0195

ELIGIBILITY FOR THE ADMINISTRATION OF FUROSEMIDE			
NAME OF HORSE	TATTOO / MARKERS	SEX	COLOR
D'Cajun Cat ONE 7/8/2013		M	Bay
<input checked="" type="checkbox"/> BY CLINICAL OBSERVATION AND/OR ENDOSCOPIC EXAMINATION <input type="checkbox"/> FROM THE NOSTRILS <input type="checkbox"/> BOTH BY VISUAL OBSERVATION AND BY CLINICAL AND/OR ENDOSCOPIC EXAMINATION			
OBSERVED BLEEDING OCCURRED AT	SALADAS KAROUSE		
NAME OF TRACK OR TRAINING CENTER			
OBSERVED BLEEDING OCCURRED DURING - FOLLOWING	<input type="checkbox"/> RACE CIRCLE ONE <input type="checkbox"/> A TRAINING WORKOUT		
THE _____ RACE RACE NUMBER			
WITHIN NEW YORK STATE	<input checked="" type="checkbox"/> OUTSIDE NEW YORK STATE AT		
DR JF MIGLIORI VETERINARIAN (signature)	<i>Dr. J F Migliori</i> <small>VETERINARIAN (signature)</small>		
<input checked="" type="checkbox"/> <small>ATTENDING VETERINARIAN (NYS)WB LICENSED ASSOCIATION VETERINARIAN OFFICIAL STATE VETERINARIAN</small>			
AS PER RULE 404L2 (b), I HEREBY ELECT TO PLACE THE ABOVE NAMED HORSE ON THE FUROSEMIDE LIST. I UNDERSTAND THAT WHILE MY HORSE RACES ON FUROSEMIDE, I MUST HAVE A LICENSED VETERINARIAN ADMINISTER FUROSEMIDE FOUR (4) TO FOUR AND ONE HALF (4 1/2) HOURS PRIOR TO THE RACE ON THE GROUNDS OF A LICENSED RACETRACK. FURTHERMORE, I WILL NOT DISCONTINUE THE USE OF FUROSEMIDE WITHOUT PRIOR PROVAL OF THE STATE/ASSOCIATION OR ATTENDING VETERINARIAN AND THE STEWARD.			
Scott A. Blas OWNER (signature)	78-2013 DATE	<i>Scott A. Blas</i> <small>TRAINER (signature)</small>	
<small>Administrative Use Only</small> BLEEDER: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		DATE RACE DATE FUROSEMIDE ADMINISTERED: _____ TRACK: _____	
ELIGIBLE TO RACE IN NEW YORK ON FUROSEMIDE: _____			
0 (zero) <small>(signature)</small>		DATE STEWARD (signature) 07/17/2013	

2013-07-17_09_Lasix application for D'cajun Cat_IMG_0196

NEW YORK STATE RACING AND WAGERING BOARD
SOCIETY FOR THE ADMINISTRATION OF FUROSEMIDE

NAME OF HORSE	GENDER	STALL NUMBER	COLOR
<i>Crazy Bout Elvis</i>			<i>F Bay</i>
ON <u>7-17-2013</u> THE ABOVE NAMED HORSE WAS OBSERVED BLEEDING			
<input checked="" type="checkbox"/> BY CLINICAL OBSERVATION AND/OR ENDOSCOPIC EXAMINATION <input type="checkbox"/> FROM THE INSIDE <input type="checkbox"/> BOTH BY VISUAL OBSERVATION AND BY CLINICAL AND/OR ENDOSCOPIC EXAMINATION			
OBSERVED BLEEDING OCCURRED AT <u>SALAMA KAPITURE</u> NAME OF TRACK OR TRAINING CENTER			
BLEEDING OCCURRED DURING FOLLOWING THE <u>RACE</u> "CIRCLE CHIP" A TRAINING WORKOUT			
WITHIN NEW YORK STATE		OUTSIDE NEW YORK STATE AT <u>DR. J. M. MIGLIORI</u> VETERINARIAN (Signature)	
		<u>DR. J. M. MIGLIORI</u> VETERINARIAN (Signature)	
ATTENDING VETERINARIAN (NYRA LICENSED) ASSOCIATION VETERINARIAN OFFICIAL STATE VETERINARIAN			
I PER RULE 404.2 (b), I HEREBY AGREE TO PLACE THE ABOVE NAMED HORSE ON THE FUROSEMIDE LIST. I UNDERSTAND THAT WHILE MY HORSE RACES ON FUROSEMIDE, I MUST HAVE A LICENSED VETERINARIAN ADMINISTER FUROSEMIDE FOUR (4) TO FOUR AND ONE HALF (4 1/2) HOURS PRIOR TO THE RACE ON THE GROUNDS OF A REGISTERED RACETRACK. FURTHERMORE, I WILL NOT DISCONTINUE THE USE OF FUROSEMIDE WITHOUT PRIOR APPROVAL OF THE STATE/VISITATION OR ATTENDING VETERINARIAN AND THE STEWARD.			
<i>Scott A. Blair</i> <i>(Signature)</i>	<u>7-17-2013</u>	<i>Scott A. Blair</i> <i>(Signature)</i>	
BLEEDER: <u>YES</u> <u>NO</u>		DATE <u>7-17-2013</u>	
RACE DATE FUROSEMIDE ADMINISTERED: _____ TRACK: _____			
ELIGIBLE TO RACE IN NEW YORK ON FUROSEMIDE: _____			
<u> </u>	<u> </u>	STEWARD (Signature)	
		<u>07/17/2013</u>	

2013-07-17_10_Lasix application for Crazy 'bout Elvis_IMG_0197

NEW YORK STATE RACING AND THOROUGHBRED INSURANCE
ELIGIBILITY FOR THE ADMINISTRATION OF FUROSEMIDE

NAME OF HORSE	RACE NUMBER	SEX	COLOR
<i>War Hawk</i>		<i>m</i>	<i>bay</i>
DATE <i>7-6-2013</i>	THE ABOVE NAMED HORSE WAS OBSERVED BLEEDING		
<input checked="" type="checkbox"/> BY CLINICAL OBSERVATION AND/OR ENDOSCOPIC EXAMINATION <input type="checkbox"/> DURING THE RACES <input type="checkbox"/> DURING RACE OBSERVATION AND BY CLINICAL AND/OR ENDOSCOPIC EXAMINATION			
UNPREDICTED BLEEDING OCCURRED AT <i>Saratoga Racecourse</i> NAME OF TRACK OR TRAINING CENTER			
UNPREDICTED BLEEDING OCCURRED DURING - FOLLOWING "HOTEL DAY"			
THE _____ RACE	A TRAINING WORKOUT		
RACE NUMBER			
WITHIN NEW YORK STATE	OUTSIDE NEW YORK STATE AT	NAME OF DOCTOR	
<i>DR. J.F. MIGLIORI</i>	<i>OLBESIDE, NEW YORK STATE</i>	<i>Dr. J.J. Migliorini</i>	
STETHOSCOPE DURING			
<input checked="" type="checkbox"/> ATTENDING VETERINARIAN (NYSPWB LICENSED) ASSOCIATION VETERINARIAN OFFICIAL STATE VETERINARIAN			
AS I SIGN THIS, I HEREBY AGREE TO PLACE THE ABOVE NAMED HORSE ON THE FUROSEMIDE LIST. I UNDERSTAND WHILE MY HORSE RACES ON FUROSEMIDE, I MUST HAVE A LICENSED VETERINARIAN ADMINISTER DYE FOUR (4) TO FOUR AND ONE HALF (4 1/2) HOURS PRIOR TO THE RACE ON THE GROUNDS OF A RACETRACK. FURTHERMORE, I WILL NOT DISCONTINUE THE USE OF FUROSEMIDE WITHOUT PRIOR APPROVAL OF THE STATE/ASSOCIATION OR ATTENDING VETERINARIAN AND THE STABLES.			
<i>J. A. Bls</i>	<i>7-6-2013</i>	<i>Jeff A. Bls</i>	
DATE	TRAINER (SIGNATURE)		
Dose Use Only			
Q: YES — NO			
FUROSEMIDE ADMINISTERED:		TRACK	
TO RACE IN NEW YORK ON FUROSEMIDE:			
DATE	<i>507/17/2013 (cont.)</i>		

2013-07-17_11_Lasix application for War Hawk_IMG_0198

ELIGIBILITY FOR THE ADMINISTRATION OF FUROSEMIDE			
HORSE'S NAME <i>Dunkin Bend</i>	TATTOO PREVIOUSLY NUMBER	SEX <i>m</i>	COLOR <i>bay</i>
DATE <i>7-9-2013</i>	THE ABOVE NAMED HORSE WAS OBSERVED BLEEDING		
<input checked="" type="checkbox"/> BY CLINICAL OBSERVATION AND/OR ENDOSCOPIC EXAMINATION <input type="checkbox"/> FROM THE MOUTHS <input type="checkbox"/> BOTH BY VISUAL OBSERVATION AND BY CLINICAL AND/OR ENDOSCOPIC EXAMINATION			
OBSERVED BLEEDING OCCURRED AT <i>Saratoga Racecourse</i> <small>NAME OF TRACK OR TRAINING CENTER</small>			
OBSERVED BLEEDING OCCURRED DURING - FOLLOWING			
THE <small>RACE</small>	"CIRCLE ONE"	<input type="radio"/> A TRAINING WORKOUT	
RACE NUMBER			
WITHIN NEW YORK STATE <i>DR. J.F. McGUINN</i>	"CIRCLE ONE"	OUTSIDE NEW YORK STATE AT <small>CIRCLE ONE</small> <i>Dr. J.J. McGuinn</i>	
VETERINARIAN (initials)		VETERINARIAN (signature)	
<input checked="" type="checkbox"/> ATTENDING VETERINARIAN (NYSWB LICENSED) ASSOCIATION VETERINARIAN OFFICIAL STATE VETERINARIAN			
DR. J.F. MCGUINN (initials), I HEREBY AGREE TO PLACE THE ABOVE NAMED HORSE ON THE FUROSEMIDE LIST. I UNDERSTAND THAT WHILE MY HORSE RACES ON FUROSEMIDE, I MUST HAVE A LICENSED VETERINARIAN ADMINISTER FIVE (5) TO FOUR (4) TO FOUR AND ONE HALF (4 1/2) HOURS PRIOR TO THE RACE ON THE GROUNDS OF A RACERACK. FURTHERMORE, I WILL NOT DISCONTINUE THE USE OF FUROSEMIDE WITHOUT PRIOR WRITTEN APPROVAL OF THE STATE ASSOCIATION OR ATTENDING VETERINARIAN AND THE STEWARD.			
<i>Jeff A. Blas.</i> <small>(initials)</small>	<i>7-9-2013</i>	<i>Jeff A. Blas.</i> <small>TRAINER (signature)</small>	
DATE			
DRUG USE ONLY			
DEB: YES NO			
DATE FUROSEMIDE ADMINISTERED: _____			
E TO RACE IN NEW YORK ON FUROSEMIDE: _____			
DATE	<i>07/17/2013</i>		
	STEWARD (signature)		

2013-07-17_12_Lasix application for Dunkin Bend_IMG_0199

NEW YORK STATE RACING AND WAGERING BOARD ELIGIBILITY FOR THE ADMINISTRATION OF FUROSEMIDE			
NAME OF HORSE <i>Big Sugar Soda</i>	TATTOO / FINGERBOARD <i>77-2013</i>	SEX <i>m</i>	COLOR <i>Bay</i>
THE ABOVE NAMED HORSE WAS OBSERVED BLEEDING ON <i>7-7-2013</i> BY CLINICAL OBSERVATION AND/OR ENDOSCOPIC EXAMINATION FROM THE NOSTRILS BOTH BY VISUAL OBSERVATION AND BY CLINICAL AND/OR ENDOSCOPIC EXAMINATION			
OBSERVED BLEEDING OCCURRED AT <i>SALADA Racetrack</i> NAME OF TRAIL OR TRAINING CENTER			
OBSERVED BLEEDING OCCURRED DURING - FOLLOWING THE <i>RACE</i> RACE NUMBER <i>"Circle One"</i> <i>A TRAINING WORKOUT</i>			
WITHIN NEW YORK STATE <i>DR J F MIGLIATTI</i> VETERINARIAN (Signature)	OUTSIDE NEW YORK STATE AT <i>Dr. J. J. McGlance</i> VETERINARIAN (Signature)	NAME OF STATE	
<input checked="" type="checkbox"/> ATTENDING VETERINARIAN (NYSRWB LICENSED) <input type="checkbox"/> ASSOCIATION VETERINARIAN <input type="checkbox"/> OFFICIAL STATE VETERINARIAN			
I, HEREBY AGREE, I HEREBY ELECT TO PLACE THE ABOVE NAMED HORSE ON THE FUROSEMIDE LIST. I UNDERSTAND THAT WHILE MY HORSE RACES ON FUROSEMIDE, I MUST HAVE A LICENSED VETERINARIAN ADMINISTER FUROSEMIDE FOUR (4) TO FOUR AND ONE HALF (4 1/2) HOURS PRIOR TO THE RACE ON THE GROUNDS OF A NY RACETRACK. FURTHERMORE, I WILL NOT DISCONTINUE THE USE OF FUROSEMIDE WITHOUT PRIOR APPROVAL OF THE STATE VETERINARIAN OR ATTENDING VETERINARIAN AND THE STEWARD.			
<i>Jeff A. Blasi</i> SIGNATURE	<i>7-7-2013</i> DATE	<i>Jeff A. Blasi</i> SIGNATURE	
Alternative Use Only RIDER: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			
DATE FUROSEMIDE ADMINISTERED: _____ TRACK: _____			
ABLE TO RACE IN NEW YORK ON FUROSEMIDE: _____			
OWNER	DATE	STEWAR <i>07/17/2013</i>	

2013-07-17_13_Lasix application for Big Sugar Soda_IMG_0200

NEW YORK STATE RACING AND WAGERING BOARD
ELIGIBILITY FOR THE ADMINISTRATION OF FUROSEMIDE

NAME OF HORSE <i>Candy Dandy</i>	TATTOO #/BRAND	SEX	COLOR
ON <u>7-9-2013</u>	THE ABOVE NAMED HORSE WAS OBSERVED BLEEDING		
<input checked="" type="checkbox"/> BY CLINICAL OBSERVATION AND/OR ENDOSCOPIC EXAMINATION <input type="checkbox"/> FROM THE HOSTELS <input type="checkbox"/> BOTH BY VISUAL OBSERVATION AND BY CLINICAL AND/OR ENDOSCOPIC EXAMINATION			
OBSERVED BLEEDING OCCURRED AT <u>SALADAS KAROUSE</u> NAME OF TRACKE OR TRAINING CENTER			
OBSERVED BLEEDING OCCURRED DURING - FOLLOWING			
THE <u>RACE</u> RACE NUMBER	<input type="checkbox"/> "CIRCLE ONLY" A TRAINING WORKOUT		
WITHIN NEW YORK STATE <u>DR. J.F. MIGLIACCI</u> VETERINARIAN (Signature)	<input type="checkbox"/> OUTSIDE NEW YORK STATE AT <u>DR. J.J. Migliacci</u> VETERINARIAN (Signature)		
<input type="checkbox"/> ATTENDING VETERINARIAN (NYSRWB LICENSED) ASSOCIATION VETERINARIAN OFFICIAL STATE VETERINARIAN			
AS PER RULE 400.2 (b), I HEREBY ELECT TO PLACE THE ABOVE NAMED HORSE ON THE FUROSEMIDE LIST. I UNDERSTAND THAT WHILE MY HORSE RACES ON FUROSEMIDE, I MUST HAVE A LICENSED VETERINARIAN ADMINISTER DROPOVER FOUR (4) TO FOUR AND ONE HALF (4 1/2) HOURS PRIOR TO THE RACE ON THE GROUNDS OF A LICENSED RACETRACK. FURTHERMORE, I WILL NOT DISCONTINUE THE USE OF FUROSEMIDE WITHOUT PRIOR PROVAL OF THE STATE ASSOCIATION OR ATTENDING VETERINARIAN AND THE STEWARD.			
Scott A. Blasi TRAINER (Signature)	7-9-2013	Scott A. Blasi TRAINER (Signature)	
Administrative Use Only			
BLEEDER: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
DATE <u>07/17/2013</u>			
RACE DATE FUROSEMIDE ADMINISTERED: <u> </u> TRACK <u> </u>		USABLE TO RACE IN NEW YORK ON FUROSEMIDE: <u> </u>	
<u> </u>	<u> </u>	STEWARD (Signature)	

2013-07-17_14_Lasix application for Candy Dandy_IMG_0201

NEW YORK STATE RACING AND WAGERING BOARD ELIGIBILITY FOR THE ADMINISTRATION OF FUROSEMIDE			
NAME OF HORSE	TATTOO / BREEDER'S MARK	SEX	COLOR
Brazen Persuasion		F	Bay
ON 7-8-2013	THE ABOVE NAMED HORSE WAS OBSERVED BLEEDING		
<input checked="" type="checkbox"/> BY CLINICAL OBSERVATION AND/OR ENDOSCOPIC EXAMINATION <input type="checkbox"/> FROM THE NOSTRILS <input type="checkbox"/> BORN BY VISUAL OBSERVATION AND BY CLINICAL AND/OR ENDOSCOPIC EXAMINATION			
OBSERVED BLEEDING OCCURRED AT		SALADINA Racetrack NAME OF TRACK OR TRAINING CENTER	
OBSERVED BLEEDING OCCURRED DURING - FOLLOWING		A TRAINING WORKOUT	
THE	RACE	TIME OF DAY	
RACE NUMBER			
WITHIN NEW YORK STATE		OUTSIDE NEW YORK STATE AT	
DR. J.F. MIGLIATTI		Dr. J.J. Migliatti	
VETERINARIAN (NYS)WB LICENSED		VETERINARIAN (NYS)WB LICENSED	
<input checked="" type="checkbox"/> ATTENDING VETERINARIAN (NYS)WB LICENSED ASSOCIATION VETERINARIAN OFFICIAL STATE VETERINARIAN			
RULE 405B.2 (b), I HEREBY AGREE TO PLACE THE ABOVE NAMED HORSE ON THE FUROSEMIDE LIST. I UNDERSTAND WHILE MY HORSE RACES ON FUROSEMIDE, I MUST HAVE A LICENSED VETERINARIAN ADMINISTER ONE FOUR (4) TO FOUR AND ONE HALF (4 1/2) HOURS PRIOR TO THE RACE ON THE GROUNDS OF A RACETRACK. FURTHERMORE, I WILL NOT DISCONTINUE THE USE OF FUROSEMIDE WITHOUT PRIOR APPROVAL OF THE STATE VETERINARIAN OR ATTENDING VETERINARIAN AND THE STEWARD.			
7-17-2013	7-8-2013	J. J. Migliatti	
DATE		TRAINER (SIGNATURE)	
DER: YES NO			
DATE FUROSEMIDE ADMINISTERED:		TRACK	
NOT TO RACE IN NEW YORK ON FUROSEMIDE:			

2013-07-17_15_Lasix application for Brazen Persuasion_IMG_0202

Exhibit 3 Race Records

SARATOGA - July 26, 2013 - Race 8

STAKES Curlin S. - For Thoroughbred Three Year Old (NW1 S R 6M)

One And One Eighth Miles On The Dirt Track Record: (Lawyer Ron - 1:46.64 - July 28, 2007)

Purse: \$100,000 Guaranteed

Available Money: \$100,000

Value of Race: \$100,000 1st \$60,000, 2nd \$20,000, 3rd \$10,000, 4th \$5,000, 5th \$3,000, 6th \$1,000, 7th \$1,000

Weather: Clear Track: Fast

Off at: 4:50 Start: Good for all

EQUIBASE
COMPANY



[Video Race Replay](#)

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	1/2	3/4	Str	Fin	Odds	Comments
4Apr13 ³ AQU ¹	1	DQ-Transparent (Ortiz, Jr., Irad)	118		2 1	5 ^{1/2}	5 Head	5 Head	2 ^{1/2}	1 ²	1.40*	angld 5w1/4,bothrd foe	
25May13 ⁹ BEL ¹	1A	Romansh (Alvarado, Junior)	116	L b	5 7	4 Head	4 1/2	4 1/2	1 Head	2 ^{2 3/4}	1.40*	slumbld twice brk,4-5w	
6Jul13 ³ BEL ¹	3	Bad Hombre (Velazquez, John)	118	L	3 4	2 ¹	2 ^{1/2}	1 Head	4 ³	3 Nose	3.90	vied past 1/8,weakened	
17Jun13 ⁸ PRX ¹	7	Edge of Reality (Naprvnik, Rosie)	118	L	7 5	3 ^{1 1/2}	3 ¹	3 ^{1/2}	3 Head	4 ^{12 1/2}	3.60	3-4w turns,bid,tired	
28Jun13 ¹⁰ CD ¹	5	Proud Strike (Santana, Jr., Ricardo)	118	L	4 2	6 ^{1 1/2}	6 ¹	7	7	5 Neck	3.75	clippd heels1/4,slmbld	
18Jun13 ¹ MNR ¹	2	Keg Party (Maragh, Rajiv)	118	L	1 6	7	7	6 ¹	6 ²	6 ^{2 1/4}	33.00	savd ground,empty	
1Jun13 ⁹ PIM ¹	6	Cerro (IRE) (Garcia, Alan)	122	L b	6 3	1 ^{1/2}	1 Head	2 ^{1/2}	5 ³	7	7.20	outside pace, faded	

Fractional Times: 24.00 48.08 1:12.40 1:36.97 Final Time: 1:49.56

Split Times: (24:08) (24:32) (24:57) (12:59)

Run-Up: 64 feet

Winner: Romansh, Dark Bay or Brown Colt, by Bernardini out of Cologny, by Go for Gin. Foaled Mar 14, 2010 in Kentucky.

Breeder: Darley & Lynn B. Schiff. Winning Owner: Darley Stable

Disqualification(s): # 1 Transparent from 1 to 5

Scratched Horse(s): Midnight Taboo (Re-entered)

Total WPS Pool: \$516,685

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
1A	Romansh	4.80		2.10	\$2.00 Exacta	1-3	17.60	372,166
3	Bad Hombre		4.10	2.80	\$2.00 Trifecta	1-3-7	47.40	243,651
7	Edge of Reality			2.90	\$2.00 Pick 3	7-1-1 (3 correct)	175.50	84,290
					\$2.00 Daily Double	1-1	26.00	72,630

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	1/2	3/4	Str	Fin
1	Transparent	1	5 ³	5 ²	5 ^{1 1/2}	2 Head	1 ²
1A	Romansh	7	4 ³	4 ^{1 1/2}	4 ¹	1 Head	2 ²
3	Bad Hombre	4	2 ^{1/2}	2 Head	1 Head	4 ^{3/4}	3 ^{4 3/4}
7	Edge of Reality	5	3 ^{1 1/2}	3 ^{1/2}	3 ^{1/2}	3 ^{1/2}	4 ^{4 3/4}
5	Proud Strike	2	6 ^{3 1/2}	6 ^{2 1/4}	7 ^{2 3/4}	7 ^{8 3/4}	5 ^{17 1/4}
2	Keg Party	6	7 ⁵	7 ^{3 1/4}	6 ^{1 3/4}	6 ^{6 3/4}	6 ^{17 1/2}
6	Cerro (IRE)	3	1 ^{1/2}	1 Head	2 Head	5 ^{3 3/4}	7 ^{19 3/4}

Trainers: 1 - McLaughlin, Kieran; 1A - Albertrani, Thomas; 3 - Kimmel, John; 7 - Dutrow, Anthony; 5 - Asmussen, Steven; 2 - Reed, Eric; 6 - Mettee, Richard

Owners: 1 - Darley Stable; 1a- Darley Stable; 3 - Summit Thoroughbreds; 7 - The Elkstone Group LLC; 5 -Mike McCarty; 2 - Monticule LLC; 6 - Team Valor International;

Footnotes

TRANSPARENT came away in good order, saved ground on the first turn, settled off the rail on the backstretch, shifted three wide midway through the far turn, had the rider take a peek behind him then angled five wide outside the quarter-pole, bothered PROUD STRIKE at that point causing him to clip heels, floated out a bit just after turning into the stretch, rallied on the outside, drifted out under a left-handed whip approaching the furlong marker, gained the lead leaving that marker, came in while moving clear at the sixteenth-pole, drifted out again under a left-handed whip late and proved best. ROMANSH stumbled at the start, lost his footing while trying to recover, went four wide on the first turn, settled on the outside, advanced four to five wide on the far turn, made a bid passing the five-sixteenths pole, battled three abreast while outside in upper stretch, fought into the final sixteenth and was outfinished while clear for the place. BAD HOMBRE prompted the pace on the inside, drew even with five furlongs to run, vied a bit off the rail on the far turn, dropped to the inside at the quarter-pole, fought inside of a duo into the final furlong then weakened while just able to get the show. EDGE OF REALITY went three wide on the first turn, tracked the pace on the outside, chased three to four wide on the far turn, made a bid outside the five-sixteenths pole, battled between rivals in upper stretch, vied into the final furlong and tired then just missed the show. PROUD STRIKE raced off the rail on the first turn, settled near the back of the compact field, went three early on the far turn then moved to four wide, clipped heels when the winner came out in front of him outside the quarter-pole, stumbled and had the rider lose his left iron for several strides, regained the iron while five to six wide into the stretch and lost all chance. KEG PARTY broke in at the start, settled on the inside, moved up outside the half-mile pole, was urged along while inside on the far turn and came up empty. CERRO (IRE) set the early pace while off the rail, was joined by BAD HOMBRE near the five-eighths pole, continued on the pace while on the outside, vied two to three wide on the far turn, dropped back under a drive in upper stretch, drifted out in the vicinity of the furlong marker and faded. Following a stewards' inquiry and a claim of foul by the jockey of PROUD STRIKE, TRANSPARENT was disqualified from first and placed fifth for interference near the quarter-pole.

KEENELAND  3rd Place horse sold through Keeneland Association, Inc.

Exhibit 4 Race Records

SARATOGA - July 27, 2013 - Race 8

ALLOWANCE OPTIONAL CLAIMING - For Thoroughbred Three Year Old and Upward (NW2 X) Claiming Price: \$62,500
One And One Sixteenth Miles On The Turf Track Record: (Fourstardave - 1:38.91 - July 29, 1991)

Purse: \$90,000

Available Money: \$90,000

Value of Race: \$90,000 1st \$54,000, 2nd \$18,000, 3rd \$9,000, 4th \$4,500, 5th \$2,700, 6th \$360, 7th \$360, 8th \$360, 9th \$360,
10th \$360

Weather: Clear Track: Firm

Off at: 4:39 Start: Good for all

EQUIBASE
COMPANY



[Video Race Replay](#)

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	1/2	3/4	Str	Fin	Odds	Comments
8Jun13 ¹⁰ BEL ⁶	1	Plainview (Lezcano, Jose)	122	L	1 2	1 ¹ 1/2	1 ²	1 ¹ 1/2	1 ¹ 1/2	1 ¹ 1/2	1 ¹ 1/2	2.80*	rated inside to 1/4pl
26Jun13 ² BEL ³	8	Film Shot (Prado, Edgar)	122	L	8 1	2 ¹ 1/2	2 ¹	6.70	stalked 2p, no mach				
5Jan13 ⁷ FG ⁵	2	Sachem Spirit (Leparoux, Julien)	122	L	2 6	7 ²	7 ¹ 1/2	6 ^{Head}	7 ³	3 ^{Neck}	3 ^{Neck}	3.25	6w into lane, strongly
25May13 ⁸ CD ⁸	10	Sarava's Dancer (Napravnik, Rosie)	122	L b	10 5	3 ²	3 ¹ 1/2	3 ²	3 ^{Head}	4 ^{1/2}	35.75	3 wide, held on well	
29Jun13 ⁶ CD ⁶	7	Z Dager (Santana, Jr., Ricardo)	122	L	7 8	9 ¹	gHead	9 ¹ 1/2	5 ^{1/2}	5 ^{1/2}	5 ^{1/2}	10.90	ask 5/16, cut corner
26Jun13 ² BEL ⁵	4	Majestic Raffy (Castellano, Javier)	122	L	4 4	5 ^{1/2}	5 ^{1/2}	5 ^{1/2}	6 ^{Head}	6 ^{Neck}	6 ^{Neck}	11.30	5w upper, no bids
19Jun13 ⁷ BEL ⁴	3	Eternal Ruler (IRE) (Maragh, Rajiv)	122	L	3 3	4 ¹ 1/2	4 ¹ 1/2	4 ¹	4 ¹	4 ¹	7 ³ 3/4	6.80	svd ground to 1/4pl
20Jun13 ² CD ³	9	Channel Isle (Saez, Luis)	117	L b	9 9	8 ⁴ 1/2	8 ⁵ 1/2	8 ¹ 1/2	8 ¹	8 ¹	8 ¹	37.50	off inside, no factor
4Jul13 ⁹ BEL ⁶	6	Shkspeare Shaliyah (Ortiz, Jr., Irad)	122	L f	6 10	10	10	10	9 ¹	9 ⁴ 3/4	9 ⁴ 3/4	39.50	7w into lane no avail
15Jun13 ⁵ IND ⁵	5	Kris Royal (Velazquez, John)	122	L	5 7	6 ^{1/2}	6 ¹	7 ² 1/2	10	10	4.10	3w both turns, folded	

Fractional Times: 23.45 46.83 1:10.34 1:34.12

Final Time: 1:40.31

Split Times: (23:38) (23:51) (23:78) (6:19)

Run-Up: 88 feet Temporary Rail: 12 feet

Winner: Plainview, Bay Gelding, by Street Cry (IRE) out of Butterfield, by Unbridled's Song. Foaled Apr 17, 2008 in Kentucky.

Breeder: Phil Milner & Randy Bloch. Winning Owner: Iglesias, Jesse and Imperio, Michael

Scratched Horse(s): Don Dulce (Main-Track-Only)

Total WPS Pool: \$710,232

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
1	Plainview	7.60	4.50	3.40	\$2.00 Exacta	1-8	56.50	661,743
8	Film Shot		7.00	4.20	\$2.00 Trifecta	1-8-2	261.00	344,972
2	Sachem Spirit			3.60	\$2.00 Pick 3	3-5-1 (3 correct)	139.00	170,701
					\$2.00 Daily Double	5-1	23.20	119,212
					\$2.00 Superfecta	1-8-2-10	4,956.00	167,860

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	1/2	3/4	Str	Fin
1	Plainview	2	1 ¹ 1/2	1 ²	1 ¹ 1/2	1 ¹ 1/2	1 ¹ 1/2
8	Film Shot	1	2 ¹ 1/2	2 ²	2 ¹ 1/2	2 ¹ 1/2	2 ¹ 1/2
2	Sachem Spirit	6	7 ¹ 1/2	7 ¹ 1/2	6 ⁷	7 ⁵ 1/4	3 ¹ 3/4
10	Sarava's Dancer	5	3 ³	3 ³	3 ² 1/2	3 ³ 1/2	4 ²
7	Z Dager	8	9 ¹⁴	9 ¹⁴ 1/2	9 ¹¹	5 ⁴ 1/2	5 ² 1/2
4	Majestic Raffy	4	5 ⁶ 1/2	5 ⁶	5 ⁵ 1/2	6 ⁵	6 ³
3	Eternal Ruler (IRE)	3	4 ⁵	4 ⁴ 1/2	4 ⁴ 1/2	4 ³ 1/2	7 ³ 1/4
9	Channel Isle	9	8 ⁹ 1/2	8 ⁹	8 ⁹ 1/2	8 ⁸ 1/4	8 ⁷
6	Shkspeare Shaliyah	10	10 ¹⁵	10 ¹⁴ 1/2	10 ¹² 1/2	9 ⁹ 1/4	9 ⁷ 1/2
5	Kris Royal	7	6 ⁷	6 ⁶ 1/2	7 ⁷	10 ¹⁰ 1/4	10 ¹² 1/4

Trainers: 1 - DiPrima, Gregory; 8 - Mott, William; 2 - Clement, Christophe; 10 - Catalano, Wayne; 7 - Asmussen, Steven; 4 - Aquilino, Joseph; 3 - Ribaudo, Robert; 9 - Lukas, D.; 6 - Shivmangal, Doodnauth; 5 - LoPresti, Charles

Owners: 1 - Iglesias, Jesse and Imperio, Michael; 8 - Donald A. Adam; 2 - Farish, Jr., W.S. and Manganaro Bloodstock; 10 - New Phoenix Stable; 7 - Zayat Stables, LLC; 4 - D Marleigh Stable; 3 - Marc Keller; 9 - Calumet Farm; 6 - Shivmangal Racing Stable, LLC; 5 - 4-D Stable (Arnold, Donna);

Footnotes

PLAINVIEW broke on top and maintained the advantage, cut the pace well rated from the inside and facing no real resistance, continued along the same scenario until the quarter pole, was a few strides past that station before getting asked for a response, remained in the clear under good handling. FILM SHOT got away sharply, stalked the winner from the outside without ever making his presence, proved no match down the stretch while digging in well enough long enough in the late stages to protect the place. SACHEM SPIRIT patiently ridden while at or near the inside until the seven-sixteenths pole, began to pick up interest coming to the end of the far turn, swung six wide into the stretch, and after getting straightened away, displayed a strong kick that narrowly fell short of procuring second. SARAVA'S DANCER forwardly placed while three wide, held on well to the finish line. Z DAGER worked out an early tuck along the inside route, was already under encouragement after going halfway around the second bend, cut the corner under even stronger urging, had no late gain. MAJESTIC RAFFY off the inside, commenced the stretch from the five path, made no impact. ETERNAL RULER (IRE) wedged briefly between rivals leaving the gate, saved ground for slightly over three-quarters, had no rally. CHANNEL ISLE three wide on the first turn, remained at a considerable distance from off it thereafter, failed to reach a contending position. SHKSPEARE SHALIYAH loped along the outside, got fanned seven wide, the widest of all into the lane, had nothing to offer. KRIS ROYAL three wide around both turns, was through after completing six furlongs.

Exhibit 5 Race Records

SARATOGA - July 28, 2013 - Race 10

STAKES Amsterdam S, Grade 2 - For Thoroughbred Three Year Old

Six And One Half Furlongs On The Dirt Track Record: (Quality Road - 1:13.74 - August 3, 2009)

Purse: \$200,000 Guaranteed

Available Money: \$200,000

Value of Race: \$200,000 1st \$120,000, 2nd \$40,000, 3rd \$20,000, 4th \$10,000, 5th \$6,000, 6th \$2,000, 7th \$2,000

Weather: Cloudy Track: Fast

Off at: 5:50 Start: Good for all

EQUIBASE
COMPANY



[Video Race Replay](#)

Last Raced	Pgm	Horse Name (Jockey)	Wgt	M/E	PP	Start	1/4	1/2	Str	Fin	Odds	Comments
8Jun13 ⁸ BEL ¹	2	Forty Tales (Rosario, Joel)	123	L	2	6	6 ¹ / ₂	6 ² / ₁ /2	5 ³ / ₁ /2	1 ³ / ₄	2.65*	angld 3w 3/8,clsd fasl
6Jul13 ⁷ CRC ¹	7	Mico Margarita (Santana, Jr., Ricardo)	123	L b	7	1	21 ¹ / ₂	2 ¹ / ₂	1 ¹	2 ¹	8.70	bid 5/16,clear,caught
8Jun13 ⁸ BEL ⁹	4	Salutos Amigos (Ortiz, Jose)	117	L br	4	2	3 ¹ Head	4 ³	4 ¹	3 ³ / ₄	21.20	good courage for show
6Jul13 ⁶ BEL ¹	1	Mentor Cane (Prado, Edgar)	117	L	1	5	11 ¹ / ₂	3 ² / ₁ /2	3 ¹ 1/ ₂	4 ¹ 1/ ₄	3.15	luggd out,4w7/16,6w3/8
8Jun13 ⁸ BEL ²	3	Declan's Warrior (Lezcano, Jose)	123	L	3	3	7	7	6 ¹ / ₂	5 ¹ 1/ ₂	3.10	no speed,belated gain
4Jul13 ¹⁰ MTH ¹	6	Rainbow Heir (Trujillo, Elvis)	123	L	6	7	41 ¹ / ₂	1 ¹ Head	2 ¹ Head	6 ⁹ 1/ ₄	2.70	bmpd brk,5w 7/16,wknd
28Jun13 ⁸ CRC ³	5	Cat Five Hurricane (Velasquez, Cornelio)	117	L bf	5	4	5 ⁴	5 ¹ / ₂	7	7	45.50	bmpd brk,no response

Fractional Times: 21.77 44.49 1:09.03

Final Time: 1:15.64

Split Times: (22.72) (24.54) (6.61)

Run-Up: 60 feet

Winner: Forty Tales, Bay Colt, by Tale of the Cat out of Forty Love, by Forty Niner. Foaled Mar 16, 2010 in Kentucky.

Breeder: Randal Family Trust. Winning Owner: Perretti Racing Stable, LLC

Total WPS Pool: \$571,091

Pgm	Horse	Win	Place	Show	Wager Type	Winning Numbers	Payoff	Pool
2	Forty Tales	7.30	3.80	2.90	\$2.00 Exacta	2-7	50.00	388,450
7	Mico Margarita		7.30	4.30	\$2.00 Trifecta	2-7-4	350.50	228,939
4	Salutos Amigos			6.70	\$2.00 Superfecta	2-7-4-1	2,331.00	119,125
					\$2.00 Pick 3	2-7-2 (3 correct)	916.00	58,972
					\$2.00 Daily Double	7-2	28.00	119,494
					\$2.00 Grand Slam	1/6/8-2/3/12-5/6/7-2 (4 correct)	251.00	35,037

Past Performance Running Line Preview

Pgm	Horse Name	Start	1/4	1/2	Str	Fin
2	Forty Tales	6	6 ⁷ 1/ ₂	6 ⁶ 1/ ₂	5 ³ 1/ ₂	1 ³ / ₄
7	Mico Margarita	1	21 1/ ₂	2 Head	1 ¹	2 ³ / ₄
4	Salutos Amigos	2	32	4 ³	4 ² 1/ ₂	3 ¹ 3/ ₄
1	Mentor Cane	5	11 1/ ₂	3 ¹ / ₂	3 ¹	4 ² 1/ ₂
3	Declan's Warrior	3	7 ⁸	7 ⁹	6 ⁷	5 ³ 3/ ₄
6	Rainbow Heir	7	42	1 Head	2 ¹	6 ⁵ 1/ ₄
5	Cat Five Hurricane	4	53 1/ ₂	5 ⁶	7 ⁷ 1/ ₂	7 ¹⁴ 1/ ₂

Trainers: 2 - Pletcher, Todd; 7 - Asmussen, Steven; 4 - Guillot, Eric; 1 - Shirreffs, John; 3 - Zito, Nicholas; 6 - Perkins, Jr., Benjamin; 5 - Rose, Barry

Owners: 2 - Perretti Racing Stable, LLC; 7 - Robison, J. Kirk and Judy; 4 - Southern Equine Stable, LLC and Smith, Mike; 1 - Moss, Mr. and Mrs. Jerome S.; 3 - Lucky Shamrock Stable; 6 - New Farm; 5 - Hurricane Stables LLC;

Footnotes

FORTY TALES settled well back in the field while on the inside of DECLAN'S WARRIOR, raced inside early on the turn, angled three wide near the three-eighths pole, was put to a stronger ride, moved out under a left-handed whip in upper stretch, gained into the final furlong, switched to a right-handed whip outside the sixteenth-pole and closed strongly to get up in the shadow of the wire. MICO MARGARITA was brushed in the hindquarters at the start, tracked the pace on the outside, was fanned out by the pacesetter midway down the backstretch, dropped in near the half-mile pole, chased off the rail early on the turn then dropped to the inside, made a bid passing the five-sixteenths pole when MENTOR CRANE continued to get out, entered the stretch side by side with RAINBOW HEIR, drifted out under a left-handed whip near the three-sixteenths pole, was straightened by the rider and switched to a right-handed whip, shook clear into the final furlong, remained clear into the final sixteenth but was caught in a good effort. SALUTOS AMIGOS was well placed just off the pace, raced inside early on the turn, came off the rail while hard ridden at the five-sixteenths, dropped back to the inside while under the whip in upper stretch and finished with good courage to get the show. MENTOR CANE brushed the outside of the gate at the start, showed good speed, went to the front then began to drift well out in the track, was allowed to do so by the rider without much adjustment with the left-rein, entered the turn in the four path, lugged out to the six path by the three-eighths pole while being kept in by left-rein pressure, lost the lead near the five-sixteenths pole, continued six wide into the stretch, fought on into the final furlong and was outfinished. DECLAN'S WARRIOR lacked early speed while urged along, raced off the rail on the turn, angled out in upper stretch and gained ground belatedly but failed to threaten. RAINBOW HEIR bumped with CAT FIVE HURRICANE at the start, was forwardly placed on the outside while being fanned out by the leader, went five wide early on the turn despite room to the inside of the aforementioned rival, dropped to one off the rail near the three-eighths pole, made a bid alongside MICO MARGARITA at the five-sixteenths, was carried out by that rival near the three-sixteenths pole, dropped back coming to the furlong marker and tired. CAT FIVE HURRICANE bumped with RAINBOW HEIR at the start, was coaxed along while off the pace, dropped back leaving the backstretch, raced off the rail early on the turn, moved closer to the inside at the five-sixteenths pole and failed to respond.

May 23, 2014

Mark D. Gearan, Chairman
John A. Crotty, Board Member
John J. Poklemba, Board Member
Barry Sample, Board Member
Todd R. Snyder, Board Member
New York State Gaming Commission
P.O. Box 7500
Schenectady, NY 12301-7500
info@gaming.ny.gov

Via First-Class Mail (with exhibits) and E-mail (without exhibits)

Re: Supplement to PETA's March 18 and May 2 requests for an investigation

Dear Messrs. Gearan, Crotty, Poklemba, Sample, and Snyder:

I am writing to supplement PETA's March 18 and May 2, 2014, requests for an investigation into Steve Asmussen ("Asmussen"), his then-assistant trainer Scott Blasi ("Blasi"), and KDE Equine, LLC, doing business as Steve Asmussen Racing Stables ("KDE Equine"). PETA respectfully requests that your agency also investigate Asmussen's use of synthetic thyroxine, in particular Thyrozine Powder. As detailed below, between July and August 2013, PETA's investigator documented evidence indicating that KDE Equine workers administered thyroxine to many, if not all, Asmussen-trained horses on a nearly daily basis at Saratoga Race Course, raising the possibility that the medication was administered within 48 hours of racing and in contravention of Asmussen's responsibilities as a trainer, in violation of N.Y. CODES R. & REGS. tit. 9, §§ 4043.2(e) and 4043.4. (See "KDE Equine: Supplemental Investigative Footage for NYS Gaming Commission" DVD, at Exhibit 1, and "KDE Equine: Supplemental Investigative Photographs for NYS Gaming Commission" CD, at Exhibit 2.) Further, the medication was administered with the full knowledge of Blasi and in accordance with his directions, without any evidence that it was medically-indicated for any particular horse or that the horses' hormone levels were monitored at any time either before or after medication, in direct conflict with the responsibilities that Asmussen, Blasi, and KDE Equine veterinarians undertook as licensees under N.Y. CODES R. & REGS., tit. 9, Part 4002.

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- PETA Foundation U.K.

As you may know, on May 12 the California Horse Racing Board (CHRB) took an important step to address what it recognizes as “the apparent indiscriminate use of thyroxine in horse racing and training.”¹ Specifically, CHRB has made clear that thyroxine, or any other thyroid hormone or thyroid hormone analogue, may only be prescribed by a veterinarian for a specific horse, based on a specific diagnosis, and for a specific period of time.² Further, the veterinarian must report the identity of the horse and the other information noted above to the CHRB Official Veterinarian, and must ensure that all medications are properly labeled.³ Medications that are not properly labeled with the name of the specific horse and the specific dosage and duration of treatment will be confiscated as contraband.⁴ The CHRB also makes clear that trainers must report all administration of these drugs to the CHRB Official Veterinarian.⁵

In addition to any disciplinary action that may be warranted, PETA respectfully requests that the New York Gaming Commission consider additional regulatory restrictions similar to those imposed in California that would reduce the same apparent indiscriminate use of thyroid medications in New York, as evidenced by the practice uncovered in Asmussen’s barns at Saratoga Race Course last year.

I. KDE Equine Employees May Have Administered Synthetic Hormones to Asmussen-Trained Horses at Saratoga Race Course Within 48 Hours of Posted Race Times in Violation of N.Y. CODES R. & REGS. tit. 9, §§ 4043.2(e) and 4043.4.

Thyroxine is the generic term for synthetic thyroid hormones, the medical use of which is to treat hypothyroidism, an extremely rare condition in adult horses;⁶ however, racehorse owners and trainers believe that the use of synthetic thyroid hormones is beneficial to performance on the track⁷ and, as a result, misuse of the medication is commonplace.⁸ KDE Equine is no exception, as evidenced by Blasi’s comment to the PETA investigator that thyroxine “Makes [horses] feel good.”⁹

¹ California Horse Racing Board, Advisory on Thyroxine and Instructions Pursuant to California Horse Racing Board Rules 1840, 1842, 1843(c), 1843.3(g), 1864, 1890, 1891 and 1855 Medication Procedures and Related Instructions, available at http://www.chrb.ca.gov/veterinary_reports/thyroxine_advisory.pdf.

² Id.

³ Id.

⁴ Id.

⁵ Id.

⁶ See Expert Opinion of Dorothee Bienzle, DVM, Ex. 3.

⁷ Id.

⁸ See, e.g., Joe Drape, A Sport’s Beauty Clashes with the Stain of a Scandal, N.Y. Times, May 2, 2014, available at <http://www.nytimes.com/2014/05/03/sports/scandal-casts-shadow-over-grandeur-of-kentucky-derby.html>.

⁹ See KDE Equine: Supplemental Investigative Footage for NYS Gaming Commission DVD. Inc. 1, Ex. 1.

The indiscriminate use of thyroxine as a performance enhancer, as appears to be rule of thumb in Asmussen's barns, creates at least two dangers for the horse. First, it suppresses the *natural* production of thyroid hormone by the horse's thyroid and, ironically, the animal then becomes dependent on the daily administration of the correct dose of *synthetic* thyroid hormone.¹⁰ Second, without blood tests to monitor the level of the hormone in each horse and the subsequent adjustments to dosage, it is likely that many horses receive too much synthetic hormone and suffer from chronic hyperthyroidism, which can lead to increased heart rates, heart disease, irritability, and other conditions associated with an abnormally high basal metabolic rate.¹¹

New York law prohibits the administration of thyroxine within 48 hours of a horse's posted race time. Specifically, N.Y. COMP. CODES R. & REGS. tit. 9, § 4043.2 provides in relevant part:

Drugs and medications are permitted to be used only in accordance with the following provisions.

...
(e) The following substances are permitted to be administered by any means until 48 hours before the scheduled post time of the race in which the horse is to compete:

...
(9) hormones (e.g., chorionic gonadatropin);

...
They may not be administered within 48 hours of the scheduled post time of the race in which the horse is to compete ... [S]ubstances ingested by a horse shall be deemed administered at the time of eating and drinking. It shall be part of the trainer's responsibility to prevent such ingestion within such 48 hours.¹²

New York law squarely places responsibility for any misuse of a restricted substance on the trainer. N.Y. COMP. CODES R. & REGS tit. 9, § 4043.4(a) provides in relevant part:

A trainer shall be responsible at all times for the condition of all horses trained by him. No trainer shall start or permit a horse in his custody, care or control to be started if he knows, or he might have known or have cause to believe, that the horse has received any drug or other restricted substance that could result in a positive test.

¹⁰ Bienzle Opinion, supra n. 6.

¹¹ *Id.*

¹² An update to this section was published in the September 25, 2013, New York State Register but has not yet been incorporated into the Official Compilation of Codes, Rules & Regulations of the State of New York. The update references unspecified "stylistic changes." The language quoted above was obtained from the NYS Gaming Commission web site at:

[http://www.gaming.ny.gov/pdf/New%20York%20State%20Gaming%20Commission%20rules%20Chapter%201%20Subchapter%20A%20\(Thoroughbred%20Racing\)%20updated%202013-11.pdf](http://www.gaming.ny.gov/pdf/New%20York%20State%20Gaming%20Commission%20rules%20Chapter%201%20Subchapter%20A%20(Thoroughbred%20Racing)%20updated%202013-11.pdf).

PETA's investigator established that many, if not all, of the horses in Asmussen's barns at Saratoga Race Course were given between 15 and 20 cc of Thyrozine Powder each day in their feed, with the possible exception of horses who were scheduled to race on that same day.¹³ The PETA investigator was never informed by Blasi of the 48-hr. restriction on the use of thyroxine even though she was instructed to administer it on a number of occasions, nor did other workers who routinely fed the horses mention the rule in her discussions with them. The widespread use of thyroxine coupled with the apparent lack of knowledge of the rule by employees raises the possibility that the rule was not implemented, or not implemented fully, in Asmussen's barns.

PETA's evidence of administration of thyroxine to horses follows:

- On July 4 and 5, Bartolo,¹⁴ a KDE Equine foreman, instructed PETA's investigator to put one 5-cc scoop of Thyrozine into each Asmussen-trained horse's feed bucket during the morning feeding, which occurred around 11 a.m.
- On July 7, PETA's investigator saw Blasi carrying a container labeled "Thyrozine" and putting one 5-cc scoop of the substance into each Asmussen-trained horse's feed tub during the morning feeding. The same day, PETA's investigator asked Blasi what the purpose of the Thyrozine was, and Blasi stated that "it kinda keeps their thyro level up. Makes 'em feel good." (See Inc. 1, at Ex. 1.)
- On July 9, PETA's investigator photographed a container of Thyrozine kept in Asmussen's barn. The label on the container read, "Thyrozine Powder," "A Palatable Supplement for the Correction of Conditions Associated with Hypothyroidism in Horses and Ponies," and "COMPOSITION: Each pound (453.6 g) contains Levothyroxine Sodium USP ... 0.22%" (See Photograph 2013-07-09_1_Thyrozine Powder_IMG_0161, at Ex. 2.)
- On July 12, PETA's investigator saw Tyler Peeples, a KDE Equine foreman and hot walker, adding two 5-cc scoops of Thyrozine to each Asmussen-trained horse's feed tub during the evening feeding, which occurred around 5 p.m. PETA's investigator asked Peeples if the horses received Thyrozine in the morning and at night, and Peeples nodded in affirmation. This affirmation, along with the above-described instructions provided to PETA's investigator on the mornings of July 4 and 5, led the investigator to understand that each Asmussen-trained horse received at

¹³ The PETA's investigator's job duties did not include feeding the horses, but occasionally she was asked to assist with this task and several times she was instructed by two foremen, Bartolo Uscanga and Alberto (surname unknown), to withhold thyroid medication from the feed for horses who were scheduled to race *on that particular day*. She has no knowledge of whether workers were instructed to withhold the medication from horses for *48 hours* prior to the scheduled post time of the horses' race.

¹⁴ Bartolo may go by the name Bartolo Uscanga, Bartolo Uscanga Lara, Bartolo Usanga, or Jose Alfonso.

least three scoops, or 15 cc, of Thyrozine each day—one scoop in the morning feeding and two scoops in the evening feeding—and that the horses may receive four scoops, or 20 cc, if they were given a scoop in the early morning feeding, which occurred around 3:30 a.m., before the morning feeding.

- On July 14, PETA's investigator photographed the label on a Thyrozine container in Asmussen's barn. PETA's investigator saw that there were warnings on the container's label reading, "Administer with caution to animals with clinically significant heart disease, hypertension or other complications for which a sharply increased metabolic rate might prove hazardous. Use in pregnant mares has not been evaluated," and "Federal law restricts this drug to use by or on the order of a licensed veterinarian." (See Photographs 2013-07-14_1_Thyrozine powder container_IMG_0181 and 2013-07-14_2_Thyrozine powder container 2_IMG_0182, at Ex. 2.)
- On July 17, PETA's investigator photographed a container of Thyrozine in Asmussen's barn. PETA's investigator saw that the label read in part, "INDICATIONS: For use in horses and ponies for correction of conditions associated with low circulating thyroid hormone (hypothyroidism)," and "DOSAGE: Doses should be individualized and animals should be monitored daily for clinical signs of hyperthyroidism or hypersensitivity. Suggested initial doses are 1–10 mg levothyroxine sodium (T₄)/100 lb. body weight (2–20 mg/100 kg) once per day or in divided doses. Response to the administration of Thyrozine Powder should be evaluated clinically every week until an adequate maintenance dose is established. In most horses, this is usually in the range of 35 to 100 mg total daily dose of T₄ (1–3 level tablespoonsfuls Thyrozine Powder)." (See Photograph 2013-07-17_16_Thyrozine Label_IMG_0203, at Ex. 2.)
- On August 5, PETA's investigator saw Bartolo and Alberto,¹⁵ KDE Equine foremen, giving each Asmussen-trained horse thyroxine during the morning feeding. Bartolo and Alberto told PETA's investigator that the horses receive one 5-cc scoop of thyroxine at each feeding. (See Inc. 2 at Ex. 1.) PETA's investigator knew from working in Asmussen's barn that there were three feedings per day, meaning that each of the Asmussen-trained horses would receive at least 15 cc—and 20 cc, if Peeples' July 12 administration of 10 cc to each horse at the evening feeding was the rule—of thyroxine daily.

Not only does the evidence raise questions about whether Asmussen and Blasi may have run afoul of the restriction on the use of thyroxine within 48 hours before the scheduled post time of the race in which a horse is to compete, it calls into question whether Asmussen met his responsibility under N.Y. COMP. CODES R. & REGS. tit. 9, § 4043.4(a) to control and prevent the improper use of this medication.¹⁶

¹⁵PETA was unable to determine this man's surname.

¹⁶According to an episode of HBO's Real Sports with Bryant Gumbel that aired May 20, 2014, and which featured interviews with Asmussen and Blasi, a race track veterinarian at Oaklawn Park in Hot

II. Thyroid Medication Was Administered to Horses Without Any Apparent Effort to Establish Medical Need or Monitor the Medication's Effects on the Horses, in Conflict with Licensing Standards

The evidence indicates that thyroxine was administered in Asmussen's barns without proper veterinary diagnoses and supervision. Specifically, PETA's investigator documented that the label on the Thyrozine Powder did not indicate that the medication had been prescribed for any specific horse and further, it failed to specify the dosage or length of the treatment period. There was no indication which, if any, veterinarian had prescribed the medication, and PETA's investigator was unaware of any blood tests performed to either diagnose the need for medication or to determine the appropriate amount of thyroid hormone supplement to be administered to each horse. In fact, each horse appeared to receive the same dosage of Thyrozine Powder each day—15 to 20 cc—which could be four times “as much as some horses should get, and insufficient for some other horses” according to Dorothee Bienzle, DVM, a professor of veterinary pathology at the University of Guelph and a renown expert on the misuse of drugs and other substances in horse racing industry.¹⁷

While the use of thyroxine is legal if administered in accordance with Section 4043.2, the New York Racing Commission does require trainers, assistant trainers, and veterinarians to demonstrate a level of competence and integrity in order to obtain and maintain an occupational license. Specifically, the applicant, and subsequent licensee, must demonstrate “financial responsibility, experience, character and general fitness ... such that the participation of such person will be consistent with the public interest, convenience or necessity and with the best interests of racing generally in conformity with the purposes of the law...”¹⁸

Undoubtedly, Asmussen and Blasi, and likely KDE Equine's veterinarians, were aware of and directed the indiscriminate use of thyroxine in most if not all of the horses under their care. PETA urges the Commission to carefully review veterinary records as well as invoices provided to the owners of all Asmussen-trained horses in order to better assess the extent of the use of this medication by KDE Equine. Given the deleterious effects on horses of the use of synthetic thyroid hormones, as discussed above, this conduct clearly falls outside a character consistent with the best interest of the industry, and certainly the horses to who the industry owes its very existence. PETA urges the Commission to investigate the conduct of these licensees, and also to consider additional restrictions on the use of this medication within New York.

¹⁷ Springs, Arkansas, stated that Finesse, an Asmussen-trained horse, tested positive for thyroid medications after she broke down and died at the end of a race on March 22.

¹⁸ Bienzle Opinion, *supra* n. 6.

¹⁸ N.Y. COMP. CODES R. & REGS. tit. 9, § 4002.8; see also N.Y. COMP. CODES R. & REGS. tit. 9, § 4002.0 (Grounds for refusal, suspension, revocation).

III. Conclusion

PETA respectfully requests an investigation of Asmussen's use of thyroxine for possible violations of the Commission's regulations, and PETA strongly urges the agency to consider regulatory restrictions similar to those imposed in California that would eliminate the same apparent indiscriminate use of thyroid medications by some owners and trainers in New York. I can be contacted at 757-284-4437 or LoriK@petaf.org. Thank you for your attention to this matter.

Sincerely,



Lori Kettler

Deputy General Counsel, Regulatory Affairs
757-284-4437
LoriK@petaf.org

cc: Rick Goodell, Assistant Counsel (rick.goodell@gaming.ny.gov)
Scott E. Palmer, VMD, Equine Medical Director (Scott.Palmer@gaming.ny.gov)
Joel Leveson, Racing Investigator (Joel.Leveson@gaming.ny.gov)

F. Perez v. KDE Equine, LLC et al.

No. 3:15-cv-00562-CRS (W.D. Ky. filed June 25, 2015)

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

THOMAS E. PEREZ, Secretary of Labor, United States Department of Labor,)	
Plaintiff)	Civil Action No. <u>3:15-cv-562-DJH</u>
v.)	
KDE EQUINE, LLC, d/b/a STEVE ASMUSSEN STABLES, and STEVE ASMUSSEN,)	<u>COMPLAINT</u> (Injunctive Relief Sought)
Defendants)	

This cause of action, which arises under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201, et seq., (hereinafter "FLSA" or "the Act"), is brought by the Plaintiff pursuant to authority granted by Section 11(a) and Section 16(c) of the Act, 29 U.S.C. § 211(a) and § 216(c).

I

Jurisdiction hereof is conferred upon the Court by Section 17 of the Act, 29 U.S.C. § 217, to enjoin violations of the Act and to restrain the withholding of back wages due under the Act; and by 28 U.S.C. § 1345 to award additional amounts, equal to back wages due, as liquidated damages under Section 16(c) of the Act, 29 U.S.C. § 216(c).

II

A. Defendant, KDE Equine, LLC, is an active limited liability company organized under the laws of the State of Texas, having conducted business at Churchill Downs racetrack, 700 Central Avenue, Louisville, Kentucky, 40208 within the jurisdiction of this Court, and at all times hereinafter mentioned, has been engaged in the training of horses.

B. Defendant, Steve Asmussen, at all times hereinafter mentioned, as a member and the president, has acted directly or indirectly in the interest of defendant KDE Equine, LLC, d/b/a Steve Asmussen Stables, in relation to its employees, and therefore, has been, and is, an employer within the meaning of Section 3(d) of the Act, 29 U.S.C. § 203(d). Although defendant Asmussen is believed to be a resident of the State of Texas, he has substantial contacts within the jurisdiction of this Court due to his business activities vis a vis defendant KDE Equine, LLC, d/b/a Steve Asmussen Stables, at Churchill Downs racetrack, 700 Central Avenue, Louisville, Kentucky, 40208.

C. Since January 24, 2013, defendants KDE Equine, LLC, d/b/a Steve Asmussen Stables, and Steve Asmussen, have been under a permanent injunction issued by the United States District Court for the Eastern District of New York to ensure their compliance with the FLSA, including but not limited to the payment of minimum wages, overtime wages, and the requirement to make, keep, and

preserve adequate records of their employees, as prescribed by the Regulations issued pursuant to Section 11(c) of the Act and found at 29 CFR Part 516. Defendants further agreed to pay backwages and liquidated damages in the total amount of \$29,095.97 to employees performing services for defendants prior to July 21, 2012 in New York state. A copy of the permanent injunction and consent judgment is attached hereto as Exhibit A and incorporated herein by reference.

III

A. Defendants, at all times hereinafter mentioned, have suffered or permitted to work employees and therefore have been employers within the meaning of Sections 3(d) and 3(g) of the Act, 29 U.S.C. §§ 203(d) and 203(g).

B. At all times hereinafter mentioned, defendants employed employees that have been and are engaged in commerce or in the production of goods for commerce, within the meaning of Sections 3(b) and (j), respectively, of the Act, 29 U.S.C. §§ 203(b) and (j).

IV

At all times hereinafter mentioned:

A. Defendants, having been engaged in related activities performed either through unified operation or common control for a common business purpose, constitute an enterprise within the meaning of Section 3(r)(1) of the Act, 29 U.S.C. § 203(r)(1).

B. Such enterprise, employing employees engaged in commerce or in the production of goods for commerce, or employees handling, selling or otherwise working on goods or materials that have been moved in or produced for commerce.

C. Such enterprise operates as a business engaged in the training of racehorses at locations in Kentucky, New York, and Texas, if not other states, and therefore constitutes an enterprise engaged in commerce or in the production of goods for commerce within the meaning of Section 3(s)(1)(A) of the Act, 29 U.S.C. § 203(s)(1)(A).

D. Therefore, during the period at issue the said employees were employed in an enterprise engaged in commerce, or in the production of goods for commerce, within the meaning of Sections 3(r)(1) and/or 3(s)(1) of the Act, and the employees and the enterprise were subject to Sections 6, 7, and 11(c) of the Act, 29 U.S.C. §§ 206, 207 and 211(c).

V

Since at least June of 2012, the defendants have willfully and repeatedly violated the provisions of Sections 7 and 15(a)(2) of the Act, 29 U.S.C. §§ 207 and 215(a)(2), by employing employees who have been engaged in commerce, or in the production of goods for commerce, for workweeks longer than 40 hours without compensating such employees for their employment in excess of such hours at rates not less than one and one-half times the regular rates at which they were employed. The employees at issue were and

are employed by defendants at Churchill Downs, within the jurisdiction of this Court, as hot walkers and/or grooms. Further, at least two individuals employed by defendants at Churchill Downs were and are erroneously treated as exempt employees under Part 541 of the Regulations.

VI

Since at least June of 2012, the defendants, subject to the provisions of the Act, have willfully and repeatedly violated the provisions of Sections 11(c) and 15(a)(5) of the Act, 29 U.S.C. §§ 211(c) and 215(a)(5), and the Regulations found at 29 C.F.R. § 516 by failing to make, keep and preserve adequate and accurate records of the persons employed and of the wages, hours and other conditions and practices of employment maintained by the enterprise, as prescribed in the aforesaid Regulations. For example, the defendants failed to maintain and preserve adequate accurate, and/or complete records during the entire time period prescribed by the Regulations of the hours actually worked, pay received, including amounts attributed to overtime, and the true regular rate of pay, of employees working as hot walkers and/or grooms. As an additional example, defendants failed to maintain records of hours worked during the entire period prescribed by the Regulations for the two individuals erroneously treated as exempt employees under Part 541 of the Regulations.

VII

WHEREFORE, cause having been shown, plaintiff prays for Judgment:

1. Permanently enjoining defendants, their agents, servants, employees and all persons in active concert or participation with them, from violating the provisions of Sections 6, 7, 11(c), 15(a)(2) and 15(a)(5) of the Act, 29 U.S.C. §§ 206, 207, 211(c), 215(a)(2), and 215(a)(5), in accordance with Section 17 of the Act, 29 U.S.C. § 217, for activities occurring within the jurisdiction of this Court.

2. Restraining the withholding of payment of wages found by the Court to be due employees under the Act (as named in "Exhibit B" attached hereto and made a part hereof and such other employees as hereafter may be identified and named prior to or at trial), for a period of three years prior to the filing date of this complaint, in accordance with Section 17 of the Act, 29 U.S.C. § 217.

3. Awarding back wages for a period of three years prior to the filing date of this complaint, and an additional equal amount as liquidated damages to employees (as named in "Exhibit B" attached hereto and made a part hereof and such other employees as hereafter may be identified and named prior to or at trial) in accordance with Section 16(c) of the Act, 29 U.S.C. § 216(c).

4. For such other and further relief as may be necessary and appropriate including interest on such back wages at the underpayment rate established by the Secretary of the Treasury, pursuant to 26 U.S.C. § 6621, from the date they became due until paid, and costs of this action.

5. For any and all other remedies which may be available and within the equity powers of this Court, so that the defendants fully comply with the Act during any and all of their business activities conducted within the jurisdiction of this Court at any time now or in the future.

Respectfully submitted,

M. PATRICIA SMITH
Solicitor of Labor

STANLEY E. KEEN
Regional Solicitor

POST OFFICE ADDRESS:

Office of the Solicitor
U. S. Department of Labor
618 Church Street
Suite 230
Nashville, Tennessee 37219-2440

Telephone: (615) 781-5330
Fax No. (615) 781-5321
E-mail: nash.fedcourt@dol.gov
morholt.neil@dol.gov
motzny.thomas.j@dol.gov

THERESA BALL

Associate Regional Solicitor

/s/ Neil A. Morholt
NEIL A. MORHOLT
Attorney

/s/ Thomas J. Motzny
THOMAS J. MOTZNY
Attorney

U. S. Department of Labor
Attorneys for the Secretary

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

THOMAS E. PEREZ, Secretary of Labor,
United States Department of Labor

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

KDE EQUINE, LLC, d/b/a STEVE ASMUSSEN STABLES,
and STEVE ASMUSSEN

County of Residence of First Listed Defendant Louisville, per LR 8.1(c)

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Clark O. Brewster, Brewster & DeAngelis, P.L.L.C.
2617 East 21st Street, Tulsa, OK 74114
(918) 528-4259

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|---|--|
| <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

	PTF	DEF	PTF	DEF	
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability			<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine			<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability			<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	PERSONAL PROPERTY	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 891 Agricultural Acts
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 861 HIA (1395f)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 899 Administrative Procedure
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	Other:		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
			FEDERAL TAX SUITS	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
			IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | |
|--|---|--|---|--|---|
| <input type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) | <input type="checkbox"/> 6 Multidistrict Litigation |
|--|---|--|---|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201, et. seq. ("FLSA")

VI. CAUSE OF ACTION

Brief description of cause:
backwages, liquidated damages due affected employees, request for permanent injunction, other equitable relief

VII. REQUESTED IN COMPLAINT:

- | | | |
|---|-----------|---|
| <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. | DEMAND \$ | CHECK YES only if demanded in complaint:
JURY DEMAND: |
|---|-----------|---|

Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 1/24/2015 SIGNATURE OF ATTORNEY OF RECORD Neil A. Morholt

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFFP JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK

HILDA L. SOLIS, Secretary of Labor,
United States Department of Labor,

Civil Action File
12-CV-6368

Plaintiff,

No.

v.

LDW, ARL

CONSENT JUDGMENT

KDE EQUINE LLC,
a Limited Liability Company
d.b.a. STEVE ASMUSSEN STABLES
and STEVE ASMUSSEN, Individually
and as President

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT
N.Y.

Defendants

★ JAN 24 2013 ★

LONG ISLAND CITY, N.Y.

Plaintiff, the Secretary of Labor, has filed her Complaint and defendants KDE EQUINE LLC d.b.a. STEVE ASMUSSEN STABLES and STEVE ASMUSSEN, individually and as President, appeared by Counsel, waive their answer, and agree to the entry of this judgment without contest. By executing this Consent Judgment, defendants waive formal service of process of the summons and complaint in this matter.

Defendants KDE EQUINE LLC d.b.a. STEVE ASMUSSEN STABLES and STEVE ASMUSSEN, individually and as President, appeared by Counsel, acknowledge their responsibilities pursuant to this agreement, and acknowledge that they will be subject to sanctions in contempt of this court if they fail to comply with the provisions of this Judgment. It is, therefore, upon motion of the attorneys for plaintiff and for cause shown ORDERED that:

I. Defendants, their officers, employees, agents, and all persons acting or claiming to act in the defendants' behalf and interest be, and they hereby are, permanently enjoined and restrained from violating the provisions of sections 6, 7, 11(c), 15(a)(2), and 15(a)(5) of the Fair

Labor Standards Act of 1938, as amended, (29 U.S.C. Section 201 et seq.), (the Act), in any of the following manners:

(1) Defendants shall not, contrary to Section 6 of the Act, pay to any of their employees who in any workweek are engaged in commerce or in the production of goods for commerce, or employed in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, wages at rates less than those which are now, or which in the future may become, applicable under Section 6 of the Act.

(2) Defendants shall pay employees at time and one-half their regular hourly rates for all hours worked over 40 per week, and shall not, contrary to Section 7 of the Act, employ any of their employees in any workweek for workweeks longer than the hours now, or which in the future become, applicable under Sections 7 and 15(a) (2) of the Act, unless the employee receives compensation in compliance with the Act.

(3) Defendants shall make, keep, and preserve adequate records of their employees and of the wages, hours, and other conditions and practices of employment maintained by them as prescribed by the Regulations issued pursuant to Section 11(c) of the Act and found at 29 CFR Part 516.

II. Defendants KDE EQUINE LLC d.b.a. STEVE ASMUSSEN STABLES and STEVE ASMUSSEN, individually and as President, are enjoined and restrained from withholding the payment of a total of \$29,095.97 (\$19,397.31 in overtime compensation, plus \$9,698.66 in liquidated damages) due certain employees set forth in Exhibit A. Payment of this amount will be made in the total amount by November 30, 2012 which is in accordance with the amount due and date set forth in Exhibit B.

Payment shall be made by cashier or certified check made payable to "Wage and Hour Division - Labor" with "Case No. 1624187" written on the face of each check.

The check shall be sent to:

**U.S. Department of Labor/Wage & Hour Division
The Curtis Center, Suite 850, West
170 S. Independence Mall West
Philadelphia, PA 19106-3317**

III. On or before the date indicated on Exhibit B, defendants shall send a copy of the check to:

**U.S. Department of Labor/Wage & Hour Division
1400 Old Country Road, Suite 410
Westbury, New York 11590-5119
Attn: Richard Mormile, Assistant Director**

IV. Neither defendants nor anyone acting on their behalf shall directly or indirectly solicit or accept the return or refusal of any sums paid as back wages under this Judgment.

V. The plaintiff shall deliver the proceeds of the check less any legal deductions to the employees named on Exhibit A. Any sums not distributed to the employees or to their personal representatives, because of inability to locate the proper persons or because of such persons' refusal to accept such sums, shall be deposited with the Clerk of this Court who shall forthwith deposit such money with the Treasurer of the United States pursuant to 28 U.S.C. §2041 and §2042.

VI. Defendants shall provide to plaintiff the social security numbers and last known addresses of the defendants' employees and former employees to be paid under this judgment.

VII. If the defendants fail to make the payment on Exhibit B without making up the arrearage within two weeks after written notice to defendants, the entire balance shall become due and payable immediately.

VIII. Defendants shall place FLSA posters in English and in any other language spoken by the employees. These posters will be provided by the Wage and Hour Division as available. Defendants shall display the posters where employees may view them.

IX. Defendants shall orally inform all their employees in English and in any other language spoken by the employees of the their rights under the Fair Labor Standards Act, and the terms of this Judgment, including the payment of minimum wages and overtime and the rights of employees to engage in activity protected by the Act without fear of retaliation. The defendants shall so inform their employees within thirty (30) days of the entry of Judgment on a workday.

X. Neither the commencement of this action nor the provisions of this Consent Judgment shall in any way affect, determine, or prejudice any and all legal rights of any employees of defendant not listed in Exhibit A of this Judgment, be they current or former employees, to file any action against defendant under section 16(b) of the Act or likewise for any current or former employee listed on Exhibit A of this Judgment to file any action against defendant under section 16(b) of the Act for any violations alleged to have occurred after July 21, 2012.

XI. Each party will bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

SO ORDERED:

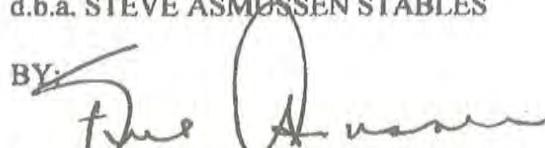
DATED: 1/24/13
Central Islip, NY

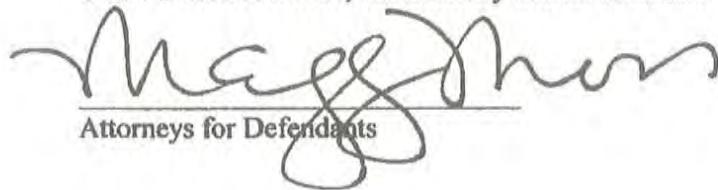
J. W. Vivero
UNITED STATES DISTRICT JUDGE

Defendants have appeared by counsel and
Consent to the entry of this Judgment.

KDE EQUINE LLC
d.b.a. STEVE ASMUSSEN STABLES

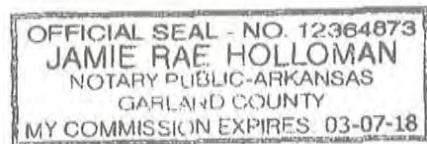
BY:


STEVE ASMUSSEN, Individually and as President


MaggThur
Attorneys for Defendants

ArLANS
STATE OF NEW YORK
Garland
COUNTY OF NASSAU

)
: SS:
)



On the 10 day of December, 2012 before me personally appeared STEVE ASMUSSEN to me known and known to me to be the individual described in and who executed the foregoing instrument and he duly acknowledged to me that he executed the same.

Jamie Rae Holloman
NOTARY PUBLIC

EXHIBIT A

**KDE EQUINE LLC
d.b.a. STEVE ASMUSSEN STABLES
CASE ID 1624187**

Last Name	First Name	BWs Due	Liquidated Damages	Totals
ACOSTA	RAUL	\$843.00	\$421.50	\$1,264.50
AGUILAR	JUANA	\$454.00	\$227.00	\$681.00
ALVAREZ	UBALDO	\$1,411.50	\$705.75	\$2,117.25
CALDRON	CEASER	\$757.00	\$378.50	\$1,135.50
CARPINTERO	CATALINA	\$1,171.00	\$585.50	\$1,756.50
CARPINTERO	MARCELLA	\$730.00	\$365.00	\$1,095.00
CHAVEZ	MECALA	\$323.00	\$161.50	\$484.50
CODARO	JAIRO	\$173.91	\$86.96	\$260.87
DONIS	VICTOR	\$216.00	\$108.00	\$324.00
ESCUDERO	JUAN ANIBAL	\$498.00	\$249.00	\$747.00
FLORES	VICTOR	\$394.00	\$197.00	\$591.00
HERNANDEZ	EDGAR	\$2,343.00	\$1,171.50	\$3,514.50
KIEBELS	JORDAN	\$628.00	\$314.00	\$942.00
LOPEZ	RAUL	\$434.00	\$217.00	\$651.00
MOLINA	ALBERTO	\$678.00	\$339.00	\$1,017.00
MOLINA	EDUARDO	\$227.00	\$113.50	\$340.50

EXHIBIT A

EXHIBIT A

KDE EQUINE LLC
d.b.a. STEVE ASMUSSEN STABLES
CASE ID 1624187

Last Name	First Name	BWs Due	Liquidated Damages	Totals
MORALES	VERONICA	\$1,102.00	\$551.00	\$1,653.00
ORANTES	RIGOBERTO	\$72.00	\$36.00	\$108.00
PEREZ	MELVIN	\$72.00	\$36.00	\$108.00
QUIROZ	FRANCOSCO	\$576.00	\$288.00	\$864.00
RAMZAN	ANTOOA	\$136.00	\$68.00	\$204.00
RIVAS	FABIAN	\$351.90	\$175.95	\$527.85
RIVERA	JAVIER	\$1,428.00	\$714.00	\$2,142.00
ROBLES	MARIA	\$2,316.00	\$1,158.00	\$3,474.00
SALDOVAR	GREGORIO ANTONIO	\$116.00	\$58.00	\$174.00
SOTO	SANDRA	\$128.00	\$64.00	\$192.00
TAYLOR	MAUREEN	\$177.00	\$88.50	\$265.50
VALDENITO	ELIZAR	\$332.00	\$166.00	\$498.00
VANCINI	SARAHY	\$913.00	\$456.50	\$1,369.50
VASQUEZ	ROMELLO	\$396.00	\$198.00	\$594.00
TOTALS	-	\$19,397.31	\$9,698.66	\$29,095.97

EXHIBIT A

EXHIBIT B

KDE EQUINE LLC
d.b.a. STEVE ASMUSSEN STABLES
CASE ID 1624187

<u>Payment No.</u>	<u>DATE DUE</u>	<u>AMOUNT DUE</u>	<u>TOTAL DUE</u>
1	11/30/2012	\$29,095.97	\$29,095.97
Totals:	-	\$29,095.97	\$29,095.97

EXHIBIT B

EXHIBIT B

Last Name	First Name
Aguilar	Aura
Alfonso	Jose A
Alvarado	Efrain
Alvarez	Melvin
Ambeliz	Gloria
Aragon	Bertario
Aragote-Martinez	Fransico
Arano	Gisela
Bahena	Alberto
Bahena	Joel
Baltazar	Jerardo
Barrientos	Donald
Barrientos	Edwin
Billalovos	Jose
Bizmaier	Russell
Cano	Auner
Cano	Clementino
Carmona	Roberto
Ceja	Hector
Cisneros	Victor
Diaz	Daisy
Espinosa	Javier
Figueroa	Maria
Godoy	Jose
Gomez	Hector
Gonzalez	Carlos
Gonzalez	Cesilio
Gonzalez	Hugo
Gonzalez	Martha
Gonzalez	Oraldo
Gonzalez	Sergio
Gutierrez	Adolfo
Gutierrez	Amador
Gutierrez	Elizabeth
Gutierrez	Idelberto
Gutierrez	Jose
Gutierrez	Julio
Gutierrez	Maximo
Gutierrez	Victor J.
Hernandez	Carlos
Hernandez	Eduardo

EXHIBIT B

Hernandez	Elmer
Hernandez	Mario
Hernandez	Miguel
Hernandez	Ruben
Herrera	Rony
Ignacio	Gilberto
Lopez	Fidel
Lopez	Jose
Lopez	Marvin
Lozano	Raimon
Martinez	Elias
Mejia	Socimo
Morales	Eveli
Morales	Gerardo
Morales	Hugo
Morales	Jose
Moreno	Ishmael
Moreno	Marcos
Munoz	Adolfo
Munoz	Leonel
Ordaz	Felipe
Ortiz	Luis
Ortiz	Ricardo
Oscal	Marina
Osorio	Abishmael
Osorio	Bartolo
Osorio	Darmin
Osorio	Luis
Osorio	Rene
Par	Alberto
Parra	Saul
Payeras	Yoni
Perez	Christian
Perez	Elizandro
Pineda	Esdras
Quevado	Leidy
Radosevich	Jamie
Ramirez	Filiberto
Ramirez	Luis
Rodriguez	Juan
Rodriguez	Marcos
Ruiz	Roberto
Salazar	Mario

EXHIBIT B

Saldivar	Annallel
Salva	Jose
Sanchez	Cira
Sanchez	Osmar
Sanchez	Sandra
Torrez	Ricardo
Trejo	Ismael
Uscanga	Aurelio
Uscanga	Julio
Uscanga	Lazaro
Uscanga	Ricardo
Usganga	Bartolo
Valle	Angel
Vargas	Roberto
Werner	Rowdy
Williams	Azelius



Gaming
Commission