

PUBLIC

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES
FTC DOCKET NO. _____**

ADMINISTRATIVE LAW JUDGE: _____

**IN THE MATTER OF:
DR. LARRY OVERLY, DVM**

APPELLANT

APPLICATION FOR STAY OF FINAL CIVIL SANCTION

Pursuant to 15 U.S.C. §§ 3051 *et seq.*, 5 U.S.C. § 556 *et seq.*, and 16 C.F.R. § 1.145 *et seq.*, Dr. Larry Overly, DVM (“Appellant”) applies for stay of the final civil sanction (“Sanction”) imposed by Arbitrator Laura C. Abrahamson’s (“Arbitrator”) August 21, 2025 decision in JAMS Case No. 1501000995 (“Decision”), finding that Appellant violated Anti-Doping Medication Control (“ADMC”) Program Rule (“Rule”) 3214(a),¹ Possession of Banned Substances.² Decision, ¶ 8.1. On August 25, 2025, the Horseracing Integrity and Safety Authority (“HISA”) notified Appellant of the final civil sanctions (“Sanctions”).³

A. Likelihood of Appellant’s success on *de novo* review

Appellant is likely to succeed on *de novo* review. The record demonstrates that the Arbitrator erroneously concluded that a Rule 3214(a) violation had been established, despite Appellant establishing, by a preponderance of the evidence, that he/his practice had “compelling justification” for Possession of the Banned Substances at issue. Despite guidance from HIWU’s Chief of Science, Dr. Mary Scollay, providing that veterinarians with partially Non-Covered practices are “able to possess a Banned Substance because [HIWU and HISA] don’t have authority to control the medications they administer or carry for Non-Covered Horses,”⁴ despite the absence

¹ “Possession” is a violation “unless there is compelling justification for such Possession.” Rule 3214(a).

² On July 23, 2024, Appellant possessed one tub of Isoxsuprine powder and four injectable vials of Testosterone in his practice’s veterinary truck. Decision, ¶¶ 2.12, 4.2.3(a)-(b).

³ The Sanctions are twenty-three months Ineligibility from August 25, 2025 to February 25, 2025, a \$25,000 fine, a contribution of \$15,000 towards the Horseracing Integrity and Welfare Unit’s (“HIWU”) share of the arbitration costs of the proceeding and public disclosure. See Exhibit B, p. 1.

⁴ Decision, § 4.47

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of a definition for “compelling justification” within the ADMC Rules themselves, despite the absence of clarifying information promulgated by HISA with respect to “compelling justification,” and despite Appellant’s credible testimony with respect to the impracticality of requiring an ambulatory veterinarian treating approximately 67% Non-Covered horses to load and unload their truck between each and every visit, the Arbitrator arbitrarily found that Appellant “must establish that he needed to keep the particular Banned Substances at issue in the alleged ADRVs in his truck at Los Alamitos on July 23, 2024 for use in his Non-Covered practice.”

Furthermore, if the Decision is not reversed, the Sanction is arbitrary, capricious, an abuse of discretion, prejudicial, or otherwise not in accordance with law, *inter alia*, because Appellant has established that his fault, if any, was on the lowest end of the spectrum such that the penalties should be expunged and/or limited to the most minimal penalty available.

B. Whether Appellant will suffer irreparable harm

Appellant has and will continue to suffer irreparable harm absent a stay, as the final civil sanction, ineligibility and public disclosure on HIWU’s website has harmed his professional reputation and caused loss of business prospects, each of which constitute irreparable harm. *SmartSky Networks, LLC v Gogo Bus. Aviation, LLC*, 2024 U.S. App. LEXIS 2100, at *8 (Fed. Cir. Jan. 31, 2024).

C. Degree of injury to other parties or third parties

There is no risk of injury to HIWU, or any third parties, should a stay be granted in this matter. HIWU has no interest in the continued enforcement of Sanctions that are the result of error and cannot withstand *de novo* review. Even if harm could result, the risk of harm is low and is greatly outweighed by Appellant's likely success on the merits and irreparable injury.

D. Whether a stay is in the public interest

A stay is also in the public interest. "The public interest is served by ensuring that governmental bodies comply with the law ..." *Am. Signature, Inc. v. United States*, 598 F.3d 816, 830 (Fed. Cir. 2010) (application of injunctive relief factors in the context of an agency's application of administrative rules); see *California v. Azar*, 911 F.3d 558, 581 (9th Cir. 2018) (affirming injunctive relief) ("The public interest is served by compliance with [administrative rules and procedures]"). Allowing the Sanction to remain in effect when it arises from the improper interpretation of applicable rules compromises the public interest. Further, like the low

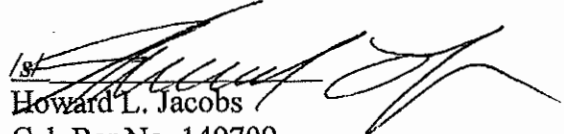
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risk of harm to HIWU or third parties, any interest the public has in the Sanction remaining in effect is substantially outweighed by Appellant's likely success on the merits and irreparable injury.

For the foregoing reasons, a stay of the Sanction is warranted by the factors in 16 C.F.R. 1.148(d).

DATED: September 24, 2025

Respectfully submitted,


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CERTIFICATE OF SERVICE

Pursuant to 16 CFR 1.146(a) and 16 CFR 4.4(b), a copy of the forgoing Notice of Appeal and Application for Review and Exhibits is being served this 24th day of September 2025 via First Class mail and/or electronic mail upon the following:

<p>Allison J. Farrell Michelle C. Pujals Horseracing Integrity & Welfare Unit 4801 Main Street, Suite 350 Kansas, MO 64112-2749 afarrell@hiwu.org</p>	<p>Alexandria Matic Tyr LLP 488 Wellington Street Wst, Suite 300-302 Toronto, ON M5V1E3 Canada amatic@tyrllp.com</p>
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Executed on September 24, 2025, at Brea, California.

Katlin Freeman

Katlin N. Freeman