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UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

<p>In the Matter of</p> <p>Eusabio Juarez-Ruffino,</p> <p style="text-align: center;">Appellant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Docket No. 9444</p>
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HEARING ORDER NO. 1

My December 2, 2025 Order On Petition for Review and Motion to Stay, among other things: (1) directed that an evidentiary hearing will be held in this proceeding; (2) provided for the parties' review a draft Witness Agreement for Appellant Juarez's proposed witness, Mr. Luis Terrazas; and (3) advised that once the form of Witness Agreement was acceptable to the Court, I would issue Hearing Order No. 1 regarding further procedures leading to the evidentiary hearing. The parties have since advised me that "the proposed draft Witness Agreement is acceptable."¹

A copy of the final Witness Agreement, deleting the term "[DRAFT]" in the earlier version, is attached again as Exhibit A.

Accordingly, **IT IS ORDERED** that:

¹ Joint Notice on Proposed Witness Agreement, dated December 11, 2025.

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1. Mr. Juarez's counsel must provide to Mr. Terrazas for signature a copy of Exhibit A and, by no later than December 22, 2025: (a) **FILE** the original signed version (that is, the hardcopy original) with the Office of the Secretary of the Commission ("OSC"); and (b) **SERVE** a copy on the Authority, with a courtesy copy submitted to this Office at OALJ@ftc.gov. If Mr. Juarez has already signed the version bearing the term "[DRAFT]", then the original signed version may be filed with OSC instead. The signed original Witness Agreement will be marked as an exhibit at the evidentiary hearing and received into evidence.

2. In providing the Witness Agreement to Mr. Terrazas for signature, Mr. Juarez's counsel must also provide copies of my December 2, 2025 Order and of this Hearing Order No. 1.

3. By no later than January 7, 2026 (the "Disclosure Date"), Mr. Juarez's counsel must either:

- a. **ADVISE** the Authority that the purported affidavit by Mr. Terrazas, included as Appeal Book ("AB1") 583-86, will constitute Mr. Terrazas's witness statement for the evidentiary hearing; or
- b. **SERVE** on the Authority a witness statement, signed by Mr. Terrazas, together with any documents that Mr. Juarez seeks to offer as evidence through Mr. Terrazas at the evidentiary hearing.

The purported receipt for services, included as AB1 597, was received as evidence at the arbitration hearing and need not be served again. Mr. Juarez may offer it at the evidentiary hearing. The other documents included with Mr. Juarez's pre-hearing

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brief in the arbitration as AB1 578-82, 587-96, and 598-602, must *not* be included with any witness statement for Mr. Terrazas.

4. By no later than January 20, 2026, the Authority must **SERVE** and **FILE** a **NOTICE** stating whether or not it seeks to offer testimony at the evidentiary hearing from any one or more of the witnesses that were presented on behalf of HIWU at the arbitration hearing. For each such proposed witness, the Authority must provide, as part of the **NOTICE** :

- a. A witness statement;
- b. An additional, separate statement demonstrating that the witness's proposed testimony: (i) responds to the purported affidavit by Mr. Terrazas or to the witness statement by him submitted under paragraph 3; and (ii) is not cumulative of that given during the arbitration hearing, including citation to those pages of the arbitration transcript ("AB2"), if any, where related testimony by that witness or any other witness was given; *and*
- c. All documents that the Authority intends to offer through the witness, along with a statement that the document was not received as evidence during the arbitration hearing and an explanation why it was not then offered as evidence.

I will rule on whether each identified witness may testify or, if appropriate, schedule a conference with the parties. Thereafter, I will set a date for the evidentiary hearing.

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5. On or after the Disclosure Date, the Authority may take such action, if any, as may be authorized by law as part of its preparation for the evidentiary hearing. Mr. Juarez may similarly do so if: (a) the Authority serves any material under paragraph 4; *and* (b) I thereafter determine that a proposed witness may testify.²

6. Unless otherwise Ordered, the evidentiary hearing will be conducted via Zoom or other comparable video/audio application. The parties' counsel will be responsible for advising their witnesses. An Order addressing procedures at the remote evidentiary hearing will be issued after the date for the evidentiary hearing is scheduled.

7. Pursuant to FTC Rule 1.146(a)(1), absent a demonstration of good cause, all parties are precluded from raising factual or legal issues at the evidentiary hearing that either: (a) were not raised in the arbitration; or (b) were admitted or undisputed in the arbitration.

ORDERED:*Jay L. Himes*

Jay L. Himes
Administrative Law Judge

Date: December 12, 2025

² See, e.g., *Matter of Lynch*, No. 9423, 2024 WL 2045679 (FTC ALJ May 1, 2024) (granting issuance of subpoena *duces tecum*).

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Exhibit A

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
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)	
In the Matter of)	
)	
Eusebio Juarez-Rufino,)	Docket No. 9444
)	
Appellant.)	
)	

WITNESS AGREEMENT

I, Luis Terrazas, state as follows:

1. I understand that Eusebio Juarez-Rufino, the Appellant in this case, seeks to call me to give sworn testimony as a witness on his behalf at an evidentiary hearing that will be scheduled in the case. I further understand that if I appear as a witness and testify, I will be subject to cross-examination by counsel for the Horseracing Integrity and Safety Authority (“the Authority”) and may also be questioned by the Court.

2. I agree to appear at the evidentiary hearing and to testify.

3. For the purposes of this case only, I voluntarily consent to the authority of this Court, including that conferred by 5 U.S.C. § 556, 15 U.S.C. § 3058(b), and FTC Rule 1.146(c).

4. I understand that the evidentiary hearing is expected to be conducted via Zoom or another comparable video/audio application. If it is, I consent to my

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Exhibit A

testimony at the hearing being deemed given in New York, New York, just as if I testified in person there.

5. I also understand that if satisfactory arrangements for a remote evidentiary hearing cannot be reached, then the hearing will be conducted in person in either New York, New York or Washington, D.C. I will be apprised of the location at least 14 calendar days in advance of the hearing date.

6. I understand that, if I wish to do so, I may speak to an attorney concerning this matter before signing this Agreement. I also understand that I may be represented by an attorney when I testify at the evidentiary hearing.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at _____, Arkansas, on December_____, 2025.



Luis Terrazas

AGREED:

Date: 12-16-25, 2025

John Mac Hayes, OBA#15512
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Attorney for Appellant Eusebio Juarez-Rufino

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Exhibit A



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HORSERACING INTEGRITY & WELFARE UNIT,
A DIVISION OF DRUG FREE SPORT LLC

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Exhibit A

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the Matter of

Eusebio Juarez-Rufino,

Appellant.

Docket No. 9444

WITNESS AGREEMENT

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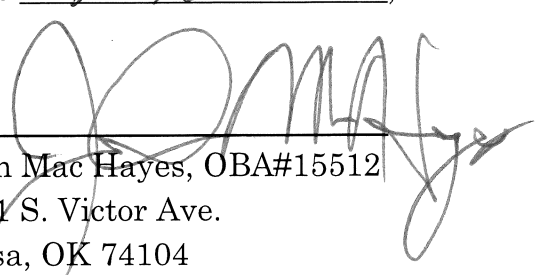
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Luis Terrazas

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