

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:**

**CRAIG A. LEWIS**

**APPELLANT**

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**APPEAL BOOK SUPPLEMENT**

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March 24, 2026

Respectfully submitted,

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LLC

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# TAB 16

# TORONTO COURT REPORTING

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This is the Transcript of  
"Audio Recording HIWU v. Craig Lewis ECM2025-250  
IAP Hearing 2.17.25.mp4"  
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1

2 CHRISTY HEATH:

3 Good afternoon, everybody, or good morning if you're  
4 in Pacific time. This is HIWU vs. Craig Lewis, ECM  
5 matter 2025-250. It is February 17, 2026, 1pm Eastern  
6 Standard Time. I'm Christy Heath, the litigation  
7 counsel for HIWU and I will turn it over to the  
8 parties for their introductions.

9

10 JULIET KAGNO:

11 This is Juliet Kagno, the IAP panel member for this  
12 hearing.

13

14 CHRISTY HEATH:

15 And Mr. Lewis...

16

17 LAWRENCE LEWIS:

18 I could...

19

20 CHRISTY HEATH:

21 Yes, sir.

22

23 LAWRENCE LEWIS:

24 This is Lawrence Lewis and I represent trainer Craig

1 Lewis, who's also here with me.

2

3 CHRISTY HEATH:

4 Thank you, sir. So to, I guess, kick off this  
5 hearing, I prepared an opening statement that would  
6 help maybe orient everybody to the positions, and then  
7 I'm sure Mr. Lewis would like an opportunity to give  
8 his opening statement as well.

9

10 LAWRENCE LEWIS:

11 Yes, I would. Thank you.

12

13 CHRISTY HEATH:

14 Okay, so I was primarily going to rely on its written  
15 submission, but I'll offer a brief overview and  
16 summation of this...the case. There are two questions  
17 that must be answered when a post-race adverse  
18 analytical finding occurs, which is, one, whether  
19 there was a violation, and two, to what extent under  
20 the rules should the trainer be held responsible  
21 regarding the first question. ADMC program rule 3312  
22 provides that it is the duty of the trainer to ensure  
23 no controlled medication substance is found to be  
24 present in the post-race sample of their covered

1 horse. And this case, trainer Craig Lewis was the  
2 trainer for Kikuride on August 31, 2025 on that day.  
3 Kikuride competed in race 11 at Del Mar Racetrack in  
4 Del Mar, California. After the race, blood and urine  
5 samples were collected from Kikuride and sent to UC  
6 Davis for analysis. UC Davis reported those samples as  
7 an adverse analytical finding for the presence of  
8 methocarbamol. Trainer Lewis then requested analysis  
9 of Kikuride's B sample, and the B sample is analyzed  
10 by EQIAS Laboratory and EQIAS confirmed the B sample  
11 contained methocarbamol. Per rule 3312 there is  
12 sufficient proof of a presence violation when a B  
13 sample is analyzed and the results of the B sample  
14 confirmed the A sample, which is what we have in this  
15 case. Thus it is sufficiently established that a  
16 violation occurred. To date, trainer Lewis has not  
17 contested the validity of the findings by either  
18 laboratory, which enjoy a presumption of validity  
19 under the rules. However, he did make a motion for DNA  
20 analysis which was denied. The burden now shifts to  
21 trainer Lewis to show why he is entitled to relief. He  
22 primarily contests his culpability as it relates to  
23 the adverse analytical findings. Specifically, he  
24 argues that he had no way to know Kikuride sample

1 would be positive because Kikuride had received  
2 methocarbamol on the same dosing schedule for four  
3 previous races. He also argues that it is unfair to  
4 penalize trainer Lewis for the overage when it was his  
5 vet who administered medication. And he argues that  
6 the rules are, generally speaking, unfair. HIWU's  
7 response outlined by trainer Lewis's arguments fall  
8 flat under ADMC program rules, specifically rule 3324  
9 which is the only rule which offers relief here and  
10 there's...there's, his arguments do not warrant a  
11 finding that he is not responsible or entitled to  
12 reduce penalties. Thus, given this is trainer Lewis's  
13 first-class C controlled medication violation. HIWU  
14 maintains its request for a sanction, including a fine  
15 of \$500 disqualification of Kikuride's race results,  
16 1.5 total penalty points and automatic public  
17 disclosure. Thank you. And Mr. Lewis, I will turn it  
18 over to you for your opening statement.

19

20 LAWRENCE LEWIS:

21 Thank you very much. Trainer Craig Lewis, under ADMC  
22 program rule 1020 and 3324, was not at fault or  
23 negligent, as those terms are utilized. Trainer Craig  
24 Lewis did not know or could not have reasonably known

1 or suspected, even with the exercise of ultimate  
2 caution that his trusted veterinarian for 40 years,  
3 John P. Araujo, DMV. He would violate ADMC program  
4 rule 3312, either by the timing or on the amount of  
5 methocarbamol that he administered to the horse  
6 Kikuride before her race on August 31, 2025. As a  
7 result, Craig Lewis is entitled to reduce or eliminate  
8 the so-called other consequences as defined, which  
9 include the following under ADMC program, rule 3223(b)  
10 a \$500 fine under ADMC program rule 3321, the  
11 forfeiture of the purse under ADMC program rule  
12 3328(a), assignment of 1.5 points under ADMC program  
13 rule 331 and 360 automatic public disclosure. In fact  
14 HISA or HIWU's submission dated January 16  
15 acknowledges that Craig Lewis is entitled to establish  
16 that he bears no fault or negligence. Take a look at  
17 the submission at pages eight and nine, paragraphs 11  
18 and 12. Indeed, HIWU's submission dated January 16,  
19 2026 provides that Craig Lewis is entitled to reduce  
20 or eliminate consequences if he establishes that it is  
21 more likely than not that he bears no fault or  
22 negligence. Take a look at the submission that they  
23 provided. Page 11, paragraph E, paragraphs one and  
24 two. There is a major difference, although apparently

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1 HIWU doesn't look...look at it very closely, between  
2 strict liability and absolute liability, as there is  
3 no defense for absolute liability. However, on strict  
4 liability, there are certain defenses which we have  
5 raised, raised also under ADMC program, rule 3120,  
6 which addresses the standard of proof. HIWU has to  
7 show the standard of proof in all cases must be  
8 greater than a mere balance of probability, but less  
9 than clear and convincing evidence of proof beyond a  
10 reasonable doubt. The bottom line is, I think we  
11 personally pretty much agree on the law itself, but we  
12 totally disagree on the application of the law, and  
13 apparently there's no case authority that delineates  
14 how you apply these laws. That's number one. Number  
15 two, trainer Craig Lewis also asserts under ADMC rule  
16 program, rule 3070(a), the imposition of any penalties  
17 or punishment would violate the so-called principles  
18 of natural justice. Under this rule, HIWU applies the  
19 rule of the World Anti-Doping Code, which is known as  
20 WADA, in which, under Section 3.2.4 of WADA, it is  
21 improper to penalize or punish a covered person by  
22 violating what is termed the principles of natural  
23 justice, as demonstrated in the declarations we  
24 submitted on behalf of both Craig Lewis and John P.

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1 Araujo, DMV. Trainer Craig Lewis had no involvement  
2 with or any control whatsoever in the administration  
3 of methocarbamol in Kikuride before her race on August  
4 31, 2025. To penalize or punish trainer Craig Lewis  
5 would be a violation of due process, as stated by the  
6 Fifth Circuit Court of Appeals in recently 2024 in  
7 National Horseman's Benevolent and Protective  
8 Association, the cite on that is 107 F 444415 (fifth  
9 circuit, 2004). HIWU's submission dated January 16,  
10 2026 acknowledges that WADA Code program can be  
11 considered when adjudicating such case. In fact, it is  
12 specified in their page eight, paragraph 10. Finally,  
13 we have raised the defense that Craig Lewis is  
14 entitled to a DNA sample. We've done it twice. It's  
15 been denied both times. We think that's a major basis  
16 for our appeal. But in the...in the interim, we would  
17 respectfully request that the judge reconsider our  
18 request for DNA. As a matter of fact, it is now  
19 entitled...Craig Lewis is now entitled to it as a matter  
20 of law in the proposed new rule, rule 3133, and that's  
21 going to become effective probably in a few months,  
22 and probably while we're still on appeal. The record  
23 will reflect that trainer Craig Lewis, had filed,  
24 first of all, a motion for a DNA sample on November 24

1 2025 which was denied and by the IAP member on  
2 December 5. And then at that time, there was no  
3 procedural mechanism that allowed or disallowed for a  
4 DNA sample. So at that time, the IAP member had  
5 discretion, and she exercised her discretion and she  
6 denied it. The record will also reflect the reflect  
7 that Craig Lewis thereafter filed a motion for  
8 reconsideration on February 3, 2026 concerning the IAP  
9 member's denial of the request for the previous DNA  
10 sample. This motion was based on the material change  
11 in the new proposed rule ADMC program, rule 3133,  
12 which allows a covered person, upon receiving an  
13 adverse and analytical finding as a matter of right to  
14 request and receive a DNA sample. This way, the  
15 parties can be satisfied that the biological sample  
16 matches the covered horse. It would be...it provides for  
17 procedural protection for Craig Lewis, particularly in  
18 view of Craig Lewis's history, where he's had 1000s of  
19 horses receive methocarbamol and without any extra or  
20 no...no negative results whatsoever. He's been a trainer  
21 for 45 years. He's had the same veterinarian for 40  
22 years. The same veterinarian has administered  
23 methocarbamol to some thousands of horses trained by  
24 Craig Lewis and four previous races by Kikuride, all

1 without any possible results. So on the fifth time  
2 that Kikuride ran, there was a positive. Again, we  
3 would request, very respectfully, that this DNA  
4 request be reconsidered, and we submit that those are  
5 our points that we want to make on the opening  
6 statement.

7

8 CHRISTY HEATH:

9 Thank you, sir.

10

11 LAWRENCE LEWIS:

12 You're welcome.

13

14 CHRISTY HEATH:

15 So at this point, it's...it's really trainer Lewis's  
16 case. HIWU has met its burden to sufficiently show  
17 that trainer Lewis violated program rule 3312 and this  
18 is pursuant to 3312 which says, again, when the B  
19 sample confirms the results of the A sample, it can  
20 be...it is the violation has been sufficiently  
21 established, so I'll turn it over to trainer Lewis to  
22 establish why either he feels that there wasn't a  
23 violation and or why he feels he's not responsible for  
24 the violation.

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LAWRENCE LEWIS:  
Thank you very much. I will take trainer Craig Lewis on direct so let me ask him initially. Can you state your full name for the record, please, sir?

CHRISTY HEATH:  
If I could just jump in real quick and I apologize, before he testifies, Ms. Kagno has to swear him in.

LAWRENCE LEWIS:  
Yes, I'm sorry.

CHRISTY HEATH:  
No worries.

LAWRENCE LEWIS:  
Okay, thank you.

JULIET KAGNO:  
Okay, thank you. Good morning, afternoon. Mr. Craig Lewis, would you be so kind as to raise your right hand and state your name and swear to or affirm to tell the truth today, please?

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1

2

CRAIG LEWIS:

3

Craig A. Lewis, swear to tell the truth.

4

5

JULIET KAGNO:

6

Thank you, sir.

7

8

CRAIG LEWIS:

9

You're welcome.

10

11

LAWRENCE LEWIS:

12

Can you state your full name again, please?

13

14

CRAIG LEWIS:

15

Craig A. Lewis.

16

17

LAWRENCE LEWIS:

18

Have you been known by any other name or names?

19

20

CRAIG LEWIS:

21

No.

22

23

LAWRENCE LEWIS:

24

Okay. Let me go over some basic ground rules so that

1           everybody's on the same page. I'm going to ask you  
2           various questions concerning this matter. Your  
3           testimony, as you just heard, is given under oath and  
4           has the same force and effect as if you were in court.  
5           You understand that?

6  
7           CRAIG LEWIS:

8           Yes.

9  
10          LAWRENCE LEWIS:

11          That means your testimony is subject to the penalty  
12          of perjury. You understand that?

13  
14          CRAIG LEWIS:

15          Yes.

16  
17          LAWRENCE LEWIS:

18          Perjury is defined as a false swearing, either by  
19          lying or by omission, you understand that?

20  
21          CRAIG LEWIS:

22          Yes.

23

24          LAWRENCE LEWIS:

1           And you also understand that perjury is punishable as  
2           a crime in the state of California?

3  
4           CRAIG LEWIS:

5           Yes.

6  
7           LAWRENCE LEWIS:

8           Okay, if you do not...if you do not understand a  
9           question, tell me, and I will repeat or explain the  
10          question to you if you do not know the answer to a  
11          question, you may simply state that you do not know if  
12          you once knew the answer but cannot currently recall.  
13          You may state that you do not recall after honestly  
14          searching your memory banks. If you answer the  
15          question, everyone will assume that you heard and  
16          understood the question. Do you understand that?

17  
18          CRAIG LEWIS:

19          Yes.

20  
21          LAWRENCE LEWIS:

22          If you need a break, tell us. Can we have that  
23          understanding?

24

1 CRAIG LEWIS:

2 Yes.

3

4 LAWRENCE LEWIS:

5 Okay. Now all your responses should be audible, so do  
6 not nod ahead or say 'm'hm'. Do you understand that?

7

8 CRAIG LEWIS:

9 Yes.

10

11 LAWRENCE LEWIS:

12 Okay. Now before you answer a question, listen to the  
13 complete question and then you can answer. I will let  
14 you complete your answer before asking the next  
15 question. It's important for all answers to be  
16 complete as possible, although you should not  
17 speculate or guess. We are entitled to your best  
18 estimate. Any questions before we get begin?

19

20 CRAIG LEWIS:

21 No.

22

23 LAWRENCE LEWIS:

24 Okay. Is there any reason why we cannot proceed

1           today?

2

3           CRAIG LEWIS:

4           No.

5

6           LAWRENCE LEWIS:

7           Have you discussed your testimony with anybody else  
8           besides your lawyer?

9

10          CRAIG LEWIS:

11          No.

12

13          LAWRENCE LEWIS:

14          Now with respect to your state of mind, do you have  
15          any memory loss problems or anything of that nature?

16

17          CRAIG LEWIS:

18          No.

19

20          LAWRENCE LEWIS:

21          Are you on any medication that would inhibit your  
22          ability to give your best testimony?

23

24          CRAIG LEWIS:

1 No.

2

3 LAWRENCE LEWIS:

4 You're not on any alcohol or drugs, are you?

5

6 CRAIG LEWIS:

7 No.

8

9 LAWRENCE LEWIS:

10 Okay, let's go through your background. What's the  
11 date of your birth?

12

13 CRAIG LEWIS:

14 May 1, 1947.

15

16 LAWRENCE LEWIS:

17 What was the place of your birth?

18

19 CRAIG LEWIS:

20 Los Angeles, California.

21

22 LAWRENCE LEWIS:

23 You have any brothers?

24

1 CRAIG LEWIS:

2 Yes, I have two brothers.

3

4 LAWRENCE LEWIS:

5 Am I one of them?

6

7 CRAIG LEWIS:

8 Yes. Lawrence Lewis.

9

10 LAWRENCE LEWIS:

11 What's your current address?

12

13 CRAIG LEWIS:

14 2051 Garden Street.

15

16 LAWRENCE LEWIS:

17 And what city is that in?

18

19 CRAIG LEWIS:

20 Bradbury, California.

21

22 LAWRENCE LEWIS:

23 Can just go through your education. Did you graduate

24 high school?

1

2

CRAIG LEWIS:

3

Yes.

4

5

LAWRENCE LEWIS:

6

Did you graduate college?

7

8

CRAIG LEWIS:

9

Yes.

10

11

LAWRENCE LEWIS:

12

What college?

13

14

CRAIG LEWIS:

15

UC Berkeley.

16

17

LAWRENCE LEWIS:

18

Did you do any post-graduate education?

19

20

CRAIG LEWIS:

21

Yes.

22

23

LAWRENCE LEWIS:

24

Can you tell us what you did?

1

2

CRAIG LEWIS:

3

I got a postgraduate degree in education, and then a

4

law school degree.

5

6

LAWRENCE LEWIS:

7

Did you teach high school?

8

9

CRAIG LEWIS:

10

Yes, one year.

11

12

LAWRENCE LEWIS:

13

And then you became a trainer shortly after that?

14

15

CRAIG LEWIS:

16

Yes.

17

18

LAWRENCE LEWIS:

19

Okay. Do you have any diary or personal calendar that

20

you keep?

21

22

CRAIG LEWIS:

23

Yes.

24

1 LAWRENCE LEWIS:

2 What kind of material do you keep on that personal  
3 calendar or diary?  
4

5 CRAIG LEWIS:

6 All the information concerning all the courses that I  
7 train, when they work, when they gallop, when they  
8 walk, what medications they're on, what races we're  
9 pointing for.  
10

11 LAWRENCE LEWIS:

12 Now when did you become licensed as a trainer in  
13 California?  
14

15 CRAIG LEWIS:

16 November of 1981.  
17

18 LAWRENCE LEWIS:

19 Have you been a trainer continuously since 1981?  
20

21 CRAIG LEWIS:

22 Yes.  
23

24 LAWRENCE LEWIS:

1 Have you done that full time?

2

3 CRAIG LEWIS:

4 Yes.

5

6 LAWRENCE LEWIS:

7 What tracks have you raced at in California?

8

9 CRAIG LEWIS:

10 San Anita, Hollywood Park, Bay Meadows, Los Alamitos,

11 Del Mar, Golden Gate Fields, Fairplex Fresno.

12

13 LAWRENCE LEWIS:

14 Now, have you raced in any tracks outside California?

15

16 CRAIG LEWIS:

17 Yes.

18

19 LAWRENCE LEWIS:

20 Can you tell me which ones you've raced at, or

21 what...what states you've raced at?

22

23 CRAIG LEWIS:

24 Kentucky, New Jersey, Illinois, Louisiana, Texas,

1 Oklahoma, Arizona, New Mexico, West Virginia.

2

3 LAWRENCE LEWIS:

4 When you raced in these other states, did you have to  
5 get a license?

6

7 CRAIG LEWIS:

8 Yes.

9

10 LAWRENCE LEWIS:

11 And you got a license in each of those states?

12

13 CRAIG LEWIS:

14 Yes.

15

16 LAWRENCE LEWIS:

17 Now, during the course of your entire career can you  
18 estimate how many horses you've trained?

19

20 CRAIG LEWIS:

21 Approximately 9000.

22

23 LAWRENCE LEWIS:

24 Have you won any training titles anywhere?

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1

2

CRAIG LEWIS:

3

Yes, I've won five training titles in my career.

4

5

LAWRENCE LEWIS:

6

Can you tell us where they were?

7

8

CRAIG LEWIS:

9

Yes, four at Fairfax Park and one at Hollywood Park.

10

11

LAWRENCE LEWIS:

12

And when did you win the title at Hollywood Park?

13

14

CRAIG LEWIS:

15

1988.

16

17

LAWRENCE LEWIS:

18

Did you receive any awards or any condemnations?

19

20

CRAIG LEWIS:

21

Yes, I was voted California trainer of the year in

22

2015 by the CTVA. And was voted trainer of the meet at

23

San Anita and 1994 by the media. And I was 10th in the

24

country in purses won in 1988.

1

2

LAWRENCE LEWIS:

3

Have you ever been suspended by any racing authority

4

during your 45 years as a trainer?

5

6

CRAIG LEWIS:

7

No.

8

9

LAWRENCE LEWIS:

10

Has any horse of yours that you've trained with ever

11

been disqualified, other than by inquiry in a race

12

with another horse?

13

14

CRAIG LEWIS:

15

No.

16

17

LAWRENCE LEWIS:

18

Are you currently employed?

19

20

CRAIG LEWIS:

21

Yes.

22

23

LAWRENCE LEWIS:

24

By whom?

1

2

CRAIG LEWIS:

3

Self-employed.

4

5

LAWRENCE LEWIS:

6

Do you report to anybody?

7

8

CRAIG LEWIS:

9

Yes.

10

11

LAWRENCE LEWIS:

12

Who do you report to?

13

14

CRAIG LEWIS:

15

To the clients that I train for. Santa Anita

16

Racetrack, Del Mar Racetrack, where we mostly race,

17

and of course, HISA.

18

19

LAWRENCE LEWIS:

20

Do you have employees that work for you?

21

22

CRAIG LEWIS:

23

Yes.

24

1 LAWRENCE LEWIS:  
2 Approximately how many?

3

4 CRAIG LEWIS:  
5 20, 25.

6

7 LAWRENCE LEWIS:  
8 They all report to you?

9

10 CRAIG LEWIS:  
11 Yes.

12

13 LAWRENCE LEWIS:  
14 Now as a trainer, are you aware of a rule that does  
15 not allow you to ever possess any hypodermic syringes,  
16 needles or similar instruments for injections in a  
17 horse?

18

19 CRAIG LEWIS:  
20 Yes.

21

22 LAWRENCE LEWIS:  
23 Have you ever possessed any such instruments during  
24 your 45-year career as a trainer?

1  
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CRAIG LEWIS:

No.

LAWRENCE LEWIS:

Now, how did you prepare for this, this hearing today? Can you tell us?

CRAIG LEWIS:

Yes, I spoke to Lawrence Lewis, my lawyer.

LAWRENCE LEWIS:

Did you review any documents?

CRAIG LEWIS:

Yes.

LAWRENCE LEWIS:

Can you tell us briefly what they were?

CRAIG LEWIS:

Yes, the documents sent by HISA or HIWU and just documents for the case.

1 LAWRENCE LEWIS:

2 Now, let me ask you some questions here. Let's talk  
3 about your veterinarian, John Araujo. Is he your  
4 primary veterinarian?

5

6 CRAIG LEWIS:

7 Yes.

8

9 LAWRENCE LEWIS:

10 Does he treat all your horses?

11

12 CRAIG LEWIS:

13 Yes.

14

15 LAWRENCE LEWIS:

16 And how long has he been your primary veterinarian?

17

18 CRAIG LEWIS:

19 40 years.

20

21 LAWRENCE LEWIS:

22 Approximately how many horses trained by you has Dr.  
23 Araujo treated over those 40 years?

24

1 CRAIG LEWIS:

2 At least 6000, maybe more.

3

4 LAWRENCE LEWIS:

5 Are you familiar with the methocarbamol?

6

7 CRAIG LEWIS:

8 Yes.

9

10 LAWRENCE LEWIS:

11 Do you know what the primary purpose is for this  
12 methocarbamol?

13

14 CRAIG LEWIS:

15 Yes, it's not a performance enhancer, but it's a  
16 muscle relaxant.

17

18 LAWRENCE LEWIS:

19 Now before the incident involving Kikuride on August  
20 31, 2025, did Dr. Araujo treat any of the horses  
21 trained by you with methocarbamol?

22

23 CRAIG LEWIS:

24 Yes.

1

2

LAWRENCE LEWIS:

3

Can you give us an approximate number?

4

5

CRAIG LEWIS:

6

Thousands.

7

8

LAWRENCE LEWIS:

9

Did any of those 1000 or 1000s of horses treated with

10

methocarbamol ever come back with a positive?

11

12

CRAIG LEWIS:

13

No, not one.

14

15

LAWRENCE LEWIS:

16

Not one. Okay. Okay. Let's focus now on Kikuride.

17

When did Kikuride last race?

18

19

CRAIG LEWIS:

20

August 31, 2025.

21

22

LAWRENCE LEWIS:

23

How many races has Kikuride had in her career?

24

1 CRAIG LEWIS:

2 Five.

3

4 LAWRENCE LEWIS:

5 Okay. And was she administered methocarbamol in those  
6 other races?

7

8 CRAIG LEWIS:

9 Yes, all five.

10

11 LAWRENCE LEWIS:

12 And did you have any positives as a result of that  
13 treatment?

14

15 CRAIG LEWIS:

16 No.

17

18 LAWRENCE LEWIS:

19 Okay, so the only one that supposedly came back was  
20 the one on...for the race August 31, 2025?

21

22 CRAIG LEWIS:

23 Yes.

24

1 LAWRENCE LEWIS:

2 Are you aware whether Kikuride was ever tested  
3 previously, previously to August 31, 2025 with respect  
4 to methocarbamol? Well, she had to be tested at least  
5 one time, because she won, in my understanding, every  
6 winner gets tested and so at least once.

7

8 CRAIG LEWIS:

9 Yes.

10

11 LAWRENCE LEWIS:

12 Are you aware of a rule requiring methocarbamol to be  
13 administered some...so many hours in advance...

14

15 CRAIG LEWIS:

16 Yes.

17

18 LAWRENCE LEWIS:

19 ...of the race.

20

21 CRAIG LEWIS:

22 Yeah.

23

24 LAWRENCE LEWIS:

1           What's your understanding?

2

3           CRAIG LEWIS:

4           48 hours in advance of the race.

5

6           LAWRENCE LEWIS:

7           And you're aware that Dr. Araujo knows that rule as  
8           well?

9

10          CRAIG LEWIS:

11          Yes, he's acutely aware of it.

12

13          LAWRENCE LEWIS:

14          And there's a certain level of milligrams that can be  
15          administered with respect to methocarbamol. Is that  
16          correct?

17

18          CRAIG LEWIS:

19          Yes.

20

21          LAWRENCE LEWIS:

22          And you say that Dr. Araujo has administered  
23          methocarbamol to at least a thousand if not more  
24          horses over years...over the course of your time, right?

1

2

CRAIG LEWIS:

3

Yes.

4

5

LAWRENCE LEWIS:

6

And not one of them has come back positive, right?

7

8

CRAIG LEWIS:

9

Not one has come back with an overage.

10

11

LAWRENCE LEWIS:

12

And with respect to Kikuride, he administered

13

methocarbamol at least five times, and the fourth

14

previous to August 31, 2025 as far as you know, came

15

back without any...any negative, right?

16

17

CRAIG LEWIS:

18

Yes.

19

20

LAWRENCE LEWIS:

21

And it had to be at least one race because she won

22

that race where she had to be tested, right?

23

24

CRAIG LEWIS:

1 Yes.

2

3 LAWRENCE LEWIS:

4 So it's your knowledge, I assume, that Dr. Araujo is  
5 intimately familiar with the rules concerning the use  
6 of methocarbamol and the amounts that are allowable?

7

8 CRAIG LEWIS:

9 Yes.

10

11 LAWRENCE LEWIS:

12 Now, are you aware that at any time that Dr. Araujo  
13 or any other veterinarian who administers  
14 methocarbamol to a horse at the track must submit a  
15 written report to the California Horse Racing Board  
16 detailing the date and the amount of milligrams that  
17 were administered?

18

19 CRAIG LEWIS:

20 Yes.

21

22 LAWRENCE LEWIS:

23 Is that a certain name that is attached to that  
24 report?

1

2

CRAIG LEWIS:

3

Yes, it's confidential report.

4

5

LAWRENCE LEWIS:

6

Confidential, and this has to be submitted each time

7

methocarbamol is administered?

8

9

CRAIG LEWIS:

10

Yes.

11

12

LAWRENCE LEWIS:

13

It's a written report, right?

14

15

CRAIG LEWIS:

16

That's my understanding. Yes.

17

18

LAWRENCE LEWIS:

19

Have you ever learned that any of these so-called

20

confidential reports that were submitted to the CHRB

21

by Dr. Araujo were erroneous in any manner?

22

23

CRAIG LEWIS:

24

No.

1

2

LAWRENCE LEWIS:

3

Dr. Araujo never reported to you that he ever made

4

any mistakes in the submission of any of those

5

reports?

6

7

CRAIG LEWIS:

8

No.

9

10

LAWRENCE LEWIS:

11

And you have no reason to know that Dr. Araujo had

12

made any mistakes in those written submissions?

13

14

CRAIG LEWIS:

15

No, I do not.

16

17

LAWRENCE LEWIS:

18

Now, in those submissions of the confidential report,

19

I would assume that Dr. Araujo would establish the

20

time that he injected or administered methocarbamol to

21

the horses, correct?

22

23

CRAIG LEWIS:

24

Yes.

1

2

LAWRENCE LEWIS:

3

And you'd also establish how many milligrams he

4

administered at the same time, right?

5

6

CRAIG LEWIS:

7

Yes.

8

9

LAWRENCE LEWIS:

10

Okay. And Dr. Araujo obviously knows that you as a

11

trainer are precluded from possessing any hypodermic

12

syringes, needles or similar instruments. Right?

13

14

CRAIG LEWIS:

15

Yes.

16

17

LAWRENCE LEWIS:

18

And you're aware that only licensed veterinarians,

19

registered veterinarian assistance or licensed

20

veterinarians assistants are permitted to possess and

21

use such instruments. Right?

22

23

CRAIG LEWIS:

24

Yes.

1

2

LAWRENCE LEWIS:

3

Let's establish the dates where Dr. Araujo treated

4

Kikuride with methocarbamol in each of her five races.

5

I have noted that first race was April 5, 2025. Does

6

that sound correct?

7

8

CRAIG LEWIS:

9

Yes.

10

11

LAWRENCE LEWIS:

12

Next race was April 25, 2025?

13

14

CRAIG LEWIS:

15

Yes.

16

17

LAWRENCE LEWIS:

18

The third race was May 18, 2025?

19

20

CRAIG LEWIS:

21

Yes.

22

23

LAWRENCE LEWIS:

24

And then the fourth race was July 31, 2025?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

CRAIG LEWIS:

Yes.

LAWRENCE LEWIS:

And then the fifth race, which is the subject of this hearing, was August 31, 2025, right?

CRAIG LEWIS:

Yes.

LAWRENCE LEWIS:

Okay, now to your knowledge that Dr. Araujo followed the exact same procedure in administering methocarbamol to Kikuride on each of these races?

CRAIG LEWIS:

Yes.

LAWRENCE LEWIS:

Now, is it fair to say that Dr. Araujo had absolute control over the intravenous injection of methocarbamol that he administered to Kikuride?

1 CRAIG LEWIS:

2 Yes.

3

4 LAWRENCE LEWIS:

5 So you had no control or involvement, correct?

6

7 CRAIG LEWIS:

8 Correct.

9

10 LAWRENCE LEWIS:

11 You did not participate in any fashion, did you?

12

13 CRAIG LEWIS:

14 No, I did not.

15

16 LAWRENCE LEWIS:

17 And that's true on any of the five races for which

18 Kikuride was administered methocarbamol. Now, is that

19 true?

20

21 CRAIG LEWIS:

22 Yes.

23

24 LAWRENCE LEWIS:

1           So is it fair to say that you did not suspect or  
2           could not have reasonably known or suspected, despite  
3           the utmost caution on your part, that Dr. Araujo may  
4           have committed a rule...rule violation with the  
5           injection of methocarbamol in Kikuride on August 29?

6  
7           CRAIG LEWIS:

8           Yes.

9  
10          LAWRENCE LEWIS:

11          2025.

12  
13          CRAIG LEWIS:

14          Yes.

15  
16          LAWRENCE LEWIS:

17          Okay, so it's fully your intent to comply with all  
18          regulations and rules concerning the timing and the  
19          amount of methocarbamol that is administered. Is that  
20          true?

21  
22          CRAIG LEWIS:

23          Yes.

24

1 LAWRENCE LEWIS:

2 Now, are you aware that HISA does provide certain  
3 defenses that are allowed under HISA's equine  
4 controlled medication charge for an anti-doping and  
5 medication control. Do you understand that?

6

7 CRAIG LEWIS:

8 Yes.

9

10 LAWRENCE LEWIS:

11 Under Rule 3324 which I don't expect you to know off  
12 the top of your head, but do you have any fault  
13 whatsoever in the administration of methocarbamol in  
14 Kikuride for the race that occurred on August 31,  
15 2025?

16

17 CRAIG LEWIS:

18 No.

19

20 LAWRENCE LEWIS:

21 Were you negligent in any manner with respect to the  
22 administration of methocarbamol in Kikuride for that  
23 race on August 31, 2025?

24

1 CRAIG LEWIS:

2 No.

3

4 LAWRENCE LEWIS:

5 So is it fair to say that you did not know or

6 suspected, could not have reasonably known or

7 suspected, even with the exercise of utmost caution

8 that Dr. Araujo would violate ADMC program rule 3312,

9 by both the timing or...and or the amount of

10 methocarbamol that he administered to Kikuride before

11 August 31, 2025?

12

13 CRAIG LEWIS:

14 Yes.

15

16 LAWRENCE LEWIS:

17 What was your reaction when you first learned that

18 you had been charged with an alleged Class C post-race

19 violation involving Kikuride's race?

20

21 CRAIG LEWIS:

22 It made no sense.

23

24 LAWRENCE LEWIS:

1           Why would it make no sense?

2

3           CRAIG LEWIS:

4           Because...because in all the prior administrations, Dr.  
5           Araujo administering methocarbamol on multiple horses,  
6           never had a bad test, and the four races prior to that  
7           he treated Kikuride with methocarbamol, none of them  
8           came back with an overage.

9

10          LAWRENCE LEWIS:

11          Is this why you wanted your lawyer to file a motion  
12          to obtain a DNA sample?

13

14          CRAIG LEWIS:

15          Yes.

16

17          LAWRENCE LEWIS:

18          You're aware that your request was denied the first  
19          time around, right?

20

21          CRAIG LEWIS:

22          Yes.

23

24          LAWRENCE LEWIS:

1           And you're also aware that it was denied when you  
2           made a motion for reconsideration on February 3, 2026,  
3           correct?

4  
5           CRAIG LEWIS:

6           Yes.

7  
8           LAWRENCE LEWIS:

9           Now, are you aware of a new proposed rule that would  
10          allow, as a matter of right, a covered person such as  
11          yourself to be entitled to a DNA sample?

12  
13          CRAIG LEWIS:

14          Yes.

15  
16          LAWRENCE LEWIS:

17          Okay, now on September 24, 2025, I take it you were  
18          served with a notice of alleged controlled medication  
19          violation?

20  
21          CRAIG LEWIS:

22          Yes.

23  
24          LAWRENCE LEWIS:

1           And this concerned, apparently, an A sample for her  
2           race that occurred on August 31, 2025 at Del Mar?

3  
4           CRAIG LEWIS:

5           Yes.

6  
7           LAWRENCE LEWIS:

8           And at that time, HIWU contended that the...its  
9           presence of methocarbamol in Kikuride's post-sample  
10          race?

11  
12          CRAIG LEWIS:

13          I guess so.

14  
15          LAWRENCE LEWIS:

16          Post-sample was a controlled medication violation  
17          under HISA's anti-doping medication program?

18  
19          CRAIG LEWIS:

20          Yes.

21  
22          LAWRENCE LEWIS:

23          And then after that, HIWU requested that a B sample  
24          be conducted to confirm the A sample, correct?

1

2 CRAIG LEWIS:

3 Yes.

4

5 LAWRENCE LEWIS:

6 Then you were apparently served again on November 3,

7 2025 with another ECM charge, contending that the B

8 sample confirmed the A sample. Is that correct?

9

10 CRAIG LEWIS:

11 Yes.

12

13 LAWRENCE LEWIS:

14 Okay, and now you're aware that HIWU seeks a \$500

15 fine, correct?

16

17 CRAIG LEWIS:

18 Yes.

19

20 LAWRENCE LEWIS:

21 A forfeiture of the purse that was won by Kikuride on

22 August 31, 2025, right?

23

24 CRAIG LEWIS:

1 Yes.

2

3 LAWRENCE LEWIS:

4 They want an automatic assignment assigned to you,

5 1.5 points. You understand that?

6

7 CRAIG LEWIS:

8 Yes.

9

10 LAWRENCE LEWIS:

11 And they also want to make a public disclosure of the

12 situation, you understand that?

13

14 CRAIG LEWIS:

15 Yes.

16

17 LAWRENCE LEWIS:

18 Okay, and for that reason, you requested a hearing?

19

20 CRAIG LEWIS:

21 Yes.

22

23 LAWRENCE LEWIS:

24 So to sum up, we are...is it fair to say that that that

1           you're...you think that you're entitled to establish  
2           that you're not at fault or negligent in any manner  
3           with respect to the administration of methocarbamol in  
4           Kikuride's race for August 31, 2025?

5

6           CRAIG LEWIS:

7           Yes.

8

9           LAWRENCE LEWIS:

10          Let me see if I can just sum up your testimony then.  
11          So Dr. Araujo has treated more than a thousand horses  
12          that you train with methocarbamol over the 40 years  
13          that he's been your vet?

14

15          CRAIG LEWIS:

16          Yes.

17

18          LAWRENCE LEWIS:

19          And now...and those administrations of methocarbamol  
20          never resulted in any kind of violation or other  
21          incident, right?

22

23          CRAIG LEWIS:

24          Yes.

1

2

LAWRENCE LEWIS:

3

And then Dr. Araujo also treated Kikuride with

4

methocarbamol at least five times without any

5

violation, until the very fifth treatment that

6

occurred on or about August 29, 2025, is that right?

7

8

CRAIG LEWIS:

9

Yes.

10

11

LAWRENCE LEWIS:

12

Okay. And did Dr. Araujo have complete control over

13

the administration of methocarbamol so that you had no

14

involvement whatsoever with it?

15

16

CRAIG LEWIS:

17

That's correct.

18

19

LAWRENCE LEWIS:

20

Okay, and you contend that you're not at fault and

21

you were not negligent, and you could not know or

22

suspect, or could not have reasonably known or

23

suspected, even with the utmost caution, that Dr.

24

Araujo would commit any rule violation with the

1 injection of methocarbamol in Kikuride on August 29,  
2 2025?

3  
4 CRAIG LEWIS:

5 Yes.

6  
7 LAWRENCE LEWIS:

8 And, and for all those reasons that I've just  
9 specified, that was the reason why you wanted a DNA  
10 sample, right?

11

12 CRAIG LEWIS:

13 Yes.

14

15 LAWRENCE LEWIS:

16 And those...that was, of course, denied twice, right?

17

18 CRAIG LEWIS:

19 Yes.

20

21 LAWRENCE LEWIS:

22 Well, thank you very much. I don't have any further  
23 questions at this time.

24

1 CHRISTY HEATH:  
2 Thank you, Mr. Lewis. I do have some follow up  
3 questions for trainer Lewis. Thank you, trainer,  
4 Lewis. My name is Christy Heath. I'm not sure if we  
5 had an opportunity to speak at the inception of this  
6 case. I might have only been communicating with your  
7 brother, Mr. Lewis, but certainly, after he has been  
8 involved, we have not communicated. Is that right?

9  
10 CRAIG LEWIS:

11 Yes.

12  
13 CHRISTY HEATH:

14 Okay, I just have some questions. And is it, is it  
15 Kikuride or Kikuride?

16  
17 CRAIG LEWIS:

18 It's Kiku. K, I, K, U.

19  
20 CHRISTY HEATH:

21 Okay, Kikuride.

22  
23 CRAIG LEWIS:

24 Yeah, I have trouble with it myself.

1

2

CHRISTY HEATH:

3

Thank you. What color is Kikuride?

4

5

CRAIG LEWIS:

6

Chestnut.

7

8

CHRISTY HEATH:

9

Chestnut, and is Kikuride ride a Philly?

10

11

CRAIG LEWIS:

12

Yes.

13

14

CHRISTY HEATH:

15

Is she micro-chipped?

16

17

CRAIG LEWIS:

18

Yes.

19

20

CHRISTY HEATH:

21

And the race we're discussing today, that happened on

22

August 34...or, sorry, August 31, 2025?

23

24

CRAIG LEWIS:

1 Yes. And that was just before 7pm.

2

3 CRAIG LEWIS:

4 What time is that race? Oh, and at Del Mar. Yes. I'm  
5 assuming that's about when it was, yes.

6

7 CHRISTY HEATH:

8 Okay, and Kikuride, she won that race, correct?

9

10 CRAIG LEWIS:

11 Yes.

12

13 CHRISTY HEATH:

14 And that's why she was selected for testing, because  
15 she was the winner?

16

17 CRAIG LEWIS:

18 I assume that, yes.

19

20 CHRISTY HEATH:

21 Okay, did you review the sample collection form  
22 related to this case? It would have been attached to  
23 the ECM notice you received?

24

1 LAWRENCE LEWIS:

2 Excuse me, are you talking about the A sample?

3

4 CHRISTY HEATH:

5 The sample collection format shows that a blood and

6 urine sample was collected from Kikuride. Do you

7 remember looking at that form?

8

9 CRAIG LEWIS:

10 No.

11

12 CHRISTY HEATH:

13 Okay. It was attached to the ECM Notice. It was also

14 attached to exhibit three of HIWU submissions. It says

15 'sample collection form' on top and if you are, if

16 you're able to see, can you see me on your screen?

17

18 CRAIG LEWIS:

19 No. Can you see me?

20

21 CHRISTY HEATH:

22 No, I cannot.

23

24 CRAIG LEWIS:

1           You're lucky then.

2

3           CHRISTY HEATH:

4           I was going to share my screen so you could see, but

5           there is a Sample Collection Form from August 31 at

6           Del Mar that was submitted by the test bar, and that

7           shows the timing of...of notification after that race,

8           which was shortly after 6pm, 6:44pm actual time of

9           notification. 6:48 time of arrival to the test barn.

10          It shows the color of the horse was chestnut, that the

11          horse was a filly. It shows the horse had its

12          microchip validated, and then the samples. It shows

13          the samples collected and annotated with sample code

14          numbers. That's what I'm referring to.

15

16          LAWRENCE LEWIS:

17          Is that one of the...one of the exhibits that you have

18          submitted?

19

20          CHRISTY HEATH:

21          Yes, sir, it's contained in exhibit three.

22

23          LAWRENCE LEWIS:

24          Okay, I have that right here.

1

2

CHRISTY HEATH:

3

Okay, and it will be one...it will be three pages from

4

the end.

5

6

LAWRENCE LEWIS:

7

Okay.

8

9

CHRISTY HEATH:

10

And when you find it, if you can just let me know.

11

12

LAWRENCE LEWIS:

13

Okay, thank you. Does it say page three on the

14

bottom?

15

16

CHRISTY HEATH:

17

It's going to be...it's exhibit three, and it says on

18

the top of the form, 'Sample Collection Form'.

19

20

LAWRENCE LEWIS:

21

I'm on page three of exhibit three, and it talks

22

about AAF testing and results. Down below...

23

24

CHRISTY HEATH:

1           And keep going, yes, three, four, five, six, it's  
2           going to be page seven in exhibit three.

3  
4           LAWRENCE LEWIS:

5           Okay, oh yes, yes. We have it here. Thank you.

6  
7           CHRISTY HEATH:

8           Okay, so you can see the date at the top, the time of  
9           notification. You can see the time of arrival at the  
10          racetrack. You can see the annotation that the test  
11          reason was this was the winner. The name of the horse,  
12          Kikuride. It also has a spot for the nominated person.  
13          This would have been the person who walked the horse  
14          over to the test barn.

15  
16          LAWRENCE LEWIS:

17          Yes.

18  
19          CHRISTY HEATH:

20          You have the color of the horse, the microchip  
21          validation, the sex of the horse, whether or not the  
22          horse was on Lasix. And then below that, you have the  
23          blood and urine sample collection. So I just want to  
24          make sure we're all looking at the same, same thing

1           there.

2

3           LAWRENCE LEWIS:

4           Yes.

5

6           CHRISTY HEATH:

7           Okay, so all of this information about Kikuride that  
8           was annotated correctly on the sample form, is that  
9           right?

10

11          CRAIG LEWIS:

12          Just talking about this, the...the chip and the color  
13          of the horse, without anything else?

14

15          CHRISTY HEATH:

16          And the sex, like all of the information appears to  
17          be aligned with what happened post-race on August 31,  
18          2025.

19

20          CRAIG LEWIS:

21          Yes, but of course, I do not know the microchip  
22          number by heart. So I can't verify that.

23

24          CHRISTY HEATH:

1           Okay. Understood. But nothing...so nothing on the form  
2           itself gives you any reason to believe that the  
3           samples collected were from any other horse in  
4           Kikuride? Would that be fair to say?

5

6           CRAIG LEWIS:

7           I don't know. I don't really ever look at sample  
8           collection form. So this is a first for me..

9

10          CHRISTY HEATH:

11          Okay, but all of the identified..

12

13          CRAIG LEWIS:

14          So I don't know.

15

16          CHRISTY HEATH:

17          ...all of the identifying information appears to be  
18          correct?

19

20          CRAIG LEWIS:

21          I guess I don't...I really don't know.

22

23          CHRISTY HEATH:

24          So you mentioned being, oh, I didn't mean to cut you

1 off, sir...

2

3 CRAIG LEWIS:

4 You didn't.

5

6 JULIET KAGNO:

7 Excuse me. No, but maybe Mr. Lewis can just clarify

8 the points that you mentioned regarding color, sex,

9 having received the microchip, his responsible person.

10 Mr. Lewis, can you confirm those points?

11

12 CRAIG LEWIS:

13 Yes, yeah, yes, I can.

14

15 CHRISTY HEATH:

16 Okay, thank you. So all of that is accurate?

17

18 CRAIG LEWIS:

19 Yes.

20

21 CHRISTY HEATH:

22 Okay, thank you. Thank you, Ms. Kagno. So you

23 mentioned being aware of proposed new rules involving

24 DNA testing, and that was on your direct, right?

1

2 CRAIG LEWIS:

3 Yes.

4

5 CHRISTY HEATH:

6 Okay, and you understand that those rules haven't  
7 actually been submitted to the FTC for approval. Do  
8 you understand that?

9

10 CRAIG LEWIS:

11 Yes.

12

13 CHRISTY HEATH:

14 Okay, they are submitted for public comment. But  
15 there's no guarantee that any of those modifications  
16 will actually make their way in front of the FTC.  
17 You're tracking that aspect of the rule writing  
18 process?

19

20 CRAIG LEWIS:

21 Okay.

22

23 CHRISTY HEATH:

24 Okay, I just want to make sure we're on the same page

1 so there's no misunderstanding about the stage of the  
2 rules and what's actually in front of the FTC. So  
3 these rules are not in front of the FTC, and there's  
4 no...there's no guarantee that that will actually be  
5 incorporated into those changes you're...your registered  
6 trainer with HISA, is that accurate?

7  
8 CRAIG LEWIS:

9 Yes.

10

11 CHRISTY HEATH:

12 And you race primarily in California?

13

14 CRAIG LEWIS:

15 Yes.

16

17 CHRISTY HEATH:

18 Okay, and you understand that as a trainer, you are  
19 responsible for violations of the rules, which involve  
20 the presence of medication and your horse's race  
21 samples, right?

22

23 CRAIG LEWIS:

24 No, I don't understand that.

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CHRISTY HEATH:

So you don't understand that you're liable for the presence of a controlled medication substance in your horse's race sample? Understanding you may not agree with it, but do you understand that that's the rule?

CRAIG LEWIS:

No.

CHRISTY HEATH:

Okay, so under California rules, this has been the case as well. Is that fair to say?

CRAIG LEWIS:

No.

CHRISTY HEATH:

You would not...

LAWRENCE LEWIS:

Can I just interject? I'm sorry. Go ahead, counsel, I'm sorry...this...

1

2

CHRISTY HEATH:

3

Go ahead, Mr. Lewis.

4

5

LAWRENCE LEWIS:

6

This comes to...this comes down to the difference

7

between absolute liability and strict liability. He

8

knows, Craig...trainer, Craig Lewis, knows that there

9

are certain exceptions for strict liability, which I

10

covered in his direct examination. With respect to

11

absolute liability, there are no exceptions. So what

12

he's focusing on is the exceptions. So it's not like

13

absolute no matter what...like strict, I mean like

14

absolute liability, it's strict liability, which we

15

have a major guess, different difference of opinion as

16

to what strict liability means. But that's what the

17

dilemma is right here for him.

18

19

CHRISTY HEATH:

20

I'm understanding you're trying to make a delineation

21

between strict liability and absolute liability, just

22

generally speaking, as it relates to liability, you

23

would agree that trainers are liable for controlled

24

medication substances that are found to be present in

1           their horses post-race samples. Would you agree with  
2           that?

3  
4           CRAIG LEWIS:

5           No.

6  
7           CHRISTY HEATH:

8           Okay, so as it relates to methocarbamol specifically  
9           California's rules and understanding that California  
10          no longer has jurisdiction over, you know, medication  
11          and anti-doping program that is HISA's responsibility  
12          now, but you're aware that they had virtually the  
13          exact same rule for methocarbamol in terms of the  
14          screening limit, which is one nanogram a screening  
15          limit applied in California. And as well as the  
16          consequences, they had a \$500 fine, and they dequeued  
17          race results whenever there was a post-race positive.  
18          Are you familiar with that?

19  
20          CRAIG LEWIS:

21          No.

22  
23          CHRISTY HEATH:

24          Okay. Now as it relates to how a controlled

1 medication substance came to be present in your  
2 horse's sample, you're aware that under the HISA  
3 rules, you are responsible for anything your staff  
4 does that causes an overage. Are you familiar with  
5 that?

6  
7 CRAIG LEWIS:

8 No.

9  
10 CHRISTY HEATH:

11 Okay, you understand that it is your responsibility  
12 to be knowledgeable of the ADMC program rules as a  
13 registered trainer. And in fact, when you register,  
14 you acknowledge that you do understand the ADMC  
15 program rules, and that's under the 9000 series. And  
16 again, you don't have to agree with the rules. But do  
17 you understand that those are the rules?

18  
19 CRAIG LEWIS:

20 I understand that there's a defense to strict  
21 liability.

22  
23 CHRISTY HEATH:

24 Okay, we're not...we're not talking about that right

1 now. We're talking about the expectation and what the  
2 rules say that trainers are responsible for violations  
3 of the rules that are caused by their personnel. Are  
4 you familiar?

5

6 CRAIG LEWIS:

7 I understand. I understand there's a defense to  
8 strict liability.

9

10 CHRISTY HEATH:

11 In terms of...go ahead.

12

13 LAWRENCE LEWIS:

14 Go ahead, go ahead. I'm sorry, I think you're asking  
15 for a legal conclusion, but anyway, I'm not going to  
16 make a big deal out of it, but that's what I can  
17 conclude. But go ahead. Thank you.

18

19 CHRISTY HEATH:

20 I'm not actually asking for a legal conclusion. I'm  
21 ...I'm just probing his understanding of what the rules  
22 say in terms of what the trainer is responsible for  
23 and whether or not he understands that that's the  
24 rule. So to that point, it's also true within the

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1 rules that trainers are responsible for violations of  
2 the rules caused by their vets. Are you aware of that?

3

4 CRAIG LEWIS:

5 I understand that there are defenses to strict  
6 liability.

7

8 CHRISTY HEATH:

9 And under 3040...this is ADMC program rule 3040(b),  
10 bravo, six. The rule says, and this is as it relates  
11 to strict liability that, 'trainers bear strict  
12 liability for violations caused by their vets'. Are  
13 you familiar with that rule?

14

15 CRAIG LEWIS:

16 Yes.

17

18 CHRISTY HEATH:

19 Okay. So and I want to...I want to talk about...sorry, I  
20 didn't mean to cut you off, sir.

21

22 LAWRENCE LEWIS:

23 No, that's okay. No, no, I'm just...again, I think, you  
24 know, we understand basically the rules. It's just a

1 question of the application. So the rules, I don't  
2 think are going to be that much into dispute. It's  
3 just like you or HIWU wants to make it absolute  
4 liability, and we think under strict liability,  
5 there's defenses. So that's why we're having a little  
6 bit of trouble with these questions right now. But  
7 anyway, I'll let you go ahead and proceed. But thank  
8 you. I'm sorry to interrupt.

9

10 CHRISTY HEATH:

11 No, it's okay. So I want to talk about this 48-hour  
12 timeline. How was 48 hours determined to be the  
13 appropriate administration timeframe?

14

15 CRAIG LEWIS:

16 My understanding that's the appropriate time for the  
17 treatment of methocarbamol or phenylbutazone or other  
18 legal remedies.

19

20 CHRISTY HEATH:

21 Okay, so do you understand what a detection time is?

22

23 CRAIG LEWIS:

24 A detection time?

1

2 CHRISTY HEATH:

3 Yes, yes, sir.

4

5 CRAIG LEWIS:

6 Well, what would you mean by that?

7

8 CHRISTY HEATH:

9 I'm just...well, I'm actually asking whether or not you  
10 know what a detection time is, or if you can  
11 distinguish it from a withdrawal time.

12

13 CRAIG LEWIS:

14 No, I can't. Withdrawal time would be the 48 hours.  
15 So I don't know what the detection time would be.

16

17 CHRISTY HEATH:

18 Okay, so HISA...

19

20 CRAIG LEWIS:

21 Can you tell me what...

22

23 CHRISTY HEATH:

24 Well, I can, I can...I can walk you through it. Yes,

1           sir. So HISA doesn't provide withdrawal times. They  
2           provide what's called detection times. Detection times  
3           are intended to be insulated by a buffer zone or a  
4           margin of safety. That's what the rules call it, and  
5           that margin of safety is actually determined by the  
6           vet and the trainer, depending upon different aspects  
7           involving the horse, the size, whether the horse is on  
8           other medications, whether the horse has certain  
9           physical conditions that would maybe hinder its  
10          ability to metabolize medication as quickly as another  
11          horse. But a withdrawal of time is actually intended  
12          to be much longer than the detection time. A detection  
13          time that HISA provides is 48 hours, but again, there  
14          is an intended buffer period. So are..were you tracking  
15          any of that information?

16

17           CRAIG LEWIS:

18           Well, 48 hours is my understanding.

19

20           CHRISTY HEATH:

21           Okay, that's your understanding of basically that the  
22           time period that the horse can be administered a  
23           medication?

24

1 CRAIG LEWIS:

2 Yes, and we all know they metabolize things  
3 differently.

4

5 CHRISTY HEATH:

6 Okay, but you understand, if you don't add in a margin  
7 of safety, this is additional time, then you're  
8 assuming the risk that this horse could test positive  
9 for methocarbamol, because there is no margin of  
10 safety?

11

12 CRAIG LEWIS:

13 48 hours has always worked for thousands of horses  
14 over 40 plus years.

15

16 CHRISTY HEATH:

17 Okay. Ms. Kagno, I don't have any additional  
18 questions at this time. I'll turn it over to you or to  
19 Mr. Lewis, if he wants to redirect.

20

21 JULIET KAGNO:

22 Mr. Lewis, do you have more that you would like to  
23 add?

24

1           LAWRENCE LEWIS:  
2           I would just...not so much ask questions of the  
3           witness. I think he's answered all the questions that  
4           I had. I just feel though that there's a real  
5           misapprehension between our side and HIWU with respect  
6           to what is proper for a defense on strict liability as  
7           opposed to absolute liability. And we also think that  
8           the standard of proof, which I talked about in my  
9           opening, is much higher than is suggested by HIWU. So  
10          we think that under strict liability, there are  
11          defenses, and we raise those defenses, and otherwise,  
12          I don't understand why those defenses are even in the  
13          rules, because they specifically allow those defenses.  
14          And now we hear that, 'well, maybe those defenses  
15          aren't any good, because even though they're  
16          delineated in the rules'. HIWU wants to insist upon  
17          absolute liability no matter what. And we think that  
18          we proved or we can prove, and it's in our submission  
19          as well that trainer Craig Lewis was not at fault, was  
20          not negligent, and he has worked with the same vet for  
21          40 years and never, ever had a problem with  
22          methocarbamol, despite thousands of horses being  
23          administered and all within 48 hours. In fact, we also  
24          understand that the confidential report submitted by

1 Dr. Araujo also delineates 48 hours and the proper  
2 amount of milligrams. So even if he were to get copies  
3 of those confidential reports, they would prove that  
4 nothing was violated. So there's no way, even if he  
5 got those confidential reports, that he would know one  
6 way or the other that there was a violation. Because  
7 those confidential reports, they say that there was no  
8 violation. They say that it was 48 hours in advance,  
9 and he did the and the tests were based on certain  
10 milligrams, the same amount of milligrams he had given  
11 to the same horse, Kikuride, on four prior occasions,  
12 and thousands of horses. So how would he ever know  
13 what...how would he ever know what...there was a problem?  
14 He wouldn't. He wouldn't. Okay. So anyway, I don't  
15 want to belabor the point, but that's, that's the  
16 essence of our defense. And because of all that, and  
17 I've said this also previously, I'm going because I'm  
18 repeating myself, but that's why we want to do a DNA  
19 because we can't not believe that this horse would  
20 have tested positive. We think it's possible that they  
21 mix up the samples, because out of thousands of horses  
22 in four previous times, we've never had a positive. So  
23 for that reason, we thought it was really important to  
24 get a DNA sample for which we will...we're willing to

1 pay. By the way, we paid for sample A sample or B  
2 sample, and that cost the trainer...that cost the  
3 trainer \$1,200 which he shelled out. And that's even  
4 more than the \$500 fine that's...that HIWU wants to  
5 impose. But anyway, the point of it is, we think that  
6 we're really right and we're prepared to...again, I'm  
7 not making any kind of, you know, threats or anything,  
8 but we think we have a really good case, and so  
9 hopefully we made our point. And again, I know we have  
10 recourse if, you know, if we don't appreciate the  
11 ruling that is administered here. But anyway, thank  
12 you very much. Again, I apologize for repeating  
13 myself, but that's the whole basis for our decision to  
14 proceed with this hearing today. So again, thank you  
15 very much. I appreciate your time and everybody's  
16 effort, and we'll, I guess, patiently await the  
17 ruling.

18

19 JULIET KAGNO:

20 I have a few questions for trainer Lewis. I am going  
21 to differentiate between attorney Lewis and trainer  
22 Lewis. Trainer Lewis, it's been recognized that  
23 Kikuride ran five times. How many times did Kikuride  
24 go to the test barn? And I appreciate that, as a

1           trainer, you take...have a great training chart. It's  
2           been...what's clear is that as a result of the win  
3           Kikuride went to the test barn. But of those other  
4           starts, how many times did Kikuride go to the test  
5           barn?

6  
7           CRAIG LEWIS:

8           One, that I'm aware of.

9

10          JULIET KAGNO:

11          Okay, so when we're referring to the five times that  
12          the horse was administered methocarbamol. In terms of  
13          the results of a test, there were two times the work  
14          went to the test barn, one of which resulted in the  
15          case of...

16

17          CRAIG LEWIS:

18          No, I didn't...I didn't. I didn't say that. I don't  
19          know if the horse was tested the three other times.

20

21          JULIET KAGNO:

22          Okay, but of the...of the five starts, there were two  
23          times the horse went to the test barn and would have  
24          been tested?

1

2

CRAIG LEWIS:

3

There were two times that I'm aware of, but it could

4

have been all five times. I do not know what happened

5

the other three times. Okay, so I don't know when they

6

I don't...I don't know when every horse I run is tested

7

unless they win.

8

9

JULIET KAGNO:

10

Okay, so, okay, so you don't know who comes back to

11

the barn right after the race or who goes to the test

12

barn?

13

14

CRAIG LEWIS:

15

I do not.

16

17

JULIET KAGNO:

18

And the other question I have in this maybe for

19

attorney Lewis, I just...and Ms. Heath in regards to the

20

strict liability discussion for ADMC program, rule

21

3324, and it's referencing where the controlled

22

medication substance was administered to the covered

23

horse by veterinary or other support personnel without

24

the knowledge of the responsible person, attorney

1 Lewis, or trainer Lewis, are you saying that the  
2 responsible person, being trainer Lewis, was not aware  
3 of the veterinarians of something to do with the  
4 veterinarian's administration?

5

6 LAWRENCE LEWIS:

7 No, let me...I'll give my answer and then have trainer  
8 Lewis either confirm or not. But as I understand it,  
9 Dr. Araujo gets all the entries for the horses when  
10 they're entered in a race, but before the race goes  
11 off. And then what he does is he then schedules 48  
12 hours in advance to administer the methocarbamol. He  
13 doesn't necessarily...doesn't necessarily even have to  
14 ask the trainer. He just does it automatically. That's  
15 been his practice forever, so sometimes he'll talk  
16 about it, but most of the time, he'll just go ahead  
17 take a look at the entry sheet, and then he'll go  
18 ahead and administer the medical without even any,  
19 any, any hassle. So yes, trainer Craig Lewis would  
20 have known that that was what he was going to do, but  
21 he didn't know exactly when or how much or anything  
22 else. But if that's a routine that they have, is that  
23 right, trainer Lewis?

24

1 CRAIG LEWIS:

2 When the overnight comes out, which has the entries  
3 on a specific day, the majority of veterinarians know  
4 who their clients are and who their horses are. They  
5 look at the overnight and treat that client's horses  
6 accordingly. We've had the same procedure for over 40  
7 years. We, as a rule, usually treat our horses. We  
8 don't do it anymore because of this case, but for 40  
9 plus years, we treated there are runners with  
10 methocarbamol and the time limit that we understood to  
11 be the correct time limit, and have never had an  
12 overage until this one. And I don't even speak to Dr.  
13 Araujo about it. It's automatic. So I don't follow him  
14 around and tell him, 'Do this, do that'. He knows  
15 automatically what the procedure is. And also, you  
16 don't ask him necessarily to get the confidential  
17 report that he submits to the California Horse Racing  
18 Board either. Well, I can't get it. It's between the  
19 veterinarian and Horse Racing Board.

20

21 LAWRENCE LEWIS:

22 That's why they call it confidential. By the way, I  
23 did attach those to Dr. Araujo's declaration. He gave  
24 them to me.

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CHRISTY HEATH:

And I'll just go ahead, I was going to say Ms. Kagno, so as to 3324 Bravo, so what it...what it's doing there is it's expressly stating there are two instances that do not qualify as exceptional circumstances. So it says 3324 only applies in exceptional circumstances, and then it says it will not apply. So these are specifically not exceptional circumstances, and it's saying even when the medication is administered by a vet without the knowledge of the trainer. So even in that circumstance, it's expressly not an exceptional circumstance.

LAWRENCE LEWIS:

I know, and we're not, we're not claiming that trainer Craig Lewis, did not know that the horse was going to be administered methocarbamol now, because he has this routine that has been followed for 40 years.

JULIET KAGNO:

And I appreciate and that's what I was looking for, that clarification, when you have a long-standing relationship with a veterinarian, that this is the

1 process that the vet goes through because obviously,  
2 owners have been getting billed for the administration  
3 right along, and that's the process that you've  
4 utilized.

5

6 LAWRENCE LEWIS:

7 Yes, that's correct. Thank you.

8

9 JULIET KAGNO:

10 Okay.

11

12 CHRISTY HEATH:

13 Okay, and I will say too before we...and I don't know  
14 if you have more questions, but I do have a closing  
15 argument prepared as well. I don't know if that's  
16 something that you're interested in hearing, but I  
17 think it will kind of help tie everything together.

18

19 JULIET KAGNO:

20 I'm just going through see if there's anything else  
21 specific that I wanted to review, but one thing I  
22 do...just would like a little clarity please. There's  
23 been reference to this confidential report, and I  
24 just, I want some clarity on, attorney Lewis or

1           trainer Lewis, how you feel. This affects it, because  
2           my understanding would be, if you have a relationship  
3           with your veterinarian and they're administering,  
4           administering any medication that either of you guys  
5           have agreed in advance to what the administration is,  
6           or certainly, if the veterinarian were to be asked,  
7           'What did you administer?', how much that the  
8           veterinarian would provide that to you as the trainer.  
9           Is there something that...is there something different  
10          from...from that that would indicate that confidential  
11          report has some specific bearing on the  
12          administration?

13  
14           CRAIG LEWIS:

15           No.

16

17           JULIET KAGNO:

18           Okay, thank you. And was that attorney Lewis that  
19           answered?

20

21           CRAIG LEWIS:

22           No, it was trainer.

23

24           JULIET KAGNO:

1           Okay, thank you.

2

3           LAWRENCE LEWIS:

4           Was he supposed to answer and not me?

5

6           JULIET KAGNO:

7           No, no, that's fine. I just can't totally tell your  
8           voices apart. So I just make sure...

9

10          CRAIG LEWIS:

11          If you saw us, you'd say he's much better looking.  
12          You'd tell the difference.

13

14          LAWRENCE LEWIS:

15          I can't quarrel with that.

16

17          JULIET KAGNO:

18          Thank you. Ms. Heath, if you wanted to proceed.

19

20          CHRISTY HEATH:

21          Thank you, ma'am.

22

23          CRAIG LEWIS:

24          I'm sorry. Could you...

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CHRISTY HEATH:

Oh, oh, I'm just going to give my...my closing statement.

CRAIG LEWIS:

Okay, all right.

CHRISTY HEATH:

So as I stated in my opening, there are two things an IAP member must consider when a hearing is requested by a trainer, which is, one, whether there was a violation, and two, to what extent, to what extent the trainer is responsible for that violation, as I explained as well, to the first question, we can clearly answer that in the affirmative, there was a violation. We know methocarbamol was in Kikuride's post-race sample. We have the lab results from UC Davis and EQIAS confirming that fact and the validity of those results have not been challenged. Now, despite a request for DNA sampling in this case, which was renewed several times, nothing on the sample collection form offered any reason whatsoever to believe that Kikuride's blood and urine samples did

1 not belong to any other horse, and Kikuride...everything  
2 from the sex and color of the horse to the date and  
3 timing of the testing, everything was annotated  
4 correctly. You can follow that chain of custody of  
5 that sample number to the...a laboratory documentation  
6 package, and as well on the B sample certification of  
7 analysis form to speculate that the sample came from  
8 some other horse would be inappropriate because  
9 there's no evidence to support that. Further, no  
10 evidence has been introduced to dispute the validity  
11 of UC Davis's or EQIAS' findings. And as we know, labs  
12 enjoy a presumption of validity under the rules. Thus,  
13 under ADMC program rule 3312 there's sufficient proof  
14 of a violation. Now turning to that second question,  
15 to what extent is trainer Lewis responsible for that  
16 violation? To begin this analysis, and we've talked a  
17 lot about strict liability, or types of liability, but  
18 we're going to look through the lens of strict  
19 liability. It's the standard that governs this in all  
20 thoroughbred horse racing matters. The plain meaning  
21 of the term is that a person bears responsibility for  
22 a violation of the rules without any consideration for  
23 whether the person intended the result, or whether  
24 they were negligent. It's associated with regulatory

1 rules that deem certain subject matters to be of such  
2 governmental interest and importance that it's  
3 necessary to ensure someone is held responsible when a  
4 violation occurs. Here, those rules involve  
5 horseracing, and the trainers are the responsible  
6 person. It's the governing standard, because no matter  
7 how a drug gets into a horse's system, intentional or  
8 completely unintentional, the integrity of the race is  
9 impacted to that point. Rule 3312 says it's not  
10 necessary to demonstrate intent. And to be clear, HIWU  
11 is not pushing forward any narrative or position that  
12 trainer Lewis intentionally or purposefully  
13 administered this drug to his horse so that it would  
14 be present in the horse's body at race time.  
15 Regardless, strict liability exists whether the  
16 trainer administered the drug, whether they knew about  
17 its administration, whether they or their staff  
18 accidentally administered too much of a medication, or  
19 administered a medication too close in time to a race,  
20 the trainer still bears responsibility when the  
21 substance is present in the horse's sample. The only  
22 rule that could offer any relief in this case is rule  
23 3324, however, it expressly does not apply where the  
24 controlled medication substance was administered by

1 the vet. That prohibition is outlined in subsection B  
2 of 3324 and that's what we have here. We know  
3 methocarbamol was administered to Kikuride by trainer  
4 Lewis's vet 48 hours before a race. And as I explained  
5 in HIWU's submission, 48 hours is the detection time.  
6 But detection time is not synonymous with...with  
7 withdrawal time. HIWU does not provide withdrawal  
8 times. Those have to be decided by the vet in  
9 consultation with the trainer, based upon, as I  
10 stated, other medications the horse might be getting,  
11 the size of the horse, the horse's physical condition,  
12 etc. Unlike detection times, which are a mere baseline  
13 of how long it typically takes for medication to clear  
14 horses, system withdrawal times are intended to  
15 account for an added safety margin. It is clear in  
16 this case, no safety margin was being included as part  
17 of that pre-race treatment plan, and thus the risk of  
18 a potential positive was assumed once the  
19 administration occurred, without accounting for that  
20 buffer zone. Additionally, the lack of a safety margin  
21 negates an exercise of utmost care, which is a  
22 requirement that has to be demonstrated for a finding  
23 of no fault or negligence to apply, despite trainer  
24 Lewis's argument that the horse was administered

1 methocarbamol without incident and other races, HIWU  
2 answered that in its submission, and you asked about  
3 that as a follow up to trainer Lewis's direct and  
4 cross-exam, setting aside the fact that Kikuride was  
5 only tested after one of those races and cleared that  
6 race, it's important to establish that previous  
7 administrations which...which resulted in no adverse  
8 analytical finding do not negate the trainer's  
9 responsibility for this adverse analytical finding. No  
10 matter what happened prior to August 31 methocarbamol  
11 was present in Kikuride's August 31 post-race sample  
12 and trainer Lewis bears responsibility for that. This  
13 is not a case with exceptional circumstances, and that  
14 is the only time rule 3324 can be applied exceptional  
15 circumstances. It means, in short, cases involving  
16 competitor sabotage. And it specifically excludes  
17 administrations by the vet. This is essentially a run  
18 of the mill medication overage in cases with similar  
19 circumstances, the IAP has found trainers liable. For  
20 instance, in HIWU vs. Allen, where the trainer argued  
21 he timed his administration of phenylbutazone in  
22 accordance with HISA's detection time, the IAP still  
23 found him liable. Similar...similarly in HIWU vs.  
24 Marquez, the trainer argued his vet administered Bute

1 to a horse 48-hour pre-race, and he believed the  
2 medication should have cleared, yet the IAP still  
3 found him liable. There are no special circumstances  
4 here that would warrant relief for trainer Lewis, and  
5 for all these reasons, HIWU maintains its request for  
6 a sanction of \$500 disqualification of Kikuride's race  
7 results, 1.5 penalty points and automatic public  
8 disclosure. Thank you.

9

10 JULIET KAGNO:

11 Thank you, Ms. Heath. I do have one more question for  
12 trainer Lewis. Mr. Lewis, I thought I heard you  
13 mention that there have been changes in your barn  
14 administration medications pre-race. Is that correct?  
15 And if so, what have you changed?

16

17 CRAIG LEWIS:

18 Don't use methocarbamol anymore. That's the change.  
19 At all.

20

21 LAWRENCE LEWIS:

22 Also, may I also make a closing now that HIWU has  
23 completed their closing?

24

1 JULIET KAGNO:

2 Yes, I just...that...that one question is one I wanted to  
3 get an answer on, and I appreciate the response. But  
4 yes, please proceed.

5

6 LAWRENCE LEWIS:

7 Well, thank you. First of all, I'll address the DNA  
8 question. And I know HIWU wants to say, 'oh,  
9 everything's established'. The problem is, if we had  
10 DNA, we would know the truth. I don't know why HIWU  
11 would want to hide from the truth. It would be  
12 absolutely dispositive, one way or the other, and we  
13 wouldn't probably even be here if it were, if it were  
14 for, weren't for the DNA test. So I don't know why  
15 they would like to avoid it. They want to do  
16 everything they can to avoid it. And there's no basis  
17 for it that will reveal the truth. It's not going to  
18 cost them any money. We would pay for it, and the  
19 results will be dispositive. So it's really, I'm  
20 having a hard time comprehending why they would ever  
21 want to refute the idea of a DNA test. That's number  
22 one. Number two, it seems to me that the standard of  
23 proof has not been met under Rule 3120. The standard  
24 of proof in all cases must be greater than a mere

1 balance of probability. The most that she could  
2 possibly...that HIWU could possibly come up with is,  
3 well, it might be probably probable, might be  
4 possible, but that's not the standard. The standard is  
5 specified in rule 3120 It does not have to be like a  
6 criminal case, where you have to prove it by clear and  
7 convincing evidence beyond a reasonable doubt, but it  
8 has to be a lot more than just speculation on their  
9 part, and that's all we have, is speculation based  
10 upon some samples that we challenge because we don't  
11 think they're necessarily accurate, particularly when  
12 we've had thousands of horses previously get the same  
13 treatment with the same vet, 48 hours in advance and  
14 with the same milligrams, and the fact that counsel  
15 wants to say that, 'well, you have to take into  
16 account withdrawal and detection all that'. No...maybe,  
17 so maybe that's...but here we have a record of 40 years  
18 where 48 hours has always been the standard, and we've  
19 never had a problem. It would be one thing if it was  
20 the very first time or second time, third time, but  
21 we're talking about thousands of horses, so how can  
22 you possibly say that we should have allowed more  
23 time, when 48 hours has been the standard for multiple  
24 horses, thousands of horses, and we never had a

1           problem. Then, with respect to the rules that were  
2           cited by HIWU's counsel they seem to be in conflict  
3           with each other. They seem to contradict each other in  
4           some small particulars. And for that reason, it seems  
5           to me that that because of that contradiction, maybe  
6           again, Your Honor, I don't want to get personal here,  
7           but we need maybe a judge that can draw a distinction  
8           with the law, because I don't know that even I, who  
9           understands there's a difference between strict  
10          liability and absolute liability...and it's my  
11          understanding, Your Honor, that you do not have a  
12          degree in law. I'm not meaning to examine you, but I  
13          think this is something that is very finite in the  
14          terms of determining what's the difference between  
15          absolute liability and strict liability, and for those  
16          reasons, I think that we have to really dig into the  
17          law, because we don't necessarily agree with the law  
18          that was cited by HIWU or by us. What we do disagree  
19          with vehemently is the application of the law. And  
20          again, there's no cases on point that I could look at  
21          that would determine that. And so for that reason, you  
22          know, it's impossible for anyone to decipher what is  
23          really meant by some of these rules. And the way I  
24          read the rules, and by the way, I was admitted to the

1 State Bar California in 1972 so I've been doing this  
2 for over 50 years, and I have to tell you, I cannot  
3 draw certain distinctions with these rules, because I  
4 do think they arguably conflict with each other. But  
5 that said, I would say that the standard of proof,  
6 proof...proof has not been met, and notwithstanding all  
7 the arguments that HIWU's counsel made, I still feel  
8 that. Okay, they might have proved maybe something,  
9 but maybe not everything that they're required to. And  
10 again, the standard has to be greater than a mere  
11 balance of probability. So I would submit that here  
12 there's a major legal issue that, again, hopefully  
13 won't have to be addressed on appeal, but one that I  
14 think the case comes down to, and it's going to be  
15 determinative of whether, you know, HIWU wins on this  
16 or whether trainer Craig Lewis prevails, In any event,  
17 thank you very much. I appreciate the time, and we'll  
18 just be patiently waiting for the ruling.

19

20 JULIET KAGNO:

21 Thank you, Attorney Lewis.

22

23 LAWRENCE LEWIS:

24 You're welcome.

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JULIET KAGNO:

Is there anything else or procedural, Ms. Heath, to follow through with?

CHRISTY HEATH:

No, ma'am, I was just going to say, after you give me permission to end the recording, I will upload it to box.com for the benefit of trainer and attorney Lewis.

LAWRENCE LEWIS:

Are we able to get a standard report...recorder to go ahead and transcribe the arguments we made?

CHRISTY HEATH:

So that that's something that we can discuss after this hearing as it relates to the IEP hearings, I believe the only requirement is that they are recorded, and then if you want those transcribed, you will have that recording so you can make those that that request yourself.

LAWRENCE LEWIS:

Okay, okay, very good. Thank you again, very, very

1 much. By the way, I do appreciate your professionalism  
2 and your cooperation, and everything was nice to deal  
3 with in terms of adversarial situations, but that  
4 said, we'll see what happens.

5

6 CHRISTY HEATH:

7 Thank you, sir, and we all have jobs to do, don't we?  
8 Thank you.

9

10 LAWRENCE LEWIS:

11 Well, you're welcome.

12

13 JULIET KAGNO:

14 All right, I just want to thank everyone for the  
15 participation today.

16

17 CHRISTY HEATH:

18 Thank you, ma'am.

19

20 JULIET KAGNO:

21 Thank you again.

22

23 CHRISTY HEATH:

24 And with your permission, ma'am, I will stop the

1 recording.

2

3 JULIET KAGNO:

4 Yes, ma'am.

5

6 CHRISTY HEATH:

7 Thank you.

8

9 - WHEREUPON AUDIO CONCLUDES

I hereby certify that this is the examination of HIWU v. Craig Lewis ECM2025-250 IAP Hearing 2.17.25.mp4transcribed accurately and truly to the best of my skill and ability.

*MK*

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M. Kwan - Certified Transcriptionist

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