

PUBLIC

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

ADMINISTRATIVE LAW JUDGE:

Hon. Jay L. Himes

IN THE MATTER OF:

JASON SCOTT, DVM,

Appellant.

Docket No. 9449

JOINT STATUS REPORT

1. The Parties have met and conferred consistent with the Court’s May 6, 2026 Order, regarding the testimony of Dr. Tony Pickard, DVM.
2. The Parties have reached a stipulation to replace the unrecorded testimony of Dr. Tony Pickard, DVM, as set forth in Exhibit A, for purposes of this appeal.
3. The stipulation in Exhibit A pertains solely to Dr. Pickard’s testimony and does not constitute a stipulation as to the truth or relevance of the underlying information to which he testified.
4. This joint status report is respectfully submitted on May 14, 2026.

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CERTIFICATE OF SERVICE

Pursuant to 16 CFR §1.146(a) and 16 CFR §4.4(b), a copy of the Joint Status Report was served on May 14, 2026, via Administrative E-File System and by emailing a copy to the below listed. I further certify that no portion of the filing was drafted by generative artificial intelligence (“AI”) and any language in the filing that was drafted by generative AI was checked for accuracy by human attorneys or paralegals using printed legal reporters or online legal databases.

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EXHIBIT A

STIPULATION AS TO THE TESTIMONY OF TONY PICKARD, DVM

The Parties stipulate and agree that Dr. Tony Pickard, DVM, testified in sum and substance at the arbitration hearing in *HIWU v. Dr. Jason Scott*, JAMS Case No. 1501001099, as follows:

1. Dr. Tony Pickard has been a practicing, mobile racetrack veterinarian in New Mexico for over four decades. He explained that the community of racetrack veterinarians in New Mexico was very small, with only a handful of practicing veterinarians. He is familiar with the standard of care for treating racehorses in training.

2. Dr. Pickard testified that AMP and Sarapin have been used in Quarter Horses in New Mexico since before he started practicing over forty years ago. Dr. Pickard explained that over 99% of racetrack veterinarians in New Mexico would have these medications on their truck for Quarter Horses.

3. Dr. Pickard testified that both medications are considered by practicing veterinarians to be safe, prophylactic medications for common conditions that occur during racing, including rhabdomyolysis. Their use before a race is considered the standard of care in New Mexico. Dr. Pickard testified that their use was well known to the New Mexico Racing Commission and has never been considered illegal.

4. Dr. Pickard testified that he has been searched numerous times by NMRC investigators while in possession of these medications at the racetrack, and NMRC investigators never took the position with him that AMP or Sarapin were illegal to possess. Mr. Trejo's letter was the first time he was aware that anyone at NMRC took the position that the medications were illegal.

5. On cross-examination, Dr. Pickard agreed that N.M. Administrative Code § 15.2.6.8(B)(11)¹ applied to veterinarians who possess compounded medications at New Mexico racetracks.

6. On redirect examination, Dr. Pickard explained that HIWU's reading of NMRC rules was nonsensical because it would ban every injectable compounded medication, regardless of whether it contained a prohibited substance. That reading would, for example, ban the use of diluted vitamins and oral electrolytes, which are compounded injectable substances that are routinely administered by every veterinarian to horses in every barn, including at racetracks, and have never been considered "prohibited substances." He explained that he understood the rule to regulate the act of possessing "and dispensing" non-injectable compounded medications to non-veterinarians.

¹ Different publications of the rule cite this provision as (B)(11) or (B)(10).