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**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS: Andrew N. Ferguson, Chairman
Mark R. Meador**

**IN THE MATTER OF
CRAIG A. LEWIS,
APPELLANT.**

DOCKET NO. D-9447

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EX PARTE APPLICATION FOR CLARIFICATION

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On May 26, 2026, the Administrative Law Judge (“ALJ”), in the above-referenced matter, issued what he entitled “Order Correcting the Records” (“Order”), which Appellant seeks to challenge. A true and correct copy of the Order is attached hereto as Exhibit A and is incorporated herein.

As such, Appellant hereby files this *ex parte* application for clarification as to whether this Order is considered a recommended decision by ALJ under 16 C.F.R. §3.52(b) as to which, within the time parameters provided, (1) exceptions must be filed, together with an opening brief, as provided in 16 C.F.R. §3.52(c), (2) an application for review must be filed pursuant to 16 C.F.R. §1.147, or (3) whether Appellant may await until ALJ’s ultimate decision in the entire matter is rendered, which, if unfavorable, may be deemed to also encompass the Order. Otherwise, Appellant is required to challenge the ALJ’s orders on a piecemeal basis.

Dated: June 5, 2026

Respectfully submitted,
LAWRENCE D. LEWIS
By: /s/ Lawrence D. Lewis
LAWRENCE D. LEWIS
Counsel for Appellant Craig A. Lewis

EXHIBIT A

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

In the Matter of)	
)	
Craig Lewis,)	Docket No. 9447
)	
Appellant.)	
)	

ORDER CORRECTING THE RECORD

My May 18, 2026 Order called the parties' attention to the fact that HIWU and Authority material in the record included two different identification references—B200035796 and B101315752—for the post-race blood sample collected from Mr. Lewis's horse, Kikuride, which is the subject of this case. Because Mr. Lewis has argued that the laboratory analyses reported for Kikuride must have resulted from a mix-up and represent analyses of a blood sample collected from another horse, I directed the Authority to determine which of the two sample references was correct.¹

In response, the Authority explained that the references to blood sample B101315752 were incorrect. That sample was collected more than six months *before*

¹ Order Directing Submission Regarding Blood Sample Identification Numbers, https://www.ftc.gov/system/files/ftc_gov/pdf/615469.2026.05.18_order_directing_submission_regarding_blood_sample_identification_numbers.pdf.

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Kikuride's race and was from a different horse after a race at a different racetrack.² The Authority provided relevant documents, including the sample collection form after the earlier race and the laboratory certificates of analysis, similarly issued months before those for Kikuride's sample.³ The Authority further explained that references to B101315752 in this case resulted from what I will call an inadvertent "cut-and-paste" mistake from a prior HIWU draft brief.⁴

Insofar as Mr. Lewis's reply does not simply repeat arguments in his merits briefing, which I will not address here, it amounts to obfuscation. According to Mr. Lewis, "it is unfathomable" that HIWU, the IAP member, and (on this review) the Authority "all missed the nine (9) pieces of evidence which the Authority [sic, HIWU] introduced at the hearing."⁵ The reader might come away thinking the "nine" supposedly "missed . . . pieces of evidence" were to those bearing the *incorrect* sample reference. In fact, HIWU missed the error once, when it cited both the correct and incorrect sample references on the same page of its pre-hearing submission in the arbitration. AB 122. The other now-identified incorrect references appeared in the IAP member's decision and the Authority's briefing on this review, which repeated the initial cut-and-paste error. Mr. Lewis's record citations in his reply comment are all to documents with the *correct* sample reference.

² The Authority's Explanation of Blood Sample Identification Numbers, at 3 (May 20, 2026).

³ *Id.*, Exs. 2-4.

⁴ *Id.* at 4-5.

⁵ Appellant's Reply to the Authority's Explanation of Blood Sample Identification Numbers, at 2 (May 25, 2026).

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Mr. Lewis's reply is itself ironic, however, since he too "missed" the incorrect references that resulted in my Order seeking clarification.

I accept the Authority's explanation. Accordingly, it is hereby **ORDERED** that all references to sample B101315752 in this case, including those in briefing on this review, are deemed **CORRECTED** so as to refer to sample B200035796. Substitution of physical pages making this correction is **not** necessary.

ORDERED:

Jay L. Himes _____

Jay L. Himes
Administrative Law Judge

Date: May 26, 2026

CERTIFICATE OF SERVICE

Pursuant to Federal Trade Commission Rules of Practice 4.2(c) and 4.4(b), copies of Appellant’s Ex Parte Application for Clarification, are being served via Administrative E-File System and by emailing a copy to the below listed on this 5th day of June 2026, as follows:

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Dated: June 5, 2026

/s/ Lawrence D. Lewis
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