

PUBLIC

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES
FTC DOCKET NO. D09423**

ADMINISTRATIVE LAW JUDGE: JAY L. HIMES

IN THE MATTER OF:

NATALIA LYNCH

APPELLANT

MOTION FOR LEAVE TO ENTER AN APPEARANCE

Pursuant to 16 CFR 4.1(a)(1)(iii), the Horseracing Integrity and Safety Authority (the “**Authority**”) hereby moves for leave to enter an appearance *pro hac vice* for James Bunting, Esq., (“**Mr. Bunting**”) at the upcoming evidentiary hearing scheduled for May 20, 2024. A proposed order granting Mr. Bunting leave to appear *pro hac vice* is attached to this motion.

Mr. Bunting represented the Horseracing Integrity & Welfare Unit (“**HIWU**”) before the Arbitrator whose decision Appellant is appealing in these proceedings.

Mr. Bunting has been a member in good standing of the Law Society of Ontario, Canada since 2003 and never been disbarred, suspended, or denied admission to practice law in any jurisdiction. Mr. Bunting is a founding partner of Tyr LLP, a litigation firm based in Toronto, Ontario, Canada, that has particular expertise in sports-related cases. Mr. Bunting has been retained by the World Anti-Doping Agency, the United States Anti-Doping Agency, and numerous athletes charged with anti-doping offences under the World Anti-Doping Code (“**WADA Code**”). In the sports context, Mr. Bunting has appeared as counsel before several international and domestic tribunals including the international Court of Arbitration for Sport in Lausanne, Switzerland, the ad hoc Division of the Court of Arbitration for Sport during the Olympic Games in Rio de Janeiro and Beijing, the UK National Anti-Doping Panel in London, England, the Sport Dispute Resolution Centre of Canada, and the Independent Tribunal of the International Tennis Federation in the United Kingdom.

The ADMC Program Rules, being the entirety of the HISA Regulations numbered Rule Series 1000 and 3000-7000 contained in 88 Fed. Reg. 17, are based in large part on the WADA Code. ADMC Program Rule 3070(d) expressly provides that WADA Code jurisprudence may be considered when adjudicating cases arising under the ADMC Program Rules.

Due to Mr. Bunting's experience in cases involving the WADA Code and international anti-doping legal principles, Mr. Bunting has been retained as counsel for HIWU since July 2023 and has appeared as counsel for HIWU in several arbitrations, including before the Arbitrator in Appellant's case whose decision Appellant is appealing.

The Authority requests that Mr. Bunting be granted leave to appear *pro hac vice* at the upcoming evidentiary hearing to assist the undersigned counsel whose Notices of Appearance were filed with the Commission on December 22, 2023. Mr. Bunting would be assisting, not replacing, these counsel, all of whom are entitled to practice law before the Commission pursuant to 16 CFR § 4.1(a)(1)(i).

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 1st day of May, 2024.

/s/Bryan H. Beauman

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**HORSE RACING INTEGRITY &
WELFARE UNIT, A DIVISION OF
DRUG FREE SPORT LLC**

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APPELLANT

STATEMENT OF GOOD STANDING PURSUANT TO 16 C.F.R. § 4.1

In connection with the Motion for Leave to Enter an Appearance filed on May 1st, 2024, and pursuant to 16 CFR 4.1(d), I state that I am in good standing with the Law Society of Ontario (LSO# 48244K) and that I am admitted to practice before the courts of Ontario, Canada.

As requested by 16 C.F.R. § 4.1(d), I further state that I am a member of good standing within the legal profession.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 1st day of May, 2024.

/s/ James Bunting

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IN THE MATTER OF:

NATALIA LYNCH

APPELLANT

[PROPOSED] ORDER GRANTING MOTION FOR LEAVE TO APPEAR

By motion filed on May 1, 2024, the Horseracing Integrity and Safety Authority (the “Authority”) requested leave to enter an appearance *pro hac vice* for James Bunting, Esq., at the upcoming evidentiary hearing scheduled for May 20, 2024, pursuant to 16 C.F.R. 4.1(a)(1)(iii).

Federal Trade Commission Rule of Practice provides that “[a]ny attorney desiring to appear before the Commission or an Administrative Law Judge may be required to show to the satisfaction of the Commission or the Administrative Law Judge his or her acceptability to act in that capacity.” The Authority contends that Mr. Bunting’s experience with relevant anti-doping legal principles invoked in this case and his appearance at the arbitration that is the subject of this appeal provide the necessary acceptability.

I am satisfied of Mr. Bunting’s acceptability to appear before me and the Motion is GRANTED.

ORDERED:

Jay L. Himes
Administrative Law Judge

Date: May __, 2024

CERTIFICATE OF SERVICE

Pursuant to Federal Trade Commission Rules of Practice 4.2(c) and 4.4(b), a copy of this Motion is being served on May 1, 2024, via Administrative E-File System and by emailing a copy to:

Hon. D. Michael Chappell
Chief Administrative Law Judge
Office of Administrative Law Judges
Federal Trade Commission
600 Pennsylvania Ave. NW
Washington DC 20580
Via e-mail: Oalj@ftc.gov

April Tabor
Office of the Secretary
Federal Trade Commission
600 Pennsylvania Ave. NW
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Via email: electronicfilings@ftc.gov

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Attorney for Appellant

/s/ Bryan Beauman

Enforcement Counsel