

**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

**JOINT STIPULATION REGARDING
ORDER ON PHOTOGRAPH AND VIDEO EXHIBITS**

Pursuant to the July 24, 2024 Order of Administrative Law Judge Himes, Appellant Natalia Lynch (“Ms. Lynch”) and the Respondent Horseracing Integrity and Safety Authority (the “Authority” together with Ms. Lynch, the “Parties”) respectfully submit this Joint Stipulation Regarding Order on Photograph and Video Exhibits setting forth a list of the Visual Evidence that the Parties agree accurately depicts the scene it purports to represent.

The Authority submits that the photos and videos it has taken at Belmont Park and Monmouth Park listed in the table below and in the HISA Appeal Book (JX1) are authentic and Ms. Lynch has no reason to dispute that based on the documentation provided to her. The Parties agree further that the photos and videos are probative, visual evidence in that they accurately depict the general layout and conditions in Ms. Lynch’s barn at Belmont Park when she occupied it in June 2023 and, to Ms. Lynch’s knowledge, the general layout and conditions at Monmouth Park at the time that the photos and videos were taken. July 24, 2024 Order at 2. The parties agree that the photos and videos should be admitted into evidence and have already stipulated to that effect. *See JX2, JX3.*

In agreeing that the photos and videos are admissible for some purposes, Ms. Lynch notes that she of course is not agreeing that the photos and videos are admissible for all purposes. It is

well-established that evidence can be admissible for one purpose but not admissible for another and evidence that is irrelevant for a particular purpose is not admissible for that purpose. *See* Fed. R. of Evid. 105 (“If the court admits evidence that is admissible against a party or for a purpose— but not against another party or for another purpose—the court, on timely request, must restrict the evidence to its proper scope.”); 1 *The New Wigmore: A Treatise on Evidence* § 1.5 (“The fundamental principle of limited admissibility is uncontroversial.”) Here the photographs and videos of Ms. Lynch’s barn at Belmont Park cannot be held to show relevant evidence of the precise conditions of Ms. Lynch’s barn in June 2023 because they were taken many months after Ms. Lynch had vacated the barn and show evidence of recent repairs (e.g., JX1 at 674, 675, 677, 678, 682, 690, 692.) To the extent that the Authority offers them to show that repairs depicted in those photos were in place at the time of the alleged Presence violation (e.g., HAB at 651 (“No opening, larger cracks, or other deficiencies were observed.”)), Ms. Lynch objects to the admission of those photos and videos for that purpose.

Exhibit #	File Name	Date Taken	Racetrack Facility
JX1	Video Stall IMG_0601	9/29/2023	Belmont Park
JX15	Video Stall 11 IMG_0608	9/29/2023	Belmont Park
JX16	IMG_0141	8/11/2023	Monmouth Park
AX6	IMG_0142b	8/11/2023	Monmouth Park
AX7	IMG_0144b	8/11/2023	Monmouth Park
AX13	Photos taken at Belmont Park, Barn 57	9/29/2023	Belmont Park
AX14	Video Stall 10 IMG_0609	9/29/2023	Belmont Park
AX16	Video Stall 12 IMG_0607	9/29/2023	Belmont Park
AX17	Video Stall 4 IMG_0657	9/29/2023	Belmont Park

AX18	Video Stall 4 5 6 IMG_0615	9/29/2023	Belmont Park
AX19	Video Stall 6 IMG_0635	9/29/2023	Belmont Park
AX25	1	8/7/2023	Monmouth Park
AX26	3	8/7/2023	Monmouth Park
AX36	IMG_0143	8/11/2023	Monmouth Park
AX38	Photos of Evidence from Search	7/20/2023	Photos stemming from a search that took place at Belmont Park

Dated: July 29, 2024

Respectfully submitted

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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 July 29, 2024, via Administrative E-File System and by emailing a copy to:

Hon. Jay L. Himes
Administrative Law Judge
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