

BEFORE THE AMERICAN ARBITRATION ASSOCIATION**North American Court of Arbitration for Sport Panel****USADA, Claimant****AAA No. 30 190 00713 03****and****Amber Neben, Respondent****INTERIM AWARD AND DECISION OF THE ARBITRATORS**

WE, THE UNDERSIGNED ARBITRATORS, having been designated by the above-named parties, and having been duly sworn and having duly heard the proofs and allegations of the parties, and, after a hearing held on October 1 and 2, 2003, do hereby render this Interim Award and Decision pursuant to its undertaking to do so by October 6, 2003.

The Claimant, USADA, is the independent anti-doping agency for Olympic Sports in the United States and is responsible for conducting drug testing and any adjudication of positive test results pursuant to the United States Anti-Doping Agency Protocol for Olympic Movement Testing. USADA appeared by Richard R. Young, Esq., and Travis T. Tygart, Esq.

The Respondent, Amber Neben, is a professional cyclist and a member of the T-Mobile Women's Cycling Team, a trade team owned by USA Cycling and sanctioned by the international federation for the sport of cycling, Union Cycliste International ("UCI"). The UCI Cycling Regulations prohibit doping as it "contravenes the fundamental principle of Olympism and sports and medical ethics." Amber Neben appeared in person and was represented by Howard L. Jacobs, Esq.

The Respondent is subject to testing by USADA and UCI. On May 31, 2003, during the Coupe du Monde Montreal, Respondent provided a urine sample at the request of UCI. The

INRS-Institut Arand-Frappier at the University of Quebec ("Montreal Lab") an International Olympic Committee ("IOC") accredited laboratory received the sample on June 2, 2003. On June 4, 2003, the laboratory screening test performed from the "A" sample of Respondent's urine specimen indicated the presence of a prohibited substance, a metabolite of an anabolic steroid. The "A" confirmation testing was performed on June 30, 2003, and it revealed the presence of the anabolic steroid metabolite 19-norandrosterone at a level above the established 5 ng/ml cutoff. This finding was reported to UCI. The Respondent was notified of the finding and she requested that the "B" sample be analyzed and sent an expert on her behalf to witness this analysis. On July 14, 2003, the Montreal Lab began the testing of the "B" sample. The three replicates from the B sample also were positive for the anabolic steroid metabolite, 19-norandrosterone, above the 5 ng/ml cutoff.

The panel decides as follows:

1. A doping violation occurred on the part of Respondent. The panel finds that this was not an intentional case of a doping violation.

2. The minimum suspension from all competition for a first offender of two (2) years to take place effective from July 13, 2003 is imposed on Respondent pursuant to UCI Regulations, Article 130.

3. Pursuant to the provisions of UCI Regulations Articles 124, 125, and 126, eighteen (18) months of Respondent's suspension is deferred for discharge pending her compliance with the terms and conditions of a probation as follows:

a. Respondent is prohibited from participating in any capacity whatsoever in any events sponsored by UCI during the 6- month period of time from July 13, 2003.

b. Prior to the end of the 6-month period, Respondent will meet with her fellow T Mobile team members and the athletic staff of USA Cycling and discuss with them the USADA and IOC warnings on the possible contamination of dietary supplements, including vitamins and

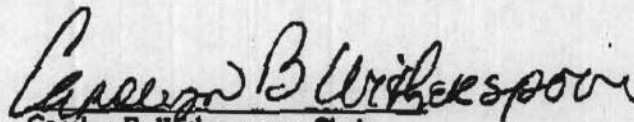
minerals. In addition, Respondent will meet at least once with the other licensed elite cyclists of USA Cycling, along with the athletic staff of USA Cycling, to also discuss with them the above USADA and IOC information. She will confirm in writing to USADA that she has completed these conditions of her probation.

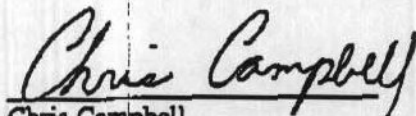
c. During the term of her full probation, Respondent will submit to urine drug testing at her expense on a monthly basis by an IOC accredited laboratory. She will work with USADA to set a schedule and the procedures for such testing. This testing will be in addition to any random out-of-competition and competition testing that she may be subjected to over the course of her probation. If Respondent tests positive during any of this time, her probation will be revoked, any and all competition results will be cancelled in compliance with UCI Regulations, and she will serve the remainder of the two-year suspension, commencing from the time of another positive test result.

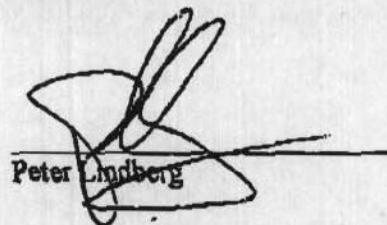
4. All competitive results which occurred on or after May 31, 2003, are cancelled.

This Interim Award and Decision will be supplemented by October 16, 2003, and will address any fines and the award of costs. The panelists adopt this Interim Award and Decision by a majority vote. A dissent to part of the Decision will be included with the final Award.

Signed this 6th day of October, 2003.


Carolyn B. Witherspoon, Chair


Chris Campbell


Peter Lindberg