

DEED OF SETTLEMENT

Dated 06 September 2024

Parties

Australian Endurance Riders Association Inc. of 291 Crowther Drive, Kundabong, NSW 2441 (AERA)

NSW Endurance Riders Association Inc. of 109 Sandy Creek Road, Mount Vincent, NSW 2323 (NSWERA)

Amanda Kettlewell and Victoria Bice of 397 Knox Road, Tabletop, NSW 2640 (together the **Responsible Persons**)

Background

- (A) An adverse analytical finding (AAF) for the prohibited substance 20-hydroxycodysone (20HE), with no threshold limit, was returned from a serum sample from the horse Al-Marah Grand Imogen (Imogen) ridden by Poppy Kettlewell at the 2022 Victorian State Championship held on 10 September 2022 (Event). On 20 January 2023 a certificate was issued by the Australian Racing Forensic Laboratory showing a positive result for 20HE for the A Sample (ARF22/2441-B) and on 21 February 2023 a certificate was issued by Racing Analytical Services showing a positive result for 20HE for the B Sample (RS23/02744) (Results).
- (B) The Responsible Persons dispute the identification based on expert opinion evidence and appealed the NSWERA DA Hearing Panel's written decision dated 21 February 2024 to the National Sports Tribunal case no. E24-105202 (Case).
- (C) AERA and NSWERA say that the identification of 20HE was correct based on expert opinion evidence and the Results.
- (D) The parties have agreed to resolve the Case.

Agreement

- (a) The Responsible Persons will withdraw their Applications in the Case in consideration of AERA and NSWERA entering into this deed and the parties consent to an order in the Case that the Applications are dismissed.
- (b) AERA and NSWERA do not seek to impose (and have not imposed) any penalty or sanction on the Responsible Persons in relation to the AAF.
- (c) Poppy Kettlewell has been (and remains) exonerated from any infraction of AERA's Equine Anti-Doping Rules (Rules) in relation to the AAF.
- (d) AERA and NSWERA will clear the Responsible Persons' records such that no infraction of the Rules is recorded against either of them in relation to the AAF (other than the recording of the 20HE result with a notation that the Responsible

Persons disputed the result) and any future infraction of the Rules by either of the Responsible Persons will be treated as a first infraction.

- (e) AERA and NSWERA accept that 20HE was not deliberately administered to Imogen and acknowledge that the Responsible Persons filed evidence in the Case that:
 - i. 20HE is contained in various plants substances and Imogen may have ingested such substances; and
 - ii. 20HE may be an endogenous substance produced by parasites in the horse.
- (f) In view of the foregoing, and Rule 10.1 of the Rules as a result of the Results, the disqualification of the result achieved by Poppy Kettlewell and Imogen at the Event stands.
- (g) In accordance with Order 10 made on 19 April 2024, the parties confirm that no party seeks from another its legal or other costs relating to the Rule violation.

Signing page



